

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

2	)	
3	)	<b>CONSENT ORDER</b>
4	)	
5	)	<b>CASE NO. C2014-0139</b>
6	)	

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

10 The parties wish to settle this matter informally. Respondent understands 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 Order in the Board's records. Respondent agrees to conduct all future  
14 business in compliance with the applicable statutes, Oregon Administrative Rules (OAR), and  
15 specialty codes. Respondent understands that this order is a public record.

16 **FINDINGS OF FACT**

- 17 1. At all relevant times, Respondent was an employee of Prairie Electric Inc., a Washington  
18 Corporation and specialty contractor that holds Oregon electrical contractor license 37-491C.
- 19 2. On or about October 18, 2013, Respondent threaded and pulled wire while assisting with the  
20 installation of a street light, for the account of another, at Highway 26 at NW Bethany  
21 Boulevard and NW Cornell Road, Hillsboro, Oregon.
- 22 3. At no relevant time did Respondent have an active Oregon general supervising electrician or  
23 journeyman electrician license.

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### APPLICABLE LAW

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1. ORS 479.530(10) defines an electrical installation as the construction or installation of electrical wiring and the permanent attachment or installation of electrical products.
  2. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.

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### CONCLUSIONS OF LAW

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1. Threading and pulling wire while assisting with the installation of a street light is an electrical installation as defined by ORS 479.530(10).
  2. By making an electrical installation without a valid supervising or journeyman electrician license, Respondent violated ORS 479.620(3).

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### SETTLEMENT AGREEMENT

The Respondent and the Board agree to resolve this matter without a hearing according to the following terms:

1. The Board hereby assesses a \$2,000 total civil penalty for violating ORS 479.620(3), of which \$1,250 will be suspended for a period of five years under the following terms:
  - 1.1. Respondent agrees to pay the remaining \$750 of the civil penalty. *(An invoice will be included with Respondent's copy of the Final Order after the Board signs it.)*
2. Respondent understands that a single failure to comply with any of the terms of this Settlement Agreement could result in the entire civil penalty, including the suspended amount, becoming immediately due and payable. Failure to comply includes failure to pay the civil penalty amount by the due date.
3. Respondent agrees to fully cooperate with the Building Codes Division's enforcement efforts in cases against other entities or individuals that rely on the underlying facts in this case.
4. Respondent agrees not to commit violations of the Building Code Division's statutes and rules.

- 1 5. Respondent understands that if Respondent fails to comply with any of the terms of this  
2 consent agreement then the entire civil penalty, including the amount suspended, will be  
3 immediately due and payable. Failure to comply includes failure to pay the civil penalty  
4 amount on the Final Demand Notice by the due date, or failure to make payments according to  
5 the terms of any payment arrangement or Final Demand Notice.
- 6 6. Respondent understands and agrees that any violation of the terms of this Consent Order will  
7 result in further enforcement action.
- 8 ~~7. Respondent understands and agrees that any violation of the Building Code Division's statutes~~  
9 ~~or rules not alleged in this order, whether committed before or after the execution of this~~  
10 ~~Consent Order, may be the basis for further enforcement action.~~
- 11 8. Respondent understands that failure to comply with this settlement agreement may result in the  
12 denial of future licensing applications and/or suspension of licensing or certification issued by  
13 the Division and/or other state agencies.
- 14 9. Respondent understands the suspended civil penalty will be waived five years after the  
15 execution of this Consent Order, provided Respondent complies with its terms and has not  
16 committed any further violations of Building Code Division's statutes and rules.
- 17 10. Respondent has read and fully understands the terms of this Consent Order, freely and  
18 voluntarily consents to the entry of this order without further hearing, without any force or  
19 duress, and expressly waives all rights to hearing or appeal in this matter.

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

3 12. Respondent understands that once this Settlement Agreement and Consent Order becomes a  
4 FINAL ORDER, it becomes a public document.

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6 **FOR THE RESPONDENT**

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Date: 8-25-14

Ross Simonson

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10 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

11  
12  for

Date: 8-26-14

13 Chair  
14 Electrical and Elevator Board  
15 State of Oregon  
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