

1 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS**  
2 **SERVICES OF THE STATE OF OREGON**

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

4 **IN THE MATTER OF:**

**CONSENT ORDER**

5 **PORTLAND ELECTRIC LLC, A**  
6 **DOMESTIC LIMITED LIABILITY**  
7 **COMPANY,**

**BCD CASE C2014-0159**

8 **RESPONDENT.**

9 **1.**

10 The Director of the Department of Consumer and Business Services (Director) is  
11 responsible for administration and enforcement of Oregon's statewide building code, and the  
12 Director and the Electrical and Elevator Board of the State of Oregon (Board) are authorized to  
13 regulate electrical installations and persons engaged in making those installations, in Oregon. On or  
14 about January 15, 2014, the Director and Board properly served an Amended Notice of proposed  
15 discipline and cease and desist order (Amended Notice) on Portland Electric, LLC (Respondent) ,  
16 alleging violations of statutes and administrative rules under the Director's and Board's authority.  
17 The findings of fact and conclusions of law of the Amended Notice are hereby incorporated into  
18 this Consent Order by reference

19 **2.**

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

3 3.

4 The Director Finds and Respondent admits:

5 3.1 At all relevant times, Respondent was an Oregon licensed electrical contractor,  
6 license number C760.

7 3.2 From approximately July 8, 2014 through October 30, 2014, Respondent allowed  
8 electrical apprentice employees Oleg Boychenko, Vitaliy Boychenko and Danill Gubka, to  
9 perform electrical installations without supervision or appropriate licensure in four  
10 instances, resulting in four violations of OAR 918-282-0120(1).

11 3.3 On or about July 18, 2014, Respondent allowed limited residential electrician  
12 employee Lyubomir Brunets to connect and terminate wires into an electrical panel in a  
13 four-floor, above grade building, thereby allowing Brunets to work outside the scope of his  
14 license and violating OAR 918-282-0120(1).

15 3.4 On or about November 10, 2014, Respondent allowed Aleksandr Zalyashko to make  
16 an electrical installation without any electrical licensure or valid apprenticeship status,  
17 thereby violating OAR 918-282-0120(1).

18 4.

19 For these six violations of OAR 918-282-0120(1), the Director may revoke Respondent's  
20 electrical contractor license C760 under ORS 455.125, and the Board may assess civil penalties  
21 against Respondent in the amount of \$12,000 pursuant to the Board's civil penalty matrix, adopted  
22 under ORS 455.895 and OAR 918-001-0036.

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5.

Respondent understands and agrees that the Board hereby assesses a \$12,000 civil penalty against Respondent for violating OAR 918-282-0120(1) on at least 6 occasions, \$10,000 of which will be stayed for a period of five years from issuance of this Consent Order, under the terms of this order. If Respondent fully complies with all terms of this Consent Order, including but not limited to refraining from all violations of statutes, rules and codes administered and enforced by the Department of Consumer and Business Services – Building Codes Division, the stayed amount of the civil penalty shall be considered satisfied at the end of five years. Respondent shall pay the \$2,000 of civil penalty that has not been stayed to the Department of Consumer and Business Services – Building Codes Division, in four, consecutive, monthly payments of \$500 per payment.<sup>1</sup> The first payment is due no later than July 25, 2015; the second payment is due no later than August 25, 2015; the third payment is due no later than September 25, 2015; and, the final payment is due no later than October 25, 2015. If Respondent fails to fully and timely comply with any term of this Consent Order, the \$10,000 of the civil penalty that has been stayed shall be immediately due and payable.

6.

Respondent understands and agrees that the Director hereby suspends Respondent's electrical contractor license, license number C670, suspension effective from July 1, 2015 through December 31, 2015. However, reinstatement of Respondent's electrical contractor license after December 31, 2015 shall be contingent upon the Respondent providing the Department of Consumer and Business Services – Building Codes Division with a written plan approved by the Electrical and Elevator Board, no later than December 1, 2015, explaining how Respondent will, in the future, train and ensure better supervision of the work assigned to its unlicensed laborers and ensure licensees work only within the scope of their licenses.

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<sup>1</sup> An invoice will be included with Respondent's copy of the final order after it is signed by the Director or his designee.

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7.

Respondent shall fully cooperate with the Director's and Board's enforcement efforts in cases against other entities or individuals that rely on the underlying facts in this case, as detailed in the Amended Notice.

8.

Respondent shall:

8.1 Not employ apprentices unless and until it is permitted by the Joint Apprenticeship Training committee to do so (permission to resume employing apprentices currently scheduled for October 2016).

8.2 If approved to employ apprentices after October 2016, notify the Board and provide copies of the apprenticeship agreements of the apprentices it intends to employ, with a plan to be approved by the Board on how Respondent is going to ensure the apprentices are being properly supervised in the future.

9.

Respondent shall not commit any new violations of the Department of Consumer and Business Services – Building Codes Division's statutes or rules, including the combined state specialty codes, electrical licensure requirements, including apprenticeship supervision or any rules adopted by the regulatory boards of the Department of Consumer and Business Services – Building Codes Division.

10.

Respondent understands that any violation of the terms of this Consent Order will also result in further enforcement action.

11.

Respondent understands and agrees that any violation of the statutes, rules or codes administered or enforced by Department of Consumer and Business Services – Building Code Division not alleged in this order, whether committed before or after the execution of this Consent Order, may result in additional enforcement action.

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12.

Respondent understands that failure to comply with this Consent Order may result in the denial of future licensing applications, suspension or revocation of licensing or certification issued by the Division and other state agencies, or a combination thereof.

13.

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

14.

Respondent understands that, upon signature of the Director or his designee, this Consent Order is a final order.

IT IS SO AGREED THIS 19 day of June, 2015.

 for  
Portland Electric, LLC  
Respondent

**IT IS SO ORDERED.**

Andrea Simmons for  
Director,  
Department of Consumer and Business Services  
State of Oregon

Dated this 22 day of June, 2015

Andrea Simmons for  
Chair,  
Electrical and Elevator Board  
State of Oregon

Dated this 22 day of June, 2015