

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

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

3 **IN THE MATTER OF:**

**CONSENT ORDER**

4  
5 **NATHANIEL JESSE SCARONI,**  
6 **AN INDIVIDUAL,**

7 **RESPONDENT.**

**BCD CASE C2015-0221**

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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 and the State Plumbing Board of the State of  
12 Oregon (Boards) and determined that Nathaniel Jesse Scaroni (Respondent) violated certain  
13 provisions of the Division's statutes and administrative rules as 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. On or about October 1, 2015, Respondent advertised on [www.craigslist.org](http://www.craigslist.org) to perform  
20 electrical and plumbing work.
- 21 2. At no relevant time has Respondent held an electrical contractor license.
- 22 3. At no relevant time has Respondent held a plumbing contractor license.

23 **APPLICABLE LAW**

- 24 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 447.010(1)-(6),  
25 ORS 455.010(1)-(10), ORS 693.010(1)-(5), ORS 479.530(1)-(23), ORS 479.905(1)-(5),

1 OAR 918-001-0005(1)-(4), OAR 918-030-0010(1)-(11), OAR 918-251-0090(1)-(43), and  
2 OAR 918-690-0420(1)-(14).

- 3 2. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not  
4 engage in the business of making electrical installations, advertise as or otherwise purport to  
5 be licensed to make electrical installations or purport to be acting as a business that makes  
6 electrical installations.
- 7 3. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or  
8 purport to be a plumbing contractor, without having obtained a plumbing contractor license.
- 9 4. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any  
10 other license regulated by ORS chapter 455, "engaging in the business" means to advertise  
11 or solicit, contract or agree to perform, or to perform work for which a license or permit is  
12 required under Oregon law, including but not limited to a single instance.

### 13 CONCLUSIONS OF LAW

- 14 1. Advertising to perform electrical work constitutes engaging in the business of making  
15 electrical installations under OAR 918-030-0010(8).
- 16 2. By engaging in the business of making electrical installations without holding an electrical  
17 contractor license, Respondent violated ORS 479.620(1).
- 18 3. Advertising to perform plumbing constitutes engaging in the business of a plumbing  
19 contractor under OAR 918-030-0010(8).
- 20 4. By advertising or purporting to be a plumbing contractor without holding a plumbing  
21 contractor license, Respondent violated ORS 447.040(1).

### 22 ORDER

- 23 1. The Boards hereby assess a total civil penalty of \$6,000 against Respondent for violating  
24 ORS 479.620(1) and ORS 447.040(1) as follows:
- 25 a. \$5,500 of the total civil penalty will be suspended for a period of five years if there is

1 compliance with all other terms of this Consent Order.

2 b. Respondent agrees to pay the remaining \$500 of the civil penalty. Respondent will  
3 make five (5) monthly payments on the 25<sup>th</sup> day of each month in the amount of  
4 \$100 per month. Respondent's first payment shall be postmarked no later than the  
5 25<sup>th</sup> day of the month following the month in which this Consent Order becomes a  
6 final order. *(An invoice will be included with Respondent's copy of the final order*  
7 *after the Director signs it. This is a one-time invoice; Respondent will not receive*  
8 *monthly invoices or other reminders to pay. Respondent understands timely*  
9 *payments must be made even if no invoice is ever received.)* Payments shall be  
10 mailed to Department of Consumer and Business Services, Fiscal Services Section,  
11 P.O. Box 14610, Salem, OR 97309-0445.

12 c. Respondent understands the suspended civil penalty (\$5,500) will be considered  
13 satisfied five years after this Consent Order becomes a final order, provided  
14 Respondent complies with its terms and has not committed any further violations of  
15 the Division's statutes and rules within that five-year period. Respondent  
16 understands and agrees that if Respondent does not comply with the terms of this  
17 Consent Order or if Respondent commits any further violations of the Division's  
18 statutes or rules within the five-year period, then the entire civil penalty, including  
19 any suspended amount, will become immediately due and payable. Failure to comply  
20 with this Consent Order includes, but is not limited to, failure to pay the civil penalty  
21 amount due by the due date.

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

25 3. Respondent understands that further enforcement action may be taken for any violation of

1 the Division's statutes or rules not alleged in this Consent Order, whether committed before  
2 or after the execution of this Consent Order, and/or for any violation of the terms of this  
3 Consent Order.

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

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

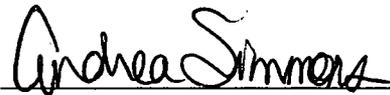
10 6. Respondent has read and fully understands the terms of this Consent Order, freely and  
11 voluntarily consents to the entry of this Consent Order without any force or duress, and  
12 expressly waives all rights to hearing or judicial review in this matter.

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

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16 \_\_\_\_\_ It is so agreed this 17<sup>th</sup> day of January, 2016.  
Nathaniel Jesse Scaroni

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18 \_\_\_\_\_ for It is so agreed this 20 day of January, 2016.  
Chair

19 Electrical and Elevator Board  
20 State of Oregon

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22 \_\_\_\_\_ for It is so agreed this 20 day of January, 2016.  
Chair

23 State Plumbing Board  
24 State of Oregon  
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