

- 1 6. On or about May 31, 2012, at 655 NW 7th Street, Unit A, Hermiston, Oregon,
2 Respondent installed hot and cold plumbing piping, mixing valves, and shower floor
3 drain plumbing piping, for the account of another, without a plumbing contractor's
4 license, in violation of ORS 447.040(1).
5 7. Respondent made the plumbing installation at 655 NW 7th Street, Unit A, Hermiston,
6 Oregon, without a valid plumbing permit, in violation of OAR 918-785-0200(1)(a).
7 8. Installing hot and cold plumbing piping and mixing valves, floor drain plumbing and a
8 jetted tub is "plumbing" as defined by ORS 447.010(6).

9 **WHAT THE LAW SAYS**

- 10 (1) Under ORS 447.040(1), a person may not advertise or purport to be a plumbing
11 contractor, without a plumbing contractor's license.¹
12 (2) Under OAR 918-785-0200(1)(a), no person, firm, or corporation shall do plumbing work
13 in Oregon without first obtaining a plumbing permit.
14 (3) Under ORS 693.030(2)(a), no person or entity shall permit or suffer any person to work
15 as a journeyman plumber who does not hold a valid journeyman plumber license.

16 **STIPULATED AGREEMENT**

17 You and the State Plumbing Board agree to resolve this matter without a hearing with the
18 entry of this consent order subject to the following terms and conditions:

- 19 1. The Board hereby assesses a civil penalty of \$14,000 for violating ORS 447.040(1), ORS
20 693.030(2)(a), and OAR 918-785-0200(1)(a) of which \$10,250 will be suspended for a
21 period of five years under the following term:
22 You agree to pay the remaining \$3,750 of the civil penalty.
23 *(The invoice will be included with your copy of the Final Order after it is signed*
24 *by the Board.)*
25 2. You agree if a final order is issued by a board or the Director finding you violated any of
Building Codes Division's statutes or rules, within five years from the date this order was
signed by the Board, you will pay any subsequent penalty and the suspended penalty
from this order.
3. You agree not to commit further violations of Building Codes Division's statutes or rules.
4. You understand that if you fail to comply with any of the terms of this stipulated
agreement, then the entire civil penalty, including the amount suspended, will be
immediately due and payable. Failure to comply includes failure to pay the civil penalty

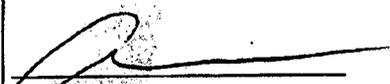
¹ ORS 447.040(1) states a person may not work as a plumbing contractor, or advertise or purport to be a plumbing contractor, without having obtained the plumbing contractor license.

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amount on the Final Demand Notice by the due date, or failure to make payments according to the terms of any payment arrangement or Final Demand Notice.

- 5. You understand and agree any violation of the terms of this consent order will result in further enforcement action.
- 6. You understand and agree that any violations of Building Code Division's statutes or rules not alleged in this order, whether committed before or after the execution of this consent order, may be the basis for further enforcement action.
- 7. You understand the suspended civil penalty will be waived five years after the execution of this consent order, provided you comply with its terms and have not committed any further violations of Building Codes Division's statutes or rules.
- 8. You have read and fully understand the terms of this consent order, freely and voluntarily consent to the entry of this order without further hearing, without any force or duress, and expressly waive all rights to a hearing or appeal in this matter.
- 9. You understand that, upon signature of all parties, this consent order will be a FINAL ORDER.
- 10. You further agree by signing this consent order that you are the Respondent or authorized representative for the Respondent in this matter.

FOR THE RESPONDENT


Carl Bays
Rebath of Tri Cities, LLC

Date: 5/10/, 2014

FOR THE BOARD


Roseanne Nelson for
Chairman
State Plumbing Board
State of Oregon

Date: 5-19-, 2014