

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

3 **BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON**

4 **IN THE MATTER OF:**

)
) **CONSENT ORDER**

5 **AMERICORP CONSTRUCTION, LLC, A**
6 **LIMITED LIABILITY COMPANY**

)
) **CASE NO. C2013-0216**

7 **RESPONDENT**
)
)

2014 JUN 23 10:10 AM

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9 ~~The Oregon Electrical and Elevator Board and the State Plumbing Board (Boards)~~
10 conducted an investigation and determined that Respondent violated certain provisions of the
11 Oregon Building Codes statutes and administrative rules.

12 Respondent and the Boards prefer to settle this matter informally by the entry of this
13 consent order. Respondent understands that it has the right to a hearing under the Administrative
14 Procedures Act (chapter 183, Oregon Revised Statutes), and fully and finally waives the right to
15 a contested case hearing and any appeal therefrom by the signing and entry of this order in the
16 Boards' records. Respondent agrees to conduct all future business in compliance with the
17 applicable statutes, administrative rules, and specialty codes. Respondent understands that once
18 final, this order is a public record.

15 **FINDINGS OF FACT**

- 16 (1) During all relevant times Respondent was not an Oregon licensed electrical contractor.
- 17 (2) During all relevant times Respondent was not an Oregon licensed plumbing contractor.
- 18 (3) During or about the period of July 24, 2013, through September 26, 2013, at 61036
19 Highway 101 South, Coos Bay, Oregon, Respondent installed electrical conduit, wiring
and receptacle without an electrical permit.
- 20 (4) Respondent installed the electrical conduit, wiring and receptacle, at 61036 Highway 101
21 South, Coos Bay, Oregon for the account of another, without an electrical contractor's
license.
- 22 (5) Respondent procured an unlicensed individual to install the electrical conduit, wiring and
23 receptacle, at 61036 Highway 101 South, Coos Bay, Oregon.
- 24 (6) Respondent installed a 50 amp, 240-volt receptacle to an existing receptacle using
25 electrical conduit and wiring. Respondent's method of providing electricity to a

1 receptacle violated the following National Electric Code¹ article:

2 Article 210.19 Branch-Circuit Ratings.

3 (1) General. Branch-circuit conductors shall have an ampacity not less than
4 the maximum load to be served. Where a branch circuit supplies continuous
5 loads or any combination of continuous and non continuous loads, the
6 minimum branch-circuit conductor size, before the application of any
7 adjustment of correction factors, shall have an allowable ampacity not less
8 than the non-continuous load plus 125 percent of the continuous load.

(2) Branch Circuits with more than one receptacle. Conductors of branch circuits
supplying more than one receptacle for cord-and-plug-connected portable loads
shall have an ampacity of not less than the rating of the branch circuit.

9 ~~(7) During or about the period of July 24, 2013, through September 26, 2013, at 61036~~

10 Highway 101 South, Coos Bay, Oregon, Respondent installed a hose bib, without first
11 obtaining a plumbing permit.

(8) Respondent permitted an unlicensed employee to install the hose bib, at 61036 Highway
101 South, Coos Bay, Oregon.

(9) Respondent installed the hose bib at 61036 Highway 101 South, Coos Bay, Oregon, for
the account of another, without a plumbing contractor's license.

14 (10) In November 2013, Oregon Department of Transportation (ODOT) purchased the
15 electrical permit for the installation of electrical conduit, wiring and receptacle by
Respondent. The permit received final approval on February 20, 2014.

16 (11) In October 2013, KB Plumbing purchased a plumbing permit for the re-installation of the
17 hose bib at 61036 Highway 101 South, Coos Bay, Oregon. The permit received final
approval on December 5, 2013.

18 **WHAT THE LAW SAYS**

- 19 1. Under ORS 479.550(1), no person shall work on any new electrical installation for which
20 a permit has not been issued.
- 21 2. Under ORS 479.620(3), a person may not make any electrical installation without a
supervising or journeyman electrician's license.
- 22 3. Under ORS 455.450(2), a person may not engage in, or procure or assist any other person
23 to engage in any conduct or activity for which a permit, label, license, certificate,
24 registration or other formal authorization is required by any specialty code, any provision
25

¹ The National Electrical Code is adopted in Oregon as part of the minimum safety standards for new installations in Oregon under Oregon Administrative Rules, Chapter 918, Division 305.

1 of certain statutes², or any rule adopted or order issued for the administration and
2 enforcement of those provisions, without first having obtained such permit, label, license,
3 certificate, registration or other formal authorization.

- 4 4. Under ORS 479.620(1), a person may not engage in the business of an electrical
5 contractor without an electrical contractor's license.³
- 6 5. Under ORS 479.710(1), no person shall make, supervise or direct the making of an
7 electrical installation which does not meet minimum safety standards.
- 8 6. Under OAR 918-785-0200(1)(a), no person, firm, or corporation shall do plumbing in the
9 State of Oregon without first obtaining a plumbing permit or minor label.
- 10 7. Under ORS 693.020(2)(a), a licensed plumbing contractor or a person required under
11 ~~ORS 447.010 to 447.156 to be licensed as a plumbing contractor may not permit or suffer~~
12 any person to work as a journeyman plumber who does not hold a valid journeyman
13 plumber license.
- 14 8. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
15 without a journeyman plumber license.
- 16 9. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or
17 purport to be a plumbing contractor, and a member or employee of a firm, partnership or
18 corporation may not engage in the layout or superintending of plumbing installations,
19 without having obtained the plumbing contractor license required.
- 20 10. ORS 479.530(10) defines an electrical installation as the construction or installation of
21 electrical wiring and the permanent attachment or installation of electrical products.
- 22 11. Plumbing is defined at ORS 447.010(6) as the art of installing, altering or repairing in or
23 adjacent to or serving buildings including pipes, fixtures, and other apparatus for bringing
24 in the water supply and removing liquid and water-carried waste, including the water
25 supply distributing pipes; fixtures and fixture traps; soil, waste and vent pipes; and storm
water drainage, with their devices, appurtenances and connections.

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24 ² Statutes cited in ORS 455.450(2): ORS 446.003 to 446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to
466.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670, or ORS chapters 455, 447, 460
or 693.

25 ³ OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any other license regulated
by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to
perform, work for which a license or permit is required under Oregon law, including a single instance.

1 **CONCLUSIONS OF LAW**

- 2 1. When Respondent installed electrical wiring, electrical conduit, wiring and receptacle at
3 61036 Highway 101 South, Coos Bay, Oregon, Respondent made an electrical
4 installation under ORS 479.530(10).
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6 2. By installing the electrical conduit, wiring and receptacle at 61036 Highway 101 South,
7 Coos Bay, Oregon for the account of another, without an electrical contractor license,
8 Respondent violated ORS 479.620(1).
9
10 3. By installing electrical conduit, wiring and receptacle, without an electrical permit,
11 Respondent violated ORS 479.550(1).
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13 4. By procuring an unlicensed individual to install the electrical conduit, wiring and
14 receptacle at 61036 Highway 101 South, Coos Bay, Oregon, Respondent violated ORS
15 455.450(2).
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17 6. By not meeting the minimum safety standards of the National Electric Code with the
18 electrical installation identified in Findings of Fact (4), at 61036 Highway 101 South,
19 Coos Bay, Respondent violated ORS 479.710.
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21 7. The installation of a hose bib is plumbing as defined in ORS 447.010(6).
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23 8. By installing a hose bib at 61036 Highway 101 South, Coos Bay, Oregon, without first
24 obtaining a plumbing permit, Respondent violated OAR 918-785-0200(1)(a).
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26 9. By installing the hose bib at 61036 Highway 1010 South, Coos Bay, Oregon, without first
obtaining, without a plumbing contractor's license, Respondent violated ORS 447.040(1).
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28 10. By permitting an unlicensed employee to perform plumbing as a journeyman plumber,
Respondent violated ORS 693.030(2)(a).

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SETTLEMENT AGREEMENT

Respondent and the Electrical and Elevator Board and the State Plumbing Board agree to resolve this matter without a hearing with the entry of this consent order subject to the following terms and conditions:

- 1) The Boards hereby assess a civil penalty of \$15,000 for violating ORS 479.620(1), 479.550(1), 455.450(2), 479.710, 447.040(1), and 693.030(2)(a); and OAR 918-785-0200(1)(a) of which \$11,400 will be suspended for a period of five (5) years under the following terms:

1.1 Respondent agrees to pay the remaining \$3,600 of the civil penalty.
(The invoice will be included with Respondent's copy of the Final Order after it is signed by the Board.)

1.1. Respondent agrees to pay \$200 postmarked by the 25th day of each month once this consent order is executed, continuing for eighteen (18) months. As long as the payments remain timely, there shall be no interest added to Respondent's balance.

1.2. If Respondent fails to make a payment or otherwise defaults on any term of this Settlement Agreement, including failure to make a timely monthly payment, the case will be turned over to the Department of Consumer and Business Services collections department for collection of the entire \$15,000 civil penalty, along with interest and applicable fees.

2) Respondent agrees that if a final order is issued by a board or the Director finding Respondent violated any of Building Codes Division's statutes or rules within five (5) years from the date this order was signed by the Boards, then Respondent will pay any subsequent penalty and the suspended penalty from this order.

3) Respondent agrees not to commit further violations of Building Codes Division's statutes or rules.

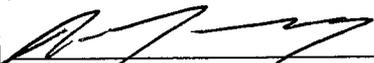
4) Respondent understands that if it fails to comply with any of the terms of this settlement agreement, then the entire civil penalty, including the amount suspended, will be immediately due and payable. Failure to comply includes failure to pay the civil penalty amount on the Final Demand Notice by the due date, or failure to make payments according to the terms of any payment arrangement or Final Demand Notice.

5) Respondent understands and agrees any violation of the terms of this consent order will result in further enforcement action.

6) Respondent understands and agrees that any violations of Building Code Division's statutes or 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.

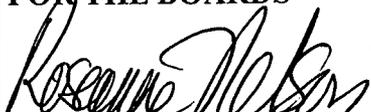
- 1 7) Respondent understands the suspended civil penalty will be waived five (5) years after
2 the execution of this consent order, provided Respondent complies with its terms and has
3 not committed any further violations of Building Codes Division's statutes or rules.
4 8) Respondent has read and fully understands the terms of this consent order, freely and
5 voluntarily consents to the entry of this order without further hearing, without any force
6 or duress, and expressly waives all rights to a hearing or appeal in this matter.
7 9) Respondent understands that, upon the signature of all parties, this consent order will be a
8 FINAL ORDER.
9 10) Respondent further agrees by signing this consent order that it is the Respondent or
10 authorized representative for the Respondent in this matter.
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12 **FOR THE RESPONDENT**

13 
14 Ron E. Young, Owner
15 Americorp Construction, LLC
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17 Date: 6/18/, 2014

18 **FOR THE BOARDS**

19  for
20 Chair
21 Electrical and Elevator Board
22 State of Oregon
23

24 Date: 6-23-, 2014

25  for
Chair
State Plumbing Board
State of Oregon

Date: 6-23-, 2014