

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

2 **IN THE MATTER OF:**

) **CONSENT ORDER**

3 **PATRICK J. HEALY,**  
4 **DBA EXCELL SERVICES COMPANY**

5 **RESPONDENT**

) **CASE NO. C2014-0080**  
)

6  
7 The Oregon Electrical and Elevator Board (Board) conducted an investigation and determined  
8 that Respondent violated certain provisions of the Oregon Building Codes Statutes, administrative  
9 rules, and specialty codes.

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

16 **FINDINGS OF FACT**

- 17 1. On or about April 16, 2014, at 30661 Hwy 101, Gold Beach, Oregon, Respondent permitted or  
18 suffered Joshua S. Bradley, an unlicensed individual, to install an electrical control and  
19 monitoring box, electrical power wiring to the control box, electrical communication cable to  
20 the control box, electrical DC wiring for a light to a tower, and a clearance light on the tower  
21 for the account of another.  
22 2. At no relevant time was Respondent licensed as an Oregon electrical contractor.  
23 3. Respondent failed to apply for and receive a permit for the work performed at 30661 Hwy 101,  
24 Gold Beach, Oregon, on or about April 16, 2014.

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1 4. On May 7, 2014, after the commencement of an investigation, the installation listed above  
2 passed final inspection.

### 3 APPLICABLE LAW

- 4 1. ORS 479.530(10) defines an electrical installation as the construction or installation of  
5 electrical wiring and the permanent attachment or installation of electrical products.
- 6 2. Under ORS 479.620(1), a person must have an electrical contractor license to engage in the  
7 business of making electrical installations, including advertising or otherwise purporting to be a  
8 business that makes electrical installations.<sup>1</sup>
- 9 3. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform  
10 electrical work for which the individual is not properly registered or licensed.
- 11 4. Under ORS 479.550(1), no person shall work on any new electrical installation for which a  
12 permit has not been issued.

### 13 CONCLUSIONS OF LAW

- 14 1. Installing an electrical control and monitoring box, power wiring to a control box, electrical  
15 communication cable to a control box, electrical DC wiring for a light to a tower, and clearance  
16 light on a tower are electrical installations as defined by ORS 479.530(10).
- 17 2. By engaging in the business of making the electrical installations listed above without an  
18 electrical contractor license, Respondent violated ORS 479.620(1).
- 19 ~~3. By permitting or suffering an unlicensed individual to make the electrical installation listed~~  
20 ~~above, Respondent violated OAR 918-282-0120(1).~~
- 21 4. By making electrical installations without first obtaining a valid electrical permit, Respondent  
22 violated ORS 479.550(1).

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25 <sup>1</sup> Pursuant to 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 8. Respondent understands the suspended civil penalty will be waived five years after the  
2 execution of this Consent Order, provided Respondent complies with its terms and has not  
3 committed any further violations of Building Code Division's statutes and rules.

4 9. Respondent has read and fully understand the terms of this Consent Order, freely and  
5 voluntarily consents to the entry of this order without further hearing, without any force or  
6 duress, and expressly waives all rights to hearing or appeal in this matter.

7 10. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL  
8 ORDER.

9 11. Respondent understands that once this Settlement Agreement and Consent Order becomes a  
10 FINAL ORDER, it becomes a public document.

11  
12 **FOR THE RESPONDENT**

13 Patrick J. Healy  
14 Patrick J. Healy

Date: 8-12-14

15 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

16 Roseanne Nelson for  
17 Chair  
18 Electrical and Elevator Board  
19 State of Oregon

Date: 8-20-14

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