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BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

TERRY TERRANA, AN INDIVIDUAL

RESPONDENT

)
) **CONSENT ORDER**

)
) **CASE NO. C2014-0075**

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 understands 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 Order in the Board's records. Respondent agrees to conduct all future business in compliance with the applicable statutes, Oregon Administrative Rules (OAR), and specialty codes. Respondent understands that this order is a public record.

FINDINGS OF FACT

1. On or about February 26, 2014, at 1395 Center Drive, Medford, Oregon, Respondent installed electrical junction boxes, new electrical outlets, switches and associated electrical wire for the account of another, while working as an employee of Hammonds Construction Inc.
2. At no relevant time did Respondent have an active Oregon general supervising electrician or journeyman electrician license.

APPLICABLE LAW

1. ORS 479.530(10) defines an electrical installation as the construction or installation of electrical wiring and the permanent attachment or installation of electrical products.

- 1 2. Under ORS 479.620(3), a person may not make any electrical installation without a
2 supervising or journeyman electrician's license.

3 **CONCLUSIONS OF LAW**

- 4 1. Installing electrical junction boxes, new electrical outlets, switches and associated electrical
5 wire are electrical installations as defined by ORS 479.530(10).
6 2. By making electrical installations without a valid supervising or journeyman electrician
7 license, Respondent violated ORS 479.620(3).

8 **SETTLEMENT AGREEMENT**

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

- 11 1. The Board hereby assesses a \$2,000 total civil penalty for violating ORS 479.620(3), of
12 which \$1,250 will be suspended for a period of five years under the following terms:
13 1.1. Respondent agrees to pay the remaining \$750 of the civil penalty. (*An invoice will*
14 *be included with Respondent's copy of the Final Order after the Board signs it.*)
15 1.2. Respondent agrees to make payments of \$125 per month for six months, beginning
16 with the first payment due on August 25, 2014. Each subsequent monthly payment
17 is due (postmarked) by the 25th day of the month. As long as the payments remain
18 timely, there shall be no interest added to Respondent's balance. There are no
19 penalties for paying off the remaining civil penalty balance ahead of schedule.
20 2. Respondent understands that a single failure to comply with any of the terms of this
21 Settlement Agreement could result in the entire civil penalty, including the suspended
22 amount, becoming immediately due and payable. Failure to comply includes failure to pay
23 the civil penalty amount by the due date.
24 3. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts in
25 cases against other entities or individuals that rely on the underlying facts in this case.

1 4. Respondent agrees not to commit violations of the Building Code Division's statutes and
2 rules.

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

8 6. Respondent understands and agrees that any violation of the terms of this Consent Order
9 will result in further enforcement action.

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

13 8. Respondent understands that failure to comply with this settlement agreement may result in
14 the denial of future licensing applications and/or suspension of licensing or certification
15 issued by the Division and/or other state agencies.

16 9. Respondent understands the suspended civil penalty will be waived five years after the
17 execution of this Consent Order, provided Respondent complies with its terms and has not
18 committed any further violations of Building Code Division's statutes and rules.

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

22 11. Respondent understands that, upon signature of all parties, this Consent Order will be a
23 FINAL ORDER.
24
25

1 12. Respondent understands that once this Settlement Agreement and Consent Order becomes a
2 FINAL ORDER, it becomes a public document.

3
4 **FOR THE RESPONDENT**

5 
6 Terry Terrana

Date: 7/21/14

7 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

8 
9 Chair
10 Electrical and Elevator Board
11 State of Oregon

Date: 7-24-14