



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Building Codes Division

1535 Edgewater Street NW

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Electrical and Elevator Board

Amending meeting agenda to include:

Item I.G. and VII.F.

Thursday, May 28, 2015, 9:30 a.m.

Conference Room A

Board meetings are broadcast live via the Internet at

<http://bcd.oregon.gov/>

Click on "View live meetings"

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the March 26, 2015, board meeting minutes
- E. Date of the next regularly scheduled meeting: July 23, 2015
- F. Formal farewell to board member Thomas Lindberg, public member position
- G. Welcome new board member:
 - Randy Smith, electrical inspector position
 - Joe Pugh, public member position

II. Public comment

*This time is available for individuals wanting to address the board on **non-agenda items only**. The board will not take action on non-agenda items raised under public comment at this meeting. Testimony on agenda items will be heard when the item is called. (See "Issues to remember when addressing board" at the end of this agenda).*

III. Reports

- A. Building Codes Division report
- B. Electrical program update
- C. Elevator program update
- D. Consideration of final order in the matter of Randy A. Lapham: Case No. C2014-0119
- E. Consideration of final order in the matter of Shane Rowley: Case No. C2014-0203
- F. Consideration of settlement agreement in the matter of Distinct Electric, Inc. and Dustin Moul: Case Nos. C2014-0263 and C2015-0010
- G. Consideration of settlement agreement in the matter of Doyle Electric, Inc. and Leo Doyle: Case Nos. C2015-0061 and C2015-0064
- H. Summary of enforcement actions previously taken by the division outlined on the enforcement board report (**No board action required**)
- I. Electrical supervising license revocation and a journeyman license suspension (**No board action required**)
- J. Consideration of Jerry Abel dba Abel's Electric assessed civil penalties

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None

VII. New business

- A. Review and approve committee's recommendations on new continuing education courses and instructors
- B. Board review and provide a recommendation for retroactive approval of NEC Code Calculations for Motor and Transformers class taught February 17, 2015, and Electrical Safety NFPA 70E taught February 26, 2015, through Portland Community College
- C. Board review and provide a recommendation for retroactive approval of CPR/AED/First Aid classes held through International Paper Springfield Mill February 17, 18, and March 7, 2015
- D. Request received from Martin J. Mulder to consider license equivalency to sit for the general journeyman examination
- E. Board review request from Oregon Solar Energy Industries Association to make a change to the renewable energy electrical fee schedule
- F. Review and provide a recommendation to proposed amendments to OAR 918-271-0040: Mandatory Inspections

VIII. Announcements - None

IX. Adjournment

Issues to remember when addressing the board:

- All public participation is subject to the discretion of the board Chair for order of testimony, length and relevance.
- Speakers are generally limited to five minutes.
- Please register on the attendance registration form and on the public testimony registration form, listing the appropriate agenda item.
- The board Chair will call you to the front testimony table.
- Please state your name and the organization you represent (if any).
- Always address your comments through the Chair.
- If written material is included, please provide 20 three-hole-punched copies of all information to the boards coordinator prior to the start of the meeting and, when possible, staff respectfully requests an electronic copy of materials 24 hours prior to the meeting.

Interpreter services or auxiliary aids for persons with disabilities are available upon advance request. Persons making presentations including the use of video, DVD, PowerPoint, or overhead projection equipment are asked to contact boards coordinator 24 hours prior to the meeting. For assistance, please contact Debi Barnes-Woods at (503) 378-6787.

Please do not park vehicles with "E" plates in "customer only" spaces.

Note: For information regarding re-appointments or board vacancies, please visit the Governor's website.

Electrical and Elevator Board
Meeting minutes
March 26, 2015

Members present: Michael Weaver, electrical contractor, Vice-chair
Thomas Lindberg, public member
James Fahey, commercial underwriter
Thomas Faires, elevator manufacturing
Timothy Frew, journeyman electrician
Heather Miller, journeyman electrician
Steven Trapp, electrical contractor
James Totten, owner/manager of a commercial office building

Members absent: Scott Hall, electrical equipment supplier
Robert Pyne, journeyman elevator installer
Sherry Sherman, electrical equipment manufacturing rep
Vacant, building official
Vacant, electrical inspector
Vacant, industrial plant employing electricians
Vacant, power and light industry

Staff present: Brett Salmon, manager, Policy and Technical Services
Keith Anderson, electrical program chief, Policy and Technical Services
Shawn Haggin, electrical program assistant chief, Policy and Technical Services
Jeff Starkey, assistant manager, Statewide Inspection Services
Roseanne Nelson, assistant manager, Statewide Inspection Services
Warren Hartung, elevator program chief, Statewide Inspection Services
John Adams, contested case representative, Enforcement Services
Judith Moore, policy analyst, Enforcement Services
Richard Baumann, policy analyst, Policy and Technical Services
Todd Smith, senior policy advisor, Policy and Technical Services
Debi Barnes-Woods, boards coordinator, Policy and Technical Services

Guests present: Nathan Philips, NECA
Randy Carmony, Local 23
Patrick Haynes, contractor
Loren Burnham, ATD/BOLI

I. Board business

A. Call to order

Acting Chairman, Vice-chair Michael Weaver, called the Electrical and Elevator Board meeting of March 26, 2015, to order at 9:30 a.m. The meeting was held at the Building Codes Division in Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Scott Hall and Sherry Sherman were both absent excused. Robert Pyne was absent unexcused. James Totten was connected by teleconference.

The Electrical and Elevator Board has the following four vacancies: Building official, electrical inspector, power and light industry, and industrial plant representative.

C. Approval of the agenda and order of business

Acting Chair Weaver **RULED** the agenda and order of business approved.

D. Approval of the board meeting minutes of January 22, 2015

Acting Chair Weaver **RULED** the board meeting minutes of January 22, 2015, approved as written.

E. Date of the next regularly scheduled meeting: May 28, 2015

II. Public comment - None

III. Reports

A. Division update

Brett Salmon, manager, Policy and Technical Services, reported on three items:

- Vacant board positions
- [Senate Bill 133](#)
- [House Bill 2843](#)

Manager Salmon also introduced a new employee to Policy and Technical Services:

- Todd Smith, policy analyst

B. Electrical program update

Keith Anderson, electrical program chief, Policy and Technical Services, discussed the training program for inspectors. He said the division continues to provide training for inspectors to ensure the OIC requirements are being met. He also noted that all the electrical code questions are updated to the 2014 Oregon Electrical Specialty Code.

C. Elevator program update

Warren Hartung, elevator program chief, Statewide Inspection Services, reviewed the accident report summary noting that there was a decrease in accidents during this reporting period.

D. Consideration of final order in the matter of Ryan D. Hash, Case No. C2014-0215

Judith Moore, enforcement policy analyst, stated Mr. Hash is an employee for Blue Water Inc., dba Columbia Housewarmers, who made an installation without appropriate electrical licenses with a cable assembly from a wall furnace to the dwelling's electricity. Mr. Hash requested a hearing. The ALJ agreed with the division and proposed a civil penalty.

Motion by Thomas Lindberg to issue a final order and adopt the proposed order with no changes.

Motion carried unanimously

C. Summary of enforcement actions previously taken by the division outlined on the enforcement board report (*No board action required*)

Cases included in this report were informational.

D. License revocation for Charles W. Degraffenreed (*No board action required*)

The case included in this report was informational.

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None

VII. New business

A. Review and approve continuing education courses and instructors

Richard Baumann, policy analyst, Policy and Technical Services, introduced Cindy Regier, the new executive director, Independent Electrical Contractors of Oregon (IEC). Cindy will be representing IEC at the Continuing Education Committee meetings.

The following corrections were made to the continuing education memo and matrix:

- Second paragraph of the memo: The committee met on February 10, 2015, not December 9.
- Item No. 12 of the matrix: 2 hours CR, not 8 hours of CR.
- Item No. 18 of the matrix: 2 hours of CR, not 4 hour of CR.
- Item No. 19 of the matrix: 4 hours of CR, not 2 hours of CR.

Note: The changes made in the column “Course Name” now match what was listed in the column “Committee Recommendation.”

Mr. Baumann said the committee and the division continues to require both the instructor’s applications and the course applications for the process to ensure that both meet the guidelines for approval.

Motion by Timothy Frew to approve the corrections made to match committee’s recommendations and all others listed for approval or denial of courses or instructors.

Motion carried unanimously

B. Board review and provide a recommendation for retroactive approval of courses taught fall of 2014 through Portland Community College

Chair Weaver suggested not moving forward with the retroactive request because the committee has not received all the information requested.

Motion by Thomas Lindberg to deny the retroactive request for approval because of insufficient information.

Motion carried unanimously

IX. Announcements

**Specialized Electrical Inspector (SEI) training course begins [April 6, 2015](#).
Only residential electrical inspectors may enroll.**

Richard Baumann, policy analyst, said this item is informational. This information is for residential electrical inspectors only.

X. Adjournment

Acting Chair Weaver adjourned the meeting at 11:05 a.m.

Respectfully submitted by Debi Barnes-Woods, boards administrator/coordinator

State of Oregon

Board memo

Building Codes Division

May 28, 2015

To: Electrical and Elevator Board

From: John D. Adams, contested case representative, Enforcement Services

Subject: Final Order for Randy A. Lapham; Case No. C2014-0119 (Civil Penalties and Order to Cease and Desist)

Action requested:

Board to decide on adoption of the proposed order and issuance of a final order.

Discussion:

The case before the board involves Randy A. Lapham, an unlicensed individual. An investigation found Mr. Lapham performed electrical installations for the account of another by installing an inverter, ductless heater, 220-volt electrical receptacle, and ten grounded electrical receptacles in a residential remodeling project. The work occurred between approximately October 2013 and February 2014 in Ashland, Oregon.

On August 26, 2014, the division issued Mr. Lapham a notice of proposed assessment of a civil penalty on behalf of the board, assessing penalties totaling¹ \$6,000 for engaging in the business of electrical contracting without an Oregon electrical contractor license, in violation of ORS 479.620(1); for making unlicensed electrical installations, in violation of ORS 479.620(3); and for making electrical installations without a permit, in violation of ORS 479.550(1). The division issued an amended version of the notice on January 2, 2015, adding an Order to Cease and Desist on behalf of the Director of the Department of Consumer and Business Services.

A hearing was held on January 21, 2015. On March 6, 2014, ALJ Davis issued a proposed order that found, among other things, that Mr. Lapham violated ORS 479.620(1), 479.620(3), and ORS 479.550(1), and also found that the \$6,000 penalty was appropriate. ALJ Davis therefore affirmed the Notice of Proposed Assessment of a Civil Penalty and the Order to Cease and Desist. The proposed order is attached for the board to review. A final order adopting ALJ Davis's proposed order is attached with four corrections of scrivener's errors (correcting citations). No substantive changes were made to the ALJ's proposed order. A representative for the Director of the Department has already signed the final order regarding the Order to Cease and Desist. The Chair of the State Plumbing Board has already signed the final order regarding

¹ The August 26, 2014, Notice of Proposed Assessment of Civil Penalties was a combined notice issued by the division on behalf of the Director of the Department of Consumer and Business Services, the State Plumbing Board and the Electrical and Elevator Board. The combined civil penalties proposed totaled \$12,000.

the plumbing violations following the State Plumbing Board's adoption of the proposed order with the corrections of the scrivener's errors at its April 16, 2015, meeting.

Options:

- Issue a final order and adopt the proposed order with the corrections of the scrivener's errors.
- Amend the proposed order and ask that it be brought back to the next board meeting for consideration.
- Disapprove the proposed order, which will dismiss the electrical violations of the case.

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
ELECTRICAL AND ELEVATOR BOARD
AND
STATE PLUMBING BOARD**

IN THE MATTER OF:) **PROPOSED ORDER**
)
RANDY A. LAPHAM) OAH Case No.: 1403951
) Agency Case No.: C2014-0119

HISTORY OF THE CASE

On August 26, 2014, the Electrical and Elevator Board and the Plumbing Board (Board) of the Building Codes Division (Division) issued a Notice of Proposed Assessment of Civil Penalty and Final Order on Default to Randy A. Lapham (Respondent). On September 12, 2014, Respondent requested a hearing.

On November 10, 2014, the Division referred the hearing request to the Office of Administrative Hearings. Administrative Law Judge (ALJ) Marni J. Davis was assigned to preside at hearing. On January 2, 2015, the Boards issued an Amended Notice of Proposed Assessment of a Civil Penalty and Final Order on Default and an Order to Cease and Desist.

ALJ Davis held a contested case telephone hearing on January 21, 2015. Respondent appeared and testified on his own behalf. John Adams represented the Division. Richard Hug, Mike Weaver, Shawn Haggin, Andrew Skinner and Andrea Simmons testified on behalf of the Division. The record closed at the conclusion of the hearing.

ISSUES

1. Whether Respondent made electrical installations without a supervising or journeyman electrician's license, in violation of ORS 479.620(3).
2. Whether Respondent made electrical installations without first obtaining a valid electrical permit, in violation of ORS 479.550(1).
3. Whether Respondent engaged in the business of making electrical installations, including advertising or otherwise purporting to be a business that makes electrical installations, without an electrical contractor's license, in violation of ORS 479.620(1).
4. Whether Respondent engaged in the trade of making plumbing installations without a valid journeyman plumber license, in violation of ORS 693.030(1).

5. Whether Respondent made a plumbing installation without first obtaining a valid plumbing permit, in violation of OAR 918-780-0065.

6. Whether Respondent engaged in the business of working as a plumbing contractor or advertising or purporting to be a plumbing contractor without a plumbing contractor license, in violation of ORS 447.040(1).

7. Whether the Division may impose a civil penalty of \$12,000 against Respondent. ORS 455.895(1) and OAR 918-001-0036.

8. Whether the Division may order Respondent to cease and desist from engaging in any violation of the state building code. ORS 455.775(2).

EVIDENTIARY RULING

Exhibits A1 through A21, offered by the Division, were admitted into the record without objection.

FINDINGS OF FACT

1. Randy A. Lapham (Respondent) is not a licensed journeyman electrician, licensed electrical contractor, licensed journeyman plumber or licensed plumbing contractor. (Ex. A10; test. of Simmons and Respondent.)

2. Beginning in approximately October 2013, Respondent performed work at a residence located at 739 Park Street, in Ashland, Oregon (the residence). He removed a hot water heater and installed a hot water Eco-Smart green energy system, a new 220 plug for the clothes dryer, a Gree ductless heater on the living room wall, approximately ten grounded plugs inside the residence and one GFI plug outside on the deck. No permits were issued for these installations. (Ex. A1; test. of Respondent, Weaver.) Respondent also installed 14 solar panels on the roof of the residence. (Ex. A1; test. of Hug, Weaver.)

3. The owner of the residence was Genevieve Hug. In late October 2013, she was hospitalized. At that time, her father, Richard Hug, began helping her with her finances and home repairs. Ms. Hug passed away on April 17, 2014. (Test. of Hug.)

4. On December 17, 2013, Mr. Hug paid Respondent \$1,750 for work he performed at Ms. Hug's residence. The payment was made to Respondent's girlfriend's bank account. (Ex. A20; test. of Hug.)

5. On February 9, 2014, Respondent sent Mr. Hug an email attaching pictures of the installed solar panels at Ms. Hug's residence. He also informed Mr. Hug that the remaining balance on the "solar panels project" was \$2,300. (Ex. A17.)

6. On February 10, 2014, Mr. Hug paid Respondent \$1,300. This payment was also made to Respondent's girlfriend's bank account. (Ex. A17.)

7. On May 26, 2014, Mike Weaver, a Division enforcement officer, received a report that Respondent had installed a solar electrical system at the residence. Ms. Hug's mother, Nancy Lauka, reported to Mr. Weaver that Respondent had installed a Gree Inverter, a Gree Ductless heat and disconnect, a Kaco Blueplanet Panel, and an electrical power supply line coming out of the main panel. Ms. Lauka also reported that Respondent had mounted 14 solar panels to the roof and he installed a disconnect on the roof and a hot water Eco-Smart green energy water heater. (Ex. A1; test. of Weaver.)

8. On May 28, 2014, Mr. Weaver contacted Respondent. Respondent informed Mr. Weaver that his last name was spelled "Latham." Respondent confirmed that he helped install a Gree Invertor, a Gree ductless heater on the living room wall, a hot water Eco-Smart green energy system, a new 220 plug for the clothes dryer, ten grounded plugs inside the house and one GFI plug outside on the deck at the residence. He also confirmed that he had relocated the 220 range plug and wire in the kitchen. (Ex. A1; test. of Weaver.) Mr. Weaver wrote a statement regarding the installations Respondent performed and the conversation that day. Respondent reviewed the statement, confirmed that the statement was accurate, but refused to sign it. (Ex. A3; test. of Weaver.)

9. After speaking with Respondent, Mr. Weaver contacted Matt Rodrigues, a Division investigator, to update him on his conversation with Respondent. Mr. Rodrigues questioned the spelling of Respondent's last name. Mr. Weaver contacted Respondent to question him further about his last name. Initially, Respondent confirmed that his last name was spelled "Latham." However, after Mr. Weaver explained that he had checked on the spelling, Respondent confirmed that his last name was spelled "Lapham." (Ex. A1; test. of Weaver.)

10. On June 5, 2014, Division enforcement officer Tom Nicolai mailed a letter to Respondent and requested further information about the installations performed at the residence. (Ex. A5.)

11. On September 12, 2014, Respondent mailed a statement to the Division wherein he denied performing any work at the residence and stated that he was only at the residence to "make sure deliveries made it on time, without damages, & were not stolen." (Ex. A13.)

12. Installing a Gree inverter, a Gree ductless heater, a 220-volt electrical clothes dryer receptacle, ten

13. Installing a Gree inverter, a ductless heater, a 220-volt electrical clothes dryer receptacle, ten new grounded electrical receptacles and a GFI electrical receptacle, and relocating a 220-volt electrical receptacle and wire are actions that constitute "making electrical an electrical installation" as defined in ORS 479.530(10). Electrical permits are required prior to making such electrical installations. (Test. of Haggin.)

14. Installing a hot water Eco-Smart green energy system is a plumbing installation, as defined in ORS 447.010(6). A plumbing permit is required prior to making this plumbing installation. (Test. of Skinner).

15. The Board based the proposed penalties in this case on the factors set forth in the Division's penalty matrix. (Ex. A21; test. of Simmons.)

CONCLUSIONS OF LAW

1. Respondent made electrical installations without a supervising or journeyman electrician's license, in violation of ORS 479.620(3).
2. Respondent made electrical installations without first obtaining a valid electrical permit, in violation of ORS 479.550(1).
3. Respondent engaged in the business of making electrical installations, including advertising or otherwise purporting to be a business that makes electrical installations, without an electrical contractor's license, in violation of ORS 479.620(1).
4. Respondent engaged in the trade of making plumbing installations without a valid journeyman plumber license, in violation of ORS 693.030(1).
5. Respondent made a plumbing installation without first obtaining a valid plumbing permit, in violation of OAR 918-780-0065.
6. Respondent engaged in the business of working as a plumbing contractor or advertising or purporting to be a plumbing contractor without a plumbing contractor license, in violation of ORS 447.040(1).
7. The Division may impose a civil penalty of \$12,000 against Respondent.
8. The Division may order Respondent to cease and desist from engaging in any violation of the state building code.

OPINION

The Division contends that Respondent made electrical installations without a supervising or journeyman electrician's license, that he made electrical installations without first obtaining a valid electrical permit, that he engaged in the business of making electrical installations without an electrical contractor's license, that he engaged in the trade of making plumbing installations without a valid journeyman plumber license, that he made a plumbing installation without first obtaining a valid plumbing permit and that he engaged in the business of making plumbing installations without a plumbing contractor's license. The Division also contends that Respondent should be assessed a \$12,000 civil penalty for the violations and that he should be ordered to cease and desist from engaging in any further violation of the state building code. The Division has the burden to show, by a preponderance of the evidence, that Respondent committed the alleged violations and that the proposed civil penalty and the order to cease and desist are appropriate. ORS 183.450(2), *Harris v. SAIF*, 292 Or 683, 690 (1982). Proof by a preponderance of evidence means that the fact finder is persuaded that the facts asserted are more likely true than not true. *Riley Hill General Contractor, Inc. v. Tandy Corp.*, 303 Or. 390 (1987). Based on this record, the Division has met its burden.

Making an Electrical Installation without a Supervising or Journeyman Electrician's License

ORS 479.530(10) provides:

“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. “Electrical installation” also means the maintenance or repair of installed electrical wiring and permanently attached electrical products. “Electrical installation” does not include an oil module.

ORS 479.620(3) provides:

Subject to ORS 679.540, a person may not:

Except as provided in ORS 479.630(10)(c) and (11)(f), direct, supervise or control the making of an electrical installation without a supervising electrician's license.

Respondent admitted at hearing that he performed electrical work at the residence and that he is not a licensed journeyman electrician. While Respondent denied at hearing installing the solar panels, he admitted that he installed a hot water Eco-Smart green energy system, a new 220 plug for the clothes dryer, a Gree ductless heater on the living room wall, approximately ten grounded plugs inside the residence and one GFI plug outside on the deck. These installations are electrical installations as defined in ORS 479.530(10) and they are not exempt from the licensing requirements of 479.620(3). Respondent made electrical installations without the required license, in violation of ORS 476.620(3).

Making an Electrical Installation without Obtaining an Electrical Permit

ORS 479.550(1) provides:

Except as provided in ORS 479.540, no person shall work on any new electrical installation for which a permit has not been issued.

Respondent did not obtain any permits for the electrical installations he made at the residence, in violation of ORS 479.550(1). The electrical installations performed by Respondent are not exempt from the electrical permit requirements as set forth in ORS 479.550(1).

Engaging in the Business of Making Electrical Installations without an Electrical Contractor's License:

ORS 479.620(1) provides:

Subject to ORS 479.540, a person may not:

Without an electrical contractor's license, engage in the business of making electrical installations, advertise as or otherwise purport to be licensed to make electrical installations or purport to be acting as a business that makes electrical installations.

Respondent admitted at hearing that he made electrical installations and that he does not have an electrical contractor's license. The evidence is persuasive that Mr. Hug paid Respondent for those electrical installations. Because Respondent agreed to perform this work and received payment for the work, the preponderance of the evidence indicates that he purported to be acting as a business that makes electrical installations and his conduct does not fall within the exemptions as set forth in ORS 479.540. Thus, Respondent engaged in the business of making electrical installations without an electrical contractor's license, in violation of ORS 479.620(1).

Engaging in the Trade of Making Plumbing Installations without a Valid Journeyman Plumber License

ORS 447.010(6) provides:

"Plumbing" is the art of installing, altering or repairing in or adjacent to serving buildings:

- (a) Pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried waste, including the water supply distributing pipes.
- (b) Fixtures and fixture traps.
- (c) Soil, waste and vent pipes.
- (d) House drain and house sewer to the sewer service lateral at the curb, or in the street, or alley, or other disposal terminal holding human or domestic sewage.
- (e) Storm water drainage, with their devices, appurtenances and connections.
- (f) Pipes, fixtures and other apparatus for medical gas, anesthetic waste gas and vacuum systems.

ORS 693.030(1) provides:

A person may not engage in the trade of journeyman plumber without a journeyman plumber license issued under this chapter.

Respondent has conceded that he installed a hot water Eco-Smart green energy system at the residence and that he does not have a journeyman plumber license. This installation is a

plumbing installation as defined in ORS 447.010(6). By installing the hot water Eco-Smart green energy system, Respondent engaged in the trade of a journeyman plumber without the requisite license, and therefore violated of ORS 693.030(1).

Making a Plumbing Installation without Obtaining a Plumbing Permit

OAR 918-780-0065 provides:

No person, firm, or corporation shall do plumbing or medical gas systems work in the State of Oregon without first obtaining a plumbing permit or minor label when required and paying the appropriate fees to the authorized permit issuing agency.

Respondent did not obtain a permit for the plumbing work he performed when installing the hot water Eco-Smart green energy system at the residence. Because the installation constitutes “plumbing work,” Respondent violated OAR 918-780-0065.

Engaging in the Business of Working as a Plumbing Contractor or Advertising or Purporting to be a Plumbing Contractor without a Plumbing Contractor License

ORS 447.040(1) provides:

A person may not work as a plumbing contractor, or advertise or purport to be a plumbing contractor, and a member or employee of a firm, partnership or corporation may not engage in the layout or superintending of plumbing installations, without having obtained the plumber contractor license under ORS 447.010 to 447.156 as provided by State Plumbing Board rules adopted under ORS 455.117.

Respondent has admitted that he made a plumbing installation and that he does not have a plumbing contractor license. The evidence is persuasive that Respondent received payment for making the plumbing installation. Because he agreed to perform this work and received payment for the work, the preponderance of the evidence indicates that he purported to be acting as a plumbing contractor. Thus, he engaged in the business of working as a plumbing contractor without a plumbing contractor license, in violation of ORS 447.040(1).

Civil Penalties

The Division has adopted administrative rules to administer and enforce ORS chapter 693. OAR 918-001-0036(6) provides that the Director may, subject to approval of the Boards, develop a penalty matrix to use as a guideline for assessing civil penalties.

The Division’s penalty matrix provides for a civil penalty of \$3,000 for violating ORS 479.620(1), \$3,000 for violating ORS 447.040(1), \$2,000 for violating ORS 479.620(3), \$2,000 for violating ORS 693.030(1), \$1,000 for violating ORS 479.550(1) and \$1,000 for violating OAR 918-780-0065. Therefore, the \$12,000 civil penalty proposed by the Division is appropriate.

Order to Cease and Desist:

ORS 455.755(2) provides:

If the director has reason to believe that any person has been engaged, or is engaging, or is about to engage in any violation of the state building code, * * *, the director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to cease and desist from the violation or threatened violation.

The Division contends that Respondent has been or is violating state building code law. Such belief is reasonable, based on Respondent's numerous violations in 2013-2014 and his inability to provide consistent and accurate information to the Division during the investigation process. The Division has established grounds to issue an Order to Cease and Desist.

ORDER

I propose the Building Codes Division, Electrical and Elevator Board and Plumbing Board, issue the following order:

Randy A. Lapham shall pay a \$12,000 civil penalty and shall cease and desist from violations of ORS chapters 447, 479, 693 and 455 and the rules adopted thereunder.

Marni J. Davis

Administrative Law Judge
Office of Administrative Hearings

APPEAL PROCEDURE

This is the Administrative Law Judge's Proposed Order. You have the right to file written exceptions and argument to be considered per OAR 137-003-0650. Your exceptions and argument must be received within 20 calendar days after the service date of this Proposed Order. Send them to:

Building Codes Division
Manager, Enforcement and Licensing
PO Box 14470
Salem, OR 97309-0404

CERTIFICATE OF MAILING

On March 6, 2015, I mailed the foregoing Proposed Order issued on this date in OAH Case No. 1403951.

By: First Class Mail

Randy Lapham
2537 Connell Ave
Medford OR 97501

John Adams
Building Codes Division
PO Box 14470
Salem OR 97309-0404

Lucy Garcia
Administrative Specialist
Hearing Coordinator

2. Whether Respondent made electrical installations without first obtaining a valid electrical permit, in violation of ORS 479.550(1).
3. Whether Respondent engaged in the business of making electrical installations, including advertising or otherwise purporting to be a business that makes electrical installations, without an electrical contractor's license, in violation of ORS 479.620(1).
4. Whether Respondent engaged in the trade of making plumbing installations without a valid journeyman plumber license, in violation of ORS 693.030(1).
5. Whether Respondent made a plumbing installation without first obtaining a valid plumbing permit, in violation of OAR 918-780-0065.
6. Whether Respondent engaged in the business of working as a plumbing contractor or advertising or purporting to be a plumbing contractor without a plumbing contractor license, in violation of ORS 447.040(1).
7. Whether the Division may impose a civil penalty of \$12,000 against Respondent. ORS 455.895(1) and OAR 918-001-0036.
8. Whether the Division may order Respondent to cease and desist from engaging in any violation of the state building code. ORS 455.775(2).

EVIDENTIARY RULING

Exhibits A1 through A21, offered by the Division, were admitted into the record without objection.

FINDINGS OF FACT

1. Randy A. Lapham (Respondent) is not a licensed journeyman electrician, licensed electrical contractor, licensed journeyman plumber or licensed plumbing contractor. (Ex. A10; test. of Simmons and Respondent.)
2. Beginning in approximately October 2013, Respondent performed work at a residence located at 739 Park Street, in Ashland, Oregon (the residence). He removed a hot water heater and installed a hot water Eco-Smart green energy system, a new 220 plug for the clothes dryer, a Gree ductless heater on the living room wall, approximately ten grounded plugs inside the residence and one GFI plug outside on the deck. No permits were issued for these installations. (Ex. A1; test. of Respondent, Weaver.) Respondent also installed 14 solar panels on the roof of the residence. (Ex. A1; test. of Hug, Weaver.)
3. The owner of the residence was Genevieve Hug. In late October 2013, she was hospitalized. At that time, her father, Richard Hug, began helping her with her finances and home repairs. Ms. Hug passed away on April 17, 2014. (Test. of Hug.)

4. On December 17, 2013, Mr. Hug paid Respondent \$1,750 for work he performed at Ms. Hug's residence. The payment was made to Respondent's girlfriend's bank account. (Ex. A20; test. of Hug.)

5. On February 9, 2014, Respondent sent Mr. Hug an email attaching pictures of the installed solar panels at Ms. Hug's residence. He also informed Mr. Hug that the remaining balance on the "solar panels project" was \$2,300. (Ex. A17.)

6. On February 10, 2014, Mr. Hug paid Respondent \$1,300. This payment was also made to Respondent's girlfriend's bank account. (Ex. A17.)

7. On May 26, 2014, Mike Weaver, a Division enforcement officer, received a report that Respondent had installed a solar electrical system at the residence. Ms. Hug's mother, Nancy Lauka, reported to Mr. Weaver that Respondent had installed a Gree Inverter, a Gree Ductless heat and disconnect, a Kaco Blueplanet Panel, and an electrical power supply line coming out of the main panel. Ms. Lauka also reported that Respondent had mounted 14 solar panels to the roof and he installed a disconnect on the roof and a hot water Eco-Smart green energy water heater. (Ex. A1; test. of Weaver.)

8. On May 28, 2014, Mr. Weaver contacted Respondent. Respondent informed Mr. Weaver that his last name was spelled "Latham." Respondent confirmed that he helped install a Gree Invertor, a Gree ductless heater on the living room wall, a hot water Eco-Smart green energy system, a new 220 plug for the clothes dryer, ten grounded plugs inside the house and one GFI plug outside on the deck at the residence. He also confirmed that he had relocated the 220 range plug and wire in the kitchen. (Ex. A1; test. of Weaver.) Mr. Weaver wrote a statement regarding the installations Respondent performed and the conversation that day. Respondent reviewed the statement, confirmed that the statement was accurate, but refused to sign it. (Ex. A3; test. of Weaver.)

9. After speaking with Respondent, Mr. Weaver contacted Matt Rodrigues, a Division investigator, to update him on his conversation with Respondent. Mr. Rodrigues questioned the spelling of Respondent's last name. Mr. Weaver contacted Respondent to question him further about his last name. Initially, Respondent confirmed that his last name was spelled "Latham." However, after Mr. Weaver explained that he had checked on the spelling, Respondent confirmed that his last name was spelled "Lapham." (Ex. A1; test. of Weaver.)

10. On June 5, 2014, Division enforcement officer Tom Nicolai mailed a letter to Respondent and requested further information about the installations performed at the residence. (Ex. A5.)

11. On September 12, 2014, Respondent mailed a statement to the Division wherein he denied performing any work at the residence and stated that he was only at the residence to "make sure deliveries made it on time, without damages, & were not stolen." (Ex. A13.)

~~12. Installing a Gree inverter, a Gree ductless heater, a 220-volt electrical clothes dryer receptacle, ten~~

12. Installing a Gree inverter, a ductless heater, a 220-volt electrical clothes dryer receptacle, ten new grounded electrical receptacles and a GFI electrical receptacle, and relocating a 220-volt electrical receptacle and wire are actions that constitute “making electrical an electrical installation” as defined in ORS 479.530(10). Electrical permits are required prior to making such electrical installations. (Test. of Haggin.)

13. Installing a hot water Eco-Smart green energy system is a plumbing installation, as defined in ORS 447.010(6). A plumbing permit is required prior to making this plumbing installation. (Test. of Skinner).

14. The Board based the proposed penalties in this case on the factors set forth in the Division’s penalty matrix. (Ex. A21; test. of Simmons.)

CONCLUSIONS OF LAW

1. Respondent made electrical installations without a supervising or journeyman electrician's license, in violation of ORS 479.620(3).
2. Respondent made electrical installations without first obtaining a valid electrical permit, in violation of ORS 479.550(1).
3. Respondent engaged in the business of making electrical installations, including advertising or otherwise purporting to be a business that makes electrical installations, without an electrical contractor's license, in violation of ORS 479.620(1).
4. Respondent engaged in the trade of making plumbing installations without a valid journeyman plumber license, in violation of ORS 693.030(1).
5. Respondent made a plumbing installation without first obtaining a valid plumbing permit, in violation of OAR 918-780-0065.
6. Respondent engaged in the business of working as a plumbing contractor or advertising or purporting to be a plumbing contractor without a plumbing contractor license, in violation of ORS 447.040(1).
7. The Division may impose a civil penalty of \$12,000 against Respondent.
8. The Division may order Respondent to cease and desist from engaging in any violation of the state building code.

OPINION

The Division contends that Respondent made electrical installations without a supervising or journeyman electrician's license, that he made electrical installations without first obtaining a valid electrical permit, that he engaged in the business of making electrical installations without an electrical contractor's license, that he engaged in the trade of making plumbing installations without a valid journeyman plumber license, that he made a plumbing installation without first obtaining a valid plumbing permit and that he engaged in the business of making plumbing installations without a plumbing contractor's license. The Division also contends that Respondent should be assessed a \$12,000 civil penalty for the violations and that he should be ordered to cease and desist from engaging in any further violation of the state building code. The Division has the burden to show, by a preponderance of the evidence, that Respondent committed the alleged violations and that the proposed civil penalty and the order to cease and desist are appropriate. ORS 183.450(2), *Harris v. SAIF*, 292 Or 683, 690 (1982). Proof by a preponderance of evidence means that the fact finder is persuaded that the facts asserted are more likely true than not true. *Riley Hill General Contractor, Inc. v. Tandy Corp.*, 303 Or. 390 (1987). Based on this record, the Division has met its burden.

Making an Electrical Installation without a Supervising or Journeyman Electrician's License

ORS 479.530(10) provides:

“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. “Electrical installation” also means the maintenance or repair of installed electrical wiring and permanently attached electrical products. “Electrical installation” does not include an oil module.

ORS 479.620(3) provides:

Subject to ORS ~~679.540~~ **479.540**, a person may not:

Except as provided in ORS 479.630(10)(c) and (11)(f), direct, supervise or control the making of an electrical installation without a supervising electrician's license.

Respondent admitted at hearing that he performed electrical work at the residence and that he is not a licensed journeyman electrician. While Respondent denied at hearing installing the solar panels, he admitted that he installed a hot water Eco-Smart green energy system, a new 220 plug for the clothes dryer, a Gree ductless heater on the living room wall, approximately ten grounded plugs inside the residence and one GFI plug outside on the deck. These installations are electrical installations as defined in ORS 479.530(10) and they are not exempt from the licensing requirements of 479.620(3). Respondent made electrical installations without the required license, in violation of ORS ~~476.620(3)~~ **479.620(3)**.

Making an Electrical Installation without Obtaining an Electrical Permit

ORS 479.550(1) provides:

Except as provided in ORS 479.540, no person shall work on any new electrical installation for which a permit has not been issued.

Respondent did not obtain any permits for the electrical installations he made at the residence, in violation of ORS 479.550(1). The electrical installations performed by Respondent are not exempt from the electrical permit requirements as set forth in ORS 479.550(1).

Engaging in the Business of Making Electrical Installations without an Electrical Contractor's License:

ORS 479.620(1) provides:

Subject to ORS 479.540, a person may not:

Without an electrical contractor's license, engage in the business of making electrical installations, advertise as or otherwise purport to be licensed to make electrical installations or purport to be acting as a business that makes electrical installations.

Respondent admitted at hearing that he made electrical installations and that he does not have an electrical contractor's license. The evidence is persuasive that Mr. Hug paid Respondent for those electrical installations. Because Respondent agreed to perform this work and received payment for the work, the preponderance of the evidence indicates that he purported to be acting as a business that makes electrical installations and his conduct does not fall within the exemptions as set forth in ORS 479.540. Thus, Respondent engaged in the business of making electrical installations without an electrical contractor's license, in violation of ORS 479.620(1).

Engaging in the Trade of Making Plumbing Installations without a Valid Journeyman Plumber License

ORS 447.010(6) provides:

"Plumbing" is the art of installing, altering or repairing in or adjacent to serving buildings:

- (a) Pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water-carried waste, including the water supply distributing pipes.
- (b) Fixtures and fixture traps.
- (c) Soil, waste and vent pipes.
- (d) House drain and house sewer to the sewer service lateral at the curb, or in the street, or alley, or other disposal terminal holding human or domestic sewage.
- (e) Storm water drainage, with their devices, appurtenances and connections.
- (f) Pipes, fixtures and other apparatus for medical gas, anesthetic waste gas and vacuum systems.

ORS 693.030(1) provides:

A person may not engage in the trade of journeyman plumber without a journeyman plumber license issued under this chapter.

Respondent has conceded that he installed a hot water Eco-Smart green energy system at the residence and that he does not have a journeyman plumber license. This installation is a

plumbing installation as defined in ORS 447.010(6). By installing the hot water Eco-Smart green energy system, Respondent engaged in the trade of a journeyman plumber without the requisite license, and therefore violated of ORS 693.030(1).

Making a Plumbing Installation without Obtaining a Plumbing Permit

OAR 918-780-0065 provides:

No person, firm, or corporation shall do plumbing or medical gas systems work in the State of Oregon without first obtaining a plumbing permit or minor label when required and paying the appropriate fees to the authorized permit issuing agency.

Respondent did not obtain a permit for the plumbing work he performed when installing the hot water Eco-Smart green energy system at the residence. Because the installation constitutes “plumbing work,” Respondent violated OAR 918-780-0065.

Engaging in the Business of Working as a Plumbing Contractor or Advertising or Purporting to be a Plumbing Contractor without a Plumbing Contractor License

ORS 447.040(1) provides:

A person may not work as a plumbing contractor, or advertise or purport to be a plumbing contractor, and a member or employee of a firm, partnership or corporation may not engage in the layout or superintending of plumbing installations, without having obtained the plumber contractor license under ORS 447.010 to 447.156 as provided by State Plumbing Board rules adopted under ORS 455.117.

Respondent has admitted that he made a plumbing installation and that he does not have a plumbing contractor license. The evidence is persuasive that Respondent received payment for making the plumbing installation. Because he agreed to perform this work and received payment for the work, the preponderance of the evidence indicates that he purported to be acting as a plumbing contractor. Thus, he engaged in the business of working as a plumbing contractor without a plumbing contractor license, in violation of ORS 447.040(1).

Civil Penalties

The Division has adopted administrative rules to administer and enforce ORS chapter 693. OAR 918-001-0036(6) provides that the Director may, subject to approval of the Boards, develop a penalty matrix to use as a guideline for assessing civil penalties.

The Division’s penalty matrix provides for a civil penalty of \$3,000 for violating ORS 479.620(1), \$3,000 for violating ORS 447.040(1), \$2,000 for violating ORS 479.620(3), \$2,000 for violating ORS 693.030(1), \$1,000 for violating ORS 479.550(1) and \$1,000 for violating OAR 918-780-0065. Therefore, the \$12,000 civil penalty proposed by the Division is appropriate.

Order to Cease and Desist:

ORS ~~455.755(2)~~ **455.775(2)** provides:

If the director has reason to believe that any person has been engaged, or is engaging, or is about to engage in any violation of the state building code, * * *, the director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to cease and desist from the violation or threatened violation.

The Division contends that Respondent has been or is violating state building code law. Such belief is reasonable, based on Respondent's numerous violations in 2013-2014 and his inability to provide consistent and accurate information to the Division during the investigation process. The Division has established grounds to issue an Order to Cease and Desist.

ORDER

Randy A. Lapham shall pay a \$12,000 civil penalty and shall cease and desist from violations of ORS chapters 447, 479, 693 and 455 and the rules adopted thereunder.

_____ for Dated this __ day of _____, 2015.
Director,
Department of Consumer and Business
State of Oregon

_____ Dated this __ day of _____, 2015.
Chair,
Electrical and Elevator Board
State of Oregon

_____ Dated this __ day of _____, 2015.
Chair,
State Plumbing Board
State of Oregon

**NOTICE OF OPPORTUNITY FOR JUDICIAL REVIEW
(OREGON COURT OF APPEALS)**

Respondent is entitled to judicial review of this Final Order pursuant to ORS 183.482. Judicial review may be initiated by filing a petition for review with the Oregon Court of Appeals within sixty (60) days from the date this Final Order was mailed to Respondent.

State of Oregon

Board memo

Building Codes Division

May 28, 2015

To: Electrical and Elevator Board
From: Judith I. Moore, policy analyst, Enforcement Services
Subject: Final Order for Shane Rowley, C2014-0203

Action requested:

Consideration of final order for Case No. C2014-0203.

Discussion:

This case is a result of an investigation that found Mr. Rowley, dba Quicknet Computers, entered into an agreement to obtain permits and make electrical installations. While performing the work under this contract, he allowed an unlicensed person to perform electrical installations.

On January 8, 2015, the division issued a notice of proposed assessment of a civil penalty and order to cease and desist to Mr. Rowley assessing a \$3,000 civil penalty holding itself out as a licensed electrical contractor under Oregon Revised Statutes [\(ORS\) 479.620\(1\)](#); and a \$2,000 civil penalty for allowing an unlicensed person to perform electrical installations under Oregon Administrative Rules [\(OAR\) 918-282-0120\(1\)](#).

Mr. Rowley requested a hearing, which was held on March 10, 2015. Administrative Law Judge (ALJ) Marni Davis presided over the hearing. On April 24, 2015, ALJ Davis issued a proposed order that found Mr. Rowley:

- (1) Engaged in the business of making electrical installations, advertised as or otherwise purported to be licensed to make electrical installations or purported to be acting as a business that makes electrical installations without an electrical contractor's license, in violation of ORS 479.620(1); and
- (2) Allowed an individual to perform electrical work for which the individual was not properly registered or licensed, in violation of OAR 918-2828-0120(1).

ALJ Davis therefore determined that the Building Codes Division may impose a civil penalty of \$5,000 against Mr. Rowley.

Mr. Rowley did not submit any exceptions to the proposed order. The proposed order and final order are attached for review.

Recommendation:

The division recommends the board adopt the proposed order and issue a final order.

Options:

- Issue a final order and adopt the proposed order with no changes; or
- Amend the proposed order and ask that it be brought back to the next board meeting for consideration.

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**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
BUILDING CODES DIVISION**

IN THE MATTER OF:) **PROPOSED ORDER**
)
SHANE ROWLEY, DBA QUICKNET) OAH Case No.: 1504022
COMPUTERS) Agency Case No.: C2014-0203

HISTORY OF THE CASE

On January 7, 2015, the Electrical and Elevator Board (Board) of the Building Codes Division (Division) issued a Notice of Proposed Assessment of Civil Penalty, Final Order on Default and Order to Cease and Desist to Shane Rowley, DBA Quicknet Computers (Respondent). On January 13, 2015, Respondent requested a hearing.

On January 28, 2015, the Division referred the hearing request to the Office of Administrative Hearings. Administrative Law Judge (ALJ) Marni J. Davis was assigned to preside at hearing.

ALJ Davis held a contested case telephone hearing on March 10, 2015. Respondent appeared and testified on his own behalf. Judith Moore represented the Division. Nick Ness, Lia Poole, Jeffrey Estill, Kevin Heck, Shawn Haggin and Andrea Simmons testified on behalf of the Division. The record closed at the conclusion of the hearing.

ISSUES

1. Whether Respondent engaged in the business of making electrical installations, advertised as or otherwise purported to be licensed to make electrical installations or purported to be acting as a business that makes electrical installations without an electrical contractor's license, in violation of ORS 479.620(1).
2. Whether Respondent allowed an individual to perform electrical work for which the individual is not properly registered or licensed, in violation of OAR 918-282-0120(1).
3. Whether the Division may impose a civil penalty of \$5,000 against Respondent. ORS 455.895(1)(b) and OAR 918-001-0036.
4. Whether the Division may order Respondent to cease and desist from engaging in any violation of the state building code. ORS 455.775(2).

EVIDENTIARY RULING

Exhibits A1 through A20, offered by the Division, were admitted into the record without objection.

FINDINGS OF FACT

1. Shane Rowley, DBA Quicknet Computers, (Respondent) does not hold an electrical contractor's license. Mr. Rowley is the owner of Quicknet Computers. (Ex. A9; test. of Respondent.)
2. Carmax Auto Superstores Westcoast, Inc. (Carmax) contracted with American Systems, an electrical contractor, to perform all the low-voltage installations for all Carmax dealerships under construction. American Systems hired Total Networks Interface, Inc. (TNI) to install the cabling for the low-voltage installations located at the Carmax location at 9405 SW Cascade Avenue, Beaverton, Oregon. (Ex. A7.)
3. On February 21, 2014, Respondent participated in a pre-construction meeting with TNI to discuss the Carmax project. Respondent was listed in Field Nation, an online platform that lists contractors. TNI searched for low-voltage technicians in Oregon on the Field Nation website when it found Respondent's name. TNI understood that Respondent was a low-voltage technician. (Test. of Ness, Poole.)
4. On March 17, 2014, TNI entered into a Partner Purchase Agreement with Respondent. The work was to begin on March 31, 2014, and by June 13, 2014 all system cable would be installed. The statement of work on the purchase order stated that Respondent would install all cabling and cable support per the direction and prints, that he would terminate, label, test and device all the cabling, that he would terminate and test the fiber and that he would adhere to daily and weekly reporting procedures. TNI understood that Respondent would be managing the work, performing the work, meeting all deadlines and ensuring that all low-voltage cabling was installed in accordance with the guidelines and standards of the industry. He would be the lead technician at the job site and he would not be sub-contracting the work out to any other company. (Ex. A5; test. of Poole, Ness.)
5. Respondent hired Jared Kimber, DBA Columbia Voice & Data (Columbia), Jeffrey Estill and Scott Stevanus to perform the low-voltage cabling installation he contracted with TNI to complete. TNI was not aware that Respondent contracted the work out to these individuals. Columbia does not have an electrical contractor's license and Mr. Kimber does not have a journeyman electrician's license. (Exs. A5, A11; test. of Respondent, Heck, Estill, Poole.) Respondent believed Columbia and Mr. Kimber were properly licensed in Oregon. (Test. of Respondent.)
6. Columbia hired James Gibson to perform some of the low-voltage cabling at the Carmax location. Mr. Gibson is not a licensed journeyman electrician. (Ex. A7.)

7. Columbia contracted with Kevin Heck, the owner of Hecktec Technical, LLC (Hecktec) to install low-voltage cabling at the Carmax location. (Test. of Heck.)

8. In March 18, 2014, the City of Beaverton issued a permit to Hecktec to install all the low-voltage wiring for all buildings at the Carmax location. (Ex. A8; test. of Heck.)

9. On March 31, 2014, Respondent emailed Mr. Kimber a template that he needed to complete each day and return to Respondent so Respondent would have a record of the work performed that day. (Ex. A17.)

10. On April 1, 2014, Mr. Kimber emailed Respondent a report of the work he completed that day. He wrote that he worked from 6:00 am until 5:30 pm and that he "roughed in" seven d-packs, three b-packs, two speakers and two cameras. (Ex. A17.)

11. On April 2, 2014, Respondent confirmed that he received payment from TNI for the cost of the permits obtained for the Carmax project. (Ex. A17.)

12. Respondent assisted Mr. Heck in installing some dressing on one of the electrical runs and gave directions to Mr. Heck about what Carmax wanted repaired. Respondent also grabbed wire that Mr. Heck dropped down a shaft so that it would not rub against the metal. (Ex. A10.)

13. Roughing in seven d-packs, three b-packs, two speakers and two cameras are electrical installations pursuant to ORS 479.530(10). Assisting in dressing an electrical run and grabbing wire and pulling it so it would not rub against metal are also electrical installations pursuant to ORS 479.530(10). (Test. of Haggin.)

14. The Board based the proposed penalty in this case on the factors set forth in the Division's penalty matrix. (Ex. A19; test. of Simmons.)

CONCLUSIONS OF LAW

(1) Respondent engaged in the business of making electrical installations, advertised as or otherwise purported to be licensed to make electrical installations or purported to be acting as a business that makes electrical installations without an electrical contractor's license, in violation of ORS 479.620(1).

(2) Respondent allowed an individual to perform electrical work for which the individual was not properly registered or licensed, in violation of OAR 918-282-0120(1).

(3) The Division may impose a civil penalty of \$5,000 against Respondent.

(4) The Division may not order Respondent to cease and desist from engaging in any violation of the state building code.

OPINION

The Division contends that Respondent engaged in the business of making electrical installations, advertised as or otherwise purported to be licensed to make electrical installations or purported to be acting as a business that makes electrical installations without an electrical contractor's license and that he allowed an individual to perform electrical work for which the individual was not properly registered or licensed. The Division also contends that Respondent should be assessed a \$5,000 civil penalty for the violations and he should be ordered to cease and desist from engaging in any further violation of the state building code. The Division has the burden to show, by a preponderance of the evidence, that Respondent committed the alleged violations, and that the proposed penalty and the order to cease and desist are appropriate. ORS 183.450(2), *Harris v. SAIF*, 292 Or 683, 690 (1982). Proof by a preponderance of evidence means that the fact finder is persuaded that the facts asserted are more likely true than not true. *Riley Hill General Contractor, Inc. v. Tandy Corp.*, 303 Or. 390 (1987).

Engaging in Certain Conduct without an Electrical Contractor's License:

ORS 479.620(1) provides:

Subject to ORS 479.540, a person may not:

Without an electrical contractor's license, engage in the business of making electrical installations, advertise as or otherwise purport to be licensed to make electrical installations or purport to be acting as a business that makes electrical installations.

Respondent does not have an electrical contractor's license. At hearing, Respondent denied that he advertised or otherwise purported to be licensed to make electrical installations or purported to be acting as a business that makes electrical installations. Based on Respondent's listing on the Field Nation website as a low-voltage technician, and its pre-construction meeting with Respondent, TNI believed Respondent was properly licensed as an electrical contractor in Oregon. It entered into an agreement with Respondent to install all the low-voltage cabling at the Carmax location. TNI understood that Respondent would be managing the work, performing the work, meeting deadlines and ensuring that all low-voltage cabling was installed in accordance with the guidelines and standards of the industry. At hearing, Respondent testified that he was only hired to act as a project manager and that his responsibility was limited to hiring technicians to complete the required work.

While Respondent may have believed he was merely functioning as a project manager, TNI's testimony is persuasive that Respondent actually agreed to perform the low-voltage cabling at the Carmax location, and Respondent received payment for the work. Because he agreed to perform this work and received payment for it, the preponderance of the evidence indicates that he purported to be acting as a business that makes electrical installations, specifically low-voltage cabling, and his conduct does not fall within the exemptions as set forth in ORS 479.540. Thus, Respondent engaged in the business of making electrical installations without an electrical contractor's license, in violation of ORS 479.620(1).

Allowing an Individual to Perform Electrical Work without Proper Licensure:

OAR 918-282-0120(1) provides:

No person or entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.

ORS 479.530(10) provides, in relevant part:

“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. “Electrical installation” also means the maintenance or repair of installed electrical wiring and permanently attached electrical products.

Electrical work is not defined by rule or statute. However, it is reasonable that electrical work would be included in the definition of an “electrical installation.” Respondent testified that he believed Columbia and Mr. Kimber were licensed to perform electrical work in Oregon when they were hired for the Carmax project. Ms. Simmons testified that neither Columbia nor Mr. Kimber ever held licenses in Oregon and her testimony is supported on the Division’s website. Mr. Kimber roughed in seven d-packs, three b-packs, two speakers and two cameras. These actions constitute electrical installations under ORS 479.530(10). By making these installations, Mr. Kimber performed electrical work for which he was not properly registered or licensed. Because Respondent hired Mr. Kimber to perform this electrical work and he was not properly licensed, Respondent violated OAR 918-282-0120(1).

Appropriate Penalty

The Division has adopted administrative rules to administer and enforce ORS chapter 693. OAR 918-001-0036(6) provides that the Director may, subject to approval of the Boards, develop a penalty matrix to use as a guideline for assessing civil penalties.

The Division’s penalty matrix provides for a civil penalty of \$3,000 for violating ORS 479.620(1) and \$2,000 for violating OAR 918-282-0120(1). Therefore, the \$5,000 civil penalty proposed by the Division is appropriate.

Order to Cease and Desist:

ORS 455.755(2) provides:

If the director has reason to believe that any person has been engaged, or is engaging, or is about to engage in any violation of the state building code, * * *, the director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to cease and desist from the violation or threatened violation.

The Division contends that Respondent has been or is violating state building code law. Such belief is not supported by the record. While Respondent has two separate violations and a \$5,000 civil penalty, the violations and penalty arise from the same incident. No evidence was presented to establish that he previously violated the state building code or that he is currently engaging in or is about to engage in any further violations of the state building code. The Division has not established grounds to issue an Order to Cease and Desist.

ORDER

I propose the Building Codes Division, Electrical and Elevator Board, issue the following order:

Shane Rowley, DBA Quicknet Computers, shall pay a \$5,000 civil penalty for violating ORS 479.620(1) and OAR 918-282-0120(1).

Marni J. Davis

Administrative Law Judge
Office of Administrative Hearings

APPEAL PROCEDURE

This is the Administrative Law Judge's Proposed Order. You have the right to file written exceptions and argument to be considered per OAR 137-003-0650. Your exceptions and argument must be received within 20 calendar days after the service date of this Proposed Order. Send them to:

Building Codes Division
Manager, Enforcement and Licensing
PO Box 14470
Salem, OR 97309-0404

CERTIFICATE OF MAILING

On April 24, 2015, I mailed the foregoing PROPOSED ORDER issued on this date in OAH Case No. 1504022.

By: First Class Mail

Shane Rowley
1512 SE Talton Ave
Vancouver WA 98683

Judith Moore
Building Codes Division
PO Box 14470
Salem OR 97309-0404

Ryan Clark
Administrative Specialist
Hearing Coordinator

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
BUILDING CODES DIVISION**

IN THE MATTER OF:) **FINAL ORDER**
)
SHANE ROWLEY, DBA QUICKNET) OAH Case No.: 1504022
COMPUTERS) Agency Case No.: C2014-0203

HISTORY OF THE CASE

On January 7, 2015, the Electrical and Elevator Board (Board) of the Building Codes Division (Division) issued a Notice of Proposed Assessment of Civil Penalty, Final Order on Default and Order to Cease and Desist to Shane Rowley, DBA Quicknet Computers (Respondent). On January 13, 2015, Respondent requested a hearing.

On January 28, 2015, the Division referred the hearing request to the Office of Administrative Hearings. Administrative Law Judge (ALJ) Marni J. Davis was assigned to preside at hearing.

ALJ Davis held a contested case telephone hearing on March 10, 2015. Respondent appeared and testified on his own behalf. Judith Moore represented the Division. Nick Ness, Lia Poole, Jeffrey Estill, Kevin Heck, Shawn Haggin and Andrea Simmons testified on behalf of the Division. The record closed at the conclusion of the hearing.

ISSUES

1. Whether Respondent engaged in the business of making electrical installations, advertised as or otherwise purported to be licensed to make electrical installations or purported to be acting as a business that makes electrical installations without an electrical contractor's license, in violation of ORS 479.620(1).
2. Whether Respondent allowed an individual to perform electrical work for which the individual is not properly registered or licensed, in violation of OAR 918-282-0120(1).
3. Whether the Division may impose a civil penalty of \$5,000 against Respondent. ORS 455.895(1)(b) and OAR 918-001-0036.
4. Whether the Division may order Respondent to cease and desist from engaging in any violation of the state building code. ORS 455.775(2).

EVIDENTIARY RULING

Exhibits A1 through A20, offered by the Division, were admitted into the record without objection.

FINDINGS OF FACT

1. Shane Rowley, DBA Quicknet Computers, (Respondent) does not hold an electrical contractor's license. Mr. Rowley is the owner of Quicknet Computers. (Ex. A9; test. of Respondent.)
2. Carmax Auto Superstores Westcoast, Inc. (Carmax) contracted with American Systems, an electrical contractor, to perform all the low-voltage installations for all Carmax dealerships under construction. American Systems hired Total Networks Interface, Inc. (TNI) to install the cabling for the low-voltage installations located at the Carmax location at 9405 SW Cascade Avenue, Beaverton, Oregon. (Ex. A7.)
3. On February 21, 2014, Respondent participated in a pre-construction meeting with TNI to discuss the Carmax project. Respondent was listed in Field Nation, an online platform that lists contractors. TNI searched for low-voltage technicians in Oregon on the Field Nation website when it found Respondent's name. TNI understood that Respondent was a low-voltage technician. (Test. of Ness, Poole.)
4. On March 17, 2014, TNI entered into a Partner Purchase Agreement with Respondent. The work was to begin on March 31, 2014, and by June 13, 2014 all system cable would be installed. The statement of work on the purchase order stated that Respondent would install all cabling and cable support per the direction and prints, that he would terminate, label, test and device all the cabling, that he would terminate and test the fiber and that he would adhere to daily and weekly reporting procedures. TNI understood that Respondent would be managing the work, performing the work, meeting all deadlines and ensuring that all low-voltage cabling was installed in accordance with the guidelines and standards of the industry. He would be the lead technician at the job site and he would not be sub-contracting the work out to any other company. (Ex. A5; test. of Poole, Ness.)
5. Respondent hired Jared Kimber, DBA Columbia Voice & Data (Columbia), Jeffrey Estill and Scott Stevanus to perform the low-voltage cabling installation he contracted with TNI to complete. TNI was not aware that Respondent contracted the work out to these individuals. Columbia does not have an electrical contractor's license and Mr. Kimber does not have a journeyman electrician's license. (Exs. A5, A11; test. of Respondent, Heck, Estill, Poole.) Respondent believed Columbia and Mr. Kimber were properly licensed in Oregon. (Test. of Respondent.)
6. Columbia hired James Gibson to perform some of the low-voltage cabling at the Carmax location. Mr. Gibson is not a licensed journeyman electrician. (Ex. A7.)

7. Columbia contracted with Kevin Heck, the owner of Hecktec Technical, LLC (Hecktec) to install low-voltage cabling at the Carmax location. (Test. of Heck.)
8. In March 18, 2014, the City of Beaverton issued a permit to Hecktec to install all the low-voltage wiring for all buildings at the Carmax location. (Ex. A8; test. of Heck.)
9. On March 31, 2014, Respondent emailed Mr. Kimber a template that he needed to complete each day and return to Respondent so Respondent would have a record of the work performed that day. (Ex. A17.)
10. On April 1, 2014, Mr. Kimber emailed Respondent a report of the work he completed that day. He wrote that he worked from 6:00 am until 5:30 pm and that he “roughed in” seven d-packs, three b-packs, two speakers and two cameras. (Ex. A17.)
11. On April 2, 2014, Respondent confirmed that he received payment from TNI for the cost of the permits obtained for the Carmax project. (Ex. A17.)
12. Respondent assisted Mr. Heck in installing some dressing on one of the electrical runs and gave directions to Mr. Heck about what Carmax wanted repaired. Respondent also grabbed wire that Mr. Heck dropped down a shaft so that it would not rub against the metal. (Ex. A10.)
13. Roughing in seven d-packs, three b-packs, two speakers and two cameras are electrical installations pursuant to ORS 479.530(10). Assisting in dressing an electrical run and grabbing wire and pulling it so it would not rub against metal are also electrical installations pursuant to ORS 479.530(10). (Test. of Haggin.)
14. The Board based the proposed penalty in this case on the factors set forth in the Division’s penalty matrix. (Ex. A19; test. of Simmons.)

CONCLUSIONS OF LAW

- (1) Respondent engaged in the business of making electrical installations, advertised as or otherwise purported to be licensed to make electrical installations or purported to be acting as a business that makes electrical installations without an electrical contractor’s license, in violation of ORS 479.620(1).
- (2) Respondent allowed an individual to perform electrical work for which the individual was not properly registered or licensed, in violation of OAR 918-282-0120(1).
- (3) The Division may impose a civil penalty of \$5,000 against Respondent.
- (4) The Division may not order Respondent to cease and desist from engaging in any violation of the state building code.

OPINION

The Division contends that Respondent engaged in the business of making electrical installations, advertised as or otherwise purported to be licensed to make electrical installations or purported to be acting as a business that makes electrical installations without an electrical contractor's license and that he allowed an individual to perform electrical work for which the individual was not properly registered or licensed. The Division also contends that Respondent should be assessed a \$5,000 civil penalty for the violations and he should be ordered to cease and desist from engaging in any further violation of the state building code. The Division has the burden to show, by a preponderance of the evidence, that Respondent committed the alleged violations, and that the proposed penalty and the order to cease and desist are appropriate. ORS 183.450(2), *Harris v. SAIF*, 292 Or 683, 690 (1982). Proof by a preponderance of evidence means that the fact finder is persuaded that the facts asserted are more likely true than not true. *Riley Hill General Contractor, Inc. v. Tandy Corp.*, 303 Or. 390 (1987).

Engaging in Certain Conduct without an Electrical Contractor's License:

ORS 479.620(1) provides:

Subject to ORS 479.540, a person may not:

Without an electrical contractor's license, engage in the business of making electrical installations, advertise as or otherwise purport to be licensed to make electrical installations or purport to be acting as a business that makes electrical installations.

Respondent does not have an electrical contractor's license. At hearing, Respondent denied that he advertised or otherwise purported to be licensed to make electrical installations or purported to be acting as a business that makes electrical installations. Based on Respondent's listing on the Field Nation website as a low-voltage technician, and its pre-construction meeting with Respondent, TNI believed Respondent was properly licensed as an electrical contractor in Oregon. It entered into an agreement with Respondent to install all the low-voltage cabling at the Carmax location. TNI understood that Respondent would be managing the work, performing the work, meeting deadlines and ensuring that all low-voltage cabling was installed in accordance with the guidelines and standards of the industry. At hearing, Respondent testified that he was only hired to act as a project manager and that his responsibility was limited to hiring technicians to complete the required work.

While Respondent may have believed he was merely functioning as a project manager, TNI's testimony is persuasive that Respondent actually agreed to perform the low-voltage cabling at the Carmax location, and Respondent received payment for the work. Because he agreed to perform this work and received payment for it, the preponderance of the evidence indicates that he purported to be acting as a business that makes electrical installations, specifically low-voltage cabling, and his conduct does not fall within the exemptions as set forth in ORS 479.540. Thus, Respondent engaged in the business of making electrical installations without an electrical contractor's license, in violation of ORS 479.620(1).

Allowing an Individual to Perform Electrical Work without Proper Licensure:

OAR 918-282-0120(1) provides:

No person or entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.

ORS 479.530(10) provides, in relevant part:

“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. “Electrical installation” also means the maintenance or repair of installed electrical wiring and permanently attached electrical products.

Electrical work is not defined by rule or statute. However, it is reasonable that electrical work would be included in the definition of an “electrical installation.” Respondent testified that he believed Columbia and Mr. Kimber were licensed to perform electrical work in Oregon when they were hired for the Carmax project. Ms. Simmons testified that neither Columbia nor Mr. Kimber ever held licenses in Oregon and her testimony is supported on the Division’s website. Mr. Kimber roughed in seven d-packs, three b-packs, two speakers and two cameras. These actions constitute electrical installations under ORS 479.530(10). By making these installations, Mr. Kimber performed electrical work for which he was not properly registered or licensed. Because Respondent hired Mr. Kimber to perform this electrical work and he was not properly licensed, Respondent violated OAR 918-282-0120(1).

Appropriate Penalty

The Division has adopted administrative rules to administer and enforce ORS chapter 693. OAR 918-001-0036(6) provides that the Director may, subject to approval of the Boards, develop a penalty matrix to use as a guideline for assessing civil penalties.

The Division’s penalty matrix provides for a civil penalty of \$3,000 for violating ORS 479.620(1) and \$2,000 for violating OAR 918-282-0120(1). Therefore, the \$5,000 civil penalty proposed by the Division is appropriate.

Order to Cease and Desist:

ORS 455.755(2) provides:

If the director has reason to believe that any person has been engaged, or is engaging, or is about to engage in any violation of the state building code, * * *, the director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to cease and desist from the violation or threatened violation.

The Division contends that Respondent has been or is violating state building code law. Such belief is not supported by the record. While Respondent has two separate violations and a \$5,000 civil penalty, the violations and penalty arise from the same incident. No evidence was presented to establish that he previously violated the state building code or that he is currently engaging in or is about to engage in any further violations of the state building code. The Division has not established grounds to issue an Order to Cease and Desist.

ORDER

Shane Rowley, DBA Quicknet Computers, shall pay a \$5,000 civil penalty for violating ORS 479.620(1) and OAR 918-282-0120(1).

_____ for Dated this ____ day of _____, 2015.
Director,
Department of Consumer and Business
State of Oregon

_____ Dated this ____ day of _____, 2015.
Chair,
Electrical and Elevator Board
State of Oregon

**NOTICE OF OPPORTUNITY FOR JUDICIAL REVIEW
(OREGON COURT OF APPEALS)**

Respondent is entitled to judicial review of this Final Order pursuant to ORS 183.482. Judicial review may be initiated by filing a petition for review with the Oregon Court of Appeals within sixty (60) days from the date this Final Order was mailed to Respondent.

State of Oregon

Board Memo

Building Codes Division

May 28, 2015

To: Electrical and Elevator Board

From: Judith I. Moore, policy analyst, Enforcement Services

Subject: Settlement Request for Distinct Electric, Inc. and Dustin Moul
Case Nos. C2014-0263 and C2015-0010

Action requested:

Board to consider a settlement offer for Case Nos. C2014-0263 and C2015-0010.

Background:

Distinct Electric, Inc. (Distinct Electric, electrical contractor license number 24-523C) and Dustin Moul, supervising electrician license number 5549S (Respondents) are second-time violators. They are asking the board to consider their settlement request.

Distinct Electric's previous violation was for allowing an unlicensed individual to make an electrical installation for the account of another (Case No. 2013-0135). The company signed a consent order on October 5, 2013, which assessed \$5,000 and stayed \$1,250.

Dustin Moul, the signing supervisor permitted an unlicensed individual to make an electrical installation (Case No. 2013-0136). His consent order was for \$8,000 with \$2,250 stayed. The civil penalties were stayed provided they did not commit any further violations within five years of the executed settlement agreements.

The cases before the board today are for the same types of violations. Distinct Electric's proposed civil penalty is \$5,000, which includes the stayed penalty of \$1,250. Dustin Moul was issued a notice with a proposed civil penalty of \$8,000, which includes the stayed penalty of \$2,250. The board may take into account any appropriate factors, including previous directives, in determining the penalty amount or condition within an order.

Respondents provided the attached proposed settlement for the board to consider. In their proposed settlement, Respondents express regret in using an unlicensed individual for electrical installations and explained their revised business plan. The unlicensed individual, Efremer Ferrera, entered into a consent order for \$4,000 with \$2,500 stayed.

The table below reflects Respondents' proposed settlement for each case along with the total penalty assessed.

Case	Total Assessed Penalty	Respondent's Proposal
C2014-0263	\$ 6,250	No Suspension and \$5,000
C2015-0010	\$10,250	No Suspension and \$4,750
Totals:	\$16,500	\$9,750

Options:

- Approve the settlement request for Distinct Electric, Inc. and Dustin Moul
- Suggest a different settlement and ask that it be brought back to the next board meeting for consideration
- Deny the settlement request for Distinct Electric, Inc. and Dustin Moul

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

BEFORE THE DIRECTOR OF THE OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

IN THE MATTER OF:

DISTINCT ELECTRIC, INC. A DOMESTIC BUSINESS CORPORATION,

RESPONDENT.

) NOTICE OF PROPOSED ASSESSMENT
) OF CIVIL PENALTIES AND FINAL
) ORDER ON DEFAULT AND
) SUSPENSION OF ELECTRICAL
) CONTRACTOR LICENSE NUMBER
) 24523-C
) ORDER TO CEASE AND DESIST
) CASE NO. C2014-0263

Under Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules (OAR) 918-001-0036, the Oregon Electrical and Elevator Board (Board) proposes disciplinary action against Respondent in the form of \$5,000 in civil penalties in addition to collecting a \$1,250 stayed penalty pursuant to a Consent Order executed in Building Codes Division (BCD) case number 2013-0135. Under ORS 455.129(2)(b), the Board proposes to suspend Respondent's electrical contractor license number 24523-C, because Respondent violated BCD statutes or rules as follows.

Acting pursuant to ORS 455.775(2), the Director of the Oregon Department of Consumer and Business Services (Director) hereby finds there is reason to believe that Respondent has been engaged in, is engaging in, or is about to engage in violations of ORS chapters 455 and 479, and the rules adopted thereunder. Therefore, the Director issues the following order to immediately CEASE AND DESIST any and all violations of ORS chapter 455 and 479, and the laws and rules adopted thereunder.

FINDINGS OF FACT

- 1. At all relevant times Respondent was and continues to hold Oregon electrical contractor license 24523-C.
2. During or about October 7, 2014, at 3789 5th Avenue N, Keizer, Oregon, Respondent allowed Efremer 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 for the account of another.
3. During or about October 7, 2014, at 14998 Triumph Road, Sublimity, Oregon, Respondent allowed Efremer 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 for the account of another.

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4. On October 5, 2013, in BCD case number 2013-0135, a Consent Order was executed between Respondent and the Electrical and Elevator Board in which Respondent was assessed a \$2,000 civil penalty for allowing an unlicensed individual to make electrical installations in violation of OAR 918-282-0120(1) (allowing an individual to perform electrical work for which the individual is not properly license). 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 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.

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APPLICABLE LAW

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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.
 5. Under OAR 918-001-0036(2)(c), "pattern of violation" means two or more prior violations during a five-year period of any provision of ORS chapters 446, 447, 455, 460, 479, 480, or 693, or the state building code as defined in ORS 455.010, whether or not a penalty was assessed. A pattern of violation is calculated within a five-year period from the date of the latest violation.
 6. Under OAR 918-001-0036(6), the Director may, subject to approval of a board, develop a penalty matrix for the board's use to promote equality and uniformity in proposing the amount and terms of civil penalties and conditions under which the penalties may be modified based on the circumstances in individual cases.

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CONCLUSIONS OF LAW

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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 for the account of another 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 Stipulated Agreement section of the Consent Order in BCD case 2013-0135 within five years from the October 5, 2013, effective date of that Final Order.
6. By breaching the Stipulated Agreement of the Consent Order in case 2013-0135, the entire penalty amount in that case, including the \$1,250 of previously-stayed penalties, will now be collected.
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 24523-C.

ORDER

Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board assesses the following:

1. A \$5,000 civil penalty for violating OAR 918-282-0120(1) on two occasions; and
2. By failing to comply with the terms of the Consent Order in BCD case number 2013-0135, the \$1,250 of previously-stayed civil penalties is due and payable.

The total civil penalty assessed is \$6,250.

Under ORS 455.129(2)(b), the Electrical and Elevator Board suspends for one year Respondent's electrical contractor license number 24253-C for failing to comply with the Consent Order in BCD case 2013-0135.

ORDER TO CEASE AND DESIST

Pursuant to ORS 455.775(2), the Director orders Respondent to immediately CEASE AND DESIST from further violating the Electrical Safety Law and rules adopted thereunder. Respondent must immediately cease engaging in violations of ORS chapter 479, and related rules thereunder, and all other portions of the Electrical Safety Law. In addition, the Director orders Respondent to immediately CEASE AND DESIST engaging in violations of ORS chapter 455 and the rules adopted thereunder.

NOTICE OF RIGHT TO HEARING

Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and postmarked no later than 20 days from the service date. If this notice was served to Respondent in person, the service date is the date Respondent received this notice. If this notice was served through the mail, the service date is the day the notice was mailed, not the day Respondent received it.

1 If a request for hearing is not received within 20 days, Respondent's right to a hearing is
2 considered waived. Mail hearing requests to Building Codes Division, Enforcement Section, P.O.
3 Box 14470, Salem, Oregon, 97309.

4 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
5 corporation may be represented by an authorized representative at the hearing. If Respondent
6 requests a hearing, Respondent will be notified of the time and place of the hearing and be given
7 information on procedures, right of representation and other rights of parties relating to the hearing
8 before it begins.

6 NOTICE TO ACTIVE DUTY SERVICE MEMBERS

7 Active duty service members have a right to stay proceedings under the federal
8 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon
9 Military Department at 800-452-7500 for more information. If you need help finding legal
10 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website at
11 <http://legalassistance.law.af.mil/content/locator.php>.

10 NOTICE OF FINAL ORDER

11 If Respondent does not request a hearing within 20 days, withdraws a hearing request,
12 notifies the Board or the administrative law judge that they will not appear, or fails to appear at a
13 scheduled hearing, the Board will issue a Final Order by Default. If the Board issues a Final Order
14 by Default, it designates the file, including any materials submitted by Respondent that relate to this
15 matter, as the record for purpose of proving a prima facie case.

16 Respondent is entitled to judicial review of any final order issued in the matter of this Notice
17 of a Proposed Assessment of a Civil Penalty and Suspension of Electrical Contractor License
18 Number 24523-C. Judicial review may be obtained by filing a petition for review with the Oregon
19 Court of Appeals within 60 days after the final order is served. See ORS 183.482. If the order was
20 served in person, the service date is the date Respondent received the order. If the order was served
21 through the mail, the service date is the day the order was mailed, not the day it was received by
22 Respondent. If Respondent does not file a petition for judicial review within 60 days, Respondent
23 will lose the right to appeal. The phone number for the Oregon Court of Appeals is 503-986-5555.

20 Dated this 18 day of March, 2015

21 Andrea Semmons for
22 Chair
23 Electrical and Elevator Board
24 State of Oregon
25

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

DISTINCT ELECTRIC, INC., A
DOMESTIC BUSINESS CORPORATION

RESPONDENT

)
) RESPONSE TO NOTICE OF PROPOSED
) ASSESSMENT OF CIVIL PENALTIES AND
) FINAL ORDER ON DEFAULT AND
) SUSPENSION OF ELECTRICAL
) CONTRACTOR LICENSE NUMBER 24523-C

)
) CASE NO. C2014-0263
)
)

Please indicate your response below:

1.) I/we do not wish to contest this matter.

Payment enclosed

Please mail an invoice with information about payment arrangements

2.) I/we request a hearing.

3.) I/we request a hearing in order to reserve the right to a hearing, but would like to attempt to resolve this matter with an informal settlement.

DUSTIN MOUL
Printed name

 Date: 3/29/15
Signature

Mail response to:

Oregon Building Codes Division
Attn: Enforcement Section
PO Box 14470
Salem OR 97309

Note: As provided in the Notice of Proposed Assessment of a Civil Penalty (Notice), requests for hearing must be postmarked within 20 days of the date the Notice was mailed.

**DISTINCT ELECTRIC INC.
4742 LIBERTY RD S. #219
SALEM, OREGON 97302
CCB#161089**

**PH#503-910-9216
FAX#503-763-6880**

COPY

TO WHOM IT MAY CONCERN,

I AM DEEPLY DISAPPOINTED IN MY LACK OF SUPERVISION IN HIRING AN UNLICENSED EMPLOYEE. THIS IS MY SECOND OFFENSE FOR THE SAME PROBLEM. I WAS HOPING THAT THE EMPLOYEE COULD RENEW HIS LICENSE IN OREGON. HE HAD HIS JOURNEYMANS LICENSE SEVERAL YEARS BACK AND LET IT LAPSE. HE HAS SINCE RECEIVED HIS LICENSE AND IS A FOREMAN FOR AN ELECTRICAL COMPANY. I HAVE NEVER HIRED AN UNQUALIFIED PERSON THAT HAS HAD NO KNOWLEDGE OF ELECTRICAL WORK. SAYING ALL THIS, I STILL KNOW WHAT I DID WAS WRONG. OUR BUSINESS HAS BEEN GROWING FAST AND I GOT OVERWHELMED. I HAVE RECENTLY TURNED JOBS AWAY AND SLOWED DOWN ON PURPOSE. WE HAVE BEEN FORCED TO BE REMOVED FROM THE ELECTRICAL TRAINING AGENCY. THIS HURT US TREMENDOUSLY. WITHOUT ENOUGH MEN, WE COULD NOT SUPPORT THE WORK. WE ARE NOW JUST A THREE MAN SHOP.

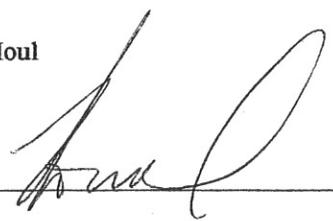
WE GREW OUR COMPANY WITH JUST TWO OF US. WE WORKED ON EVERY PROJECT SO WE KNEW THEY WERE DONE RIGHT. WE ESTABLISHED A RELATIONSHIP WITH OUR INSPECTORS THAT WE CAN BE PROUD OF. I HAVE TAKEN STEPS TO ENSURE NOTHING LIKE THIS COULD OR WOULD HAPPEN AGAIN. WE HAVE SET UP FORMS AND LICENSE REQUIREMENT INFO BEFORE WE MEET WITH ANY POTENTIAL EMPLOYEE. I AM DONE GROWING OUR BUSINESS. I JUST WANT TO PROVIDE MY EMPLOYEE, PARTNER AND MY FAMILY, A LIVING. OUR BUSINESS IS SMALL BUT EFFICIENT. WE DO NOT LACK IN CRAFTSMANSHIP NOR SAFETY. WE ALWAYS PULL THE PROPER PERMITS OR USE MINOR LABELS WHEN APPLICABLE. I KNOW IF WE DO ANYTHING THAT IS NOT "BY THE BOOKS" THAT YOU WILL NOT ALLOW A THIRD OFFENSE. THERE IS NO AMOUNT OF MONEY THAT IS WORTH THE WEIGHT THAT HAS BEEN PUT ON MY SHOULDERS AND MY HEART. PLEASE GIVE ME ANOTHER CHANCE. I PROMISE THAT I WILL DO EVERYTHING ACCORDING TO THE LAW. YOU CAN TRUST THAT I HAVE LEARNED MY LESSON. I NEED TO KEEP MY BUSINESS AND LICENSE GOING TO SUSTAIN MY LIVELIHOOD. I HAVE ONLY WORKED AS AN ELECTRICIAN IN MY ADULT LIFE.

I WOULD LIKE TO SETTLE CASE #C2015-0010 IN THE AMOUNT OF \$2,500.00. I WOULD ALSO LIKE TO SETTLE THE CASE #C2014-0263 IN THE AMOUNT OF \$3,750.00. WITH THAT BEING SAID, I ALSO WOULD LIKE TO KEEP MY SUPERVISORS LICENSE AND BUSINESS LICENSES. THIS WOULD ENSURE THAT THESE PAYMENTS WOULD BE MADE RIGHT AWAY. THANK YOU FOR TAKING TIME TO LISTEN TO MY PLEA.

Sincerely,

Dustin T. Moul

X
Signature



X 3/1/15
Date

RECEIVED
BUILDING CODES
2015 APR -6 P 1:52

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

BEFORE THE DIRECTOR OF THE OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

IN THE MATTER OF:

DUSTIN T. MOUL, AN INDIVIDUAL,

RESPONDENT.

)
) NOTICE OF PROPOSED ASSESSMENT
) OF CIVIL PENALTIES AND FINAL
) ORDER ON DEFAULT AND
) SUSPENSION OF ELECTRICAL
) GENERAL SUPERVISING
) ELECTRICIAN LICENSE NUMBER
) 5549S
)
) ORDER TO CEASE AND DESIST
)
) BCD CASE C2015-0010

Under Oregon Revised Statutes (ORS) 455.895(1)(b) and (OAR) Oregon Administrative Rule 918-001-0036, the Electrical and Elevator Board (Board) proposes disciplinary action against Respondent in the form of civil penalties totaling \$10,250 in addition to collecting a \$2,250 stayed penalty pursuant to a Consent Order executed in Building Codes Division (BCD) case number 2013-0136. Under ORS 455.129(2)(b), the Board proposes to suspend Respondent's general supervising electrician license number 5549S because Respondent violated Building Codes Division (BCD) statutes or rules as follows.

Acting pursuant to ORS 455.775(2), the Director of the Oregon Department of Consumer and Business Services (Director) hereby finds there is reason to believe that Respondent has been engaged in, is engaging in, or is about to engage in violations of ORS chapters 455 and 479, and the rules adopted thereunder. Therefore, the Director issues the following order to immediately CEASE AND DESIST any and all violations of ORS chapter 455 and 479, and the laws and rules adopted thereunder.

FINDINGS OF FACT

- 1. At all relevant times Respondent was and continues to be an Oregon general supervising electrician, license number 5549S.
2. At all relevant times Respondent was and continues to be the signing supervising electrician for Distinct Electric, Inc., an Oregon business corporation and specialty contractor that holds Oregon electrical contractor license 24-523C.
3. At all relevant times Efreem Ferrera (Ferrera), an unlicensed individual, was employed by Distinct Electric, Inc.
4. During or about October 2014, Respondent failed to ensure that Ferrera held the proper license to install ground-fault circuit interrupter (GFCI) outlets, electrical wiring and three-way switches at 3789 5th Avenue N, Keizer, Oregon, for the account of another.

- 1 5. During or about October 2014, Respondent failed to ensure that Ferrera held the proper
2 license to install ground-fault circuit interrupter (GFCI) outlets, electrical wiring and
3 three-way switches at 14998 Triumph Road, Sublimity, Oregon, for the account of
4 another.
- 5 6. On October 5, 2013, in BCD case number 2013-0136, a Consent Order was executed
6 between Respondent and the Electrical and Elevator Board in which Respondent was
7 assessed a \$3,000 civil penalty for violation of OAR 918-282-0140(2)(f) (failing to ensure
8 an individual was properly licensed). The Board stayed collection of \$2,250 of the civil
9 penalty for a period of five years from the date of the execution of the Consent Order
10 provided Respondent did not, during that time, violate any provision of Oregon Building
11 Codes statutes, administrative rules, specialty codes, or any order issued by a BCD
12 advisory board.

13 **APPLICABLE LAW**

- 14 1. ORS 479.530(10) defines an electrical installation as the construction or installation of
15 electrical wiring and the permanent attachment or installation of electrical products.
- 16 2. Under ORS 479.620(3), a person may not make an electrical installation without a
17 supervising or journeyman electrician's license.
- 18 3. Under OAR 918-282-0140(2)(f), a general signing supervising electrician must ensure
19 electricians have the proper licenses for the work performed, and may not permit either by
20 assent or by failure to prevent, an individual to perform work for which they are not
21 properly licensed.
- 22 4. Under OAR 918-001-0036(2)(c), "pattern of violation" means two or more prior
23 violations during a five-year period of any provision of ORS chapters 446, 447, 455, 460,
24 479, 480, or 693, or the state building code as defined in ORS 455.010, whether or not a
25 penalty was assessed. A pattern of violation is calculated within a five-year period from
the date of the latest violation.
5. Under OAR 918-001-0036(6), the Director may, subject to approval of a board, develop a
penalty matrix for the board's use to promote equality and uniformity in proposing the
amount and terms of civil penalties and conditions under which the penalties may be
modified based on the circumstances in individual cases.

CONCLUSIONS OF LAW

1. Installing GFCI outlets, electrical wiring and three-way switches are electrical installations
as defined by ORS 479.530(10).
2. Making the electrical installation described in Conclusions of Law paragraph 1 for the
account of another requires the installer to possess a valid supervising or journeyman
electrician license under ORS 479.620(3).

- 1 3. When Ferrera made electrical installations without a journeyman or supervising electrician
license, Ferrera violated ORS 479.620(3).
- 2 4. By permitting by assent or by failure to prevent Ferrera to perform work for which he was
3 not properly licensed, to make electrical installations for the account of another,
Respondent violated OAR 918-282-0140(2)(f) on two occasions.
- 4 5. When Respondent violated OAR 918-282-0140(2)(f), Respondent failed to comply with
5 the terms of the Stipulated Agreement section of the Consent Order in BCD case 2013-
0136 within five years from the October 5, 2013, effective date of that Final Order.
- 6 6. By breaching the Stipulated Agreement of the Consent Order in case 2013-0136, the entire
7 penalty amount in that case, including the \$2,250 of previously-stayed penalties, will now
be collected.
- 8 7. By failing to comply with the Consent Order in BCD case 2013-0136, as outlined above,
9 the Electrical and Elevator Board may suspend Respondent's electrical contractor license
24523-C.

10 **ORDER**

- 11 1. Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board
12 assesses a \$8,000 civil penalty against Respondent for violating OAR 918-282-0140(2)(f)
13 on two occasions.
- 14 2. By failing to comply with the terms of the Consent Order in BCD case number 2013-
0136, the \$2,250 of previously-stayed civil penalties is due and payable.

15 The total civil penalty assessed is \$10,250.

16 Under ORS 455.129(2)(b), the Electrical and Elevator Board suspends for one year
17 Respondent's general supervising electrician, license number 5549S for failing to comply with the
Consent Order in BCD case 2013-0136.

18 **ORDER TO CEASE AND DESIST**

19 Pursuant to ORS 455.775(2), the Director orders Respondent to immediately CEASE
20 AND DESIST from further violating the Electrical Safety Law and rules adopted thereunder.
Respondent must immediately cease engaging in violations of ORS chapter 479, and related rules
21 thereunder, and all other portions of the Electrical Safety Law. In addition, the Director orders
Respondent to immediately CEASE AND DESIST engaging in violations of ORS chapter 455
22 and the rules adopted thereunder.

23 **NOTICE OF RIGHT TO HEARING**

24 Respondent is entitled to a hearing as provided by the Administrative Procedures Act,
Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in
25 writing and postmarked no later than 20 days from the service date. If this Notice was served to

1 Respondent in person, the service date is the date you received this Notice. If this Notice was
2 served through the mail, the service date is the day the Notice was mailed, not the day Respondent
3 received it. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box
4 14470, Salem, Oregon, 97309.

5 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
6 corporation may be represented by an authorized representative at the hearing. If Respondent
7 requests a hearing, Respondent will be notified of the time and place of the hearing and be given
8 information on procedures, right of representation and other rights of parties relating to the
9 hearing before it begins.

10 NOTICE TO ACTIVE DUTY SERVICE MEMBERS

11 Active duty service members have a right to stay proceedings under the federal
12 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon
13 Military Department at 800-452-7500 for more information. If you need help finding legal
14 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website
15 at <http://legalassistance.law.af.mil/content/locator.php>.

16 NOTICE OF FINAL ORDER

17 If Respondent does not request a hearing within 20 days, withdraw a hearing request,
18 notify the Board or the administrative law judge that Respondent will not appear, or fail to appear
19 at a scheduled hearing, the Board will issue a Final Order by Default. If the Board issues a Final
20 Order by Default, it designates the file, including any materials submitted by Respondent that
21 relate to this matter, as the record, for purpose of proving a prima facie case.

22 Respondent is entitled to judicial review of any final order issued in the matter of this
23 Notice of Proposed Assessment of a Civil Penalty and Suspension of Electrical General
24 Supervising License Number 5549S. Judicial review may be obtained by filing a petition for
25 review with the Oregon Court of Appeals within 60 days after the Final Order is served. See ORS
183.482. If the Order was served on Respondent in person, the date of service is the date
Respondent received the Order. If the Order was served through the mail, the date of service is
the day the Order was mailed, not the day Respondent received it. If Respondent does not file a
petition for judicial review within the 60 day time period, Respondent will lose the right to
appeal. The phone number for the Oregon Court of Appeals is 503-986-5555.

Dated this 18 day of March, 2015


Chair
Electrical and Elevator Board
State of Oregon

RECEIVED
BUILDING CODES

2015 APR -6 A 10:12

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON
BEFORE THE DIRECTOR OF THE OREGON DEPARTMENT OF COMSUMER AND
BUSINESS SERVICES

IN THE MATTER OF:)	
DUSTIN T. MOUL, AN INDIVIDUAL)	RESPONSE TO NOTICE OF PROPOSED
)	ASSESSMENT OF A CIVIL PENALTY AND
RESPONDENT)	FINAL ORDER ON DEFAULT AND
)	SUSPENSION OF ELECTRICAL GENERAL
)	SUPERVISING ELECTRICIAN LICENSE
)	NUMBER 5549S
)	
)	ORDER TO CEASE AND DESIST
)	
)	CASE NO. C2015-0010

Please indicate your response below:

1.) I/we do not wish to contest this matter.

Payment enclosed

Please mail an invoice with information about payment arrangements

2.) I/we request a hearing.

3.) I/we request a hearing in order to reserve the right to a hearing, but would like to attempt to resolve this matter with an informal settlement.

DUSTIN MOUL
Printed name

[Signature] Date: 3/29/15
Signature

Mail response to:

Oregon Building Codes Division
Attn: Enforcement Section
PO Box 14470
Salem OR 97309

Note: As provided in the Notice of Proposed Assessment of a Civil Penalty (Notice), requests for hearing must be postmarked within 20 days of the date the Notice was mailed.

**DISTINCT ELECTRIC INC.
4742 LIBERTY RD S. #219
SALEM, OREGON 97302
CCB#161089**

**PH#503-910-9216
FAX#503-763-6880**

TO WHOM IT MAY CONCERN,

I AM DEEPLY DISAPPOINTED IN MY LACK OF SUPERVISION IN HIRING AN UNLICENSED EMPLOYEE. THIS IS MY SECOND OFFENSE FOR THE SAME PROBLEM. I WAS HOPING THAT THE EMPLOYEE COULD RENEW HIS LICENSE IN OREGON. HE HAD HIS JOURNEYMANS LICENSE SEVERAL YEARS BACK AND LET IT LAPSE. HE HAS SINCE RECEIVED HIS LICENSE AND IS A FOREMAN FOR AN ELECTRICAL COMPANY. I HAVE NEVER HIRED AN UNQUALIFIED PERSON THAT HAS HAD NO KNOWLEDGE OF ELECTRICAL WORK. SAYING ALL THIS, I STILL KNOW WHAT I DID WAS WRONG. OUR BUSINESS HAS BEEN GROWING FAST AND I GOT OVERWHELMED. I HAVE RECENTLY TURNED JOBS AWAY AND SLOWED DOWN ON PURPOSE. WE HAVE BEEN FORCED TO BE REMOVED FROM THE ELECTRICAL TRAINING AGENCY. THIS HURT US TREMENDOUSLY. WITHOUT ENOUGH MEN, WE COULD NOT SUPPORT THE WORK. WE ARE NOW JUST A THREE MAN SHOP.

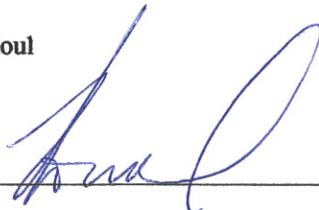
WE GREW OUR COMPANY WITH JUST TWO OF US. WE WORKED ON EVERY PROJECT SO WE KNEW THEY WERE DONE RIGHT. WE ESTABLISHED A RELATIONSHIP WITH OUR INSPECTORS THAT WE CAN BE PROUD OF. I HAVE TAKEN STEPS TO ENSURE NOTHING LIKE THIS COULD OR WOULD HAPPEN AGAIN. WE HAVE SET UP FORMS AND LICENSE REQUIREMENT INFO BEFORE WE MEET WITH ANY POTENTIAL EMPLOYEE. I AM DONE GROWING OUR BUSINESS. I JUST WANT TO PROVIDE MY EMPLOYEE, PARTNER AND MY FAMILY, A LIVING. OUR BUSINESS IS SMALL BUT EFFICIENT. WE DO NOT LACK IN CRAFTSMANSHIP NOR SAFETY. WE ALWAYS PULL THE PROPER PERMITS OR USE MINOR LABELS WHEN APPLICABLE. I KNOW IF WE DO ANYTHING THAT IS NOT "BY THE BOOKS" THAT YOU WILL NOT ALLOW A THIRD OFFENSE. THERE IS NO AMOUNT OF MONEY THAT IS WORTH THE WEIGHT THAT HAS BEEN PUT ON MY SHOULDERS AND MY HEART. PLEASE GIVE ME ANOTHER CHANCE. I PROMISE THAT I WILL DO EVERYTHING ACCORDING TO THE LAW. YOU CAN TRUST THAT I HAVE LEARNED MY LESSON. I NEED TO KEEP MY BUSINESS AND LICENSE GOING TO SUSTAIN MY LIVELIHOOD. I HAVE ONLY WORKED AS AN ELECTRICIAN IN MY ADULT LIFE.

I WOULD LIKE TO SETTLE CASE #C2015-0010 IN THE AMOUNT OF \$2,500.00. I WOULD ALSO LIKE TO SETTLE THE CASE #C2014-0263 IN THE AMOUNT OF \$3,750.00. WITH THAT BEING SAID, I ALSO WOULD LIKE TO KEEP MY SUPERVISORS LICENSE AND BUSINESS LICENSES. THIS WOULD ENSURE THAT THESE PAYMENTS WOULD BE MADE RIGHT AWAY. THANK YOU FOR TAKING TIME TO LISTEN TO MY PLEA.

Sincerely,

Dustin T. Moul

X
Signature



X 3/1/15
Date

RECEIVED
BUILDING CODES
2015 APR -6 P 1:22

State of Oregon

Board Memo

Building Codes Division

May 28, 2015

To: Electrical and Elevator Board

From: Judith I. Moore, policy analyst, Enforcement Services

Subject: Settlement Request for Doyle Electric, Inc. and Leo Doyle
Case Nos. C2015-0061 and C2015-0064

Action requested:

Board to consider a settlement offer for Case Nos. C2015-0061 and C2015-0064.

Background:

Doyle Electric, Inc. (Doyle Electric, electrical contractor license number 37-128C) and Leo Doyle, supervising electrician license number 780S (Respondents) are second-time violators. They are asking the board to consider their settlement request.

Doyle Electric's previous violation was for allowing an unlicensed individual to perform electrical work (Case No. 2010-0028). The company signed a consent order on August 9, 2010, which assessed \$2,000 and stayed \$1,000.

Leo Doyle, the signing supervisor, failed to ensure an individual was properly licensed to make an electrical installation (Case No. 2010-0029). His consent order was for \$3,000 with \$2,000 stayed. The civil penalties were stayed provided they did not commit any further violations within five years of the executed settlement agreements.

The cases before the board are for the same types of violations. Doyle Electric's proposed civil penalty is \$2,500, in addition to the stayed penalty of \$1,000 with a one-year suspension. Leo Doyle was assessed a proposed civil penalty of \$4,000, in addition to the stayed penalty of \$2,000 plus a one-year suspension. The total civil penalty for Case No. C2015-0061 is \$3,500 and for Case No. C2015-0064 is \$6,000. The board may take into account any appropriate factors, including previous directives, in determining the penalty amount or condition within an order.

Respondents provided the attached proposed settlement for the board to consider. In their proposed settlement, Respondents express regret in using an unlicensed individual for electrical installations. The unlicensed individual, David L. Morehead, entered into a consent order for \$2,000 with \$1,250 stayed.

The table below reflects Respondents' proposed settlement for each case along with the total penalty assessed.

Case	Total Assessed Penalty	Respondent's Proposal
C2015-0061	\$ 3,500	No Suspension and "any consideration in reduction"
C2015-0064	\$6,000	No Suspension and "any consideration in reduction"
Totals:	\$9,500	"any consideration in reduction"

Options:

- Approve the settlement request for Doyle Electric, Inc. and Leo Doyle
- Suggest a different settlement and ask that it be brought back to the next board meeting for consideration
- Deny the settlement request for Doyle Electric, Inc. and Leo Doyle

1 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**
2 **BEFORE THE DIRECTOR OF THE OREGON DEPARTMENT**
3 **OF CONSUMER AND BUSINESS SERVICES**

4
5 **IN THE MATTER OF:**

6 **DOYLE ELECTRIC, INC. A FOREIGN**
7 **BUSINESS CORPORATION,**

8 **RESPONDENT.**

**AMENDED NOTICE OF PROPOSED
ASSESSMENT OF A CIVIL PENALTY**

**NOTICE OF PROPOSED SUSPENSION
OF ELECTRICAL CONTRACTOR
LICENSE NUMBER 37-128C**

**NOTICE OF PROPOSED ORDER TO
CEASE AND DESIST**

**NOTICE OF FINAL ORDER ON
DEFAULT**

CASE NO. C2015-0061

9
10
11
12 ***** IF YOU DO NOT REQUEST A HEARING IN WRITING WITHIN 20 DAYS OF**
13 **THE POSTMARK DATE OF THIS NOTICE,**
14 **THIS NOTICE WILL BECOME A FINAL ORDER *****

15 More information about this Notice and how to request a hearing is included below.

16 Pursuant to Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules
17 (OAR) 918-001-0036, the Electrical and Elevator Board of the State of Oregon (Board) proposes
18 assessing a civil penalty against Doyle Electric, Inc. (Respondent), in addition to collecting a
\$1,000 stayed penalty pursuant to a consent order executed in Building Codes Division (Division)
case number 2010-0028 because Respondent violated Division statutes or rules as identified
below.

19 Pursuant to ORS 455.129(2)(a) and 3(b), the Board proposes to suspend Respondent's
20 electrical contractor license number 37-128C because Respondent violated Division statutes or
rules as identified below.

21 Acting pursuant to ORS 455.775(2), the Director of the Oregon Department of Consumer
22 and Business Services (Director) hereby finds there is reason to believe that Respondent has been
23 engaged in, is engaging in, or is about to engage in violations of ORS chapters 455 and 479, and the
24 rules adopted thereunder. Therefore, the Director issues the following order to immediately cease
and desist violations of ORS chapter 455 and 479, and the laws and rules adopted thereunder as
identified below.

25 ///

1 Some of the terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS
2 455.010(1)-(10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-
3 030-0010(1)-(11), and OAR 918-251-0090(1)-(43).

4 FINDINGS OF FACT

- 5 1. At all relevant times Respondent has and continues to hold Oregon electrical contractor
6 license 37-128C.
- 7 2. During or about March 23, 2015, at 53863 Highway 332, Milton Freewater, Oregon,
8 Respondent allowed David L. Morehead (Morehead), without being licensed as a
9 supervising or journeyman electrician, to install electrical wiring.
- 10 3. On August 16, 2010, in BCD case number 2010-0028, a consent order was executed
11 between Respondent and the Electrical and Elevator Board in which Respondent was
12 assessed a \$2,000 civil penalty for a violation of OAR 918-282-0120(1) (allowing an
13 individual to perform electrical work for which the individual is not properly licensed). The
14 Board stayed collection of \$1,000 of the civil penalty for a period of five years from the date
15 of the execution of the consent order provided Respondent did not, during that time, violate
16 any provision of Oregon Building Codes statutes, administrative rules, specialty codes, or
17 any order issued by a BCD advisory board.

18 APPLICABLE LAW

- 19 1. ORS 479.530(10) defines an electrical installation as the construction or installation of
20 electrical wiring and the permanent attachment or installation of electrical products.
- 21 2. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform
22 electrical work for which the individual is not properly registered or licensed.
- 23 3. Under ORS 479.620(3), a person may not make any electrical installation without a
24 supervising or journeyman electrician's license.
- 25 4. Under ORS 455.129(2)(a), the Board may suspend a license if the Board finds that the
licensee has failed to comply with the laws administered by the Board or with the rules
adopted by the Board.
5. Under ORS 455.775(2), if the Director has reason to believe that any person has been
engaged, or is engaging, or is about to engage in any violation of the state building code, or
ORS 479.510 to 479.945, or chapter 455, or any rule adopted under those statutes, the
director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to
cease and desist from the violation or threatened violation.

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CONCLUSIONS OF LAW

1. Installing electrical wiring is an electrical installation 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 Morehead made an electrical installation without an Oregon journeyman or supervising electrician license, Morehead violated ORS 479.620(3).
4. By allowing an unlicensed individual (Morehead) to install electrical wiring, Respondent violated OAR 918-282-0120(1).
5. When Respondent violated OAR 918-282-0120(1), Respondent failed to comply with the terms of the Order section of the consent order in BCD case 2010-0028 within five years from August 16, 2010, the date that consent order became a final order.
6. By breaching the Order section of the consent order in case 2010-0028, the entire outstanding penalty amount in that case, the \$1,000 of previously-stayed penalties, is now due and payable.
7. By failing to comply with the consent order in BCD case 2010-0028, as identified above, the Electrical and Elevator Board may suspend Respondent's electrical contractor license 37-128C.

ORDER

Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board assesses the following:

1. A \$2,500 civil penalty for violating OAR 918-282-0120(1); and
2. By failing to comply with the terms of the Consent Order in BCD case number 2010-0028, the \$1,000 of previously-stayed civil penalties is due and payable.

The total civil penalty assessed is \$3,500.

Under ORS 455.129(2)(a), the Electrical and Elevator Board suspends for one year Respondent's electrical contractor license number 37-128C for failing to comply with the Consent Order in BCD case 2010-0028 and for violating OAR 918-282-0120(1).

ORDER TO CEASE AND DESIST

Pursuant to ORS 455.775(2), the Director orders Respondent to immediately cease and desist from further violating the Electrical Safety Law and rules adopted thereunder. Respondent must immediately cease engaging in violations of ORS chapter 479, and related rules thereunder, and all other portions of the Electrical Safety Law.

NOTICE OF RIGHT TO HEARING

Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and postmarked no later than 20 days from the service date. If this notice was served to Respondent in person, the service date is the date Respondent received this notice. If this notice was served through the mail, the service date is the day the notice was mailed, not the day Respondent received it.

If a request for hearing is not received within 20 days, Respondent’s right to a hearing is considered waived. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a corporation may be represented by an authorized representative at the hearing. If Respondent requests a hearing, Respondent will be notified of the time and place of the hearing and be given information on procedures, right of representation and other rights of parties relating to the hearing before it begins.

NOTICE TO ACTIVE DUTY SERVICE MEMBERS

Active duty service members have a right to stay proceedings under the federal Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon Military Department at 800-452-7500 for more information. If you need help finding legal assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website at <http://legalassistance.law.af.mil/content/locator.php>.

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NOTICE OF FINAL ORDER

If Respondent does not request a hearing within 20 days, withdraws a hearing request, notifies the Board or the administrative law judge that they will not appear, or fails to appear at a scheduled hearing, the Board will issue a final order by default. If the Board issues a final order by default, it designates the file, including any materials submitted by Respondent that relate to this matter, as the record for purpose of proving a prima facie case.

Respondent is entitled to judicial review of any final order issued in the matter of this Amended Notice of a Proposed Assessment of a Civil Penalty, Notice of Proposed Suspension of Electrical Contractor License Number 37-128C, and Notice of Proposed Order to Cease and Desist. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the final order is served. See ORS 183.482. If the order was served in person, the service date is the date Respondent received the order. If the order was served through the mail, the service date is the day the order was mailed, not the day it was received by Respondent. If Respondent does not file a petition for judicial review within 60 days, Respondent will lose the right to appeal. The phone number for the Oregon Court of Appeals is 503-986-5555.

Dated this 5th day of May, 2015

Roseanne Nelson for
Chair
Electrical and Elevator Board
State of Oregon

Dated this 5th day of May, 2015

Roseanne Nelson for
Director
Department of Consumer and Business Services
State of Oregon

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

2 **BEFORE THE DIRECTOR OF THE OREGON DEPARTMENT**
3 **OF CONSUMER AND BUSINESS SERVICES**

4
5
6 **IN THE MATTER OF:**

7 **LEO E. DOYLE, AN INDIVIDUAL,**

8
9 **RESPONDENT.**

**AMENDED NOTICE OF PROPOSED
ASSESSMENT OF A CIVIL PENALTY**

**NOTICE OF PROPOSED SUSPENSION
OF ELECTRICAL GENERAL
SUPERVISING ELECTRICIAN LICENSE
NUMBER 780S**

**NOTICE OF PROPOSED ORDER TO
CEASE AND DESIST**

**NOTICE OF FINAL ORDER ON
DEFAULT**

BCD CASE C2015-0061

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11
12 ***** IF YOU DO NOT REQUEST A HEARING IN WRITING WITHIN 20 DAYS OF**
13 **THE POSTMARK DATE OF THIS NOTICE,**
14 **THIS NOTICE WILL BECOME A FINAL ORDER *****

15 More information about this Notice and how to request a hearing is included below.

16 Pursuant to Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative
17 Rule (OAR) 918-001-0036, the Electrical and Elevator Board (Board) proposes to assess a civil
18 penalty against Leo E. Doyle (Respondent), in addition to collecting a \$2,000 stayed penalty
pursuant to a consent order executed in Building Codes Division (Division) case number 2010-
0029, because Respondent violated Division statutes or rules as identified below.

19 Pursuant to ORS 455.129(2)(a) and 3(b), the Board proposes to suspend Respondent's
20 electrical general supervising license number 780S because Respondent violated Division statutes
or rules as follows.

21 Acting pursuant to ORS 455.775(2), the Director of the Oregon Department of Consumer
22 and Business Services (Director) hereby finds there is reason to believe that Respondent has been
23 engaged in, is engaging in, or is about to engage in violations of ORS chapters 455 and 479, and
24 the rules adopted thereunder. Therefore, the Director issues the following order to immediately
cease and desist violations of ORS chapter 455 and 479, and the laws and rules adopted
thereunder, as identified below.

25 Some of 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

1 918-030-0010(1)-(11), and OAR 918-251-0090(1)-(43).

2 **FINDINGS OF FACT**

- 3 1. At all relevant times Respondent was and continues to be an Oregon general supervising
4 electrician, license number 780S.
- 5 2. At all relevant times Respondent was and continues to be the signing supervising
6 electrician for Doyle Electric, Inc., a foreign business corporation and specialty contractor
7 that holds Oregon electrical contractor license 37-128C.
- 8 3. At all relevant times David L. Morehead (Morehead), an unlicensed individual, was
9 employed by Doyle Electric, Inc.
- 10 4. During or about March 23, 2015, Respondent failed to ensure that Morehead held the
11 proper license to install electrical wiring at 53863 Highway 332, Milton Freewater,
12 Oregon.
- 13 5. On August 16, 2010, in BCD case number 2010-0029, a consent order was executed
14 between Respondent and the Electrical and Elevator Board in which Respondent was
15 assessed a \$3,000 civil penalty for a violation of OAR 918-282-0140(2)(f) (failing to
16 ensure an individual was properly licensed). The Board stayed collection of \$2,000 of the
17 civil penalty for a period of five years from the date of the execution of the consent order
18 provided Respondent did not, during that time, violate any provision of Oregon Building
19 Codes statutes, administrative rules, specialty codes, or any order issued by a BCD
20 advisory board.

21 **APPLICABLE LAW**

- 22 1. ORS 479.530(10) defines an electrical installation as the construction or installation of
23 electrical wiring and the permanent attachment or installation of electrical products.
- 24 2. Under ORS 479.620(3), a person may not make an electrical installation without a
25 supervising or journeyman electrician's license.
3. Under OAR 918-282-0140(2)(f), a general signing supervising electrician must ensure
electricians have the proper licenses for the work performed, and may not permit either by
assent or by failure to prevent, an individual to perform work for which they are not
properly licensed.
4. Under ORS 455.129(2)(a), the Board may suspend a license if the Board finds that the
licensee has failed to comply with the laws administered by the Board or with the rules
adopted by the Board.
5. Under ORS 455.775(2), if the Director has reason to believe that any person has been
engaged, or is engaging, or is about to engage in any violation of the state building code,
or ORS 479.510 to 479.945, or chapter 455, or any rule adopted under those statutes, the
director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to

1 cease and desist from the violation or threatened violation.

2 **CONCLUSIONS OF LAW**

- 3 1. Installing electrical wiring is an electrical installation as defined by ORS 479.530(10).
4 2. Making the electrical installation described in Conclusions of Law paragraph 1 requires
5 the installer to possess a valid supervising or journeyman electrician license under ORS
6 479.620(3).
7 3. When Morehead made the electrical installation without a journeyman or supervising
8 electrician license, Morehead violated ORS 479.620(3).
9 4. By permitting by assent or by failure to prevent Morehead to perform work for which he
10 was not properly licensed, Respondent violated OAR 918-282-0140(2)(f).
11 5. When Respondent violated OAR 918-282-0140(2)(f), Respondent failed to comply with
12 the terms of the Order section of the consent order in BCD case 2010-0029 within five
13 years from the August 16, 2010, effective the date that consent order became a final order.
14 6. By breaching the Order section of the consent order in case 2010-0029, the entire
15 outstanding penalty amount in that case, the \$2,000 of previously-stayed penalties, is now
16 due and payable.
17 7. By failing to comply with the consent order in BCD case 2010-0029, as outlined above,
18 the Electrical and Elevator Board may suspend Respondent's general supervising
19 electrician license number 780S.

20 **ORDER**

- 21 1. Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board
22 assesses a \$4,000 civil penalty against Respondent for violating OAR 918-282-0140(2)(f).
23 2. By failing to comply with the terms of the Consent Order in BCD case number 2010-
24 0029, the \$2,000 of previously-stayed civil penalties is due and payable.

25 The total civil penalty assessed is \$6,000.

Under ORS 455.129(2)(b), the Electrical and Elevator Board suspends for one year Respondent's general supervising electrician, license number 780S for failing to comply with the consent order in BCD case 201-0029 and for violating OAR 918-282-0140(2)(f).

ORDER TO CEASE AND DESIST

Pursuant to ORS 455.775(2), the Director orders Respondent to immediately cease and desist from further violating the Electrical Safety Law and rules adopted thereunder. Respondent must immediately cease engaging in violations of ORS chapter 479, and related rules thereunder, and all other portions of the Electrical Safety Law.

NOTICE OF RIGHT TO HEARING

1 Respondent is entitled to a hearing as provided by the Administrative Procedures Act,
2 Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in
3 writing and postmarked no later than 20 days from the service date. If this Notice was served to
4 Respondent in person, the service date is the date you received this Notice. If this Notice was
5 served through the mail, the service date is the day the Notice was mailed, not the day Respondent
6 received it. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box
7 14470, Salem, Oregon, 97309.

8 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
9 corporation may be represented by an authorized representative at the hearing. If Respondent
10 requests a hearing, Respondent will be notified of the time and place of the hearing and be given
11 information on procedures, right of representation and other rights of parties relating to the
12 hearing before it begins.

NOTICE TO ACTIVE DUTY SERVICE MEMBERS

13 Active duty service members have a right to stay proceedings under the federal
14 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon
15 Military Department at 800-452-7500 for more information. If you need help finding legal
16 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website
17 at <http://legalassistance.law.af.mil/content/locator.php>.

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NOTICE OF FINAL ORDER

If Respondent does not request a hearing within 20 days, withdraw a hearing request, notify the Board or the administrative law judge that Respondent will not appear, or fail to appear at a scheduled hearing, the Board will issue a final order by default. If the Board issues a final order by default, it designates the file, including any materials submitted by Respondent that relate to this matter, as the record, for purpose of proving a prima facie case.

Respondent is entitled to judicial review of any final order issued in the matter of this Notice of Proposed Assessment of a Civil Penalty, Notice of Proposed Suspension of General Supervising Electrician License Number 780S, and Notice of Proposed Order to Cease and Desist. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the final order is served. See ORS 183.482. If the order was served on Respondent in person, the date of service is the date Respondent received the order. If the order was served through the mail, the date of service is the day the order was mailed, not the day Respondent received it. If Respondent does not file a petition for judicial review within the 60 day time period, Respondent will lose the right to appeal. The phone number for the Oregon Court of Appeals is 503-986-5555.

Dated this 5th day of May, 2015

Roseanne Nelson for
Chair
Electrical and Elevator Board
State of Oregon

Dated this 5th day of May, 2015

Roseanne Nelson for
Director
Department of Consumer and Business Services
State of Oregon



*"We care
about your safety"*

May 11, 2015

Oregon Building Codes Division
Attn: Enforcement Section
PO Box 14470
Salem, Oregon 97309

Ref: Case No. C2015-0061 & C2015-0064

Enforcement Section;

I'm disappointed in my decision to send a Washington State Licensed Journeyman of 15 years into the State of Oregon to trouble shoot a noisy motor, the plant was new and hadn't starting production when they found a problem with the motor.

The electrician David Morehead was there for only a short amount of time and did not use any equipment, tools or parts for this, it was strictly to trouble shoot the issue.

It seems that our man was not working when the inspector came in, but encouraged him to go ahead and correct the problem as needed, which was to reverse the leads on a 30 amp motor.

It was an urgent call from our customer and in our hast to keep our customer and make them happy we did not stop to think clearly about this.

As a company we are not trying to cross the line, the goal is to succeed in the business and in order to do that I must maintain my licenses. I have been in business for 43 years and would like to continue. I would appreciate any consideration of reduction in the 2 cases referenced.

In the future I will be very observant and try not to violate any rules.

As an approved training agent with IEC of Washington we are helping to training the apprentices for the future of our trade.

Respectfully,

A handwritten signature in blue ink that reads 'Leo Doyle'. The signature is written in a cursive style with a large, looped 'D' at the end.

Leo Doyle
License #780-s
Doyle Electric, Inc.
leod@doyleelectric.com
509-520-6897

Electrical and Elevator Board Enforcement Report for May 28, 2015

Summary Report - Cases Previously Resolved by Division							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2014-0234 Tania	Dennis Young	Installation of electrical wiring, electrical conduit, light fixtures, light switches, and electrical outlets • Signing supervising electrician failed to ensure that individual working under his supervision had the proper license or supervision	Portland	August 2014 through September 2014	\$3,000	\$250	Stipulated Order. Complaint submitted by BCD Enforcement. Related to case C2014-0229 and to case C2014-0230, hearing pending.
C2014-0229 Tania	Young Electric LLC	Installation of electrical wiring, electrical conduit, light fixtures, light switches, and electrical outlets • Allowed an unlicensed individual to make electrical installations	Portland	August 2014 through September 2014	\$2,000	\$250	Stipulated Order. Complaint submitted by BCD Enforcement. Related to case C2014-0234 and to case C2014-0230.
C2014-0276 Eric	Johnny Rodrigues	Installation of electrical wiring, metal conduit and an exterior light fixture. • No supervising or journeyman electrician's license	Springfield	November 2014	\$6,000	\$6,000	Default Order. Complaint submitted by Springfield Electrical Inspector. Related to case C2014-0278.
C2014-0154 Tania	Jerry Lee Mistretta	Installation of electrical wiring from a service pole to the structure, installed a 60-amp feeder and three outlets • No supervising or journeyman electrician's license	Sutherlin	November 2013 through December 2013	\$2,000	\$250	Consent Order. Complaint submitted by homeowner. Related to case C2014-0153.
C2014-0066 Tania	S & G Foods, Inc., dba Venice RV Park	Installation of a light fixture • Allowed an unlicensed individual to make an electrical installation	Seaside	March 2014	\$1,000	\$250	Consent Order. Complaint submitted by Clatsop County.

* Total penalties assessed for violations in more than one program

Electrical and Elevator Board Enforcement Report for May 28, 2015

Summary Report - Cases Previously Resolved by Division							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2014-0242 Tania	Jeffrey Nowling	Installation of data cabling, a circuit board and other service components to an electric sign • No supervising or journeyman electrician's license	Tillamook	September 2014	\$2,000	\$750	Consent Order. Complaint submitted by BCD Enforcement. Related to case C2014-0248.
C2014-0248 Tania	Vantage LED LLC	Installation of data cabling, a circuit board and other service components to an electric sign • Allowed an unlicensed individual to make electrical installations	Tillamook	September 2014	\$6,000	\$2,000	Consent Order. Complaint submitted by BCD Enforcement. Related to case C2014-0242.

* Total penalties assessed for violations in more than one program

Electrical and Elevator Board Enforcement Report for May 28, 2015

License Suspensions and Revocations (Director Action)			
Case #	Name	Suspension/Revocation Information	Other Comments
C2015-0008	Bruce M. Griffin	Supervising electrician license was revoked as of February 25, 2015.	Default Order. Respondent failed to pay the civil penalty assessed in a previous case.
C2015-0007	William J. Smead	Journeyman electrician license was suspended as of March 27, 2015.	Default Order. Respondent failed to pay the civil penalty assessed in a previous case.

State of Oregon

Board Memo

Building Codes Division

May 28, 2015

To: Electrical and Elevator Board
From: Judith I. Moore, policy analyst, Enforcement Services
Subject: Forgiveness of Penalties Assessed on Jerry L. Abel

Action requested:

Consideration of settlement for Jerry L. Abel's outstanding penalties.

Background (Enforcement History):

Mr. Abel was assessed \$2,000 in civil penalties in 2004 for allowing an unlicensed person to make an electrical installation (BCD Case No. 2004-0202). In 2005, Mr. Abel was assessed \$6,000 in civil penalties for acting as a supervising electrician for more than one contractor and for aiding and abetting an individual to unlawfully obtain an electrical permit (BCD Case No. 2005-0171).

In BCD Case No. 2005-0207, Mr. Abel agreed to a settlement agreement in which he would pay past penalties of \$8,000 and have the following licenses/certifications canceled:

- Supervising electrician's license (4428S);
- Electrical contractor license (C30); and
- All electrical inspector certifications.

Final revocation of Mr. Abel's licenses occurred on May 19, 2006, for failure to pay the civil penalties (BCD Case No. 2006-0017).

Mr. Abel is requesting settlement of his debt. Carolina Marquette, DCBS Chief Financial Officer, provided the attached settlement offer from Mr. Abel.

Options:

- Approve Mr. Abel's request
- Suggest a different settlement amount
- Deny Mr. Abel's request



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Central Services Division
350 Winter St. NE, Room 400
P.O. Box 14480
Salem, OR 97309-0405
503-947-7977 Fax: 503-378-3134
www.oregon.gov/DCBS

May 13, 2015

Chairperson Michael Weaver
Electrical and Elevator Board
1535 Edgewater St NW
PO Box 14470
Salem, OR 97309-0404

Dear Chair Weaver and Board Members:

For your review and consideration is an outline to settle a debt regarding outstanding penalties assessed on Jerry L. Abel.

Mr. Abel would like to settle his debt with the Department of Consumer and Business Services, Building Codes Division for a one-time payment of \$800.

Mr. Abel's only source of income is social security in the amount of \$2,329 a month. Social Security income is protected income and we are unable to garnish said income. Per our debtor, he is now 66 years old and cannot return to work due to a past back injury. However, once the account is settled the debtor may be eligible to re-obtain his certification/license. Mr. Abel's current mortgage obligation is \$961 a month, leaving \$1,368 for reasonable monthly living expenses.

The one-time payment of \$800 would satisfy the following:

- Building Codes Civil Penalty 2004-0202 totaling \$3,572.31 (penalty plus interest)
- Building Codes Civil Penalty 2005-0171 totaling \$3,770.41 (penalty plus interest)

We have reviewed Mr. Abel's financial information, based on the information this may be the only way we are able to collect directly from Mr. Abel.

Sincerely,

Carolina Marquette
Financial Services, CFO

State of Oregon

Board memo

Building Codes Division

May 28, 2015

To: The Electrical and Elevator Board

From: Richard Baumann, policy analyst, Policy and Technical Services

Subject: Continuing Education Course Approval Process

Action requested:

Electrical and Elevator Board consideration of the Continuing Education Committee's recommendations regarding continuing education courses and instructors.

Background:

The Electrical and Elevator Board establishes continuing education (CE) requirements for all electrical licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. They set standards for approval of courses and instructors in order to have a sufficient number and variety of CE courses available to licensees. The board's continuing education committee has been meeting to evaluate courses and instructors on the board's behalf. The committee met on April 14, 2015, to review CE course and instructor applications. The committee reviewed 108 applications from 27 organizations:

- 41 courses were recommended for approval.
- 10 courses were recommended for denial.
- 2 applications are pending waiting for additional information from the provider.
- 54 instructors were recommended for approval.
- 1 instructor was recommended for denial.

See attached summary for more information.

In addition to the Oregon Rule and Law criteria, the committee is using the following when reviewing applications:

- NFPA 70E courses are eligible for a maximum of eight hours code-related credits.
- OSHA 10 courses are eligible for a maximum of four hours code-related credits.
- OSHA 30 courses are eligible for a maximum of sixteen hours code-related credits.
- First Aid/CPR courses are eligible for a maximum of four hours code-related credits (two hours for each course).
- For correspondence courses – Provider must submit complete course.
- For online courses – Provider must submit a log-on or screen shots of course content.

Options:

- Approve the committee's recommendations for approval or denial of courses or instructors.
- Amend and approve the committee's recommendation for approval or denial of courses or instructors.
- Disapprove the committee's recommendation for approval or denial of courses or instructors.

**Electrical and Elevator Board
Committee on Continuing Education Course and Instructor Review
5/28/15**

Courses

	Applicant	Course Name	Committee Recommendation	Board Action
1	Portland Community College	Calculations for Motors, Controls and Transformers (8 hours CR)	Approve	
2	Portland Community College	Grounding and Bonding (8 hours CR)	Approve	
3	Portland Community College	Electrical Safety/NFPA 70E (8 hours CR)	Approve	
4	Southwestern Idaho Electrical JATC	Fiber Optic Cable Design and Installation (2 hours CR)	Approve – hours reduced to 2 from 8.	
5	Southwestern Idaho Electrical JATC	Telephony Design and Installation Part 1 and Part 2 (8 hours CR)	Deny – not code related	
6	Southwestern Idaho Electrical JATC	Cooper voice and Data Design and Installation (4 hours CR)	Approve – hours reduced to 4 from 8.	
7	The Media Factory, Inc.	Analysis of Changes 2014 NEC – Part 1 – Code-Wide and Articles 100-240 (4 hours CC)	Approve	
8	The Media Factory, Inc.	Analysis of Changes 2014 NEC – Part 2 – Articles 250-406 (4 hours CC)	Approve	
9	The Media Factory, Inc.	Analysis of Changes 2014 NEC – Part 3 – Articles 408-625 (4 hours CC)	Approve	
10	The Media Factory, Inc.	Analysis of Changes 2014 NEC – Part 4 – Articles 630-Chapter 9 (4 hours CC)	Approve	
11	JADE Learning	Grounding and Bonding with NFPA 70E (8 hours CR)	Approve	
12	JADE Learning	Commercial Wiring (8 hours CR)	Approve	
13	JADE Learning	2014 NEC Changes (8 hours CC)	Approve	
14	Certified Training Institute	2014 2HR NEC Stallcup’s Chapter 2 Wiring and Protection (2 hour CC)	Approve	
15	Certified Training Institute	2014 2HR NEC Stallcup’s Chapter 3 Wiring Methods (2 hours CC)	Approve	
16	Certified Training Institute	2014 4HR NEC Stallcup’s Chapter 2 Wiring and Protection	Approve	

		Part 1 (4 hour CC)		
17	Certified Training Institute	2014 4HR NEC Stallcup's Chapter 2 Wiring and Protection Part 2 (4 hours CC)	Approve	
18	Certified Training Institute	2014 4HR NEC Stallcup's Chapter 3 Wiring Methods Chapter 4 Equipment for General Use (4 hours CC)	Approve	
19	Certified Training Institute	2014 4HR NEC Stallcup's Chapter 6-9 Special Equipment and Conditions (4 hours CC)	Approve	
20	Certified Training Institute	2014 8HF NEC Stallcup's Chapter 2 Wiring and Protection (8 hours CC)	Approve	
21	Certified Training Institute	2014 12HR NEC Stallcup's Top 100 changes (12 hours CC)	Approve	
22	Pacific Power	Medic First Aid CPR & AED (4 hours CR)	Approve	
23	Power and Control, Inc.	Advanced VFD Programming (8 hours CR)	Deny – not code related.	
24	Jon Coulimore Education	Low Voltage conductors & Cables (8 hours CR)	Approve	
25	Ewing-Foley	Proper Selection and Installation of Lamps and Ballasts (4 hours CR)	Deny – not code related.	
26	Ewing-Foley	NFPA 70E and Arc Flash (4 hours CR)	Approve – Note: provider needs to add a breakdown of hours for each subject area.	
27	Ewing-Foley	NEC Articles 500-516 Code (Hazardous Locations/Special Occupancies) (4 hours CC)	Approve – Note: provider needs to add a breakdown of hours for each subject area.	
28	AETech Electrical Training Center	2014 NEC Code Review – Days 1 & 2 (16 hours CR)	Approve	
29	AETech Electrical Training Center	2014 NEC Code Change Highlights (8 hours CR)	Approve	
30	Lightwave Learning	Oregon Supervisor Prep Exam (12 hours CR)	Approve	
31	IP Springfield	Basic Plus – Medic First Aid, CPR, AED for Adults (4 hours CR)	Approve – reduce to 4 hours from 6.	
32	Mike Holt Enterprises, Inc.	2014 Wiring Methods and Materials (8 hours CR)	Approve	
33	EC Company	OSHA 30 (16 hours CR)	Approve	
34	EC Company	Basic First Aid/Basic CPR & AED (4 hours CR)	Approve – maximum of 2 hours for any combination of subject matter for a single course.	
35	Cochran Inc.	Medic First Aid Bloodborne Pathogens in the Workplace (2 hours CR)	Deny – not code related.	
36	Elite CEU	2014 Wiring Methods and Materials (2 hours CR)	Approve	

37	Elite CEU	Tools & Techniques for Low Voltage Instructions (2 hours CR)	Deny – not code related.	
38	Elite CEU	Electricity 101/Electronics 101 (2 hours CR)	Deny – not code related.	
39	Elite CEU	Perimeter and Interior Detection (2 hours CR)	Deny – not code related.	
40	Energy Transfer Technology, Inc.	Electrical Hazards and Workplace Safety NFPA 70E Hands on Activities Agenda (16 hours CR)	Approved – hours reduced to 8 from 16.	
41	Energy Transfer Technology, Inc.	Electrical Hazards and Workplace Safety NFPA70E Hands on Activities Agenda (8 hours CR)	Approve	
42	HeatSpring	Solar Approaches to Radiant Heating (25 hours CR)	Deny – not code related	
43	Village Electric Co., Inc.	2014 Oregon Electrical Specialty Code (8 hours CC (OESC)	Approve	
44	Village Electric Co., Inc.	2014 NEC Changes – Part I (8 hours CR)	Approve	
45	Village Electric Co., Inc.	2014 NEC Changes – Part II (8 hours CR)	Approve	
46	Village Electric Co., Inc.	Basic Electrical Calculations (4 hours CR)	Deny – not code related and course content is apprentice level.	
47	Village Electric Co., Inc.	2014 NEC Article 410 – Basics of Lighting (8 hours CR)	Deny – not code related.	
48	Village Electric Co., Inc.	2014 NEC Article 250 – Grounding and Bonding (8 hours CR)	Approve	
49	MyElectricalCeu.com	Oregon Rule and Law (4 hours ORL)	Approve	
50	Intertek Testing	UL 508A Industrial Control Panel Workshop (8 hours CR)	Approve	
51	Pacific Inside Electrical JATC	Fault Current Calculations (4 hours CR)	Approve	

Instructors

	Applicant	Committee Recommendation	Board Action
1	Donald Scott Faulkner Portland Community College	Approve	
2	John A. Kempa Portland Community College	Approve	
3	Paul L. Rosenberg Portland Community College	Approve	
4	Gordon S. Ullrich Portland Community College	Approve	

5	Thomas Roy, RCDD Southwestern Idaho Electrical JATC	Approve	
6	Keith Lofland The Media Factory, Inc.	Approve	
7	David Burt JADE Learning	Approve	
8	Don Hursey JADE Learning	Approve	
9	Jeff Simpson JADE Learning	Approve	
10	James W. Stallcup Certified Training Institute	Approve	
11	Kevin Garvin Pacific Power	Approve	
12	Ralph Bliquez Ewing-Foley	Approve	
13	Jeffery Larus AETech Electrical Training Center	Approve	
14	Steve Arne AETech Electrical Training Center	Approve	
15	Byron Cropp Lightwave Learning	Approve	
16	Richard Sevier IP Springfield	Approve	
17	Allen Poppert EC Company	Approve	
18	Jolene Burm EC Company	Approve	
19	Randall S. Johnson EC Company	Approve	
20	Amanda Davies EC Company	Approve	

21	Kaleb Brashear Elite CEU	Approve	
22	Gregory A. Shaw Village Electric Co., Inc.	Approve	
23	Paul L. Rosenberg Juice Electrical Training, LLC.	Approve	
24	Daniel J. Tefft, CHST UA Local 290, Plumbers & Steamfitters	Approve	
25	Jennifer M. Massey UA Local 290, Plumbers & Steamfitters	Approve	
26	Christopher David Fink e-Hazzard Management, LLC	Approve	
27	Gregg Sutton American Trainco Co.	Approve	
28	Mark Standifer American Trainco Co.	Approve	
29	Victor Roderick American Trainco Co.	Approve	
30	Timothy Reardon American Trainco Co.	Approve	
31	Dan Richey American Trainco Co.	Approve	
32	Marty Redman American Trainco Co.	Approve	
33	Jerry O'Dell American Trainco Co.	Approve	
34	Robert Nolan American Trainco Co.	Approve	
35	Roger Kelley American Trainco Co.	Approve	
36	David Hatton American Trainco Co.	Approve	

37	Jim Gross American Trainco Co.	Approve	
38	Myles Garrison American Trainco Co.	Approve	
39	John Debien American Trainco Co.	Approve	
40	Randy Craps American Trainco Co.	Approve	
41	James Cole American Trainco Co.	Approve	
42	Robert Clukey American Trainco Co.	Approve	
43	Michael Chambers American Trainco Co.	Approve	
44	Robert Carrow American Trainco Co.	Approve	
45	Dr. Tom Bybee American Trainco Co.	Approve	
46	Anthony Bridges American Trainco Co.	Approve	
47	Ledet W. Brittian American Trainco Co.	Approve	
48	Shane Bradley American Trainco Co.	Approve	
49	Dan Horjus Intertek Testing	Approve	
50	Justin Daniel Salinas Eaton Corp.	Approve	
51	Luaya F. Halig Eaton Corp.	Approve	
52	Douglas A. Halamay Eaton Corp.	Approve	

53	Matthew A. Moore Eaton Corp.	Approve	
54	Kevin S. Barnett Eaton Corp.	Approve	
55	Vaughan Woodruff HeatSpring	Deny – Applicant did not provide sufficient electrical training or education.	
56	Glenn Woodbury Power and Control, Inc.	Pending – qualification are specific to one course that was recommended for denial. Instructor qualification may be resubmitted and reviewed if provider submits another course.	

Applications Pending

	Applicant	Course Name	Information Requested by Committee
1	Village Electric Co., Inc.	2014 Oregon rule and Law – Electrical (4 hours ORL)	Pending – course does not meet approved Oregon Rule and Law curriculum.



May 12, 2015

**Agenda
Item
VII.B.**

Department of Consumer and Business Services
Building Codes Division
PO Box 14470
Salem, OR 97309-0404

Members of the Board,

Portland Community College's Community Education department is one of two departments that offer Continuing Education classes for Electrical professionals. I deeply regret that due to an oversight 3 code-related course applications and 4 instructor applications were not submitted for renewal on schedule in the fall of 2014. All classes and instructors were previously approved for the 2011 cycle.

The following 2 courses were offered in February 2015, but the 12 students who participated were denied continuing education credit:

Course:	NEC Code Calculations for Motor and Transformers
Date:	2/7/15 - Saturday
Times:	8:00am-4:50pm (50 minute lunch break)
Location:	Willow Creek Center, 241 SW Edgeway Dr., Beaverton
Instructor:	Gordon Ullrich
Course Hours:	8
Students:	6

Course:	Electrical Safety/NFPA 70E
Date:	2/28/15 - Saturday
Times:	8:00am-4:50pm (50 minute lunch break)
Location:	Southeast Campus, 2305 SE 82 nd Ave., Portland
Instructor:	Paul Rosenberg
Course Hours:	8
Students:	6

I respectfully request that the courses and instructors be approved retroactively so that the electrical professionals will not be disadvantaged by the department's error.

Thank you for your consideration of the matter.

Sincerely,

Dawn Davis
Program Coordinator
Community Education Department
Southeast Campus, ADM 304
2305 S.E. 82nd Avenue
Portland, OR 97216

801 42ND STREET
SPRINGFIELD, OR 97478

T 541-741-5710
F 541-741-5270
katie.mclain@ipaper.com

**Agenda
Item
VII.C.**

March 12, 2015

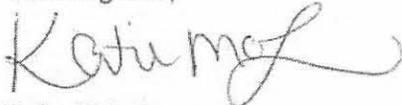
Oregon Electrical Board,

In previous years, one of our Emergency Response Team members, a certified instructor with American Safety & Health Institute, would conduct our hands-on CPR/AED/First Aid classes for Continuing Education credit with the State of Oregon for the electricians working at the International Paper Springfield Mill.

Assuming the process was the same as previous years, Richard Sevier taught hands-on CPR/AED/First Aid classes on February 17, 18 and March 11, 2015. Upon submitting the rosters for Continuing Education credit, I was informed on the new process of submitting an application packet for course and instructor approval by the Oregon Electric Board; the appropriate documentation has been submitted.

If the Oregon Electric Board approves the course and instructor for the International Paper Springfield Mill, we are asking the date be retroactive to February 17, 2015 when our first class was held.

Kind regards,



Katie McLain
IP Springfield
Mill Learning Leader

State of Oregon

Board memo

Building Codes Division

May 28, 2015

To: The Electrical and Elevator Board

From: Shawn Haggin, electrical program assistant chief

Subject: Martin J. Mulder, request to consider license equivalency

Action requested:

Evaluate and approve or deny Martin Mulder's application to sit for the general journeyman license examination.

Background:

The division received an application from Martin Mulder for a general journeyman license. Mr. Mulder submitted documentation, which shows that he completed an apprenticeship and examinations approved by the New Zealand Electrical Workers Registration Board in 1985 and has been licensed as an electrician by that same board for nearly 30 years. Mr. Mulder also submitted documentation of his work history as a licensed electrician in New Zealand from 1986 to 2014. The application materials describe the nature of Mr. Mulder's work, experience, and education.

Under Oregon Revised Statutes ([ORS](#)) [479.630\(4\)](#), an applicant for a general journeyman license must submit proof satisfactory to the board that the person has at least four years of general experience as an apprentice or its equivalent, as determined by the board by rule, and passes a written examination prepared by the board and administered by the department.

Oregon Administrative Rules ([OAR](#)) [918-282-0170](#) requires applicants for acceptance under equivalent requirements to show proof of at least 8,000 hours of on-the-job training or work experience, with 4,000 of those hours in the following categories:

- Stock room and material handling, 100 hours;
- Residential wiring, 1,000 hours;
- Commercial installations, 1,000 hours;
- Industrial installations, 1,000 hours;
- Intercommunication, signal, and control systems, 500 hours;
- Underground construction, 100 hours;
- Trouble shooting and maintenance, 250 hours; and,
- Finishing and fixture hanging, 50 hours.

OAR 918-282-0170 also requires applicants for acceptance under equivalency requirements to submit transcripts with a passing grade of “C” or better in graded classes and a “pass” in non-graded classes in the following electrical training classes:

- Electrical mathematics;
- Safety and accident prevention;
- Care and use of hand and power tools;
- Blueprint reading and electrical symbols;
- Introduction to National Electrical Code;
- Electrical fundamentals and basic theory, including AC and DC;
- Electrical measuring devices;
- Wiring methods;
- Low voltage and limited energy circuits;
- Residential, industrial and commercial calculations;
- Motors, generators and transformers;
- Practical circuit sketching;
- Lighting circuits;
- Fundamentals of electronics; and,
- High voltage distribution and equipment.

[ORS 918-030-0030](#) allows the education requirements to be waived if the applicant submits verification of twice the amount of equivalent work experience, or a total of 16,000 hours for the general journeyman license.

The division is requesting that the board review the information provided and determine whether Mr. Mulder demonstrates that he has met the requirements of ORS 479.630(4) and OAR 918-282-0170. The board should provide specific reasons for its determination.

Options:

- Approve the application based on a finding that the education and work experience submitted by Mr. Mulder is equivalent to an Oregon or other approved apprenticeship program;
- Approve the application based on the finding that, as an alternative to an approved apprenticeship, the education and work experience submitted by Mr. Mulder meets the education and 8,000 of specified work experience required under OAR 918-282-0170;
- Approve the application based on the finding that, as an alternative to an approved apprenticeship, the work experience submitted by Mr. Mulder meets the 16,000 of specified work experience required under OAR 918-282-0170 and 918-0300030; or,
- Deny the application because Mr. Mulder has not demonstrated that he meets the requirement of ORS 479.630(4), OAR 918-282-0170, or OAR 918-030-0030.



**Agenda
Item
VII.E.**

May 11, 2015

Mark Heizer, PE, LEED AP, Policy Analyst
Oregon Building Codes Division
Via Email: mark.r.heizer@state.or.us

Dear Mr. Heizer,

The Oregon Solar Energy Industries Association (OSEIA) and other solar stakeholders are formally requesting to be added to the next Electrical Board meeting agenda in regards to a change to the renewable energy electrical fee schedule.

Proposal: Change the renewable energy electrical fee schedule from its current tiered structure (shown below) to become: 0 to 8 kVa, 8.01 to 15 kVa, 15.01 to 25 kVa. The specific fee amounts for all tiers are set by each AHJ to meet their individual cost recovery.

This proposed change would NOT alter the cost for each category, only increase the number/size of installations that would be included in the lower cost 'residential' tier. Because the oversight required by electrical inspectors in each AHJ would not be increased, the change to the tier range should not alter the fee.

Reasoning: A 5 kVa system size does not indicate a point where solar installations become more complicated. Installations up to ~8 kVa can often be landed on a standard 200a residential panel with a double pole breaker per NEC 705.12(D)(2) "120% rule." Installations larger than ~8 kVa will typically require a line side interconnection, or involve combining multiple inverters, both of which increase the electrical complexity of the installation and therefore the oversight required by an AHJ.

Benefit: Residential installations increase in size each year as modules become more efficient and currently the average residential installation size in Oregon is greater than 5 kVa. This change to the fee schedule categories would decrease the cost to permit solar installations under 8.0 kVa, which is the category most residential installations fall within. This change would affect solar installations in jurisdictions throughout Oregon.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul N. Israel", is written over a horizontal line.

Paul N. Israel, President and Chairman of the Board

About OSEIA: Founded in 1982, the OSEIA members include, educational, union, industry and utility solar stakeholders in the state.

This letter is also endorsed by NW Seed, Solar Oregon, Sierra Club



State of Oregon

Board memo

Building Codes Division

May 28, 2015

To: The Electrical and Elevator Board
From: Brett Salmon, manager, Policy and Technical Services
Subject: Proposed amendments to OAR 918-271-0040 Mandatory Inspections

Action requested:
Review and provide recommendation regarding proposed amendments to [OAR 918-271-0040](#) Mandatory Inspections.

Background:
Oregon Administrative Rule (OAR) 918-271-0040 establishes mandatory inspection items electrical inspectors must review during the inspection of an electrical installation and establishes timelines to ensure prompt completion of inspections. Recently the division was made aware that this rule was being misinterpreted in a manner that was causing delays to inspection and approval. Based on those concerns the division developed these amendments designed to provide greater clarity and flexibility to inspectors and contractors.

The proposed rule clarifies the mandatory inspection requirements, and gives inspectors and contractors scheduling flexibility to allow contractors to be present at the time of inspection. Greater clarity in the inspection requirements and flexibility in scheduling inspections will help to ensure the timely, safe, and accurate inspections of electrical installations.

- Options:**
- Recommend the division proceed to rulemaking with proposed amendments to OAR 918-271-0040; or,
 - Amend the proposed amendments to OAR 918-271-0040 and recommend the division proceed to rulemaking.

Inspection Protocols

918-271-0040

Mandatory Inspections

(1) Electrical inspectors shall inspect the following electrical installations to verify appropriateness of the size, placement, protection and termination, ~~of the following electrical installations,~~ **inspectors shall** note discrepancies and require corrections of code violations.

Physical contact is not required to inspect the electrical installations listed below.:

- (a) Service entrance conductors;
- (b) Service equipment;
- (c) Grounding electrode and grounding electrode conductor;
- (d) Bonding;
- (e) Overcurrent protection;
- (f) Branch circuits;
- (g) Feeders; **and,**
- (h) ~~Ground fault circuit interrupter devices (GFCI) and ground fault protection systems (GFP);~~
~~and~~
- ~~(i) Underground installations.~~

(2) Electrical inspectors shall test ground-fault circuit interrupter devices (GFCI) and arc-fault circuit interrupter devices (AFCI) for functionality. Ground fault protection systems (GFP) shall be performance tested in accordance with the OESC.

~~(2)~~**(3)** A final inspection shall be requested and provided to verify all mandatory items in subsections (1)(a) to (i) of this rule are in compliance.

~~(3)~~**(4)** A final inspection shall be performed by the inspecting jurisdiction as soon as practicable, but not later than five working days following the date on which it is requested. **Subject to the approval of the building official, the permit holder may schedule a final inspection prior to completion of the electrical installation in order to allow presence of the permit holder at the time of inspection.**

Stat. Auth: ORS 479.855

Stats. Implemented: ORS 455.160 & ORS 479.855

Hist.: BCA 11-1988, f. & cert. ef. 7-20-88; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96;

Renumbered from 918-302-0020; BCD 16-1997, f. 9-30-97, cert. ef. 10-1-97; BCD 23-2000, f. 9-29-00, cert. ef 10-1-00