

1 **ORDER**

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

4 (1) a \$3,000 civil penalty for violating ORS 447.040(1)

5 **NOTICE OF RIGHT TO HEARING**

6 You are entitled to a hearing as provided by the Administrative Procedures Act, Oregon
7 Revised Statutes, Chapter 183. If you request a hearing, the request must be in writing
8 and postmarked no later than 20 days from the service date. If this Notice was served to
9 you in person, the service date is the date you received this Notice. If this Notice was
served through the mail, the service date is the day the Notice was mailed, not the day you
received it.

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

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

16 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

17 Active duty service members have a right to stay proceedings under the Federal Service
18 Members Civil Relief Act. Contact the Oregon State Bar at (800) 452-8260 or the Oregon
19 Military Department at (800) 452-7500 for more information. If you need help finding legal
assistance, visit <http://legalassistance.law.af.mil/content/locator.php>.

20 **NOTICE OF FINAL ORDER**

21 If you do not timely request a hearing, withdraw a hearing request, notify the Boards or the
22 administrative law judge that you will not appear, or fail to appear at a scheduled hearing,
23 the Boards will issue a Final Order by Default. If the Boards issue a Final Order by Default,
24 it designates the file, including any materials submitted by you that relate to this matter, as
the record for purpose of proving a prima facie case.

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You are 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 you 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 you. If you do not file a petition for judicial review within 60 days, you will lose the right to appeal. The informational phone number for the Oregon Court of Appeals is (503) 986-5555.

Dated this 10th day of September, 2013

Andrea Sammens for
Chairman
Plumbing Board
State of Oregon