BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:	)	**CONSENT ORDER**
DAVID L. MOREHEAD, AN INDIVIDUAL,	)	**CASE NO. C2015-0060**
RESPONDENT.	)	

The Building Codes Division (BCD) conducted an investigation on behalf of the Electrical and Elevator Board (Board) and determined that Respondent violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

Respondent and the Board desire to settle this matter informally through the entry of this Consent Order. Respondent understands that he has the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes, 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.

FINDINGS OF FACT

1. At no relevant time did Respondent hold an Oregon general supervising electrician or journeyman electrician license.

2. On March 23, 2015, at 53863 Highway 332, Milton Freewater, Oregon, Respondent installed electrical wiring to a wall outlet receptacle terminal for the account of another.

APPLICABLE LAW

1. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.

2. 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.

CONCLUSIONS OF LAW

1. Installing electrical wiring to a wall outlet receptacle terminal is an electrical installation as defined in ORS 479.530(10).

2. Making the electrical installation described in Conclusions of Law paragraph 1 for the account of another requires the installer to possess a valid supervising or journeyman electrician license under ORS 479.620(3).

3. By making the electrical installation described in Conclusions of Law paragraph 1 without an Oregon supervising or journeyman electrician's license, Respondent violated ORS 479.620(3).

SETTLEMENT AGREEMENT

Respondent and the Electrical and Elevator Board agree to resolve this matter, without a hearing, with the entry of this Consent Order according to the following terms and conditions:

1. The Board assesses a civil penalty of $2,000 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. ***(The invoice will be included with Respondent's copy of the Final Order after it is signed by the Board.)***

    1.2 If Respondent fails to make a payment or otherwise defaults on any of the other terms of this settlement agreement, then the case may be turned over to the Department of Consumer and Business Services collections unit for collection of the entire $2,000 civil penalty, along with interest and applicable fees.

2. Respondent agrees if a final order is issued by a board or the Director of the Department of Consumer and Business Services finding Respondent violated any of Building Codes Division's statutes or rules, including licensing violations, within five (5) years from the date this order was signed by the Board, then Respondent will be responsible for any subsequent penalties in addition to the $1,250 of suspended penalty from this order, which will become due and payable at that time.

3. Respondent understands that if he fails to comply with any of the terms of this settlement agreement, then the entire civil penalty, including the amount suspended, will be immediately due and payable.

4. Respondent understands and agrees that any violation of the terms of this Consent Order will result in further enforcement action.

5. Respondent understands and agrees that any violation of the Building Codes Division's statutes or rules not alleged in this Consent Order, whether committed before or after the execution of this order, may be the basis for further enforcement action.

6. Respondent understands that failure to comply with this settlement agreement may result in denial of future licensing applications and/or suspension of licensing or certification issued by the Building Codes Division and other state agencies.

7. Respondent understands the suspended civil penalty will be waived five (5) years after the execution of this Consent Order, provided there is compliance with the order's terms and Respondent has not committed any further violations of the Building Codes Division's statutes or rules.

8. Respondent agrees to fully cooperate with the Building Codes Division in any other cases related to the Respondent's case. Cooperation includes providing testimony related to the findings of fact in this Consent Order in various hearings.

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

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

FOR THE RESPONDENT

David L. Morehead

Date: 6-10, 2015

David L. Morehead

FOR THE BOARD

Andrea Simmons for

Date: June 22, 2015

Chair
Electrical and Elevator Board
State of Oregon

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