

BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND
BUSINESS SERVICES OF THE STATE OF OREGON

IN THE MATTER OF:

PILOT PLUMBING & HEATING, LLC, A
DOMESTIC LIMITED LIABILITY COMPANY,

RESPONDENT.

)
) NOTICE OF PROPOSED SUSPENSION OF
) PLUMBING CONTRACTOR LICENSE
) NUMBER PB-256 AND FINAL ORDER ON
) DEFAULT
)
) CASE NO. C2014-0271

FINAL ORDER
As of: December 30, 2014

Under Oregon Revised Statutes (ORS) 455.129(2)(b), the Director of the Department of Consumer and Business Services (Director) proposes to revoke Respondent's plumbing contractor license number PB-256 for violation of an order of the State Plumbing Board as follows:

FINDINGS OF FACT

1. On June 30, 2014, a Final Order on Default was issued against Respondent (case number 2014-0046) which assessed \$2,000 in penalties for violation of ORS 693.030(2)(a) [permitting or suffering an unlicensed individual to make plumbing installations].
2. The \$2,000 became due and payable on August 8, 2014, which followed the deadline for Respondent to seek judicial review of the final order.
3. A final demand letter was sent to Respondent on October 10, 2014, which was not returned.
4. No payments have been made toward the \$2,000 civil penalty.

APPLICABLE LAW

1. Under ORS 455.129(2)(b), a regulatory body listed in ORS 455.129(3) may revoke a license if the regulatory body finds that the license has failed to comply with an order of the regulatory body or the Director of the Department of Consumer and Business Services.
2. Under ORS 455.129(3)(d), subsection (2) of ORS 455.129 applies to the department for purposes of licenses issued under this chapter.

CONCLUSION OF LAW

1. Respondent failed to comply with the terms of the Final Order on Default by failing to make payment of the \$2,000 in penalties.
2. By failing to comply with the terms of the Final Order in BCD case C2014-0046, Respondent's plumbing contractor license number PB-256 may be revoked under ORS 455.129.

ORDER

Under ORS 455.129(2)(b), the Director of the Department of Consumer and Business Services revokes Respondent's plumbing contractor license number PB-256 for violating the Final Order in case

1 number C2014-0046.

2 **NOTICE OF RIGHT TO HEARING**

3 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
4 Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and filed
5 with the division no later than 20 days from the date of service. If the Notice was served on Respondent in
6 person, the date of service is the date Respondent received the Notice. If the Notice was served through
7 the mail, the date of service is the day the Notice was mailed, not the day Respondent received it. Hearing
8 requests shall be mailed to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem,
9 Oregon, 97309.

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

10 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

11 Active duty service members have a right to stay proceedings under the federal Servicemembers
12 Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon Military Department at
13 800-452-7500 for more information. If you need help finding legal assistance, visit the United States
14 Armed Forces Legal Assistance Legal Services Locator website at
15 <http://legalassistance.law.af.mil/content/locator.php>.

14 **NOTICE OF FINAL ORDER**

15 If Respondent does not request a hearing within 20 days, this proposed order will become a final
16 order, effective 21 days after it was served on Respondent. If Respondent does not request a hearing or
17 fails to appear at a scheduled hearing, the division's file on the matter becomes record.

17 Respondent is entitled to judicial review of this Order. Judicial review may be obtained by filing
18 a petition for review with the Oregon Court of Appeals within 60 days after the Final Order is served
19 upon Respondent. See ORS 183.482. If the Order was served on Respondent in person, the service date is
20 the date Respondent received the Order. If the Order was served through the mail, the service date is the
21 day the Order was mailed, not the day it was received by Respondent. If Respondent does not file a
22 petition for judicial review within 60 days, Respondent will lose the right to appeal. The phone number
23 for the Oregon Court of Appeals is 503-986-5555.

22 Dated this 4 day of December, 2014

23 Andrea Simmons for
24 Director
25 Department of Consumer and Business Services
State of Oregon