

ADVISORY BOARD CIVIL PENALTY MATRIX

March 7, 2017

Pursuant to OAR 918-001-0036, this penalty matrix applies to the following trade specialty codes: boiler, electrical, elevator, manufactured dwelling/installer, plumbing, and mechanical.

The entire penalty is imposed in all cases. A violator will not automatically receive the minimum amount due for the penalty. 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. In determining whether a portion of the penalty should be stayed the Board considers aggravating and mitigating factors including but not limited to risk to the public and the cooperation of the violator.

Civil penalties may be assessed in addition to, or in lieu of, the conditioning, suspension, and/or revocation of a license, certificate, or similar authority. The conditioning, suspension, and/or revocation of a license, certificate, or similar authority are not part of this penalty matrix and the Board or the Division, acting on the Board's behalf, may take an action against a license, including against a first time violator. The violation type (first, second, or third) is based upon the number of violations committed within five years of the date of the present violation.

Violation Type	1st	2nd	3rd
Permit Violation	Penalty Assessed: \$1000 Max. Amt. Stayed: \$750 Min. Amt. Due/payable: \$250	Penalty Assessed: \$ 2000 Max. Amt. Stayed: \$1250 Min. Amt. Due/payable: \$750	Penalty Assessed: \$3000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$2000
<i>Above section applies to violations of permit requirements, excluding violations involving false information.</i>			
Volunteer Who Has Violated Licensing Laws	Penalty Assessed: \$1000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$0	Penalty Assessed \$2000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$1000	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to individuals who are not licensed or employed in one of the specialty trades listed above and who make an installation that requires a license for no remuneration or other benefit. Above section shall not apply to individuals who have been licensed by the Division or the Construction Contractors Board.</i>			
Unlicensed Activities	Penalty Assessed: \$2000 Max. Amt. Stayed: \$1750 Min. Amt. Due/payable: \$250	Penalty Assessed: \$2500 With Max Stay: \$1000 Min. Amt. Due/payable: \$1500	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to individuals or companies and includes working without a license and allowing an unlicensed individual to perform specialty work.</i>			

Violation Type	1st	2nd	3rd
Scope of License Violations	Penalty Assessed: \$2000 Max. Amt. Stayed: \$1750 Min. Amt. Due/payable: \$250 (Apprentices: max. amt. stayed: \$2000/ min. due: \$0)	Penalty Assessed: \$3000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$2000	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to individuals or companies in one of the specialty trades working outside the scope of their license. This also includes apprentices.</i>			
Supervisor	Penalty Assessed: \$3000 Max. Amt. Stayed: \$2750 Min. Amt. Due/payable: \$250	Penalty Assessed: \$4000 Max. Amt. Stayed: \$2000 Min. Amt. Due/payable: \$2000	Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to supervising electricians not performing the duties of a supervisor, as listed in OAR 918-282-0140.</i>			
Business	Penalty Assessed: \$3000 Max. Amt. Stayed: \$2750 Min. Amt. Due/payable: \$250	Penalty Assessed: \$4000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$3000	Penalty Assessed: \$5000 Max. Amt. Stay: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to individuals engaging in the business or of a contractor working in a trade that requires a specialty license.</i>			
Unsafe Installations/ Health and Safety Hazard/ False information	Penalty Assessed: \$3000 Max. Amt. Stayed: \$2500 Min. Amt. Due/payable: \$500	Penalty Assessed: \$4000 Max. Amt. Stayed: \$2000 Min. Amt. Due/payable: \$2000	Penalty Assessed: \$5000 Max. Amt. Stay: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to individuals or companies that have made an unsafe installation causing immediate danger to the public and to individuals who provide false or incorrect information or a false or an incorrect signature to the Division or municipality, such as while applying for a permit, applying for a license, or participating in an investigation.</i>			
Failure to Comply with Order of Corrective Action/ Continuing Offense	Up to \$1000 per day	N/A	N/A
<i>Above section applies to orders to correct any work or installation related to any trade specialty codes listed above and to continuing offenses, as defined in OAR 918-001-0036(2)(a)</i>			
Failure to Comply with Directive	Penalty Assessed: \$4000 Max. Amt. Stayed: \$1500 Min. Amt. Due/payable: \$2500	Penalty Assessed: \$4500 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$3500	Penalty Assessed: \$5000 Max. Amt. Stay: \$1000 Min. Amt. Due/payable: \$4000
<i>Above section applies to directives, as defined in OAR 918-001-0036(2)(b), given to anyone failing to comply with the trade specialty codes listed above. This includes jurisdictions.</i>			