

1 **BEFORE THE DIRECTOR OF THE OREGON DEPARTMENT OF CONSUMER AND**
2 **BUSINESS SERVICES OF THE STATE OF OREGON**

3 **IN THE MATTER OF:**)
4 **INDUSTRIAL ELECTRIC SERVICE CO.**) **CONSENT ORDER**
5 **OF OREGON, AN OREGON**)
6 **CORPORATION**)
7 **RESPONDENT**) **CASE NO. 2013-0153**

8 The Building Codes Division conducted an investigation on behalf of the Director of the
9 Department of Consumer and Business Services and determined that Respondent violated certain
10 provisions of the Oregon Building Codes Statutes, administrative rules, and specialty codes.

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

17 **FINDINGS OF FACT**

- 18 1. During all relevant times, Respondent was a licensed electrical contractor, holding license
19 number 10-15C.
- 20 2. During or about the period of October 1, 2010, through October 1, 2013, Thomas A. Davis
21 (Davis), holding general supervising electrician license number 3926S, was the designated
22 general supervising electrician for Respondent.
- 23 3. According to the arrangements of Davis's employment as general supervising electrician for
24 Respondent, Davis was paid \$250 per month to perform a limited role of signing permits and to
25 be available if necessary.

- 1 4. Between October 1, 2013, and March 4, 2014, Respondent did not employ a general
2 supervising electrician.
- 3 5. On or about October 10, 2012, at 357 Hayes Eden Road, Roseburg, Oregon, Respondent
4 allowed Randolph E. Forrest to install a feeder and six branch circuits for a swimming pool, for
5 the account of another, without having an Oregon supervising or journeyman electrician's
6 license.
- 7 6. On or around July 25, 2013, at 160 Callahan View Way, Roseburg, Oregon, Respondent
8 allowed Randolph E. Forrest to install a subpanel and four branch circuits, for the account of
9 another, without having an Oregon supervising or journeyman electrician's license.
- 10 7. On or around August 21, 2013, at 782 Snowberry Road, Roseburg, Oregon, Respondent
11 allowed Randolph E. Forrest to install two branch circuits for a building addition, for the
12 account of another, without having an Oregon supervising or journeyman electrician's license.

13 APPLICABLE LAW

- 14 1. Under OAR 918-282-0010(1), an electrical contractor is required to employ at least one full-
15 time general supervising electrician.
- 16 2. Under OAR 918-282-0015, an electrical contractor engaged in the business¹ of making
17 electrical installations that require a signing supervising electrician shall assure that all
18 electrical work is made by, or under the direct supervision or control of, a continuously
19 employed full-time signing supervising electrician acting within the scope of their license.
20 Additionally, pursuant to OAR 918-282-0015, electrical contractors shall notify the division in
21 writing who their signing supervising electrician is within five days of entering into or
22 termination of that relationship.

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25 ¹ Under OAR 918-030-0010(8), for purposes of ORS 447.040, 479.620, 480.630 and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform, work for which a license or permit is required under Oregon law, including but not limited to a single instance.

- 1 3. Under ORS 479.530(10), electrical installations include the construction or installation of
2 electrical wiring and the permanent attachment or installation of electrical products in or on any
3 structure that is not itself an electrical product.
- 4 4. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform
5 electrical work for which the individual is not properly registered or licensed.

6 CONCLUSIONS OF LAW

- 7 1. By not employing at least one full-time general supervising electrician between October 1,
8 2010, to October 1, 2013, and no general supervising electrician between October 1, 2013
9 through March 4, 2014, while continuing to engage in the business of electrical contracting,
10 Respondent violated OAR 918-282-0010(1) and OAR 918-282-0015.
- 11 2. Installing a feeder and six branch circuits for a swimming pool, a subpanel and four branch
12 circuits, and two branch circuits for a building addition are each instances of performing
13 electrical installations under ORS 479.530(10).
- 14 3. On or about October 10, 2012, at 357 Hayes Eden Road, Roseburg, Oregon, Respondent
15 allowed Randolph E. Forrest to make electrical installations, for the account of another, without
16 having an Oregon supervising or journeyman electrician's license, in violation of OAR 918-
17 282-0120(1).
- 18 4. On or about July 25, 2013, at 160 Callahan View Way, Roseburg, Oregon, Respondent allowed
19 Randolph E. Forrest to make electrical installations, for the account of another, without having
20 an Oregon supervising or journeyman electrician's license, in violation of OAR 918-282-
21 0120(1).
- 22 5. On or about August 21, 2013, at 782 Snowberry Road, Roseburg, Oregon, Respondent allowed
23 Randolph E. Forrest to make electrical installations, for the account of another, without having
24 an Oregon supervising or journeyman electrician's license, in violation of OAR 918-282-
25 0120(1).

- 1 2. Respondent understands that a single failure to comply with any of the terms of this Settlement
2 Agreement could result in the entire civil penalty, including the suspended amount, becoming
3 immediately due and payable. Failure to comply includes failure to pay the civil penalty
4 amount by the due date, and failure to timely remit complete reporting materials.
- 5 3. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts in
6 cases against other entities or individuals that rely on the underlying facts in this case.
- 7 4. Respondent agrees not to commit violations of the Building Code Division's statutes and rules.
- 8 5. Respondent understands and agrees that any violation of the terms of this Consent Order
9 will result in further enforcement action.
- 10 6. Respondent understands and agrees that any violation of the Building Code Division's statutes
11 or rules not alleged in this order, whether committed before or after the execution of this
12 Consent Order, may be the basis for further enforcement action.
- 13 7. Respondent understands that failure to comply with this settlement agreement may result in the
14 denial of future licensing applications and/or suspension of licensing or certification
15 issued by the Division and/or other state agencies.
- 16 8. Respondent understands the suspended civil penalty will be waived five years after the
17 execution of this Consent Order, provided Respondent complies with its terms and have not
18 committed any further violations of Building Code Division's statutes and rules.
- 19 9. Respondent has read and fully understand the terms of this Consent Order, freely and
20 voluntarily consents to the entry of this order without further hearing, without any force or
21 duress, and expressly waives all rights to hearing or appeal in this matter.
- 22 10. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL
23 ORDER.
- 24 11. Respondent understands that once this Settlement Agreement and Consent Order becomes a
25 FINAL ORDER, it becomes a public document.

1 12. The signatory for Respondent certifies that by signing the Consent Order, he is the Respondent
2 or the authorized representative for the Respondent in this matter.
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4 **FOR THE RESPONDENT, INDUSTRIAL ELECTRIC SERVICE CO OF OREGON**

5 RANDOLPH E. FORREST Date: 6-16-14
6 Randolph E. Forrest, President
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8 **FOR THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

9 Roseanne Nelson for Date: 6-24-14
10 Director
11 Department of Consumer and Business Services
12 State of Oregon
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