

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

2 **IN THE MATTER OF:**

**CONSENT ORDER**

3  
4 **BUTTON PLUMBING, LLC,**  
5 **A DOMESTIC LIMITED LIABILITY**  
6 **COMPANY,**

7 **RESPONDENT.**

**BCD CASE C2016-0064**

8  
9 **INTRODUCTION**

10 The Building Codes Division (Division) conducted an investigation on behalf of the State  
11 Plumbing Board of the State of Oregon (Board) and determined that Button Plumbing, LLC  
12 (Respondent) violated certain provisions of the Division's statutes and administrative rules as  
13 identified below.

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

18 **FINDINGS OF FACT**

- 19 1. On December 30, 2003, Respondent was issued plumbing contractor license number 21-  
20 90PB.
- 21 2. On July 1, 2014, plumbing contractor license number 21-90PB expired.
- 22 3. From in or around January 2015 through April 2016, Respondent regularly performed  
23 plumbing work<sup>1</sup> in the state of Oregon. Examples of such work include:

24  
25 <sup>1</sup> Between January 2015 through April 2016, Respondent pulled approximately 27 plumbing permits and performed the plumbing work covered by those permits.



1 3. By engaging in the business of plumbing contractor without a plumbing contractor license,  
2 Respondent violated ORS 447.040(1) in 2015 and 2016.

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4 **ORDER**

5 1. The Board hereby assesses a total civil penalty of \$6,000.00 against Respondent for  
6 violating ORS 447.040(1) (\$3,000.00 per violation) as follows:

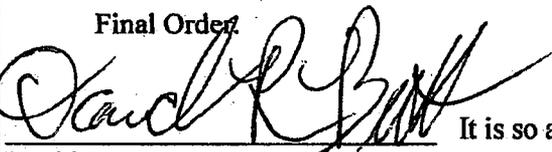
7 a. \$4,500.00 of the total civil penalty will be suspended for a period of five years if  
8 there is compliance with all other terms of this Consent Order.

9 b. Respondent agrees to pay the remaining \$1,500.00 of the civil penalty. Respondent's  
10 payment shall be postmarked no later than the 25<sup>th</sup> day of the month following the  
11 month in which this Consent Order becomes a final order. *(An invoice will be*  
12 *included with Respondent's copy of the final order after the Director signs it.*  
13 *Respondent understands timely payment must be made even if no invoice is ever*  
14 *received.)* Payment shall be mailed to Department of Consumer and Business  
15 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.

16 c. Respondent understands the suspended civil penalty (\$4,500.00) will be considered  
17 satisfied five years after this Consent Order becomes a final order, provided  
18 Respondent complies with its terms and has not committed any further violations of  
19 the Division's statutes and rules within that five-year period. Respondent  
20 understands and agrees that if Respondent does not comply with the terms of this  
21 Consent Order or if Respondent commits any further violations of the Division's  
22 statutes or rules within the five-year period, then the entire civil penalty, including  
23 any suspended amount, will become immediately due and payable. Failure to comply  
24 with this Consent Order includes, but is not limited to, failure to pay the civil penalty  
25 amount due by the due date.

- 1 2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases  
2 that rely on the facts underlying this case. Cooperation may include, but may not be limited  
3 to, making sworn statements or testifying in administrative hearings.
- 4 3. Respondent understands that further enforcement action may be taken for any violation of  
5 the Division's statutes or rules not alleged in this Consent Order, whether committed before  
6 or after the execution of this Consent Order, and/or for any violation of the terms of this  
7 Consent Order.
- 8 4. Respondent understands that failure to comply with this Consent Order may be used as a  
9 basis for the denial of future license, certificate, registration, or other applications, or for the  
10 refusal to renew the same; for the suspension, revocation, or conditioning of a license,  
11 certificate, or registration issued by the Division or other state agencies; and/or for any other  
12 reason provided for in law.
- 13 5. Respondent understands that this Consent Order is a public record.
- 14 6. Respondent has read and fully understands the terms of this Consent Order, freely and  
15 voluntarily consents to the entry of this Consent Order without any force or duress, and  
16 expressly waives all rights to hearing or judicial review in this matter.
- 17 7. Respondent understands that, upon signature of all parties, this Consent Order will be a

18 Final Order

19 

20 David R. Button  
21 Authorized Representative  
22 Button Plumbing, LLC

It is so agreed this 24<sup>th</sup> day of MAY, 2016.

23   
24 Chair

25 State Plumbing Board  
State of Oregon

It is so agreed this 25<sup>th</sup> day of May, 2016.