

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

2 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF**
3 **OREGON**

4 **FINAL ORDER**

5 **As of:** 11/29/13 *gju*

6 **IN THE MATTER OF:**

7 **TROY E. GRAGG,**
8 **AN INDIVIDUAL**

9 **RESPONDENT**

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

) **CASE NO. C2013-0234**
)
)

10
11
12 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Oregon Plumbing Board (Board)
13 proposes disciplinary action against you in the form of a \$3,000 civil penalty because you
14 violated Building Codes Division statutes and rules as follows:

15 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Oregon Electrical and Elevator
16 Board (Board) proposed disciplinary action against you in the form of a \$3,000 civil penalty
17 because you violated Building Codes Division statutes and rules as follows:

18 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

19 (1) On or about November 5, 2013, on www.craigslist.com, you advertised to perform
20 plumbing work for the account of another, without an Oregon plumbing contractor's license, in
21 violation of ORS 447.040(1).

22 (2) On or about November 5, 2013, on www.craigslist.com, you advertised to perform
23 electrical work for the account of another, without an Oregon electrical contractor's license, in
24 violation of ORS 479.620(1).

25 **WHAT THE LAW SAYS**

(1) Under ORS 447.040(1), except as exempted by OAR 918-695-0020, a person may
not advertise or purport to be a plumbing contractor, without a plumbing contractor's license.

1 (2) Under ORS 479.620(1), subject to ORS 479.540, a person may not advertise or
2 purport to be an electrical contractor, without an electrical contractor's license.

3 **ORDER**

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

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

7 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Oregon Electrical and Elevator
8 Board assesses the following:

9 (1) a \$3,000 civil penalty for violating ORS 479.620(1).

10 The total civil penalties assessed is \$6,000.

11 **NOTICE OF RIGHT TO HEARING**

12 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
13 Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing
14 and filed with the Division. The postmarked date on the request for hearing must be no later than
15 20 days from the date the Notice of Intended Action (Notice) is served on the Respondent. If
16 this Notice was served to Respondent in person, the service date is the date Respondent received
17 this Notice. If this Notice was served through the mail, the service date is the day the Notice was
18 mailed, not the day Respondent received it.

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

23 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
24 corporation may be represented by an authorized representative at the hearing. If Respondent
25 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.

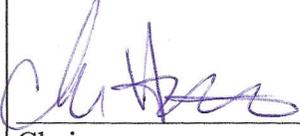
NOTICE OF FINAL ORDER

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

1 hearing, the Board will issue a Final Order by Default. If the Board issues a Final Order by
2 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.

3 Respondent is entitled to judicial review of any final order issued in the matter of this Notice of a
4 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
5 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
6 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
7 Oregon Court of Appeals is (503) 986-5555.

8 Dated this 8 day of November, 2013

9
10  Chris Huntington for
11 Chairman
12 Plumbing Board
13 State of Oregon

14  Chris Huntington for
15 Chairman
16 Electrical and Elevator Board
17 State of Oregon

18
19
20
21
22
23
24
25