

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

2 **BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON**

3
4 **IN THE MATTER OF:**

5 **TIMOTHY E. DANIELS, DBA DANIELS**
6 **CONSTRUCTION, AN INDIVIDUAL,**

7 **RESPONDENT**

) **CONSENT ORDER**
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) **CASE NO. 2013-0195**
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8 The Electrical and Elevator Board and the Plumbing Board (Boards) of the State of Oregon
9 conducted an investigation and determined that Respondent violated certain provisions of the
10 Oregon Building Codes statutes, administrative rules, and specialty codes.

11 The parties wish to settle this matter informally. Respondent understand that Respondent has
12 the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised
13 Statutes (ORS), and fully and finally waive the right to a contested case hearing and any appeal
14 therefrom by the signing and entry of this Order in the Boards' records. Respondent agrees to
15 conduct all future business in compliance with the applicable statutes, administrative rules (OAR),
16 and specialty codes. Respondent understands that, once final, this order is a public record.

17 **FINDINGS OF FACT**

- 18 1. During or about the period of April 2013, at 13973 NW Falconridge Lane, Portland, Oregon,
19 Respondent installed four ceiling fans, two electrical outlets, three light fixtures, and radiant
20 floor heating, for the account of another.
- 21 2. Respondent was not licensed as an electrical contractor in the State of Oregon when making
22 the ceiling fan, electrical outlet, light fixture, and radiant floor heating installations at 13973
23 Falconridge Lane, Portland, Oregon.
- 24 3. Respondent did not have a permit to make electrical installations at 13973 Falconridge Lane,
25 Portland, Oregon.

- 1 4. Respondent was not licensed as a supervising or journeyman electrician in the State of
2 Oregon when making the ceiling fan, electrical outlet, light fixture, and radiant floor heating
3 installations at 13973 NW Falconridge Lane, Portland, Oregon.
- 4 5. During or about the period of April 2013, at 13973 NW Falconridge Lane, Portland, Oregon,
5 Respondent installed two toilets, a shower pan, two drains, three sinks, and a jetted tub, for
6 the account of another.
- 7 6. Respondent was not licensed as a plumbing contractor in the State of Oregon when making
8 the toilet, shower pan, drain, sink, and jetted tub installations at 13973 NW Falconridge
9 Lane, Portland, Oregon.
- 10 7. Respondent did not have a permit to make electrical installations at 13973 Falconridge Lane,
11 Portland, Oregon.
- 12 8. Respondent was not licensed as a journeyman plumber in the State of Oregon when making
13 the toilet, shower pan, drain, sink, and jetted tub installations at 13973 NW Falconridge
14 Lane, Portland, Oregon.

15 **APPLICABLE LAW**

- 16 1. ORS 479.530(10) defines an electrical installation as the construction or installation of
17 electrical wiring and the permanent attachment or installation of electrical products.
- 18 2. ORS 479.620(1) requires a person to have an electrical contractor's license to engage in the
19 business of making electrical installations, including advertising or otherwise purporting to
20 be a business that makes electrical installations.
- 21 3. ORS 479.550(1) states no person shall work on any new electrical installation for which a
22 permit has not been issued.
- 23 4. Under ORS 479.620(3), a person may not make any electrical installation without a
24 supervising or journeyman electrician's license.
- 25 5. ORS 447.010(6) defines plumbing to include the art of installing, altering or repairing in or

1 adjacent to or serving buildings pipes, fixtures and other apparatus.

- 2 6. ORS 447.040(1) prohibits a person from engaging in the business of working as a plumbing
3 contractor or advertising or purporting to be a plumbing contractor without a plumbing
4 contractor license.
- 5 7. OAR 918-785-0200(1)(a) states no person shall do plumbing work without first obtaining a
6 plumbing permit or minor label.
- 7 8. ORS 693.030(1) states that a person may not engage in the trade of making plumbing
8 installations without a valid journeyman plumber license.

9 **CONCLUSIONS OF LAW**

- 10 1. Installing ceiling fans, electrical outlets, light fixtures and radiant floor heating are electrical
11 installations as defined in ORS 479.530(10).
- 12 2. By making electrical installations without first obtaining a valid electrical permit,
13 Respondent violated ORS 479.550(1).
- 14 3. By making electrical installations for the account of another without an Oregon electrical
15 contractor's license, Respondent violated ORS 479.620(1).
- 16 4. By making electrical installations without a valid supervising or journeyman electrician
17 license, Respondent violated ORS 479.620(3).
- 18 5. Installing toilets, a shower pan, drains, sinks, and a jetted tub is plumbing, as defined in ORS
19 447.010(6).
- 20 6. By making plumbing installations without first obtaining a valid plumbing permit,
21 Respondent violated OAR 918-785-0200(1)(a).
- 22 7. By making plumbing installations for the account of another without an Oregon plumbing
23 contractor's license, Respondent violated ORS 447.040(1).
- 24 8. By making plumbing installations without a valid journeyman plumber license, Respondent
25 violated ORS 693.030(1).

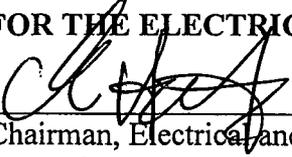
- 1 5. Respondent understands and agree that any violation of the Building Code Division's
2 statutes or rules not alleged in this order, whether committed before or after the execution of
3 this Consent Order, may be the basis for further enforcement action.
- 4 6. Respondent understands that failure to comply with this settlement agreement may result in
5 the denial of future licensing applications and/or suspension of licensing or certification
6 issued by the Division and/or other state agencies.
- 7 7. Respondent understands the suspended civil penalty will be waived five years after the
8 ~~execution of this Consent Order, provided Respondent complies with its terms and have not~~
9 committed any further violations of Building Code Division's statutes and rules.
- 10 8. Respondent has read and fully understand the terms of this Consent Order, freely and
11 voluntarily consent to the entry of this order without further hearing, without any force or
12 duress, and expressly waive all rights to hearing or appeal in this matter.
- 13 9. Respondent understands that, upon signature of all parties, this Consent Order will be a
14 FINAL ORDER.
- 15 9. Respondent understands that once this Settlement Agreement and Consent Order becomes a
16 FINAL ORDER, it becomes a public document.

17 **FOR THE RESPONDENT**

18 
19 Timothy E. Daniels

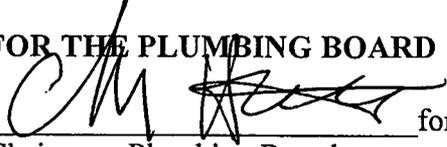
Date: 3/25/14

20 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

21  for
22 Chairman, Electrical and Elevator Board
State of Oregon

Date: 4/1/14

23 **FOR THE PLUMBING BOARD**

24  for
25 Chairman, Plumbing Board
State of Oregon

Date: 4/1/14