

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

3  
4 **IN THE MATTER OF:**

**CONSENT ORDER**

5 **REX YETTER REMODELING LLC,**  
6 **A DOMESTIC LIMITED LIABILITY**  
7 **COMPANY,**

8  
9 **RESPONDENT.**

**BCD CASE C2015-0069**

9 The Building Codes Division (Division) conducted an investigation on behalf of the  
10 Director of the Department of Consumer and Business Services of the State of Oregon  
11 (Director) and determined that Rex Yetter Remodeling LLC, (Respondent) violated certain  
12 provisions of the Division's statutes and administrative rules as identified below.

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

17 **FINDINGS OF FACT**

- 18 1. In or about the first week of April 2015, Respondent installed three exterior lights at 4511  
19 NE Indian Earth Court, Salem, Oregon.
- 20 2. Respondent did not obtain an electrical permit prior to making the installations identified in  
21 the preceding paragraph.
- 22 3. At no relevant time has Respondent held an electrical contractor license in Oregon.
- 23 4. At no relevant time has Respondent held a supervisor or journeyman electrician license in  
24 Oregon.

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1 **APPLICABLE LAW**

- 2 1. Under ORS 479.530(10), "electrical installations" means the construction or installation of  
3 electrical wiring and the permanent attachment or installation of electrical products in or on  
4 any structure that is not itself an electrical product.
- 5 2. Under ORS 479.550(1), no person shall work on any new electrical installation for which a  
6 permit has not been issued.
- 7 3. Under ORS 479.620(1), a person may not, without an electrical contractor license, engage in  
8 ~~the business of making electrical installations, advertise as or otherwise purport to be~~  
9 licensed to make electrical installations, or purport to be acting as a business that makes  
10 electrical installations.
- 11 4. Under OAR 918-030-0010(8), for purposes of ORS 479.620, "engaging in the business"  
12 means to advertise or solicit, contract or agree to perform, or to perform, work for which a  
13 license or permit is required under Oregon law, including but not limited to a single  
14 instance.
- 15 5. Under ORS 479.620(3), a person may not make an electrical installation without a  
16 supervising or journeyman electrician license.

17 **CONCLUSIONS OF LAW**

- 18 1. Under ORS 479.530(10), installing exterior lights is an electrical installation.
- 19 2. Under ORS 479.550(1), making the electrical installations described above requires an  
20 electrical permit.
- 21 3. By making the electrical installations described above without a valid electrical permit,  
22 Respondent violated ORS 479.550(1).
- 23 4. Under OAR 918-030-0010(8), agreeing to perform and performing the electrical  
24 installations described above is engaging in the business of making electrical installations.

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- 1 5. By engaging in the business of making electrical installations without holding a valid  
2 electrical contractor license, Respondent violated ORS 479.620(1).  
3 6. By making the electrical installations described above without holding a valid supervising  
4 or journeyman electrician license, Respondent violated ORS 479.620(3).

5 **ORDER**

- 6 1. The Director hereby assesses a total civil penalty of \$6,000 against Respondent for violating  
7 ORS 479.550(1), ORS 479.620(1), and ORS 479.620(3) as follows:

8 ~~a. The entire civil penalty (\$6,000) will be suspended for a period of five years if there~~  
9 is compliance with all other terms of this Consent Order.

10 b. Respondent understands the suspended civil penalty (\$6,000) will be considered  
11 satisfied five years after this Consent Order becomes a final order, provided  
12 Respondent complies with its terms and has not committed any further violations of  
13 the Division's statutes and rules within that five-year period. Respondent  
14 understands and agrees that if Respondent does not comply with the terms of this  
15 Consent Order or if Respondent commits any further violations of the Division's  
16 statutes or rules within the five-year period, then the entire civil penalty, including  
17 any suspended amount, will become immediately due and payable.

- 18 2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases  
19 that rely on the facts underlying this case. Respondent agrees to fully cooperate with the  
20 Division's enforcement efforts in all investigations and/or cases involving the activities of  
21 Daron Yetter. Cooperation may include, but may not be limited to, providing information to  
22 the Division, making sworn statements, or testifying in administrative hearings.

- 23 3. Respondent understands and agrees that further enforcement action may be taken for any  
24 violation of the Division's statutes or rules not alleged in this Consent Order, whether  
25 committed before or after the execution of this Consent Order, and/or for any violation of

1 the terms of this Consent Order.

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

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

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

11 7. Respondent understands that, upon signature of all parties, this Consent Order will be a  
12 Final Order.

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15 \_\_\_\_\_  
16 Rex Yetter,  
17 Authorized representative,  
18 Rex Yetter Remodeling LLC

It is so agreed this 27<sup>th</sup> day of July, 2015.

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20 \_\_\_\_\_  
21 Director,  
22 Department of Consumer and Business Services  
23 State of Oregon  
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It is so agreed this 30 day of July, 2015.