

1 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

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

3 **IN THE MATTER OF:**

**CONSENT ORDER**

4  
5 **PEP-PRO HOME IMPROVEMENTS**  
6 **CONSTRUCTION SERVICE LLC,**  
7 **A FOREIGN LIMITED LIABILITY**  
8 **COMPANY**

9 **RESPONDENT.**

**BCD CASE C2015-0044**

10 **INTRODUCTION**

11 The Building Codes Division (Division) conducted an investigation on behalf of the  
12 Electrical and Elevator Board of the State of Oregon and the State Plumbing Board of the State of  
13 Oregon (Boards) and determined that Pep-Pro Home Improvements Construction Service LLC  
14 (Respondent)<sup>1</sup> violated certain provisions of the Division's statutes and administrative rules as  
15 identified below.

16 The parties agree to resolve this matter without a hearing. Respondent understands that  
17 Respondent has the right to a contested case hearing under the Administrative Procedures Act,  
18 Oregon Revised Statutes (ORS) chapter 183, and Respondent fully and finally waives the right to a  
19 hearing and any judicial review therefrom by the signing of this Consent Order.

20 **FINDINGS OF FACT**

- 21 1. Jose L. Baeza is Respondent's owner and sole member.<sup>2</sup>
- 22 2. In or around July 2014, Respondent contracted to perform work at a residential property  
23 located at 806 Reece Avenue, Nyssa, Oregon (Reece Property). Such work included:
- 24 a. Installation of new toilets in two bathrooms;

25 <sup>1</sup> Respondent is named as "Pep Pro Improvements Construction Services LLC" with the Construction Contractors Board.

<sup>2</sup> See related Division case number C2016-0001.



- 1 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which a  
2 permit has not been issued.
- 3 4. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not  
4 engage in the business of making electrical installations, advertise as or otherwise purport to  
5 be licensed to make electrical installations or purport to be acting as a business that makes  
6 electrical installations.
- 7 5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any  
8 ~~other license regulated by ORS chapter 455, "engaging in the business" means to advertise~~  
9 or solicit, contract or agree to perform, or to perform work for which a license or permit is  
10 required under Oregon law, including but not limited to a single instance.
- 11 6. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing  
12 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and  
13 water-carried waste.
- 14 7. Under OAR 918-780-0065, no person, firm, or corporation shall do plumbing work in the  
15 State of Oregon without first obtaining a plumbing permit or minor label when required and  
16 paying the appropriate fees to the authorized permit issuing agency.
- 17 8. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or  
18 purport to be a plumbing contractor, without having obtained a plumbing contractor license.

#### 19 CONCLUSIONS OF LAW

- 20 1. The following constitute electrical installations under ORS 479.530(10):
  - 21 a. Installation of a light fixture; and
  - 22 b. Relocation of an electrical outlet.
- 23 2. By making the foregoing electrical installations at the Reece property, for which no  
24 electrical permits had been issued, Respondent violated ORS 479.550(1).
- 25 3. By contracting to perform electrical installations at the Reece property, and by performing

1 the foregoing electrical installations, Respondent engaged in the business of making  
2 electrical installations.

3 4. By engaging in the business of making electrical installations without holding an electrical  
4 contractor license, Respondent violated ORS 479.620(1).

5 5. The following constitute plumbing under 447.010(6):

6 a. Installation of water and drain lines; and

7 b. Installation of toilet and shower fixtures.

8 ~~6. By performing the foregoing plumbing work at the Reece property, without having first~~  
9 obtained a plumbing permit, Respondent violated OAR 918-780-0065.

10 7. By contracting to perform the foregoing plumbing work at the Reece property, and by  
11 performing such work, Respondent engaged in the business of plumbing contractor.

12 8. By engaging in the business of plumbing contractor without having obtained a plumbing  
13 contractor license, Respondent violated ORS 447.040(1).

14 **ORDER**

15 1. The Boards hereby assesses a total civil penalty of \$8,000.00 against Respondent for  
16 violating ORS 479.550(1), ORS 479.620(1), OAR 918-780-0065, and ORS 447.040(1) as  
17 follows:

18 a. \$6,0000.00 of the total civil penalty will be suspended for a period of five years if  
19 there is compliance with all other terms of this Consent Order.

20 b. Respondent agrees to pay the remaining \$2,000.00 of the civil penalty. Respondent  
21 will make an initial payment of \$600.00 followed by 20 monthly payments on the  
22 25<sup>th</sup> day of each month in the amount of \$70.00 per month. Respondent's first  
23 payment shall be postmarked no later than the 25<sup>th</sup> day of the month following the  
24 month in which this Consent Order becomes a final order. *(An invoice will be*  
25 *included with Respondent's copy of the final order after the Director signs it. This*

1            *is a one-time invoice; Respondent will not receive monthly invoices or other*  
2            *reminders to pay. Respondent understands timely payments must be made even if*  
3            *no invoice is ever received.)* Payments shall be mailed to Department of Consumer  
4            and Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-  
5            0445.

6            c. Respondent understands the suspended civil penalty (\$6,000.00) will be considered  
7            satisfied five years after this Consent Order becomes a final order, provided

8            ~~Respondent complies with its terms and has not committed any further violations of~~  
9            the Division's statutes and rules within that five-year period. Respondent  
10           understands and agrees that if Respondent does not comply with the terms of this  
11           Consent Order or if Respondent commits any further violations of the Division's  
12           statutes or rules within the five-year period, then the entire civil penalty, including  
13           any suspended amount, will become immediately due and payable. Failure to comply  
14           with this Consent Order includes, but is not limited to, failure to pay the civil penalty  
15           amount due by the due date.

16           2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases  
17           that rely on the facts underlying this case. Cooperation may include, but may not be limited  
18           to, making sworn statements or testifying in administrative hearings.

19           3. Respondent understands that further enforcement action may be taken for any violation of  
20           the Division's statutes or rules not alleged in this Consent Order, whether committed before  
21           or after the execution of this Consent Order, and/or for any violation of the terms of this  
22           Consent Order.

23           4. Respondent understands that failure to comply with this Consent Order may be used as a  
24           basis for the denial of future license, certificate, registration, or other applications, or for the  
25           refusal to renew the same; for the suspension, revocation, or conditioning of a license,

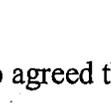
1 certificate, or registration issued by the Division or other state agencies; and/or for any other  
2 reason provided for in law.

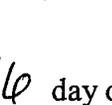
3 5. Respondent understands that this Consent Order is a public record.

4 6. Respondent has read and fully understands the terms of this Consent Order, freely and  
5 voluntarily consents to the entry of this Consent Order without any force or duress, and  
6 expressly waives all rights to hearing or judicial review in this matter.

7 7. Respondent understands that, upon signature of all parties, this Consent Order will be a  
8 Final Order.

9  
10 José Luis Baeza  It is so agreed this 16 day of May, 2016.  
11 Jose Baeza  
12 Authorized Representative for Pep-Pro Home Improvements Construction Service LLC

13 Andrea Simmons  for It is so agreed this 16 day of May, 2016.  
14 Chair  
15 Electrical and Elevator Board  
16 State of Oregon

17 Andrea Simmons  for It is so agreed this 16 day of May, 2016.  
18 Chair  
19 State Plumbing Board  
20 State of Oregon  
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