

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

4 **IN THE MATTER OF:**

CONSENT ORDER

5 **JOHN S. FRIESEN,**
6 **AN INDIVIDUAL,**

7
8 **RESPONDENT.**

BCD CASE C2015-0145

2015 SEP 14 A 1:00
RECEIVED
BUILDING CODES

9
10 **INTRODUCTION**

11 The Building Codes Division (Division) conducted an investigation on behalf of the
12 Electrical and Elevator Board of the State of Oregon (Board) and determined that John S. Friesen
13 (Respondent) violated certain provisions of the Division's statutes and administrative rules as
14 identified below.

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

19 **FINDINGS OF FACT**

- 20 1. On or about July 6, 2015, Respondent stripped insulation from wires, pulled wires, and
21 wired an electrical receptacle at 12053 SW Autumn View Street in Tigard, Oregon (the
22 premises).¹
- 23 2. At no relevant time did Respondent hold a supervising or journeyman electrician license,
24 nor was he a licensed electrical apprentice.
- 25

¹ See related BCD cases C2015-0146 and C2015-0147.

- 1 3. On or about July 6, 2015, a Division investigator issued a Citation for License or
2 Registration Violation, citation number 12461, to Respondent for making an electrical
3 installation without holding a supervising or journeyman electrician license.

4 **APPLICABLE LAW**

- 5 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
6 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), Oregon Administrative Rules (OAR) 918-
7 001-0005(1)-(4), OAR 918-030-0010(1)-(11), and OAR 918-251-0090(1)-(43).
8 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
9 electrical wiring and the permanent attachment or installation of electrical products in or on
10 any structure that is not itself an electrical product.
11 3. Under ORS 479.620(3), a person may not make any electrical installation without a
12 supervising or journeyman electrician's license.

13 **CONCLUSIONS OF LAW**

- 14 1. Under ORS 479.530(10), installing an electrical receptacle is an electrical installation.
15 2. Under ORS 479.620(3), a supervising or journeyman electrician license is required to install
16 an electrical receptacle.
17 3. By failing to hold a supervising or journeyman electrician license at the time he installed an
18 electrical receptacle at the premises, Respondent violated ORS 479.620(3).

19 **ORDER**

- 20 1. The Director of the Department of Consumer and Business Services hereby withdraws
21 Citation for License or Registration Violation, citation number 12461, previously issued to
22 Respondent in consideration of the following order of the Board.
23 2. The Board hereby assesses a total civil penalty of \$2,000 against Respondent for violating
24 ORS 479.620(3) as follows:
25 a. \$1,250 of the total civil penalty will be suspended for a period of five years if there is

1 compliance with all other terms of this Consent Order.

- 2 b. Respondent agrees to pay the remaining \$750 of the civil penalty. Respondent's
3 payment shall be postmarked no later than the 25th day of the month following the
4 month in which this Consent Order becomes a final order. *(An invoice will be*
5 *included with Respondent's copy of the final order after the Director signs it.)*

6 Payment shall be mailed to Department of Consumer and Business Services, Fiscal
7 Services Section, P.O. Box 14610, Salem, OR 97309-0445.

- 8 3. Respondent understands the suspended civil penalty (\$1,250) will be considered satisfied
9 five years after this Consent Order becomes a final order, provided Respondent complies
10 with its terms and has not committed any further violations of the Division's statutes and
11 rules within that five-year period. Respondent understands and agrees that if Respondent
12 does not comply with the terms of this Consent Order or if Respondent commits any further
13 violations of the Division's statutes or rules within the five-year period, then the entire civil
14 penalty, including any suspended amount, will become immediately due and payable.

15 Failure to comply with this Consent Order includes, but is not limited to, failure to pay the
16 civil penalty amount due by the due date.

- 17 4. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
18 ~~that rely on the facts underlying this case.~~ Cooperation may include, but may not be limited
19 to, making sworn statements or testifying in administrative hearings.

- 20 5. Respondent understands that further enforcement action may be taken for any violation of
21 the Division's statutes or rules not alleged in this Consent Order, whether committed before
22 or after the execution of this Consent Order, and/or for any violation of the terms of this
23 Consent Order.

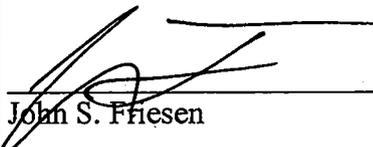
- 24 6. Respondent understands that failure to comply with this Consent Order may be used as a
25 basis for the denial of future license, certificate, registration, or other applications, or for the

1 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
2 certificate, or registration issued by the Division or other state agencies; and/or for any other
3 reason provided for in law.

4 7. Respondent understands that this Consent Order is a public record.

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

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

10
11  It is so agreed this 9th day of September, 2015.
12 John S. Friesen

13  for It is so agreed this ^{on} 16th day of September, 2015.
14 Chair
15 Electrical and Elevator Board
16 State of Oregon

17  for It is so agreed this ^{on} 16th day of September, 2015.
18 Director
19 Department of Consumer and Business Services
20 State of Oregon