

FINAL ORDER

As of: June 30, 2014

BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON

1
2 **IN THE MATTER OF:**

3 **PILOT PLUMBING & HEATING, LLC, AN**
4 **OREGON LIMITED LIABILITY COMPANY**

5 **RESPONDENT**

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

) **CASE NO. C2014-0046**
)

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7 Under Oregon Revised Statutes (ORS) 455.895(1)(a) and Oregon Administrative Rules
8 (OAR) 918-001-0036, the State Plumbing Board (Board) proposes disciplinary action against
9 Respondent in the form of civil penalties totaling \$2,000 for violations of Building Codes
10 Division statutes or rules as follows:

11 **FINDINGS OF FACT**

- 12 1) During all relevant times Respondent was an Oregon licensed plumbing contractor,
13 holding license number PB-256.
- 14 2) During or about the period of June 2012 through December 2013, Respondent permitted
15 or suffered an unlicensed individual, Jeffrey Bowden, to install potable water piping,
16 drain waste and vent piping, toilets, and sinks for a new residential home at 1925 Cheryl
17 Court, Lake Oswego, Oregon, without a valid journeyman plumber license.

18 **APPLICABLE LAW**

- 19 1. ORS 447.010(6) defines plumbing to include the art of installing, altering or repairing in
20 or adjacent to or serving buildings pipes, fixtures and other apparatus for bringing in the
21 water supply and removing liquid and water-carried waste, including the water supply
22 distributing pipes.
- 23 2. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
24 without a journeyman plumber license.
- 25 3. Under ORS 693.030(2)(a), a licensed plumbing contractor, or a person required to be
licensed under ORS 447.010 to 447.156 to be licensed as a plumbing contractor may not
permit or suffer any person to work as a journeyman plumber who does not hold a valid
journeyman plumber license.

CONCLUSIONS OF LAW

1. Installing potable water piping, drain waste and vent piping, toilets, and sinks is plumbing
as defined in ORS 447.010(6).
2. By permitting or suffering an unlicensed individual, Jeffrey Bowden, to make the
plumbing installations at 1925 Cheryl Court, Lake Oswego, Oregon, without a valid

1 journeyman plumber license, Respondent violated ORS 693.030(2)(a).

2 **ORDER**

3 Under ORS 455.895(1)(a) and OAR 918-001-0036, the State Plumbing Board assesses a
4 \$2,000 civil penalty for violating ORS 693.030(2)(a)

5 **NOTICE OF RIGHT TO HEARING**

6 Respondent is entitled to a hearing as provided by the Administrative Procedures Act,
7 Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in
8 writing and postmarked no later than 20 days from the service date. If this notice was served to
9 Respondent in person, the service date is the date Respondent received this notice. If this notice
10 was served through the mail, the service date is the day the notice was mailed, not the day
11 Respondent received it.

12 If a request for hearing is not received within 20 days, Respondent's right to a hearing is
13 considered waived. Mail hearing requests to Building Codes Division, Enforcement Section,
14 P.O. Box 14470, Salem, Oregon, 97309.

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

20 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

21 Active duty service members have a right to stay proceedings under the federal Servicemembers
22 Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon Military
23 Department at 800-452-7500 for more information. If you need help finding legal assistance,
24 visit the United States Armed Forces Legal Assistance Legal Services Locator website at
25 <http://legalassistance.law.af.mil/content/locator.php>.

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NOTICE OF FINAL ORDER

If Respondent does not request a hearing within 20 days, withdraws a hearing request, notifies the Director of the Department of Consumer and Business Services (Director) or the administrative law judge that they will not appear, or fails to appear at a scheduled hearing, the Director will issue a Final Order by Default. If the Director issues a Final Order by Default, it designates the file, including any materials submitted by Respondent that relate to this matter, as the record for purpose of proving a prima facie case.

Respondent is entitled to judicial review of any final order issued in the matter of this Notice of a Proposed Assessment of a Civil Penalty. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If the order was served in person, the service date is the date Respondent received the order. If the order was served through the mail, the service date is the day the order was mailed, not the day it was received by Respondent. If Respondent does not file a petition for judicial review within 60 days, Respondent will lose the right to appeal. The phone number for the Oregon Court of Appeals is 503-986-5555.

Dated this 9th day of June, 2014

Roseanne Nelson for

Chair
State Plumbing Board
State of Oregon