

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

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

) **CONSENT ORDER**

4 **BANKS FAMILY LLC,**)
5 **A LIMITED LIABILITY COMPANY**)

6 **RESPONDENT**)

) **CASE NO. 2013-0157**
7)

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

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

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

- 18 1. On or about August 11, 2013, at 597 Ivy Street, Junction City, Oregon, Respondent installed
19 ~~electrical wiring to an air conditioner, without first obtaining an electrical permit.~~
- 20 2. On or about August 11, 2013, at 597 Ivy Street, Junction City, Respondent permitted or
21 suffered Kevin Marriott, an unlicensed individual, to install electrical wiring to an air
22 conditioner.
- 23 3. The electrical installation made on or about August 11, 2013, at 597 Ivy Street, Junction
24 City, Oregon, did not meet minimum safety standards. Specifically, Respondent installed
25 electrical wiring to an air conditioner in the ceiling with unsupported cable lacking proper
physical protection. Respondent's method of providing electricity to the air conditioner

1 violated the following National Electric Code¹ articles:

2 1. Article 334.15(B) - Protection from Physical Damage. Cable shall be protected
3 from physical damage where necessary by rigid metal conduit, intermediate
4 metal conduit, electrical metallic tubing, Schedule 80 PVC conduit, Type RTRC
5 marked with suffix -XW, or other approved means.

6 2. Article 334.30(B)(2) - Unsupported Cables. Nonmetallic-sheathed cable shall be
7 permitted to be unsupported where the cable is not more than 1.4m (4½ ft) from
8 the last point of cable support to the point of connection to a luminaire or other
9 piece of electrical equipment and the cable and point of connection are within
10 an accessible ceiling.

11 4. Installing electric wiring to an air conditioner is an electrical installation as defined in ORS
12 479.530(10).

13 WHAT THE LAW SAYS

14 1. Under ORS 479.550(1), a person may not work on any new electrical installation for
15 which a permit has not been obtained.²

16 2. Under ORS 479.620(3), a person may not make an electrical installation without a
17 supervising or journeyman electrician's license.

18 3. Under ORS 479.620(6), a person may not permit or suffer any electrical installation on
19 property that the person owns, controls, manages or supervises to be made by a person
20 not licensed to make such an installation.

21 4. Under ORS 479.710(1), no person shall make, supervise or direct the making of an
22 electrical installation which does not meet minimum safety standards.

23 STIPULATED AGREEMENT

24 Respondent and the Board agree to resolve this matter, without a hearing, with the entry of
25 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),
479.620(6), and ORS 479.710(1) of which \$4,000 will be suspended for a period of five

¹ The National Electrical Code is adopted in Oregon as part of the minimum safety standards for new installations under Oregon Administrative Rules, Chapter 918, Division 305.

1 years under the following terms:

2 1.1 Respondent agrees to pay the remaining \$2,000 of the civil penalty. *(The invoice will*
3 *be included with Respondent's copy of the Final Order after it is signed by the*
4 *Board.)*

5 2. Respondent agrees not to commit further violations of the Building Code Division's statutes
6 or rules.

7 3. Respondent understands that failure to comply with any of the terms of this Consent Order
8 will result in the entire civil penalty, including the amount suspended, becoming

9 immediately due and payable. Failure to comply includes failure to pay the civil penalty
10 amount on the Final Demand Notice by the due date, or failure to make payments according
11 to the terms of any payment arrangement or Final Demand Notice.

12 4. Respondent understands and agrees that any violation of the terms of this Consent Order
13 will result in further enforcement action.

14 5. Respondent understands and agrees that any violation of the Building Code Division's
15 statutes or rules not alleged in this Consent Order, whether committed before or after the
16 execution of this order, may be the basis for further enforcement action.

17 6. Respondent understands the suspended civil penalty will be waived five years after the
18 execution of this Consent Order, provided there is compliance with the order's terms and
19 there are no further violations of the Building Codes Division's statutes or rules.

20 7. Respondent has read and fully understands the terms of this Consent Order, freely and
21 voluntarily consents to the entry of this order without further hearing, without any force or
22 duress, and expressly waives all rights to hearing or appeal in this matter.

23 8. Respondent understands that, upon signature of all parties, this Consent Order will be a
24 FINAL ORDER.

25

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 9. You further agree by signing this Settlement Agreement and Consent Order that you are the
2 respondent and/or authorized representative for the respondent in this matter.
3
4

5 **FOR THE RESPONDENT**

6 *Fred Banks member*
7 Fred Banks for:
8 Banks Family LLC

Date: 3/10/14

9
10 **FOR THE BOARD**

11 *Ch. G. ...* for
12 Chairman
13 Electrical and Elevator Board
14 State of Oregon

Date: 3/17/14

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BUILDING CODES