

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

2)	
3	IN THE MATTER OF:)	CONSENT ORDER
4	POOL MASTERS INC., AN OREGON CORPORATION,)	
5	RESPONDENT.)	CASE NO. C2013-0213
6)	

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

10 The parties wish to settle this matter informally. Respondent understands that it has the
11 right to a hearing under the Administrative Procedures Act (Chapter 183), Oregon Revised Statutes,
12 and fully and finally waives the right to a contested case hearing and any appeal therefrom by the
13 signing and entry of this Order in the Board's record. Respondent agrees to conduct all future
14 business in compliance with the applicable statutes, administrative rules, and specialty codes.
15 Respondent understands that, once final, this Order is a public record.

16
17 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

- 18 1. During or about the period of August 6, 2013, through September 20, 2013, at 585 Orchard
19 Street, Ashland, Oregon, Respondent engaged in the business of installing an electric pump,
20 timer and associated wiring, for the account of another, without an Oregon electrical
21 contractor's license.
- 22 2. During or about the period of September 1, 2012, through September 19, 2012, at 585
23 Orchard Street, Ashland, Oregon, Respondent allowed Rick Specht to install electrical
24 wiring and electrical products, for the account of another, without a supervising or
25 journeyman electrician's license.

- 1 3. During or about the period of August 6, 2013, through September 20, 2013, at 585 Orchard
2 Street, Ashland, Oregon, Respondent installed an electric pump, timer and associated
3 wiring, for the account of another, without having first obtained an electrical permit.
4 4. The installations of an electric pump, timer and associated wiring are electrical installations
5 under ORS 479.530(10).
6

7 **WHAT THE LAW SAYS**

- 8 1. Under ORS 479.620(1), a person may not, without an electrical contractor's license, engage
9 in the business of making electrical installations, advertise as or otherwise purport to be
10 licensed to make electrical installations or purport to be acting as a business that makes
11 electrical installations.¹
12 2. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform
13 electrical work for which the individual is not properly registered or licensed. Under ORS
14 479.550(1), no person shall work on any new electrical installation for which a permit has
15 not been issued.
16

17 **SETTLEMENT AGREEMENT**

18 Respondent and the Board agree to resolve this matter without a hearing according to the
19 following terms:

- 20 1. The Board hereby assesses \$6,000 in civil penalties for violations of ORS 479.620(1), OAR
21 918-282-0120(1) and ORS 479.550(1), of which \$4,250 will be suspended for a period of
22 five years under the following terms:
23

24 ¹ Under OAR 918-030-0010(8), for purposes of ORS 447.040, 479.620, 480.630 and any other
25 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.

1 1.1. Respondent agrees to pay \$1,750 of the assessed civil penalties. *(The invoice will*
2 *be included with your copy of the Final Order after it is signed by the Board.)*

3 2. Respondent agrees not to commit further violations of the Building Code Division's statutes
4 or rules.

5 3. Respondent understands that failure to comply with any of the terms of this consent
6 agreement will result in the entire civil penalty, including the amount suspended, becoming
7 immediately due and payable. Failure to comply includes failure to pay the civil penalty
8 amount on the Final Demand Notice by the due date, or failure to make payments according
9 to the terms of any payment arrangement or Final Demand Notice.

10 4. Respondent understands and agrees that any violation of the terms of this Consent Order
11 will result in further enforcement action.

12 5. Respondent understands and agrees that any violation of the Building Code Division's
13 statutes or rules not alleged in this Consent Order, whether committed before or after the
14 execution of this Consent Order, may be the basis for further enforcement action.

15 6. Respondent understands the suspended civil penalty will be waived five years after the
16 execution of this order, provided there is compliance with the order's terms and there are no
17 further violations of Building Codes Division's statutes or rules.

18 7. Respondent has read and fully understands the terms of this Consent Order, freely and
19 voluntarily consents to the entry of this order without further hearing, without any force or
20 duress, and expressly waives all rights to hearing or appeal in this matter.

21 8. Respondent understands that, upon signature of all parties, this Consent Order will be a
22 FINAL ORDER.

23 9. Respondent understands that once this Settlement Agreement and Consent Order becomes a
24 FINAL ORDER, it becomes a public document.

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1 10. The signatory for the respondent, Rick A. Specht, further agrees that by signing this
2 Settlement Agreement and Consent Order, he is the respondent and/or authorized
3 representative for the respondent in this matter.
4

5 **FOR THE RESPONDENT**

6
7 *Rick A. Specht* Date: 2.5.14
8 Rick A. Specht,
Pool Masters, Inc.

9
10 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

11
12 *Ch. Huss* for Date: 2/13/14
13 Chairman
14 Electrical and Elevator Board
15 State of Oregon
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