

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

2 **IN THE MATTER OF:**

3 **RANDOLPH E. FORREST, AN INDIVIDUAL**

4 **RESPONDENT**

)  
) **CONSENT ORDER**  
)  
)  
) **CASE NO. 2013-0154**  
)

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

9 The parties wish to settle this matter informally. Respondent understand that Respondent has  
10 the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes  
11 (ORS), and fully and finally waives the right to a contested case hearing and any appeal therefrom by  
12 the signing and entry of this Consent Order in the department's records. Respondent agrees to conduct  
13 all future business in compliance with the applicable statutes, administrative rules (OAR), and  
14 specialty codes. Respondent understands that, once final, this order is a public record.

15 **FINDINGS OF FACT**

- 16 1. On October 1, 2012, Respondent's journeyman electrician license, number 7146J, expired.
- 17 2. On or about October 10, 2012, at 357 Hayes Eden Road, Roseburg, Oregon, Respondent  
18 installed a feeder and six branch circuits for a swimming pool, for the account of another,  
19 without having an Oregon supervising or journeyman electrician's license.
- 20 3. On or around July 25, 2013, at 160 Callahan View Way, Roseburg, Oregon, Respondent  
21 installed a subpanel and four branch circuits, for the account of another, without having an  
22 Oregon supervising or journeyman electrician's license.
- 23 4. On or around August 21, 2013, at 782 Snowberry Road, Roseburg, Oregon, Respondent  
24 installed two branch circuits for a building addition, for the account of another, without having  
25 an Oregon supervising or journeyman electrician's license.

- 1 5. On September 26, 2013, Respondent renewed his journeyman electrician license, number  
2 7146J, and returned his license to active status.

3 **APPLICABLE LAW**

- 4 1. Under ORS 479.530(10), electrical installations include the construction or installation of  
5 electrical wiring and the permanent attachment or installation of electrical products in or on any  
6 structure that is not itself an electrical product.  
7 2. Under ORS 479.620(3), a person may not make any electrical installation without a supervising  
8 or journeyman electrician's license.

9 **CONCLUSIONS OF LAW**

- 10 1. Installing a feeder and six branch circuits for a swimming pool, installing a subpanel and four  
11 branch circuits, and installing two branch circuits for a building addition are each instances of  
12 performing electrical installations according to ORS 479.530(10).  
13 2. On or about October 10, 2012, at 357 Hayes Eden Road, Roseburg, Oregon, Respondent made  
14 electrical installations, for the account of another, without having an Oregon supervising or  
15 journeyman electrician's license.  
16 3. On or about July 25, 2013, at 160 Callahan View Way, Roseburg, Oregon, Respondent made  
17 electrical installations, for the account of another, without having an Oregon supervising or  
18 journeyman electrician's license.  
19 4. On or about August 21, 2013, at 782 Snowberry Road, Roseburg, Oregon, Respondent made  
20 electrical installations, for the account of another, without having an Oregon supervising or  
21 journeyman electrician's license.

22 **SETTLEMENT AGREEMENT**

23 Respondent and the Board agree to resolve this matter without a hearing according to the  
24 following terms:  
25

- 1 1. The Board hereby assesses a \$6,000 civil penalty for violating ORS 479.620(3) on three  
2 occasions, of which \$3,750 will be suspended for a period of five years under the following  
3 terms:
  - 4 1.1. Respondent agrees to pay the remaining \$2,250 of the civil penalty. (*An invoice will be*  
5 *included with Respondent's copy of the final order after the Board signs it.*)
  - 6 1.2. Respondent agrees to pay \$375 postmarked by July 25, 2014, with payments of \$375  
7 continuing monthly, for six (6) months. All payments are due (postmarked) by the 25<sup>th</sup>  
8 day of the month. As long as they payments remain timely, there shall be no interest  
9 added to Respondent's balance. There are no early-payoff penalties; a lump sum payoff  
10 of the Respondent's remaining balance is welcomed.
- 11 2. Respondent understands that a single failure to comply with any of the terms of this Settlement  
12 Agreement could result in the entire civil penalty, including the suspended amount, becoming  
13 immediately due and payable. Failure to comply includes failure to pay the civil penalty  
14 amount by the due date.
- 15 3. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts in  
16 cases against other entities or individuals that rely on the underlying facts in this case.
- 17 4. Respondent agrees not to commit violations of the Building Code Division's statutes and rules.
- 18 5. Respondent understands and agrees that any violation of the terms of this Consent Order  
19 will result in further enforcement action.
- 20 6. Respondent understands and agrees that any violation of the Building Code Division's statutes  
21 or rules not alleged in this order, whether committed before or after the execution of this  
22 Consent Order, may be the basis for further enforcement action.
- 23 7. Respondent understands that failure to comply with this settlement agreement may result in the  
24 denial of future licensing applications and/or suspension of licensing or certification  
25 issued by the Division and/or other state agencies.

- 1 8. Respondent understands the suspended civil penalty will be waived five years after the  
2 execution of this Consent Order, provided Respondent complies with its terms and have not  
3 committed any further violations of Building Code Division's statutes and rules.
- 4 9. Respondent has read and fully understand the terms of this Consent Order, freely and  
5 voluntarily consents to the entry of this order without further hearing, without any force or  
6 duress, and expressly waives all rights to hearing or appeal in this matter.
- 7 10. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL  
8 ORDER.
- 9 11. Respondent understands that once this Settlement Agreement and Consent Order becomes a  
10 FINAL ORDER, it becomes a public document.

11  
12 **FOR THE RESPONDENT**

13  
14  Date: 6-16-14  
15 Randolph E. Forrest

16 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

17  
18  for Date: 6-24-14  
19 Chair  
20 Electrical and Elevator Board  
21 State of Oregon  
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