

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

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FEB 15 2016

PAUL S. VICK,
AN INDIVIDUAL,

SCHWABE WILLIAMSON & WYATT

RESPONDENT.

BCD CASE C2014-0150

INTRODUCTION

The Building Codes Division (Division) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (Board) and determined that Paul S. Vick (Respondent) violated certain provisions of the Division's statutes and administrative rules as identified below.

The parties agree to resolve this matter without a hearing. Respondent understands that Respondent has the right to a contested case hearing under the Administrative Procedures Act, Oregon Revised Statutes (ORS) chapter 183, and Respondent fully and finally waives the right to a hearing and any judicial review therefrom by the signing of this Consent Order.

FINDINGS OF FACT

1. At all relevant times, Respondent has held general journeyman electrician license 23058J.
2. At all relevant times Respondent was an employee for Advanced Electrical Technologies, an assumed business name of Pacific Northern Environmental Corp., which is a foreign business corporation that holds Oregon electrical contractor license C816.¹
3. All work and installations described herein were performed at 30365 Redwood Highway, Cave Junction, Oregon (the jobsite), under Josephine County permit numbers 06-174-14, 07-113-14, 07-114-14, 07-115-14, and 05-151-14. Respondent was the foreman at the jobsite.

¹ See related Division case C2014-0145.

- 1 4. On or about May 14, 2014, Respondent and laborer Cody Grams (Grams) received a warning
2 from a Building Codes Division (BCD or Division) representative for allowing individuals
3 unlicensed in Oregon to perform electrical installations at the jobsite.
- 4 5. On June 23, 2014, the same BCD representative returned to the jobsite and informed the jobsite
5 project manager, Roger Oldemar (Oldemar), that a complaint alleging violations of unlicensed
6 individuals making electrical installations was going to be reported to the Division. The
7 representative warned Oldemar to not allow unlicensed individuals to perform electrical
8 installations.² The Division, on behalf of the Board, also issued notices of proposed assessment
9 of a civil penalty, and consent orders, to Joe Roddy (Roddy) and Bart Smith (Smith).³
- 10 6. Respondent allowed Grams to make the following installations at the jobsite:
- 11 a. On or about June 21 and 22, 2014, Grams installed metallic conduit;
- 12 b. On or about June 23 through 25, 2014, Grams cut, threaded, bent, and installed electrical
13 conduit for wiring on a lumber sorter; and
- 14 c. On or about June 21 through 25, 2014, Grams fixed sealtight conduit and performed the
15 associated rewiring of the conduit.⁴
- 16 7. Respondent allowed Jason Clark (Clark) to make the following installations at the jobsite:
- 17 a. On or about June 21 and 22, 2014, Clark installed wire into conduit as part of an installation
18 at the jobsite. Clark also installed at least 40 feet of metallic conduit, terminated wires into a
19 panel, and installed four disconnect boxes in the landing platform area.⁵
- 20 b. On or about June 24 through 26, 2014, Clark installed wires into an electrical panel.
- 21 8. Respondent allowed Smith to make the following installations at the jobsite:
- 22 a. On or about June 23, 2014, Smith installed wire into conduit on a lumber sorter to bring
23

24 ² See related Division case C2014-0149.

25 ³ On July 16, 2014, Roddy and Smith executed consent orders with the Board in BCD cases C2014-0147 and C2014-0148, respectively, to settle civil penalties assessed by the Board for making electrical installations without being licensed in Oregon as a supervising or journeyman electrician.

⁴ See related Division case C2014-0151.

⁵ See related Division case C2014-0152.

1 electrical power to solenoids on that lumber sorter.

2 b. On or about June 24 through 29, 2014, Smith installed control wiring and metallic conduit
3 associated with the renovation of a lumber mill facility.⁶

4 9. Respondent allowed Roddy to make the following installations at the jobsite:

5 a. On or about June 23, 2014, Roddy installed wire into conduit on a lumber sorter to bring
6 electrical power to solenoids on that lumber sorter.

7 b. On or about June 24 through June 29, 2014, Roddy installed control wiring and metallic
8 conduit associated with the renovation of a lumber mill facility.⁷

9 10. At no relevant time were Grams, Clark, Smith, or Roddy licensed as an Oregon supervising or
10 journeyman electricians.⁸

11 APPLICABLE LAW

12 1. Under ORS 479.530(10), electrical installations include the construction or installation of
13 electrical wiring and the permanent attachment or installation of electrical products in or on
14 any structure that is not itself an electrical product.

15 2. Under ORS 479.620(3), a person may not make any electrical installation without a
16 supervising or journeyman electrician license.

17 3. Under OAR 918-282-0120(1), which is adopted under ORS chapter 479, no person or entity
18 shall allow any individual to perform electrical work for which the individual is not properly
19 registered or licensed.

20 4. Under OAR 918-001-0036(2)(a), a "continuing offense" or "continuing violation" means
21 violation of a code, rule or law on one or more additional days after having been notified of
22 the violation or ordered to correct the act, or the failure to act. A continuing violation is
23 subject to a civil penalty each day the violation continues after notification.

24
25 ⁶ See related Division case C2014-0148.

⁷ See related Division case C2014-0147.

⁸ Smith became licensed in Oregon as a general supervising electrician (license number 5979S) on June 30, 2014. Roddy became licensed in Oregon as a general journeyman electrician (license number 26405J) on June 30, 2014.

1 5. Under ORS 455.895(2), an appropriate advisory board may at its discretion impose a civil
2 penalty against any person who violates the state building code or ORS 479.510 to 479.945
3 or chapter 455 or any rule adopted or order issued for the administration and enforcement of
4 those statutes. A civil penalty imposed under this section must be an amount determined by
5 the appropriate advisory board or, in the case of a continuing offense, not more than \$1,000
6 for each day of the offense.

7 CONCLUSIONS OF LAW

- 8 1. The following acts each constitute an electrical installation under ORS 479.530(10):
- 9 a. Installing metallic conduit for housing electrical wiring;
 - 10 b. Installing disconnect boxes;
 - 11 c. Installing wiring in conduit;
 - 12 d. Cutting, threading, bending, and installing electrical conduit for housing electrical wiring;
 - 13 e. Installing wire into conduit on a lumber sorter to bring electrical power to solenoids to
14 assist in the operation of that lumber sorter;
 - 15 f. Installing control wiring;
 - 16 g. Installing or terminating wires into an electrical panel; and
 - 17 h. Fixing sealtight and rewiring conduit.
- 18 2. Under ORS 479.620(3), performing the foregoing electrical installations requires a supervising
19 or journeyman electrician license.
- 20 3. By allowing Grams, Clark, Smith, and Roddy to make the foregoing electrical installations
21 without holding Oregon supervising or journeyman electrician licenses after Respondent was
22 notified of the violation, Respondent continuously violated OAR 918-282-0120(1) for at least
23 nine days in June 2014.
- 24 4. As a result of Respondent's violations of OAR 918-282-0120(1), the Board may suspend
25 Respondent's journeyman electrician license 23058J according to ORS 455.129(2)(a).

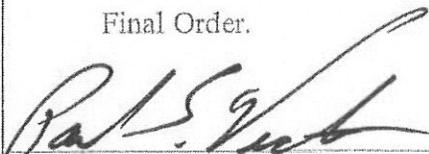
1 3. Respondent understands that further enforcement action may be taken for any violation of
2 the Division's statutes or rules not alleged in this Consent Order, whether committed before
3 or after the execution of this Consent Order, and/or for any violation of the terms of this
4 Consent Order.

5 4. Respondent understands that failure to comply with this Consent Order may be used as a
6 basis for the denial of future license, certificate, registration, or other applications, or for the
7 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
8 certificate, or registration issued by the Division or other state agencies; and/or for any other
9 reason provided for in law.

10 5. Respondent understands that this Consent Order is a public record.

11 6. Respondent has read and fully understands the terms of this Consent Order, freely and
12 voluntarily consents to the entry of this Consent Order without any force or duress, and
13 expressly waives all rights to hearing or judicial review in this matter.

14 7. Respondent understands that, upon signature of all parties, this Consent Order will be a
15 Final Order.

16 
17 Paul S. Vick

It is so agreed this 16 day of FEB, 2016.

18 
19 Chair
20 Electrical and Elevator Board
21 State of Oregon

It is so agreed this 29 day of February, 2016.