

- 1 4. ORS 479.530(10) defines an electrical installation as the construction or installation of
2 electrical wiring and the permanent attachment or installation of electrical products.

3 **CONCLUSIONS OF LAW**

- 4 1. The installation of a 60 amp -480V crane disconnect is an electrical installation as
5 defined in ORS 479.530(10).
6 2. By making electrical installations without first obtaining a valid electrical permit,
7 Respondent violated ORS 479.550(1).
8 3. By allowing an unlicensed individual to install a 60 amp -480V crane disconnect,
9 Respondent violated OAR 918-282-0120(1).

8 **SETTLEMENT AGREEMENT**

9 Respondent and the Electrical and Elevator Board agree to resolve this matter without a
10 hearing with the entry of this consent order subject to the following terms and conditions:

- 11 1) The Board hereby assesses a civil penalty of \$3,000 for violating ORS 479.550(1) and
12 OAR 918-282-0120(1) of which \$2,250 will be suspended for a period of five (5) years
13 under the following terms:
14 1.1 Respondent agrees to pay the remaining \$750 of the civil penalty.
*(The invoice will be included with Respondent's copy of the Final Order after it
is signed by the Board.)*
15 2) Respondent agrees that if a final order is issued by a board or the Director finding
16 Respondent violated any of Building Codes Division's statutes or rules within five (5)
17 years from the date this order was signed by the Boards, then Respondent will pay any
18 subsequent penalty and the suspended penalty from this order.
19 3) Respondent agrees not to commit further violations of Building Codes Division's statutes
20 or rules.
21 4) Respondent understands that if it fails to comply with any of the terms of this settlement
22 agreement, then the entire civil penalty, including the amount suspended, will be
23 immediately due and payable. Failure to comply includes failure to pay the civil penalty
24 amount on the Final Demand Notice by the due date, or failure to make payments
25 according to the terms of any payment arrangement or Final Demand Notice.
5) Respondent understands and agrees any violation of the terms of this consent order will
result in further enforcement action.
6) Respondent understands and agrees 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.

- 1 7) Respondent understands the suspended civil penalty will be waived five (5) years after
2 the execution of this consent order, provided Respondent complies with its terms and has
3 not committed any further violations of Building Codes Division's statutes or rules.
4 8) Respondent has read and fully understands the terms of this consent order, freely and
5 voluntarily consents to the entry of this order without further hearing, without any force
6 or duress, and expressly waives all rights to a hearing or appeal in this matter.
7 9) Respondent understands that, upon the signature of all parties, this consent order will be a
8 FINAL ORDER.
9 10) Respondent further agrees by signing this consent order that it is the Respondent or
10 authorized representative for the Respondent in this matter.

11 **FOR THE RESPONDENT**

12 
13 Robert L. Rhoden, Owner
14 Spar-Tek Industries, Inc.

15 Date: 6/18/, 2014

16 **FOR THE BOARD**

17  for
18 Chair
19 Electrical and Elevator Board
20 State of Oregon

21 Date: 6-23-, 2014

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