

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

JACK R. DEHART, JR., AN INDIVIDUAL

CASE NO. C2014-0105

RESPONDENT

The State Plumbing Board (Board) conducted an investigation and determined that Respondent violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

Respondent and the Board desire to settle this matter informally through the entry of this consent order. Respondent understands that he has the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes, and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing and entry of this order in the Board's record. Respondent agrees to conduct all future business in compliance with the applicable statutes, administrative rules, and specialty codes. Respondent understands that, once final, this consent order is a public record.

FINDINGS OF FACT

On or about December 17, 2013, Respondent installed potable water piping at 38 S 12th Street, Cottage Grove, Oregon, without having a valid journeyman plumber license.

WHAT THE LAW SAYS

- 1. Oregon Revised Statutes (ORS) 447.010(6) defines plumbing to include the art of installing, altering or repairing in or adjacent to or serving building pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried waste, including the water-supply distributing pipes.
2. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber without a journeyman plumber license.

CONCLUSIONS OF LAW

- 1. Installing potable water piping is plumbing as defined in ORS 447.010(6).
2. Respondent engaged in the trade of journeyman plumber by installing potable water piping without a journeyman plumber license, in violation of ORS 693.030(1).

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SETTLEMENT AGREEMENT

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

1. The Board assesses a civil penalty of \$2,000 for violating ORS 693.030(1), of which \$1,250 will be suspended for a period of five years under the following terms:
 - 1.1 Respondent agrees to pay the remaining \$750 of the civil penalty. *(The invoice will be included with Respondent's copy of the Final Order after it is signed by the Board.)*
 - 1.2 Respondent agrees to pay \$100 a month for seven (7) months, beginning once the consent order becomes final. The final, fourth payment will be \$50. The monthly payments must be postmarked by the 25th day of each month.
 - 1.3 If payments are not received within five (5) business days after the 25th of each month, or Respondent falls behind in any other material way with this agreement, then the case will be turned over to the Department of Consumer and Business Services collections unit for collection of the entire \$2,000 civil penalty, along with interest and applicable fees.
2. Respondent agrees if a final order is issued by a board or the Director of the Department of Consumer and Business Services finding Respondent violated any Building Codes Division's statutes or rules within five years from the date this order was signed by the Board, then Respondent will pay any subsequent penalty and the suspended penalty from this order.
3. Respondent understands that if he fails to comply with any of the terms of this settlement 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 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.
4. Respondent understands and agrees that any violation of the terms of this consent order will result in further enforcement action.
5. Respondent understands and agrees that any violation of the Building Code Division's statutes or rules not alleged in this consent order, whether committed before or after the execution of this order, may be the basis for further enforcement action.
6. Respondent understands that failure to comply with this settlement agreement may result in denial of future licensing applications and/or suspension of licensing or certification issued by the Building Codes Division and other state agencies.
7. Respondent understands the suspended civil penalty will be waived five (5) years after the execution of this consent order, provided there is compliance with the order's terms and has not committed any further violations of the Building Codes Division's statutes or rules.

- 1 8. Respondent agrees to cooperate with the Building Codes Division in any other cases related to
the Respondent's case.
- 2 9. Respondent has read and fully understands the terms of this consent order, freely and
3 voluntarily consents to the entry of this order without further hearing, without any force or
duress, and expressly waives all rights to hearing or appeal in this matter.
- 4 10. Respondent understands that, upon signature of all parties, this consent order will be a FINAL
5 ORDER.
- 6 11. Respondent understands that once this Settlement Agreement and consent order become a
7 FINAL ORDER, the agreement and order becomes a public document.
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9 **FOR THE RESPONDENT**

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12 Jack R. DeHart, Jr.

Date: 27 July, 2014

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14 **FOR THE BOARD**

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16  for

Date: 7-31-, 2014

17 Chair
18 State Plumbing Board
State of Oregon

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