

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

2 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD**
3 **OF THE STATE OF OREGON**

4 **IN THE MATTER OF:**

5 **JOSH R. OWENS, ABN THE AFFORDABLE**
6 **HOME DOCTOR,**

7 **RESPONDENT.**

NOTICE OF PROPOSED ASSESSMENT
OF CIVIL PENALTIES

NOTICE OF FINAL ORDER ON
DEFAULT

CASE NO. C2014-0266

8
9 ***** IF YOU DO NOT REQUEST A HEARING IN WRITING WITHIN 20**
10 **DAYS OF THE POSTMARK DATE OF THIS NOTICE,**
11 **THIS NOTICE WILL BECOME A FINAL ORDER *****

12 More information about this Notice and how to request a hearing is included below.

13 Pursuant to Oregon Revised Statutes (ORS) 455.895(1)(a) and (b) and Oregon
14 Administrative Rules (OAR) 918-001-0036, the State Plumbing Board and the Electrical and
15 Elevator Board (Boards) propose disciplinary action against you in the form of a \$6,000 civil
16 penalty because you violated Building Codes Division statutes and rules as identified below.

17 Some of the terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS
18 455.010(1)-(10), ORS 447.010(1)-(6), ORS 479.530(1)-(23), OAR 918-001-0005(1)-(4), OAR
19 918-030-0010(1)-(11), OAR 918-251-0090(1)-(43), and OAR 918-690-0420(1)-(14).

20 **FINDINGS OF FACT**

- 21
- 22 1. At no relevant time did Respondent possess a plumbing contractor license.
 - 23 2. At no relevant time did Respondent possess an electrical contractor license.
 - 24 3. During or about the period of October 14, 2014 until at least April 16, 2015, Respondent
25 advertised on a box van and on www.angieslist.com as a plumbing contractor.
 4. During or about the period of October 14, 2014 until at least April 16, 2015, Respondent
advertised on a box van and on www.angieslist.com as an electrical contractor.

APPLICABLE LAW

1. 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

FINAL ORDER

As of: June 29, 2015

447.156 as provided by State Plumbing Board rules.

2. Under ORS 479.620(1), a person may not, without an electrical contractor's license, engage in the business of making electrical installations, advertise as or otherwise purport to be licensed to make electrical installations or purport to be acting as a business that makes electrical installations.

CONCLUSIONS OF LAW

1. By advertising to perform plumbing work without being licensed as a plumbing contractor, Respondent violated ORS 447.040(1).
2. By advertising to perform electrical work without being licensed as an electrical contractor, Respondent violated ORS 479.620(1).

ORDER

Under ORS 455.895(1)(a) and (b) and OAR 918-001-0036, the Boards assess \$6,000 in civil penalties for violating ORS 447.040(1) and ORS 479.620(1).

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 no later than 20 days from the service date. 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. 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.

NOTICE TO ACTIVE DUTY SERVICE MEMBERS

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

///

///

NOTICE OF FINAL ORDER

If Respondent does not timely request a hearing within 20 days, withdraws a hearing request, notifies the Boards or the administrative law judge that Respondent will not appear, or fails to appear at a scheduled hearing, the Boards will issue a final order by default. If the Boards 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 purposes of proving a prima facie case.

Respondent is entitled to judicial review of any final order issued in the matter of this Notice of 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.

Roseanne Nelson for
Chair
State Plumbing Board
State of Oregon

Dated this 5th day of May, 2015

Roseanne Nelson for
Chair
Electrical and Elevator Board
State of Oregon

Dated this 5th day of May, 2015