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ULTIMATE FINDING OF FACT

(1) On or about July 27, 2013, you cheated on an examination by using an unauthorized method to gain an advantage in connection with the examination for an Oregon Journeyman Electrician's license by allowing another person to take or attempt to take the examination in your place.

CONCLUSIONS OF LAW

(1) By using an unauthorized method to gain an advantage in connection with the examination for the Oregon Journeyman Electrician's license, as described in the findings of fact above, you cheated in connection with the examination of a division authorized and Electrical and Elevator Board required examination, in violation of OAR 918-001-0040.

WHAT THE LAW SAYS

(1) ORS 479.730 provides the Director of the Department of Consumer and Business Services and the Electrical and Elevator Board authority to adopt rules as necessary to carry out ORS Chapter 479.

(2) ORS 479.620 establishes that individuals seeking electrical licensure must pass an examination administered by the Department.

(3) Under OAR 918-001-0040(1)(a), cheating on examinations applies to persons seeking Building Codes Division licensing or certification under the boiler and pressure vessel, plumbing, electrical, or manufactured structures laws and rules

(4) Under OAR 918-001-0040(2), in addition to any passing grade requirement, a person fails an examination provided, authorized or required by the division or one of its boards if the person cheats in connection with an examination.

(5) As defined in OAR 918-001-0040(2), a person "cheats in connection with an examination" if the person applies for or takes an examination and directly or indirectly; uses an unauthorized method to gain an advantage or give another person an advantage in the examination.

(6) Under 455.895(2), the Director of the Department of Consumer and Business Services, in consultation with the appropriate board, if any, may impose a civil penalty against any person who violates any provision of ORS 446.003-446.200, 446.225 to 446.285, 446.395 to 446.420, 446.566 to 446.646, 446.666 to 446.746, 479.510 to 479.945, 479.950 and 480.510 to 480.670 and this chapter and ORS chapters 447, 460 and 693, or any rule adopted or order issued for the administration and enforcement of those provisions.

(7) Under ORS 455.129(1)(a), the Director of the Department of Consumer and Business Services may suspend, revoke or condition a license if the licensee has failed to comply the laws administered by the regulatory body or with the rules adopted by the regulatory body.

1 (8) Under OAR 918-001-0040(5), notwithstanding any rules to the contrary allowing a
2 person to retake an examination, a person who fails an examination as provided in this rule shall not
3 be allowed to take any division or division related examination for one year following the notice of
4 failure of the examination or final order determining that the person failed the examination.

5 **STIPULATED AGREEMENT**

6 You and the Director agree to resolve this matter, without a hearing, by the entry of this
7 Consent Order subject to the following terms and conditions:

8 (1) The Director hereby assesses a civil penalty against you in the amount of \$3,000 for
9 violating OAR 918-001-0040(2), but suspends \$1,500 of the civil penalty assessed for a period of
10 five years under the following terms:

11 (1.1) You agree to pay the remaining \$1,500 of the civil penalty.

12 ***(1.2) If you are able to submit a full payment of \$1000 by the invoice due date, an
13 additional \$500 will be suspended. The invoice will be included with your copy of the Final Order
14 after it is signed by the Board.***

15 (2) You agree with the Division that you will not be allowed to retest for an Oregon
16 Specialty Codes license for the period of one year from the date this Consent Order becomes a Final
17 Order.

18 (3) You agree if a final order is issued by the Director of the Department of Consumer and
19 Business Services (Director) or a Board, finding you violated any of Building Code Division's
20 statutes or rules within five years from the date this Order was signed by the Director, you may be
21 required to pay all or part of the suspended amount. In addition, your Oregon limited residential
22 electrician's license, number 807LR, will be suspended for a period of six (6) months, without an
23 opportunity for a hearing.

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

(5) You understand and agree any violation of the terms of this Consent Order will result in
further enforcement action and may result in the revocation of any or all of your Oregon
certifications.

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

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

1 (8) You have read and fully understand the terms of this Consent Order, freely and
2 voluntarily consent to the entry of this Order without further hearing, without any force or duress,
3 and expressly waives all rights to hearing or appeal in this matter.

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

6 (10) You further agree by signing this Consent Order that you are the Respondent or
7 authorized representative for the Respondent in this matter.
8

9 **FOR THE RESPONDENT**

10 
11 _____
12 Norman K. Richardson

Date: 11-14-13

13 **FOR THE DIRECTOR**

14 
15 _____ for
16 Director
17 Department of Consumer and Business Services
18 State of Oregon

Date: 11/20/13