

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

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

4 **IN THE MATTER OF:**)
5 **RAY BATISTA,**) **AMENDED NOTICE OF PROPOSED**
6 **AN INDIVIDUAL**) **ASSESSMENT OF A CIVIL PENALTY,**
7) **AND FINAL ORDER UPON DEFAULT**
8)
9 **RESPONDENT**) **CASE NO. 2005-0412**

10 Pursuant to ORS 455.895(2) and OAR 918-001-0036, the Director of the Department of Consumer
11 and Business Services proposes to impose a civil penalty against you in the amount of \$1,000.

12 Pursuant to ORS 455.895(1)(a) and OAR 918-001-0036, the Plumbing Board proposes to impose a
13 civil penalty against you in the amount of \$2,000.

14 **FINDINGS OF FACT**

- 15 1. On or about October 19, 2005, at 7013 NW Quatama Rd., Hillsboro, Oregon, Respondent
16 engaged in the business of installing a sink and related piping for the account of another
17 without a valid Oregon plumbing business certificate of registration.
- 18 2. On or about October 19, 2005, at 7013 NW Quatama Rd., Hillsboro, Oregon, Respondent
19 installed a sink and related piping, for the account of another, without a valid Oregon
20 journeyman plumber's certificate of competency.
- 21 3. On or about October 19, 2005, at 7013 NW Quatama Rd., Hillsboro, Oregon, Respondent
22 engaged in the business of installing a sink and related piping for the account of another
23 without first obtaining a valid plumbing permit.

24 **CONCLUSIONS OF LAW**

- 25 1. Installing a sink and related piping, as set forth in the Findings of Fact, is a plumbing
installation as defined in ORS 447.010(6).
2. By engaging in the business of making a plumbing installation without a valid Oregon
plumbing business certificate of registration, as set forth in the Findings of Fact, Respondent
violated ORS 447.040.
3. By making a plumbing installation without a valid Oregon journeyman plumber's certificate
of competency, as set forth in the Finding of Fact, Respondent violated ORS 693.030(1).
4. By making a plumbing installation without first having obtained a valid plumbing permit, as
set forth in the Findings of Fact, Respondent violated Section R105.1, State of Oregon 2005
Edition, Oregon Residential Specialty Code.

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ORDER

Pursuant to ORS 455.895(1)(a) and OAR 918-001-0036, Respondent is assessed a \$1,000 civil penalty for violation of ORS 447.040.

Pursuant to ORS 455.895(1)(a) and OAR 918-001-0036, Respondent is assessed a \$1,000 civil penalty for violation of ORS 693.030(1).

Pursuant to ORS 455.895(2) and OAR 918-001-0036, Respondent is assessed a \$1,000 civil penalty for violation of Section R105.1, State of Oregon 2005 Edition, Oregon Residential Specialty Code.

NOTICE OF HEARING

You are entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes, Chapter 183. If you wish to receive a hearing you must file a written request for a hearing with the Board no later than 20 days from the date of service of this notice. If a request for hearing is not received within the 20 day period your right to a hearing shall be considered waived unless the failure to request a hearing was beyond your reasonable control. Hearing requests shall be mailed to Building Codes Division, Enforcement and Licensing Section, PO Box 14470, Salem, Oregon, 97309.

You have the right to be represented by legal counsel. ORS 183.457 provides a corporation may be represented by an authorized representative at the hearing. If you request a hearing the Board and Director will notify you of the time and place of the hearing. The Board and Director will give you information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before commencement of the hearing.

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NOTICE OF FINAL ORDER

If you do not request a hearing within 20 days, this notice will become a final order, effective 21 days after it was served on you. If you do not request a hearing or fail to appear at a scheduled hearing, the Division's file on the matter becomes record. You are entitled to judicial review of this order. Judicial review may be obtained by filing for review within 81 days from the date this order was served. Judicial review is pursuant to the provisions of ORS 183.482 to the Court of Appeals.

Dated this _____ day of _____, 2006

BY HEATH M. LAWSON, Enforcement Officer
Building Codes Division / Enforcement and Licensing Section
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