

Oregon State Plumbing Board enforcement summary report for August 15, 2008

Summary report - Cases previously resolved by division								
Case #	Name	Violation	Location of violation	Date of violation	Matrix code	Penalty assessed	Penalty to pay	Other comments
2008-0014 Paul	Dennis J. Parker, Sr., an unlicensed person	Installed a radiant floor heating system connected to the potable water system, as part of a contractual agreement, without: - Plumbing contractor's license - Journeyman plumber's license	Cave Junction	Feb-06 through May-07	MB1	\$2,000	\$2,000	Default Order. Complaint submitted by homeowner.
2007-0345 Paul	Garry O. Bevier, an unlicensed person	Installed potable water supply pipes, waste water disposal pipes, and plumbing fixtures, in a commercial building he owned and intended for rent, without: - Journeyman plumber's license - Plumbing permit	Gaston	Jan-07	MB1 & MA1	\$2,000	\$2,000	Default Order. Complaint submitted by private citizen.
2008-0063 Paul	Larry R. Bennett and Brian A. Bennett and Donnie M. Ray, an Oregon partnership, jointly and severally liable, dba Bennetts Home Repair, an unlicensed contractor and individual (Larry R. Bennett)	Installed potable water supply pipes and stub caps in a private residence without: - Plumbing contractor's license - Journeyman plumber's license	Riddle	Jan-08 through Mar-08	MB1	\$2,000	\$2,000	Default Order. Complaint submitted by homeowner.
2008-0024 Heath	Technospect Inc., an unlicensed contractor, dba Universal Construction Services Inc.	Installed a roll-in transfer shower, an ADA toilet, and a sink without: - Plumbing contractor's license - Plumbing permit	Culver	May-07	MB1 & MA1	\$2,000	\$2,000	Default Order. Complaint submitted by homeowner.

MA = Permit violations

- MA1 - 1st
- MA2 - 2nd
- MA3 - 3rd
- MA4 - 4th
- MA5 - 5th

MB = License violations

- MB1 - 1st
- MB2 - 2nd
- MB3 - 3rd

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2008-0062 Heath	Travis Workman., an unlicensed contractor, dba CTR Plumbing	Respondent engaged in the business of installing a new kitchen faucet and reattaching drain and water supply lines without: - Plumbing contractor's license - Plumbing permit	Keizer	Feb-08	MB1 & MA1	\$2,000	\$2,000	Default Order. Complaint submitted by homeowner. Respondent is a licensed journeyman plumber.
2007-0220 Heath	Andreas Wiebe, an unlicensed individual	Installed PEX water supply line to a bathtub without a journeyman plumber's license	Canby	Aug-07	MB1	\$1,000	\$1,000	Citation issued. Default Order. Related to Rose City Plumbing case on the 6/20/08 board
2008-0011 Heath	Charles T. Thompson, an unlicensed contractor, dba Thompson Remodeling and General Contracting	Installed a sink, toilet, and shower in a residence without: - Plumbing contractor's license - Journeyman plumber's license - Plumbing permit	Portland	Aug-07	MB1 & MA1	\$3,000	\$3,000	Default Order. Submitted by homeowner.
2008-0046 Heath	Daniel Hughes, an unlicensed contractor	Installed three pedicure spa chairs in the garage of a residence without: - Plumbing contractor's license - Journeyman plumber's license - Plumbing permit	Aloha	Jan-08	MB1 & MA1	\$3,000	\$3,000	Default Order. Submitted by Washington County plumbing inspector.
2008-0111 Paul	Ernest Edwin Garrett, Jr, an unlicensed individual	Installed a sink, potable water supply pipes, and waste water drain pipes in a retail store without: - Journeyman plumber's license - Plumbing permit	Bandon	Jan-08	MB1 & MA1	\$2,000	\$2,000	Default Order. Submitted by BCD Plumbing Inspector

MA = Permit violations

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MB = License violations

- MB1 - 1st
- MB2 - 2nd
- MB3 - 3rd

**Building Codes Division
Penalty Matrix for Violations of Specialty Codes
Matrix A violations**

This penalty matrix applies to the following trade specialty codes: amusement rides; boiler; electrical; elevators; manufactured dwellings/installer; one and two family dwellings; plumbing; recreational vehicles; structural and mechanical.

	Violator Category	Penalty per Violation	Compliance Achieved	Compliance Not Achieved
MA1	1 st Time Violator A 1 st time violator does not have an adverse final order issued by the board or department within the 36 months prior to the date of the current violation.	\$1,000	Issue a Consent Order . A portion of the civil penalty may be stayed If the violator is a homeowner, issue a Final Order .	Issue a Final Order that assesses the full penalty.
MA2	2 nd Time Violator	\$2,000	Issue a Consent Order that assesses ½ of the penalty amount and stays ½ of the penalty amount.	Issue a Final Order that assesses the full penalty.
MA3	3 rd Time Violator	\$3,000	Issue a Stipulated Order that assesses ¾ of the penalty amount and stays ¼ of the penalty amount.	Issue a Final Order that assesses the full penalty.
MA4	4 th Time Violator	\$4,000	Issue a Stipulated Order that assesses the full penalty.	Issue a Final Order that assesses the full penalty.
MA5	5 th Time Violator	\$5,000	Issue a Stipulated Order that assesses the full penalty.	Issue a Final Order that assesses the full penalty.

***EGREGIOUS ACT*
Matrix B violations**

An egregious act is defined in OAR 918-001-0036. For example, a contractor or person commits an egregious act when they directly employ or contract with an unlicensed contractor or person who performs work that requires a license. Note: A licensed person or contractor who has committed an egregious act may have their license, registration, or certificate suspended or revoked.

	Violator Category	Penalty per Violation	Compliance Achieved	Compliance Not Achieved
MB1	1 st Time Violator	\$1,000	Issue Consent Order , full amount of the penalty will be imposed. If violator is a homeowner, issue Final Order , penalty waived.	Issue a Final Order that assesses the full penalty
MB2	2 nd Time Violator	\$3,000	Issue Stipulated Order , full amount of the penalty will be imposed	Issue a Final Order that assesses the full penalty
MB3	3 rd Time Violator or any subsequent violation	\$5,000	Issue Stipulated Order , full amount of the penalty will be imposed	Issue a Final Order that assesses the full penalty

Note: An unpermitted or unlicensed installation does not automatically constitute an unsafe installation.
Implemented 1-1-03

**Building Codes Division
Penalty Matrix for Violations of Orders of Corrective Actions**

Trade Specialty Code	Compliance Achieved	Compliance Not Achieved
<u>Failure to Comply with the 1st Order</u>		
All Contractors, Business Owners, and Other Persons Performing Work	Issue one of the following: <ul style="list-style-type: none"> • Consent Order (if 1st or 2nd time violator). • Stipulated Order (if 3rd, 4th, or 5th time violator). 	In addition to civil penalty for the violation(s), subject to civil penalty of \$1,000 per day for up to 5-days or \$5,000 for continuing violation.
Homeowners (All Codes) (1 & 2 Family Dwellings)	Issue one of the following: <ul style="list-style-type: none"> • Consent Order (if 1st or 2nd time violator). • Stipulated Order (if 3rd, 4th, or 5th time violator). 	In addition to civil penalty for the violation(s), subject to civil penalty of \$1,000 per day for up to 1-day or \$1,000 for continuing violation.

Definitions:

Consent Order – A legal document that acknowledges a violation occurred, compliance has been achieved, assesses penalty, and may stay a portion of the penalty for a prescribed period of time unless an egregious act was committed then no portion of the penalty will be stayed.

Final Order – A legal document that acknowledges a violation occurred, the status of compliance, assesses penalty, and if the violator is a contractor, may warn of license revocation or suspension for future violations.

Stipulated Order – A legal document that acknowledges a violation occurred, compliance has been achieved, assesses penalty, mandates a written plan to ensure future compliance, and if the violator is a contractor, warns of license revocation or suspension for future violations.

Order of Corrective Action – A legal document issued that acknowledges a violation occurred and orders the violator to make corrective action within the terms of the order and places the violator on notice that additional penalties may be assessed if the conditions of the order are not satisfied.