

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

2)
3 **IN THE MATTER OF:**) **CONSENT ORDER**

4 **ENERGY ELECTRIC LLC.,**)
5 **A LIMITED LIABILITY COMPANY**)

6 **RESPONDENT**) **CASE NO. 2013-0035**

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9 The Electrical and Elevator Board (Board) conducted an investigation and determined that
10 Respondent violated certain provisions of the Oregon Building Codes statutes, administrative rules,
and specialty codes.

11 The parties desire to settle this matter informally. Respondent understands that it has the right to a
12 contested case hearing under the Administrative Procedures Act (Chapter 183), Oregon Revised
13 Statutes, and fully and finally waive the right to a hearing and any appeal therefrom by the signing
and entry of this Order in the Board's record. Respondent agrees to conduct all future business in
14 compliance with the applicable statutes, administrative rules, and specialty codes. Respondent
understands that this Order, once final, is a public record.

15 As evidenced by the authorized signatures on this Order, the Board finds and Respondent stipulates
16 to the entry of this Order and its following terms.

17 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

- 18 1. Respondent is a licensed Oregon electrical contractor, holding license number C367.
- 19 2. From March 28, 2011 through April 25, 2013, Dennis R. St. Clair, was Respondent's sole
20 signing supervising electrician.
- 21 3. During all relevant times, Dennis R. St. Clair lived in Missouri and his main employment
was in Missouri.
- 22 4. On or about January 24, 2013, Respondent informed Tony Guidone, Building Codes
23 Division enforcement officer, that Energy Electric LLC's general supervising electrician,
Dennis R. St. Clair, was not a full-time employee under the administrative rules.
- 24 5. During or about the period of January 29, 2013, through January 30, 2013, at 4200 SE 82nd
25 Avenue, Portland, Oregon, Respondent installed a 50 amperes feeder for a photovoltaic
system (PV).

- 1 6. On or about February 21, 2013, at 16685 SW 12th St, Sherwood, Oregon, Respondent
2 installed two electrical circuits for signs.
- 3 7. During or about the period of December 3, 2012, through December 19, 2012, at 1950 NE
4 122nd Avenue, Portland, Oregon, Respondent installed three electrical circuits.
- 5 8. During or about the period of December 21, 2011, through November 13, 2012, at 4200 SE
6 82nd Avenue, Portland, Oregon, Respondent installed one 1,000 amperes electrical service
7 and 600 branch circuits.
- 8 9. During or about the period of September 11, 2012, through September 25, 2012, at 16685
9 SW 12th St, Sherwood, Oregon, Respondent installed three electrical services, 184 branch
10 circuits, and one limited energy electrical circuit for a fire alarm.

11 WHAT THE LAW SAYS

- 12 1. Under OAR 918-282-0010(1), an electrical contractor shall continuously employ at least one
13 full-time general supervising electrician.
- 14 2. Under OAR 918-282-0015, an electrical contractor shall assure all electrical installations are
15 performed under the direct supervision of a continuously employed full-time signing
16 supervising electrician.
- 17 3. Under OAR 918-251-0090(8) "Continuously Employ" means a person during time periods
18 when electrical work for which they are responsible is performed, devotes their entire time
19 of employment to tasks of supervising, designing, laying out, planning, controlling, and
20 making electrical installations for the electrical contractor for which the supervisor is
21 registered as signing supervisor.

22 STIPULATED AGREEMENT

23 Respondent and the Board agree to resolve this matter, without a hearing, according to the
24 following terms and conditions:

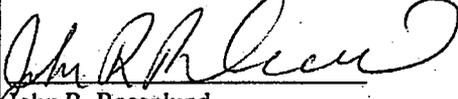
- 25 (1) The Board hereby assesses a \$15,000 civil penalty for violation of OAR 918-282-0010
and 918-282-0015 of which \$10,750 will be suspended for a period of five years under
the following terms:

(1.1) Respondent agrees to pay \$4,250 of the civil penalty.

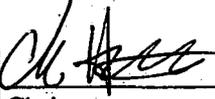
(1.2) An additional \$500 of the total assessed penalties will be suspended if
Respondent is able to pay \$3,750 by the date on the invoice. (An invoice will
be included with your copy of the Final Order after it is signed by the
Board.)

- 1 (2) Respondent agrees to submit monthly reports to the Building Codes Division that will
2 include invoices for work performed in Oregon, proof of permits or a minor label for
3 work invoiced, and timesheets for Respondent's signing supervisor detailing when they
4 were available and which permits they signed.
- 5 a. Respondent agrees to submit the reports by the 30th of each month, beginning
6 December 30, 2013, and ending December 30, 2014.
- 7 b. Respondent agrees to submit the reports to the Enforcement Division at P.O. Box
8 14470, Salem, OR. 97309.
- 9 (3) Respondent agrees to submit notification to the division of any employment changes
10 within five (5) calendar days of the event. Employment changes would include the
11 addition or subtraction of personnel performing work for which a license is required.
12 Notification must include the employee's name and license number if applicable.
- 13 (4) Respondent agrees not to commit further violations of Building Codes Division's
14 statutes or rules.
- 15 (5) Respondent understands that if Respondent fails to comply with any of the terms of this
16 consent agreement that the entire civil penalty, including the amount suspended, will be
17 immediately due and payable. Failure to comply includes failure to pay the civil penalty
18 amount on the Final Demand Notice by the due date, or failure to make payments
19 according to the terms of any payment arrangement or Final Demand Notice and failure
20 to submit the monthly reports, required by item 2, within ten (10) days of the due date.
- 21 (6) Respondent understands and agrees any violation of the terms of this Consent Order will
22 result in further enforcement action.
- 23 (7) Respondent understands and agrees that any violations of Building Code Division's
24 statutes or rules not alleged in this Order, whether committed before or after the
25 execution of this Consent Order, may be the basis for further enforcement action.
- (8) Respondent understands the suspended civil penalty will be waived five years after the
execution of this Consent Order, provided Respondent complies with the order's terms
and has not committed any further violations of Building Codes Division's statutes or
rules.
- (9) Respondent has read and fully understands the terms of this Consent Order, freely and
voluntarily consent to the entry of this Order without further hearing, without any force
or duress, and expressly waive all rights to hearing or appeal in this matter.
- (10) Respondent understands that, upon signature of all parties, this Consent Order will
be a FINAL ORDER.
- (11) You further agree by signing this Consent Order that you are the authorized
representative for the Respondent in this matter.

1 **SIGNATURE FOR THE RESPONDENT**

2 
3 John R. Rosenlund Date: 12-13-13
4 Energy Electric LLC.

6 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

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8 _____ for Date: 12/16/13
9 Chairman
10 Electrical and Elevator Board
11 State of Oregon

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