

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER RECEIVED

FEB 15 2016

ADAM C. HAMER,
AN INDIVIDUAL,

SCHWABE WILLIAMSON & WYATT

RESPONDENT.

BCD CASE C2014-0146

INTRODUCTION

The Building Codes Division (Division) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (Board) and determined that Adam C. Hamer (Respondent) violated certain provisions of the Division's statutes and administrative rules as identified below.

The parties agree to resolve this matter without a hearing. Respondent understands that Respondent has the right to a contested case hearing under the Administrative Procedures Act, Oregon Revised Statutes (ORS) chapter 183, and Respondent fully and finally waives the right to a hearing and any judicial review therefrom by the signing of this Consent Order.

FINDINGS OF FACT

1. At all relevant times, Respondent has held Oregon general supervising electrician license number 4570S.
2. At all relevant times, Respondent has been the signing supervising electrician for Advanced Electrical Technologies, an assumed business name of Pacific Northern Environmental Corp., which is a foreign business corporation that holds Oregon electrical contractor license C816.¹
3. All work described herein was performed at 30365 Redwood Highway, Cave Junction,

¹ See related Division case C2014-0145.

1 Oregon, under Josephine County permit numbers 06-174-14, 07-113-14, 07-114-14, 07-115-
2 14, and 05-151-14.

- 3 4. At all relevant times, Roger Oldemar (Oldemar), Cody E. Grams (Grams), Jason Clark
4 (Clark), Bart Allen Smith (Smith), and Joe Ken Roddy (Roddy) were employees of Pacific
5 Northern Environmental Corp., doing business as Advanced Electrical Technologies.²
- 6 5. On or about June 23, 2014, Respondent permitted—either by assent or by failure to
7 prevent—Roddy to install wire into conduit on a lumber sorter to bring electrical power to
8 solenoids on that lumber sorter. Roddy did not hold a supervising or journeyman electrician
9 license in the State of Oregon.³
- 10 6. On or about June 23, 2014, Respondent permitted—either by assent or by failure to
11 prevent—Smith to install wire into conduit on a lumber sorter to bring electrical power to
12 solenoids on that lumber sorter. Smith did not hold a supervising or journeyman electrician
13 license in the State of Oregon.⁴
- 14 7. On or about June 21-22, 2014, Respondent permitted—either by assent or by failure to
15 prevent—Clark to install at least 40 feet of metallic conduit and terminate wires into the
16 panel attached to the main computer of a lumber sorter.
- 17 8. On or about June 24-26, 2014, Respondent permitted—either by assent or by failure to
18 prevent—Clark to install electrical wires into a cabinet of a remote panel on a lumber sorter.
- 19 9. At no relevant time did Clark hold a supervising or journeyman electrician license in the
20 State of Oregon.
- 21 10. On or about June 21-25, 2014, Respondent permitted—either by assent or by failure to

22 ² See related Division cases C2014-0149, C2014-0151, C2014-0152, C2014-0148, and C2014-0147, respectively.

23 ³ Roddy obtained an Oregon general journeyman electrician license (license number 26405J) on June 30, 2014. On July
24 16, 2014, Roddy executed a consent order with the Board in Division case C2014-0147 to settle civil penalties assessed
25 by the Division, on behalf of the Board, for making electrical installations without being licensed in Oregon as a
supervising or journeyman electrician.

⁴ Smith obtained an Oregon general supervising electrician license (license number 5979S) on June 30, 2014. On July
16, 2014, Smith executed a consent order with the Board in Division case C2014-0148 to settle civil penalties assessed
by the Division, on behalf of the Board, for making electrical installations without being licensed as Oregon supervising
or journeyman electrician.

1 prevent—Grams to cut, thread, bend and install electrical conduit for wires on a lumber
2 sorter, and also to install metallic conduit, fix sealtight conduit, and perform the associated
3 rewiring of the conduit.

4 11. At no relevant time did Grams hold a supervising or journeyman electrician license in the
5 State of Oregon.

6 **APPLICABLE LAW**

- 7 1. ORS 479.530(10) defines an electrical installation as the construction or installation of
8 electrical wiring and the permanent attachment or installation of electrical products.
- 9 2. Under ORS 479.620(3), a person may not make an electrical installation without a
10 supervising or journeyman electrician's license.
- 11 3. Under OAR 918-282-0140(2)(f), a general signing supervising electrician must ensure
12 electricians have the proper licenses for the work performed, and may not permit, either by
13 assent or by failure to prevent, an individual to perform work for which they are not properly
14 licensed.
- 15 4. Under ORS 455.129(2)(a) and (3)(b), the Board may suspend a license if the Board finds
16 that the licensee has failed to comply with the laws administered by the Board or with the
17 rules adopted by the Board.

18 **CONCLUSIONS OF LAW**

- 19 1. The following constitute electrical installations under ORS 479.530(10):
 - 20 a. Installing wire into conduit on a lumber sorter to bring electrical power to solenoids
21 to assist in the operation of that lumber sorter;
 - 22 b. Cutting, threading, bending, and installing electrical conduit for wires on a lumber
23 sorter, and installing metallic conduit, fixing sealtight conduit, and performing the
24 associated rewiring of the conduit; and
 - 25 c. Installing 40 feet metallic conduit, terminating wires into the panel that goes to the

1 main computer of a lumber sorter, and installing electrical wires into a cabinet of one
2 of the remote panels on that lumber sorter.

- 3 2. Under ORS 479.620(3), performing the foregoing electrical installations requires a
4 supervising or journeyman electrician license.
- 5 3. By failing to ensure, by assent or by failure to prevent, that Roddy, Smith, Grams, and Clark
6 had the proper licenses to make the foregoing electrical installations, Respondent violated
7 OAR 918-282-0140(2)(f) four times.
- 8 4. By failing to comply with a provision of ORS 479.9510 to 479.945 or a rule adopted under
9 those statutes, including OAR 918-282-0140(2)(f), the Board may suspend Respondent's
10 general supervising electrician license under ORS 455.129(2)(a).

11 **ORDER**

- 12 1. The Board hereby assesses a total civil penalty of \$12,000 against Respondent for violating
13 OAR 918-282-0140(2)(f) on four occasions (\$3,000 per violation) as follows:
- 14 a. Respondent agrees to pay the remaining \$9,000 of the civil penalty. Respondent's
15 payment shall be postmarked no later than the 25th day of the month following the
16 month in which this Consent Order becomes a final order. *(An invoice will be*
17 *included with Respondent's copy of the final order after the Director signs it.*
18 *Respondent understands timely payment must be made even if no invoice is ever*
19 *received.)* Payment shall be mailed to Department of Consumer and Business
20 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.
- 21 b. Respondent understands the suspended civil penalty (\$3,000) will be considered
22 satisfied five years after this Consent Order becomes a final order, provided
23 Respondent complies with its terms and has not committed any further violations of
24 the Division's statutes and rules within that five-year period. Respondent
25 understands and agrees that if Respondent does not comply with the terms of this

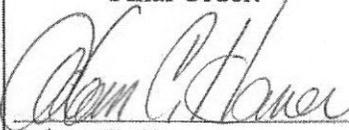
1 Consent Order or if Respondent commits any further violations of the Division's
2 statutes or rules within the five-year period, then the entire civil penalty, including
3 any suspended amount, will become immediately due and payable. Failure to comply
4 with this Consent Order includes, but is not limited to, failure to pay the civil penalty
5 amount due by the due date.

- 6 2. Respondent's supervising electrician license number 4570S shall be suspended for a period
7 of 90 days, commencing on the date that this Consent Order is executed by all parties.
- 8 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
9 that rely on the facts underlying this case. Cooperation may include, but may not be limited
10 to, making sworn statements or testifying in administrative hearings.
- 11 4. Respondent understands that further enforcement action may be taken for any violation of
12 the Division's statutes or rules not alleged in this Consent Order, whether committed before
13 or after the execution of this Consent Order, and/or for any violation of the terms of this
14 Consent Order.
- 15 5. Respondent understands that failure to comply with this Consent Order may be used as a
16 basis for the denial of future license, certificate, registration, or other applications, or for the
17 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
18 certificate, or registration issued by the Division or other state agencies; and/or for any other
19 reason provided for in law.
- 20 6. Respondent understands that this Consent Order is a public record.
- 21 7. Respondent has read and fully understands the terms of this Consent Order, freely and
22 voluntarily consents to the entry of this Consent Order without any force or duress, and
23 expressly waives all rights to hearing or judicial review in this matter.

24 ///

25 ///

1 8. Respondent understands that, upon signature of all parties, this Consent Order will be a
2 Final Order.

3 
4 Adam C. Hamer

It is so agreed this 16TH day of FEBRUARY, 2016.

5 
6 Chair
7 Electrical and Elevator Board
8 State of Oregon

It is so agreed this 29th day of February, 2016.