

1 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**
2 **BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON**
3 **BEFORE THE DIRECTOR OF THE OREGON DEPARTMENT**
4 **OF CONSUMER AND BUSINESS SERVICES**

4 **IN THE MATTER OF:**

)
) **CONSENT ORDER**

5 **RIVERSTONE RESIDENTIAL WEST, LLC.,**
6 **A FOREIGN LIMITED LIABILITY**
7 **COMPANY, DBA RIVERSTONE**
8 **RESIDENTIAL GROUP,**

)
) **CASE NO. C2014-0098**
)
)

8 **RESPONDENT.**
9)

10 The Building Codes Division (BCD) conducted an investigation on behalf of the
11 Electrical and Elevator Board of the State of Oregon and the State Plumbing Board (Boards) and
12 determined that Respondent violated certain provisions of the Oregon Building Codes statutes and
13 administrative rules.

14 Respondent, the Boards and the Director of the Department of Consumer and Business
15 Services (Director) prefer to settle this matter informally by entry of this Consent Order.
16 Respondent understands that it has the right to a hearing under the Administrative Procedures Act
(Oregon Revised Statutes (ORS) chapter 183), and fully and finally waives the right to a
contested case hearing and any appeal therefrom by the signing and entry of this Order in the
Board's record. Respondent agrees to conduct all future business in compliance with the
applicable statutes, administrative rules, and specialty codes. Respondent understands that this
Consent Order is a public record.

17 **FINDINGS OF FACT**

- 18 1. At no relevant time did Respondent possess an electrical contractor license.
- 19 2. At no relevant time did Respondent possess a plumbing contractor license.
- 20 3. Respondent is a third-party multifamily management company that manages the apartment
21 units located at *The Park at Fifth Street* apartment complex in Corvallis, Oregon.
- 22 4. Beginning approximately in October 2013 through March 2014, at the following
23 residential units at *The Park at Fifth Street* apartment complex located at 615 through 750
24 NW 5th Street, Corvallis, Oregon, Respondent, through its agents, performed the following
25 electrical work without first obtaining electrical permits:
- a. Replaced the electrical subpanel at 615 NW 5th Street #3, Corvallis, Oregon;

- 1 b. Replaced a 100 amperes panel, alteration of nine circuits at 615 NW 5th Street #6,
Corvallis, Oregon;
- 2 c. Replaced a 100 amperes panel at 635 NW 5th Street #5, Corvallis, Oregon;
- 3 d. Replaced electrical panel and alteration of eleven circuits at 635 NW 5th Street #8,
4 Corvallis, Oregon;
- 5 e. Replaced electrical subpanel at 635 NW 5th Street #10, Corvallis, Oregon;
- 6 f. Replaced a 100 amperes panel at 635 NW 5th Street #11, Corvallis, Oregon;
- 7 g. Replaced a 100 amperes panel at 635 NW 5th Street #12, Corvallis, Oregon;
- 8 h. Altered multiple electrical circuits at 710 NW 5th Street #29, Corvallis, Oregon;
- 9 i. Replaced electrical panel at 720 NW 5th Street #41, Corvallis, Oregon;
- 10 j. Replaced electrical panel at 720 NW 5th Street #46, Corvallis, Oregon;
- 11 k. Replaced electrical panel at 720 NW 5th Street #47, Corvallis, Oregon;
- 12 l. Replaced electrical panel and altered eleven branch circuits at 720 NW 5th Street #48,
Corvallis, Oregon;
- 13 m. Replaced electrical panel and altered multiple circuits at 720 NW 5th Street #50,
14 Corvallis, Oregon;
- 15 n. Altered of multiple circuits at 750 NW 5th Street #38, Corvallis, Oregon;
- 16 o. Altered of multiple circuits at 750 NW 5th Street #39, Corvallis, Oregon.
- 17 5. During or about October 2013 through March 2014, Respondent, through its agents,
18 relocated a water heater at 700 NW 5th Street #23, Corvallis, Oregon, without first
obtaining a valid plumbing permit.

19 **APPLICABLE LAW**

- 20 1. ORS 479.530(10) defines an electrical installation as the construction or installation of
21 electrical wiring and the permanent attachment or installation of electrical products.
- 22 2. Under ORS 479.620(1), no person may, without an electrical contractor's license, engage
23 in the business¹ of making electrical installations, advertise as or otherwise purport to be
licensed to make electrical installations or purport to be acting as a business that makes
24 electrical installations.

25 ¹ 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 3. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform
2 electrical work for which the individual is not properly registered or licensed.
- 3 4. Under ORS 479.550(1), no person shall work on any new electrical installation for which
4 a permit has not been issued.
- 5 5. Under ORS 479.620(6), a person may not permit or suffer any electrical installation on
6 property that the person owns, controls, manages or supervises to be made by a person not
7 licensed to make such an installation.
- 8 6. Under ORS 447.010(6), plumbing includes the art of installing, altering or repairing in or
9 adjacent to or serving building pipes, fixtures and other apparatus for bringing in the water
10 supply and removing liquid and water-carried waste, including the water supply
11 distributing pipes.
- 12 7. Under ORS 447.040(1), a person may not work as a plumbing contractor, and a member
13 of a firm, partnership or corporation may not engage in the layout or superintending of
14 plumbing installations, without having obtained the plumbing contractor license.
- 15 8. Under OAR 918-785-0200(1)(a)², no person or firm or corporation shall do plumbing
16 without first obtaining a plumbing permit or minor label when required and paying the
17 appropriate fees to the authorized permit issuing agency.
- 18 9. Under ORS 693.030(2)(a), a licensed plumbing contractor or a person required to be
19 licensed as a plumbing contractor may not permit or suffer any person to work as a
20 journeyman plumber who does not hold a valid journeyman plumber license.
- 21 10. Under ORS 455.775(2), if the Director has reason to believe that any person has been
22 engaged, or is engaging, or is about to engage in any violation of the state building code,
23 or ORS 479.510 to 479.945, or this chapter or ORS chapter 447 or 693 or any rule adopted
24 under those statutes, the Director may issue an order, subject to ORS 183.413 to 183.497,
25 directed to the person to cease and desist from the violation or threatened violation.

CONCLUSIONS OF LAW

1. Replacing electrical panels and making alterations of electrical circuits are electrical installations as defined in ORS 479.530(10).
2. By making electrical installations for the account of another without an Oregon electrical contractor's license, Respondent violated ORS 479.620(1).
3. By making electrical installations without first obtaining valid electrical permits, Respondent violated ORS 479.550(1).
4. By permitting or suffering unlicensed individuals to replace electrical subpanels and alter circuits, Respondent violated ORS 479.620(6).

² Effective October 1, 2014, OAR 918-785-0200(1)(a) was repealed and replaced with OAR 918-780-0065 which reflects the same statutory language.

- 1 5. Relocating water heaters for the account of another is plumbing as defined in ORS
2 447.010(6).
- 3 6. By making plumbing installations for the account of another without an Oregon plumbing
4 contractor's license, Respondent violated ORS 447.040(1).
- 5 7. By failing to first obtain a valid plumbing permit prior to the relocation or installation of a
6 water heater, Respondent violated OAR 918-785-0200(1)(a).
- 7 8. By permitting or suffering any person to install or relocate a water hater who does not
8 hold a valid journeyman plumber license, Respondent violated ORS 693.030(2)(a).

7 ORDER

8 Respondent and the Boards agree to resolve this matter without a hearing with the entry of
9 this Consent Order according to the following terms and conditions:

- 10 1. The Boards hereby assess a civil penalty of \$54,000 for violating ORS 479.550(1), ORS
11 479.620(1), ORS 479.620(6), OAR 918-001-0036, OAR 918-785-0200(1)(a), ORS
12 447.040(1), and ORS 693.020(2)(a), of which \$27,000 will be suspended for a period of
13 five (5) years under the following terms:
 - 14 1.1 Respondent agrees to pay the remaining \$27,000 of the civil penalty.
15 *(The invoice will be included with Respondent's copy of the Final Order after it*
16 *is signed by the Board.)*
 - 17 1.2 If Respondent fails to make a payment or otherwise defaults on any term of this
18 Consent Order, the case may be turned over to the Department of Consumer and
19 Business Services collections department for collection of the entire \$54,000 civil
20 penalty, along with interest and applicable fees.
- 21 2. Respondent agrees, within 60 days of execution of the Consent Order, to develop and
22 provide the Director for review and approval a communication (e.g., electronic mail
23 message) to all of its employees who work in, may work in, have contact with customers
24 in, or may have contact with customers in Oregon, informing employees when permits and
25 licensures are required for plumbing and electrical installations in Oregon.
3. Respondent agrees, within 60 days of the Director's approval of the communication
described in Order paragraph 2, to provide proof it has distributed the communication to
its employees. Proof of compliance will be provided to Andrea Simmons, Enforcement
and Training Manager, Building Codes Division.
4. Respondent agrees to use licensed individuals for repair and replacements for jobs
requiring licensed workers, including but not limited to those jobs mentioned in the Notice
of Proposed Assessment of Civil Penalties in this matter.
5. Respondent agrees to cease and desist from further violating the Oregon plumbing law and
rules adopted thereunder and the Electrical Safety Law and rules adopted thereunder.

1 Respondent agrees to immediately cease and desist engaging in violations of ORS
2 chapters 447, 693, 479, and related rules thereunder, and all other Oregon plumbing laws
3 and the Electrical Safety Law. Respondent also agrees to immediately cease and desist
4 engaging in violations of ORS chapter 455 and the rules adopted thereunder.

- 5
- 6 6. Respondent agrees that if a final order is issued by a board or the Director finding
7 Respondent violated any of Building Codes Division's statutes or rules within five (5)
8 years from the date this Order was signed by the Board, then Respondent will be
9 responsible for any subsequent penalties in addition to the entire civil penalty from this
10 Order, including the \$27,000 of suspended penalty, which will become due and payable.
- 11 7. Respondent understands that if it fails to comply with any of the terms of this Consent
12 Order, then the entire civil penalty, including the amount suspended, will be immediately
13 due and payable. Failure to comply includes failure to pay the civil penalty amount on the
14 Final Demand Notice by the due date.
- 15 8. Respondent understands and agrees any violation of the terms of this Consent Order will
16 result in further enforcement action.
- 17 9. Respondent understands and agrees that any violations of Building Codes Division's
18 statutes or rules not alleged in this Consent Order, whether committed before or after the
19 execution of this Consent Order, may be the basis for further enforcement action.
- 20 10. Respondent understands the suspended civil penalty will be waived five (5) years after the
21 execution of this Consent Order, provided Respondent complies with its terms and has not
22 committed any further violations of Building Codes Division's statutes or rules.
- 23 11. Respondent has read and fully understands the terms of this Consent Order, freely and
24 voluntarily consents to the entry of this Order without further hearing, without any force
25 or duress, and expressly waives all rights to a hearing or appeal in this matter.

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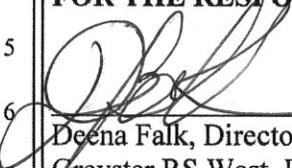
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1 12. Respondent understands that, upon the signature of all parties, this Consent Order will be
a FINAL ORDER.

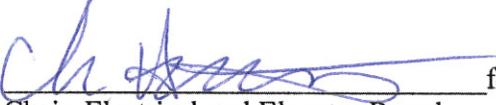
2 13. Respondent further agrees by signing this Consent Order that it is the Respondent or
3 authorized representative for the Respondent in this matter.

4 **FOR THE RESPONDENT**

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6 _____
7 Deena Falk, Director, Legal Services – Dispute Resolution
Greystar RS West, LLC
Riverstone Residential Management, LLC

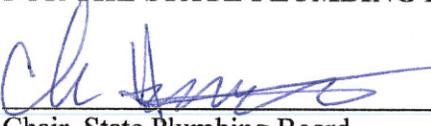
Date: June 29, 2015

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9 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

10 
11 _____ for
12 Chair, Electrical and Elevator Board
State of Oregon

Date: 7/2, 2015

13 **FOR THE STATE PLUMBING BOARD**

14 
15 _____ for
16 Chair, State Plumbing Board
State of Oregon

Date: 7/2, 2015

17 **FOR THE DIRECTOR**

18 
19 _____ for
20 Director
Department of Consumer and Business Services
21 State of Oregon

Date: 7/2, 2015