

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

3 **IN THE MATTER OF:**

4 **REX MOORE ELECTRICAL CONTRACTORS**
5 **AND ENGINEERS, INC.,**
6 **A FOREIGN CORPORATION**

7 **RESPONDENT**

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) **CONSENT ORDER**
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) **CASE NO. 2013-0125**

2013 SEP 27 A 10:49

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

11 You and the Board desire to settle this matter informally by the entry of this Consent
12 Order. You understand that you have the right to a contested case hearing under the
13 Administrative Procedures Act (Chapter 183), Oregon Revised Statutes, and fully and
14 finally waive the right to a hearing and any appeal therefrom by the signing and entry of
15 this Order in the Board's record. You agree to conduct all future business in compliance
16 with the applicable statutes, administrative rules, and specialty codes. You understand
17 that, once final, this Order is a public record.

18 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

19 (1) During or about the period June 18, 2012 through June 21, 2013, at 1668
20 Ashland Street, Ashland, Oregon, you installed a 200 amp electrical panel with four
21 branch circuits, electrical wiring and electrical conduit, for the account of another,
22 without first obtaining a valid electrical permit, in violation of ORS 479.550(1).

23 (2) During or about the period June 18, 2012 through June 21, 2013, at 1668
24 Ashland Street, Ashland, Oregon, you engaged in the business of installing a 200 amp
25 electrical panel with four branch circuits, electrical wiring and electrical conduit, for the
account of another, without an Oregon electrical contractor's license, in violation of ORS
479.620(1).

(3) During or about the period June 18, 2012 through June 21, 2013, at 1668
Ashland Street, Ashland, Oregon, you allowed unlicensed persons to install a 200 amp
electrical panel with four branch circuits, electrical wiring and electrical conduit, for the
account of another, without an Oregon supervising or journeyman electrician's license,
in violation of OAR 918-282-120(1).

(4) Installations of electrical wiring and electrical receptacles, as described above,
are electrical installations as defined in ORS 479.530(10).

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WHAT THE LAW SAYS

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

(3) Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.

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STIPULATED AGREEMENT

You and the Board agree to resolve this matter, without a hearing, with the entry of this Consent Order subject to the following terms and conditions:

(1) The Board hereby assesses a civil penalty of \$6,000 for violating ORS 479.550(1), ORS 479.620(1) and OAR 918-282-0120(1), of which \$3,750 will be suspended for a period of five years under the following terms:

(1.1) You agree to pay the remaining \$2,250 of the civil penalty.

(1.2) An additional \$500 of the total assessed penalties will be suspended if you are able to pay \$1,750 by the date on the invoice. (The invoice will be included with your copy of the Final Order after it is signed by the Board.)

(2) You agree if a final order is issued by the Board finding you violated any of Building Codes Division's statutes or rules, within five years from the date this Order was signed by the Board, you will pay any subsequent penalty and the suspended penalty from this Order.

(3) You agree not to commit further violations of Building Codes Division's statutes or rules.

(4) You understand that if you fail to comply with any of the terms of this consent agreement that the entire civil penalty, including the amount suspended, will be immediately due and payable. Failure to comply includes failure to pay the civil penalty amount on the Final Demand Notice by the due date, or failure to make payments according to the terms of any payment arrangement or Final Demand Notice.

¹ OAR 918-030-0010(8) For purposes of ORS 447.040, 479.620, 480.630 and any other license 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 (5) You understand and agree any violation of the terms of this Consent Order
2 will result in further enforcement action.

3 (6) You understand and agree that any violations of Building Code Division's
4 statutes or rules not alleged in this Order, whether committed before or after the
5 execution of this Consent Order, may be the basis for further enforcement action.

6 (7) You understand the suspended civil penalty will be waived five years after the
7 execution of this Consent Order, provided you comply with its terms and have not
8 committed any further violations of Building Codes Division's statutes or rules.

9 (8) You have read and fully understand the terms of this Consent Order, freely
10 and voluntarily consent to the entry of this Order without further hearing, without any
11 force or duress, and expressly waive all rights to a hearing or appeal in this matter.

12 (9) You understand that, upon signature of all parties, this Consent Order will be
13 a FINAL ORDER.

14 (10) You further agree by signing this Consent Order that you are the Respondent
15 or authorized representative for the Respondent in this matter.

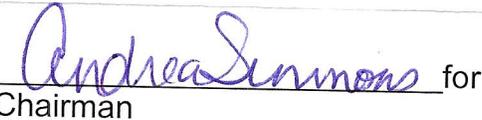
16 **FOR THE RESPONDENT**

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18 Gregory J. Anderson
19 HR Director

20 Date: 9/24/13

21 **FOR THE BOARD**

22  for

23 Chairman
24 Electrical and Elevator Board
25 State of Oregon

Date: 9/30/13