

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

2 **IN THE MATTER OF:**
3 **BYRON KEITH RICKS, DBA ALLSTARS**
4 **PLUMBING & ROOTER,**
5
6 **RESPONDENT.**

CONSENT ORDER

CASE NO. C2015-0054

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 and administrative rules.

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

13 **FINDINGS OF FACT**

- 14 1. On or about March 17, 2015, Respondent advertised on www.craigslist.com to perform
15 plumbing work, without an Oregon plumbing contractor license.
- 16 2. The Respondent removed his advertisement on the Craigslist® website after being contacted
17 by BCD.

17 **APPLICABLE LAW**

- 18 1. ORS 447.010(6) defines plumbing to include the art of installing, altering or repairing in or
19 adjacent to or serving buildings pipes, fixtures and other apparatus for bringing in the water
20 supply and removing liquid and water-carried waste, including the water supply distributing
21 pipes.
- 22 2. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or
23 purport to be a plumbing contractor, without having obtained the plumbing contractor
24 license.

23 **CONCLUSIONS OF LAW**

24 By advertising to perform plumbing work, without a valid Oregon plumbing contractor
25 license, Respondent violated ORS 447.040(1).

SETTLEMENT AGREEMENT

The Respondent and the State Plumbing Board agree to resolve this matter, without a hearing, with the entry of this Consent Order according to the following terms and conditions:

1. The Board hereby assesses a \$3,000 total civil penalty for violating ORS 447.040(1) of which \$2,750 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 postmarked by the 25th day of the month after the final order is signed by the Board. *(An invoice will be included with Respondent's copy of the Final Order after it is signed by the Board.)*
 - 1.2. ~~If Respondent fails to make a payment or otherwise defaults on any of the other terms of this Consent Order, then the case may be turned over to the Department of Consumer and Business Services collections unit for collection of the entire \$3,000 civil penalty, along with interest and applicable fees.~~
2. Respondent agrees if a final order is issued by a board or the Director of the Department of Consumer and Business Services finding Respondent violated any of the Building Codes Division's statutes or rules within five (5) years from the date this order was signed by the Board, then Respondent will be responsible for any subsequent penalties in addition to the \$2,750 of suspended penalty and any unpaid portion of the \$1,250 penalty from this Order, all of which will become due and payable.
3. Respondent understands that if it fails to comply with any of the terms of this Consent Order, then the entire penalty, including the amount suspended, will be immediately due and payable.
4. Respondent understands and agrees that any violation of the terms of this Consent 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 Consent Order may result in the denial of future licensing applications and/or suspension or revocation of licensing or certification issued by the Building Codes Division and other state agencies.
7. Respondent understands the suspended civil penalty will be waived five (5) years after the execution of this Consent Order, provided Respondent complies with the Order's terms and has not committed any further violations of Building Codes Division's statutes or rules.
8. Respondent has read and fully understands the terms of this Consent Order, freely and voluntarily consents to the entry of this order without any force or duress, and expressly waives all rights to hearing or appeal in this matter.

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9. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL ORDER.

Byron Ricks

Dated 8.12.2015, 2015

Byron Keith Ricks
dba All Stars Plumbing & Rooter

Andrea Simmons for

Dated 8/24/15, 2015

Chair
State Plumbing Board
State of Oregon