

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

FIVE STAR PLUMBING, LLC  
A DOMESTIC LIMITED LIABILITY  
COMPANY,

RESPONDENT.

NOTICE OF PROPOSED ASSESSMENT  
OF A CIVIL PENALTY

NOTICE OF FINAL ORDER ON DEFAULT

**FINAL ORDER**

As of: January 4, 2016

BCD CASE C2015-0209

**IF YOU DO NOT REQUEST A HEARING IN WRITING WITHIN 20 DAYS  
OF THE POSTMARK DATE OF THIS NOTICE,  
THIS NOTICE WILL BECOME A FINAL ORDER.**

More information about this Notice and how to request a hearing is included below.

Pursuant to Oregon Revised Statute (ORS) 455.895(1)(a) and Oregon Administrative Rule (OAR) 918-001-0036, the State Plumbing Board of the State of Oregon (Board) proposes to assess a civil penalty totaling \$2,000.00 against Five Star Plumbing, LLC (Respondent) because Respondent violated Building Codes Division (Division) statutes and rules as identified below.

**FINDINGS OF FACT**

1. At all relevant times, Respondent held plumbing contractor license number PB370.
2. At all relevant times, Respondent was Mr. Rosca Jr.'s employing plumbing contractor.<sup>1</sup>
3. On or around September 30, 2015, Mr. Rosca, Jr., acting pursuant to his employment with Respondent, installed a water line onto a multi-turn stop valve associated with a new toilet installation at a residential property located at 14696 Catalpa Way in Oregon City, Oregon (Catalpa property).
4. At no relevant time did Mr. Rosca, Jr. hold a journeyman plumber license.<sup>2</sup>

<sup>1</sup> See related Division case numbers C2015-0204 and C2015-0205.

<sup>2</sup> At all relevant times, Mr. Steve Rosca, Jr. held an apprentice plumbing license. Mr. Rosca, Jr. did not work under the supervision of a journeyman plumber pursuant to the foregoing work.



1 through the mail, the date of service is the day the Notice was mailed, not the day it was received by  
2 the Respondent. If a request for hearing is not received within the 20-day period, Respondent's right  
3 to a hearing shall be considered waived. Mail hearing requests to Building Codes Division,  
4 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

5 Respondent may be represented by legal counsel. Pursuant to ORS 183.457 and OAR 918-  
6 001-0030, a corporate Respondent may be represented by an authorized representative at the  
7 hearing. If Respondent requests a hearing, Respondent will be notified of the time and place of the  
8 hearing. The Division will give Respondent information on the procedures, right of representation,  
9 and other rights of parties relating to the conduct of the hearing before the commencement of the  
10 hearing.

#### 11 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS**

12 Active duty servicemembers have a right to stay proceedings under the Federal  
13 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon  
14 Military Department at 800-452-7500 for more information. If Respondent needs help finding legal  
15 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website at  
16 <http://legalassistance.law.af.mil/content/locator.php>.

#### 17 **NOTICE OF FINAL ORDER**

18 This Notice will become a final order by default if Respondent does any of the following:  
19 fails to request a hearing in writing within 20 days from the date of service of this Notice;  
20 withdraws a hearing request; notifies the Building Codes Division or the administrative law judge  
21 that Respondent will not appear at a scheduled hearing; or fails to appear at a scheduled hearing. If  
22 this Notice becomes a final order by default, the Division's file on the matter, including all  
23 materials submitted by Respondent, becomes the record for the purpose of establishing a prima  
24 facie case.

25 ///

1 **RIGHT TO JUDICIAL REVIEW**

2 Respondent is entitled to judicial review of a final order in this matter. Judicial review may  
3 be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after a  
4 final order is served upon Respondent. See ORS 183.482. If a final order is served on Respondent in  
5 person, the date of service is the date Respondent receives the order. If a final order is served  
6 through the mail, the date of service is the day the order is mailed, not the day it is received by the  
7 Respondent. If Respondent does not file a petition for judicial review within the 60-day time  
8 period, Respondent will lose the right to appeal. The phone number for the Oregon Court of  
9 Appeals is 503-986-5555.

10 **FOR THE STATE PLUMBING BOARD OF THE STATE OF OREGON**

11 Rosanne Nelson for  
12 Chair

Date: 12-10-15

13 State Plumbing Board  
14 State of Oregon