

2013 DEC 24 A 10:24

BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

) **CONSENT ORDER**

**WILLIAM J. NEROS,
DBA BILLY'S PLUMBING**

) **CASE NO. 2013-0186**

RESPONDENT

The Plumbing Board (Board) conducted an investigation of and determined that you violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

You and the Board desire to settle this matter by the entry of this Consent Order. You understand that you have the right to a contested case hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes, and fully and finally waive the right to a hearing and any appeal therefrom by the signing and entry of this Order in the Board's record. You agree to conduct all future business in compliance with the applicable statutes, administrative rules, and specialty codes. You understand that this Order is a public record.

As evidenced by the authorized signatures on this Order, the Board finds and you stipulate to the entry of this Order and its following terms.

FINDINGS OF FACT and CONCLUSIONS OF LAW

- (1) During all relevant times you were an Oregon licensed journeyman plumber.
- (2) During all relevant times you were licensed with the Oregon Construction Contractors Board.
- (3) You were issued an Oregon plumbing contractor's license on September 24, 2013.
- (4) On or about September 13, 2013, you advertised on the World Wide Web to provide plumbing work in Oregon without a plumbing contractor's license.

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WHAT THE LAW SAYS

Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise

1 or purport to be a plumbing contractor, and a member or employee of a firm, partnership or
2 corporation may not engage in the layout or superintending of plumbing installations, without
3 having obtained the plumbing contractor license required under ORS 447.010 to 447.156 as
4 provided by State Plumbing Board rules adopted under ORS 455.117.¹

5 STIPULATED AGREEMENT

6 You and the Board agree to resolve this matter, without a hearing, by the entry of this
7 Consent Order subject to the following terms and conditions:

8 (1) The Board hereby assesses a \$3,000 civil penalty for violation of ORS 447.040(1) of
9 which \$1,750 will be suspended for a period of five year under the following terms:

10 (1.1) You agree to pay \$1,250 of the assessed civil penalty;

11 (1.2) An additional \$500 of the total assessed penalty will be suspended if you are
12 able to pay \$750 by the date on the invoice. **(An invoice will be included with the
13 Respondent's copy of the Final Order after it is signed by the Board.)**

14 (2) You agree not to commit further violations of the Building Code Division's Statutes
15 or rules.

16 (3) You understand that if you fail to comply with any of the terms of this consent
17 agreement that the entire civil penalty, including the amount suspended, will be immediately due
18 and payable. Failure to comply includes failure to pay the civil penalty amount on the Final
19 Demand Notice by the due date, or failure to make payments according to the terms of any
20 payment arrangement or Final Demand Notice.

21 (4) You understand and agree that any violation of the terms of this Consent Order will
22 result in further enforcement action.

23 (5) You understand and agree that any violation of the Building Code Division's statutes
24 or rules not alleged in this Order, whether committed before or after the execution of this
25 Consent Order, may be the basis for further enforcement action.

(6) You understand the suspended civil penalty will be waived five years after the
execution of this Consent Order, provided you comply with its terms and have not committed
any further violations of Building Code Division's statutes and rules.

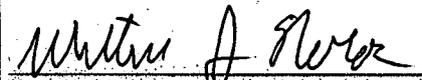
¹ OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630 and any other license regulated
by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to
perform, work for which a license or permit is required under Oregon law, including but not limited to a single
instance.

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2 (7) You have read and fully understand the terms of this Consent Order, freely and
3 voluntarily consent to the entry of this Order without further hearing, without any force or
4 duress, and expressly waive all rights to hearing or appeal in this matter.

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6 (8) You understand that, upon signature of all parties, this Consent Order will be a
7 FINAL ORDER.

8 (9) You further agree by signing this Consent Order that you are the Respondent or
9 authorized representative for the Respondent in this matter.

10 **FOR THE RESPONDENT**

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12 
13 William J. Neros

Date: 12-19-13

14 **FOR THE BOARD**

15  for
16 Chairman
17 Plumbing Board
18 State of Oregon

Date: 1/2/14