

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

2 **IN THE MATTER OF:**

3 **JASON S. MABEN, AN INDIVIDUAL,**

4 **RESPONDENT.**

)
) **CONSENT ORDER**

)
) **CASE NO. C2014-0250**
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7 The Building Codes Division (BCD) conducted an investigation on behalf of the State
8 Plumbing Board (Board) and determined that Respondent violated certain provisions of the Oregon
9 ~~Building Codes statutes, administrative rules, and specialty codes.~~

10 Respondent and the Board prefer to settle this matter informally by the entry of this
11 Consent Order. Respondent understands that he has the right to a hearing under the Administrative
12 Procedures Act (chapter 183, Oregon Revised Statutes (ORS)), and fully and finally waives the
13 right to a contested case hearing and any appeal therefrom by the signing and entry of this order in
14 the Board's record. Respondent agrees to conduct all future business in compliance with the
15 applicable statutes, Oregon Administrative Rules (OAR), and specialty codes. Respondent
16 understands that this order is a public record.

13 **FINDINGS OF FACT**

- 14 1. During or about the period of July 2014, at 330 S. Thielson Street, Echo, Oregon,
15 Respondent installed underground water service plumbing piping and extended an existing
16 sewer plumbing service piping approximately 25 feet.
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18 2. At no relevant time was Respondent licensed as an Oregon journeyman plumber.

17 **APPLICABLE LAW**

- 18 1. ORS 447.010(6) defines plumbing to include the art of installing, altering or repairing in or
19 adjacent to or serving buildings pipes, fixtures and other apparatus for bringing in the water
20 supply and removing liquid and water-carried waste, including the water supply distributing
21 pipes.
22 2. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
23 without a journeyman plumber license.

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CONCLUSIONS OF LAW

1. Installing underground water service plumbing piping and extending an existing sewer plumbing service piping is plumbing as defined in ORS 447.010(6).
2. Respondent engaged in the trade of journeyman plumber without holding a journeyman plumber license by installing underground water service plumbing piping and extending an existing sewer plumbing service piping approximately 25 feet, in violation of ORS 693.030(1).

SETTLEMENT AGREEMENT

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The Respondent and the Board agree to resolve this matter without a hearing according to the following terms:

1. The Director hereby assesses a \$2,000 total civil penalty for violating ORS 693.030(1), of which \$1,250 will be suspended for a period of five years under the following terms:
 - 1.1. Respondent agrees to pay the remaining \$750 of the civil penalty. *(An invoice will be included with Respondent's copy of the Final Order after the Board Chair signs the order.)*
2. Respondent understands that a single failure to comply with any of the terms of this Consent Order could result in the entire civil penalty, including the suspended amount, becoming immediately due and payable. Failure to comply includes, but is not limited to, failure to pay the civil penalty amount on the Final Demand Notice by the due date.
3. Respondent agrees to fully cooperate with the Building Codes Division's enforcement efforts in cases against other entities or individuals that rely on the underlying facts in this case. Cooperation may include, but not be limited to, making sworn statements or testifying in administrative hearings.
4. Respondent agrees not to commit violations of the Building Codes Division's statutes and rules.
5. Respondent understands and agrees that any violation of the terms of this Consent Order will result in further enforcement action.
6. Respondent understands and agrees that any violation of the Building Codes Division's statutes or rules not alleged in this order, whether committed before or after the execution of this Consent Order, may be the basis for further enforcement action.
7. Respondent understands that failure to comply with this Consent Order may result in the denial of future licensing applications and/or suspension of licensing or certification issued by the division and/or other state agencies.

- 1 8. Respondent understands the suspended civil penalty will be waived five years after the
2 execution of this Consent Order, provided Respondent complies with its terms and has not
3 committed any further violations of Building Codes Division's statutes and rules.
4 9. Respondent has read and fully understands the terms of this Consent Order, freely and
5 voluntarily consents to the entry of this order without further hearing, without any force or
6 duress, and expressly waives all rights to hearing or appeal in this matter.
7 10. Respondent understands that, upon signature of all parties, this Consent Order will be a
8 FINAL ORDER.

7 **FOR THE RESPONDENT**

8
9 Jason Maben
10 Jason S. Maben

Date: 2-9, 2015

11 **FOR THE STATE PLUMBING BOARD**

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13 Andrea Simmons for
14 Chair
15 State Plumbing Board
16 State of Oregon

Date: 2/24, 2015

