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ULTIMATE FINDINGS OF FACT

(1) Respondent failed to comply with rules adopted under ORS 693.010 through ORS 693.994 when it violated ORS 693.030(2)(a).

(2) The violation that occurred on February 5, 2013, as outlined in Findings of Fact (5), occurred within five years of the date of execution of the Consent Order in BCD case no. 2010-0107 and is a violation of Oregon Building Codes statutes and administrative rules.

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WHAT THE LAW SAYS

(1) Under ORS 693.030(2)(a), a licensed plumbing contractor may not permit or suffer any person to work as a journeyman plumber who does not hold a valid journeyman plumber license.

(3) Under ORS 455.125(1)(a), the Board may deny, suspend, condition or revoke a license if the holder fails to comply with a provision of ORS 693.010 through ORS 693.994, or with any rule adopted under those statutes.

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STIPULATED AGREEMENT

Respondent and the Board agree to resolve this matter, without a hearing, by the entry of this Stipulated Order conditioning plumbing contractor license no. 15-191PB, subject to the following terms and conditions:

(1) The Board hereby assesses a civil penalty against Respondent in the amount of \$2,500 for violating ORS 693.030(2)(a) and pursuant to the executed settlement agreement in BCD case number 2010-0107, the Board collects the stayed amount of \$1,000 under the following terms:

(1.1) Respondent agrees to pay the \$3,500 imposed by the Board. Respondent will make one payment of \$1,500 by June 25, 2013 and two consecutive payments of \$1,000, due and payable by the 25th of the month, beginning in the month of July 2013 and to be completed no later than August 25th. All payments are to be directed to DCBS Fiscal Services, P.O. Box 14610, Salem, Oregon for BCD case no. 2013-0039.

(2) If Respondent fails to comply with subsection 1.1, Respondent's plumbing contractor license, no.15-191PB, will be suspended until the entire civil penalties remaining are paid in full.

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2 (3) Respondent agrees not to commit further violations of Building Codes
3 Division's statutes or rules. If found that the Respondent committed violations of
4 Building Codes Divisions statutes or rules **prior** to the execution of this Stipulated
5 Order, it will not prevent Building Codes Division from acting accordingly and issuing
6 civil penalties for those violations. Upon a finding that Respondent committed a
7 violation of Building Codes Division's statutes or rules in this order **after** the execution of
8 this Stipulated Order, Respondent's plumbing contractor license, no. 15-191PB, will be
9 revoked indefinitely without further opportunity for a hearing.

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11 (4) Respondent will report to the Building Codes Division, the addresses of all
12 projects awarded to Respondent involving new plumbing installations, for a period of
13 one year from the date of this agreement.

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15 (5) Respondent has read and fully understands the terms of this Stipulated
16 Order, freely and voluntarily, without any force or duress, consents to the entry of this
17 order and expressly waive all rights to a hearing or appeal in this matter.

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19 (6) Respondent understands that, upon signature of all parties, this Stipulated
20 Order will be a FINAL ORDER.

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22 IT IS SO STIPULATED THIS 27 day of June, 2013

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Kimberly A. Janakes
President

IT IS SO ORDERED THIS 22 day of July, 2013

Andrea Simmons
Chairman
Plumbing Board
State of Oregon