

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**BRANDON A. KEATING,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2015-0249

INTRODUCTION

The Building Codes Division (Division) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (Board) and determined that Brandon A. Keating (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 was employed by Lea Electric, L.L.C. as its only supervising electrician.¹
2. At all relevant times, Richard Corn was employed by Lea Electric, L.L.C.
3. On or around December 16, 2015, in the course of his employment with Lea Electric, L.L.C., Mr. Corn installed electrical cable wiring for a new alarm system at 351 SW 9th Street, Ontario, Oregon.²

¹ Respondent holds supervising electrician's license number 5622S.

² See related Division case numbers C2015-0244 and C2015-0245.

- 1 4. At no relevant time did Mr. Corn hold an Oregon journeyman or supervising electrician's
2 license.

3 **APPLICABLE LAW**

- 4 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
5 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
6 0010(1)-(11), and OAR 918-251-0090(1)-(43).
- 7 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
8 electrical wiring and the permanent attachment or installation of electrical products in or on
9 any structure that is not itself an electrical product.
- 10 3. Under ORS 479.620(3), a person may not make any electrical installation without a
11 supervising or journeyman electrician's license.
- 12 4. Under OAR 918-282-0140(2)(f), a general signing supervising electrician when working for
13 or as an electrical contractor must ensure electricians have proper licenses for the work
14 performed, and may not permit either by assent or failure to prevent, an individual to
15 perform work for which they are not properly licensed.

16 **CONCLUSIONS OF LAW**

- 17 1. Installing electrical cable wiring constitutes an electrical installation under ORS
18 479.530(10).
- 19 2. A supervising or journeyman electrician's license is required to make the foregoing
20 electrical installation, under ORS 479.620(3).
- 21 3. By making the foregoing electrical installation without a supervising or journeyman
22 electrician's license, Mr. Corn violated ORS 479.620(3).
- 23 4. By failing to ensure that Mr. Corn had a proper license to perform the foregoing electrical
24 installation, and by failing to prevent Mr. Corn from performing the installation, Respondent
25 violated OAR 918-282-0140(2)(f).

- 1 3. Respondent understands that further enforcement action may be taken for any violation of
2 the Division's statutes or rules not alleged in this Consent Order, whether committed before
3 or after the execution of this Consent Order, and/or for any violation of the terms of this
4 Consent Order.
- 5 4. Respondent understands that failure to comply with this Consent Order may be used as a
6 basis for the denial of future license, certificate, registration, or other applications, or for the
7 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
8 certificate, or registration issued by the Division or other state agencies; and/or for any other
9 reason provided for in law.
- 10 5. Respondent understands that this Consent Order is a public record.
- 11 6. Respondent has read and fully understands the terms of this Consent Order, freely and
12 voluntarily consents to the entry of this Consent Order without any force or duress, and
13 expressly waives all rights to hearing or judicial review in this matter.
- 14 7. Respondent understands that, upon signature of all parties, this Consent Order will be a
15 Final Order.

16
17 Brandon A. Keating It is so agreed this 3rd day of February, 2016.
Brandon A. Keating

18 Andrea Simmons for It is so agreed this 8th day of February, 2016.
19 Chair
20 Electrical and Elevator Board
21 State of Oregon
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