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BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

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IN THE MATTER OF:

CONSENT ORDER

**J. PAUL CESSARO,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2016-0084

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INTRODUCTION

The Building Codes Division (Division) conducted an investigation on behalf of the State Plumbing Board of the State of Oregon (Board) and determined that J. Paul Cessaro (Respondent) violated certain provisions of the Division's statutes and administrative rules as identified below.

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

FINDINGS OF FACT

1. On or about August 9, 2014, Respondent, as the owner and employee of Portland Heating Inc.,¹ agreed to perform work at 3310 SW Huber Street in Portland, Oregon. That work involved installing a gas water heater with a 40-gallon tank and associated copper water pipes. Respondent, on behalf of Portland Heating Inc., performed that work.
2. At no relevant time did Respondent hold a journeyman plumber license.²

APPLICABLE LAW

1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 447.010(1)-(6), ORS 455.010(1)-(10), ORS 693.010(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-

¹ At all relevant times, Portland Heating Inc. held limited maintenance contractor HVAC/R license number 441LHR and restricted energy contractor license number 26-866CRE. See related Division case number C2015-0254.

² At all relevant times, Respondent held qualified person license number QP245.

1 0010(1)-(11), and OAR 918-690-0420(1)-(14).

- 2 2. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing
3 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and
4 water-carried waste.
- 5 3. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
6 without a journeyman plumber license issued under this chapter.

7 **CONCLUSIONS OF LAW**

- 8 1. Installing a gas water heater with a 40-gallon tank and associated copper water pipes
9 constitutes plumbing under ORS 447.010(6).
- 10 2. By performing the foregoing plumbing work without a journeyman plumber license,
11 Respondent violated ORS 693.030(1).

12 **ORDER**

- 13 1. The Board hereby assesses a total civil penalty of \$2,000.00 against Respondent for
14 violating ORS 693.030(1) as follows:

- 15 a. \$1,200.00 of the total civil penalty will be suspended for a period of five years if
16 there is compliance with all other terms of this Consent Order.
- 17 b. Respondent agrees to pay the remaining \$800.00 of the civil penalty. Respondent
18 will make four (4) monthly payments postmarked no later than the 25th day of each
19 month in the amount of \$200.00 per month. Respondent's first payment shall be
20 postmarked no later than the 25th day of the month following the month in which this
21 Consent Order becomes a final order. *(An invoice will be included with*
22 *Respondent's copy of the final order after the Director signs it. This is a one-time*
23 *invoice; Respondent will not receive monthly invoices or other reminders to pay.*
24 *Respondent understands timely payments must be made even if no invoice is ever*
25 *received.)* Payments shall be mailed to Department of Consumer and Business

1 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.

2 c. Respondent understands the suspended civil penalty (\$1,200.00) will be considered
3 satisfied five years after this Consent Order becomes a final order, provided
4 Respondent complies with its terms and has not committed any further violations of
5 the Division's statutes and rules within that five-year period. Respondent
6 understands and agrees that if Respondent does not comply with the terms of this
7 Consent Order or if Respondent commits any further violations of the Division's
8 statutes or rules within the five-year period, then the entire civil penalty, including
9 any suspended amount, will become immediately due and payable. Failure to comply
10 with this Consent Order includes, but is not limited to, failure to pay the civil penalty
11 amount due by the due date.

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

15 3. Respondent understands that further enforcement action may be taken for any violation of
16 the Division's statutes or rules not alleged in this Consent Order, whether committed before
17 or after the execution of this Consent Order, and/or for any violation of the terms of this
18 Consent Order.

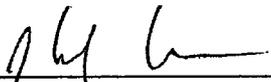
19 4. Respondent understands that failure to comply with this Consent Order may be used as a
20 basis for the denial of future license, certificate, registration, or other applications, or for the
21 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
22 certificate,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

24 5. Respondent understands that this Consent Order is a public record.

25 6. Respondent has read and fully understands the terms of this Consent Order, freely and

1 voluntarily consents to the entry of this Consent Order without any force or duress, and
2 expressly waives all rights to hearing or judicial review in this matter.

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

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6  It is so agreed this 28 day of JUNE, 2016.
7 J. Paul Cessaro

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9  It is so agreed this 29 day of June, 2016.
10 Chair
11 State Plumbing Board
12 State of Oregon
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