

FEB 14 2014

At 433 M.
Amalia Rodriguez-Mendoza, Clerk

CAUSE NO. D-1-GV-13-001204

TEXAS STATE BOARD OF
PLUMBING EXAMINERS,
Plaintiff,

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IN THE DISTRICT COURT OF

v.

TRAVIS COUNTY, TEXAS

JASON MARTIN, individually,
and d/b/a JM PLUMBING and,
d/b/a Professional Plumbing and
Contracting,

Defendant.

345TH JUDICIAL DISTRICT

FINAL JUDGMENT ON PERMANENT INJUNCTION

This judgment vacates and supersedes the judgment that was entered in the above-styled case on January 30, 2014. On this the 30th of January, 2014, came on to be heard Plaintiff Texas State Board of Plumbing Examiners' ("Texas State Board of Plumbing Examiners") Original Petition and Application for Injunctive Relief. Texas State Board of Plumbing Examiners, appeared by and through its attorney of record, and announced ready; Defendant, Jason Martin, individually, and d/b/a JM Plumbing and d/b/a Professional Plumbing and Contracting (hereinafter referred to as "Jason Martin" or "Defendant"), although duly served, has not appeared, and has not answered this suit. It appears to the Court that the citation was properly served on Jason Martin and returned in accordance with the provisions of Rules 106 and 107 of the Texas Rules of Civil Procedure and that Jason Martin has not appeared or answered with respect to this matter. The citation, bearing the officer's return, has been on file with the clerk for over ten days, exclusive of the date of filing and this day. It therefore appears that, under

Texas Rule of Civil Procedure 239, the Texas State Board of Plumbing Examiners is entitled to a default judgment.

I. PERMANENT INJUNCTION

The Court, having considered the pleadings and evidence in this case, is of the opinion that the Texas State Board of Plumbing Examiners' permanent injunction against Jason Martin, should be and is hereby GRANTED.

The Court finds that an injunction against Jason Martin is proper under Texas Occupations Code section 1301.504 as Jason Martin has violated, is violating or is threatening to violate Chapter 1301 of the Texas Occupations Code and the administrative rules regulating the practice of plumbing issued by the Texas State Board of Plumbing Examiners.

The Court **GRANTS** the Texas State Board of Plumbing Examiners' request for a permanent injunction, and **ORDERS** as follows:

(A) That Jason Martin is hereby **PERMANENTLY ENJOINED** from the practice of plumbing in the State of Texas without a license issued by the Texas State Board of Plumbing Examiners.

Jason Martin and his agents, assigns, or anyone acting in concert with him shall be **PERMANENTLY ENJOINED** from the following acts:

- (1) accepting money or other compensation for plumbing services offered or performed in the State of Texas, unless Jason Martin is licensed to perform plumbing by the Texas State Board of Plumbing Examiners;
- (2) performing or offering to perform plumbing services for no compensation in the State of Texas, unless Jason Martin is licensed to perform plumbing

by the Texas State Board of Plumbing Examiners;

- (3) advertising plumbing services in the State of Texas, unless Jason Martin is licensed to perform plumbing by the Texas State Board of Plumbing Examiners; and
- (4) appropriating the plumbing license number or Plumber's Apprentice registration number of any other plumber or registrant in the State of Texas.

According to Texas Occupations Code section 1301.002(7), plumbing is defined as:

(A) a fixture, appurtenance, appliance, or piping, including a disposal system, used to:

(i) supply, distribute, circulate, or recirculate water, other liquid, or gas; or

(ii) eliminate sewage for a personal or domestic purpose;

(B) a fixture, appurtenance, appliance, or piping used outside a building to connect the building to:

(i) a supply of water, other liquid, medical gases and vacuum, or other gas on the premises; or

(ii) the main in the street or alley or at the curb;

(C) a fixture, appurtenance, appliance, or piping, including a drain or waste pipe, used to carry wastewater or sewage from or within a building to:

(i) a sewer service lateral at the curb or in the street or alley; or

(ii) a disposal or septic terminal that holds private or domestic sewage; or

(D) the installation, repair, service, or maintenance of a fixture, appurtenance, appliance, or piping described by Paragraph (A), (B), or (C).

II. ATTORNEY'S FEES, CIVIL PENALTIES, AND COURT COSTS

IT IS FURTHER ORDERED that the Jason Martin shall pay attorney's fees IN THE AMOUNT OF \$1,600, civil penalties IN THE AMOUNT of \$10,000, and court costs IN THE AMOUNT OF \$266.40 to the Texas State Board of Plumbing Examiners.

III. IMMEDIATE EFFECT: ENFORCEMENT; FUTURE LIABILITY


IT IS FURTHER ORDERED:

This judgment shall be effective immediately upon signing by the Court and that it shall remain in effect until Jason Martin receives a license issued by the Texas State Board of Plumbing Examiners, and that nothing in this judgment in any way limits or lessens Defendant's responsibilities or potential liabilities for future violations of Chapter 1301 of the Texas Occupations Code and the rules and regulations promulgated thereunder, or for violations of any other law. The Court **ORDERS** that violation of this Order shall be punishable by contempt upon motion to the Court.

IT IS ORDERED that the Texas State Board of Plumbing Examiners is allowed all writs and processes as may be needed for the enforcement and collection of this judgment.

This judgment fully disposes of all parties and all claims and is appealable.

SIGNED this the 14th day of February, 2014, at 3:15 o' clock, ~~am~~ p.m.



JUDGE PRESIDING