

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

2 **IN THE MATTER OF:**

3 **BRISTOL STREET PROPERTIES LLC,**
4 **AN OREGON LIMITED LIABILITY**
5 **COMPANY,**

6 **RESPONDENT.**

)
) **CONSENT ORDER**

MAR 06 2014
am

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) **CASE NO. 2013-0072**
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8 The Electrical and Elevator Board of the State of Oregon (Board) conducted an
9 investigation and determined that Respondent violated certain provisions of the Oregon Building
10 Codes statutes, administrative rules, and specialty codes.

11 Respondent and the Board desire to settle this matter informally through the entry of this
12 Consent Order. Respondent understands that it has the right to a hearing under the Administrative
13 Procedures Act (Chapter 183), Oregon Revised Statutes, and fully and finally waives the right to a
14 contested case hearing and any appeal therefrom by the signing and entry of this order in the
15 Board's record. Respondent agrees to conduct all future business in compliance with the applicable
16 statutes, administrative rules, and specialty codes. Respondent understands that, once final, this
17 Order is a public record.

18 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

19 1. During or about the period of January 1, 2013 through March 20, 2013, at 1519 Worden

20 Avenue, Apartment B, Klamath Falls, Oregon, Respondent installed an electric wall heater
21 without an electrical permit.

22 2. Respondent permitted or suffered an unlicensed individual to install the electric wall heater
23 at 1519 Worden Avenue, Apartment B, Klamath Falls, Oregon, property that it owned,
24 controlled, managed or supervised.

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1 3. Respondent made an electrical installation at 1519 Worden Avenue, Apartment B, Klamath
2 Falls, Oregon, that did not meet minimum safety standards violating ORS 479.710(1).

3 Specifically, Respondent permanently connected an electrical water heater to an electric
4 wall heater through the installation of an electric wall heater cable. Respondent's method of
5 providing electricity from the water heater to the wall heater violated the following National
6 Electric Code¹ articles:

7 2.1 Article 210.11(A) - Number of Branch Circuits. The minimum number of branch
8 circuits shall be determined from the total calculated load and the size or rating of the
9 circuits used.

10 2.2 Article 210.23 - Permissible Loads. In no case shall the load exceed the branch-
11 circuit ampere rating. An individual branch circuit shall be permitted to supply any
12 load for which it is rated.

13 2.3 Article 220.18 - Maximum Loads. The total load shall not exceed the rating of the
14 branch circuit, and it shall not exceed the maximum loads specified in 220.18(A)
15 through (C) under the conditions specified therein.

16 2.4 Article 334.15(B) - Protection from Physical Damage. Cable shall be protected from
17 physical damage where necessary by rigid metal conduit, intermediate metal conduit,
18 electrical metallic tubing, Schedule 80 PVC conduit, Type RTRC marked with suffix
19 -XW, or other approved means.

20 2.5 Article 334.30(B)(2) - Unsupported Cables. Nonmetallic-sheathed cable shall be
21 permitted to be unsupported where the cable is not more than 1.4 m (4½ ft.) from the
22 last point of cable support to the point of connection to a luminaire or other piece of
23 electrical equipment and the cable and point of connection are within an accessible
24 ceiling.

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¹ The National Electrical Code is adopted in Oregon as part of the minimum safety standards for new installations in Oregon under Oregon Administrative Rules, Chapter 918, Division 305.

1 1.1 Respondent agrees to pay the remaining \$2,000 of the civil penalty. *(The invoice will*
2 *be included with Respondent's copy of the Final Order after it is signed by the*
3 *Board.)*

4 2. Respondent agrees that if a final order is issued by a Board or the Director finding
5 Respondent violated any of Building Codes Division's statutes or rules within five years
6 from the date this order was signed by the Board, Respondent will then pay any subsequent
7 penalty and the suspended penalty from this Order.

8 3. Respondent agrees not to commit further violations of Building Codes Division's statutes or
9 rules.

10 4. Respondent understands that if it fails to comply with any of the terms of this settlement
11 agreement, then the entire civil penalty, including the amount suspended, will be
12 immediately due and payable. Failure to comply includes failure to pay the civil penalty
13 amount on the Final Demand Notice by the due date, or failure to make payments according
14 to the terms of any payment arrangement or Final Demand Notice.

15 5. Respondent understands and agrees any violation of the terms of this Consent Order will
16 result in further enforcement action.

17 6. Respondent understands and agrees that any violations of Building Code Division's statutes
18 or rules not alleged in this Order, whether committed before or after the execution of this
19 Consent Order, may be the basis for further enforcement action.

20 7. Respondent understands the suspended civil penalty will be waived five years after the
21 execution of this Consent Order, provided Respondent complies with the order's terms and
22 have not committed any further violations of Building Codes Division's statutes or rules.

23 8. Respondent has read and fully understands the terms of this Consent Order, freely and
24 voluntarily consent to the entry of this order without further hearing, without any force or
25 duress, and expressly waive all rights to a hearing or appeal in this matter.

1 9. Respondent understands that, upon signature of all parties, this Consent Order will be a
2 FINAL ORDER.

3 10. The signatory for the Respondent, Bruce E. Brink, further agrees that by signing this
4 Consent Order, he is the Respondent or authorized representative for the Respondent in this
5 matter.
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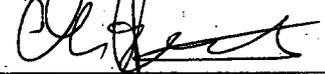
7 **FOR THE RESPONDENT**

8 
Bruce E. Brink

Date: 3-3-14

9 Bristol Street Properties LLC

10 **FOR THE BOARD**

11  for

Date: 3/17/14

12 Chairman
13 Electrical and Elevator Board
14 State of Oregon
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