

1 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS**
2 **SERVICES OF THE STATE OF OREGON**

3)
4 **IN THE MATTER OF:**)

5 **BUILDERS CHOICE HOME IMPROVEMENT,**)
6 **INC.,**)

7 **A FOREIGN BUSINESS CORPORATION**)

8 **RESPONDENT**)

) **NOTICE OF PROPOSED ASSESSMENT**
) **OF A CIVIL PENALTY AND FINAL**
) **ORDER ON DEFAULT**

) **CASE NO. C2013-0251**
)
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10 Under ORS 455.895(2) and OAR 918-001-0036, the Director of the Department of
11 Consumer and Business Services (Director) proposes disciplinary action against Respondent in the
12 form of a \$2,000 civil penalty for violating Building Codes Division statutes and rules as follows:

13 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

14 (1) During all relevant times, Respondent held Oregon Construction Contractors Board
(CCB) license number 198339.

15 (2) On or about November 17, 2012, Respondent entered into a contract agreement, in the
16 amount of \$6,800, to install an ADA walk-in shower enclosure and toilet, including materials and
labor, for the account of another, at 914 NE 3rd Avenue, Milton-Freewater, Oregon.

17 (3) On or about February 1, 2013, Respondent sent Charles Bradley Price, dba MBS
18 Construction, an unlicensed individual, to work under Respondent's CCB license to install the
19 shower enclosure and toilet, including hot and cold plumbing piping, mixing valves, and shower
floor drain plumbing piping, at 914 NE 3rd Avenue, Milton-Freewater, Oregon, in violation of
20 ORS 455.450(2).

21 (4) Installing hot and cold plumbing piping, mixing valves, shower floor drain plumbing
piping, and a walk-in shower enclosure and toilet is "plumbing," as defined in ORS 447.010(6).

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23 **ULTIMATE FINDINGS OF FACT**

24 Respondent assisted Charles Bradley Price in engaging in conduct that required an Oregon
25 plumbing contractor license and journeyman plumber license.

FINAL ORDER

As of: March 7, 2014

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WHAT THE LAW SAYS

(1) Under ORS 455.450(2), a person may not engage in, or procure or assist any other person to engage in, any conduct or activity for which a permit, label, license, certificate, registration, or other formal authorization is required by any specialty code.

(2) Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or purport to be a plumbing contractor, and a member or employee of a firm, partnership or corporation may not engage in the layout or superintending of plumbing installations, without having obtained the plumbing contractor license required under ORS 447.010 to 447.156 as provided by State Plumbing Board rules adopted under ORS 455.117.

(3) Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber without a journeyman plumber license.

ORDER

Under ORS 455.895(2) and OAR 918-001-0036, the Director assesses the following:

(1) a \$2,000 civil penalty for violating ORS 455.450(2).

NOTICE OF RIGHT TO HEARING

Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing and filed with the Building Codes Division. The postmarked date on the request for hearing must be no later than 20 days from the date the Notice of Proposed Assessment of a Civil Penalty (Notice) was served on Respondent. If this Notice was served to Respondent in person, the service date is the date Respondent received this Notice. If this Notice was served through the mail, the service date is the day the Notice was mailed, not the day Respondent received it.

If a request for hearing is not received with a postmark dated within 20 days, Respondent's right to a hearing is considered waived unless the failure to request a hearing was beyond Respondent's reasonable control. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

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

