

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

BILL R. HALBERG, AN INDIVIDUAL

RESPONDENT

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) **CONSENT ORDER**
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) **CASE NO. C2014-0131**
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The Electrical and Elevator Board (Board) of the State of Oregon conducted an investigation and determined that Respondent violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

The parties wish to settle this matter informally. Respondent understands that Respondent has the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes (ORS), and fully and finally waives the right to a contested case hearing and any appeal therefrom by the signing and entry of this Order in the Board's records. Respondent agrees to conduct all future business in compliance with the applicable statutes, Oregon Administrative Rules (OAR), and specialty codes. Respondent understands that this order is a public record.

FINDINGS OF FACT

1. Respondent is an Oregon general supervising electrician, license number 3562S.
2. Respondent is the general supervising electrician for Prairie Electric Inc., a Washington Corporation and specialty contractor that holds Oregon electrical contractor license 37-491C.
3. On or about October 18, 2013, Respondent allowed Ross Simonson, an unlicensed individual, to thread and pull wire while assisting with the installation of a street light under permit numbers 13004942, 13004943, and 13004944, for the account of another, at Highway 26 at NW Bethany Boulevard and NW Cornell Road, Hillsboro, Oregon.

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APPLICABLE LAW

1. ORS 479.530(10) defines an electrical installation as the construction or installation of electrical wiring and the permanent attachment or installation of electrical products.
2. Under ORS 479.620(3), a person may not make an electrical installation without a supervising or journeyman electrician's license.
3. Under OAR 918-282-0140(2)(f), a general signing supervising electrician must ensure electricians have the proper licenses for the work performed, and may not permit either by assent or by failure to prevent, an individual to perform work for which they are not properly licensed.

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CONCLUSIONS OF LAW

1. Threading and pulling wire while assisting with the installation of a street light is an electrical installation under ORS 479.530(10).
2. By failing to ensure, by assent or by failure to prevent, Ross Simonson had the proper license to make electrical installations, for the account of another, Respondent violated OAR 918-282-0140(2)(f).

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SETTLEMENT AGREEMENT

The Respondent and the Board agree to resolve this matter without a hearing according to the following terms:

1. The Board hereby assesses a \$3,000 total civil penalty for violating OAR 918-282-0140(2)(f), of which \$2,250 will be suspended for a period of five years under the following terms:
 - 1.1. Respondent agrees to pay the remaining \$750 of the civil penalty. *(An invoice will be included with Respondent's copy of the Final Order after the Board signs it.)*
2. Respondent understands that a single failure to comply with any of the terms of this Settlement Agreement could result in the entire civil penalty, including the suspended

1 amount, becoming immediately due and payable. Failure to comply includes failure to pay
2 the civil penalty amount by the due date.

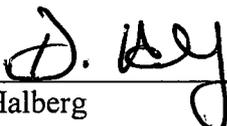
- 3 3. Respondent agrees to fully cooperate with the Building Codes Division's enforcement
4 efforts in cases against other entities or individuals that rely on the underlying facts in this
5 case.
- 6 4. Respondent agrees not to commit violations of the Building Code Division's statutes and
7 rules.
- 8 5. Respondent understands that if Respondent fails to comply with any of the terms of this
9 consent agreement then the entire civil penalty, including the amount suspended, will be
10 immediately due and payable. Failure to comply includes failure to pay the civil penalty
11 amount on the Final Demand Notice by the due date, or failure to make payments
12 according to the terms of any payment arrangement or Final Demand Notice.
- 13 6. Respondent understands and agrees that any violation of the terms of this Consent Order
14 will result in further enforcement action.
- 15 7. Respondent understands and agrees that any violation of the Building Code Division's
16 statutes or rules not alleged in this order, whether committed before or after the execution
17 of this Consent Order, may be the basis for further enforcement action.
- 18 8. Respondent understands that failure to comply with this settlement agreement may result
19 in the denial of future licensing applications and/or suspension of licensing or certification
20 issued by the Division and/or other state agencies.
- 21 9. Respondent understands the suspended civil penalty will be waived five years after the
22 execution of this Consent Order, provided Respondent complies with its terms and has not
23 committed any further violations of Building Code Division's statutes and rules.
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1 10. Respondent has read and fully understands the terms of this Consent Order, freely and
2 voluntarily consents to the entry of this order without further hearing, without any force or
3 duress, and expressly waives all rights to hearing or appeal in this matter.

4 11. Respondent understands that, upon signature of all parties, this Consent Order will be a
5 FINAL ORDER.

6 12. Respondent understands that once this Settlement Agreement and Consent Order becomes
7 a FINAL ORDER, it becomes a public document.

8 **FOR THE RESPONDENT**

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12 Bill R. Halberg

Date: 8/25/14

13 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

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15 _____ for
16 Chair
17 Electrical and Elevator Board
18 State of Oregon

Date: 8-26-14