

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

2 **BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON**

3
4 **IN THE MATTER OF:**

)
) **CONSENT ORDER**

5 **ALLEN R. PATTON, AN INDIVIDUAL**

6
7 **RESPONDENT**

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) **CASE NO. 2013-0006**
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9 The Plumbing Board and the Electrical and Elevator Board of the State of Oregon (Boards) have
10 conducted an investigation of Respondent and determined that you violated certain provisions of the
Oregon Building Codes statutes, administrative rules, and specialty codes.

11 You and the Boards desire to settle this matter by the entry of this Consent Order. You understand
12 that you have the right to a contested case hearing under the Administrative Procedures Act (chapter
183), Oregon Revised Statutes, and fully and finally waive the right to a contested case hearing and
13 any appeal therefrom by the signing and entry of this Order in the Board’s record. You agree to
conduct all future business in compliance with the applicable statutes, administrative rules, and
14 specialty codes. You understand that this Order is a public record.

15 As evidenced by the authorized signatures on this Order, the Boards find and you stipulate to the
16 entry of this Order and its following terms.

17 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

18 (1) During all relevant times, you were a licensed journeyman electrician, license number
12313J.

19 (2) During or about the period of November 12, 2012 though November 27, 2012, at 2385
20 Table Rock Road Space #87, Medford, Oregon, you engaged in the business of installing a ceiling
light and fan, relocated a light over the sink, and rewired/extended electrical wiring for a washer
21 and dryer, for the account of another, without an electrical contractor’s license, in violation of ORS
479.620(1).
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23 (3) During or about the period of November 12, 2012 though November 27, 2012, at 2385
Table Rock Road Space #87, Medford, Oregon, you failed to work under the supervision, direction
24 and control of a general supervising electrician while installing a ceiling light and fan, relocating a
light over the sink, and a rewire/extend electrical wiring for a washer and dryer, in violation of OAR
25 918-282-0170(1)(b).

1 (4) During or about the period of November 12, 2012 though November 27, 2012, at 2385
2 Table Rock Road Space #87, Medford, Oregon, you installed a ceiling light and fan, relocated a
3 light over the sink, and rewired/extended electrical wiring for a washer and dryer, for the account of
4 another, without first obtaining an electrical permit, in violation of ORS 479.550(1).

5 (5) During or about the period of November 12, 2012 though November 27, 2012, at 2385
6 Table Rock Road Space #87, Medford, Oregon, you relocated a shower drain pipe and water supply
7 piping and relocated water supply pipes for a washing machine, without a plumbing contractor's
8 license, in violation of ORS 447.040(1).

9 (6) During or about the period of November 12, 2012 though November 27, 2012, at 2385
10 Table Rock Road Space #87, Medford, Oregon, you relocated a shower drain pipe and water supply
11 piping and relocated water supply pipes for a washing machine, for the account of another, without
12 a journeyman plumber's license, in violation of ORS 693.030(1).

13 (7) During or about the period of November 12, 2012 though November 27, 2012, at 2385
14 Table Rock Road Space #87, Medford, Oregon, you relocated a shower drain pipe and water supply
15 piping and relocated water supply pipes for a washing machine, for the account of another, without
16 first obtaining a plumbing permit, in violation of OAR 918-785-0200(1)(a).

17 (8) The installation of a ceiling light, relocating a light over the sink, and re-
18 wiring/extending electrical wiring for a washer and dryer, as described above, are electrical
19 installations as defined in ORS 479.530(10).

20 (9) Relocating a shower drain pipe and water supply piping and relocating water supply
21 pipes for a washing machine, as described above, is plumbing as defined in ORS 447.010(6).

22 **WHAT THE LAW SAYS**

23 (1) Under ORS 479.620(1), except as provided in ORS 479.540, a person may not engage in
24 the business of an electrical contractor without an electrical contractor's license.¹

25 (2) Under OAR 918-282-0170(1)(b), a licensed general journeyman electrician shall work
under the supervision, direction and control of a general supervising electrician unless doing the
type of work that may be supervised, directed or controlled by a person holding a specific limited
supervising electrician license, or the type of work requiring no supervision.

(3) Under ORS 479.550(1), except as provided in ORS 479.540, a person may not work on
any new electrical installation for which a permit has not been obtained.²

¹ OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630 and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform, work for which a license or permit is required under Oregon law, including but not limited to a single instance.

² OAR 918-309-0000(5) establishes a permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any electrical work thereunder.

1 (4) Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or
2 purport to be a plumbing contractor, and a member or employee of a firm, partnership or
3 corporation may not engage in the layout or superintending of plumbing installations, without
4 having obtained the plumbing contractor license required under ORS 447.010 to 447.156 as
5 provided by State Plumbing Board rules adopted under ORS 455.117.

6 (5) Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
7 without a journeyman plumber license.

8 (6) Under OAR 918-785-0200(1)(a), no person, firm, or corporation shall do plumbing or
9 effective October 1, 2001, medical gas systems work in the State of Oregon without first obtaining a
10 plumbing permit or minor label when required and paying the appropriate fees to the authorized
11 permit issuing agency.

12 STIPULATED AGREEMENT

13 You and the Boards agree to resolve this matter, without a hearing, by the entry of this
14 Consent Order subject to the following terms and conditions:

15 (1) The Board hereby assesses civil penalties against you of \$12,000 for violating ORS
16 479.620(1), 479.620(2), 479.550(1), 447.040(1), 693.030(1), and OAR 918-785-0200(1)(a), but
17 suspends \$9,000 of the civil penalties assessed for a period of five years under the following terms:

18 (1.1) You agree to pay the remaining \$3,000 of the civil penalties.

19 *(1.2) If you are able to submit a full payment of \$2,500 by the invoice due date, an
20 additional \$500 will be suspended. The invoice will be included with your copy of the Final Order
21 after it is signed by the Board.*

22 (2) You agree to pay for a licensed electrical and plumbing contractor to pull the electrical
23 and plumbing permits and have the contractors make any corrections required to be met by the local
24 jurisdiction's inspector to be made at 2385 Table Rock Road Space #87, Medford, Oregon by June
25 15, 2013.

(3) You will supply copies of the permits, inspection reports and contractor invoices to show
the terms of section (2) have been met by June 21, 2013 to the Department.

(4) Failure to comply or fully meet with the requirements in (2) and (3) will result in a
finding that the terms of the consent order has not been reached collection of the entire civil
penalties, including any suspended amount will be initiated.

(5) You agree if a final order is issued by the Boards finding you violated any of Building
Codes Division's statutes or rules, within five years from the date this Order was signed by the
Boards, you will pay any subsequent penalty and the suspended penalty from this Order.

1 (6) You agree not to commit further violations of Building Codes Division's statutes or
2 rules.

3 (7) If you make payment arrangements to pay the penalties assessed under this subsection,
4 but fail to make a payment within the time period stated on any final demand notice, collection of
the entire civil penalties, including any suspended amount will be initiated.

5 (8) You understand and agree any violation of the terms of this Consent Order will result in
6 further enforcement action.

7 (9) You understand and agree that any violations of Building Code Division's statutes or
8 rules not alleged in this Order, whether committed before or after the execution of this Consent
Order, shall be the basis for further enforcement action.

9 (10) You understand the suspended civil penalty will be waived five years after the
10 execution of this Consent Order, provided you comply with its terms and have not committed any
further violations of Building Codes Division's statutes or rules.

11 (11) You have read and fully understand the terms of this Consent Order, freely and
12 voluntarily consent to the entry of this Order without further hearing, without any force or duress,
and expressly waives all rights to hearing or appeal in this matter.

13 (12) You understand that, upon signature of all parties, this Consent Order will be a FINAL
14 ORDER.

15 (13) You further agree by signing this Consent Order that you are the Respondent or
authorized representative for the Respondent in this matter.

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FOR THE RESPONDENT


Allen R. Patton

Date: 6-6-13

FOR THE BOARD


Chairman
Plumbing Board
State of Oregon

Date: 6-6-13

FOR THE BOARD


Chairman
Electrical and Elevator Board
State of Oregon

Date: 6-6-13