

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

2
3 **IN THE MATTER OF:**

CONSENT ORDER

4 **ANDREY BOYECHKO,**
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

BCD CASE C2015-0049

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8 The Building Codes Division (Division) conducted an investigation on behalf of the State
9 Plumbing Board of the State of Oregon (Board) and determined that Andrey Boyechko
10 (Respondent) violated certain provisions of the Division's statutes and administrative rules as
11 identified below.

12 The parties agree to settle this matter without a hearing. Respondent understands that
13 Respondent has the right to a contested case hearing under the Administrative Procedures Act,
14 Oregon Revised Statutes (ORS) chapter 183, and Respondent fully and finally waives the right to a
15 hearing and any judicial review therefrom by the signing of this Consent Order.

16 **FINDINGS OF FACT**

- 17 1. On or about July 8, 2014, at 55398 Glen Aiken Road, Coquille, Oregon, Respondent, a 3rd
18 term Oregon plumbing apprentice, installed a section of venting piping in the interior wall
19 framing system of the house under construction, without the direct supervision of an Oregon
20 journeyman plumber.
21 2. Respondent acted under the direction of his employer to work without the supervision of a
22 licensed journeyman plumber.

23 **APPLICABLE LAW**

- 24 1. ORS 447.010(6) defines plumbing to include the art of installing, altering or repairing in or
25 adjacent to or serving buildings pipes, fixtures and other apparatus for bringing in the water
 supply and removing liquid and water-carried waste, including the water supply distributing

1 pipes.

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

4 **CONCLUSIONS OF LAW**

- 5 1. Installing venting piping is plumbing as defined in ORS 447.010(6).
6 2. Making the plumbing installation described in Conclusions of Law paragraph 1 requires a
7 valid journeyman plumber license under ORS 693.030(1).
8 3. Respondent engaged in the trade of journeyman plumber by installing venting piping
9 without a journeyman plumber license, in violation of ORS 693.030(1).

10 **ORDER**

- 11 1. The Board hereby assesses a total civil penalty of \$2,000 against Respondent for violating
12 ORS 693.030(1) as follows:
13 a. \$1,750 of the total civil penalty will be suspended for a period of five years if there is
14 compliance with all other terms of this Consent Order.
15 b. Respondent agrees to pay the remaining \$250 of the civil penalty. Respondent's
16 payment shall be postmarked no later than August 25, 2015. *(An invoice will be*
17 *included with Respondent's copy of the final order after the Director signs it.)*
18 Payment shall be mailed to Department of Consumer and Business Services,
19 Revenue Services Section, P.O. Box 14610, Salem, OR 97309-0445.
20 2. Respondent understands the suspended civil penalty (\$1,750) will be considered satisfied
21 five years after this Consent Order becomes a final order, provided Respondent complies
22 with its terms and has not committed any further violations of the Division's statutes and
23 rules within that five-year period. Respondent understands and agrees that if Respondent
24 does not comply with the terms of this Consent Order or if Respondent commits any further
25 violations of the Division's statutes or rules within the five-year period, then the entire civil
penalty, including any suspended amount, will become immediately due and payable.

1 Failure to comply with this Consent Order includes, but is not limited to, failure to pay the
2 civil penalty amount due by the due date.

3 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
4 that rely on the facts underlying this case. Cooperation may include, but may not be limited
5 to, making sworn statements or testifying in administrative hearings.

6 4. Respondent understands that further enforcement action may be taken for any violation of
7 the Division's statutes or rules not alleged in this Consent Order, whether committed before
8 or after the execution of this Consent Order, and/or for any violation of the terms of this
9 Consent Order.

10 5. Respondent understands that failure to comply with this Consent Order may be used as a
11 basis for the denial of future license, certificate, registration, or other applications, or for the
12 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
13 certificate, or registration issued by the Division or other state agencies; and/or for any other
14 reason provided for in law.

15 6. Respondent understands that this Consent Order is a public record.

16 7. Respondent has read and fully understands the terms of this Consent Order, freely and
17 voluntarily consents to the entry of this Consent Order without any force or duress, and
18 expressly waives all rights to hearing or judicial review in this matter.

19 8. Respondent understands that, upon signature of all parties, this Consent Order will be a final
20 order.

21 
22 _____ It is so agreed this 27 day of July, 2015.
23 Andrey Boyechko

24 
25 _____ It is so agreed this 27 day of July, 2015.
Chair
State Plumbing Board
State of Oregon