

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

2 **IN THE MATTER OF:**)

) **STIPULATED ORDER**

3 **CUTTING EDGE PLUMBING & MECHANICAL,**)
4 **INC., A FOREIGN BUSINESS CORPORATION**)

5 **RESPONDENT**)

) **CASE NO. C2014-0122**

6
7 The Building Codes Division (BCD) conducted an investigation on behalf of the State
8 Plumbing Board (Board) and determined that Respondent violated certain provisions of the Oregon
9 Building Codes statutes, administrative rules, and specialty codes.

10 Respondent and the Board prefer to settle this matter informally by the entry of this
11 Stipulated Order. Respondent understands that it has the right to a hearing under the Administrative
12 Procedures Act (chapter 183, Oregon Revised Statutes (ORS)), and fully and finally waives the
13 right to a contested case hearing and any appeal therefrom by the signing and entry of this order in
14 the Board's record. Respondent agrees to conduct all future business in compliance with the
15 applicable statutes, Oregon Administrative Rules (OAR), and specialty codes. Respondent
16 understands that, once final, this order is a public record.

13 **FINDINGS OF FACT**

- 14 1. Respondent holds Oregon plumbing contractor license 37-336PB.
- 15 2. On or about March 5, 2014, at 325 W Theater Lane, Hermiston, Oregon, Respondent
16 permitted or suffered Trever J. Ring, a 4th term Oregon plumbing apprentice, to install
17 potable water piping and drain-waste-vent piping without the direct supervision of an
18 Oregon journeyman plumber.
- 19 3. Respondent applied for plumbing permit P-17-14 on February 27, 2014, which received a
20 final inspection on July 31, 2014.

19 **APPLICABLE LAW**

- 20 1. ORS 447.010(6) defines plumbing to include the art of installing, altering or repairing in or
21 adjacent to or serving buildings pipes, fixtures and other apparatus for bringing in the water
22 supply and removing liquid and water-carried waste, including the water supply distributing
23 pipes.
- 24 2. Under OAR 918-695-0140(3)(a), a person is an "apprentice plumber" and works under the
25 supervision of a journeyman plumber, and the apprentice works in the physical presence of
an appropriate journeyman plumber. This requires an appropriate journeyman plumber's
physical presence at the immediate work site at all times, except for not more than a
cumulative 30 minutes during any work shift provided the 30 minutes excludes time out for
meals and an appropriate journeyman plumber is immediately available for advice and

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direction by voice communication during all absences.

3. Under ORS 693.030(2)(a), a licensed plumbing contractor or a person required 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 and drain-waste-vent piping is plumbing as defined in ORS 447.010(6).
2. By permitting or suffering Trever J. Ring, who does not hold a valid journeyman plumber license, to install potable water piping and drain-waste-vent piping, Respondent violated ORS 693.030(2)(a).

ORDER

The Respondent and the Board agree to resolve this matter without a hearing according to the following terms:

1. The Director hereby assesses a \$2,000 total civil penalty for violating ORS 693.030(2)(a), 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. *(An invoice will be included with Respondent's copy of the Final Order after the Board Chair signs it.)*
2. Respondent understands that a single failure to comply with any of the terms of this Stipulated Order could result in the entire civil penalty, including the suspended amount, becoming immediately due and payable. Failure to comply includes, but is not limited to, failure to pay the civil penalty amount on the Final Demand Notice by the due date.
3. Respondent agrees to fully cooperate with the Building Codes Division's enforcement efforts in cases against other entities or individuals that rely on the underlying facts in this case. Cooperation may include, but not be limited to, making sworn statements or testifying in administrative hearings.
4. Respondent agrees not to commit violations of the Building Codes Division's statutes and rules.
5. Respondent understands and agrees that any violation of the terms of this Stipulated Order will result in further enforcement action.
6. Respondent understands and agrees that any violation of the Building Codes Division's statutes or rules not alleged in this order, whether committed before or after the execution of this Stipulated Order, may be the basis for further enforcement action.
7. Respondent understands that failure to comply with this Stipulated Order may result in the

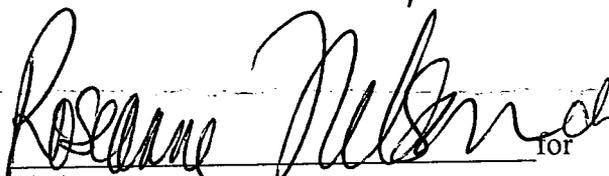
1 denial of future licensing applications and/or suspension of licensing or certification issued
2 by the division and/or other state agencies.

- 3 8. Respondent understands the suspended civil penalty will be waived five years after the
4 execution of this Stipulated Order, provided Respondent complies with its terms and has not
5 committed any further violations of Building Codes Division's statutes and rules.
- 6 9. Respondent has read and fully understands the terms of this Stipulated Order, freely and
7 voluntarily consents to the entry of this order without further hearing, without any force or
8 duress, and expressly waives all rights to hearing or appeal in this matter.
- 9 10. Respondent understands that, upon signature of all parties, this Stipulated Order will be a
10 FINAL ORDER.

11 IT IS SO STIPULATED THIS 22 DAY OF September, 2014

12
13  for
14 Cutting Edge Plumbing & Mechanical, Inc.

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16 IT IS SO ORDERED THIS 26th DAY OF September, 2014

17
18  for
19 Chair
20 State Plumbing Board
21 State of Oregon