

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**CHARLES A. DAVIS,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2015-0127

2015 SEP 21 P 7:14

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BUILDING CODES

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 Charles A. Davis (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. Respondent has held general supervising electrician license 5306S since June 28, 2007.
2. Respondent is the owner and sole manager and member of DC Electrical Solutions, LLC, a foreign limited liability company based in Idaho.¹
3. In or about May 28, 2015 at 69675 Sanderson Road in Summerville, Oregon, Respondent instructed and permitted Mark Davis to install a grounding conductor for a light fixture.
4. Mark Davis does not hold an Oregon journeyman electrician or supervising electrician license.²

¹ See related BCD cases C2015-0122 and C2015-0175.

² A citation was issued to DC Electrical Solutions and Respondent on or about May 28, 2015. That citation was withdrawn, without prejudice, on or about June 22, 2015.

APPLICABLE LAW

1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-(10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-0010(1)-(11), and OAR 918-251-0090(1)-(43).
2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of electrical wiring and the permanent attachment or installation of electrical products in or on any structure that is not itself an electrical product.
3. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.
4. Under OAR 918-282-0140(2), a general signing supervising electrician when working for or as an electrical contractor must: (f) ensure electricians have proper licenses for the work performed, and may not permit either by assent or failure to prevent, an individual to perform work for which they are not properly licensed.

CONCLUSIONS OF LAW

1. Installing a grounding conductor for a light fixture is an electrical installation under ORS 479.530(10).
2. Making the foregoing electrical installation requires a supervising or journeyman electrician license under ORS 479.620(3).
3. By making the foregoing electrical installation without holding a valid supervising or journeyman electrician license, Mark Davis violated ORS 479.620(3).
4. By failing to ensure Mark Davis had the proper license to make the foregoing electrical installation and by permitting, either by assent or failure to prevent, Mark Davis from performing work for which he was not properly licensed, Respondent violated OAR 918-282-0140(2)(f).

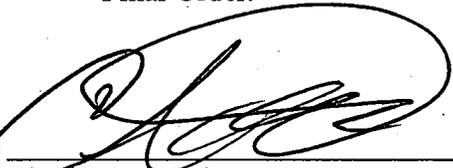
1 or after the execution of this Consent Order, and/or for any violation of the terms of this
2 Consent Order.

3 5. Respondent understands that failure to comply with this Consent Order may be used as a
4 basis for the denial of future license, certificate, registration, or other applications, or for the
5 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
6 certificate, or registration issued by the Division or other state agencies; and/or for any other
7 reason provided for in law.

8 6. Respondent understands that this Consent Order is a public record.

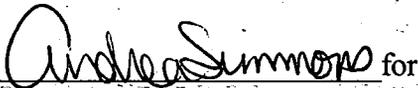
9 7. Respondent has read and fully understands the terms of this Consent Order, freely and
10 voluntarily consents to the entry of this Consent Order without any force or duress, and
11 expressly waives all rights to hearing or judicial review in this matter.

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

14 

15 Charles A. Davis

16 It is so agreed this 15 day of September 2015.

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18 Chair
19 Electrical and Elevator Board
20 State of Oregon

21 It is so agreed this 22 day of September, 2015.
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