

BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES OF THE STATE OF OREGON

IN THE MATTER OF:)
)
DAMIEN TORREZ,)
AN INDIVIDUAL)
)
)
_____)

ORDER TO
CEASE AND DESIST

C2014-0013

FINAL ORDER

As of: February 25, 2014

The Director of the Department of Consumer and Business Services for the State of Oregon ("Director"), acting pursuant to ORS 455.775(2), hereby finds that the following Findings of Fact and Conclusions of Law give the Director reasonable reason to believe that Damien Torrez (Respondent) has been engaged in, is engaging in, or is about to engage in violations of ORS Chapters 447 and the rules adopted thereunder. Therefore the Director issues the following Order to immediately CEASE AND DESIST any and all violations of ORS Chapters 447 and the rules adopted thereunder.

FINDINGS OF FACT

1. At no relevant time has Respondent held an Oregon plumbing contractor license.
2. Beginning on or about July 9, 2013, on www.craigslist.com, Respondent advertised to perform plumbing work for the account of another, without an Oregon plumbing contractor license, in violation of ORS 447.040(1).
3. On September 20, 2013, under case No: 2013-0162, a Final Order was issued against Respondent in the amount of \$3,000 for advertising plumbing work without possessing a valid Oregon plumbing contractor license.
4. On or about January 10, 2014 on www.craigslist.com, Respondent advertised to perform plumbing work for the account of another, without an Oregon plumbing contractor license, in violation of ORS 447.040(1).
5. Plumbing repair, replacement of fixtures, water heaters, faucets, sinks and toilets, water valves, ice water lines are all plumbing as defined in ORS 447.010(6).

ULTIMATE FINDING OF FACT

Respondent has continued to advertise to perform plumbing work without an Oregon plumbing contractor license.

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CONCLUSIONS OF LAW

1. By advertising on craigslist for plumbing work for the account of another without an Oregon plumbing contractor license as outlined in the Findings of Fact, Respondent has violated and continues to be in violation ORS 447.040(1).

ORDER

Pursuant to ORS 455.775(2), the Director ORDERS Respondent to immediately CEASE AND DESIST from further violations of the Oregon's Plumbing Regulations and the rules adopted thereunder.

NOTICE OF RIGHT TO HEARING

Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing and filed with the Division. The postmarked date on the request for hearing must be no later than 20 days from the date the Order to Cease and Desist (Order) was served on the Respondent. If this Order was served on Respondent in person, the service date is the date Respondent received this Order. If this Order was served through the mail, the service date is the day the Order was mailed, not the day Respondent received it.

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

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

NOTICE TO ACTIVE DUTY SERVICE MEMBERS

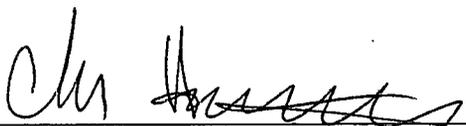
Active duty service members have a right to stay proceedings under the federal Service members Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon Military Department at 800-452-7500 for more information. If you need help finding legal assistance, visit the United States Armed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

NOTICE OF FINAL ORDER

If Respondent does not timely request a hearing, withdraws a hearing request, notifies the Board or the administrative law judge that they will not appear, or fails to appear at a scheduled hearing, the Board will issue a Final Order by Default (Final Order). If the Board issues a Final Order by Default, it designates the file, including any materials submitted by Respondent that relate to this matter, as the record for purpose of proving a prima facie case.

Respondent is entitled to judicial review of any final order issued in the matter of this Order to Cease and Desist. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If the Final Order was served in person, the service date is the date Respondent received the Final Order. If the Final Order was served through the mail, the service date is the day the Final Order was mailed, not the day it was received by Respondent. If Respondent does not file a petition for judicial review within 60 days, Respondent will lose the right to appeal. The informational phone number for the Oregon Court of Appeals is (503) 986-5555.

Dated this 4 day of February, 2014



For

DIRECTOR

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
STATE OF OREGON