

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

2 **IN THE MATTER OF:**

**CONSENT ORDER**

3  
4 **BRADLEY J. GIESKING,**  
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

**BCD CASE C2016-0018**

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8 **INTRODUCTION**

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

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

17 **FINDINGS OF FACT**

- 18 1. At all relevant times, Respondent has been an employee of St. Charles Hospital in Redmond,  
19 Oregon (St. Charles Hospital).
- 20 2. While employed at St. Charles Hospital, from June 2000 to present, Respondent performed  
21 the following work:
- 22 a. Ten ballast replacements;
  - 23 b. One switch installation;
  - 24 c. Two outlet installations; and
  - 25 d. Two electrical motor replacements.

- 1 3. At no relevant time did Respondent hold a supervising or journeyman electrician license in  
2 Oregon.<sup>1</sup>

3 **APPLICABLE LAW**

- 4 1. The terms used herein may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-(10), ORS  
5 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-0010(1)-  
6 (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 **CONCLUSIONS OF LAW**

- 13 1. The following constitute electrical installations under ORS 479.530(10):
- 14 a. Ten ballast replacements;
  - 15 b. One switch installation;
  - 16 c. Two outlet installations; and
  - 17 d. Two electrical motor replacements.
- 18 2. By making the foregoing electrical installations without a supervising or journeyman  
19 electrician license, Respondent violated ORS 479.620(3).

20 **ORDER**

- 21 1. The Board hereby assesses a total civil penalty of \$2,000.00 against Respondent for  
22 violating ORS 479.620(3) as follows:
- 23 a. \$1,750.00 of the total civil penalty will be suspended for a period of five years if  
24 there is compliance with all other terms of this Consent Order.
  - 25 b. Respondent agrees to pay the remaining \$250.00 of the civil penalty. Respondent's

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<sup>1</sup> Respondent has since applied for and been approved to take the Oregon Limited Supervising Electrician license exam.

1 payment shall be postmarked no later than the 25<sup>th</sup> day of the month following the  
2 month in which this Consent Order becomes a final order. *(An invoice will be*  
3 *included with Respondent's copy of the final order after the Director signs it.*  
4 *Respondent understands timely payment must be made even if no invoice is ever*  
5 *received.)* Payment shall be mailed to Department of Consumer and Business  
6 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.

7 c. Respondent understands the suspended civil penalty (\$1,750.00) will be considered  
8 satisfied five years after this Consent Order becomes a final order, provided  
9 Respondent complies with its terms and has not committed any further violations of  
10 the Division's statutes and rules within that five-year period. Respondent  
11 understands and agrees that if Respondent does not comply with the terms of this  
12 Consent Order or if Respondent commits any further violations of the Division's  
13 statutes or rules within the five-year period, then the entire civil penalty, including  
14 any suspended amount, will become immediately due and payable. Failure to comply  
15 with this Consent Order includes, but is not limited to, failure to pay the civil penalty  
16 amount due by the due date.

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

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

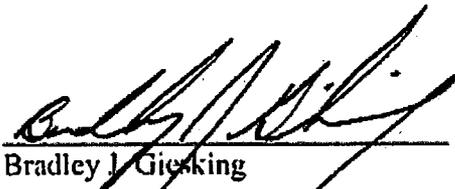
24 4. Respondent understands that failure to comply with this Consent Order may be used as a  
25 basis for the denial of future license, certificate, registration, or other applications, or for the

1 refusal to renew the same; for the suspension, revocation, or conditioning of a license,  
2 certificate, or registration issued by the Division or other state agencies; and/or for any other  
3 reason provided for in law.

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

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

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

10  
11  It is so agreed this 29 day of APRIL, 2016.  
12 Bradley J. Giesking

13  for It is so agreed this 29 day of April, 2016.  
14 Andiea Simmons  
15 Chair  
16 Electrical and Elevator Board  
17 State of Oregon  
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