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

**IN THE MATTER OF:**

)  
) **CONSENT ORDER**  
)

**PACIFIC HEATING AND COOLING, INC.,  
AN OREGON CORPORATION**

**RESPONDENT**

)  
) **CASE NO. 2013-0103**  
)

The Oregon Plumbing Board (Board) conducted an investigation and determined that Respondent violated certain provisions of the Oregon Building Codes statutes.

The parties desire to settle this matter informally. Respondent understands it has the right to a hearing under the Administrative Procedures Act (Chapter 183), Oregon Revised Statutes, and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing and entry of this Consent Order in the Board's record. Respondent agrees to conduct all future business in compliance with the applicable statutes, administrative rules, and specialty codes. Respondent understands that, once final, this order is a public record.

**FINDINGS OF FACT and CONCLUSIONS OF LAW**

1. In early 2013, Respondent was engaged by the Bellefiore Winery LLC (Property Owner) to perform mechanical HVAC work in connection with construction of a winery at 955 Dead Indian Memorial Road, Ashland, Oregon, including the installation of geothermal temperature control systems for the winery fermentation tanks.
2. On or about April 16, 2013, Property Owner's representative requested that Respondent's employee extend sections of pipes, installed by another contractor, through a wall and down to a lower floor of the winery building. At the time Respondent's employee performed the requested work, there were no written specifications or detailed drawings for the design and construction of the winery system. The pipes, at the time, were open on either end, unconnected to a water source, and were not labeled clearly indicating potable water.

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- 3. On or about April 16 and 17, 2013, at 955 Dead Indian Memorial Road, Ashland, Oregon, Respondent installed hot, cold, and return potable water lines, for the account of another, without an Oregon Plumbing Contractor's license, in violation of ORS 447.040(1).
- 4. On or about April 16 and 17, 2013, at 955 Dead Indian Memorial Road, Ashland, Oregon, Respondent permitted or suffered unlicensed individuals to install hot, cold, and return potable water lines, for the account of another, without an Oregon journeyman plumbing license, in violation of ORS 693.030(2)(a).
- 5. Installing hot, cold, and return potable water lines, as described above, is plumbing as defined in ORS 447.010(6).

**WHAT THE LAW SAYS**

- 1. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or purport to be a plumbing contractor, and a member or employee of a firm, partnership or corporation may not engage in the layout or superintending of plumbing installations, without having obtained the plumbing contractor license required under ORS 447.010 to 447.156 as provided by State Plumbing Board rules adopted under ORS 455.117.
- 2. Under 693.030(1), a person may not engage in the trade of journeyman plumber without a journeyman plumber license issued under this chapter.
- 3. Under ORS 693.030(2)(a), a licensed plumbing contractor or a person required under ORS 447.010 to 447.156 to be licensed as a plumbing contractor may not permit or suffer any person or to work a journeyman plumber who does not hold a valid journeyman plumber license.

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**STIPULATED AGREEMENT**

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

1. The Board hereby assesses \$5,000 in civil penalties for violations of ORS 479.620(1), OAR 918-282-0120(1) and ORS 479.550(1), of which \$3,000 will be suspended for a period of five years under the following terms:

1.1. Respondent agrees to pay \$2,000 of the assessed civil penalties. *(The invoice will be included with your copy of the Final Order after it is signed by the Board.)*

2. Respondent agrees not to commit further violations of the Building Code Division's statutes or rules.

3. Respondent understands that failure to comply with any of the terms of this consent agreement will result in the entire civil penalty, including the amount suspended, becoming immediately due and payable. Failure to comply includes failure to pay the civil penalty amount on the Final Demand Notice by the due date, or failure to make payments according to the terms of any payment arrangement or Final Demand Notice.

4. Respondent understands and agrees that any violation of the terms of this Consent Order will result in further enforcement action.

5. Respondent understands and agrees that any violation of the Building Code Division's statutes or rules not alleged in this Consent Order, whether committed before or after the execution of this order, may be the basis for further enforcement action.

6. Respondent understands the suspended civil penalty will be waived five years after the execution of this Consent Order, provided there is compliance with the order's terms and there are no further violations of the Building Codes Division's statutes or rules.

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7. Respondent has read and fully understands the terms of this Consent Order, freely and voluntarily consents to the entry of this order without further hearing, without any force or duress, and expressly waives all rights to hearing or appeal in this matter.

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

9. You further agree by signing this Settlement Agreement and Consent Order that you are the respondent and/or authorized representative for the respondent in this matter.

**FOR THE RESPONDENT**

  
Pacific Heating and Cooling, Inc.  
By: Mark A. Webb, President

Date: 2/24/2014

**FOR THE BOARD**

 for  
Chairman  
Plumbing Board  
State of Oregon

Date: 2/24/14