

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

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RECEIVED
BUILDING CODES

IN THE MATTER OF:

CONSENT ORDER

KRIS IVORY GRIFFITH, AN
INDIVIDUAL, ABN MACKSBURG
PLUMBING

RESPONDENT.

BCD CASE C2015-0093

The Building Codes Division (Division) conducted an investigation on behalf of the State Plumbing Board of the State of Oregon (Board) and determined that Kris Ivory Griffith (Respondent) violated certain provisions of the Division's statutes and administrative rules as identified below.

The parties agree to settle this matter without a hearing. Respondent understands that Respondent has the right to a contested case hearing under the Administrative Procedures Act, Oregon Revised Statutes (ORS) chapter 183, and Respondent fully and finally waives the right to a hearing and any judicial review therefrom by the signing of this Consent Order.

FINDINGS OF FACT

1. Respondent received plumbing contractor license number 3-1777PB on March 21, 1984.
2. Respondent's plumbing contractor license expired on July 11, 2014.
3. During or about February 2015, at 20155 NE Overlook Drive, Dundee, Oregon, Respondent contracted to perform, performed, and billed the property owner for the installation of underfloor plumbing.
4. On or about April 28, 2015, Respondent advertised on craigslist® to perform service plumbing, commercial, and new construction.
5. On or about June 15, 2015, Respondent advertised on craigslist® to perform service plumbing, commercial, and new construction

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APPLICABLE LAW

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1. ORS 447.010(6) defines plumbing as the art of installing, altering or repairing in or adjacent to or serving building 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, and a member or employee of a firm, partnership or corporation may not engage in the layout or superintending of plumbing installations, without having obtained the plumbing contractor license.
 3. Oregon Administrative Rules (OAR) 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform work for which a license or permit is required under Oregon law, including but not limited to a single instance.

CONCLUSIONS OF LAW

1. Installing underfloor plumbing is plumbing as defined in ORS 447.010(6).
2. Contracting to install and installing the underfloor plumbing is engaging in the business under OAR 918-030-0010(8).
3. Contracting to install and installing the underfloor plumbing and advertising on craigslist® to perform plumbing work for which a license or permit is required under Oregon law requires an Oregon plumbing contractor license under ORS 447.040(1).
4. By engaging in the business of plumbing contracting without having an active plumbing contractor license, Respondent violated ORS 447.040(1) on three occasions.

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1 **ORDER**

2 1. The Board hereby assesses a total civil penalty of \$9,000 against Respondent for violating
3 ORS 447.040(1) as follows:

4 a. \$6,750 of the total civil penalty will be suspended for a period of five years if there is
5 compliance with all other terms of this Consent Order.

6 b. Respondent agrees to pay the remaining \$2,250 of the civil penalty. (*An invoice will*
7 *be included with Respondent's copy of the final order after the Director signs it.*)

8 Payment shall be mailed to Department of Consumer and Business Services,
9 Revenue Services Section, P.O. Box 14610, Salem, OR 97309-0445.

10 c. Respondent agrees to pay \$150 per month for 15 months following the execution of
11 this Consent Order. Payments shall be postmarked by the 25th day of each month.
12 Respondent's first payment shall be postmarked no later than August 25, 2015. As
13 long as the payments remain timely, there shall be no interest added to Respondent's
14 balance.

15 5. Respondent understands the suspended civil penalty (\$6,750) will be considered satisfied
16 five years after this Consent Order becomes a final order, provided Respondent complies
17 with its terms and has not committed any further violations of the Division's statutes and
18 rules within that five-year period. Respondent understands and agrees that if Respondent
19 does not comply with the terms of this Consent Order or if Respondent commits any further
20 violations of the Division's statutes or rules within the five-year period, then the entire civil
21 penalty, including any suspended amount, will become immediately due and payable.
22 Failure to comply with this Consent Order includes, but is not limited to, failure to pay the
23 civil penalty amount due by the due date.

24 6. Respondent's plumbing contractor license shall be conditioned as follows:

25 a. Respondent shall make timely renewals of its plumbing contractor license.

1 b. Respondent shall provide the Division with quarterly reports for one year.

2 c. The quarterly reports shall include a list of all Oregon-located jobs worked during
3 the quarter with each customer's name and address (including jobs reported in a
4 previous quarter's report if the job runs longer than one quarter); copies of all
5 invoices from each job; and copies of all permits issued for each job.

6 d. The first quarterly report for July, August and September 2015 shall be postmarked
7 by October 15, 2015, and subsequent reports shall be submitted every three months,
8 postmarked by the fifteenth day of the month they are due.

9 e. The monthly reports shall be e-mailed to BCD.complaint@oregon.gov or mailed to
10 Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon,
11 97309-0404.

12 7. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
13 that rely on the facts underlying this case. Cooperation may include, but not be limited to,
14 making sworn statements or testifying in administrative hearings. Respondent understands
15 and agrees that further enforcement action may be taken for any violation of the Division's
16 statutes or rules not alleged in this Consent Order, whether committed before or after the
17 execution of this Consent Order, and/or for any violation of the terms of this Consent Order.

18 8. Respondent understands that failure to comply with this Consent Order may be used as a
19 basis for the denial of a future license, certificate, registration, or other application, or for the
20 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
21 certificate, or registration issued by the Division or other state agencies; and/or for any other
22 reason provided for in law.

23 9. Respondent understands that this Consent Order is a public record.

24 10. Respondent has read and fully understands the terms of this Consent Order, freely and
25 voluntarily consents to the entry of this Consent Order without any force or duress, and

1 expressly waives all rights to hearing or judicial review in this matter.

2 11. Respondent understands that, upon signature of all parties, this Consent Order will be a final
3 order.

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5 Kris Ivory Griffith It is so agreed this 7-22 day of July, 2015.
6 Kris Ivory Griffith, abn
7 Macksburg Plumbing

8 Andrea Simmons for It is so agreed this 27 day of July, 2015.
9 Chair
10 State Plumbing Board
11 State of Oregon

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