

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

2)
3 **IN THE MATTER OF:**)

CONSENT ORDER

4 **WIRE NUTZ ELECTRICAL SERVICES LLC,**)
5 **A LIMITED LIABILITY COMPANY**)

6 **RESPONDENT**)
7)

CASE NO. 2013-0091

8
9 The Electrical and Elevator Board of the State of Oregon (Board) has conducted an investigation
10 and determined that you violated certain provisions of the Oregon Building Codes statutes,
administrative rules, and specialty codes.

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

17 As evidenced by the authorized signatures on this Order, the Board finds, and you stipulate to, the
18 entry of this Order and its following terms.

19 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

- 20 (1) You are a licensed Oregon electrical contractor, holding license number C677.
- 21 (2) On August 31, 2012, you entered into an agreement to pay Anthony (Tony) M. Sanders
22 \$700 a month “on payroll” and deposit \$100 into his Individual Retirement Account
23 (IRA) for his services as your signing supervising electrician. The agreement stated you
24 would provide weekly job reports to Mr. Sanders, including job site addresses and
25 permit numbers.
- (3) Mr. Sanders was registered as your sole signing supervising electrician in the Building
Codes Division’s licensing database.
- (4) During all relevant times, Mr. Sanders was employed by Keiwit Construction of
Vancouver, Washington, with normal working hours of 6:00 a.m. to 3:30 p.m., Monday
through Friday.

- 1 (5) During all relevant times, your typical working hours were 8 a.m. to 5 p.m., Monday
2 through Friday.
- 3 (6) During the period September 1, 2012 to May 17, 2013, you billed for approximately 300
4 jobs completed in Oregon including electrical installations requiring the supervision of a
5 signing supervising electrician. These jobs include but are not limited to the following:
- 6 1. The replacement of a 125 amp electrical panel and the installation of electrical
7 circuits, lights and outlets at 1940 NE 57th Avenue, Portland, Oregon (invoice no.
8 2705, September 17, 2012).
 - 9 2. The alteration of an electrical circuit and installation of a weatherproof switch at
10 4027 NE 67th Avenue, Portland, Oregon (invoice no. 2721, September 25, 2012).
 - 11 3. The installation of a 50 amp circuit for a hot tub at 10200 SW Coquille Drive,
12 Tualatin, Oregon (invoice no. 2804, October 19, 2012).
 - 13 4. An electrical panel change at 3914 NE 16th Avenue, Portland, Oregon (invoice no.
14 2901, November 20, 2012).
 - 15 5. The relocation of an electrical panel and circuits at 7420 SW 93rd Avenue, Portland,
16 Oregon (invoice no. 3349, April 29, 2013).
- 17 (7) During the period September 1, 2012 to May 17, 2013, you provided job reports to Mr.
18 Sanders via email for *completed* work.

19 WHAT THE LAW SAYS

- 20 (1) ORS 479.620(2) prohibits a person from directing, supervising, or controlling the
21 making of an electrical installation without a supervising electrician's license.
- 22 (2) OAR 918-282-0010 requires an electrical contractor to continuously employ at least one
23 full-time general supervising electrician, except as otherwise exempted.
- 24 (3) Under OAR 918-282-0015, an electrical contractor shall assure all electrical installations
25 are performed under the direct supervision of a continuously employed, full-time
supervising electrician.
- (4) OAR 918-251-0090(8) defines "continuously employ" as meaning "a person, including a
person leased from a worker leasing company licensed under ORS 656.850, during time
periods when electrical work for which they are responsible is performed, devotes their
entire time of employment to tasks of supervising, designing, laying out, planning,
controlling, and making electrical installations for the electrical contractor for which the
supervisor is registered as signing supervisor."

1 **STIPULATED AGREEMENT**

2 You and the Board agree to resolve this matter, without a hearing, according to the following terms
3 and conditions:

4 (1) The Board hereby assesses a \$15,000 civil penalty for violation of OAR918-282-0140(2)
5 of which \$11,500 will be suspended for a period of five years under the following terms:

6 (1.1) You agree to pay \$3,500 of the civil penalty.

7 (1.2) An additional \$500 of the total assessed penalties will be suspended if you
8 are able to pay \$3,000 by the date on the invoice. **(An invoice will be
9 included with your copy of the Final Order after it is signed by the
10 Board.)**

11 (2) Your Oregon Electrical contracting license no. C677 will be suspended for a period of
12 sixty (60) days beginning December 9, 2013.

13 (3) You agree to submit monthly reports to the Building Codes Division that will include
14 invoices for work performed in Oregon, proof of permits or a minor label for work
15 invoiced, and timesheets for your signing supervisor detailing when they were available
16 and which permits they signed.

17 a. You agree to submit the reports by the 25th of each month, beginning on
18 February 25, 2014 and ending on July 25, 2016.

19 b. You agree to submit the reports to the Enforcement Division at P.O. Box 14470,
20 Salem, OR. 97309.

21 (4) You agree to submit notification to the division of any employment changes within 5
22 business days of the event. Employment changes would include the addition or
23 subtraction of personnel. Notification must include the employee's name and license
24 number if applicable.

25 (5) You agree not to commit further violations of Building Codes Division's statutes or
rules.

(6) You understand that if you fail to comply with any of the terms of this consent
agreement that the entire civil penalty, including the amount suspended, will be
immediately due and payable. Failure to comply includes failure to pay the civil penalty
amount on the Final Demand Notice by the due date, or failure to make payments
according to the terms of any payment arrangement or Final Demand Notice and failure
to submit the monthly reports, required by item 3, within ten (10) days of the due date.

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

(8) You understand and agree that any violations of Building Code Division's statutes or
rules not alleged in this Order, whether committed before or after the execution of this

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Consent Order, may be the basis for further enforcement action.

(9) You understand the suspended civil penalty will be waived five years after the 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.

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

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

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

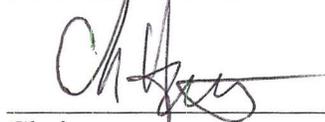
SIGNATURE FOR THE RESPONDENT



Mathew Lasch
Wire Nutz Electrical Services LLC

Date: 11/22/13

FOR THE BOARD



Chairman
Electrical and Elevator Board
State of Oregon

Date: December 9, 2013