

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

ALL 2 CURRENT ELECTRIC, INC., A
DOMESTIC BUSINESS CORPORATION,

CASE NO. C2014-0186

RESPONDENT.

The Building Codes Division (BCD) conducted an investigation on behalf of the Electrical and Elevator Board (Board) and determined that Respondent violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

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

FINDINGS OF FACT

- 1. At all relevant times Respondent was and continues to hold Oregon electrical contractor license C757.
- 2. During or about July 22, 2014, at 802 NW Pawn Avenue, Grants Pass, Oregon, Respondent allowed Brian A. Cray (Cray), without being licensed as a supervising or journeyman electrician, to install electrical wiring for the account of another.

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 OAR 918-282-0120(1), no person or entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.
- 3. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.

CONCLUSIONS OF LAW

- 1. Installing electrical wiring is an electrical installation as defined in ORS 479.530(10).

- 1 2. Making the electrical installation described in Conclusions of Law paragraph 1 for the account
2 of another requires the installer to possess a valid supervising or journeyman electrician
3 license under ORS 479.620(3).
- 4 3. When Cray made electrical installations without a journeyman or supervising electrician
5 license, Cray violated ORS 479.620(3).
- 6 4. By allowing an unlicensed individual to install electrical wiring, Respondent violated OAR
7 918-282-0120(1).

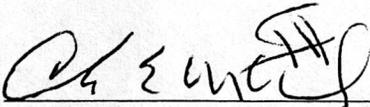
8 SETTLEMENT AGREEMENT

9 Respondent and the Electrical and Elevator Board agree to resolve this matter, without a
10 hearing, with the entry of this Consent Order according to the following terms and conditions:

- 11 1. The Board assesses a civil penalty of \$2,000 for violating OAR 918-282-0120(1), of which
12 \$1,500 will be suspended for a period of five years under the following terms:
 - 13 1.1 Respondent agrees to pay the remaining \$500 of the civil penalty. *(The invoice will be
14 included with Respondent's copy of the Final Order after it is signed by the Board.)*
 - 15 1.2 If Respondent fails to make a payment or otherwise defaults on any of the other terms
16 of this settlement agreement, then the case may be turned over to the Department of
17 Consumer and Business Services collections unit for collection of the entire \$2,000
18 civil penalty, along with interest and applicable fees.
- 19 2. Respondent agrees if a final order is issued by a board or the Director of the Department of
20 Consumer and Business Services finding Respondent violated any of Building Codes
21 Division's statutes or rules within five (5) years from the date this order was signed by the
22 Board, then Respondent will be responsible for any subsequent penalties in addition to the
23 entire civil penalty from this order.
- 24 3. Respondent understands that if it fails to comply with any of the terms of this settlement
25 agreement, then the entire civil penalty, including the amount suspended, will be immediately
due and payable.
4. Respondent understands and agrees that any violation of the terms of this Consent Order will
result in further enforcement action.
5. Respondent understands and agrees that any violation of the Building Codes Division's
statutes or rules not alleged in this Consent Order, whether committed before or after the
execution of this order, may be the basis for further enforcement action.
6. Respondent understands that failure to comply with this settlement agreement may result in
denial of future licensing applications and/or suspension of licensing or certification issued by
the Building Codes Division and other state agencies.

- 1 7. Respondent understands the suspended civil penalty will be waived five (5) years after the
2 execution of this Consent Order, provided there is compliance with the order's terms and
3 Respondent has not committed any further violations of the Building Codes Division's statutes
4 or rules.
- 5 8. Respondent agrees to cooperate with the Building Codes Division in any other cases related to
6 the Respondent's case.
- 7 9. Respondent has read and fully understands the terms of this Consent Order, freely and
8 voluntarily consents to the entry of this order without further hearing, without any force or
9 duress, and expressly waives all rights to hearing or appeal in this matter.
- 10 10. Respondent understands that, upon signature of all parties, this Consent Order will be a
11 FINAL ORDER.

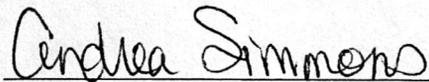
12 **FOR THE RESPONDENT**

13 

14 Charles E. McCumber III, President
15 All 2 Current Electric, Inc.

16 Date: 5-8-15, 2015

17 **FOR THE BOARD**

18  for

19 Chair
20 Electrical and Elevator Board
21 State of Oregon

22 Date: May 8, 2015