



Oregon

Tina Kotek, Governor



Building
Codes
Division

Department of Consumer
and Business Services

State Plumbing Board

Meeting agenda **that includes Executive Session**
Late submission added; Item VII.B.

Meeting date: Thursday, April 18, 2024

Time: 9:30 a.m.

In-person attendance: Building Codes Division Salem office in Conference Room A

Virtual connection and online streaming: View the live meeting or access the connection

Information for the Zoom meeting at: Oregon.gov/bcd/Pages/bcd-video.aspx

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the draft board meeting minutes of [Feb. 15, 2024](#)
- E. Date of the next scheduled meeting: June 13, 2024 (*Holiday schedule*)

II. Public comment

The board will hear public testimony, including testimony from individuals who have signed up in advance.

III. Executive session

Chair will read a script announcing executive session

(Break to clear audience from the room and via internet connection)

Executive session pursuant to [ORS 192.660\(2\)\(f\)](#) to consider information or records that are exempt by law from public inspection

(Allow time to return to open session)

Chair will read a script announcing the close of executive session

IV. Reports and updates

- A. Legislative [update](#)
- B. Update on Housing Accountability and Production Office (*HAPO*)
- C. Plumbing program update
- D. Board [consideration of a Final Order](#) In the Matter of Lee Skinner
- E. Board vote on enforcement consent orders for [cases proposed for resolution](#) as outlined in the enforcement board report (***Board action required***)



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oregon.gov/bcd

- F. Summary of enforcement [cases previously resolved](#) by the division as outlined in the enforcement board report (*No board action required*)

V. Communications

This item is for the division to present advisory information. This is also for the board to review any letters or emails submitted by stakeholders.

VI. Unfinished business

There is no unfinished business for this meeting.

VII. New business

- A. Board review and [approval of Plumbing Chief's](#) recommendations regarding new continuing education course and instructor applications
- B. Board recognize Oregon State Association of [Plumbing-Heating-Cooling Contractors](#) as a national organization continuing education provider and specify the scope of courses and continuing education credits awarded during the 2023 Oregon Plumbing Specialty Code cycle and retroactive from Oct. 1, 2023. *Late submission*

VIII. Announcements

The Board Chair or any of the board members may make announcements during this time.

IX. Adjournment

Board Chair or Vice-chair will adjourn the meeting announcing specific time of adjournment.



State of Oregon

State Plumbing Board February 15, 2024

Members present: Curtis Gillette, Chair- 10-year journeyman plumber
Matthew Rozzell, Vice-chair - Building official
Craig Anderson - Licensed plumbing contractor
Tyrone Bergen - Local plumbing inspector journeyman license
Molly Keller - Employee of the Oregon Health Authority

Members absent: Corey Frazier - Registered professional mechanical engineer
Josef Lebold - Member of the general public

Staff present: Todd Smith, manager, Policy and Technical Services (PTS)
Andy Skinner, plumbing program chief, PTS
Pierre Sabagh, policy analyst, PTS
Andy Boulton, senior policy advisor, PTS
Richard Rogers, Chief Building Official
Andrea Simmons, manager, Enforcement Services
Michael Mayoroga Hamilton, Contested Case Representative
Max Butler, Plumbing Trainer
Ashley Thommen, Contested Case Representative
Debi Barnes-Woods, board administrator/coordinator, PTS
Kaydi Milton, policy development coordinator, PTS

Public present: Brad Senecaut, plans examiner, City of Hillsboro for IAPMO
Robert Watson, BC Plumbing
Odmba Efimoff, Vicon
Mark Efimoff, remodeler
Alex Jolly, DSL Builders LLC
Nikila Martushev, Vicon

I. Board business

A. Call to order

Chair Curtis Gillette call the hybrid State Plumbing Board meeting of Feb. 15, 2024, to order at 9:30 a.m.

B. Roll call

Chair Curtis Gillette; Craig Anderson; Tyrone Bergen was present in Conference Room A.

Vice-chair Matthew Rozzell; and Molly Keller were both connected virtually.

Corey Frazier was excused. Joe Lebold was absent.

The State Plumbing Board is a seven-member board. Four members make a quorum. Currently, there are no vacant positions.

C. Approval of agenda and order of business

Chair Gillette ruled the agenda and order of business approved.

D. Approval of the draft board meeting minutes

Chair Gillette ruled the draft meeting minutes of Dec. 21, 2023, final.

E. Date of the next regularly scheduled meeting: April 18, 2024.

F. Board vote for membership to the Construction Industry Energy Board

Chair Gillette asked Policy Analyst Pierre Sabagh to explain the selection process. Once the process was explained, Analyst Sabagh opened the nominations for membership to the Construction Industry Energy Board.

Board Member Craig Anderson nominated Board Member Tyrone Bergen for the open position. Member Bergen accepted the nomination. Receiving no other nominations, Chair Gillette called for a motion.

Motion by Chair Gillette for Tyrone Bergen to represent the State Plumbing Board with his membership to the Construction Industry Energy Board.

Roll call vote taken:

Yea –Molly Keller; Tyrone Bergen; Craig Anderson; Vice-chair Matthew Rozzell; and Chair Curtis Gillette.

Nay – None.

Motion carried unanimously.

II. Public comment

Policy Analyst Pierre Sabagh addressed the virtual and the in-person audience by asking if anyone would like to speak about general plumbing issues not listed on the board agenda.

Sean McElhinney, licensed journeymen plumber, Local 290, license No. 8592JP, instructor teaching Basic Life CPR for over six years, wanted to discuss with the board his observations. He said it is an eight-hour course that has received approval from the division for years and now it is only approved for four hours. Because of the reduction in approved hours, Mr. McElhinney observed that licensed individuals are not willing to take a four-hour course that would go towards the 24-hour requirement. He emphasized the importance of this course and said that CPR certification expires every two years. Mr. McElhinney asked the board to reconsider the approval hours and grant this course the eight hours that could possibly save a life.

Andy Skinner, plumbing program chief, asked if this course is a certification course or re-certification course required for those certified in CPR. Or is it a course individuals are taking for continuing education hours?

Mr. McElhinney said there are job-site requirements, or a company may require the course, but it is mostly for re-certification.

Chair Gillette asked the board, because of this important issue, if the board wanted to discuss this further.

Vice-chair Matthew Rozzell recognized the importance of this course by observing job-site injuries, and on personal time witnessing car accidents and agreed this should be approved for eight hours of instruction time.

Chair Gillette sat on the code committee when this issue was discussed and agreed CPR is an important course, but the committee wanted to see more of the licensed individuals getting out of the rut of taking the same course just to renew their license. Chair Gillette does not want to discredit the course in any way and agrees it is a valuable course, but wanted to explain why the committee shortened the hours to four. The committee wanted licensed individuals to take other offered courses to count towards the 24-hour requirement that occurs every three years.

Member Anderson agreed with the importance of the class, but also wanted to see licensed individuals get out of the rut of taking courses just to satisfy requirements.

Member Bergen asked if there is a requirement of not being able to take the same course twice in a renewal period? Chief Skinner said that currently there is no requirement, but the board could have that discussion.

Chair Gillette said that because the board can not make any decisions during public comment, this issue should be brought back to the board at a later date to be put on the board agenda when all the research has taken place

III. Reports and updates

A. Plumbing program update

Andy Skinner, plumbing program chief, Policy and Technical Services, said that the board heard discussion from Gabriela Goldfarb, manager, Oregon Health Authority (OHA) at the August meeting addressing nitrate contaminated well water in Morrow and Umatilla Counties. Chief Skinner said that in September the division provided a list of contractors that may be interested in bidding on the project. Since then, Chief Skinner has heard back from OHA saying they have approved a bid from another contractor and the project is now moving forward.

The journeyman plumber applications have been updated to three separate applications, which should help with a smoother and simpler licensing process. To find out more about the new improved process, visit the [licensing website](#).

B. Board vote on enforcement consent orders for cases proposed for resolution as outlined in the enforcement board report (*Board action required*)

Michael Mayorga-Hamilton, contested case representative, Enforcement Services, said that there were two consent orders recently negotiated and agreed upon by the division on behalf of the board.

Contested Case Representative Mayorga-Hamilton said that with these two cases, the penalty amounts assessed, amounts suspended, and amounts due and payable are consistent with the penalty matrix. He added that copies of the consent orders are included in the board packet. A motion is required for each of the consent orders that incorporates the board's decision, or one motion that covers both cases may be made.

Motion by Chair Gillette to adopt the two cases proposed for resolution as outlined in the enforcement board report and issue final orders.

Roll call vote taken:

Yea –Molly Keller; Tyrone Bergen; Craig Anderson; Vice-chair Matthew Rozzell; and Chair Curtis Gillette.

Nay – None.

Motion carried unanimously.

C. Summary of enforcement cases previously resolved by the division as outlined in the enforcement board report (*No board action required*)

Contested Case Representative Mayorga-Hamilton said that there were two default orders previously resolved by the division on behalf of the board. Details of the two cases were included in the matrix provided in the board packet. No board action was required for this Agenda Item. No board comments or questions were heard.

IV. Communications - None

V. Appeals – None

VI. Unfinished business - None

VII. New business

A. Board review and approval of Plumbing Chief's recommendations regarding new continuing education course and instructor applications

Policy Analyst Pierre Sabagh said that the plumbing chief has been evaluating courses and instructors on the board's behalf. Chief Skinner reviewed 24 applications from five organizations; 21 courses were recommended for approval and three instructors were recommended for approval. Analyst Sabagh explained that a motion is needed from the board.

Motion by Member Anderson to approve the Chief's recommendations for approval or denial of courses and instructors as listed in the board packet.

Roll call vote taken:

Yea –Molly Keller; Tyrone Bergen; Craig Anderson; Vice-chair Matthew Rozzell; and Chair Curtis Gillette.

Nay – None.

Motion carried unanimously.

B. Review and approval of IAPMO Cascade Chapter for CE this code cycle and for retroactive approval from October 1, 2023, for instructor and classes taught

Brad Senecaut, plans examiner, City of Hillsboro for IAPMO, apologized for getting his request for approval to the division a few days late for the national organization approval that occurs every code cycle. Chief Skinner explained that by administrative rule national organization approval may come to the board to present the request for approval and does not generally need to follow the regular continuing education approval process of having the Chief review for approval or denial.

Motion by Member Bergen to approve IAMO Cascade Chapter CE courses for credit through the 2023 OPSC cycle and retroactive from Oct. 1, 2023.

Roll call vote taken:

Yea –Molly Keller; Tyrone Bergen; Craig Anderson; Vice-chair Matthew Rozzell; and Chair Curtis Gillette.

Nay – None.

Motion carried unanimously.

VIII. Announcements - None

IX. Adjournment

Chair Curtis Gillette adjourned the meeting at 10:06 a.m.

Respectfully submitted and transcribed by Debi Barnes-Woods, division boards administrator/coordinator

2024 Legislative Update

Table of Contents

Bills Passed in the 2024 Session that may impact BCD Operations..... 2

 HB 4016 Wildfire grant extension..... 2

 SB 1521 Human services omnibus update bill 2

 SB 1537 Housing production omnibus bill 3

The following is a brief summary of recently passed legislation which may be of interest to the board. These summaries are not a complete outline of the new law and the summary should not be relied upon for decision making. Please refer to the bill text for a complete description of the law change.

Bills Passed in the 2024 Session that may impact BCD Operations

HB 4016 Wildfire

Bill

Summary: In 2021, the Legislature enacted Senate Bill 762, a wide-ranging wildfire law that invested in programs and with three specific strategies: creating fire-adapted communities, increasing the resiliency of Oregon's landscapes, and developing safer and more effective wildfire response. Senate Bill 80 (2023) was the 2023 successor to SB 762. It modified various wildfire provisions from SB 762 and allocated more than \$220 million in total funds to nine agencies for the purposes of implementing a statewide comprehensive strategy to promote wildfire risk reduction, response, and recovery.

HB 4016 makes discreet updates to the statutes and programs created by SB 762 (2021) and SB 80 (2023). Notably, HB 4016 directs DCBS to allow a person to apply for a grant under the Fire Hardening Grant Program on or before Dec. 31, 2025. The bill also directs the Department of Consumer and Business Services and the Department of the State Fire Marshal to report, on or before Sept. 15, 2024, to committees or interim committees of the Legislative Assembly related to natural resources on a proposal for a proactive home hardening program.

Plan: The division will continue to operate the Fire Hardening Grant Program. The division will work with the Department of the State Fire Marshal to develop a proposal for a proactive home hardening program.

SB 1521 Human services omnibus update

Bill

Summary: SB 1521 is a human services omnibus measure that makes changes to statutory provisions related to care for vulnerable individuals. Under various Oregon laws, care for vulnerable individuals includes fire safety requirements for facilities housing those individuals, including facility sprinkler requirements. Among the changes in the bill, SB 1521 extends an existing sunset. Section 3, chapter 91, Oregon Laws 2022, exempts single family residences being used as licensed residential training homes or licensed adult foster homes from certain automatic sprinkler requirements.

This exemption was set to expire on July 1, 2024. SB 1521 will extend the sunset deadline to July 1, 2026.

Plan: The division expects to work with stakeholders, including the Department of Human Services, in order to develop potential sprinkler requirement next steps before July 1, 2026.

SB 1537 Housing Production

Bill

Summary: HB 1537 enacts multiple policy changes and investments to make it easier to build housing in Oregon. The bill's primary directives that impact the division are those that create a new office, the Housing Accountability and Production Office (HAPO), administered by DCBS and the Department of Land Conservation and Development (DLCD) under an interagency agreement. The HAPO is responsible for providing technical assistance to local governments and applicants for land-use and building permits in areas such as housing law compliance, reducing permitting and land-use barriers to housing production, and supporting reliable and effective implementation of local procedures and standards relating to the approval of residential development projects. The bill also directs both agencies to coordinate in rulemaking activities and state agency activities related to housing development processes to enable support of local government and land-use applicants.

Plan: The measure requires BCD to establish an interagency agreement with DLCD to operate and execute the work of the HAPO. BCD received authority for additional staff support, and the division will be implementing an internal reorganization to accomplish the directives of the bill. No current existing work or responsibilities of division staff will be disrupted or altered, nor will there be any changes to existing board authority.

State of Oregon

Board Memo

Building Codes Division

April 18, 2024

To: State Plumbing Board

From: Emily Roque, Contested Case Representative, Enforcement Services

Subject: Approval of Proposed Order for OAH Case No. 2023-ABC-06205, BCD Case No. C2023-0111, In the Matter of Lee Skinner

Action requested:

To review the Proposed Order from the Office of Administrative Hearings (“OAH”) and issue a Final Order.

Background:

On May 5, 2023, the Building Codes Division (“Division”) acting on behalf of the State Plumbing Board (“Board”), issued a Notice of Application Denial (“Notice”), denying the application for a journeyman plumber license submitted by Lee Skinner (“Respondent”). On June 24, 2023, Respondent requested a hearing in front of the Office of Administrative Hearings (“OAH”). On August 16, 2023, the Division, on the Board’s behalf, issued an Amended Notice of Proposed Denial for Application. On September 29, 2023, the Division, on the Board’s behalf, referred the hearing request to the OAH.

On October 27, 2023, Administrative Law Judge Kate Triana held a prehearing conference (“PHC”). Respondent participated in the PHC. Emily Roque (“Ms. Roque”) and Kathy Rowell (“Ms. Rowell”) Contested Case Representatives, participated in the PHC on behalf of the Division. The parties agreed to a hearing date of January 24, 2024.

A telephonic hearing was held on January 24, 2024, by Administrative Law Judge Sharon Murray-Roberts (“ALJ Roberts”). Mr. Skinner appeared and testified. Ms. Roque and Ms. Rowell represented the Division. The Division called the following witnesses: Rebecca Thompson, licensing specialist; Graham Roney, licensing manager; and Andy Skinner, plumbing program chief. The evidentiary record closed at the conclusion of the hearing on January 24, 2024.

On January 31, 2024, the Proposed Order was issued. ALJ Roberts determined that Respondent failed to complete a four-year apprenticeship in Oregon as described under Oregon Administrative Rule ([“OAR”](#)) [918-695-0030\(1\)](#). ALJ Roberts also determined that Respondent

failed to provide documentation verifying he had completed at least 576 in-class hours of academic training related to the specified plumbing categories listed in OAR 918-695-0030(2)(a). Lastly, ALJ Roberts determined that Respondent failed to submit verification of 7,700 hours of residential on-the-job experience and 7,700 hours of commercial on-the-job experience obtained while holding a license that includes the scope of work of an Oregon journeyman plumber license, as required under [OAR 918-695-0030\(3\)](#). ALJ Roberts ruled that by failing to meet the requirements of licensure under OAR 918-030-0030 and OAR 918-695-0030, Respondent's application is incomplete in at least one material respect and may therefore be denied by the Board under Oregon Revised Statute ("[ORS](#)") [455.129\(2\)\(c\)](#) and [\(h\)](#). A copy of the proposed order was mailed electronically to Ms. Roque and mailed by certified and electronic mail to the Respondent.

Respondent did not file written exceptions to the proposed order issued by ALJ Roberts. The Division now presents the Proposed Order for Board consideration and approval.

Options:

After considering the Proposed Order, the Board may:

- Issue a Final Order and attach the Proposed Order written by ALJ Roberts as Attachment 1.
- Amend the Proposed Order and specify what the Board would like to alter in the Proposed Order.
- Disapprove the Proposed Order, and direct the Division to approve of Respondent's application for a journeyman plumber license.

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
BUILDING CODES DIVISION**

IN THE MATTER OF:) **PROPOSED ORDER**
)
LEE SKINNER) OAH Case No. 2023-ABC-06205
) Agency Case No. C2023-0111
)
)

HISTORY OF THE CASE

On May 5, 2023, the Building Codes Division (BCD), acting on behalf of the State Plumbing Board (Board) issued a Notice of Application Denial to Mr. Lee Skinner (Applicant). On June 24, 2023, Applicant requested a hearing. On August 16, 2023, BCD, acting on behalf of the Board, issued an Amended Notice of Proposed Denial of Application for Journeyman Plumber License to Applicant.

On September 29, 2023, BCD referred the hearing request to the Office of Administrative Hearings (OAH). Administrative Law Judge (ALJ) Kate Triana convened a telephone prehearing conference on October 27, 2023. Applicant appeared at the prehearing conference. Contested Case Representative Emily Roque represented BCD. The purpose of the prehearing conference was to set the deadlines for the filing of motions, exhibits and witness lists, and to set the date of hearing. On November 2, 2023, the OAH reassigned the case to ALJ S. Roberts.

ALJ Roberts held a hearing on January 24, 2024, by telephone. Applicant appeared and testified on his own behalf. BCD was represented by Emily Roque and Kathy Rowell. Testifying on behalf of BCD were Licensing Specialist Rebecca Thompson, Licensing Manager Graham Roney, and Plumbing Program Chief Andrew Skinner. The record closed at the conclusion of the hearing.

ISSUE

Whether Applicant Lee Skinner has established by a preponderance of the evidence that his application for a Journeyman Plumber License meets the requirements set forth in OAR 918-030-0030 and OAR 918-695-0030.

EVIDENTIARY RULING

Exhibits A1 through A4, offered by BCD, were admitted into the record. Applicant did not offer any exhibits for admission into the record.

FINDINGS OF FACT

1. Applicant submitted a Plumbing License Application for Journeyman Plumber on April 18, 2023. (Ex. A1 at 1.)
2. Applicant does not hold a plumber license in Oregon or in a reciprocal jurisdiction. (Ex. A1 at 1.)
3. Applicant received his high school diploma from Challenger Early College High School on May 22, 2010, and submitted a copy of his diploma and transcripts as part of his application. (Ex. A1 at 13-17.)
4. Applicant earned an Associate Degree in General Education from Catawba Valley Community College on May 8, 2010, and submitted a copy of his diploma and transcripts as part of his application. (Ex. A1 at 11, 12.) Applicant completed the following classes of academic training related to plumbing: Personal Health/Wellness (3 credit hours);¹ Survey of Mathematics and Lab (4 credit hours);² Physical Geology (4 credit hours);³ and General Biology (4 credit hours).⁴ (Ex. A1 at 12; test of Applicant.) These classes qualify as academic training for purposes of OAR 918-695-0030(2)(a). (Test. of A. Skinner.)
5. Applicant did not submit any documentation verifying that he completed an apprenticeship program in Oregon. (Test. of Thompson, Applicant.) Applicant did not submit a referral letter from either the registered training committee or a board-approved training program stating the applicant is qualified to take the plumbing examination. (Test. of Thompson.)
6. As part of his application, Applicant submitted a plumbing experience verification form from Blicht Plumbing, Inc., located in South Carolina, dated April 4, 2023. (Ex. A1 at 7-9.) The form is signed by John Blicht, the owner of the business. (*Id.* at 7, 8.) Mr. Blicht verified that Applicant had a total of 11,321 hours, worked during his employment with Blicht, in residential and commercial plumbing, in South Carolina. (*Id.* at 9.) Applicant was employed by Blicht Plumbing, Inc., from July 6, 2015, to January 13, 2021. (*Id.* at 7.) The work was performed while Applicant was in the position of “service technician/dispatcher.” (*Id.*) For all of the hours worked at Blicht Plumbing, Inc., Applicant was supervised by a licensed plumber. (Test. of Applicant.) South Carolina does not have a plumbing apprenticeship program. (*Id.*) Hours lawfully obtained in South Carolina are hours that are worked under the supervision of a licensed plumber. (*Id.*)
7. As part of his application, Applicant submitted a plumbing experience verification form from Cliff’s Plumbing and Drains, Inc., located in North Carolina, dated March 30, 2023.

¹ See OAR 918-695-0030(2)(a)(G).

² See OAR 918-695-0030(2)(a)(B).

³ See OAR 918-695-0030(2)(a)(A)(F).

⁴ See OAR 918-695-0030(2)(a)(G)(F).

(Ex. A1 at 4.) The form is signed by Cliff Collins III, the owner of the business. (*Id.*) Mr. Collins verified that Applicant had a total of 3,038 hours worked during the timeframe of August 9, 2021, through March 30, 2023, in residential and commercial plumbing, in North Carolina. (*Id.* at 4, 5.) Applicant was employed by Cliff’s Plumbing and Drains, Inc., from August 9, 2021, to May 1, 2023. (*Id.* at 4.) The work for Cliff’s Plumbing and Drains, Inc., was performed while Applicant was in the position of “plumber.” (*Id.*) For all of the hours worked at Cliff’s Plumbing and Drains, Inc., Applicant was supervised by a licensed plumber. (Test. of Applicant). North Carolina does not have a plumbing apprenticeship program. (*Id.*) Hours lawfully obtained in North Carolina are hours that are worked under the supervision of a licensed plumber. (*Id.*)

8. Applicant holds a Plumbing Class I license from the State of North Carolina, issued on March 21, 2023. (Ex. A1 at 10.) Of the 3,038 hours submitted to BCD by Cliff’s Plumbing and Drains, Inc., approximately 60 hours were obtained after Applicant was issued the North Carolina Plumbing Class I license. (Test. of Applicant.) A Plumbing Class I license from the state of North Carolina includes the scope of work of an Oregon journeyman plumber license. (Test. of A. Skinner.)

9. On May 5, 2023, BCD sent Applicant a Notice of Application Denial (Notice). (Ex. A2 at 1-2.) The Notice informed Applicant that his application did not meet the requirements of OAR 918-030-0030 because 1) he did not submit a certificate of completion from a registered apprenticeship program, or a referral letter from either the registered training committee or a board-approved training program stating he was qualified to take the examination; 2) he did not submit other verification of equivalent training and experience submitted in the manner established in OAR 918-030-0040 and 918-030-0050; and 3) he did not submit verification of twice the amount of equivalent work experience in the categories listed in section (2)(b) [of OAR 918-695-0030] required for the license. (*Id.*) The Notice noted that this work experience must have been lawfully obtained while holding a license that includes the scope of work of an Oregon journeyman plumber license. (*Id.* at 2.) Ms. Thompson contacted Applicant after the application denial to ask if he had any additional documentation. (Test. of Thompson.) Applicant did not submit any additional documentation. (*Id.*)

10. On August 16, 2023, BCD sent Applicant an Amended Notice of Proposed Denial of Application for Journeyman Plumber License and Notice of Final Order on Default (Amended Notice). In the Amended Notice, the Board proposed to deny Applicant’s application because he failed to provide: 1) a certificate of completion of a registered four year apprenticeship program under OAR 918-695-0030(1); 2) legally sufficient documentation that he met the equivalency requirements of at least 576 hours of academic training under OAR 918-695-0030(2)(a) and 7,700 hours of on-the-job experience under OAR 918-695-0030(2)(b); or 3) verification that he alternatively lawfully completed twice the amount of equivalent work experience in each category listed in 918-695-0030(2)(b) while holding a license that includes the scope of work of an Oregon journeyman license, under OAR 918-695-0030(3). (*See* Amended Notice at 11.)

11. The Oregon Bureau of Labor and Industries (BOLI) operates Oregon’s plumbing apprenticeship program. (Test. of A. Skinner.) The apprenticeship program requires 576 hours

of in-class hours of training. (*Id.*)⁵

CONCLUSION OF LAW

Applicant Lee Skinner has not established by a preponderance of the evidence that his application for a Journeyman Plumber License meets the minimum requirements set forth in OAR 918-030-0030 and OAR 918-695-0030. ORS 455.129(2)(c) and (h).

OPINION

Applicant challenges the Board's proposed denial of his application for a Journeyman Plumber License. It is Applicant's burden to prove, by a preponderance of the evidence, that his application meets the requirements of OAR 918-030-0030 and OAR 918-695-0030. *Sobel v. Bd. of Pharmacy*, 130 Or App 374, 380 (1994) *rev den* 320 Or 588 (1995) ("In an application proceeding, it is the applicant who has the burden of establishing eligibility, qualifications and fitness.") (citations omitted). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely than not true. *Riley Hill Gen. Contractors v. Tandy Corp.*, 303 Or 390, 402 (1987). Accordingly, Applicant must show that it is more likely than not that his application meets or exceeds the requirements listed in OAR 918-030-0030 and OAR 918-695-0030. For the reasons that follow, I conclude that Applicant has not met his burden.

ORS 455.129(2) provides in part:

[A] regulatory body * * * may deny a license, certificate, registration or application . . . if the regulatory body finds that the licensee, certificate holder, registrant or applicant: ***

* * * *

(c) Has filed an application for a license, certificate or registration that, as of the date the license, certificate or registration was issued or the date of an order denying the application, was incomplete in any material respect[.]

* * * *

(h) Has failed to meet any condition or requirement to obtain or maintain a license, certificate or registration.

The qualifying criteria for various classes of licensure in Oregon are set out in OAR 918-030-0030, which states, in pertinent part:

All applicants must submit proof of qualifying criteria as required by the

⁵ See also "Standards of Apprenticeship," page 24, publicly available at: https://www.oregon.gov/boli/apprenticeship/Minimum%20Standards/8009_0432.0.pdf

appropriate rules and in the manner established by this rule.

(1) Submit training and experience verification as follows:

(a) A certificate of completion from a registered apprenticeship program, or a referral letter from either the registered training committee or a board approved training program stating the applicant is qualified to take the examination. The division will accept completion from an apprenticeship program that is not registered only if it meets the Oregon standard for apprenticeship training.

(b) A copy of a valid license from a reciprocal jurisdiction or a letter from the reciprocal jurisdiction stating that the applicant is currently licensed. Only reciprocal jurisdiction licenses obtained through examination meet this requirement; or

(c) Other verification of equivalent training and experience submitted in the manner established in OAR 918-030-0040 and 918-030-0050.

* * * * *

(3) Applicants required to take an examination must submit proof of a high school diploma, GED or international equivalent. A college degree will substitute for the requirements of this section.

(4) For purposes of qualifying for a license, the division will consider no more than 2,000 hours of experience per year.

(5) Only lawful work experience is accepted. The appropriate board or division determines whether an applicant's work experience is lawful. If an applicant disagrees with the determination, the applicant must provide evidence clearly demonstrating that, at the time the disputed work was performed, the work experience was lawful under the laws of the jurisdiction in which work was performed.

The acceptable forms of "other verification" referenced in OAR 918-030-0030(1)(c) are set out in OAR 918-030-0040, which provides, in part:

(1) Applicants submitting other verification of equivalent training and experience under OAR 918-030-0030(1)(c), must provide verification from the following persons:

(a) Verification from a current or previous employer actively involved with the applicant's work; or

(b) If the current or previous employer is no longer in business, is deceased or otherwise cannot be located, verification from the individual that supervised the

work; or

(c) Only if both the employer and the supervisor cannot be located, verification from a co-worker that was directly involved in the work performed. Co-worker verification must be accompanied by supporting documentation, such as employment records, showing that the verifier worked with the applicant and has knowledge of the work performed.

(2) The appropriate board may approve alternate verification of training and experience on a case-by-case basis.

OAR 918-695-0030 sets forth the required training and experience hours an applicant needs to have to qualify for a Journeyman Plumber license and provides:

Qualifications. The minimum qualifications to take the journeyman plumber's license examination are:

(1) Satisfactory completion of a minimum four-year plumbing apprentice program in Oregon; or

(2) By meeting the following academic training and on-the-job experience equivalency requirements:

(a) at least 576 hours of academic training generally in the following as it applies to plumbing:

- (A) Materials, Tools, Equipment;
- (B) Mathematics, Science;
- (C) Soldering and Brazing;
- (D) Plumbing and Related Codes;
- (E) Drainage (DWV) Installations;
- (F) Water Systems, Installations;
- (G) Safety and First Aid;
- (H) Blueprint Reading;
- (I) Seismic Restraints.

(b) 7700 hours of on-the-job experience as an apprentice plumber, lawful journeyman plumber, or combination of both; that experience must meet the following minimum requirements:

- (A) Sewerage: Sanitary and Storm Piping, Disposal:
 - (i) Residential — 300;
 - (ii) Commercial — 300.

(B) Drainage, Waste and Vent Piping (DWV):

- (i) Residential — 1,300;
- (ii) Commercial — 1,300.

(C) Soldering, Brazing, Welding:

- (i) Residential — 200;
- (ii) Commercial — 200.

(D) Water: Supply, Services, Mains, Appurtenances:

- (i) Residential — 1,100;
- (ii) Commercial — 1,100.

(E) Fixtures, Appliances, Trim and Supports:

- (i) Residential — 700;
- (ii) Commercial — 700.

(F) Miscellaneous Plumbing, Piping, Repair and Maintenance:

- (i) Residential — 250;
- (ii) Commercial — 250.

(G) Total Minimum Subject Hours:

- (i) Residential — 3,850;
- (ii) Commercial — 3,850.

(c) A person with more than the minimum on-the-job hours in any one specific item category may substitute up to 20 percent of the excess hours to meet the related minimum residential or commercial experience requirements in the same category.

(3) Journeyman plumber license applicants may alternatively submit verification of twice the amount of equivalent work experience in each category listed in section (2)(b) required for the license; this alternate requirement is also subject to the substitution option detailed in section (2)(c). Work experience must have been lawfully obtained while holding a license that includes the scope of work of an Oregon Journeyman Plumber license.

As previously set out, OAR 918-030-0030 requires that, “All applicants must submit proof of qualifying criteria as required by the appropriate rules and in the manner established by this rule.” In plain language, this means that an applicant must submit proof that they qualify for the license for which they are applying. Here, Applicant applied for a Journeyman Plumber License; therefore, he must submit proof of the criteria required for a Journeyman Plumber license in order to qualify for such license.

As discussed at hearing, there are three pathways to a Journeyman Plumber License in Oregon. The first pathway is to complete a four-year plumbing apprenticeship in Oregon. OAR 918-695-0030(1). The evidence in the record establishes that Applicant did not complete a four-year apprenticeship program in Oregon; therefore, he does not meet the requirements of the first

pathway. The second pathway has two parts: 1) submit verification of 576 hours of academic training in at least one of several plumbing categories (OAR 918-695-0030(2)(a)); and 2) submit verification of a combined 7,700 hours of residential and commercial on-the-job experience in specified categories. OAR 918-695-0030(2)(b). Applicant has not submitted documentation verifying that he has completed 576 in-class hours of academic training related to the specified plumbing categories; therefore, he has not met the requirements of the second pathway. The third pathway is to submit proof verifying 7,700 hours of residential, and 7,700 hours of commercial, on-the-job experience, obtained while holding a license that includes the scope of work of an Oregon journeyman plumber license. OAR 918-695-0030(3). The evidence in the record establishes that Applicant did not submit verification of 7,700 hours of residential on-the-job experience and 7,700 hours of commercial on-the-job experience obtained while holding a license that includes the scope of work of an Oregon journeyman plumber license; therefore, he does not meet the requirements of the third pathway.

Applicant does not dispute that he has not met the requirements of the first or third pathways. He contends that he qualifies for an Oregon Journeyman Plumber License under the second pathway because he has established the completion of 576 academic training hours under OAR 918-695-0030(2)(a) and meets the hours requirements under OAR 918-695-0030(2)(b). As to the 576 hours of academic training, Applicant points to his college transcript which shows he has 15 credit hours⁶ of college classes that apply to plumbing. He contends that, pursuant to his own research, each credit hour is equivalent to 15 hours of in-class training. I find that Applicant's argument is unavailing for several reasons. First, while Applicant is certainly entitled to perform his own research, he provided no evidence supporting his argument that 1 credit hour equals 15 hours of in-class training, and I find no such formula in the Oregon statutes or administrative rules. Second, Applicant provided no documentation that he actually received 15 hours of in-class training for each credit hour of the college classes taken.⁷ Third, even were we to assume for the sake of argument that each college credit is equal to 15 hours of in-class instruction, and that Applicant attended every class meeting of every class, 15 credit hours would equal only 225 in-class training hours. This does not meet the 576 hours requirement.

Applicant also argues that each credit hour is equal to 30 hours of out-of-class training, such as homework and research. Again, he provided no evidence supporting this contention, and I find no such formula in the Oregon statutes or administrative rules. Further, and again, Applicant provided no evidence that he spent 30 hours of out-of-class training for each college credit hour. In addition, BCD's witness, Andrew Skinner, testified that BCD interprets the 576 hours of academic training in OAR 918-695-0030(2)(a) to be the equivalent of the 576 hours of training required in BOLI's plumbing apprenticeship program; that the 576 hours in the apprenticeship program are "in-class" hours; and that BCD therefore interprets OAR 918-695-

⁶ Mr. Skinner testified that he had 19 credit hours of college classes; however, there are only 15 credit hours. (See Finding of Fact no. 4; Ex. A1 at 12.)

⁷ For example, even were we to assume for the sake of argument that 1 credit hour equals 15 hours of in-class training, Applicant provided no evidence of his attendance in the Personal Health/Wellness, Survey of Mathematics and Lab, Physical Geology, and General Biology classes. Therefore, there is no evidence in the record that he attended and received 15 in-class hours of instruction/training for each 1 credit received.

0030(2)(a)'s academic training hours requirement to be "in-class" hours. I find that this interpretation—that OAR 918-695-0030(2)(a)'s 576 hours requirement is equivalent to the apprenticeship program's hours requirement and therefore requires 576 "in-class" hours—is not implausible. *See Callaway v. Employment Dept.*, 225 Or. App. 650, 654-55 (Or. App. 2009) (stating that where an agency promulgates a rule, the court will defer to its interpretation "unless it is implausible, that is inconsistent with the rule's text, context, or other source of law."). Neither is this interpretation inconsistent with the rule's text or context. The context of OAR 918-695-0030(2)(a) is plumbing requirements, and it follows the subsection of the rule regarding the Oregon plumbing apprentice program. Lastly, the rule itself states that the requirements are "equivalency" requirements. In light of the foregoing, BCD's interpretation of OAR 918-695-0030(2)(a)'s 576 academic training hours is a reasonable one and I defer to it. Because Mr. Skinner has not established that he has completed 576 in-class hours of academic training related to plumbing, he has not established that he meets the requirements for a Journeyman Plumber License under OAR 918-695-0030(2).

In light of the foregoing, Applicant has not established by a preponderance of the evidence that his application for a Journeyman Plumber License meets the requirements of OAR 918-030-0030 and OAR 918-695-0030. Because the application does not meet the requirements, it is incomplete in at least one material respect and may therefore be denied by the Board. *See* ORS 455.129(2)(c) and (h).

ORDER

I propose the Building Codes Division issue the following order:

Lee Skinner's application for a Journeyman Plumber License is DENIED.

S. Roberts

Administrative Law Judge
Office of Administrative Hearings

APPEAL PROCEDURE

This is the Administrative Law Judge's Proposed Order. You have the right to file written exceptions and argument to be considered per OAR 137-003-0650. Your exceptions and argument must be received within 20 calendar days after the service date of this Proposed Order. Send them to:

Building Codes Division
Manager, Graham Roney
PO Box 14470
Salem, OR 97309-0404

SERVICEMEMBERS' CIVIL RELIEF ACT

Unless otherwise stated in this order, the Office of Administrative Hearings (OAH) has no reason to believe that a party to this proceeding is subject to the Servicemembers' Civil Relief Act (SCRA). If a party to this proceeding is a servicemember who did not appear for the hearing, within the servicemember's period of service, or 90 days after their termination of service, that party should immediately contact the agency to address any rights they may have under the SCRA.

CERTIFICATE OF MAILING

On January 31, 2024, I mailed the foregoing PROPOSED ORDER issued on this date in OAH Case No. 2023-ABC-06205.

By: Certified and Electronic Mail

Lee Skinner

[REDACTED]

[REDACTED]

[REDACTED]

Email: [REDACTED]

By: Electronic Mail

Emily Roque, Agency Representative
Building Codes Division
1535 Edgewater St NW
PO Box 14470
Salem OR
Email: emily.a.roque@dcbs.oregon.gov

Cortney Hokanson
Hearing Coordinator

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:) **FINAL ORDER**
)
LEE SKINNER,) **OAH Case No. 2023-ABC-06205**
RESPONDENT) **Agency Case No. C2023-0111**

This matter came before the Building Codes Division (“Division”) to consider the Proposed Order issued by Administrative Law Judge Sharon Murray-Roberts on January 31, 2024. Lee Skinner was given an opportunity to file exceptions within 20 calendar days from the date of service of the Proposed Order. The Division did not receive any exceptions.

After considering the records and the files herein, the Division adopts the attached Proposed Order as the Final Order (See attached proposed order as Attachment 1).

IT IS HEREBY ORDERED Lee Skinner’s application for a journeyman plumber license is **DENIED**.

Dated this 18th day of April, 2024

_____ for: Date: _____
Chair
State Plumbing Board
State of Oregon

Appeal Rights: You are entitled to judicial review of this order in accordance with ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals within 60 days from the date this order served on you. If this Order was mailed to you, the date of service is on the day it was *mailed*, not the day you received it. If you do not file a petition for judicial review within the 60-day time period, you will lost your right to appeal.

CERTIFICATE OF SERVICE

I, Ashley Thommen, hereby certify that on the _____ day of _____, 2024, I mailed the **Final Order** in the matter of **Lee Skinner**, BCD Case Number C2023-0111, OAH Case No. 2023-ABC-06205, on behalf of the Building Codes Division of the Department of Consumer and Business Services, by electronic mail, by USPS first class mail and by certified first class mail, return receipt requested, addressed as follows:

ALJ S. Roberts
Office of Administrative Hearings
2995 SW Mohawk Street
Tualatin, OR 97062
Email: OED_OAH_REFERRAL@employ.oregon.gov

Lee Skinner

[Redacted]
[Redacted]
Email: [Redacted]

I further certify that the attached mail receipts are a true copy of the certified mail receipt with the USPS tracking number associated with the above mailings.

Dated this _____ day of _____, 2024

Ashley Thommen, Enforcement Specialist
Building Codes Division
Department of Consumer and Business Services
503-373-1326

State of Oregon

Board memo

Building Codes Division

April 18, 2024

To: State Plumbing Board

From: Emily Roque, contested case representative, Enforcement Services

Subject: Consent orders for cases resolved on behalf of the Plumbing Board

Action requested:

To consider the adoption of recent consent orders and issue final orders.

Background:

The board, through division staff, implemented a civil penalty matrix for plumbing violations. The penalty matrix establishes civil penalties based upon the type and number of violations committed within five years of the date of the present violation. The penalty matrix further provides that a stay of some portion of a penalty is within the sole discretion of the board or the division acting on the board's behalf for purposes of settling cases prior to hearing.

The Enforcement Section, acting on behalf of the board, has entered into a consent agreement in six (6) cases since the board's February 15, 2024, meeting. A summary of the consent orders is included for your review.

Each consent order contains the following conditions, any additions or exceptions to these conditions is noted with the individual case information:

- Respondent agrees to fully cooperate with the division's enforcement efforts.
- Respondent understands that further enforcement action may be taken for any other violations.
- Respondent understands that failure to comply with the consent orders may be used as a basis for the denial, suspension, revocation, or conditioning of a license, certificate, or registration.

In these cases, the penalty amounts assessed, amounts suspended, and amounts due and payable are consistent with the board's penalty matrix.

Plumbing Board Enforcement Report for April 18, 2024
Consent Orders

Case #	Name	Violation	Location	Date of Violation	Civil Penalty	
C2023-0048	Daniel Pine	Installation of PEX water lines, shower pans and connecting drain piping, a back water valve and horizontal wet vent, new drain piping to a toilet and sink, connected PEX water lines to shower mixing valve, moved shower mixing valve. • No journeyman plumbing license	Lake Oswego	March 2022, January 2023 and February 2023	Assessed: Imposed: Suspended:	\$4,000 \$750 \$3,250
C2023-0153	Ryan Hall Handy Man Construction Services LLC	Installation of a faucet and water line. • No plumbing contractor license • Allowing unlicensed work • No permit	Sandy	March 2023	Assessed: Imposed: Suspended:	\$6,000 \$1,500 \$4,500
C2023-0154	Ryan Hall	Installation of a faucet and water line. • No journeyman plumbing license	Sandy	March 2023	Assessed: Imposed: Suspended:	\$2,000 \$500 \$1,500
C2023-0076	Campbell's Plumbing Inc.	Installation of a new drain line, connection of a 45 degree elbow for a waste drain line and installation of a new hot and cold water lines. • Allowing unlicensed work	Depoe Bay	April 2023	Assessed: Imposed: Suspended:	\$2,000 \$500 \$1,500

Case #	Name	Violation	Location	Date of Violation	Civil Penalty	
C2023-0167	Ernest Guadalupe Rodriguez, II	Connected a 45 degree elbow for a waste drain line and installation of a new hot and cold water lines. <ul style="list-style-type: none"> ● No journeyman plumbing license 	Depoe Bay	April 2023	Assessed: Imposed: Suspended:	\$2,000 \$250 \$1,750
C2023-0129	Adept PDX Construction, Inc.	Installation of new PEX tubing for hot and cold water supply in the bathroom and kitchen and installed a new shower control fixture. <ul style="list-style-type: none"> ● No plumbing contractor license ● No permit 	Beaverton	August 2023	Assessed: Imposed: Suspended:	\$4,000 \$1,500 \$2,500

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**DANIEL PINE,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2023-0048

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 Daniel Pine (“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 January 7, 2016, A Waterproofing & Drainage, Inc. (“A Waterproofing”)¹ registered with the Oregon Secretary of State (“SOS”) as a domestic business corporation.
2. At all relevant times, Clifton Smith (“Smith”)² was listed as the President of A Waterproofing on the SOS website.
3. On or about January 13, 2016, A Waterproofing registered with the Oregon Construction Contractors Board (“CCB”).
4. At all relevant times, Smith was listed as a corporate officer and the responsible managing individual of A Waterproofing on the CCB website.

¹ See related Division case C2023-0033 against A Waterproofing.

² See related Division case C2023-0045 against Smith.

1 5. In or around March 2022, Respondent, on A Waterproofing's behalf, performed the
2 following plumbing work as part of a bathroom addition to a home located at 1127 Cedar
3 Street in Lake Oswego, Oregon ("Cedar Street Property"):

- 4 a. Installed approximately twenty feet of hot and cold PEX water lines;
- 5 b. Installed a shower pan with connecting drain pipe;
- 6 c. Installed a back water valve and horizontal wet vent;
- 7 d. Installed new drain piping to a newly installed toilet;
- 8 e. Installed new drain piping to a newly installed vanity sink; and
- 9 f. Connected PEX water lines to the shower mixing valve.

10 6. In or around January 2023 and February 2023, Respondent, on behalf of his employer,
11 Caliber Plumbing and Mechanical Services LLC ("Caliber")³, installed shower pans and
12 moved a shower valve at a home located at 17400 Holy Names Drive in Lake Oswego,
13 Oregon ("Holy Names Property").

14 7. At all relevant times, Caliber has held Oregon plumbing contractor's license PB2081.

15 8. At all relevant times, A Waterproofing has held Oregon plumbing contractor's license
16 PB2169.

17 9. At no relevant time has Respondent held a valid Oregon journeyman plumber license.⁴

18 **APPLICABLE LAW**

19 1. Definitions for terms used in this Notice may be found in ORS 183.310, ORS 447.010, ORS
20 455.010, ORS 693.010, OAR 918-001-0005, OAR 918-030-0010, and OAR 918-690-0420.

21 2. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing
22 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and
23 water-carried waste.

24
25 ³ See related Division case C2023-0049 against Caliber.

⁴ Respondent previously held Oregon journeyman plumber's license 10871JP, however the license expired on January 15, 2021. As of April 10, 2023, Respondent has held Oregon journeyman plumber's license 11780JP.

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

3 CONCLUSIONS OF LAW

4 1. The following constitutes plumbing under ORS 447.010(6):

- 5 a. Installing hot and cold PEX water lines;
- 6 b. Installing shower pans and connecting drain piping;
- 7 c. Installing a back water valve and horizontal wet vent;
- 8 d. Installing new drain piping to a toilet;
- 9 e. Installing new drain piping to a sink;
- 10 f. Connecting PEX water lines to a shower mixing valve; and
- 11 g. Moving a shower valve.

12 2. By performing some of the aforementioned plumbing work at the Cedar Street Property, on
13 behalf of A Waterproofing, without a valid Oregon journeyman plumber license,
14 Respondent violated ORS 693.030(1).

15 3. By performing some of the aforementioned plumbing work at the Holy Names Property, on
16 behalf of Caliber, without a valid Oregon journeyman plumber license, Respondent violated
17 ORS 693.030(1).

18 ORDER

19 1. The Board hereby assesses a total civil penalty of \$4,000.00 against Respondent for
20 violating ORS 693.030(1) two times as follows:

- 21 a. \$3,250.00 of the total civil penalty will be suspended for a period of five years if
22 there is compliance with all other terms of this Consent Order.
- 23 b. Respondent agrees to pay the remaining \$750.00 of the civil penalty. Respondent
24 will make six consecutive monthly payments that must be received no later than the
25 25th day of each month in the amount of \$125.00 per month. Respondent's first

1 payment shall be received **no later than the 25th day of the month following the**
2 **month in which this Consent Order is signed by both parties.** (*An invoice may be*
3 *provided to Respondent after this Consent Order is signed by both parties.*

4 *Respondent understands timely payments must be made even if no invoice is ever*
5 *received.)* Checks should be made out to the Department of Consumer and Business
6 Services. **Payments shall be mailed to Department of Consumer and Business**
7 **Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For**
8 **payment questions and credit card payments, call cashiering at 503-947-7891.**

9 ***NOTE: If you fail to make timely payments as stated in this signed Consent Order,***
10 ***the payment agreement becomes void. In addition, this account may be assigned to***
11 ***the Department of Justice, Department of Revenue, or a private collection agency.***
12 ***You will be responsible for any court costs, attorney fees, any other necessary fees***
13 ***related to the collection of this debt, and any interest accrued. This debt may also***
14 ***appear on future credit reports.***

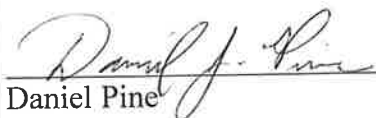
15 c. Respondent understands the suspended civil penalty (\$3,250.00) will be considered
16 satisfied five years after this Consent Order becomes a final order, provided
17 Respondent complies with its terms and has not committed any further violations of
18 the Division's statutes and rules within that five-year period. Respondent
19 understands and agrees that upon a showing that Respondent has not complied with
20 the terms of this Consent Order or that Respondent has committed any further
21 violations of the Division's statutes or rules within the five-year period, the entire
22 civil penalty, including any suspended amount, will become due and payable. Failure
23 to comply with this Consent Order includes, but is not limited to, failure to pay the
24 civil penalty amount due by the due date.

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

3. Respondent understands that further enforcement action may be taken for any violation of

1 the Division's statutes or rules not alleged in this Consent Order, whether committed before
2 or after the execution of this Consent Order, and for any violation of the terms of this
3 Consent Order.

- 4 4. Respondent understands that failure to comply with this Consent Order may be used as a
5 basis for the denial of future license, certificate, registration, or other applications, or for the
6 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
7 certificate, or registration issued by the Division or other state agencies; and/or for any other
8 reason provided for in law.
- 9 5. Respondent understands that this Consent Order is a public record.
- 10 6. Respondent has read and fully understands the terms of this Consent Order, freely and
11 voluntarily consents to the entry of this Consent Order without any force or duress, and
12 expressly waives all rights to hearing or judicial review in this matter.
- 13 7. Respondent understands that, upon signature of all parties, this Consent Order will be a
14 Final Order.

15  It is so agreed this 25th day of January, 2024.
16 Daniel Pine

17
18 _____ for It is so agreed this ____ day of _____, 2024.
19 Chair
20 State Plumbing Board
21 State of Oregon
22
23
24
25

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **RYAN HALL HANDY MAN AND
5 CONSTRUCTION SERVICES LLC.,
6 A DOMESTIC LIMITED LIABILITY
7 COMPANY,**

RESPONDENT.

BCD CASE C2023-0153

9 **INTRODUCTION**

10 The Building Codes Division (“Division”) conducted an investigation on behalf of the State
11 Plumbing Board of the State of Oregon (“Board”) and determined that against Ryan Hall Handy
12 Man and Construction Services LLC. (“Respondent”)¹ violated certain provisions of the Division’s
13 statutes and administrative rules as identified below.

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

18 **FINDINGS OF FACT**

- 19 1. On or about November 2, 2021, Respondent registered with the Oregon Secretary of State
20 (“SOS”) as a domestic limited liability company.
- 21 2. At all relevant times, Ryan Hall (“Hall”)² was listed as the registered agent and member of
22 Respondent on the SOS website.
- 23 3. On or about January 31, 2022, Respondent registered with the Oregon Construction
24 Contractors Board (“CCB”).

25

¹ See related Division case C2023-0064 (electrical) against Respondent.

² See related Division cases C2023-0137 (electrical) and C2023-0154 (plumbing) against Hall.

- 1 4. At all relevant times, Hall was listed as the responsible managing individual and member of
2 Respondent on the CCB website.
- 3 5. In or around March 2023, Respondent contracted with the owner of a residence located at
4 17750 Southeast 422nd Avenue in Sandy Oregon (“property”) to replace a bathroom faucet.
- 5 6. On or about March 27, 2023, Hall, on behalf of Respondent, installed a new faucet and
6 water line at the property.
- 7 7. At no relevant time did Respondent hold a valid Oregon plumbing contractor license.
- 8 8. At no relevant time did Hall hold a valid Oregon journeyman plumber license.
- 9 9. At no relevant time did Respondent obtain a plumbing permit or minor label prior to
10 performing the aforementioned plumbing work at the property.

11 **APPLICABLE LAW**

- 12 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
13 447.010, ORS 455.010, ORS 693.010, Oregon Administrative Rule (“OAR”) 918-001-0005,
14 OAR 918-030-0010, and OAR 918-690-0420.
- 15 2. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing
16 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and
17 water-carried waste.
- 18 3. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or
19 purport to be a plumbing contractor, without having obtained a plumbing contractor license.
- 20 4. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
21 other license regulated by ORS chapter 455, “engaging in the business” means to advertise
22 or solicit, contract or agree to perform, or to perform work for which a license or permit is
23 required under Oregon law, including but not limited to a single instance.
- 24 5. Under ORS 693.030(2)(a), a licensed plumbing contractor or a person required under ORS
25 447.010 to 447.156 to be licensed as a plumbing contractor may not permit or suffer any

1 person to work as a journeyman plumber who does not hold a valid journeyman plumber
2 license.

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

5 7. Under OAR 918-780-0065, no person, firm, or corporation shall do plumbing work in the
6 State of Oregon without first obtaining a plumbing permit or minor label when required and
7 paying the appropriate fees to the authorized permit issuing agency.

8 **CONCLUSIONS OF LAW**

9 1. Installing a faucet and water line constitutes plumbing under ORS 447.010(6).

10 2. By agreeing to perform and then by permitting Hall to perform the aforementioned
11 plumbing at the property, Respondent engaged in the business of a plumbing contractor
12 under OAR 918-030-0010(8).

13 3. By engaging in the business of a plumbing contractor, without a plumbing contractor
14 license, Respondent violated ORS 447.040(1).

15 4. By performing the aforementioned plumbing work at the property, without a valid Oregon
16 journeyman plumber license, Hall violated ORS 693.030(1).

17 5. By permitting Hall to perform the aforementioned plumbing work at the property, without a
18 valid Oregon journeyman plumber license, Respondent violated ORS 693.030(2)(a).

19 6. By permitting Hall to perform the aforementioned plumbing work at the property, without a
20 valid plumbing permit or minor label, Respondent violated OAR 918-780-0065.

21 **ORDER**

22 1. The Board hereby assesses a total civil penalty of \$6,000.00 against Respondent for
23 violating ORS 447.040(1), ORS 693.030(2)(a), and OAR 918-780-0065 as follows:

- 24 a. \$4,500.00 of the total civil penalty will be suspended for a period of five years if
25 there is compliance with all other terms of this Consent Order.

1 b. Respondent agrees to pay the remaining \$1,500.00 of the civil penalty. Respondent
2 will make five consecutive monthly payments that must be received no later than the
3 25th day of each month in the amount of \$300.00 per month. Respondent's first
4 payment shall be received **no later than the 25th day of the month following the**
5 **month in which this Consent Order is signed by both parties.** *(An invoice may be*
6 *provided to Respondent after this Consent Order is signed by both parties.*
7 *Respondent understands timely payments must be made even if no invoice is ever*
8 *received.)* Checks should be made out to the Department of Consumer and Business
9 Services. **Payments shall be mailed to Department of Consumer and Business**
10 **Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For**
11 **payment questions and credit card payments, call cashiering at 503-947-7891.**

12 ***NOTE: If you fail to make timely payments as stated in this signed Consent Order,***
13 ***the payment agreement becomes void. In addition, this account may be assigned to***
14 ***the Department of Justice, Department of Revenue, or a private collection agency.***
15 ***You will be responsible for any court costs, attorney fees, any other necessary fees***
16 ***related to the collection of this debt, and any interest accrued. This debt may also***
17 ***appear on future credit reports.***

18 c. Respondent understands the suspended civil penalty (\$4,500.00) will be considered
19 satisfied five years after this Consent Order becomes a final order, provided
20 Respondent complies with its terms and has not committed any further violations of
21 the Division's statutes and rules within that five-year period. Respondent
22 understands and agrees that upon a showing that Respondent has not complied with
23 the terms of this Consent Order or that Respondent has committed any further
24 violations of the Division's statutes or rules within the five-year period, the entire
25 civil penalty, including any suspended amount, will become due and payable. Failure
to comply with this Consent Order includes, but is not limited to, failure to pay the
civil penalty amount due by the due date.

2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases

1 that rely on the facts underlying this case. Cooperation may include, but may not be limited
2 to, making sworn statements or testifying in administrative hearings.

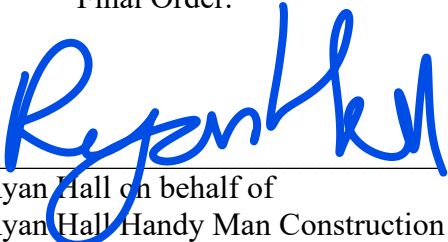
3 3. Respondent understands that further enforcement action may be taken for any violation of
4 the Division's statutes or rules not alleged in this Consent Order, whether committed before
5 or after the execution of this Consent Order, and for any violation of the terms of this
6 Consent Order.

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

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

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

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

18  It is so agreed this 15 day of Feb, 2024.
19 Ryan Hall on behalf of
20 Ryan Hall Handy Man Construction Services LLC.

21 _____ for It is so agreed this ____ day of _____, 2024.
22
23 Chair
24 State Plumbing Board
25 State of Oregon

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **RYAN HALL,
AN INDIVIDUAL,**

5
6 **RESPONDENT.**

BCD CASE C2023-0154

7
8 **INTRODUCTION**

9 The Building Codes Division (“Division”) conducted an investigation on behalf of the State
10 Plumbing Board of the State of Oregon (“Board”) and determined that Ryan Hall (“Respondent”)¹
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
15 a hearing and any judicial review therefrom by the signing of this Consent Order.

16 **FINDINGS OF FACT**

- 17 1. On or about November 2, 2021, Ryan Hall Handy Man Construction Services LLC. (“Ryan
18 Hall Handy Man”)² registered with the Oregon Secretary of State (“SOS”) as a domestic
19 limited liability company.
- 20 2. At all relevant times, Respondent was listed as the registered agent and member of Ryan
21 Hall Handy Man on the SOS website.
- 22 3. On or about January 31, 2022, Ryan Hall Handy Man registered with the Oregon
23 Construction Contractors Board (“CCB”).
- 24 4. At all relevant times, Respondent was listed as the responsible managing individual and
25

¹ See related Division case C2023-0137 against Respondent.

² See related Division cases C2023-0153 (plumbing) and C2023-0064 (electrical) against Ryan Hall Handy Man.

1 member of Ryan Hall Handy Man on the CCB website.

- 2 5. In or around March 2023, Ryan Hall Handy Man contracted with the owner of a residence
3 located at 17750 Southeast 422nd Avenue in Sandy, Oregon (“property”) to replace a
4 bathroom faucet.
- 5 6. On or about March 27, 2023, Respondent, on behalf of Ryan Hall Handy Man installed a
6 new faucet and water line at the property.
- 7 7. At no relevant time did Respondent hold a valid Oregon journeyman plumber license.

8 **APPLICABLE LAW**

- 9 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
10 447.010, ORS 455.010, ORS 693.010, Oregon Administrative Rule (“OAR”) 918-001-0005,
11 OAR 918-030-0010, and OAR 918-690-0420.
- 12 2. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing
13 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and
14 water-carried waste.
- 15 3. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
16 without a journeyman plumber license.

17 **CONCLUSIONS OF LAW**

- 18 1. Installing a faucet and water line constitutes plumbing under ORS 447.010(6).
- 19 2. By performing the aforementioned plumbing work at the property on Ryan Hall Handy
20 Man’s behalf, without a valid journeyman plumber license, Respondent violated ORS
21 693.030(1).

22 **ORDER**

- 23 1. The Board hereby assesses a total civil penalty of \$2,000.00 against Respondent for
24 violating ORS 693.030(1) as follows:
- 25 a. \$1,500.00 of the total civil penalty will be suspended for a period of five years if

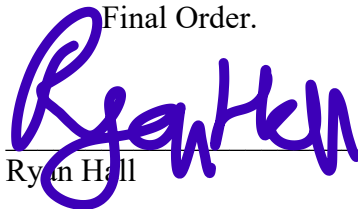
1 there is compliance with all other terms of this Consent Order.

- 2 b. Respondent agrees to pay the remaining \$500.00 of the civil penalty. Respondent
3 will make five consecutive monthly payments that must be received no later than the
4 25th day of each month in the amount of \$100.00 per month. Respondent's first
5 payment shall be received **no later than the 25th day of the month following the**
6 **month in which this Consent Order is signed by both parties.** *(An invoice may be*
7 *provided to Respondent after this Consent Order is signed by both parties.*
8 *Respondent understands timely payments must be made even if no invoice is ever*
9 *received.)* Checks should be made out to the Department of Consumer and Business
10 Services. **Payments shall be mailed to Department of Consumer and Business**
11 **Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For**
12 **payment questions and credit card payments, call cashiering at 503-947-7891.**

13 ***NOTE: If you fail to make timely payments as stated in this signed Consent Order,***
14 ***the payment agreement becomes void. In addition, this account may be assigned to***
15 ***the Department of Justice, Department of Revenue, or a private collection agency.***
16 ***You will be responsible for any court costs, attorney fees, any other necessary fees***
17 ***related to the collection of this debt, and any interest accrued. This debt may also***
18 ***appear on future credit reports.***

- 19 c. Respondent understands the suspended civil penalty (\$1,500.00) will be considered
20 satisfied five years after this Consent Order becomes a final order, provided
21 Respondent complies with its terms and has not committed any further violations of
22 the Division's statutes and rules within that five-year period. Respondent
23 understands and agrees that upon a showing that Respondent has not complied with
24 the terms of this Consent Order or that Respondent has committed any further
25 violations of the Division's statutes or rules within the five-year period, the entire
 civil penalty, including any suspended amount, will become due and payable. Failure
 to comply with this Consent Order includes, but is not limited to, failure to pay the
 civil penalty amount due by the due date.

2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases that rely on the facts underlying this case. Cooperation may include, but may not be limited to, making sworn statements or testifying in administrative hearings.
3. Respondent understands that further enforcement action may be taken for any violation of the Division's statutes or rules not alleged in this Consent Order, whether committed before or after the execution of this Consent Order, and for any violation of the terms of this Consent Order.
4. Respondent understands that failure to comply with this Consent Order may be used as a basis for the denial of future license, certificate, registration, or other applications, or for the refusal to renew the same; for the suspension, revocation, or conditioning of a license, certificate, or registration issued by the Division or other state agencies; and/or for any other reason provided for in law.
5. Respondent understands that this Consent Order is a public record.
6. 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.
7. Respondent understands that, upon signature of all parties, this Consent Order will be a Final Order.


Ryan Hall

It is so agreed this 15 day of Feb, 2024.

_____ for It is so agreed this _____ day of _____, 2024.
Chair
State Plumbing Board
State of Oregon

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **CAMPBELL'S PLUMBING INC.**
5 **A DOMESTIC LIMITED LIABILITY**
6 **COMPANY,**

7 **RESPONDENT.**

BCD CASE C2023-0076

8 **INTRODUCTION**

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

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

17 **FINDINGS OF FACT**

- 18 1. On or about March 12, 2001, Respondent registered with the Oregon Secretary of State
19 ("SOS") as a domestic business corporation.
- 20 2. Campbell Munn, Jr ("Munn") is listed as the president and secretary for Respondent on the
21 SOS website.
- 22 3. Since on or about January 29, 2003, Respondent has held Oregon Construction Contractors
23 Board ("CCB") license number 154148.¹
- 24 4. At all relevant times, Ernest Guadalupe Rodriguez, II ("Rodriguez")² has been employed by

25 ¹ At all relevant times, Munn was listed as the responsible managing individual (RMI) and corporate officer of Respondent on the CCB website.

² See related Division case C2023-0167 regarding Rodriguez.

1 Respondent.

2 5. On or about April 21, 2023, Rodriguez, on Respondent's behalf, performed the following at
3 a new single family residence located at 215 Cliff Street in Depoe Bay, Oregon ('the
4 property'):

5 a. Connected the 45 degree elbow for the waste drain line from the main residence to
6 the accessory dwelling; and

7 b. Installed new hot and cold water lines in the walls of the residence, including shower
8 diverters.

9 6. At all relevant times, Respondent has held Oregon plumbing contractor license number 3-
10 426PB with the Division.

11 7. At no relevant time has Rodriguez held a valid Oregon journeyman plumber license.

12 **APPLICABLE LAW**

13 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
14 447.010, ORS 455.010, ORS 693.010, Oregon Administrative Rule ("OAR") 918-001-0005,
15 OAR 918-030-0010, and OAR 918-690-0420.

16 2. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing
17 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and
18 water-carried waste.

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

21 4. Under ORS 693.030(2)(a), a licensed plumbing contractor or a person required under ORS
22 447.010 to 447.156 to be licensed as a plumbing contractor may not permit or suffer any
23 person to work as a journeyman plumber who does not hold a valid journeyman plumber
24 license.

25 ///

1 **CONCLUSIONS OF LAW**

- 2 1. Installing a new drain system, connecting a 45 degree elbow for the waste drain line and
3 installing new hot and cold water lines and shower diverters constitutes plumbing under
4 ORS 447.010(6).
- 5 2. By performing the foregoing plumbing work at the property without a valid Oregon
6 journeyman plumber license, Rodriguez violated ORS 693.030(1).
- 7 3. By permitting or suffering Rodriguez to perform the plumbing work at the property without
8 a valid Oregon journeyman plumber license on its behalf, Respondent violated ORS
9 693.030(2)(a).

10 **ORDER**

- 11 1. The Board hereby assesses a total civil penalty of \$2,000.00 against Respondent for
12 violating OAR 693.030(2)(a) as follows:
- 13 a. \$1,500.00 of the total civil penalty will be suspended for a period of five years if
14 there is compliance with all other terms of this Consent Order.
- 15 b. Respondent agrees to pay the remaining \$500.00 of the civil penalty in a lump sum
16 payment. Respondent's payment must be received no later than the 25th day of the
17 month following the month in which this Consent Order is signed by both parties (*An*
18 *invoice may be provided to Respondent after this Consent Order is signed by both*
19 *parties. Respondent understands timely payments must be made even if no invoice is*
20 *ever received.*) Checks should be made out to the Department of Consumer and
21 Business Services. **Payment shall be mailed to Department of Consumer and**
22 **Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-**
23 **0445. For payment questions and credit card payments call 971-375-7087.**

24 ***NOTE: If you fail to make your lump sum payment as stated in this signed***
25 ***Consent Order, this account may be assigned to the Department of Justice,***
Department of Revenue, or a private collection agency. You will be responsible
for any court costs, attorney fees, any other necessary fees related to the collection

1 *of this debt, and any interest or penalties accrued. This debt may also appear on*
2 *future credit reports.*

3 c. Respondent understands the suspended civil penalty (\$1,500.00) will be considered
4 satisfied five years after this Consent Order becomes a final order, provided
5 Respondent complies with its terms and has not committed any further violations of
6 the Division's statutes and rules within that five-year period. Respondent
7 understands and agrees that upon a showing that Respondent has not complied with
8 the terms of this Consent Order or that Respondent has committed any further
9 violations of the Division's statutes or rules within the five-year period, the entire
10 civil penalty, including any suspended amount, will become due and payable. Failure
11 to comply with this Consent Order includes, but is not limited to, failure to pay the
12 civil penalty amount due by the due date.

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

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

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

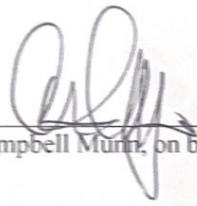
25 5. Respondent understands that this Consent Order is a public record.

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

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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.

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



It is so agreed this 4 day of MARCH, 2024.
Campbell Munn, on behalf of Campbell's Plumbing Inc.

_____ for It is so agreed this _____ day of _____, 2024.
Chair
State Plumbing Board
State of Oregon

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **ERNEST GUADALUPE RODRIGUEZ, II**
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

BCD CASE C2023-0167

8 **INTRODUCTION**

9 The Building Codes Division (“Division”) conducted an investigation on behalf of the State
10 Plumbing Board of the State of Oregon (“Board”) and determined that Ernest Guadalupe
11 Rodriguez, II (“Respondent”) violated certain provisions of the Division’s statutes and
12 administrative rules as identified below.

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

17 **FINDINGS OF FACT**

- 18 1. On or about March 12, 2001, Campbell’s Plumbing Inc. (“Campbell’s Plumbing”)¹
19 registered with the Oregon Secretary of State (“SOS”) as a domestic business corporation.
20 2. Campbell Munn, Jr (“Munn”) is listed as the president and secretary for Campbell’s
21 Plumbing on the SOS website.
22 3. Since on or about January 29, 2003, Campbell’s Plumbing has held Oregon Construction
23 Contractors Board (“CCB”) license number 154148.²
24 4. At all relevant times, Respondent has been employed by Campbell’s Plumbing.

25 ¹ See related Division case C2023-0076 regarding Campbell’s Plumbing.

² At all relevant times, Munn was listed as the responsible managing individual (RMI) and corporate officer of Campbell’s Plumbing on the CCB website.

1 5. In or around April 21, 2023, Respondent, on Campbell Plumbing’s behalf, performed the
2 following at a new single family residence located at 215 Cliff Street in Depoe Bay, Oregon
3 (‘the property’) :

4 a. Connected the 45 degree elbow for the waste drain line from the main residence to
5 an accessory dwelling; and

6 b. Installed new hot and cold water lines in the walls of the residence, including shower
7 diverters.

8 6. At all relevant times, Respondent has held Oregon plumbing contractor license number 3-
9 426PB with the Division.

10 7. At no relevant time has Respondent held a valid Oregon journeyman plumber license.

11 **APPLICABLE LAW**

12 1. Definitions for terms used in this Notice may be found in ORS 183.310, ORS 447.010, ORS
13 455.010, ORS 693.010, OAR 918-001-0005, OAR 918-030-0010, and OAR 918-690-0420.

14 2. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing
15 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and
16 water-carried waste.

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

19 **CONCLUSIONS OF LAW**

20 1. Connecting a 45 degree elbow for a waste drain line and installing new hot and cold water
21 lines constitutes plumbing under ORS 447.010(6).

22 2. By performing the foregoing plumbing work, on behalf of Campbell’s Plumbing, without a
23 valid Oregon journeyman plumber license, Respondent violated ORS 693.030(1).

24 **ORDER**

25 1. The Board hereby assesses a total civil penalty of \$2,000.00 against Respondent for

1 violating ORS 693.030(1) as follows:

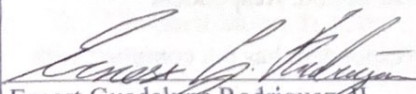
- 2 a. \$1,750.00 of the total civil penalty will be suspended for a period of five years if
3 there is compliance with all other terms of this Consent Order.
- 4 b. Respondent agrees to pay the remaining \$250.00 of the civil penalty in a lump sum
5 payment. Respondent's payment must be received no later than the 25th day of the
6 month following the month in which this Consent Order is signed by both parties (*An
7 invoice may be provided to Respondent after this Consent Order is signed by both
8 parties. Respondent understands timely payments must be made even if no invoice is
9 ever received.*) Checks should be made out to the Department of Consumer and
10 Business Services. **Payment shall be mailed to Department of Consumer and
11 Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-
12 0445. For payment questions and credit card payments call 971-375-7087.**

13 ***NOTE: If you fail to make your lump sum payment as stated in this signed
14 Consent Order, this account may be assigned to the Department of Justice,
15 Department of Revenue, or a private collection agency. You will be responsible
16 for any court costs, attorney fees, any other necessary fees related to the collection
17 of this debt, and any interest or penalties accrued. This debt may also appear on
18 future credit reports.***

- 19 c. Respondent understands the suspended civil penalty (\$1,750.00) will be considered
20 satisfied five years after this Consent Order becomes a final order, provided
21 Respondent complies with its terms and has not committed any further violations of
22 the Division's statutes and rules within that five-year period. Respondent
23 understands and agrees that upon a showing that Respondent has not complied with
24 the terms of this Consent Order or that Respondent has committed any further
25 violations of the Division's statutes or rules within the five-year period, the entire
civil penalty, including any suspended amount, will become due and payable. Failure
to comply with this Consent Order includes, but is not limited to, failure to pay the
civil penalty amount due by the due date.

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2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases that rely on the facts underlying this case. Cooperation may include, but may not be limited to, making sworn statements or testifying in administrative hearings.
3. Respondent understands that further enforcement action may be taken for any violation of the Division's statutes or rules not alleged in this Consent Order, whether committed before or after the execution of this Consent Order, and for any violation of the terms of this Consent Order.
4. Respondent understands that failure to comply with this Consent Order may be used as a basis for the denial of future license, certificate, registration, or other applications, or for the refusal to renew the same; for the suspension, revocation, or conditioning of a license, certificate, or registration issued by the Division or other state agencies; and/or for any other reason provided for in law.
5. Respondent understands that this Consent Order is a public record.
6. 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.
7. Respondent understands that, upon signature of all parties, this Consent Order will be a Final Order.

 It is so agreed this 5 day of march, 2024.
Ernest Guadalupe Rodriguez, II

_____ for It is so agreed this ____ day of _____, 2024.
Chair
State Plumbing Board
State of Oregon

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **ADEPT PDX CONSTRUCTION, INC**
5 **A DOMESTIC BUSINESS CORPORATION,**

6 **RESPONDENT.**

BCD CASE C2023-0129

7 **INTRODUCTION**

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 Adept PDX Construction,
10 Inc (“Respondent”) violated certain provisions of the Division’s statutes and administrative rules as
11 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
15 a hearing and any judicial review therefrom by the signing of this Consent Order.

16 **FINDINGS OF FACT**

- 17
- 18 1. On or about July 12, 2017, Respondent registered with the Oregon Secretary of State
19 (“SOS”) as a domestic business corporation.
 - 20 2. At all relevant times, Alfredo Brito (“Brito”) was listed as the registered agent, president,
21 and secretary of Respondent on the SOS website .
 - 22 3. On or about January 31, 2018, Respondent registered with the Oregon Construction
23 Contractors Board (“CCB”) with license number 218393.
 - 24 4. At all relevant times, Brito was listed as the corporate officer and responsible managing
25 individual (RMI) owner of Respondent on the CCB website.¹

¹ Brito is listed on the CCB website as Alfredo Enrique Brito Bastidas.

1 5. On or about August 8, 2023, during a site check at 5775 SW 141st Avenue in Beaverton,
2 Oregon (“the property”), Division Investigator Jeffrey Pritchett (“Pritchett”), discovered that
3 employees² of Respondent had performed the following:

- 4 a. Installed new PEX tubing for hot and cold water supply in the kitchen;
- 5 b. Installed new PEX tubing for the hot and cold water in the bathroom walls; and
- 6 c. Installed a new shower control fixture.

7 6. At no relevant time has Respondent held a valid Oregon plumbing contractor license.

8 7. At no relevant time did Respondent obtain a plumbing permit prior to performing the
9 plumbing work at the property.

10 **APPLICABLE LAW**

11 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
12 447.010, ORS 455.010, ORS 693.010, Oregon Administrative Rule (“OAR”) 918-001-0005,
13 OAR 918-030-0010, and OAR 918-690-0420.

14 2. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing
15 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and
16 water-carried waste.

17 3. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or
18 purport to be a plumbing contractor, without having obtained a plumbing contractor license.

19 4. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
20 other license regulated by ORS chapter 455, “engaging in the business” means to advertise
21 or solicit, contract or agree to perform, or to perform work for which a license or permit is
22 required under Oregon law, including but not limited to a single instance.

23 5. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
24 without a journeyman plumber license.

25 ² Brito admitted to Pritchett that his employees who performed the plumbing installation did not hold any Oregon plumbing licenses. Furthermore, Brito failed to comply with Pritchett’s request to provide the names of the employees that performed the plumbing installations at the property.

1 6. Under ORS 693.030(2)(a), a licensed plumbing contractor or a person required under ORS
2 447.010 to 447.156 to be licensed as a plumbing contractor may not permit or suffer any
3 person to work as a journeyman plumber who does not hold a valid journeyman plumber
4 license.

5 7. Under OAR 918-780-0065, no person, firm, or corporation shall do plumbing work in the
6 State of Oregon without first obtaining a plumbing permit or minor label when required and
7 paying the appropriate fees to the authorized permit issuing agency.

8 **CONCLUSIONS OF LAW**

9 1. The following constitutes plumbing under ORS 447.010(6):

- 10 a. Installing a new PEX tubing in the bathroom and kitchen; and
- 11 b. Installing a new shower control fixture.

12 2. Respondent engaged in the business of a plumbing contractor, as defined under OAR 918-
13 030-0010(8), by contracting, agreeing to perform, and then permitting employees to perform
14 the aforementioned plumbing work at the property.

15 3. By engaging in the business of a plumbing contractor at the property without a valid Oregon
16 plumbing contractor license, Respondent violated ORS 447.040(1).

17 4. By permitting the foregoing plumbing work at the property without first obtaining a valid
18 plumbing permit or minor label, Respondent violated OAR 918-780-0065.

19 **ORDER**

20 1. The Board hereby assesses a total civil penalty of \$4,000.00 against Respondent for
21 violating ORS 447.040(1) and OAR 918-780-0065 as follows:

22 a. \$2,500.00 of the total civil penalty will be suspended for a period of five years if
23 there is compliance with all other terms of this Consent Order.

24 b. Respondent agrees to pay the remaining \$1,500.00 of the civil penalty. Respondent
25 will make six (6) consecutive monthly payments that must be received no later than

1 the 25th day of each month in the amount of \$250.00 per month. Respondent's first
2 payment shall be received **no later than the 25th day of the month following the**
3 **month in which this Consent Order is signed by both parties.** *(An invoice may be*
4 *provided to Respondent after this Consent Order is signed by both parties.*

5 *Respondent understands timely payments must be made even if no invoice is ever*
6 *received.)* Checks should be made out to the Department of Consumer and Business
7 Services. **Payments shall be mailed to Department of Consumer and Business**
8 **Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For**
9 **payment questions and credit card payments, call cashiering at 503-947-7891.**

10 ***NOTE: If you fail to make timely payments as stated in this signed Consent Order,***
11 ***the payment agreement becomes void. In addition, this account may be assigned to***
12 ***the Department of Justice, Department of Revenue, or a private collection agency.***
13 ***You will be responsible for any court costs, attorney fees, any other necessary fees***
related to the collection of this debt, and any interest accrued. This debt may also
appear on future credit reports.

- 14 c. Respondent understands the suspended civil penalty (\$2,500.00) will be considered
15 satisfied five years after this Consent Order becomes a final order, provided
16 Respondent complies with its terms and has not committed any further violations of
17 the Division's statutes and rules within that five-year period. Respondent
18 understands and agrees that upon a showing that Respondent has not complied with
19 the terms of this Consent Order or that Respondent has committed any further
20 violations of the Division's statutes or rules within the five-year period, the entire
21 civil penalty, including any suspended amount, will become due and payable. Failure
22 to comply with this Consent Order includes, but is not limited to, failure to pay the
23 civil penalty amount due by the due date.
- 24 2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
25 that rely on the facts underlying this case. Cooperation may include, but may not be limited
to, making sworn statements or testifying in administrative hearings.

- 1 3. Respondent understands that further enforcement action may be taken for any violation of
2 the Division's statutes or rules not alleged in this Consent Order, whether committed before
3 or after the execution of this Consent Order, and for any violation of the terms of this
4 Consent Order.
- 5 4. Respondent understands that failure to comply with this Consent Order may be used as a
6 basis for the denial of future license, certificate, registration, or other applications, or for the
7 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
8 certificate, or registration issued by the Division or other state agencies; and/or for any other
9 reason provided for in law.
- 10 5. Respondent understands that this Consent Order is a public record.
- 11 6. Respondent has read and fully understands the terms of this Consent Order, freely and
12 voluntarily consents to the entry of this Consent Order without any force or duress, and
13 expressly waives all rights to hearing or judicial review in this matter.
- 14 7. Respondent understands that, upon signature of all parties, this Consent Order will be a
15 Final Order.

16
17 *Alfredo Brito*

18 _____ It is so agreed this 20 day of March, 2024.
19 Alfredo Brito, on behalf of Adept PDX Construction, Inc

20 _____ for It is so agreed this ____ day of _____, 2024.
21 Chair
22 State Plumbing Board
23 State of Oregon
24
25

Plumbing Board Enforcement Report for April 18, 2024

Summary Report – Cases Previously Resolved by Division

Case #	Name	Violation	Location	Date of Violation	Penalty Assessed	Other Comments
C2023-0152	Josy Plumbing Services LLC	Installation of hot and cold PEX tubing. <ul style="list-style-type: none"> ● Allowing unlicensed work 	Portland	August 2023	\$2,500	Previous enforcement history in Division case C2021-0187. Respondent's plumbing contractor license, number PB2157, has been suspended for one (1) year. Respondent's penalty is consistent with the Board's penalty matrix for second time violators.
C2023-0156	James Millican	Installation of a new kitchen sink, bathroom fixtures, including a bathtub surround, toilet, vanity with sink, and shut off valves, supply lines, and a p-trap in the bathroom. <ul style="list-style-type: none"> ● No journeyman plumbing license 	Eugene	Fall 2019	\$2,000	First time violator
C2023-0168	Jim's Handyman Service LLC	Installation of a new kitchen sink, bathroom fixtures, including a bathtub surround, toilet, vanity with sink, and shut off valves, supply lines, and a p-trap in the bathroom. <ul style="list-style-type: none"> ● No plumbing contractor license ● Allowing unlicensed work ● No permit 	Eugene	Fall 2019	\$6,000	First time violator

State of Oregon

Board memo

Building Codes Division

April 18, 2024

To: State Plumbing Board

From: Pierre Sabagh, policy analyst, Policy and Technical Services

Subject: Continuing Education Applications

Action requested:

State Plumbing Board consideration of the Plumbing Chief's recommendations regarding continuing education courses and instructors.

Background:

The State Plumbing Board establishes continuing education requirements for all plumbing licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. The board sets standards for approval of courses and instructors in order to have a sufficient number and variety of continuing education courses available to licensees.

The State Plumbing Program Chief has been evaluating courses and instructors on the board's behalf. In March, the Plumbing Program Chief reviewed 26 applications from five organizations:

- 17 courses were recommended for approval.
- Nine instructors were recommended for approval.

See attached summary for more information.

In addition to the Oregon Rule and Law criteria, the committee uses the following when reviewing applications:

- For correspondence courses – Provider must submit complete course and some method of verification that student has completed course.
- For online courses – Provider must submit a log-on or screen shots of course content.
- OSHA 10 and 30 courses are eligible for a maximum of 10 hours code-related credit.
- First Aid, CPR, AED, and OSHA related safety courses are eligible for a maximum of eight hours code-related credit.

Options:

- Approve the Plumbing Chief's recommendations for approval or denial of courses or instructors.
- Amend and approve the Plumbing Chief's recommendations for approval or denial of courses or instructors.
- Disapprove the Plumbing Chief's recommendations for approval or denial of courses or instructors.

State Plumbing Board
Committee on Continuing Education Course and Instructor Review
April 18, 2024

Courses

	Applicant	Course Name	Committee Recommendation	Board Action
1	All Star Education John Mason	4 HR 2023 OPSC Plumbing CE 4 hour, Code Change: Model Code only	Approve for 2023 code cycle	
2	All Star Education John Mason	4 HR OR Rules and Laws Plumbing CE 4 hour, Oregon Rule and Law	Approve for 2023 code cycle	
3	Frank Rauch Frank Rauch	ADA Requirements for Plumbers 4 hour, Code Related	Approve for 2023 code cycle	
4	Frank Rauch Frank Rauch	2023 Code Change 4 hour, Code Change: Model Code only	Approve for 2023 code cycle	
5	Frank Rauch Frank Rauch	Oregon Rule and Law for Plumbers 4 hour, Oregon Rule and Law	Approve for 2023 code cycle	
6	Frank Rauch Frank Rauch	Venting Options 4 hour, Code Related	Approve for 2023 code cycle	
7	Mike Ditty LLC Pam Ditty	Commercial Water Distribution 4 hour, Code Related	Approve for 2023 code cycle	
8	Mike Ditty LLC Pam Ditty	Drainage Systems 4 hour, Code Related	Approve for 2023 code cycle	
9	Mike Ditty LLC Pam Ditty	Electric Plumbing Fixtures 4 hour, Code Related	Approve for 2023 code cycle	
10	Mike Ditty LLC Pam Ditty	Electric Pump Systems 4 hour, Code Related	Approve for 2023 code cycle	

11	Mike Ditty LLC Pam Ditty	2023 Oregon Code Change 4 hour, Code Change: Model Code only	Approve for 2023 code cycle	
12	Mike Ditty LLC Pam Ditty	2023 Oregon Rule and Law 4 hour, Oregon Rule and Law	Approve for 2023 code cycle	
13	Mike Ditty LLC Pam Ditty	Residential Water Distribution 4 hour, Code Related	Approve for 2023 code cycle	
14	Mike Ditty LLC Pam Ditty	Super Bloopers 4 hour, Code Related	Approve for 2023 code cycle	
15	SWJATC Nate Bendlin	Plumbing Code Course Update A 8 hour, Code Change: Model Code with Oregon Rule and Law Materials	Approve for 2023 code cycle	
16	SWJATC Nate Bendlin	Plumbing Code Course Update B 8 hour, Code Change: Model Code with Oregon Rule and Law Materials	Approve for 2023 code cycle	
17	SWJATC Nate Bendlin	Plumbing Code Course Update C 8 hour, Code Change: Model Code with Oregon Rule and Law Materials	Approve for 2023 code cycle	

Instructors

	Applicant	Committee Recommendation	Board Action
1	All Star Education Eric S. Erwin	Approve for 2023 code cycle	
2	Frank Rauch Frank Rauch	Approve for 2023 code cycle	
3	Mike Ditty LLC Mike Ditty	Approve for 2023 code cycle	
4	NEEA John Delance	Approve for 2023 code cycle	
5	NEEA Michael Hughes	Approve for 2023 code cycle	

6	NEEA Dean Paler	Approve for 2023 code cycle	
7	NEEA Nicholas Phillips	Approve for 2023 code cycle	
8	NEEA Mike Stothers	Approve for 2023 code cycle	
9	SWJATC Nathaniel Bendlin	Approve for 2023 code cycle	

Oregon State Association of Plumbing-Heating-Cooling Contractors
PO Box 13141
Salem OR 97309
Darrell@ORPHCC.org
971-388-1786

**Agenda
Item
VII.B.**

Late submission



April 9, 2024

Mr. Andy Skinner
Plumbing Program Chief
State of Oregon Building Codes Division
Via andrew.j.skinner@dcbs.oregon.gov

Re: Request For Continuing Education Approval

Mr. Skinner:

This letter is to request the Plumbing Board **renew** Oregon PHCC's authority to provide Journeyman Plumber Continuing Education, including retroactive approval of education already provided this year. Due to a cyber attack on our email and website, I did not get BCD emails reminding us to apply for renewal. My apologies for the oversight and appreciate your forbearance.

Literally for generations, the Oregon State Association of Plumbing-Heating-Cooling Contractors (Oregon PHCC) has provided journeyman plumbers with high quality continuing education in Oregon. In fact, at one time we were awarded a state contract to provide low-cost, mandatory, code-change related continuing education during a previous code-change cycle (the funding for this program no longer exists).

Specifically, we'd like to continue to be qualified for:

- (1) Up to eight hours at our state convention;
- (2) Two hours for each live local presentation. We are holding lunch/dinner meetings across the state (five so far this year). They have previously qualified for two hours CE credit. The meetings include multiple topics ranging from national updates, local legislative updates, changes and proposed changes to the base and REACH code, updated information on emerging products and technology, compliance with Asbestos and lead paint rules, and more; and
- (3) Providing CE for plumbers participating in National PHCC online educational content (live and in our library) on many different topics impacting plumbers. Oregon PHCC will verify the presentation(s) were taken through our national office.

If you have any questions, or need any additional information prior to the meeting, please let me know.

Regards,

A handwritten signature in blue ink, appearing to read 'Darrell W. Fuller'.

Darrell W. Fuller
Executive Director