

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

FROULA ALRMS SYSTEMS, INC.

RESPONDENT.

BCD CASE C2015-0187

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INTRODUCTION

The Building Codes Division (Division) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (Board) and determined that Froula Alarm Systems, Inc. (Respondent) violated certain provisions of Washington State Labor and Industries statutes and administrative rules as identified below.

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

FINDINGS OF FACT

1. Respondent has been a licensed limited energy contractor in the State of Washington since April 1, 2000.
2. Respondent applied for a Limited Energy Contractors License on September 3, 2015.
3. On or about June 15, 2015, the Washington State Department of Labor and Industries issued infraction numbers EROJE00341 and EROJE00340 for failing to provide proper supervision to two electrical trainees as required by chapter 19.28.161 RCW in Tukwila Washington.
4. On or about August 1, 2014, the Washington State Department of Labor and Industries issued infraction numbers EREYK00587, EREYK00588, EREYK00585, and EREYK00586

1 for employing an individual for the purposes of chapter 19.28.271 RCW who does not
2 possess a valid certificate of competency or training certificate to do electrical work from
3 (2010 – 2013) in the state of Washington.

- 4 5. On or about August 1, 2014, the Washington State Department of Labor and Industries
5 issued infraction number EREYK00584 for failing to accurately verify electrical training
6 hours on an Affidavit of Experience for Kristopher Conner for hours worked starting
7 3/1/2010 – 5/28/2013 in violation of 19.28.161(6) RCW.
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9 6. Each of these infractions had corresponding civil penalties which have been paid.
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11 7. The seven disciplinary actions taking by Washington State listed above are for electrical
12 licensing standards and are construction related.

13 **APPLICABLE LAW**

- 14 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
15 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
16 0010(1)-(11), and OAR 918-251-0090(1)-(43).
17
18 2. Under ORS 455.129(2) (L) states that a regulatory body may deny a license or may
19 condition a license if the regulatory body finds that the applicant has been subject to a
20 disciplinary action by another state in regard to construction-related licensing violations.
21
22 3. ORS 455.129(3) states that a regulatory body includes the Electrical and Elevator Board for
23 the purposes of licenses issued under ORS 446.210 or 479.510 to 479.945.
24
25 4. A limited energy contractor's license is issued pursuant to ORS 479.945.
5. RCW/WAC 19.28.161 requires an electrical contractor to provide proper supervision to an
electrical trainee.
6. RCW/WAC 19.28.271 prohibits an electrical contractor from employing an individual to

1 make electrical installations who does not possess a valid certificate of competency or
2 training certificate to do electrical work.

- 3 7. RCW/WAC 19.28.161(6) requires the electrical contractor to accurately verify electrical
4 training hours on an Affidavit of Experience.

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7 **CONCLUSIONS OF LAW**

- 8 1. A disciplinary action includes the issuance of civil penalties.
9 2. Failing to provide proper supervision to two electrical trainees as required by chapter
10 19.28.161 RCW is a construction-related licensing violation of the state of Washington.
11 3. Employing an individual for the purposes of chapter 19.28.271 RCW who does not possess
12 a valid certificate of competency or training certificate to do electrical work is a construction
13 related licensing violation in the state of Washington.
14 4. Failing to accurately verify electrical training hours on an Affidavit of Experience for
15 electrical work performed in violation of 19.28.161(6) RCW is a construction related
16 licensing violation in the State of Washington.
17 5. Respondent has been subject to seven disciplinary actions by the State of Washington
18 related to violations of construction-related licensing requirements.
19

20 **ORDER**

- 21 1. The Board and the Respondent agrees that a limited energy contractor's license will be
22 issued to Froula Alarms Systems, Inc., no later than the next working day of this executed
23 Consent Order.
24 2. Respondent agrees to not commit any further violation of the State of Washington's or the
25 Division's statutes and rules for the next 5 years. Notwithstanding OAR 918-001-0036 and

1 the civil penalty guidelines adopted thereunder, Respondent understands and agrees that if
2 Respondent commits any further violations of the State of Washington's or the Division's
3 statutes or rules within five years from the date of this order, the division or appropriate
4 advisory board may take further action including suspending or revoking the limited energy
5 contractors license.

6 3. Notwithstanding OAR 918-001-0030, Respondent understands that further enforcement
7 action may be taken for any violation of the Division's statutes or rules not alleged in this
8 Consent Order, whether committed before or after the execution of this Consent Order,
9 and/or for any violation of the terms of this Consent Order.

10 4. Respondent understands any future violation or any violation of the State of Washington or
11 the divisions statues or rules, other than the Washington violations mentioned in the October
12 2, 2009 infractions, may be used as a basis for the denial of future license, certificate,
13 registration, or other applications, or for the refusal to renew the same; for the suspension,
14 revocation, or conditioning of a license, certificate, or registration issued by the Division or
15 other state agencies; and/or for any other reason provided for in law.

16 5. Respondent agrees to submit a plan to the division within 30 day sof this executed Consent
17 Order demonstrating how Respondent will remain in compliance with all of Oregon and
18 Washington States electrical statutes and rules. If, within five years of the date of this
19 Order, Respondent is approved by Oregon's Bureau of Labor and Industries to become an
20 approved training agent, Respondent will modify the compliance plan to include compliance
21 with statutes and laws regulating apprentices.

22 6. Respondent understands that this Consent Order is a public record.

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

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

3 Marjory Earle It is so agreed this 19 day of September 2015.

4 Marjory Earle
5 Authorized representative for Respondent
6 Froula Alarm Systems, Inc.

7 Andrea Simmons for It is so agreed this 8th day of October, 2015.

8 Chair
9 Electrical and Elevator Board
10 State of Oregon
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