

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

2 **IN THE MATTER OF:**)

) **CONSENT ORDER**

3 **PRAIRIE ELECTRIC INC., A FOREIGN)**
4 **BUSINESS CORPORATION,)**

5 **RESPONDENT)**

) **CASE NO. C2014-0085**

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

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

15 **FINDINGS OF FACT**

- 16 1. Respondent holds electrical contractor license number 37-491C.
- 17 2. On or about October 18, 2013, Respondent allowed Ross Simonson, an unlicensed
- 18 individual, to thread and pull wire while assisting with the installation of a street light
- 19 under permit numbers 13004942, 13004943, and 13004944 at Highway 26 at NW
- 20 Bethany Boulevard and NW Cornell Road, Hillsboro, Oregon.

21 **APPLICABLE LAW**

- 22 1. Under ORS 479.530(10), electrical installations include the construction or installation of
- 23 electrical wiring and the permanent attachment or installation of electrical products in or
- 24 on any structure that is not itself an electrical product.

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- 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 3. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform
4 electrical work for which the individual is not properly registered or licensed.

5 **CONCLUSIONS OF LAW**

- 6 1. Threading and pulling wire while assisting with the installation of a street light is an
7 electrical installation as defined by ORS 479.530(10).
- 8 2. Respondent allowed Ross Simonson to make electrical installations, for the account of
9 another, without having Oregon supervising or journeyman electrician licenses, in
10 violation of OAR 918-282-0120(1).

11 **SETTLEMENT AGREEMENT**

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

- 14 1. The Board hereby assesses a \$2,000 total civil penalty for violating OAR 918-282-
15 0120(1), of which \$1,250 will be suspended for a period of five years under the following
16 terms:
- 17 1.1. Respondent agrees to pay the remaining \$750 of the civil penalty. *(An invoice will*
18 *be included with Respondent's copy of the Final Order after the Board signs it.)*
- 19 2. Respondent understands that a single failure to comply with any of the terms of this
20 Settlement Agreement could result in the entire civil penalty, including the suspended
21 amount, becoming immediately due and payable. Failure to comply includes failure to pay
22 the civil penalty amount by the due date.
- 23 3. Respondent agrees to fully cooperate with the Building Codes Division's enforcement
24 efforts in cases against other entities or individuals that rely on the underlying facts in this
25 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
7 according 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
12 of 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
14 in 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.

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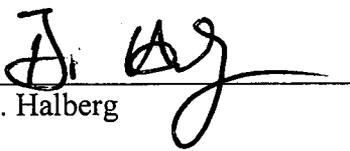
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1 11. Respondent understands that, upon signature of all parties, this Consent Order will be a
2 FINAL ORDER.

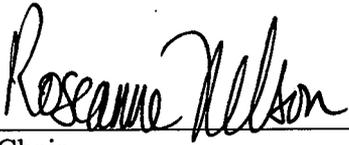
3 12. Respondent understands that once this Settlement Agreement and Consent Order becomes
4 a FINAL ORDER, it becomes a public document.

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6 **FOR THE RESPONDENT**

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8 
9 Bill R. Halberg

Date: 8/25/14

10 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

11
12  for
13 Chair
14 Electrical and Elevator Board
15 State of Oregon

Date: 8-26-14