



# Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Building Codes Division

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## *Electrical and Elevator Board*

Meeting agenda

Thursday, November 17, 2016, 9:30 a.m.

Conference Room A

Board meetings are broadcast live via the Internet at

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

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### **I. Board business**

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the draft board meeting minutes [September 22, 2016](#)
- E. Date of the next regularly scheduled meeting: January 26, 2017

### **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. Electrical program update
- B. Elevator program update
- C. [Summary](#) of enforcement actions previously taken by the division outlined on the enforcement board report (*No board action required*)
- D. [License suspensions](#) of enforcement actions previously taken by the division outlined on the enforcement board report (*No board action required*)

### **IV. Communications - None**

### **V. Appeals - None**

### **VI. Unfinished business - None**

### **VII. New business**

- A. Board consideration of proposed changes to the advisory board [penalty matrix](#)
- B. Board consideration of [proposed enforcement rules](#) that clarify certain procedural processes
- C. Review and approve committee's recommendations for [new continuing education courses and instructors](#)

- D. Board review committee recommendation to [modify continuing education application](#) approval period to be valid through the duration of a code cycle

## **VIII. Announcements – None**

## **IX. Adjournment**

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### **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 administrator 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**  
September 22, 2016

**Members present:** Michael Weaver, electrical contractor, Chair  
Heather Miller, journeyman electrician, Vice-chair  
Thomas Faires, elevator manufacturing  
Timothy Frew, journeyman electrician  
Scott Hall, electrical equipment supplier  
Joseph Pugh, public member  
Randy Smith, electrical inspector  
James Totten, owner or manager of a commercial office building

**Members absent:** Robert Pyne, journeyman elevator installer  
Steven Trapp, electrical contractor  
Vacant, building official  
Vacant, commercial underwriter  
Vacant, electrical equipment manufacturing rep  
Vacant, industrial plant employing electricians  
Vacant, power and light industry

**Staff present:** Brett Salmon, manager, Policy and Technical Services  
Andrea Simmons, manager, Enforcement 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 Services  
Roseanne Nelson, assistant manager, Statewide Services  
Warren Hartung, elevator program chief, Statewide Services  
Alana Cox, senior policy advisor, Policy and Technical Services  
Adam Blechman, contested case representative, Enforcement Services  
Christopher Titus, investigator, Enforcement Services  
Richard Baumann, policy analyst, Policy and Technical Services  
Debi Barnes-Woods, boards administrator, Policy and Technical Services

**Guests present:** Nathan Philips, NECA  
James Imlah, IAEE  
Loran Burnham, BOLI/ATD  
Randy Carmony, Local 23

**I. Board business**

**A. Call to order**

Chairman Michael Weaver called the Electrical and Elevator Board meeting of September 22, 2016, to order at 9:36 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, Joseph Pugh, and James Totten were connected by teleconference. Robert Pyne and Steven Trapp were excused.

The Electrical and Elevator Board has the following five vacancies: Building official, commercial underwriter, electrical equipment mfr. representative, industrial plant representative, and power and light industry.

**C. Approval of the agenda and order of business**

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

**D. Approval of the board meeting draft minutes: September 22, 2016.**

Chair Weaver **RULED** the board meeting draft minutes of September 22, 2016, final.

**E. Date of the next regularly scheduled meeting: November 17, 2016.**

**II. Public comment**

James Imlah, IAEE, presented the board with the new NEC code book.

**III. Reports**

**A. Electrical program update**

Keith Anderson, electrical program chief, said that nine committee members have been selected by the board chair for membership to the 2017 Oregon Electrical Specialty Code Committee and Nathan Philips has been appointed chair. The first committee meeting is scheduled for November 15. All code proposals will be posted on the [division website](#) as they are received.

Shawn Haggin, assistant chief electrical inspector, provided information on the LBME license request for continuing education from a previous meeting. He said that current rule does not require continuing education to maintain that license.

During the 2005 Legislative Session, House Bill 2181 was adopted ([ORS 455.117](#)), which was part of a regulatory streamlining package. That bill aligned license applications and renewal processes. The amount of required continuing education was tied to the amount of experience required to obtain a certain type of license.

Current continuing education requirements ([OAR Chapter 918 Division 30](#)):

- Four or more years of experience to obtain a license need to complete 24 hours of approved continuing education to renew
- Two or more years of experience to obtain a license need to complete 12 hours of approved continuing education to renew
- One year or less of experience to obtain a license does not have a requirement for continuing education

Chair Weaver suggested that at least four hours of rule and law be required for license types that require one year or less of experience to obtain a license.

Nathan Philips, NECA, said this board has the authority to set and change licensing standards. He said that he was the chair of the committee that set the current licensing and continuing education standards, but at that time, the Limited Building Maintenance license did not exist. If the board wants to make a change, the board would first need to direct the division on what it wants to accomplish.

Chair Weaver directed the division to prepare a draft rule requiring the LBME license to complete four hours of approved continuing education in order to renew the license.

**B. Elevator program update**

Warren Hartung, elevator program chief, Statewide Services, reviewed the accident report for August of 2016. He said there were eight incidents reported, but none were related to equipment failure.

Chief Hartung noted that the overdue report will be available at the next scheduled meeting.

**C. Enforcement field investigators territory map – Informational.**

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

Informational item.

Anthony Estrada, contested case representative, Enforcement Services, introduced investigator Christopher Titus, the newest member to the enforcement team.

**E. License revocations of enforcement actions previously taken by the division outlined on the enforcement board report. (*No board action required*)**

Informational item.

**IV. Communications - None**

**V. Appeals - None**

**VI. Unfinished business**

**Review and provide a recommendation of electrical board rules for draft amendments to Chapter 918 Division 308 related to standards to delegation of electrical program to local government**

Tyler Larson, policy analyst, Policy and Technical Services, said that the City of Turner first applied for electrical program delegation September 2015 and presented at the November 19, 2015, and the January 28, 2016, Electrical and Elevator Board meetings. The board denied the City's request March 2016. The denial was due to concerns regarding the contractor's proposed service levels and inspector availability, the fiscal impact of losing the program on the current provider of electrical inspection services, and because of several deficiencies in the contractor's proposed operating plan.

The City filed a suit in circuit court seeking judicial review. At the advice of the board's counsel, the board directed the division to draft rules to address immediate concerns. The board also recommended adopting temporary rules based on feedback from counsel.

**Motion by vice-chair Heather Miller** to recommend the division adopt temporary rules and proceed to permanent rulemaking with proposed amendments to OAR 918-308

**Motion carried unanimously**

## **VII. New business**

### **A. Review and approve committee's recommendation on new continuing education courses and instructors**

Richard Baumann, policy analyst, Policy and Technical Services, said that the 45-day period for accepting code proposals to the 2017 Oregon Electrical Specialty Code began September 1 and ends October 15, 2016. Once that notice has opened, all 2017 courses may move forward. All courses that were in the pending category waiting for model code will be moving forward based on approval at the next continuing education meeting.

**Motion by vice-chair Heather Miller** to approve committee's recommendation for approval or denial of courses or instructors.

**Motion carried unanimously.**

### **B. Consideration of retroactive approval of continuing education credit for Dwain Herschbach, Oregon supervising electrician license No. 4388S, for OSHA 1910.269 Safety & Arc Hazard Awareness course back to September 22, 2015. Instructor has since submitted application to the state for approval as an instruction for re-Hazard**

Mr. Baumann explained that the board just denied this course in the previous item. He said that the committee recommended denial because the course was not equivalent to NFPA 70E arc flash safety courses that the board has been considering for electrical continuing education credits.

**Motion by Tim Frew** to deny the retroactive approval because the board took action to approve the committee recommendations in the previous item to deny the course.

**Motion carried unanimously.**

## **IX. Announcements - None**

## **X. Adjournment**

Chair Weaver adjourned the meeting at 10:40 a.m.

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

## Electrical and Elevator Board Enforcement Report for November 17, 2016

<b>Agenda Item III.C.</b>
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### Summary Report - Cases Previously Resolved by Division

Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2015-0174 Russ	Richardson, Ryan R. dba Ryan Richardson Construction	Installation of two ceiling fans, ventilation hood fan, light fixture, electrical receptacle and wiring for a new dishwasher. <ul style="list-style-type: none"> <li>•No electrical contractors license</li> <li>•Allowing unlicensed individual to perform electrical work</li> <li>•No electrical permit</li> <li>•No journeyman electrician license</li> </ul>	Marcola	May 2015	\$14,000*	\$14,000	Default Order. Complaint submitted by homeowner.
C2015-0250 Skip	Electrical Authority, Inc.	Installation of new electrical wiring and control board associated with HVAC unit. <ul style="list-style-type: none"> <li>•Allowing unlicensed individual to perform electrical work</li> <li>•No electrical permit</li> </ul>	Ontario	November 2015 to December 2015	\$3,000	\$1,250	Consent Order. Related to C2015-0251. Complaint submitted by BCD field investigator.
C2015-0251 Skip	Stears, Seth T.	Installation of new electrical wiring and control board associated with HVAC unit. <ul style="list-style-type: none"> <li>•As signing supervisor, failing to ensure electrician had proper licenses</li> </ul>	Ontario	November 2015 to December 2015	\$3,000	\$750	Consent Order. Related to C2015-0250. Complaint submitted by BCD field investigator.
C2016-0296 Dan	Trade Pro Electric, LLC	Installation of ceiling fans, dome lights, and pendant lights. <ul style="list-style-type: none"> <li>•Allowing unlicensed individual to perform electrical work</li> </ul>	Millersburg	July 2016	\$2,000	\$500	Consent Order. Related to C2016-0295 Complaint submitted by BCD field investigator.

## Electrical and Elevator Board Enforcement Report for November 17, 2016

<b>Summary Report - Cases Previously Resolved by Division</b>							
<b>Case #</b>	<b>Name</b>	<b>Violation</b>	<b>Location of Violation</b>	<b>Date of Violation</b>	<b>Penalty Assessed</b>	<b>Penalty to Pay</b>	<b>Other Comments</b>
C2016-0138 Dan	Gonzalo, Monje	Installation of electrical wiring and receptable. <ul style="list-style-type: none"> <li>•No journeyman electrician license</li> <li>•No electrical permit</li> </ul>	Chemult	March 2016	\$6,000*	\$1,800	Consent Order. Complaint submitted by license enforcement person.
C2016-0321 Anthony	A Light Up Company of Oregon, Inc.	Failure to pay civil penalty by the due date. <ul style="list-style-type: none"> <li>•Assessed late fee and entered into a last chance agreement</li> </ul>	Oregon	May 2016	\$2,500	\$250	Consent Order. Complaint submitted by BCD fiscal section.
C2016-0080 Anthony	Simply Shocking LLC	Installation of electrical meter, electrical panel and seven outlets. <ul style="list-style-type: none"> <li>•Failing to employ a full-time general supervising electrician</li> </ul>	Portland	June 2015	\$3,000	\$3,000	Default Order. Complaint submitted by CCB field investigator.
C2015-0143 Russ	Lamb, Jeffrey R.	Separated ground and neutral electrical wiring associated with subpanel; installation of ultraviolet rated wiring and 2 GFCI electrical receptacles. <ul style="list-style-type: none"> <li>•No electrical contractors license</li> <li>•No journeyman electrician license</li> <li>•No electrical permit</li> </ul>	Philomath	June 2015	\$6,000	\$1,500	Consent Order. Complaint submitted by license enforcement person.
C2016-0328 Anthony	Total Quality Services, Inc.	Failure to pay civil penalty by the due date. <ul style="list-style-type: none"> <li>•Assessed late fee and entered into a last chance agreement</li> </ul>	Oregon	May 2016	\$5,250	\$525	Consent Order. Complaint submitted by BCD fiscal section.
C2016-0046 Anthony	Peterson, Authur	Signing Supervisor was paid a monthly stipend or fee to act as a signing supervisor while not performing duties of supervising electrician.	Portland	January 2015	\$3,000	\$750	Consent Order. Related to C2016-0045, C2016-0048 and C2016-0049 Complaint submitted by City of Portland Electrical Inspector.

## Electrical and Elevator Board Enforcement Report for November 17, 2016

<b>Summary Report - Cases Previously Resolved by Division</b>							
<b>Case #</b>	<b>Name</b>	<b>Violation</b>	<b>Location of Violation</b>	<b>Date of Violation</b>	<b>Penalty Assessed</b>	<b>Penalty to Pay</b>	<b>Other Comments</b>
C2016-0045 Anthony	Electro Wire, Inc.	Installation of various electrical products to convert garage to an ADU. <ul style="list-style-type: none"> <li>● Failure to continuously employ a signing supervisor.</li> <li>● Allowing an unlicensed individual to perform electrical work.</li> <li>● Provided false information on permit.</li> </ul>	Portland	January 2015	\$6,000	\$2,250	Consent Order. Related to C2016-0046, C2016-0048 and C2016-0049 Complaint submitted by City of Portland Electrical Inspector.
C2016-0156 Skip	Bissonnett, Ricky L.	Installation of Romex wiring, electrical subpanel, electrical outlet receptacles and light fixtures. <ul style="list-style-type: none"> <li>● No electrical contractors license</li> <li>● No journeyman electrician license</li> <li>● No electrical permit</li> </ul>	Sumpter	October 2015	\$6,000	\$6,000	Default Order. Related to C2016-0142 Complaint submitted by BCD field investigator.
C2016-0017 Adam	Slimick, Daniel R. Sr	Full remodel of residence. <ul style="list-style-type: none"> <li>● No supervising or journeyman electrician's license.</li> </ul>	Amity	January 2015	\$4,000 *	\$500	Consent Order. Related to C2015-0246 Complaint submitted by Yamhill County Electrical Inspector.
C2016-0136 Adam	Condit, Wayne A.	Installation of electrical wiring and receptacles. <ul style="list-style-type: none"> <li>● No supervising or journeyman electrician's license.</li> </ul>	Hemistion	March 2016	\$2,000	\$750	Consent Order. Related to C2016-0125 Complaint submitted by BCD Enforcement Officer.
C2016-0332 Anthony	Robben, Greg	Failure to pay civil penalty by the due date. <ul style="list-style-type: none"> <li>● Assessed late fee and entered into a last chance agreement</li> </ul>	Oregon	June 2016	\$1,500	\$1,500	Default Order. Complaint submitted by BCD fiscal section.

## Electrical and Elevator Board Enforcement Report for November 17, 2016

<b>Agenda Item III.D.</b>
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<b>License Suspensions, Revocations and Conditioned (Director Action)</b>			
<b>Case #</b>	<b>Name</b>	<b>Suspension/Revocation/Conditioned Information</b>	<b>Other Comments</b>
C2016-0046 Anthony	Peterson, Arthur	Respondent's supervising electrician license is suspended for a period of 1 year. The Division will issue Respondent a conditional journeyman electrician license for a six-month period. Following the six-month period, Respondent may return the conditional license in exchange for a regular journeyman electrician license.	Related to C2016-0045, C2016-0048 and C2016-0049
C2016-0045 Anthony	Electro Wire Inc.	Respondent's electrical contractor license is suspended for a period of one month. After one month, the Division will issue Respondent a conditional electrical contractor license for a six-month period. Following the six-month period, Respondent may return the conditional license in exchange for a regular electrical contractors license.	Related to C2016-0046, C2016-0048 and C2016-0049

**State of Oregon**

**Board memo**

**Building Codes Division**

**November 17, 2016**

**To:** Electrical and Elevator Board

**From:** Adam D. Blechman, contested case representative, Enforcement Services

**Subject:** Proposed changes to the Advisory Board Penalty Matrix

**Action requested:**

To consider proposed changes to the Advisory Board Penalty Matrix.

**Background:**

Pursuant to Oregon Administrative Rule ([OAR 918-001-0036\(6\)](#)), the Director of the Department of Consumer and Business Services may, subject to approval of a board, develop a penalty matrix for the board's use to promote equity 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. The licensing advisory boards have previously approved the use of a penalty matrix, most recently in June 2010. The attached document contains proposed changes to the current matrix, including deletions (which are stricken through) and additions (which are in boldface font and underlined).

There are several proposed changes to the matrix, mostly for the purposes of clarifying its application and conforming to applicable statutes and rules. The proposed changes include clarifications that license actions (conditions, suspensions, and revocations) are independent from the civil penalties and type of violation (first, second, or third) outlined in the matrix, and that the type of violation is based upon the number of violations committed within the past five years. In addition, some violation types are clarified in order to capture different violations or distinguish violations based on facts. Civil penalty amounts are largely unchanged, with the exception of those that previously contained identical civil penalty amounts for second- and third-time violators because a Respondent must be a third-time violator before the maximum civil penalty may be assessed under [ORS 455.895\(5\)](#) based on the definition of "pattern of violation" as adopted by the board. Under OAR 918-001-0036, "pattern of violation" is defined as "two or more prior violations during a five-year period of any provision of ORS Chapter [446](#), [447](#), [455](#), [460](#), [479](#), [480](#), or [693](#), or the state building code as defined in 455.010, whether or not a penalty was assessed." Accordingly, some changes in civil penalty amounts are proposed to reflect this definition in administrative rule.

On October 20, 2016, the State Plumbing Board considered and approved the proposed changes to the matrix with no edits.

**Options:**

After considering the proposed changes to the Advisory Board Penalty Matrix, the board may:

- Approve of the proposed changes.
- Amend and approve the proposed changes. Include in the motion the amendments to the proposed changes.
- Disapprove of the proposed changes, which would leave the matrix in its current form and recommend OAR 918-001-0036's definition "pattern of violation" be amended to reflect the policy in the matrix.

## ADVISORY BOARD CIVIL PENALTY MATRIX

~~June, 2010~~2016

Pursuant to OAR 918-001-0036, this penalty matrix applies to the following trade specialty codes: boiler, electrical, elevator, manufactured dwelling/installer, plumbing, and mechanical.

~~Absent an accompanying license violation, permit violations are handled by the issuing authority.~~

The entire penalty is imposed in all cases. A violator will not automatically receive the minimum amount due for the penalty. A stay of some portion of a penalty is within the sole discretion of the board or the division acting on the board's behalf for purposes of settling cases prior to hearing. In determining whether a portion of the penalty should be stayed the **Board** ~~Division~~ considers aggravating and mitigating factors including but not limited to risk to the public and the cooperation of the violator.

**Civil penalties may be assessed in addition to, or in lieu of, the conditioning, suspension, and/or revocation of a license, certificate, or similar authority. The conditioning, suspension, and/or revocation of a license, certificate, or similar authority are not part of this penalty matrix and the Board or the Division, acting on the Board's behalf, may take an action against a license, including against a first time violator. The violation type (first, second, or third) is based upon the number of violations committed within five years of the date of the present violation.**

Violation Type	1st	2nd	3rd	Length of Time
<b>Permit Violation</b>	<b>Penalty Assessed: \$1000 Max. Amt. Stayed: \$750 Min. Amt. Due/payable: \$250</b>	<b>Penalty Assessed: \$ 2000 Max. Amt. Stayed: \$1250 Min. Amt. Due/payable: \$750</b>	<b>Penalty Assessed: \$3000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$2000</b>	<b>5-years from last violation</b>
Above section applies to violations of permit requirements, <b>excluding violations involving false information.</b>				
<b>Volunteer Who Has Violated Licensing Laws</b>	<b>Penalty Assessed: \$1000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$0</b>	<b>Penalty Assessed \$2000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$1000</b>	<b>Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000</b>	<b>5-years from last violation</b>
Above section applies to individuals <b>who are</b> not licensed <b>or employed in</b> one of the specialty trades listed above <b>and</b> who make an installation that requires a license for no remuneration or other benefit.				
<b>Unlicensed Activities</b>	<b>Penalty Assessed: \$2000 Max. Amt. Stayed: \$1750 Min. Amt. Due/payable: \$250</b>	<b>Penalty Assessed: \$2500 With Max Stay: \$1000 Min. Amt. Due/payable: \$1500</b>	<b>Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000 <b>Condition/deny/suspend/revoke/injunction</b></b>	<b>5-years from last violation</b>
Above section applies to individuals or companies and includes working without a license and allowing an unlicensed individual to perform specialty work.				

<b>Violation Type</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>Length of Time</b>
<b>Scope of License Violations</b>	<b>Penalty Assessed: \$2000 Max. Amt. Stayed: \$1750 Min. Amt. Due/payable: \$250 (Apprentices: max. amt. stayed: \$2000/ min. due: \$0)</b>	<b>Penalty Assessed: \$3000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$2000</b>	<b>Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000 and/or condition/denial/suspension/revocation</b>	<b>5-years from last violation</b>
Above section applies to individuals or companies in one of the specialty trades working outside the scope of their license. This also includes apprentices.				
<b>Supervisor</b>	<b>Penalty Assessed: \$3000 Max. Amt. Stayed: \$2750 Min. Amt. Due/payable: \$250</b>	<b>Penalty Assessed: \$4000 Max. Amt. Stayed: \$2000 Min. Amt. Due/payable: \$2000</b>	<b>Penalty Assessed: \$5000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$4000 and/or condition/denial/suspension/revocation</b>	<b>5-years from last violation</b>
Above section applies to supervising electricians not performing the duties of a supervisor, as listed in OAR 918-282-0140.				
<b>Business</b>	<b>Penalty Assessed: \$3000 Max. Amt. Stayed: \$2750 Min. Amt. Due/payable: \$250</b>	<b>Penalty Assessed: \$4000 Max. Amt. Stayed: \$1000 Min. Amt. Due/payable: \$3000</b>	<b>Penalty Assessed: \$5000 Max. Amt. Stay: \$1000 Min. Amt. Due/payable: \$4000 and/or condition/denial/suspension/revocation</b>	<b>5-years from last violation</b>
Above section applies to individuals engaging in the business or of a contractor working in a trade that requires a specialty license.				
<b>Unsafe Installations/Health and Safety Hazard/Failure to Comply with Directive/False information</b>	<b>Penalty Assessed: \$3000 Max. Amt. Stayed: \$2500 Min. Amt. Due/payable: \$500</b>	<b>Penalty Assessed: <del>\$54000</del> Max. Amt. Stayed: <del>\$32000</del> Min. Amt. Due/payable: \$2000 and/or condition/denial/suspension/revocation</b>	<b><del>Same as second-time violator</del> Penalty Assessed: \$5000 Max. Amt. Stay: \$1000 Min. Amt. Due/payable: \$4000</b>	<b>5-years from last violation</b>
Above section applies to individuals or companies that have made an unsafe installation causing immediate danger to the public <u>and to individuals who provide false or incorrect information or a false or an incorrect signature to the Division or municipality, such as while applying for a permit, applying for a license, or participating in an investigation.</u>				
<b>Failure to Comply with Order of Corrective Action/Continuing Offense</b>	<b>Up to \$1000 per day and/or suspension/ revocation</b>	<b><u>N/A</u></b>	<b><u>N/A</u></b>	<b>5-years from last violation</b>
Above section applies to orders to correct any <u>work or</u> installation <u>related to any trade specialty codes listed above and to continuing offenses, as defined in OAR 918-001-0036(2)(a).</u>				

Violation Type	1st	2nd	3rd	Length of Time
<b>Failure to Comply with Directive &amp; Aggravating Factors</b>	<b>Penalty Assessed: <del>\$4500</del><u>4000</u></b> <b>Max. Amt. Stayed: \$1500</b> <b>Min. Amt. Due/payable: <del>\$3000</del><u>2500</u></b>	<b>Penalty Assessed: <del>\$5000</del><u>4500</u></b> <b>Max. Amt. Stayed: \$1000</b> <b>Min. Amt. Due/payable: <del>\$4000</del><u>3500</u></b> <b>and/or</b> <b>condition/denial/suspension/revocation</b>	<del><b>Same as second-time violator</b></del> <b>Penalty Assessed: \$5000</b> <b>Max. Amt. Stay: \$1000</b> <b>Min. Amt. Due/payable: \$4000</b>	<b>5 years from last violation</b>
Above section applies to directives, <b>as defined in OAR 918-001-0036(2)(b)</b> , given to anyone failing to comply with the <del>Oregon</del> <b>trade</b> specialty codes listed above. This includes jurisdictions.				

**Agenda  
Item  
VII.B.**

**State of Oregon**

**Board Memo**

**Building Codes Division**

**November 17, 2016**

**To:** Electrical and Elevator Board

**From:** Todd Smith, policy analyst, Policy and Technical Services

**Subject:** Proposed Enforcement Rules

**Action requested:**

Approval of the division's proposed enforcement rules.

**Background:**

The division has developed proposed enforcement rules. These proposed rules are intended to clarify certain procedural aspects of the contested case hearing process and ensure that licensees provide accurate contact information. The rules also require cooperation with investigations and allow an enforcement action to be taken against the license of owners of businesses that have been assessed civil penalties or have had action taken against their business or other businesses that they are associated with. The procedural changes are consistent with the Department of Justice's model rules for procedure in contested case hearings. The other rules, such as the one related to proper service, are needed to ensure that the division can take efficient and effective enforcement actions. On October 20, 2016, the State Plumbing Board considered and approved the proposed rules, with the exception of the proposed changes to OAR 918-001-0034, which has not yet been presented to that board.

**Options:**

- Approve the proposed rules, as recommended by the division, to be sent to public hearing.
- Recommend modifications to the proposed rules and send to public hearing. (Provide specific modifications in the motion.)
- Disapprove rules. (Provide reason for disapproval in the motion.)

**918-001-0012 Hearing Exhibits and Witness Lists**

**At least 14 days prior to a contested case hearing for which there are no prehearing conferences, the Division and the parties shall exchange exhibits and a list of witnesses, and shall provide copies to the Office of Administrative Hearings. Failure to provide exhibits and a list of witnesses at least 14 days prior to hearing may result in the exclusion of exhibits and/or witnesses at the hearing.**

**Stat. Auth.: ORS 183.341**  
**Stats. Implemented: ORS 183.341**  
**Hist.: New**

**918-001-0014 Written Exceptions**

**Written exceptions and argument to proposed orders must be received by the Division within 20 calendar days after the service date of the proposed order. Written exceptions and argument shall be sent to: Building Codes Division, Enforcement and Licensing, PO Box 14470, Salem, Oregon 97309-0404.**

**Stat. Auth.: ORS 183.341**  
**Stats. Implemented: ORS 183.341**  
**Hist.: New**

**918-001-0016 Board Issuance of Final Orders**

**OAR 137-003-0655(7) shall not apply to contested cases brought under the authority of a licensing board. For such cases, the appropriate licensing board shall consider the proposed order at the next board meeting following the issuance of the proposed order. An amended proposed order or a final order shall be issued within 90 days after the board meeting at which the board considers the proposed order, unless the Division gives written notice to the administrative law judge and all other parties of the date by which it expects to issue an amended proposed order or a final order.**

**Stat. Auth.: ORS 183.341**  
**Stats. Implemented: ORS 183.341**  
**Hist.: New**

918-001-0034

Disqualification from Obtaining License, Registration, Certificate, or Certification

(1) Disqualification under ORS 455.127(2) shall be for a period of five years except as provided in subsection (2) of this rule.

(2) The Director of the Department of Consumer and Business Services or an appropriate advisory board may, in its discretion, order a disqualification fewer than five years. In doing so the Director of the Department of Consumer and Business Services or appropriate advisory board may, but is not required to, consider any mitigating factors.

**(3) Subject to ORS chapter 183, a regulatory body listed in ORS 455.129(3) may deny a license, certificate, registration or application, or may suspend, revoke, condition or refuse to renew a license, certificate or registration if the regulatory body finds that the licensee, certificate holder, registrant or applicant:**

**(a) Was an owner or officer of another business at the time the other business was assessed a civil penalty under ORS 455.895;**

**(b) Was an owner or officer of another business at the time an act or failure to act by any owner or officer of the other business resulted in action being taken against the license, certificate or registration of the other business by the department, the director or any advisory board;**

**(c) Was an owner or officer of another business at the time the other business was subject to an order to cease and desist or other sanction by the director or an advisory board; or**

**(d) Was directly involved in an act described in (a), (b), or (c) of this rule.**

Stat. Auth.: ORS 455.127 & 455.117

Stat. Implemented: ORS 455.127

Hist: BCD 5-2015(Temp), f. & cert. ef. 7-1-15 thru 12-27-15; BCD 8-2015, f. & cert. ef. 10-1-15

### **OAR 918-001-0300 Address Notification Requirements and Service of Process**

**(1) It is the responsibility of all persons licensed, certified, registered, or otherwise authorized by the Director or an advisory board to inform the Building Codes Division in writing of current contact information, including a non-Post Office Box mailing address, phone number, and e-mail address. The mailing address must be one to which the Building Codes Division can effectively serve pleadings and other documents by registered or certified mail. Contact information included on an application for a license, certification, registration, or other authorization satisfies this notification requirement.**

**(2) It is the responsibility of all persons licensed, certified, registered, or otherwise authorized by the Director or an advisory board to inform the Building Codes Division in writing of any change in name, address, phone number, or email address within 20 days of any such change.**

**(3) Notice by registered or certified mail to the holder of any license, certificate, registration, or other authorization issued by the Director or an advisory board at the last**

**address on file with the Building Codes Division, pursuant to this rule, shall constitute effective service.**

**(4) Nothing in this rule shall alter any other change of address notification requirements.**

**Stat. Auth.: ORS 455.117 & 455.720**

**Stats. Implemented: ORS 455.117, 455.720**

**Hist.: New**

**OAR 918-001-0310 Cooperation with Investigations**

**(1) The holder of any license, certificate, registration, or other authorization issued by the Director or an advisory board shall cooperate with any investigation conducted pursuant to ORS Chapter 455.**

**(2) Failure to cooperate with an investigation pursuant to subsection (2) of this rule shall be grounds for:**

**(a) Denial, suspension, conditioning, or revocation of a registration, certification, license, or other authority of a person to perform work or conduct business issued under laws administered by the Department or an advisory board, as set forth in ORS 455.125 or ORS 455.129; or**

**(b) Disqualification from obtaining a license, registration, certificate, or certification, as set forth in ORS 455.127.**

**(3) As used in this rule, to cooperate with an investigation may include, but not be limited to, answering questions, making sworn statements or testifying in administrative hearings.**

**Stat. Auth.: ORS 455.117 & 455.720**

**Stats. Implemented: ORS 455.117, 455.720, 455.125, 455.127, 455.129**

**Hist.: New**

**State of Oregon**

**Board memo**

**Building Codes Division**

**November 17, 2016**

**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 October 4, 2016, to review CE course and instructor applications. The committee reviewed 41 applications from 15 organizations:

- 14 courses were recommended for approval.
- 3 courses were recommended for denial.
- 11 instructors were recommended for approval.
- No instructors were recommended for denial.
- 13 applications are pending waiting for additional information from the provider.

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  
11/17/16**

**Courses**

	<b>Applicant</b>	<b>Course Name</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
1	IAEI (Inter. Assoc. of Elect. Insp)	Significant Changes to the 2017 National Electrical Code (8 hours CC)  Board approved instructor on file.	Approve – 2017 OESC code cycle	
2	National Technology Transfer, Inc.	2017 National Electrical Code and NEC Applications (24 hours CR)	Approve – 2017 OESC code cycle	
3	EC&M Workplace Learning Center	EC&M’s 2017 NEC Code Change Conference (4 hours CC)  Board approved instructor on file.	Approve – 2017 OESC code cycle. Course hours reduced to 4 hours from 16 hours. Course does not contain enough code material for 16 hours of credit. Provider may resubmit course with new or revised material.	
4	National Technology Transfer, Inc.	2017 National Electrical Code (16 hours CR)	Approve – 2017 OESC code cycle	
5	National Technology Transfer, Inc.	2017 National Electrical Code (24 hours CR)	Approve – 2017 OESC code cycle	
6	National Technology Transfer, Inc.	2017 National Electrical Code Changes (16 hours CR)	Approve – 2017 OESC code cycle	
7	National Technology Transfer, Inc.	NEC Practical Application in Buildings & Facilities (16 hours CR)	Approve – 2017 OESC code cycle	
8	National Technology Transfer, Inc.	NEC Practical Applications in Building & Facilities (24 hours CR)	Approve – 2017 OESC code cycle	
9	360training.com, Inc.	NFPA 70E (4 hours CR)	Approve – 2017 OESC code cycle	
10	360training.com, Inc.	Electrical Safety (1 hour CR)	Deny – this course is not equivalent to NFPA 70E safety courses that the board has been considering for electrical continuing education credit.	

11	360training.com, Inc.	Stairways & Ladders (1 hour CR)	Deny – this course is not in one of the safety related categories that the board considers for electrical continuing education credit.	
12	Jon Coulimore Education	2017 NEC Code Change (4 hours CC) Board approved instructor on file.	Approve – 2017 OESC code cycle	
13	Jon Coulimore Education	2017 NEC Code Change (8 hours CC)	Approve – 2017 OESC code cycle	
14	Puget Sound Electrical JATC	Fiber Optics 1 (2 hours CR)	Approve – Course reduced to 2 hours from 8 hours. Course hours reduced to 2 from 8 hours. Course does not contain enough code material for 8 hours of credit. Provider may resubmit course with new or revised material.	
15	Oregon Pacific Cascade NECA	Advanced Estimating of Electrical Construction (14 hours CR)	Deny – not code related	
16	AETECH	2014 NEC Electrical Industry Wiring Methods (8 hours CR) Board approved instructor on file.	Approve – 2014 OESC code cycle.	
17	Classes4Construction.com	Oregon Overview of the 2014 National Electrical Code (4 hours CC)	Approve – 2014 OESC code cycle.	

### Instructors

	Applicant	Committee Recommendation	Board Action
1	John Kempa National Technology Transfer, Inc.	Approve – 2017 OESC code cycle	
2	Jim Bosshart National Technology Transfer, Inc.	Approve – 2017 OESC code cycle	
3	Orson Christiansen National Technology Transfer, Inc.	Approve – 2017 OESC code cycle	
4	Paul Rosenberg National Technology Transfer, Inc.	Approve – 2017 OESC code cycle	
5	Ron Hughes National Technology Transfer, Inc.	Approve – 2017 OESC code cycle	
6	Vince May National Technology Transfer, Inc.	Approve – 2017 OESC code cycle	

7	Rick Simpson National Technology Transfer, Inc.	Approve – 2017 OESC code cycle	
8	Paul S. Baeder 360training.com, Inc.	Approve – 2017 OESC code cycle	
9	Tim Chandler Metropolitan Community College	Approve – 2014 OESC code cycle. Course identified on application is currently approved by the board.	
10	Troy Nichols EC Company	Approve – 2014 OESC code cycle. Course identified on application is currently approved by the board.	
11	James D. Sandefur Classes4Construction.com	Approve – 2014 OESC code cycle	

### Applications Pending

	<b>Applicant</b>	<b>Course Name</b>	<b>Information Requested by Committee</b>
1	Mike Miers National Technology Transfer, Inc.	Instructor	Applicant did not provide sufficient proof of qualifications.
2	Michael Fontaine National Technology Transfer, Inc.	Instructor	Applicant did not provide sufficient proof of qualifications.
3	360training.com, Inc.	NEC 2014 Code Changes – 2 Hours (2 hours CC)	Course materials submitted include code references to 2005 & 2008 NEC.
4	Scott Young e-Hazard	Instructor	Applicant did not provide sufficient proof of qualifications.
5	Joseph Rachford e-Hazard	Instructor	Applicant did not provide sufficient proof of qualifications.
6	Generac Power Systems, Inc.	Bridging the Generator Gap (3 hours CR)	Course does not contain sufficient code content. Provider may resubmit is new or revised material.
7	Bob Cramer Generac Power Systems, Inc.	Instructor	Course submitted pending. Instructor application may be resubmitted if provider resubmits course.
8	Brian Baughman Generac Power Systems, Inc.	Instructor	Course submitted pending. Instructor application may be resubmitted if provider resubmits course.
9	Robert M. Moody Oregon Pacific Cascade NECA	Instructor	Course submitted was recommended for denial.
10	ABM Electrical Power Ser.	Low Voltage Electrical Safety (4 hours CR)	Course is pending consideration of instructor application. Committee determined that this course is eligible for 4 hours of credit for the 2017 OESC cycle, if subsequently approved.

11	Michael Bivens ABM Electrical Power Ser.	Instructor	Applicant did not provide sufficient proof of qualifications.
12	MacDonald-Miller	Electric Motor Bearing Service Replacement (4 hours CR)	Course does not contain any code content. Provider may resubmit course with new or revised material.
13	Seth LaRiviere MacDonald-Miller	Instructor	Course submitted with instructor application is pending.

**State of Oregon**

**Board memo**

**Building Codes Division**

**November 17, 2016**

**To:** The Electrical and Elevator Board

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

**Subject:** Continuing Education Application Approvals

**Action requested:**

Electrical and Elevator Board consideration of modifying continuing education application period.

**Background:**

The Electrical and Elevator Board establishes continuing education requirements for all electrical licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. The board takes final action on applications that have been recommended for approval or denial based upon review by the board's continuing education committee.

Once the board takes final action on continuing education applications the division notifies the applicant of the board's decision. When approval letters are written the current practice specifies that continuing education courses are valid from the date of final board action to the date that was anticipated to be the end date of the currently adopted Oregon Electrical Specialty Code. This anticipated end date is subject to change, which creates confusion for continuing education providers and creates additional work for division staff.

**Discussion:**

The division brought this issue to the attention of the continuing education committee. The committee suggested that the division change approval letters to specify that approved applications are valid from the date of final board action through the duration of the specific Oregon Electrical Specialty Code code-cycle.

**Options:**

- Approve the committee's recommendation to modify approval letters so approved courses and instructors are valid from date of final board action through the duration of the specified code cycle.

- Amend and approve the committee's recommendation to modify approval letters so approved courses and instructors are valid from date of final board action through the duration of the specified code cycle.
- Disapprove the committee's recommendation, which retains current practice of approving courses from date of final board action to an anticipated end date of a specific code-cycle.