

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 **ENGLISH EQUIPMENT, INC.,**
6 **ABN ACTION INDUSTRIAL SYSTEMS,**

7
8 **RESPONDENT.**

BCD CASE C2015-0012

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BUILDING CODES

9 The Building Codes Division (Division) conducted an investigation on behalf of the
10 Electrical and Elevator Board of the State of Oregon (Board) and the Director of the Department of
11 Consumer and Business Services (Director) and determined that English Equipment, Inc., ABN
12 Action Industrial Systems (Respondent) violated certain provisions of the Division's statutes and
13 administrative rules as identified below.

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

18 **FINDINGS OF FACT**

- 19 1. During or about the period of June 2003 through June 2013, Respondent, a licensed limited
20 energy contractor (license number 15-268CLE), employed Freeway Farrell.
- 21 2. During or about the period of April 2012 through May 2012, Respondent allowed Mr.
22 Farrell to install new fire alarm horns, including associated wiring, at the Best Western
23 Beachfront Inn, 16008 Boat Basin Road, Brookings, Oregon.
- 24 3. The fire alarm horns that Respondent allowed Mr. Farrell to install are attached to a fire
25 alarm system that operates at 28 volts.

1 4. At no relevant time did Mr. Farrell hold a Class A Limited Energy Technician license or
2 higher in the State of Oregon.

3 **APPLICABLE LAW**

4 1. ORS 479.905(1) defines a "Class A limited energy technician" as "a person licensed to
5 install, alter and repair all limited energy systems."

6 2. ORS 479.905(4) defines "Limited energy electrical activity" as "installation, alteration,
7 maintenance, replacement or repair of electrical wiring and electrical products that do not
8 exceed 100 volt-amperes...?"

9 3. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform
10 electrical work for which the individual is not properly registered or licensed.

11 4. Under ORS 455.775(2), if the Director has reason to believe that any person has been
12 engaged, is engaging, or is about to engage in any violation of the state building code or
13 ORS 479.510 to 479.945, ORS chapter 455, or any rule adopted under those statutes, the
14 Director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to
15 cease and desist from the violation or threatened violation.

16 **CONCLUSIONS OF LAW**

17 1. Under ORS 479.905(4), a 28-volt fire alarm system is a limited energy electrical system.

18 2. Under ORS 479.905(4), making installations, alterations, replacements, or repairs to a 28-
19 volt fire alarm system constitutes limited energy electrical activity.

20 3. Making the electrical installations, alterations, replacements, or repairs to a limited energy
21 fire alarm system described in Conclusions of Law paragraphs 1 and 2 requires a Class A
22 Limited Energy Technician license or higher.

23 4. By allowing Mr. Farrell to install limited energy fire alarm system components and wiring
24 for which he was not properly registered or licensed, Respondent violated OAR 918-282-
25 0120(1).

1 5. Based on the foregoing Findings of Fact and Conclusions of Law, the Director has reason to
2 believe that Respondent has been engaged, is engaging, or is about to engage in the
3 following violation of OAR 918-282-0120(1): allowing individuals who are not properly
4 registered or licensed to perform limited energy electrical activity. Therefore, the Director
5 may issue an order against Respondent to cease and desist from these violations.

6 **ORDER**

7 1. Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses a \$2,000 civil
8 ~~penalty against Respondent for violating OAR 918-282-0120(1) as follows:~~

- 9 a. \$1,250 of the total civil penalty will be suspended for a period of five (5) years if
10 there is compliance with all other terms of this Consent Order;
- 11 b. Respondent agrees to pay the remaining \$750 of the civil penalty. Respondent's
12 payment shall be postmarked no later than July 25, 2015. *(An invoice will be*
13 *included with Respondent's copy of the final order after the Director or his*
14 *representative signs it.)* Payment shall be mailed to Department of Consumer and
15 Business Services, Revenue Services Section, P.O. Box 14610, Salem, OR 97309-
16 0445.
- 17 c. The suspended civil penalty (\$1,250) will be considered satisfied five (5) years after
18 this Consent Order becomes a final order, provided Respondent complies with its
19 terms and has not committed any further violations of the Division's statutes and
20 rules within that five-year period. Respondent understands and agrees that if
21 Respondent does not comply with the terms of this Consent Order or if Respondent
22 commits any further violations of the Division's statutes or rules within the five-year
23 period, then the entire civil penalty, including any suspended amount, will become
24 immediately due and payable. Failure to comply with this Consent Order includes,
25 but is not limited to, failure to pay the civil penalty amount due by the due date.

- 1 2. Pursuant to ORS 455.775(2), the Director orders Respondent to cease and desist from
2 allowing individuals who are not properly registered or licensed to perform limited energy
3 electrical activity.
- 4 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
5 that rely on the facts underlying this case. Cooperation may include, but not be limited to,
6 making sworn statements or testifying in administrative hearings.
- 7 4. Respondent understands and agrees that further enforcement action may be taken for any
8 ~~violation of the Division's statutes or rules not identified in this Consent Order, whether~~
9 committed before or after the execution of this Consent Order, and/or for any violation of
10 the terms of this Consent Order.
- 11 5. Respondent understands that failure to comply with this Consent Order may be used as a
12 basis for the denial of a future license, certificate, registration, or other application, or for the
13 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
14 certificate, or registration issued by the Division or other state agencies; and/or for any other
15 reason provided for in law.
- 16 6. Respondent understands that this Consent Order is a public record.
- 17 7. Respondent has read and fully understands the terms of this Consent Order, freely and
18 voluntarily consents to the entry of this Consent Order without any force or duress, and
19 expressly waives all rights to hearing or appeal in this matter.

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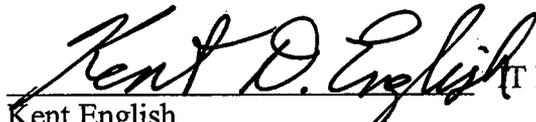
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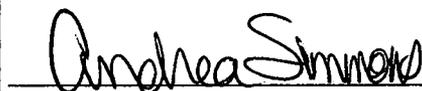
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1 8. Respondent understands that, upon signature of all parties, this Consent Order will be a
2 FINAL ORDER.

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4  IT IS SO AGREED THIS 8 DAY OF July, 2015.
5
6 Kent English
7 Authorized Representative
8 English Equipment, Inc.,
9 ABN Action Industrial Systems

10  for IT IS SO AGREED THIS 13 DAY OF July, 2015.
11 Chair
12 Electrical and Elevator Board
13 State of Oregon

14  for IT IS SO AGREED THIS 13 DAY OF July, 2015.
15 Director
16 Department of Consumer and Business Services
17 State of Oregon
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