

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

A-1 AMERICAN CONTRACTORS INC.,
A DISSOLVED DOMESTIC BUSINESS
CORPORATION,

RESPONDENT.

NOTICE OF PROPOSED REVOCATION
OF PLUMBING CONTRACTOR LICENSE
NUMBER PB944

NOTICE OF FINAL ORDER ON DEFAULT

FINAL ORDER

BCD CASE C2015-0215 As of: December 22, 2015

**IF YOU DO NOT REQUEST A HEARING IN WRITING WITHIN 20 DAYS
OF THE POSTMARK DATE OF THIS NOTICE,
THIS NOTICE WILL BECOME A FINAL ORDER.**

More information about this Notice and how to request a hearing is included below.

Pursuant to Oregon Revised Statutes (ORS) 455.129(2)(b) and (3)(a), the State Plumbing Board of the State of Oregon (Board) proposes revoking Respondent's plumbing contractor license number PB944 because A-1 American Contractors Inc. (Respondent) violated Building Codes Division (Division) statutes and rules as identified below.

FINDINGS OF FACT

1. On December 1, 2012, a consent order was entered into between Respondent and the Board in Division case 2010-0267.
 - a. In that case, Respondent was assessed a \$3,000 civil penalty for working as a plumbing contractor without holding a plumbing contractor license, in violation of ORS 447.040(1).
 - b. To resolve that case, Respondent agreed to pay \$250 and the Board agreed to stay collection of \$2,750 of the civil penalty for a five-year period provided that Respondent did not violate any provision of the Division's statutes or rules during that period.

1 2. On August 27, 2014, a consent order was entered into between Respondent and the Board in
2 Division case 2013-0252.

3 a. In that case, Respondent was assessed \$2,500 in civil penalties for performing a
4 plumbing installation without first obtaining a permit, in violation of Oregon
5 Administrative Rule (OAR) 918-785-0200(1)(a),¹ and for permitting or suffering a
6 person to work as a journeyman plumber who does not hold a valid journeyman
7 plumber license, in violation of ORS 693.030(2)(a).

8 b. In addition, the \$2,750 that was stayed pursuant to the consent order in Division case
9 2010-0267 became due and payable because Respondent violated Division statutes
10 and rules within five years of the execution of the consent order in that case.

11 Accordingly, the total amount of civil penalties that Respondent owed and agreed to
12 pay under that consent order was \$5,250 (\$2,750 from case 2010-0267 and \$2,500
13 from case 2013-0252).

14 c. Respondent agreed to pay \$300 per month for 17 months, and a final, 18th payment
15 in the amount of \$150 to pay the \$5,250 in civil penalties.

16 d. Respondent made timely payments toward the debt of \$5,250 until September 2015,
17 at which time Respondent ceased making payments.

18 e. As of the date of this Notice, Respondent owes \$1,950 in unpaid civil penalties.

19 **APPLICABLE LAW**

20 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 447.010(1)-(6),
21 ORS 455.010(1)-(10), ORS 693.010(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
22 0010(1)-(11), and OAR 918-690-0420(1)-(14).

23 2. Under ORS 455.129(2)(b), certain regulatory bodies may revoke a license if the regulatory
24 body finds that the licensee has failed to comply with an order of the regulatory body,
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¹ This rule has since been renumbered to OAR 918-780-0065.

1 including but not limited to the failure to pay a civil penalty.

- 2 3. Under ORS 455.129(3)(a), the Board may revoke a license for a violation of ORS
3 455.129(2)(b).

4 **CONCLUSIONS OF LAW**

- 5 1. By failing to pay the civil penalties in full and on time in accordance with the consent order
6 executed in Division case 2013-0252, Respondent has failed to comply with an order of the
7 Board.
8 2. By failing to comply with the order of the Board by failing to pay civil penalties,
9 Respondent violated ORS 455.129(2)(b).
10 3. Because Respondent violated ORS 455.129(2)(b), the Board may revoke Respondent's
11 plumbing contractor license under ORS 455.129(3)(a).

12 **ORDER**

13 Pursuant to ORS 455.129(2)(b) and (3)(a), the Board revokes Respondent's plumbing
14 contractor license number PB944 for violating ORS 455.129(2)(b), commencing on the date of
15 entry of a final order in this matter.

16 **NOTICE OF RIGHT TO HEARING**

17 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, ORS
18 chapter 183. If Respondent requests a hearing, the request must be in writing and postmarked no
19 later than 20 days from the date of service of this Notice. If the Notice was served on Respondent in
20 person, the date of service is the date Respondent received the Notice. If the Notice was served
21 through the mail, the date of service is the day the Notice was mailed, not the day it was received by
22 the Respondent. If a request for hearing is not received within the 20-day period, Respondent's right
23 to a hearing shall be considered waived. Mail hearing requests to Building Codes Division,
24 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

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1 Respondent may be represented by legal counsel. Pursuant to ORS 183.457 and OAR 918-
2 001-0030, a corporate Respondent may be represented by an authorized representative at the
3 hearing. If Respondent requests a hearing, Respondent will be notified of the time and place of the
4 hearing. The Division will give Respondent information on the procedures, right of representation,
5 and other rights of parties relating to the conduct of the hearing before the commencement of the
6 hearing.

7 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS**

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

13 **NOTICE OF FINAL ORDER**

14 This Notice will become a final order by default if Respondent does any of the following:
15 fails to request a hearing in writing within 20 days from the date of service of this Notice;
16 withdraws a hearing request; notifies the Building Codes Division or the administrative law judge
17 that Respondent will not appear at a scheduled hearing; or fails to appear at a scheduled hearing. If
18 this Notice becomes a final order by default, the Division's file on the matter, including all
19 materials submitted by Respondent, becomes the record for the purpose of establishing a prima
20 facie case.

21 **RIGHT TO JUDICIAL REVIEW**

22 Respondent is entitled to judicial review of a final order in this matter. Judicial review may
23 be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after a
24 final order is served upon Respondent. See ORS 183.482. If a final order is served on Respondent in
25 person, the date of service is the date Respondent receives the order. If a final order is served

1 through the mail, the date of service is the day the order is mailed, not the day it is received by the
2 Respondent. If Respondent does not file a petition for judicial review within the 60-day time
3 period, Respondent will lose the right to appeal. The phone number for the Oregon Court of
4 Appeals is 503-986-5555.

5 **FOR THE STATE PLUMBING BOARD OF THE STATE OF OREGON**

6 Andrea Simmons for Date: 12-1-15
7 Chair
8 State Plumbing Board
9 State of Oregon
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