

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

2
3 **IN THE MATTER OF:**

)
) **CONSENT ORDER**

4 **ANTHONY M. SANDERS**

5 **RESPONDENT**

)
) **CASE NO. 2013-0132**
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9 The Electrical and Elevator Board of the State of Oregon (Board) has conducted an investigation
10 and determined that you violated certain provisions of the Oregon Building Codes statutes,
11 administrative rules, and specialty codes.

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

18 As evidenced by the authorized signatures on this Order, the Board finds, and you stipulate to, the
19 entry of this Order and its following terms.

20 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

- 21 (1) You were the sole designated signing supervising electrician for Wire Nutz Electrical
22 Services LLC (Wire Nutz), an Oregon licensed electrical contractor while also employed
23 by Keiwit Construction of Vancouver, Washington, with normal working hours of 6:00
24 a.m. to 3:30 p.m., Monday through Friday.
- 25 (2) From September 1, 2012 to May 17, 2013, Wire Nutz billed for approximately 300 jobs
completed in Oregon that included electrical installations requiring the supervision of a
signing supervising electrician.
- (3) During the relevant times, you were unable to devote your entire time of employment by
Wire Nutz to tasks of supervising, designing, laying out, planning, controlling, and
making electrical installations for Wire Nutz.

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WHAT THE LAW SAYS

- (1) Under OAR 918-282-0015, an electrical contractor shall assure all electrical installations are performed under the direct supervision of a continuously employed full-time signing supervising electrician.
- (2) Under OAR 918-282-0140(2), the signing supervising electrician must be continuously employed on the electrical contractor's regular payroll and be available during working hours to carry out the duties of a supervising electrician.
- (3) OAR 918-251-0090(8) defines "continuously employ" as meaning "a person, including a person leased from a worker leasing company licensed under ORS 656.850, during time periods when electrical work for which they are responsible is performed, devotes their entire time of employment to tasks of supervising, designing, laying out, planning, controlling, and making electrical installations for the electrical contractor for which the supervisor is registered as signing supervisor."

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STIPULATED AGREEMENT

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

- (1) The Board hereby assesses a \$3,000 civil penalty for violation of OAR918-282-0140(2) of which \$1,750 will be suspended for a period of five years under the following terms:
- (1.1) You agree to pay \$1,250 of the civil penalty.
 - (1.2) An additional \$500 of the total assessed penalties will be suspended if you are able to pay \$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.)**
- (2) You agree not to work in Oregon in a Supervising Electrician capacity for a period of one (1) year from the date on which this agreement becomes final. You may perform the work allowed under the scope of a journeyman electrician's license.
- (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.
- (5) You understand and agree any violation of the terms of this Consent Order will result in further enforcement action.

- 1 (6) You understand and agree that any violations of Building Code Division's statutes or
2 rules not alleged in this Order, whether committed before or after the execution of this
3 Consent Order, may be the basis for further enforcement action.
- 4 (7) You understand the suspended civil penalty will be waived five years after the execution
5 of this Consent Order, provided you comply with its terms and have not committed any
6 further violations of Building Codes Division's statutes or rules.
- 7 (8) You have read and fully understand the terms of this Consent Order, freely and
8 voluntarily consent to the entry of this Order without further hearing, without any force
9 or duress, and expressly waive all rights to hearing or appeal in this matter.
- 10 (9) You understand that, upon signature of all parties, this Consent Order will be a FINAL
11 ORDER.
- 12 (10) You further agree by signing this Consent Order that you are the Respondent or
13 authorized representative for the Respondent in this matter.

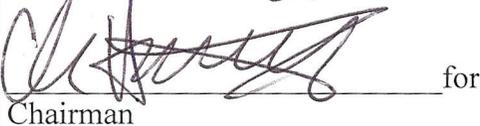
14 **SIGNATURE FOR THE RESPONDENT**

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16 Anthony Sanders

17 Date: 10-28-13

18 **FOR THE BOARD** *Chris Huntington*

19  for

20 Chairman
21 Electrical and Elevator Board
22 State of Oregon

23 Date: 11/3/13