

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON
BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

IN THE MATTER OF:

CONSENT ORDER

**TIMOTHY LEE BUSTER, JR., DBA EDCO ELECTRIC,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2015-0101

INTRODUCTION

The Building Codes Division (Division) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (Board) and the Director of the Department of Consumer and Business Services (Director) and determined that Timothy Lee Buster, dba Edco Electric (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. At all relevant times, Respondent held electrical contractor license number C869.
2. At all relevant times, Respondent held journeyman electrician's license number 16017J, which expired on October 1, 2015.
3. Mr. Edward Cocuzza (Cocuzza) served as Respondent's sole supervising electrician from in

1 or around 2012 until Cocuzza's death on November 10, 2013.¹

2 4. At no relevant time following Cocuzza's death did Respondent employ a new supervising
3 electrician.

4 5. Following Cocuzza's death, Respondent obtained the following electrical permits, with
5 Cocuzza identified as the supervising electrician on each permit:

- 6 a. On January 8, 2015, the City of Salem issued permit number 64900-BEL-15-00023
7 to perform an electrical service change and ground electrical outlets at a residence
8 located at 1745 Commercial St.;
- 9 b. On April 13, 2015, the City of Salem issued permit number 64900-BEL-15-00429 to
10 perform an electrical service reconnection and install a ground rod at a residence
11 located at 2338 32nd Ave.;
- 12 c. On February 21, 2014, the City of Springfield issued permit number 811-SPR2014-
13 00383 to perform an electrical service change and install three electrical circuits,
14 including a 120-volt washer circuit and 240-volt circuits for the water heater and
15 dryer, at a residence located at 1408 8th St.;
- 16 d. On April 8, 2015, the City of Springfield issued permit number 811-SPR2015-00792
17 to install porch light fixtures, install light switches, and add or re-route electrical
18 outlets at a residence located at 2547 Maia Loop (Maia property);
- 19 e. On May 6, 2014, Clackamas County issued permit number EO230914 to perform an
20 electrical rewire of an entire house at a residence located at 1285 Dollar St. in West
21 Linn, Oregon (Dollar property);
- 22 f. On May 6, 2014, Clackamas County issued permit number EO230814 to perform an
23 electrical bonding of a water heater at a residence located at 22244 Kamrath Rd. in
24 Oregon City, Oregon (Kamrath property);
- 25 g. On December 13, 2014, Clackamas County issued permit number 99005-BEL-14-

¹ Cocuzza held supervising electrician's license number 4855S.

1 01771 to perform an installation of a new 200 amp meter base and riser, new 200
2 amp electrical panel, and new electrical wiring in the master suite, bathroom,
3 kitchen, and for a washer/dryer at a residence located at 16721 SE Oatfield Rd. in
4 Milwaukee, Oregon;

5 h. On March 21, 2014, Clackamas County issued permit number EO164314 to replace
6 the electrical service mast at a residence located at 6306 SE Thiessen Rd. in
7 Milwaukee, Oregon (Thiessen property);

8 i. On December 20, 2013, the City of Lake Oswego issued permit number
9 499138490609 to install two electrical branch circuits in the bathroom of a residence
10 located at 706 6th St.;

11 j. On February 25, 2014, the City of Tigard issued permit number ELC2014-00088 to
12 install two new 120-volt electrical circuits at a residence located at 12900 SW
13 Walnut St.;

14 k. On April 29, 2014, the City of Tigard issued permit number ELC2014-00204 to
15 relocate and install electrical branch circuits at a commercial property located at
16 9009 SW Hall Blvd, #145.

17 6. Respondent signed Cocuzza's signature in ink on the permit applications for the Dollar,
18 Kamrath, and Thiessen properties.²

19 7. Respondent performed the electrical work set forth in each of the foregoing permits, with the
20 exception of the Maia property, for which Respondent obtained the foregoing permit but did
21 not perform work.

22 APPLICABLE LAW

23 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
24 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-

25 ² Respondent obtained the remaining permits through an online e-permitting system which did not require signatures. However, the e-permitting system does require the electrical contractor to enter the name of its signing supervising electrician.

1 0010(1)-(11), OAR 918-090-0010(1)-(12), OAR 918-098-1005(1)-(20), and OAR 918-251-
2 0090(1)-(43).

3 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
4 electrical wiring and the permanent attachment or installation of electrical products in or on
5 any structure that is not itself an electrical product.

6 3. Under OAR 918-309-0000(1), any person providing false or incorrect information or false
7 or an incorrect signature to obtain a permit may be subject to compliance action by the
8 board.

9 4. Under OAR 918-282-0010(1), an electrical contractor is required to continuously employ at
10 least one full-time general supervising electrician.

11 5. Under OAR 918-282-0170(1)(b), a general journeyman shall work under the supervision,
12 direction and control of a general supervising electrician unless doing the type of work that
13 may be supervised, directed or controlled by a person holding a specific limited supervising
14 electrician license, or the type of work requiring no supervision.

15 6. Under ORS 455.129(2), a regulatory body may revoke a license if the regulatory body finds
16 that the licensee:

17 (a) has failed to comply with the laws administered by the regulatory body or with
18 the rules adopted by the regulatory body;

19 ***

20 (d) has performed work without appropriate licensing; or

21 ***

22 (m) has, while performing work that requires or that is related to work that requires a
23 valid license under ORS 479.510 to ORS 479.945, violated any statute or rule
24 relating to the state building code.

25 7. Under ORS 455.129(3)(b), the Board may revoke a license for those reasons enumerated in

- 1 4. By naming Mr. Cocuzza as supervising electrician on permit applications in the City of
2 Salem, City of Springfield, City of Lake Oswego and City of Tigard, after Mr. Cocuzza's
3 death, Respondent provided false or incorrect information to obtain permits, and therefore
4 violated OAR 918-309-0000(1) in eight instances and four jurisdictions.
- 5 5. By signing Mr. Cocuzza's signature on permit applications for the Dollar, Kamrath, and
6 Thiessen properties in Clackamas County, Respondent provided false or incorrect signatures
7 to obtain permits, and therefore violated OAR 918-309-0000(1) in three additional instances
8 and a fifth jurisdiction.
- 9 6. By engaging in the foregoing violations of OAR 918-282-0010(1) and OAR 918-309-
10 0000(1), while performing work that requires or that is related to work that requires a valid
11 license(s) under ORS 479.620, Respondent subjected his electrical contractor license to
12 revocation under ORS 455.129(2)(m).
- 13 7. By engaging in the foregoing actions, Respondent failed to comply with the laws
14 administered or adopted by the Board, and therefore subjected his electrical contractor
15 license to revocation under ORS 455.129(2)(a).
- 16 8. The Board, acting under ORS 455.129(2)(a), (2)(m), and (3)(b), may revoke Respondent's
17 electrical contractor license number C869 because Respondent: failed to comply with the
18 foregoing laws administered by the Board and rules adopted by the Board, including OAR
19 918-282-0010(1) and OAR 918-309-0000(1); and has, while performing the foregoing
20 electrical work that requires or that is related to work that requires a valid license(s) under
21 ORS 479.620, violated each of the foregoing statutes or rules relating to the state building
22 code.
- 23 9. By engaging in the foregoing violations of OAR 918-282-0010(1), OAR 918-282-
24 0170(1)(b), and OAR 918-309-0000(1), while performing work that requires or that is
25 related to work that requires a valid license(s) under ORS 479.620, Respondent subjected his

1 journeyman electrician's license to revocation under ORS 455.129(2)(m).

2 10. By making the foregoing electrical installations without working under the supervision,
3 direction and control of a general supervising electrician, Respondent performed work
4 without appropriate licensing, and therefore subjected his journeyman electrician's license to
5 revocation under ORS 455.129(2)(d).

6 11. By engaging in the foregoing actions, Respondent failed to comply with the laws
7 administered or adopted by the Board, and therefore subjected his journeyman electrician's
8 license to revocation under ORS 455.129(2)(a).

9 12. The Board, acting under ORS 455.129(2)(a), (2)(d), (2)(m), and (3)(b), may revoke
10 Respondent's journeyman electrician's license number 16017J because Respondent: failed
11 to comply with the foregoing laws administered by the Board and rules adopted by the
12 Board, including OAR 918-282-0010(1), OAR 918-282-0170(1)(b), and OAR 918-309-
13 0000(1); made the foregoing electrical installations without working under the supervision,
14 direction and control of a general supervising electrician; and has, while performing the
15 foregoing electrical work that requires or that is related to work that requires a valid
16 license(s) under ORS 479.620, violated each of the foregoing statutes or rules relating to the
17 state building code.

18 13. The Director, acting under ORS 455.775(2), may issue an order, subject to ORS 183.413 to
19 183.497, directed to Respondent to cease and desist from the violation or threatened
20 violation of OAR 918-282-0170(1)(b) and OAR 918-309-0000(1) because he has reason to
21 believe that Respondent has been engaged, is engaging, or is about to engage in violations of
22 each of the foregoing rules.

23 ORDER

24 1. The Board hereby assesses a total civil penalty of \$25,000.00 against Respondent for
25 violating OAR 918-282-0170(1)(b), OAR 918-282-0010(1) and OAR 918-309-0000(1) as

1 follows:

- 2 a. \$15,000.00 of the total civil penalty will be suspended for a period of five years if
3 there is compliance with all other terms of this Consent Order.
- 4 b. Respondent agrees to pay the remaining \$10,000.00 of the civil penalty. Respondent
5 will make three initial monthly payments of \$100, followed by twenty monthly
6 payments of \$460, and a final payment of \$500, all due by the 25th day of each
7 month. Respondent's first payment shall be postmarked no later than the 25th day of
8 the month following the month in which this Consent Order becomes a final order.
9 *(An invoice will be included with Respondent's copy of the final order after the*
10 *Director signs it. This is a one-time invoice; Respondent will not receive monthly*
11 *invoices or other reminders to pay. Respondent understands timely payments must*
12 *be made even if no invoice is ever received.)* Payments shall be mailed to
13 Department of Consumer and Business Services, Fiscal Services Section, P.O. Box
14 14610, Salem, OR 97309-0445.
- 15 c. Respondent understands the suspended civil penalty (\$15,000.00) will be considered
16 satisfied five years after this Consent Order becomes a final order, provided
17 Respondent complies with its terms and has not committed any further violations of
18 the Division's statutes and rules within that five-year period. Respondent
19 understands and agrees that if Respondent does not comply with the terms of this
20 Consent Order or if Respondent commits any further violations of the Division's
21 statutes or rules within the five-year period, then the entire civil penalty, including
22 any suspended amount, will become immediately due and payable. Failure to comply
23 with this Consent Order includes, but is not limited to, failure to pay the civil penalty
24 amount due by the due date.

25 2. Respondent's electrical contractor license number C869 shall be revoked, commencing on

1 the date that this Consent Order is executed by all parties.

2 3. Respondent's journeyman electrician license number license number 16017J shall be
3 suspended for a period of three months, commencing on the date that this Consent Order is
4 executed by all parties. Respondent shall submit his journeyman electrician license to the
5 Division along with his executed copy of this Consent Order.

6 4. Respondent's journeyman electrician license number license number 16017J shall be
7 conditioned for a period of six months following the three-month suspension of the
8 journeyman license, as follows:

9 a. Upon completion of the foregoing three-month period of suspension, the Division
10 will provide Respondent with a conditional license.

11 b. Respondent shall provide the Division with monthly reports for the six-month
12 conditional license period.

13 c. The monthly reports shall include: a list of all jobs worked on during the month with
14 each customer's name and address (including jobs reported in a previous month's
15 report if the job runs longer than one month); a list of all employers and/or
16 contractors for whom Respondent worked during the month; and copies of
17 Respondent's payroll records for each month.

18 d. The monthly reports shall report all of the above information from the preceding
19 month. The first report shall be postmarked by May 25, 2016, and subsequent reports
20 shall be submitted every month, postmarked by the twenty-fifth day of the month
21 they are due.

22 e. The monthly reports shall be submitted by regular or electronic mail. If mailed, they
23 shall be sent to Building Codes Division; Enforcement Section, P.O. Box 14470,
24 Salem, Oregon, 97309. If e-mailed, they shall be emailed to
25 BCD.Complaint@oregon.gov.

- 1 5. Respondent agrees to cease and desist from the following violations of the State Building
2 Code: making electrical installations without working under the supervision, direction and
3 control of a general supervising electrician (OAR 918-282-0170(1)(b)) and providing false
4 or incorrect information or false or an incorrect signature to obtain a permit (OAR 918-309-
5 0000(1)).
- 6 6. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
7 that rely on the facts underlying this case. Cooperation may include, but may not be limited
8 to, making sworn statements or testifying in administrative hearings.
- 9 7. Respondent understands that further enforcement action may be taken for any violation of
10 the Division's statutes or rules not alleged in this Consent Order, whether committed before
11 or after the execution of this Consent Order, and/or for any violation of the terms of this
12 Consent Order.
- 13 8. Respondent understands that failure to comply with this Consent Order may be used as a
14 basis for the denial of future license, certificate, registration, or other applications, or for the
15 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
16 certificate, or registration issued by the Division or other state agencies; and/or for any other
17 reason provided for in law.
- 18 9. Respondent understands that this Consent Order is a public record.
- 19 10. Respondent has read and fully understands the terms of this Consent Order, freely and
20 voluntarily consents to the entry of this Consent Order without any force or duress, and
21 expressly waives all rights to hearing or judicial review in this matter.

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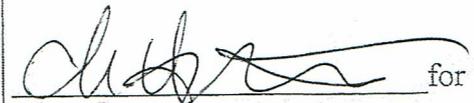
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1 11. Respondent understands that, upon signature of all parties, this Consent Order will be a
2 Final Order.

3  It is so agreed this 27 day of May, 2016.
4 Timothy Lee Buster, Jr.

5  for It is so agreed this 16 day of June, 2016.
6 Chair
7 Electrical and Elevator Board
8 State of Oregon

9  for It is so agreed this 16 day of June, 2016.
10 Director
11 Department of Consumer and Business Services
12 State of Oregon