

1 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

2
3 **IN THE MATTER OF:**

)
) **CONSENT ORDER**

4 **GARRY A. ROSE, AN INDIVIDUAL**

5
6 **RESPONDENT**

)
) **CASE NO. 2013-0051**
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9 The Electrical and Elevator Board of the State of Oregon (Board) has conducted an investigation of
10 Respondent and determined that you violated certain provisions of the Oregon Building Codes
11 statutes, administrative rules, and specialty codes.

12 You and the Board desire to settle this matter by the entry of this Consent Order. You understand
13 that you have the right to a contested case hearing under the Administrative Procedures Act (chapter
14 183), Oregon Revised Statutes, and fully and finally waive the right to a contested case hearing and
15 any appeal therefrom by the signing and entry of this Order in the Board's record. You agree to
16 conduct all future business in compliance with the applicable statutes, administrative rules, and
17 specialty codes. You understand that this Order is a public record.

18 As evidenced by the authorized signatures on this Order, the Board finds and you stipulate to the
19 entry of this Order and its following terms.

20 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

21 (1) On or about March 2, 2013, at 850 Bybee Drive, Jacksonville, Oregon, you permitted or
22 suffered Jason G. Dunbar to install main service electrical wiring and electrical products in a new
23 single family residence in violation ORS 479.620(6). Jason G. Dunbar was a licensed journeyman
24 electrician not working under the supervision of a supervising electrician, in violation of OAR 918-
25 282-0170(1)(b).

(2) The installation of main service electrical wiring and electrical products, as described
above, are electrical installations as defined in ORS 479.530(10).

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WHAT THE LAW SAYS

(1) Under OAR 918-282-0170(1)(b), a journeyman electrician is required to work under the supervision of a supervising electrician.

(2) Under ORS 479.620(6), a person may not permit or suffer any electrical installation on property that the person owns, controls, manages or supervises to be made by a person not licensed to make such an installation.

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STIPULATED AGREEMENT

You and the Board agree to resolve this matter, without a hearing, by the entry of this Consent Order subject to the following terms and conditions:

(1) The Board hereby assesses a civil penalty against you of \$2,000 for violating ORS 479.620(6), but suspends \$250 of the civil penalty assessed for a period of five years under the following terms:

(1.1) You agree to pay the remaining \$1,750 of the civil penalty.

(1.2) If you are able to submit a full payment of \$1,250 by the invoice due date, an additional \$500 will be suspended. The invoice will be included with your copy of the Final Order after it is signed by the Board.

(2) You agree if a final order is issued by the Boards finding you violated any of Building Codes Division's statutes or rules, within five years from the date this Order was signed by the Boards, you will pay any subsequent penalty and the suspended penalty from this Order.

(3) You agree not to commit further violations of Building Codes Division's statutes or rules.

(4) If you make payment arrangements to pay the penalties assessed under this subsection, but fail to make a payment within the time period stated on any final demand notice, collection of the entire civil penalties, including any suspended amount will be initiated.

(5) You understand and agree any violation of the terms of this Consent Order will result in further enforcement action.

(6) You understand and agree that any violations of Building Code Division's statutes or rules not alleged in this Order, whether committed before or after the execution of this Consent Order, shall be the basis for further enforcement action.

(7) You understand the suspended civil penalty will be waived five years after the execution of this Consent Order, provided you comply with its terms and have not committed any further violations of Building Codes Division's statutes or rules.

1 (8) You have read and fully understand the terms of this Consent Order, freely and
2 voluntarily consent to the entry of this Order without further hearing, without any force or duress,
3 and expressly waive all rights to a hearing or appeal in this matter.

4 (9) You understand that, upon signature of all parties, this Consent Order will be a FINAL
5 ORDER.

6 (10) You further agree by signing this Consent Order that you are the Respondent or
7 authorized representative for the Respondent in this matter.

8 **FOR THE RESPONDENT**

9 Garry A. Rose Date: 5-30-13
10 Garry A. Rose

11 **FOR THE BOARD**

12 Andrea Simons for Date: 6/5/13
13 Chairman
14 Electrical and Elevator Board
15 State of Oregon
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