

1 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**  
2 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS**  
3 **SERVICES**

4 **IN THE MATTER OF:**

**CONSENT ORDER**

5 **HSI SECURITY SYSTEMS, INC.,**  
6 **A DOMESTIC BUSINESS CORPORATION,**

7  
8 **RESPONDENT.**

**BCD CASE C2016-0137**

9  
10 **INTRODUCTION**

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

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

19 **FINDINGS OF FACT**

- 20 1. Respondent has held electrical contractor license number 26-755C since August 30, 1991.  
21 2. Respondent's signing supervising electrician resigned from that position with Respondent  
22 and filed the appropriate paperwork with the Division on February 24, 2016.  
23 3. Respondent continued to perform electrical work under its electrical contractor license  
24 without a registered signing supervising electrician between February 2016 and May 2016.  
25 4. On May 18, 2016, a Division field investigator, acting on behalf of the Director of the

1 Department of Consumer and Business Services (Director), issued Respondent citation  
2 number 16624 for failing to employ a full-time supervising electrician in violation of OAR  
3 918-282-0010(1). That citation assessed a \$3,000.00 civil penalty.

- 4 5. Respondent obtained limited energy contractor license number CLE442 on May 18, 2016.

5 **APPLICABLE LAW**

6 1. Under OAR 918-282-0010(1), an electrical contractor is required to continuously employ at  
7 least one full-time general supervising electrician.

8 ~~2. Under OAR 282-251-0090(8), "continuously employ" means a person, including a person~~  
9 leased from a worker leasing company licensed under ORS 656.850, during time periods  
10 when electrical work for which they are responsible is performed, devotes their entire time  
11 of employment to tasks of supervising, designing, laying out, planning, controlling, and  
12 making electrical installations for the electrical contractor for which the supervisor is  
13 registered as signing supervisor.

14 3. Under ORS 455.129(2)(a), a regulatory body may suspend a license if the regulatory body  
15 finds that the licensee has failed to comply with the laws administered by the regulatory  
16 body or with the rules adopted by the regulatory body.

17 4. Under ORS 455.129(3)(b), the Board may deny a license, certificate, registration, or  
18 application or may suspend, revoke, condition, or refuse to renew a license, certificate, or  
19 registration for those reasons enumerated in ORS 455.129(2).

20 **CONCLUSIONS OF LAW**

- 21 1. By failing to employ a signing supervisor between February 2016 and May 2016,  
22 Respondent did not continuously employ a supervising electrician under OAR 282-251-  
23 0090(8).  
24 2. By failing to continuously employ at least one full-time general supervising electrician  
25 between February 2016 and May 2016, Respondent violated OAR 918-282-0010(1).

- 1 3. By violating OAR 918-282-0010(1), Respondent has violated a rule adopted by the Board.  
2 4. Because Respondent violated a rule adopted by the Board, the Board may suspend  
3 Respondent's electrical contractor license number 26-755C under ORS 455.129(2)(a) and  
4 (3)(b).

5 **ORDER**

- 6 1. The Director hereby withdraws citation number 16624 with prejudice to allow Respondent  
7 and the Board to execute this Consent Order.  
8 2. The Board hereby assesses a total civil penalty of \$3,000.00 against Respondent for  
9 violating OAR 918-282-0010(1) as follows:

10 a. \$2,250.00 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 \$750.00 of the civil penalty. Respondent's  
13 payment shall be postmarked no later than the 25<sup>th</sup> day of the month following the  
14 month in which this Consent Order becomes a final order. *(An invoice will be*  
15 *included with Respondent's copy of the final order after the Director signs it.*  
16 *Respondent understands timely payment must be made even if no invoice is ever*  
17 *received.)* Payment shall be mailed to Department of Consumer and Business  
18 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.

19 c. Respondent understands the suspended civil penalty (\$2,250.00) will be considered  
20 satisfied five years after this Consent Order becomes a final order, provided  
21 Respondent complies with its terms and has not committed any further violations of  
22 the Division's statutes and rules within that five-year period. Respondent  
23 understands and agrees that if Respondent does not comply with the terms of this  
24 Consent Order or if Respondent commits any further violations of the Division's  
25 statutes or rules within the five-year period, then the entire civil penalty, including

1 any suspended amount, will become immediately due and payable. Failure to comply  
2 with this Consent Order includes, but is not limited to, failure to pay the civil penalty  
3 amount due by the due date.

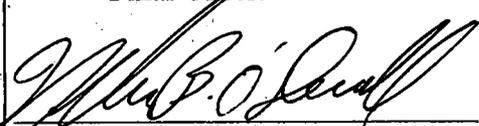
- 4 2. Pursuant to ORS 455.129(2)(a) and (3)(b), the Board suspends Respondent's electrical  
5 contractor license number 26-755C. That license shall remain suspended until the earlier of  
6 the following: Respondent employs a properly licensed Oregon signing supervising  
7 electrician and that individual registers with the Division as Respondent's supervising  
8 electrician; or July 1, 2017, which is the date that this license will expire. If Respondent's  
9 electrical contractor license number 26-755C expires, Respondent must comply with all  
10 applicable rules in order for that license to be reinstated, including but not limited to  
11 employing a properly licensed individual who registers with the Division as Respondent's  
12 supervising electrician. This suspension shall commence on the date that this Consent Order  
13 is executed by all parties.
- 14 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases  
15 that rely on the facts underlying this case. Cooperation may include, but may not be limited  
16 to, making sworn statements or testifying in administrative hearings.
- 17 4. Respondent understands that further enforcement action may be taken for any violation of  
18 the Division's statutes or rules not alleged in this Consent Order, whether committed before  
19 or after the execution of this Consent Order, and/or for any violation of the terms of this  
20 Consent Order.
- 21 5. Respondent understands that failure to comply with this Consent Order may be used as a  
22 basis for the denial of future license, certificate, registration, or other applications, or for the  
23 refusal to renew the same; for the suspension, revocation, or conditioning of a license,  
24 certificate, or registration issued by the Division or other state agencies; and/or for any other  
25 reason provided for in law.

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

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

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



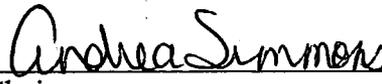
It is so agreed this 19<sup>th</sup> day of June, 2016.

William B. O'Donnell  
Owner and authorized representative  
HSI Security Systems, Inc.



It is so agreed this 23 day of June, 2016.

Director  
Department of Consumer and Business Services  
State of Oregon



It is so agreed this 23 day of June, 2016.

Chair  
Electrical and Elevator Board  
State of Oregon