

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

3 **IN THE MATTER OF:**

4)
5 **DUSTIN T. MOUL,**
6 **AN INDIVIDUAL**

7 **RESPONDENT**

)
) **CONSENT ORDER**
)
)

)
) **CASE NO. 2013-0136**
)

8 **CASE NO. 2004-0291**

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

11 You and the Board desire to settle this matter informally by the entry of this Consent Order. You
12 understand that you have the right to a hearing under the Administrative Procedures Act (Chapter
13 183), Oregon Revised Statutes, and fully and finally waive the right to a contested case hearing
14 and any appeal therefrom by the signing and entry of this Order in the Board's record. You agree
to conduct all future business in compliance with the applicable statutes, administrative rules,
and specialty codes. You understand that, once final, this Order is a public record.

15 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

- 16
- 17 1. You hold supervising electrician license #5549S, and are owner, authorized
18 representative, and designated general signing supervising electrician for Distinct
Electric, Inc., a licensed electrical contractor.
 - 19 2. On or about July 15, 2013, at 6116 Lillian Street, Salem, Oregon, under your direction
20 and control and on behalf of Distinct Electric, Inc., Jose L. Avila, an unlicensed
21 individual, installed electrical outlet boxes and pulled wire, work that requires licensure
under ORS 479.620(3).

22 **WHAT THE LAW SAYS**

- 23
- 24 1. Under OAR 918-282-0140(2)(f), the general signing supervising electrician must ensure
25 electricians have proper licenses for the electrical work performed, and may not permit,
by assent or by failure to prevent, and individual to perform work for which they are not
properly licensed.

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1 2. Under ORS 479.620(3), a person may not make electrical installations without a
supervising or journeyman electrician license.

2 STIPULATED AGREEMENT

3 You and the Board agree to resolve this matter, without a hearing, with the entry of this
4 Consent Order subject to the following terms and conditions:

5 (1) The Board hereby assesses a civil penalty of \$3,000 for violating OAR 918-282-
6 0140(2)(f) and 479.620(3), of which \$1,750 will be suspended for a period of five years under
the following terms:

7 (1.1) You agree to pay the remaining \$1,250 of the civil penalty.

8 (1.2) An additional \$500 of the total assessed penalties will be suspended if you are
9 able to pay \$750 by the date on the invoice. ***(The invoice will be included with
your copy of the Final Order after it is signed by the Board.)***

10 (2) You agree if a final order is issued by a Board or the Director finding you violated any
11 of Building Codes Division's statutes or rules, within five years from the date this Order was
12 signed by the Director, you will pay any subsequent penalty and the suspended penalty from this
Order.

13 (3) You agree not to commit further violations of Building Codes Division's statutes or
rules.

14 (4) You understand that if you fail to comply with any of the terms of this consent
15 agreement that the entire civil penalty, including the amount suspended, will be immediately due
16 and payable. Failure to comply includes failure to pay the civil penalty amount on the Final
17 Demand Notice by the due date, or failure to make payments according to the terms of any
payment arrangement or Final Demand Notice.

18 (5) You understand and agree any violation of the terms of this Consent Order will result
in further enforcement action.

19 (6) You understand and agree that any violations of Building Code Division's statutes or
20 rules not alleged in this Order, whether committed before or after the execution of this Consent
Order, may be the basis for further enforcement action.

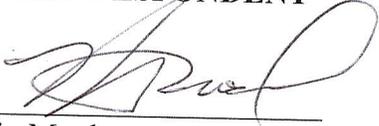
21 (7) You understand the suspended civil penalty will be waived five years after the
22 execution of this Consent Order, provided you comply with its terms and have not committed
any further violations of Building Codes Division's statutes or rules.

23 (8) You have read and fully understand the terms of this Consent Order, freely and
24 voluntarily consent to the entry of this Order without further hearing, without any force or
25 duress, and expressly waive all rights to a hearing or appeal in this matter.

1 (9) You understand that, upon signature of all parties, this Consent Order will be a FINAL
ORDER.

2 (10) You further agree by signing this Consent Order that you are the Respondent or
3 authorized representative for the Respondent in this matter.

4 **FOR THE RESPONDENT**

5 

6 Dustin Moul

Date: 9/27/13

8 **FOR THE BOARD**

9  for

10 Chairman
11 Electrical and Elevator Board
12 State of Oregon

Date: 10/5/13