

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

2 **IN THE MATTER OF:**

3 **EDWIN F. MOON,**
4 **dba EDWIN F. MOON CONSTRUCTION**

5 **RESPONDENT**

)
) **CONSENT ORDER**
)
)

) **CASE NO. C2014-0171**
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7 The Building Codes Division (BCD) conducted an investigation on behalf of the State
8 Plumbing Board (Board) and determined that Respondent violated certain provisions of the Oregon
9 Building Codes statutes, administrative rules, and specialty codes.

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

17 **FINDINGS OF FACT**

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- 19 1. At no relevant time did Respondent possess a plumbing contractor license.
 - 20 2. At no relevant time did Respondent possess a journeyman plumber license.
 - 21 3. On or about September 9, 2013, at 310 SW Midden Reach, Depoe Bay, Oregon, Respondent
22 installed a utility sink in the garage of a single-family residence, for the account of another.

23 **APPLICABLE LAW**

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- 25 1. ORS 447.010(6) defines plumbing to include the art of installing, altering or repairing in or
adjacent to or serving buildings pipes, fixtures and other apparatus for bringing in the water
supply and removing liquid and water-carried waste, including the water supply distributing
pipes.
 2. Under ORS 447.040(1), 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.
 3. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
without a journeyman plumber license.

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CONCLUSIONS OF LAW

1. Installing a utility sink in the garage of a single-family residence for the account of another is plumbing as defined in ORS 447.010(6).
2. By engaging in the business of plumbing contracting without a valid Oregon plumbing contractor license, Respondent violated ORS 447.040(1).
3. By making a plumbing installation at 310 SW Midden Reach, Depoe Bay, Oregon, for the account of another without a valid Oregon journeyman plumber license, Respondent violated ORS 693.030(1).

ORDER

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

1. The Director hereby assesses a \$5,000 total civil penalty for violating ORS 447.040(1) and ORS 693.030(1), of which \$3,500 will be suspended for a period of five years under the following terms:
 - 1.1. Respondent agrees to pay the remaining \$1,500 of the civil penalty. *(An invoice will be included with Respondent's copy of the Final Order after the Board Chair signs it.)*
 - 1.2. Respondent agrees to pay \$125 postmarked by the 25th day of each month once this consent order is executed, for twelve (12) months. As long as the payments remain timely, there shall be no interest added to Respondent's balance.
2. Respondent understands that a single failure to comply with any of the terms of this Stipulated Order could result in the entire civil penalty, including the suspended amount, becoming immediately due and payable.
3. Respondent agrees not to commit violations of the Building Codes Division's statutes and rules.
4. Respondent understands and agrees that any violation of the terms of this Stipulated Order will result in further enforcement action.
5. Respondent understands and agrees that any violation of the Building Codes Division's statutes or rules not alleged in this order, whether committed before or after the execution of this Consent Order, may be the basis for further enforcement action.
6. Respondent understands that failure to comply with this Stipulated Order may result in the denial of future licensing applications and/or suspension of licensing or certification issued by the division and/or other state agencies.

- 1 7. Respondent understands the suspended civil penalty will be waived five years after the
2 execution of this Stipulated Order, provided Respondent complies with its terms and has not
3 committed any further violations of Building Codes Division's statutes and rules.
4 8. Respondent has read and fully understands the terms of this Stipulated Order, freely and
5 voluntarily consents to the entry of this order without further hearing, without any force or
6 duress, and expressly waives all rights to hearing or appeal in this matter.
7 9. Respondent understands that, upon signature of all parties, this Consent Order will be a
8 FINAL ORDER.

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10 Edwin F. Moon
11 dba Edwin F. Moon Construction

Dated this 2 day of Oct, 2014

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13  for

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15 Chair
16 State Plumbing Board
17 State of Oregon

Dated this 6th day of October, 2014

2014 OCT - 6 A 11:00

RECEIVED
BUILDING CODES