

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

2
3 **IN THE MATTER OF:**

CONSENT ORDER

4 **JONATHAN GRAY,**
5 **AN INDIVIDUAL,**

6
7 **RESPONDENT.**

BCD CASE C2015-0116

8
9 **INTRODUCTION**

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

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

18 **FINDINGS OF FACT**

- 19 1. At all relevant times, Respondent owned the residential property located at 2062 Lampman
20 Road, Gold Hill, Oregon (Lampman property).
- 21 2. At all relevant times, Respondent leased the Lampman property to another individual who
22 resided in that property.¹
- 23 3. On May 4, 2015, Respondent applied for an electrical permit to perform a service upgrade at
24 the Lampman property. In his permit application, Respondent claimed that the Lampman
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¹ At no relevant time did Respondent reside in the Lampman property.

1 property was not for sale, lease or rent.²

2 4. In or around May 2015, Respondent installed a 200-amp electrical panel and meter base at
3 the Lampman property.³

4 5. At no relevant time did Respondent hold an Oregon supervising or journeyman electrician's
5 license.

6 APPLICABLE LAW

7 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
8 ~~(10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-~~
9 0010(1)-(11), and OAR 918-251-0090(1)-(43).

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

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

16 4. Under ORS 479.620(3), a person may not make any electrical installation without a
17 supervising or journeyman electrician's license.

18 5. Under ORS 479.540(1), except as otherwise provided in this subsection, a person is not
19 required to obtain a license to make an electrical installation on residential or farm property
20 that is owned by the person or a member of the person's immediate family if the property is
21 not intended for sale, exchange, lease or rent.

22 CONCLUSIONS OF LAW

23 1. By claiming in his permit application that the Lampman property was not for sale, lease or
24

25 ² See electrical permit number 439-15-001087-ELEC.

³ Electrical permit number 439-15-001234-ELEC was later issued to ZZ Electric, LLC to perform additional work relating to this installation.

1 rent, Respondent provided false or incorrect information to obtain a permit and thereby
2 violated OAR 918-309-0000(1).

3 2. Installing a 200-amp electrical panel and meter base constitutes an electrical installation
4 under ORS 479.530(10).

5 3. By making the foregoing electrical installation without a supervising or journeyman
6 electrician's license, on property Respondent leases, Respondent violated ORS 479.620(3).

7 **ORDER**

8 ~~1. The Board hereby assesses a total civil penalty of \$3,000.00 against Respondent for~~
9 violating OAR 918-309-0000(1) (\$1,000.00) and ORS 479.620(3) (\$2,000.00) as follows:

10 a. \$1,750.00 of the total civil penalty will be suspended for a period of five years if
11 there is compliance with all other terms of this Consent Order.

12 b. Respondent agrees to pay the remaining \$1,250.00 of the civil penalty. Respondent
13 will make monthly payments postmarked no later than the 25th day of each month in
14 the amounts of \$100.00 per month for eleven (11) months and \$150.00 in the twelfth
15 month. Respondent's first payment shall be postmarked no later than the 25th day of
16 the month following the month in which this Consent Order becomes a final order.

17 *(An invoice will be included with Respondent's copy of the final order after the*
18 *Director signs it. This is a one-time invoice; Respondent will not receive monthly*
19 *invoices or other reminders to pay. Respondent understands timely payments must*
20 *be made even if no invoice is ever received.)* Payments shall be mailed to

21 Department of Consumer and Business Services, Fiscal Services Section, P.O. Box
22 14610, Salem, OR 97309-0445.

23 c. Respondent understands the suspended civil penalty (\$1,750.00) will be considered
24 satisfied five years after this Consent Order becomes a final order, provided
25 Respondent complies with its terms and has not committed any further violations of

1 the Division's statutes and rules within that five-year period. Respondent
2 understands and agrees that if Respondent does not comply with the terms of this
3 Consent Order or if Respondent commits any further violations of the Division's
4 statutes or rules within the five-year period, then the entire civil penalty, including
5 any suspended amount, will become immediately due and payable. Failure to comply
6 with this Consent Order includes, but is not limited to, failure to pay the civil penalty
7 amount due by the due date.

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

11 3. Respondent understands that further enforcement action may be taken for any violation of
12 the Division's statutes or rules not alleged in this Consent Order, whether committed before
13 or after the execution of this Consent Order, and/or for any violation of the terms of this
14 Consent Order.

15 4. Respondent understands that failure to comply with this Consent Order may be used as a
16 basis for the denial of future license, certificate, registration, or other applications, or for the
17 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
18 certificate, or registration issued by the Division or other state agencies; and/or for any other
19 reason provided for in law.

20 5. Respondent understands that this Consent Order is a public record.

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

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

3 Jon Gray It is so agreed this 10th day of May, 2016.
4 Jonathan Gray

5 Andrea Simmons for It is so agreed this 12th day of May, 2016.
6 Chair
7 Electrical and Elevator Board
8 State of Oregon

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