

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

2 **IN THE MATTER OF:**)

3 **KARL L. JOHNSTON, AN INDIVIDUAL**)

4)
5 **RESPONDENT**)

CONSENT ORDER

CASE NO. C2014-0197

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

17 **FINDINGS OF FACT**

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- 19 1. Respondent possesses active Oregon journeyman plumber license 8629JP.
 - 20 2. During or about the period of August 2014 through September 11, 2014, Respondent
21 advertised to barter plumbing services for vehicles, appliances, electronic devices, tools,
22 case and other items on the Portland area Craigslist website.
 - 23 3. During the time of advertisement, Respondent did not hold an Oregon plumbing contractor
24 license.
 - 25 4. The Respondent removed his advertisement on the Craigslist website after being contacted
by BCD.

APPLICABLE LAW

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.

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CONCLUSIONS OF LAW

By advertising to barter plumbing services for various items, without a valid Oregon plumbing contractor license, Respondent violated ORS 447.040(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 \$2,000 total civil penalty for violating ORS 447.040(1) of which \$1,750 will be suspended for a period of five years under the following terms:
 - 1.1. Respondent agrees to pay the remaining \$250 of the civil penalty, with payment due by the 25th day of the following month after the final order is signed by the Board.
(An invoice will be included with Respondent's copy of the Final Order after the Board Chair or the Chair's designee signs it.)
 - 1.2. Respondent understands that a single failure to comply with any of the terms of this Consent Order could result in the entire civil penalty, including the suspended amount, becoming immediately due and payable. If Respondent does default on any of the terms, the case will be turned over to the Department of Consumer and Business Services collections department for collection of the civil penalty, along with interest and applicable fees.
2. Respondent agrees not to commit violations of the Building Codes Division's statutes and rules.
3. Respondent understands and agrees that any violation of the terms of this Consent Order will result in further enforcement action.
4. 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.
5. Respondent understands that failure to comply with this Consent 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.
6. Respondent understands the suspended civil penalty will be waived five years after the execution of this Consent Order, provided Respondent complies with its terms and has not committed any further violations of Building Codes Division's statutes and rules.
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.

Karl Johnston signature
By: *Ed Johnston*
Karl F. Johnston
L.

Dated this 28 day of OCT., 2014

[Signature]  for
Chair
State Plumbing Board
State of Oregon

Dated this 4 day of November, 2014