

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **NATHANEAL M. ICENOGLE,**
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

BCD CASE C2016-0030

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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 Nathaneal M.
11 Icenogle (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. On January 4, 2016, a final order by default was entered against Respondent in Division
19 case C2015-0135. In that case, Respondent was found to have made electrical installations,
20 including performing rough-in electrical work as part of a new residential construction
21 project, without holding a supervising or journeyman electrician license. As a result, the
22 Board assessed a civil penalty of \$2,000 against Respondent for violating ORS 479.620(3).
- 23 2. At no relevant time has Respondent held a journeyman electrician license in Oregon.¹

24 ¹ On or about November 8, 2011, Respondent applied to take the general journeyman electrician exam. Respondent has
25 taken and failed that exam four times (January 1, 2012, May 2, 2012, February 17, 2015, and April 20, 2015).
Respondent paid for, but failed to show up for, the general journeyman electrician exam once (January 14, 2013).

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APPLICABLE LAW

1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-(10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), Oregon Administrative Rule (OAR) 918-001-0005(1)-(4), OAR 918-030-0010(1)-(11), and OAR 918-251-0090(1)-(43).
2. Under ORS 455.127(2)(a), the Board may disqualify a person from obtaining a license if the person is or has been subject to civil penalties or other sanction by the director, department, or an advisory board.
3. Under OAR 918-001-0034(1), disqualification under ORS 455.127(2) shall be for a period of five years except as provided in subsection (2) of this rule.
4. Under OAR 918-001-0034(2), the Board may, in its discretion, order a disqualification fewer than five years.

CONCLUSIONS OF LAW

1. Because Respondent has been subject to civil penalties by the Board in Division case C2015-0135, the Board may disqualify Respondent from obtaining a general journeyman electrician license under ORS 455.127(2)(a).
2. Under OAR 918-001-0034(1) and (2), the Board may disqualify Respondent from obtaining a general journeyman electrician license for five (5) years or fewer.

ORDER

1. Respondent agrees to pay the \$2,000 civil penalty imposed in Division case C2015-0135 as follows:
 - a. Respondent will make a one-time \$300 down payment;
 - b. Respondent will then pay the remaining \$1,700 as follows:
 - i. Respondent will make eleven (11) monthly payments in the amount of \$150 per month. Respondent will make a final (twelfth) payment in the amount of \$50.

1 ii. Respondent's first payment shall be postmarked no later than the 25th day of
2 the month following the month in which Respondent pays the initial \$300
3 down payment. *(An invoice is included with this Consent Order. This is a*
4 *one-time invoice; Respondent will not receive monthly invoices or other*
5 *reminders to pay. Respondent understands timely payments must be made*
6 *even if no invoice is ever received.)*

7 iii. Subsequent payments shall be postmarked by or before the 25th day of each
8 month.

- 9 2. In order for the Board to accept the foregoing payment plan arrangement with Respondent,
10 Respondent understands that he must pay his initial \$300 down payment and return this
11 signed Consent Order. After Respondent makes his initial \$300 down payment and returns
12 this signed Consent Order, the Board will countersign this Consent Order and mail the fully-
13 signed document to Respondent. If Respondent fails either to pay the initial \$300 or to
14 return this signed Consent Order, the Board will not accept the terms contained herein.
- 15 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
16 that rely on the facts underlying this case. Cooperation may include, but may not be limited
17 to, making sworn statements or testifying in administrative hearings.
- 18 4. Respondent understands that further enforcement action may be taken for any violation of
19 the Division's statutes or rules not alleged in this Consent Order, whether committed before
20 or after the execution of this Consent Order, and/or for any violation of the terms of this
21 Consent Order.
- 22 5. Respondent understands that failure to comply with this Consent Order may be used as a
23 basis for the denial of future license, certificate, registration, or other applications, or for the
24 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
25 certificate, or registration issued by the Division or other state agencies; and/or for any other

1 reason provided for in law. Respondent understands that failure to comply with this Consent
2 Order may be used as a basis to disqualify him from obtaining a license issued by the Board
3 or the Division, including but not limited to a journeyman electrician license.

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

5 7. 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 8. Respondent understands that, upon signature of all parties, this Consent Order will be a
9 Final Order.

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11 Nathaneal M. Icenogle It is so agreed this 28 day of March, 2016.
12 Nathaneal M. Icenogle

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14 Andrea Sumner for It is so agreed this 21 day of April, 2016.
15 Chair
16 Electrical and Elevator Board
17 State of Oregon