

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

2
3 **IN THE MATTER OF:**

CONSENT ORDER

4 **VICON MECHANICAL CONTRACTOR,**
5 **INC., DOMESTIC BUSINESS**
6 **CORPORATION,**

7 **RESPONDENT.**

BCD CASE C2014-0252

8 ~~The Building Codes Division (Division) conducted an investigation on behalf of the State~~
9 Plumbing Board of the State of Oregon (Board) and determined that Vicon Mechanical Contractor,
10 Inc. (Respondent) violated certain provisions of the Division's statutes and administrative rules as
11 identified below.

12 The parties agree to settle this matter without a hearing. Respondent understands that
13 Respondent has the right to a contested case hearing under the Administrative Procedures Act,
14 Oregon Revised Statutes (ORS) chapter 183, and Respondent fully and finally waives the right to a
15 hearing and any judicial review therefrom by the signing of this Consent Order.

16 **FINDINGS OF FACT**

- 17 1. Respondent holds Oregon plumbing contractor license 24-426PB.
- 18 2. On or about July 8, 2014, at 55398 Glen Aiken Road, Coquille, Oregon, Respondent
19 permitted and suffered Hiram N. Wright¹, an 8th term Oregon plumbing apprentice, to install
20 water piping from the first story to the second story of the house under construction without
21 the direct supervision of an Oregon journeyman plumber.
- 22 3. On or about July 8, 2014, at 55398 Glen Aiken Road, Coquille, Oregon, Respondent
23 permitted and suffered Andrey Boyechko², a 3rd term Oregon plumbing apprentice, to install
24 a section of venting piping in the interior wall framing system of the house under
25

¹ Hiram N. Wright was issued a Notice of Proposed Assessment of a Civil Penalty in BCD case C2015-0048.

² Andrey Boyechko was issued a Notice of Proposed Assessment of a Civil Penalty in BCD case C2015-0049.

1 construction without the direct supervision of an Oregon journeyman plumber.

- 2 4. When Hiram Wright and Andrey Boyechko were making installations at 55398 Glen Aiken
3 Road, Coquille, Oregon, there was no journeyman plumber present on site, nor did a
4 journeyman plumber arrive at the site for over one hour.

5 **APPLICABLE LAW**

- 6 1. ORS 447.010(6) defines plumbing to include the art of installing, altering or repairing in or
7 adjacent to or serving buildings pipes, fixtures and other apparatus for bringing in the water
8 ~~supply and removing liquid and water carried waste, including the water supply distributing~~
9 pipes.
10 2. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
11 without a journeyman plumber license.
12 3. Under ORS 693.030(2)(a), a licensed plumbing contractor or a person required to be
13 licensed as a plumbing contractor may not permit or suffer any person to work as a
14 journeyman plumber who does not hold a valid journeyman plumber license.

15 **CONCLUSIONS OF LAW**

- 16 1. Installing water piping and venting piping is plumbing as defined in ORS 447.010(6).
17 2. Making the plumbing installations described in Conclusions of Law paragraph 1 requires a
18 valid journeyman plumber license under ORS 693.030(1).
19 3. By permitting or suffering Hiram N. Wright and Andrey Boyechko, who do not hold valid
20 journeyman plumber licenses, to install water piping and venting piping, Respondent
21 violated ORS 693.030(2)(a).

22 **ORDER**

- 23 1. The Board hereby assesses a total civil penalty of \$4,000 against Respondent for violating
24 ORS 693.030(2)(a) as follows:
25 a. \$2,000 of the total civil penalty will be suspended for a period of five years if there is

1 compliance with all other terms of this Consent Order.

- 2 b. Respondent agrees to pay the remaining \$2,000 of the civil penalty. Respondent's
3 payment shall be postmarked no later than August 25, 2015. *(An invoice will be*
4 *included with Respondent's copy of the final order after the Director signs it.)*

5 Payment shall be mailed to Department of Consumer and Business Services,
6 Revenue Services Section, P.O. Box 14610, Salem, OR 97309-0445.

- 7 2. Respondent understands the suspended civil penalty (\$2,000) will be considered satisfied
8 ~~five years after this Consent Order becomes a final order, provided Respondent complies~~
9 with its terms and has not committed any further violations of the Division's statutes and
10 rules within that five-year period. Respondent understands and agrees that if Respondent
11 does not comply with the terms of this Consent Order or if Respondent commits any further
12 violations of the Division's statutes or rules within the five-year period, then the entire civil
13 penalty, including any suspended amount, will become immediately due and payable.

14 Failure to comply with this Consent Order includes, but is not limited to, failure to pay the
15 civil penalty amount due by the due date.

- 16 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
17 that rely on the facts underlying this case. Cooperation may include, but may not be limited
18 to, making sworn statements or testifying in administrative hearings.

- 19 4. Respondent understands that further enforcement action may be taken for any violation of
20 the Division's statutes or rules not alleged in this Consent Order, whether committed before
21 or after the execution of this Consent Order, and/or for any violation of the terms of this
22 Consent Order.

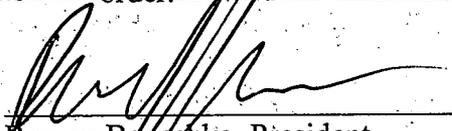
- 23 5. Respondent understands that failure to comply with this Consent Order may be used as a
24 basis for the denial of future license, certificate, registration, or other applications, or for the
25 refusal to renew the same; for the suspension, revocation, or conditioning of a license,

1 certificate, or registration issued by the Division or other state agencies; and/or for any other
2 reason provided for in law.

3 6. Respondent understands that this Consent Order is a public record.

4 7. Respondent has read and fully understands the terms of this Consent Order, freely and
5 voluntarily consents to the entry of this Consent Order without any force or duress, and
6 expressly waives all rights to hearing or judicial review in this matter.

7 8. Respondent understands that, upon signature of all parties, this Consent Order will be a final
8 order.

9 
10 Roman Boychenko, President
11 Vicon Mechanical Contractor, Inc.

It is so agreed this 27 day of July, 2015.

12 
13 Chair,
14 State Plumbing Board
15 State of Oregon

It is so agreed this 27 day of July, 2015.