

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

2 **IN THE MATTER OF:**

3 **FRED WARD, AN INDIVIDUAL**

4                   **RESPONDENT**

)  
) **CONSENT ORDER**  
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) **CASE NO. C2014-0051**  
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6           The Oregon State Plumbing Board (Board) conducted an investigation and determined that  
7 Respondent violated certain provisions of the Oregon Building Codes Statutes, administrative rules,  
8 and specialty codes.

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

15                   **FINDINGS OF FACT**

- 16           1. On or about February 25, 2014, at 1120 W. Fairview Drive, Space 67, Springfield, Oregon,  
17 Respondent installed and repaired kitchen and bathroom water service piping and removed and  
18 replaced a bathroom sink faucet and shower fixture, for the account of another, while working  
19 for Duckworth Construction, Inc.
- 20           2. At no relevant time did Respondent have an active Oregon journeyman plumber license.

21                   **APPLICABLE LAW**

- 22           1. ORS 447.010(6) defines plumbing as the art of installing, altering or repairing, among other  
23 things, building pipes, fixtures and other apparatus for bringing in the water supply.
- 24           2. Under ORS 693.030(1), a person may not work as a journeyman plumber without a  
25 journeyman plumber license.

CONCLUSIONS OF LAW

1. Repairing and installing kitchen and bathroom water service piping and removing and replacing a bathroom sink faucet and shower fixture are plumbing installations as defined by ORS 447.010(6).
2. By making plumbing installations without a valid journeyman plumber license, Respondent violated ORS 693.030(1).

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## SETTLEMENT AGREEMENT

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

1. The Board hereby assesses a \$2,000 civil penalty for violating ORS 693.030(1), of which \$1,250 will be suspended for a period of five years under the following terms:
  - 1.1. Respondent agrees to pay the remaining \$750 of the civil penalty. *(An invoice will be included with Respondent's copy of the final order after the Board signs it.)*
  - 1.2. Respondent agrees to pay \$62 postmarked by September 25, 2014, with monthly payments in that amount continuing for eleven (11) months, and a final payment of \$68 in the twelfth (12<sup>th</sup>) month. All payments are due (postmarked) by the 25<sup>th</sup> day of the month. As long as the payments remain timely, there shall be no interest added to Respondent's balance.
  - 1.3. Respondent understands that a single failure to comply with any of the terms of this Settlement Agreement could result in the entire civil penalty, including the suspended amount, becoming immediately due and payable. Failure to comply includes failure to pay the civil penalty amount by the due date.
2. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts in cases against other entities or individuals that rely on the underlying facts in this case.
3. Respondent agrees not to commit violations of the Building Code Division's statutes and rules.
4. Respondent understands that if Respondent fails to comply with any of the terms of this consent agreement that the entire civil penalty, including the amount suspended, will be 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.

- 1 5. Respondent understands and agrees that any violation of the terms of this Consent Order  
2 will result in further enforcement action.
- 3 6. Respondent understands and agrees that any violation of the Building Code Division's statutes  
4 or rules not alleged in this order, whether committed before or after the execution of this  
5 Consent Order, may be the basis for further enforcement action.
- 6 7. Respondent understands that failure to comply with this settlement agreement may result in the  
7 denial of future licensing applications and/or suspension of licensing or certification  
8 issued by the Division and/or other state agencies.
- 9 8. Respondent understands the suspended civil penalty will be waived five years after the  
10 execution of this Consent Order, provided Respondent complies with its terms and has not  
11 committed any further violations of Building Code Division's statutes and rules.
- 12 9. Respondent has read and fully understand the terms of this Consent Order, freely and  
13 voluntarily consents to the entry of this order without further hearing, without any force or  
14 duress, and expressly waives all rights to hearing or appeal in this matter.
- 15 10. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL  
16 ORDER.
- 17 11. Respondent understands that once this Settlement Agreement and Consent Order becomes a  
18 FINAL ORDER, it becomes a public document.

19 **FOR THE RESPONDENT**

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Fred Ward

Date: Aug. 10-14

22 **FOR THE STATE PLUMBING BOARD**

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24 \_\_\_\_\_ for  
25 Chair  
State Plumbing Board  
State of Oregon

Date: 8.11.14