

1 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS**
2 **SERVICES**

3 **IN THE MATTER OF:**

CONSENT ORDER

4 **REGAN C. SMITH,**
5 **AN INDIVIDUAL,**

6
7 **RESPONDENT.**

BCD CASE C2015-0159

8
9 **INTRODUCTION**

10 The Building Codes Division (Division) determined that Regan C. Smith (Respondent)
11 violated certain provisions of the Division's statutes and administrative rules as identified below.

12 The parties agree to resolve 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. Respondent has held journeyman plumber license 9858JP since January 23, 2013.
- 18 2. On April 26, 2013, a final order issued in BCD case 2013-0027, resulting in the assessment
19 of a \$2,000 civil penalty against Respondent.
- 20 3. On May 21, 2014, a stipulated order issued in BCD cases 2012-0179 and 2013-0027, in
21 which Respondent agreed, among other things, to enter into a payment plan to resolve the
22 \$2,000 civil penalty assessed in BCD case 2013-0027.
- 23 4. Respondent failed to make payments in accordance with the payment plan in BCD case
24 2013-0027. Including accumulated interest, Respondent owed \$2,018.51 from that case as of
25 September 16, 2015.

1 5. On or about September 16, 2015, Respondent made a \$500 payment toward the balance in
2 BCD case 2013-0027.

3 6. On or about September 16, 2015, Respondent entered into a payment plan with the
4 Department of Consumer and Business Services to pay the balance of the amount owed in
5 BCD case 2013-0027. As part of that payment plan, Respondent will make three payments –
6 one in each of October, November, and December 2015 – in the amount of \$516. In
7 accordance with that payment plan, Respondent shall make payments on the 20th day of each
8 ~~month and he will not be afforded any grace periods nor shall he receive any billing~~
9 reminders.

10 APPLICABLE LAW

- 11 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 447.010(1)-(6),
12 ORS 455.010(1)-(10), ORS 693.010(1)-(5), Oregon Administrative Rules (OAR) 918-001-
13 0005(1)-(4), OAR 918-030-0010(1)-(11), and OAR 918-690-0420(1)-(14).
- 14 2. Under ORS 455.129(2)(a), (2)(b), and (3)(a), the Board may revoke a license if the Board
15 finds that the licensee has failed to comply with the laws administered by the Board or with
16 the rules adopted by the Board or has failed to comply with an order of the Board, including
17 but not limited to the failure to pay a civil penalty. Law

18 CONCLUSIONS OF LAW

- 19 1. Respondent failed to comply with the laws administered by the Board and failed to comply
20 with an order of the Board by failing to pay the civil penalties that are owed in accordance
21 with the final order and stipulated order in BCD case 2013-0027.
- 22 2. Because Respondent failed to comply with the laws administered by the Board and failed to
23 comply with an order of the Board in BCD case 2013-0027, the Board may revoke
24 Respondent's journeyman plumber license.

25 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

8. Respondent understands that, upon signature of all parties, this Consent Order will be a Final Order.

 It is so agreed this 8th day of OCTOBER, 2015.
Regan C. Smith

 for It is so agreed this 19 day of October, 2015.
Director
Department of Consumer and Business Services
State of Oregon