

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

2 **IN THE MATTER OF:**

) **CONSENT ORDER**

3 **ALLAN D. SUSTELLO, AN INDIVIDUAL**

)

4 **RESPONDENT**

)

)

) **CASE NO. 2013-0098**

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7 The Electrical and Elevator Board of the State of Oregon (Electrical Board) has conducted an
8 investigation and determined that you violated certain provisions of the Oregon Building Codes
statutes, administrative rules, and specialty codes.

9 The parties wish to settle this matter informally. You agree to conduct all future business in
10 compliance with the applicable statutes, administrative rules, and specialty codes. As evidenced by
the authorized signatures on this Order, you hereby consent to the entry of this Order and its
11 following terms.

12 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

13 (1) On or about March 18, 2013, at 665 SE Atwood Ave., Corvallis, Oregon, you engaged
14 in the business of installing an electrical branch circuit, for the account of another, without an
Oregon electrical contractor's license, in violation of ORS 479.620(1).

15 (2) The installation of the electrical branch circuit, for the account of another, at 665 SE
16 Atwood Ave., Corvallis, Oregon occurred without having first obtained an electrical permit, in
violation of ORS 479.550(1).

17 (3) The installation of an electrical branch circuit, as described above, is an electrical
18 installation under ORS 479.530(10).

19 **WHAT THE LAW SAYS**

20 (1) Under ORS 479.620(1), a person may not, without an electrical contractor's license,
21 engage in the business of making electrical installations, or advertise as or otherwise purport to be
licensed to make electrical installations or purport to be acting as a business that makes electrical
22 installations.¹

24 ¹ OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630 and any other license
25 regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to
perform, or to perform, work for which a license or permit is required under Oregon law, including but not
limited to a single instance.

1 (2) Under ORS 479.550(1), except as provided in ORS 479.540, no person shall work on
any new electrical installation for which a permit has not been issued.²

2 **ORDER**

3 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical Board assesses the
4 following sanctions:

- 5 (1) a \$3,000 civil penalty for violating ORS 479.620(1)
6 (2) a \$1,000 civil penalty for violating ORS 479.550(1)

7 Civil penalties assessed total \$4,000.

8 **STIPULATED AGREEMENT**

9 You and the Board agree to resolve this matter without a hearing according to the following
10 terms:

11 1. The Board hereby assesses \$4,000 in civil penalties for violation ORS 479.620(1) and ORS
12 479.550(1) of which \$2,250 will be suspended for a period of five year under the following
13 terms:

14 1.1. You agree to pay \$1,750 of the assessed civil penalties;

15 1.2. An additional \$500 of the total assessed penalties will be suspended if you are able to pay
16 \$1,250 by the date on the invoice. **(An invoice will be included with your copy of the
17 Final Order after it is signed by the Board.)**

18 2. You agree to provide the division's enforcement section quarterly reports for a period of one
19 year. These reports shall include invoices for work performed, addresses of where the work was
20 performed and the customer's contact information. The first reporting period shall include
21 invoices beginning October 1, 2013 through December 31, 2013. The first report is due no later
22 than January 15, 2014.

23 2.1. The second quarter two begins January 1, 2014. The report is due on April 15, 2014.

24 2.2. The third quarter three begins on April 1, 2014. The report is due on July 15, 2014.

25 2.3. The forth quarter four begins on July 1, 2014. The report is due by October 15, 2014.

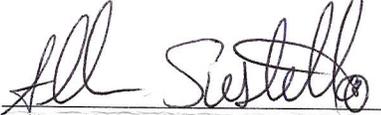
3. If you fail to provide the division any of these reports by the due date listed above, your
electrical contractor's license, number C952 will be suspended for a period of (1) one year.

4. You agree not to commit further violations of the Building Code Division's statutes or rules.

² OAR 918-309-0000(5) establishes a permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any electrical work thereunder.

- 1 5. You understand that if you fail to comply with any of the terms of this consent agreement that
2 the entire civil penalty, including the amount suspended, will be immediately due and payable.
3 Failure to comply includes failure to pay the civil penalty amount on the Final Demand Notice
4 by the due date, or failure to make payments according to the terms of any payment arrangement
5 or Final Demand Notice.
- 6 6. You understand and agree that any violation of the terms of this Consent Order will result in
7 further enforcement action.
- 8 7. You understand and agree that any violation of the Building Code Division's statutes or rules
9 not alleged in this Order, whether committed before or after the execution of this Consent Order,
10 may be the basis for further enforcement action.
- 11 8. You understand the suspended civil penalty will be waived five years after the execution of this
12 Consent Order, provided you comply with its terms and have not committed any further
13 violations of Building Code Division's statutes and rules.
- 14 9. You have read and fully understand the terms of this Consent Order, freely and voluntarily
15 consent to the entry of this Order without further hearing, without any force or duress, and
16 expressly waive all rights to hearing or appeal in this matter.
- 17 10. You understand that, upon signature of all parties, this Consent Order will be a FINAL ORDER.
- 18 11. You understand once this Settlement Agreement and Consent Order becomes a FINAL ORDER
19 it becomes a public document.

FOR THE RESPONDENT

17 
18 _____
19 Allan D. Sustello

Date: 9-9-2013

FOR THE ELECTRICAL AND ELEVATOR BOARD

22 
23 _____
24 Chairman
25 Electrical and Elevator Board
State of Oregon

9/18/13

2013 SEP 18 A 10: 28
RECEIVED
BUILDING CODES