

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**DANIEL K. MOTTERN,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2015-0224

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 Daniel K. Mottern (Respondent) violated certain provisions of the Division's 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. On or about September 15, 2015, at NW Willamina Dr. in Willamina, Oregon, Respondent installed a ceiling fan and the wiring for a ceiling light.¹
2. At no relevant time has Respondent held an Oregon supervising or journeyman electrician license.

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¹ See related BCD cases C2015-0223 and C2015-0225.

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APPLICABLE LAW

1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-(10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-0010(1)-(11), and OAR 918-251-0090(1)-(43).
2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of electrical wiring and the permanent attachment or installation of electrical products in or on any structure that is not itself an electrical product.
3. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.

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CONCLUSIONS OF LAW

1. Installing a ceiling fan and installing wiring for a ceiling light constitute electrical installations under ORS 479.530(10).
2. By making the foregoing electrical installations without holding a supervising or journeyman electrician license, Respondent violated ORS 479.620(2).

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ORDER

1. The Board hereby assesses a total civil penalty of \$2,000 against Respondent for violating ORS 479.620(3) as follows:
 - a. \$1,250 of the total civil penalty will be suspended for a period of five years if there is compliance with all other terms of this Consent Order.
 - b. Respondent agrees to pay the remaining \$750 of the civil penalty. Respondent's payment shall be postmarked no later than the 25th day of the month following the month in which this Consent Order becomes a final order. *(An invoice will be included with Respondent's copy of the final order after the Director signs it.)* Payment shall be mailed to Department of Consumer and Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.

1 c. Respondent understands the suspended civil penalty (\$1,250) will be considered
2 satisfied five years after this Consent Order becomes a final order, provided
3 Respondent complies with its terms and has not committed any further violations of
4 the Division's statutes and rules within that five-year period. Respondent
5 understands and agrees that if Respondent does not comply with the terms of this
6 Consent Order or if Respondent commits any further violations of the Division's
7 statutes or rules within the five-year period, then the entire civil penalty, including
8 ~~any suspended amount, will become immediately due and payable. Failure to comply~~
9 with this Consent Order includes, but is not limited to, failure to pay the civil penalty
10 amount due by the due date.

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

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

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

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

24 6. Respondent has read and fully understands the terms of this Consent Order, freely and
25 voluntarily consents to the entry of this Consent Order without any force or duress, and

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expressly waives all rights to hearing or judicial review in this matter.

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

 It is so agreed this 18 day of DEC, 2015.
Daniel K. Mottern

 for It is so agreed this 28 day of December, 2015.
Chair
Electrical and Elevator Board
State of Oregon