

1 **BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON**

2 **IN THE MATTER OF:**

3 **AL'S PLUMBING INC., A DOMESTIC**
4 **BUSINESS CORPORATION**

5 **RESPONDENT**

) **STIPULATED ORDER**

) **CASE NO. C2014-0157**

2014 OCT 14 A 11:41



6 The Building Codes Division (Division) conducted an investigation on behalf of the State
7 Plumbing Board (Board) of the State of Oregon and determined that Respondent violated certain
8 provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

9 The parties wish to settle this matter informally. Respondent understands that Respondent
10 has the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised
11 Statutes (ORS), and fully and finally waives the right to a contested case hearing and any appeal
12 therefrom by the signing and entry of this Order in the Board's records. Respondent agrees to
13 conduct all future business in compliance with the applicable statutes, Oregon Administrative Rules
14 (OAR), and specialty codes. Respondent understands that this order is a public record.

15 **FINDINGS OF FACT**

- 16 1. At all relevant times Respondent has been a registered domestic business corporation and a
- 17 specialty contractor holding Oregon plumbing contractor license 27-27PB.
- 18 2. On or about July 3, 2013, at 1378 Center Drive, Medford, Oregon, Respondent allowed its
- 19 employee Gary Lape (Lape), an unlicensed individual, to work on the installation of a
- 20 plumbing trap distribution box, which involved Lape fitting the trap primer distribution box
- 21 and cutting copper pipes to obtain the correct height for the box to be fitted.
- 22 3. All relevant plumbing work was properly permitted and inspected.

23 **APPLICABLE LAW**

- 24 1. Under ORS 447.010(6) plumbing is defined as the art of installing, altering or repairing in or
- 25 adjacent to or serving buildings including pipes, fixtures, and other apparatus for bringing in

1 the water supply and removing liquid and water-carried waste, including the water supply
2 distributing pipes; fixtures and fixture traps; soil, waste and vent pipes; and storm water
3 drainage, with their devices, appurtenances and connections.

- 4 2. ORS 693.030(2)(a) states that a licensed plumbing contractor may not permit or suffer any
5 person to work as a journeyman plumber who does not hold a valid journeyman plumber
6 license.

7 CONCLUSIONS OF LAW

- 8 1. The installation of a plumbing trap distribution box, including the fitting of a trap primer
9 distribution box and cutting copper pipes to obtain the correct height for the box to be fitted,
10 is plumbing as defined by ORS 447.010(6).
11 2. By permitting or suffering Gary Lape to perform plumbing without a valid journeyman
12 plumber license, Respondent violated ORS 693.030(2)(a).

13 ORDER

14 The Respondent and the Board agree to resolve this matter without a hearing according to
15 the following terms:

- 16 1. The Director hereby assesses a \$2,000 total civil penalty for violating ORS 693.030(2)(a), of
17 which \$1,500 will be suspended for a period of five years under the following terms:

18 1.1. Respondent agrees to pay the remaining \$500 of the civil penalty. *(An invoice will*
19 *be included with Respondent's copy of the Final Order after the Board Chair signs*
20 *it.)*

21 1.2. Respondent agrees to make payments of \$125 per month for four months, beginning
22 with the first payment due on October 25, 2014, and all payments due (postmarked)
23 by the 25th day of each month thereafter. As long as the payments remain timely,
24 there shall be no interest added to Respondent's balance. There are no early payoff
25 penalties.

- 1 2. Respondent understands that a single failure to comply with any of the terms of this
2 Stipulated Order could result in the entire civil penalty, including the suspended amount,
3 becoming immediately due and payable. Failure to comply includes, but is not limited to,
4 failure to pay the civil penalty amount on the Final Demand Notice by the due date.
- 5 3. Respondent agrees to fully cooperate with the Building Codes Division's enforcement
6 efforts in cases against other entities or individuals that rely on the underlying facts in this
7 case. Cooperation may include, but not be limited to, making sworn statements or testifying
8 in administrative hearings.
- 9 4. Respondent agrees not to commit violations of the Building Codes Division's statutes and
10 rules.
- 11 5. Respondent understands and agrees that any violation of the terms of this Stipulated Order
12 will result in further enforcement action.
- 13 6. Respondent understands and agrees that any violation of the Building Codes Division's
14 statutes or rules not alleged in this order, whether committed before or after the execution of
15 this Stipulated Order, may be the basis for further enforcement action.
- 16 7. Respondent understands that failure to comply with this Stipulated Order may result in the
17 denial of future licensing applications and/or suspension of licensing or certification issued
18 by the Division and/or other state agencies.
- 19 8. Respondent understands the suspended civil penalty will be waived five years after the
20 execution of this Stipulated Order, provided Respondent complies with its terms and has not
21 committed any further violations of Building Codes Division's statutes and rules.

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- 1 9. Respondent has read and fully understands the terms of this Stipulated Order, freely and
2 voluntarily consents to the entry of this order without further hearing, without any force or
3 duress, and expressly waives all rights to hearing or appeal in this matter.
4 10. Respondent understands that, upon signature of all parties, this Stipulated Order will be a
5 FINAL ORDER.

6 IT IS SO STIPULATED THIS 8 DAY OF OCTOBER, 2014
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9 _____
10 Roy E. Lape, President of Al's Plumbing Inc.

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12 IT IS SO ORDERED THIS 10th DAY OF November, 2014
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15 _____ for
16 Chair
17 State Plumbing Board
18 State of Oregon
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