

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

2 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS**
3 **SERVICES**

4 **IN THE MATTER OF:**

CONSENT ORDER

5 **HARVEY ANTHONY CARON,**
6 **AN INDIVIDUAL,**

7 **RESPONDENT.**

8 **BCD CASE C2014-0212**

9
10 **INTRODUCTION**

11 The Building Codes Division (Division) conducted an investigation on behalf of the
12 Electrical and Elevator Board of the State of Oregon (Board) and the Director of the Department of
13 Consumer and Business Services (Director) and determined that Harvey Anthony Caron
14 (Respondent) violated certain provisions of the Division's statutes and administrative rules as
15 identified below.

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

20 **FINDINGS OF FACT**

- 21 1. On or about August 24, 2014, at 327 Redwood Highway, Cave Junction, Oregon (subject
22 property), Respondent installed a light receptacle, new wire plugs, boxes, and switches as
23 part of a building renovation.
- 24 2. At no relevant time was Respondent licensed as an electrical contractor in Oregon.
- 25 3. At no relevant time did Respondent hold a supervising or journeyman electrician license in

1 Oregon.

- 2 4. Respondent did not obtain an electrical permit prior to making the installations described
3 above at the subject property.

4 **APPLICABLE LAW**

- 5 1. The terms used in this Consent Order may be defined in ORS 183.310(1)-(10), ORS
6 455.010(1)-(10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4),
7 OAR 918-030-0010(1)-(11), and OAR 918-251-0090(1)-(43).
- 8 2. ORS 479.530(10) defines an electrical installation as the construction or installation of
9 electrical wiring and the permanent attachment or installation of electrical products.
- 10 3. ORS 479.620(1) requires a person to have an electrical contractor license to engage in the
11 business of making electrical installations, including advertising or otherwise purporting to
12 be a business that makes electrical installations.
- 13 4. OAR 918-030-0010(8) states that for purposes of ORS 479.620, "engaging in the business"
14 means to advertise or solicit, contract or agree to perform, or to perform, work for which a
15 license or permit is required under Oregon law, including but not limited to a single
16 instance.
- 17 5. Under ORS 479.620(3), a person may not make any electrical installation without a
18 supervising or journeyman electrician's license.
- 19 6. ORS 479.550(1) states no person shall work on any new electrical installation for which a
20 permit has not been issued.
- 21 7. Under ORS 455.775(2), if the Director has reason to believe that any person has been
22 engaged, or is engaging, or is about to engage in any violation of the state building code or
23 ORS 479.510 to 479.945 or any rule adopted under those statutes, the Director may issue an
24 order, subject to ORS 183.413 to 183.497, directed to the person to cease and desist from the
25 violation or threatened violation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CONCLUSIONS OF LAW

1. The installation of a light receptacle, new wire plugs, boxes, and switches are all electrical installations as defined in ORS 479.530(10).
2. Making the electrical installations described in above requires the installer to possess a valid supervising or journeyman electrician license under ORS 479.620(3).
3. By making the electrical installations described in above without the proper license, Respondent violated ORS 479.620(3).
4. Agreeing to perform or performing the electrical installations described above constitutes engaging in the business of making electrical installations under OAR 918-030-0010(8).
5. Engaging in the business of making electrical installations requires an electrical contractor license under ORS 479.620(1).
6. By engaging in the business of making electrical installations without having an Oregon electrical contractor license, Respondent violated ORS 479.620(1).
7. By making electrical installations without first obtaining a valid electrical permit, Respondent violated ORS 479.550(1).
8. Based on the foregoing From Findings of Fact and Conclusions of Law, the Director has reason to believe that Respondent has and may continue to:
 - a. Perform electrical installations without first obtaining an electrical permit;
 - b. Perform electrical installations without the appropriate electrical license; and
 - c. Engage in the business of electrical contracting without the appropriate electrical contractor license.

Therefore, the Director may issue an order against Respondent to cease and desist from the violations.

ORDER

1. The Board hereby assesses a total civil penalty of \$6,000 against Respondent for violating

1 ORS 479.620(1) (\$3,000), ORS 479.620(3) (\$2,000), and ORS 479.550(1) (\$1,000) as
2 follows:

3 a. \$4,000 of the total civil penalty will be suspended for a period of five years if there is
4 compliance with all other terms of this Consent Order.

5 b. Respondent agrees to pay the remaining \$2,000 of the civil penalty. Respondent will
6 make eight (8) monthly payments on the 25th day of each month in the amount of
7 \$250 per month. Respondent's first payment shall be postmarked no later than the

8 25th day of the month following the month in which this Consent Order becomes a
9 final order. *(An invoice will be included with Respondent's copy of the final order*
10 *after the Director signs it.)* Payments shall be mailed to Department of Consumer
11 and Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-
12 0445.

13 2. Respondent understands the suspended civil penalty (\$4,000) will be considered satisfied
14 five years after this Consent Order becomes a final order, provided Respondent complies
15 with its terms and has not committed any further violations of the Division's statutes and
16 rules within that five-year period. Respondent understands and agrees that if Respondent
17 does not comply with the terms of this Consent Order or if Respondent commits any further
18 violations of the Division's statutes or rules within the five-year period, then the entire civil
19 penalty, including any suspended amount, will become immediately due and payable.
20 Failure to comply with this Consent Order includes, but is not limited to, failure to pay the
21 civil penalty amount due by the due date.

22 3. Respondent agrees to cease and desist from the following violations of the State Building
23 Code: engaging in the business of making electrical installations without a valid electrical
24 contractor license (ORS 479.620(3)), making electrical installations without holding a
25 journeyman or supervising electrician license (ORS 479.620(1)), and making electrical

1 installations without first obtaining a valid permit (ORS 479.550(1)).

2 4. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
3 that rely on the facts underlying this case. Cooperation may include, but may not be limited
4 to, making sworn statements or testifying in administrative hearings.

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

8 Consent Order.

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

14 7. Respondent understands that this Consent Order is a public record.

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

18 ~~9. Respondent understands that, upon signature of all parties, this Consent Order will be a~~
19 Final Order.

20 Harvey Caron It is so agreed this 30 day of September, 2015.
21 Harvey A. Caron

22 Andrea Simmons for It is so agreed this 5 day of October, 2015.
23 Chair
Electrical and Elevator Board

24 Andrea Simmons for It is so agreed this 5 day of October, 2015.
25 Director
Department of Consumer and Business Services
State of Oregon