BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:	)	**CONSENT ORDER**
KEVIN A. DUNCAN, AN INDIVIDUAL	)	**CASE NO. 2013-0152**

The Electrical and Elevator Board of the State of Oregon (Board) has conducted an investigation and determined that you violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

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

FINDINGS OF FACT and CONCLUSIONS OF LAW

1. You installed an electrical service panel, wiring and outlet receptacles, at 5100 Culberson Drive, Parkdale, Oregon, while not under the supervision or direction of a valid general supervising electrician.

WHAT THE LAW SAYS

1. Under OAR 918-282-0170(1)(b), a person may not make an electrical installation without being under the supervision, direction and control of a valid general supervising electrician.

STIPULATED AGREEMENT

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

1. The Board hereby assesses a civil penalty of $2,000 for violating OAR 918-282-0170(1)(b) of which $1,250 will be suspended for a period of five years under the following terms:

1.1 You agree to pay the remaining $750 of the civil penalty.

1.2 An additional $500 of the total assessed penalties will be suspended if you are able to pay $250 by the date on the invoice. ***(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 a Board or the Director finding you violated any of Building Codes Division's statutes or rules, within five years from the date this Order was signed by the Board, 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. You understand that if you fail to comply with any of the terms of this consent agreement, that the entire civil penalty, including the amount suspended, will be immediately due and payable. Failure to comply includes failure to pay the civil penalty amount on the Final Demand Notice by the due date, or failure to make payments according to the terms of any payment arrangement or Final Demand Notice.

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, may 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.

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

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

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

FOR THE RESPONDENT

_____ Date: 10-15-2013

Kevin A. Duncan

FOR THE BOARD Chris Huntington

_____ for Date: 11/5/13

Chairman
Electrical and Elevator Board
State of Oregon