

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

2 **IN THE MATTER OF:**

3 **EK PLUMBING, INC., A FOREIGN**
4 **CORPORATION**

5 **RESPONDENT**

)
) **NOTICE OF PROPOSED ASSESSMENT**
) **OF A CIVIL PENALTY AND FINAL**
) **ORDER ON DEFAULT**

FINAL ORDER

As of: 7-11-2013

) **CASE NO. 2013-0047**
)
)

8 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Oregon Plumbing Board
9 proposes disciplinary action against Respondent in the form of civil penalties, totaling \$4,000,
because Respondent violated Building Codes Division statutes or rules as follows:

10 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

11 (1) During all relevant times, Randy A. Ritola and Luke L. Ek, employees of EK
12 Plumbing, Inc., were not licensed as journeymen plumbers.

13 (2) On or about February 28, 2013, at 11564 SE Aquila Street, Happy Valley, Oregon,
14 Randy A. Ritola prefabricated water supply piping and installed a toilet, on behalf of
15 Respondent, without being licensed as required by ORS 693.030(1). Respondent permitted or
suffered Mr. Ritola, an unlicensed individual, to make plumbing installations, in violation of
ORS 693.030(2)(a).

16 (3) On or about February 28, 2013, at 11564 SE Aquila Street, Happy Valley, Oregon,
17 Luke L. Ek prefabricated water supply piping and installed a toilet, on behalf of Respondent,
18 without being licensed as required by ORS 693.030(1). Respondent permitted or suffered Mr.
Ek, an unlicensed individual, to make plumbing installations, in violation of ORS 693.030(2)(a).

19 (4) Installing a toilet and prefabricating water supply piping is plumbing as defined in
20 ORS 447.010(6).

21 **WHAT THE LAW SAYS**

22 (1) Under ORS 693.030(1), a person may not engage in plumbing without a journeyman
plumber license issued under this chapter.

23 (2) Under ORS 693.030(2)(a), a licensed plumbing contractor, or a person required under
24 ORS 447.010 to 447.156 to be licensed as a plumbing contractor, may not permit or suffer any
25 person to work as a journeyman plumber who does not hold a valid journeyman plumber license.

ORDER

Under ORS 455.895(1)(a) and OAR 918-001-0036, the Plumbing Board assesses the following:

(1) two \$2,000 civil penalties for violating ORS 693.030(2)(a) on two occasions

The civil penalties assessed total \$4,000.

NOTICE OF RIGHT TO HEARING

Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing and filed with the Division. The postmarked date on the request for hearing must be no later than 20 days from the date the Notice of Intended Action (Notice) is served on the Respondent. If this Notice was served to Respondent in person, the service date is the date Respondent received this Notice. If this Notice was served through the mail, the service date is the day the Notice was mailed, not the day Respondent received it.

If a request for hearing is not received with a postmark dated within 20 days, Respondent's right to a hearing is considered waived unless the failure to request a hearing was beyond Respondent's reasonable control. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a corporation may be represented by an authorized representative at the hearing. If Respondent requests a hearing, Respondent will be notified of the time and place of the hearing and be given information on procedures, right of representation and other rights of parties relating to the hearing before it begins.

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NOTICE OF FINAL ORDER

If Respondent does not timely request a hearing, withdraws a hearing request, notifies the Board or the administrative law judge that they will not appear, or fails to appear at a scheduled hearing, the Board will issue a Final Order by Default. If the Board issues a Final Order by Default, it designates the file, including any materials submitted by Respondent that relate to this matter, as the record for purpose of proving a prima facie case.

Respondent is entitled to judicial review of any final order issued in the matter of this Notice of a Proposed Civil Penalty. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If the Order was served in person, the service date is the date Respondent received the Order. If the Order was served through the mail, the service date is the day the Order was mailed, not the day it was received by Respondent. If Respondent does not file a petition for judicial review within 60 days, Respondent will lose the right to appeal. The informational phone number for the Oregon Court of Appeals is (503) 986-5555.

Dated this 14 day of June, 2013

Andrea Simmons for
Chairman
Plumbing Board
State of Oregon