

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

2
3 **IN THE MATTER OF:**

4 **CHARLES B. PRICE, AN INDIVIDUAL**
5 **DBA: MBS CONSTRUCTION**

6 **RESPONDENT**

)
) **NOTICE OF PROPOSED ASSESSMENT**
) **OF A CIVIL PENALTY AND FINAL**
) **ORDER ON DEFAULT**

FINAL ORDER

) **CASE NO. 2013-0134**

AS of: March 7, 2014

7
8 Under ORS 455.895(1)(a) and OAR 918-001-0036, the State Plumbing Board (Board)
9 proposes disciplinary action against Respondent in the form of a \$6,000 civil penalty for violating
10 Building Codes Division statutes and rules as follows:

11 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

12 (1) During or about February 1, 2013, at 914 N.E. 3rd Avenue, Milton-Freewater, Oregon,
13 Respondent installed hot and cold plumbing piping, mixing valves, shower floor drain plumbing
14 piping, a walk-in shower enclosure, and a toilet, for the account of another, without a plumbing
15 contractor's license, in violation of ORS 447.040(1).

16 (2) Respondent made the plumbing installations at 914 N.E. 3rd Avenue, Milton-
17 Freewater, Oregon, without a valid plumbing permit, in violation of OAR 918-785-0200(1)(a).

18 (3) Respondent installed hot and cold plumbing piping, mixing valves, shower floor drain
19 plumbing piping, a walk-in shower enclosure, and a toilet, at 914 N.E. 3rd Avenue, Milton-
20 Freewater, Oregon, without an Oregon journeyman plumber's license, in violation of ORS
21 693.030(1).

22 (4) Installing hot and cold plumbing piping, mixing valves, shower floor drain plumbing
23 piping, a walk-in shower enclosure, and a toilet is "plumbing," as defined in ORS 447.010(6).

24 **WHAT THE LAW SAYS**

25 (1) Under ORS 447.040(1), a person may not advertise or purport to be a plumbing
contractor, without a plumbing contractor's license.¹

(2) Under OAR 918-785-0200(1)(a), no person, firm or corporation shall do plumbing
work in Oregon without first obtaining a plumbing permit.

¹ ORS 447.040(1) states a person may not work as a plumbing contractor, or advertise or purport to be a
plumbing contractor, without having obtained the plumbing contractor license.

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2 (3) Under ORS 693.030(1), a person may not engage in the trade of a journeyman plumber
3 without a journeyman plumber's license.

4 **ORDER**

5 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Plumbing Board assesses the
6 following:

- 7 (1) a \$3,000 civil penalty for violating ORS 447.040(1).
8 (2) a \$1,000 civil penalty for violating OAR 918-785-0200(1)(a).
9 (3) a \$2,000 civil penalty for violating ORS 693.030(1).

10 The civil penalties assessed total \$6,000.

11 **NOTICE OF RIGHT TO HEARING**

12 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
13 Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing
14 and filed with the Building Codes Division. The postmarked date on the request for hearing must
15 be no later than 20 days from the date the Notice of Proposed Assessment of a Civil Penalty
(Notice) was served on Respondent. If this Notice was served to Respondent in person, the
16 service date is the date Respondent received this Notice. If this Notice was served through the
17 mail, the service date is the day the Notice was mailed, not the day Respondent received it.

18 If a request for hearing is not received with a postmark dated within 20 days, Respondent's right
19 to a hearing is considered waived unless the failure to request a hearing was beyond Respondent's
20 reasonable control. Mail hearing requests to Building Codes Division, Enforcement Section, P.O.
21 Box 14470, Salem, Oregon, 97309.

22 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
23 corporation may be represented by an authorized representative at the hearing. If Respondent
24 requests a hearing, Respondent will be notified of the time and place of the hearing and be given
25 information on procedures, right of representation and other rights of parties relating to the hearing
before it begins.

26 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

27 Active duty service members have a right to stay proceedings under the federal Service Members
28 Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon Military
29 Department at 800-452-7500 for more information. If you need help finding legal assistance, visit
30 the United States Armed Forces Legal Assistance Legal Services Locator website at
31 <http://legalassistance.law.af.mil/content/locator.php>.

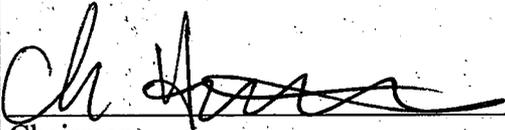
1 **NOTICE OF FINAL ORDER**

2 If Respondent does not timely request a hearing, withdraws a hearing request, notifies the
3 Building Codes Division or the administrative law judge that Respondent will not appear, or fails
4 to appear at a scheduled hearing, the State Plumbing Board will issue a Final Order by Default. If
5 the Board issues a Final Order by Default, it designates the file, including any materials submitted
6 by Respondent that relate to this matter, as the record for purpose of proving a prima facie case.

7 Respondent is entitled to judicial review of any final order issued in the matter of this Notice of a
8 Proposed Civil Penalty. Judicial review may be obtained by filing a petition for review with the
9 Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If the
10 Order was served in person, the service date is the date Respondent received the Order. If the
11 Order was served through the mail, the service date is the day the Order was mailed, not the day it
12 was received by Respondent.

13 If Respondent does not file a petition for judicial review within 60 days, Respondent will lose the
14 right to appeal. The phone number for the Oregon Court of Appeals is 503-986-5555.

15 Dated this 13 day of February, 2014

16  for
17 Chairman
18 Plumbing Board
19 State of Oregon
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