

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

) CONSENT ORDER

ROBERTO ARMENDARIZ,  
AN INDIVIDUAL

RESPONDENT

) CASE NO. C2014-0021

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

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

FINDINGS OF FACT

- 1. During all relevant times, Respondent was the signing supervising electrician for Elite Electric Group, LLC. Respondent's supervising electrician's license, number 5762S, is current and valid.
2. On or about January 14, 2014, at 1274 NE Rockwell Drive, Estacada, Oregon, Respondent, as part of his supervising electrician duties, failed to ensure Viktor Kovalenko, an employee of Elite Electric Group, LLC, was properly licensed to install electrical wiring, in violation of Oregon Administrative Rules (OAR) 918-282-0140(2)(f). At the time, Mr. Kovalenko did not hold a supervising or journeyman electrician's license as required by ORS 479.620(3).

APPLICABLE LAW

- 1. Under ORS 479.620(3), subject to ORS 479.540, a person may not make an electrical installation without an Oregon supervising or journeyman electrician's license.
2. Under OAR 918-282-0140(2)(f), the general supervising electrician must ensure electricians have 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.

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## CONCLUSIONS OF LAW

1. The installation of electrical wiring is an electrical installation as defined in ORS 479.530(10).
2. By failing to ensure Viktor Kovalenko was properly licensed to install electrical wiring, as set forth in the Findings of Fact above, Respondent violated OAR 918-282-0140(2)(f).

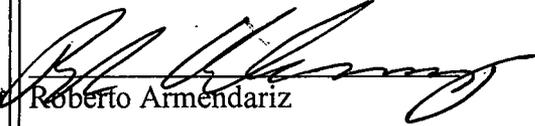
## SETTLEMENT AGREEMENT

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

1. The Board hereby assesses a \$2,000 total civil penalty for violating OAR 918-282-140(2)(f), of which \$850 will be suspended for a period of five year under the following terms:
  - 1.1. Respondent agrees to pay the remaining \$1,250 of the civil penalty. *(An invoice will be included with Respondent's copy of the Final Order after the Boards sign it.)*
  - 1.2. Respondent agrees to pay \$200 postmarked by June 25, 2014, continuing for five (5) months. The final, sixth payment will be \$250. All payments are due (postmarked) by the 25<sup>th</sup> day of the month. As long as the payments remain timely, there shall be no interest added to Respondent's balance.
  - 1.3. Respondent understands that a single failure to comply with any of the terms of this Settlement Agreement could result in the entire civil penalty, including the suspended amount, becoming immediately due and payable. Failure to comply includes failure to pay the civil penalty amount by the due date.
2. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts in cases against other entities or individuals that rely on the underlying facts in this case.
3. Respondent agrees not to commit violations of the Building Code Division's statutes and rules.
4. Respondent understands that if Respondent fails 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.
5. Respondent understands and agrees that any violation of the terms of this Consent Order will result in further enforcement action.
6. Respondent understands and agrees that any violation of the Building Code Division's statutes or rules not alleged in this order, whether committed before or after the execution of this Consent Order, may be the basis for further enforcement action.

- 1 7. Respondent understands that failure to comply with this settlement agreement may result in  
2 the denial of future licensing applications and/or suspension of licensing or certification  
3 issued by the Division and/or other state agencies.
- 4 8. Respondent understands the suspended civil penalty will be waived five years after the  
5 execution of this Consent Order, provided Respondent complies with its terms and have not  
6 committed any further violations of Building Code Division's statutes and rules.
- 7 9. Respondent has read and fully understand the terms of this Consent Order, freely and  
8 voluntarily consents to the entry of this order without further hearing, without any force or  
9 duress, and expressly waives all rights to hearing or appeal in this matter.
- 10 10. Respondent understands that, upon signature of all parties, this Consent Order will be a  
11 FINAL ORDER.
- 12 11. Respondent understands that once this Settlement Agreement and Consent Order becomes a  
13 FINAL ORDER, it becomes a public document.

14 **FOR THE RESPONDENT**

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16 Roberto Armendariz

17 Date: 5/30/, 2014

18 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

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20 Roseanne McLean for

21 Chair  
22 Electrical and Elevator Board  
23 State of Oregon

24 Date: 6-16-, 2014