

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

3 **IN THE MATTER OF:**

4 **DISTINCT ELECTRIC, INC., A DOMESTIC**  
5 **BUSINESS CORPORATION,**  
6 **RESPONDENT.**

**CONSENT ORDER**

**CASE NO. C2014-0263**

7  
8 The Building Codes Division (BCD) conducted an investigation on behalf of the Electrical and  
9 Elevator Board (Board) and determined that Distinct Electric, Inc. (Respondent) violated certain  
provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes.

10 Respondent and the Board agree to settle this matter informally through the entry of this  
11 Consent Order. Respondent understands that it has the right to a hearing under the Administrative  
12 Procedures Act (chapter 183), Oregon Revised Statutes (ORS), and fully and finally waives the right to  
13 a contested case hearing and any appeal therefrom by the signing and entry of this Consent Order in  
the Board's and Director's records. 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.

14 **FINDINGS OF FACT**

- 15 1. At all relevant times Respondent was and continues to hold Oregon electrical contractor license  
16 24-523C.
- 17 2. During or about October 7, 2014, at 3789 5<sup>th</sup> Avenue N, Keizer, Oregon, Respondent allowed  
18 Efrem Ferrera (Ferrera), without being licensed as a supervising or journeyman electrician, to  
install ground-fault circuit interrupter (GFCI) outlets, electrical wiring and three-way switches.
- 19 3. During or about October 7, 2014, at 14998 Triumph Road, Sublimity, Oregon, Respondent  
20 allowed Efrem Ferrera (Ferrera), without being licensed as a supervising or journeyman  
electrician, to install GFCI outlets, electrical wiring and three-way switches.
- 21 4. On October 5, 2013, in BCD case number 2013-0135, a consent order was executed between  
22 Respondent and the Electrical and Elevator Board in which Respondent was assessed a \$2,000  
23 civil penalty for allowing an unlicensed individual to make electrical installations in violation  
24 of Oregon Administrative Rules (OAR) 918-282-0120(1). The Board stayed collection of  
\$1,250 of the civil penalty for a period of five years from the date of the execution of the  
25 consent order provided Respondent did not, during that time, violate any provision of Oregon  
Building Codes statutes, administrative rules, specialty codes, or any order issued by a BCD  
advisory board.

1  
2  
3  
4  
5  
6  
7  
8

**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.
4. Under ORS 455.129(2)(b), the board may issue additional sanctions, including suspension of a license, for failure to comply with an order of the regulatory body or by the Director of the Department of Consumer and Business Services.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

**CONCLUSIONS OF LAW**

1. Installing GFCI outlets, electrical wiring and switches are electrical installations as defined in ORS 479.530(10).
2. Making the electrical installation described in Conclusions of Law paragraph 1 requires the installer to possess a valid supervising or journeyman electrician license under ORS 479.620(3).
3. When Ferrera made electrical installations without a journeyman or supervising electrician license, Ferrera violated ORS 479.620(3).
4. By allowing an unlicensed individual (Ferrera) to install GFIC outlets, electrical wiring and switches, Respondent violated OAR 918-282-0120(1) on two occasions.
5. When Respondent violated OAR 918-282-0120(1), Respondent failed to comply with the terms of the of the consent order in BCD case 2013-0135 within five years from October 5, 2013, the effective date of that final order.
6. By breaching the consent order in case 2013-0135, the \$1,250 of previously-stayed penalties is now due and payable.
7. By failing to comply with the consent order in BCD case 2013-0135, as outlined above, the Electrical and Elevator Board may suspend Respondent's electrical contractor license 24-523C.

22 ///

23 ///

24 ///

25 ///

## ORDER

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

1. Respondent admits to committing the violations as alleged in the Findings of Fact and Conclusions of Law, and agrees the Board will issue an order imposing the proposed civil penalties of such violations in order to resolve this matter.
2. The Board hereby assesses a \$5,000 civil penalty for violating Oregon OAR 918-282-0120(1) on two occasions; and suspends the \$1,250 stayed penalty in case number 2013-0135 under the following terms:
  - 2.1 Respondent agrees to pay the \$5,000 civil penalty. *(The invoice will be included with Respondent's copy of the Final Order after it is signed by the Boards.)*
  - 2.2 Respondent agrees to pay an initial \$450 postmarked by the 25<sup>th</sup> day of the first month after this Consent Order becomes final. Thereafter, Respondent agrees to pay \$350 per month for 13 months. The monthly payments must be postmarked by the 25<sup>th</sup> day of each month.
  - 2.3 Respondent agrees to provide quarterly reporting to the Building Codes Division, due on the 15<sup>th</sup> day following each reporting quarter (example: the first report, due August 15, 2015, will report on the Respondent's activities from May 1 through July 31, 2015). The reporting shall include a list of all jobs worked in the month (even if reported in a previous quarter's report, in the event that a job runs longer than one calendar month), any and all invoices from the job, the names and license numbers of each employee or subcontractor who worked on the job, and a copy of each permit received for the job. The first reporting installment is due to the Building Codes Division postmarked (or scanned documents emailed to Judith Moore, [Judith.I.Moore@oregon.gov](mailto:Judith.I.Moore@oregon.gov)) by August 15, 2015. Reporting will be considered complete with the final reporting due on May 15, 2016.
3. Respondent understands that a single failure to comply with any of the terms of this Consent Order results in the entire civil penalty, including the suspended amount, being 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 Code 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 the suspended civil penalty will be waived five (5) years after the execution of this Consent Order, provided Respondent complies with its terms and has not committed any further violations of Building Code Division's statutes or rules.

- 1 7. Respondent has read and fully understands the terms of this Consent Order, freely and  
2 voluntarily consents to the entry of this order without any force or duress, and expressly waives  
3 all rights to hearing or appeal in this matter.  
4 8. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL  
5 ORDER.  
6 9. Respondent further agrees by signing the Consent Order, he is the Respondent or the authorized  
7 representative for the Respondent in this matter.

8 **FOR THE RESPONDENT, DISTINCT ELECTRIC, INC.**

9 

10 Dustin Moul, President

11 Date: 6/29 June 29<sup>th</sup>, 2015

12 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

13 

14 Chair  
15 Electrical and Elevator Board  
16 State of Oregon

17 Date: 6 July, 2015