

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CORNEL CUREA,
AN INDIVIDUAL,

RESPONDENT.

NOTICE OF PROPOSED ASSESSMENT
OF A CIVIL PENALTY

NOTICE OF FINAL ORDER ON DEFAULT

FINAL ORDER

As of: January 4, 2016

BCD CASE C2015-0205

**IF YOU DO NOT REQUEST A HEARING IN WRITING WITHIN 20 DAYS
OF THE POSTMARK DATE OF THIS NOTICE,
THIS NOTICE WILL BECOME A FINAL ORDER.**

More information about this Notice and how to request a hearing is included below.

Pursuant to Oregon Revised Statute (ORS) 455.895(1)(a) and Oregon Administrative Rule (OAR) 918-001-0036, the State Plumbing Board of the State of Oregon (Board) proposes to assess a civil penalty totaling \$2,000.00 against Cornel Curea (Respondent) because Respondent violated Building Codes Division (Division) statutes and rules as identified below.

FINDINGS OF FACT

1. At all relevant times, Mr. Steve Rosca, Jr. was an apprentice plumber employed by Five Star Plumbing, LLC (Five Star).¹
2. At all relevant times, Five Star held plumbing contractor license number PB370.
3. At all relevant times, Respondent held journeyman plumber license number 7222JP.
4. At all relevant times, Respondent was Mr. Rosca, Jr.'s supervising journeyman plumber.
5. On or around September 30, 2015, Mr. Rosca, Jr. installed a water line onto a multi-turn stop valve associated with a new toilet installation at a residential property located at 14696 Catalpa Way in Oregon City, Oregon (Catalpa property). Respondent was out of the

¹ See related Division case numbers C2015-0204 and C2015-0209.

1 country when Mr. Rosca, Jr. performed such work.

- 2 6. That same day, while performing the foregoing work, Mr. Rosca, Jr. met with an
3 investigator at the Catalpa property. Over a one-hour period of time, both the investigator
4 and Mr. Rosca, Jr. attempted to make telephone contact with Respondent. Neither
5 individual established voice communication with Respondent during such time.
6 7. At no relevant time did Mr. Rosca, Jr. hold a journeyman plumber license.

7 **APPLICABLE LAW**

- 8 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 447.010(1)-(6),
9 ORS 455.010(1)-(10), ORS 693.010(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
10 0010(1)-(11), and OAR 918-690-0420(1)-(14).
11 2. Under ORS 455.450(2) a person may not engage in, or procure or assist any other person to
12 engage in, any conduct or activity for which a permit, label, license, certificate, registration,
13 or other formal authorization is required by any specialty code, any provision of ORS
14 chapter 693, or any rule adopted or order issued for the administration and enforcement of
15 those provisions, without first having obtained such permit, label, license, certificate,
16 registration, or other formal authorization.
17 3. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing
18 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and
19 water-carried waste.
20 4. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
21 without a journeyman plumber license.
22 5. Under ORS 693.030(2)(a), a licensed plumbing contractor may not permit or suffer any
23 person to work as a journeyman plumber who does not hold a valid journeyman plumber
24 license.
25 6. Under ORS 693.040, an apprentice plumber may work at the trade of plumbing if the

1 apprentice works under the supervision of a licensed journeyman plumber.

2 7. Under OAR 918-695-0140(3), a person is an "apprentice plumber" in ORS 693.010(1) and
3 works under the supervision of a journeyman plumber, within the scope of activities
4 authorized by ORS 693.040, if an ORS Chapter 660 apprentice engages in the plumbing
5 trade and any of the following conditions exist while a plumbing apprentice works at the
6 trade of plumbing;

7 (a) The apprentice works in the physical presence of an appropriate journeyman
8 plumber. This requires an appropriate journeyman plumber's physical presence at the
9 immediate work site at all times, except for not more than a cumulative 30 minutes
10 during any work shift[;] [or]

11 ***

12 (b) The apprentice works subject to the supervision of an appropriate journeyman
13 who is immediately available to the apprentice by voice communication but not
14 necessarily physically present[.]

15 CONCLUSIONS OF LAW

- 16 1. Installing a water line onto a stop valve associated with a new toilet installation constitutes
17 plumbing under ORS 447.010(6).
- 18 2. By performing the foregoing plumbing work at the Catalpa property, Mr. Rosca, Jr. engaged
19 in the trade of journeyman plumber.
- 20 3. By engaging in the trade of journeyman plumber, Mr. Rosca, Jr. was required to hold a
21 journeyman plumber license under ORS 693.030(1) or to work as an apprentice under the
22 supervision of a licensed journeyman plumber under ORS 693.040.
- 23 4. By failing to establish his physical presence at the Catalpa property during the performance
24 of the foregoing plumbing work, and by failing to make himself immediately available by
25 voice communication during such work, Respondent failed to supervise Mr. Rosca, Jr. under

1 OAR 918-695-0140(3)(a) and (b).

2 5. By failing to supervise the foregoing plumbing work at the Catalpa property, and thereby
3 assisting Mr. Rosca, Jr. in engaging in the trade of journeyman plumber without holding an
4 appropriate license or working under appropriate supervision, Respondent violated ORS
5 455.450(2).

6 6. By permitting or suffering Mr. Rosca, Jr. to work as a journeyman plumber without holding
7 a journeyman plumber license, Five Star violated ORS 693.030(2)(a).

8 7. By failing to supervise the foregoing plumbing work at the Catalpa property, and thereby
9 assisting Five Star in permitting or suffering Mr. Rosca, Jr. to work as a journeyman
10 plumber without holding a journeyman plumber license, Respondent violated ORS
11 455.450(2).

12 **ORDER**

13 Pursuant to ORS 455.895(1)(a) and OAR 918-001-0036, the Board assesses a total of
14 \$2,000.00 in civil penalties for violating ORS 455.450(2).

15 **NOTICE OF RIGHT TO HEARING**

16 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, ORS
17 chapter 183. If Respondent requests a hearing, the request must be in writing and postmarked no
18 later than 20 days from the date of service of this Notice. If the Notice was served on Respondent in
19 person, the date of service is the date Respondent received the Notice. If the Notice was served
20 through the mail, the date of service is the day the Notice was mailed, not the day it was received by
21 the Respondent. If a request for hearing is not received within the 20-day period, Respondent's right
22 to a hearing shall be considered waived. Mail hearing requests to Building Codes Division,
23 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

24 Respondent may be represented by legal counsel. Pursuant to ORS 183.457 and OAR 918-
25 001-0030, a corporate Respondent may be represented by an authorized representative at the

1 hearing. If Respondent requests a hearing, Respondent will be notified of the time and place of the
2 hearing. The Division will give Respondent information on the procedures, right of representation,
3 and other rights of parties relating to the conduct of the hearing before the commencement of the
4 hearing.

5 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS**

6 Active duty servicemembers have a right to stay proceedings under the Federal
7 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon
8 Military Department at 800-452-7500 for more information. If Respondent needs help finding legal
9 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website at
10 <http://legalassistance.law.af.mil/content/locator.php>.

11 **NOTICE OF FINAL ORDER**

12 This Notice will become a final order by default if Respondent does any of the following:
13 fails to request a hearing in writing within 20 days from the date of service of this Notice;
14 withdraws a hearing request; notifies the Building Codes Division or the administrative law judge
15 that Respondent will not appear at a scheduled hearing; or fails to appear at a scheduled hearing. If
16 this Notice becomes a final order by default, the Division's file on the matter, including all
17 materials submitted by Respondent, becomes the record for the purpose of establishing a prima
18 facie case.

19 **RIGHT TO JUDICIAL REVIEW**

20 Respondent is entitled to judicial review of a final order in this matter. Judicial review may
21 be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after a
22 final order is served upon Respondent. See ORS 183.482. If a final order is served on Respondent in
23 person, the date of service is the date Respondent receives the order. If a final order is served
24 through the mail, the date of service is the day the order is mailed, not the day it is received by the
25 Respondent. If Respondent does not file a petition for judicial review within the 60-day time

1 period, Respondent will lose the right to appeal. The phone number for the Oregon Court of
2 Appeals is 503-986-5555.

3 **FOR THE STATE PLUMBING BOARD OF THE STATE OF OREGON**

4 Roseanne Nelson for
5 Chair

Date: 12-10-15

6 State Plumbing Board
7 State of Oregon

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