

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**JONATHAN HULSEY,
ABN WEBFOOT PLUMBING**

RESPONDENT.

BCD CASE C2015-0206

INTRODUCTION

The Building Codes Division (Division) conducted an investigation on behalf of the State Plumbing Board of the State of Oregon (Board) and determined that Jonathan Hulsey, abn Webfoot Plumbing (Respondent), violated certain provisions of the Division's statutes and administrative rules as identified below.

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

FINDINGS OF FACT

1. On or about November 2014 through the date of this Consent Order, Respondent agreed to perform and performed plumbing work in the following Oregon cities: Cottage Grove, Creswell, Springfield, Eugene, Bend, and Jasper.
2. On or about November 2014 through the date of this Consent Order, Respondent failed to obtain a permit prior to installing water heaters, sewer main, a shower, grease trap and remodeling all or a portion of a plumbing system in the following Oregon cities: Cottage Grove, Creswell, Springfield, Eugene, and Jasper.
3. On or about October 1, 2015 Respondent advertised to perform plumbing work on

1 www.craigslist.com.

- 2 4. At no relevant time has Respondent held a plumbing contractor license.

3 **APPLICABLE LAW**

- 4 1. The terms used in this Consent Order may be defined in ORS 183.310(1)-(10), ORS
5 447.010(1)-(6), ORS 455.010(1)-(10), ORS 693.010(1)-(5), OAR 918-001-0005(1)-(4),
6 OAR 918-030-0010(1)-(11), and OAR 918-690-0420(1)-(14).
- 7 2. ORS 447.010(6) defines plumbing as the art of installing, altering or repairing in or adjacent
8 ~~to or serving building pipes, fixtures and other apparatus for bringing in the water supply~~
9 and removing liquid and water-carried waste, including the water supply distributing pipes.
- 10 3. Under OAR 918-780-0065, no person, firm, or corporation shall do plumbing work in the
11 State of Oregon without first obtaining a plumbing permit or minor label when required and
12 paying the appropriate fees to the authorized permit issuing agency.
- 13 4. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or
14 purport to be a plumbing contractor, without having obtained a plumbing contractor license.
- 15 5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
16 other license regulated by ORS chapter 455, "engaging in the business" means to advertise
17 or solicit, contract or agree to perform, or to perform work for which a license or permit is
18 required under Oregon law, including but not limited to a single instance.

19 **CONCLUSIONS OF LAW**

- 20 1. Installing water heaters, sewer main, a shower, grease traps and remodeling all or a portion
21 of a plumbing system is plumbing as defined in ORS 447.010(6).
- 22 2. By agreeing to perform and performing plumbing work for which a license is required,
23 Respondent engaged in the business of a plumbing contractor under OAR 918-030-0010(8).
- 24 3. By advertising to perform plumbing work, Respondent engaged in the business of a
25 plumbing contractor under OAR 918-030-0010(8).

- 1 4. By engaging in the business of a plumbing contractor without holding a plumbing contractor
2 license, Respondent violated ORS 447.040(1).
3 5. By performing plumbing work without first obtaining a plumbing permit, Respondent
4 violated OAR 918-780-0065.

5 **ORDER**

- 6 1. The Board hereby assesses a total civil penalty of \$7,000 against Respondent for violating
7 ORS 447.040(1) by advertising as a plumbing contractor without holding a plumbing
8 contractor license (\$3,000); ~~ORS 447.040(1) by agreeing to perform and performing~~
9 plumbing work without holding a plumbing contractor license (\$3,000); and OAR 918-780-
10 0065 by performing plumbing work without first obtaining a plumbing permit (\$1,000) as
11 follows:

- 12 a. \$5,750 of the total civil penalty will be suspended for a period of five years if there is
13 compliance with all other terms of this Consent Order.
14 b. Respondent agrees to pay the remaining \$1,250 of the civil penalty. Respondent's
15 payment shall be postmarked no later than the 25th day of the month following the
16 month in which this Consent Order becomes a final order. *(An invoice will be*
17 *included with Respondent's copy of the final order after the Director signs it.)*
18 Payment shall be mailed to Department of Consumer and Business Services, Fiscal
19 Services Section, P.O. Box 14610, Salem, OR 97309-0445.
20 c. Respondent understands the suspended civil penalty (\$5,750) will be considered
21 satisfied five years after this Consent Order becomes a final order, provided
22 Respondent complies with its terms and has not committed any further violations of
23 the Division's statutes and rules within that five-year period. Respondent
24 understands and agrees that if Respondent does not comply with the terms of this
25 Consent Order or if Respondent commits any further violations of the Division's

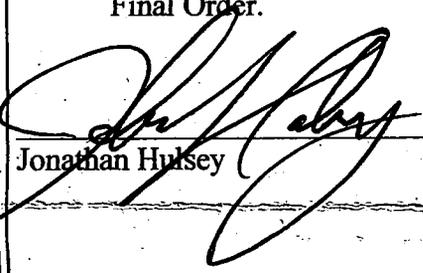
1 statutes or rules within the five-year period, then the entire civil penalty, including
2 any suspended amount, will become immediately due and payable. Failure to comply
3 with this Consent Order includes, but is not limited to, failure to pay the civil penalty
4 amount due by the due date.

- 5 2. If Respondent obtains a plumbing contractor license from the Division at any time,
6 Respondent agrees that it will abide by all applicable statutes and rules governing the work
7 that may be performed by a plumbing contractor, including but not limited to ORS chapter
8 ~~447 and OAR section 918, division 780.~~
- 9 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
10 that rely on the facts underlying this case. Cooperation may include, but may not be limited
11 to, making sworn statements or testifying in administrative hearings.
- 12 4. Respondent understands that further enforcement action may be taken for any violation of
13 the Division's statutes or rules not alleged in this Consent Order, whether committed before
14 or after the execution of this Consent Order, and/or for any violation of the terms of this
15 Consent Order.
- 16 5. Respondent understands that failure to comply with this Consent Order may be used as a
17 basis for the denial of future license, certificate, registration, or other applications, or for the
18 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
19 certificate, or registration issued by the Division or other state agencies; and/or for any other
20 reason provided for in law.
- 21 6. Respondent understands that this Consent Order is a public record.
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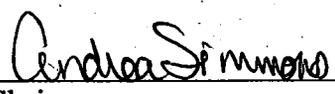
7. Respondent has read and fully understands the terms of this Consent Order, freely and voluntarily consents to the entry of this Consent Order without any force or duress, and expressly waives all rights to hearing or judicial review in this matter.

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



Jonathan Hulsey

It is so agreed this 8 day of November, 2015.



Chair
State Plumbing Board
State of Oregon

for It is so agreed this 17 day of November, 2015.