

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

RECEIVED

PACIFIC NORTHERN ENVIRONMENTAL
CORP., ABN ADVANCED ELECTRICAL
TECHNOLOGIES, A FOREIGN BUSINESS
CORPORATION,

FEB 15 2016

SCHWABE WILLIAMSON & WYATT

RESPONDENT.

BCD CASE C2014-0145

INTRODUCTION

The Building Codes Division (Division) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (Board) and determined that Pacific Northern Environmental Corp., abn Advanced Electrical Technologies (Respondent), violated certain provisions of the Division's statutes and administrative rules as identified below.

The parties agree to resolve this matter without a hearing. Respondent understands that Respondent has the right to a contested case hearing under the Administrative Procedures Act, Oregon Revised Statutes (ORS) chapter 183, and Respondent fully and finally waives the right to a hearing and any judicial review therefrom by the signing of this Consent Order.

FINDINGS OF FACT

1. At all relevant times Respondent operated as Advanced Electrical Technologies, an assumed business name of Pacific Northern Environmental Corp., which is a foreign business corporation
2. At all relevant times, Respondent has held Oregon electrical contractor license C816.
3. All work and installations described herein were performed at 30365 Redwood Highway, Cave Junction, Oregon (the jobsite), under Josephine County permit numbers 06-174-14, 07-113-14, 07-114-14, 07-115-14, and 05-151-14.

CONSENT ORDER

1 4. At all relevant times, Roger Oldemar (Oldemar), Paul Vick (Vick), Cody E. Grams (Grams),
2 Jason Clark (Clark), Bart Allen Smith (Smith), and Joe Ken Roddy (Roddy) were employees
3 of Respondent.¹

4 5. At all relevant times, Adam C. Hamer was Respondent's registered supervising electrician
5 (license number 4570S).²

6 6. On or about May 14, 2014, Respondent's foreman (Vick) and laborer (Grams) received a
7 warning from a Division representative for allowing individuals not licensed in Oregon to
8 perform electrical installations at the jobsite.

9 7. On June 23, 2014, the same Division representative returned to the jobsite and recorded a
10 complaint of unlicensed individuals performing electrical installations, which he forwarded
11 to the Division. The Division representative again warned one of Respondent's employees,
12 project manager Oldemar, that only licensed electricians are permitted to make electrical
13 installations.

14 8. The Division, on behalf of the Board, issued notices of proposed assessment of a civil
15 penalty and consent orders to Roddy and Smith.³

16 9. Respondent allowed Grams to make the following installations at the jobsite:

- 17 a. On or about June 21 and 22, 2014, Grams installed metallic conduit;
- 18 b. On or about June 23 through 25, 2014, Grams cut, threaded, bent, and installed
19 electrical conduit for wiring on a lumber sorter; and
- 20 c. On or about June 21 through 25, 2014, Grams fixed sealtight conduit and performed
21 the associated rewiring of the conduit.

22 10. Respondent allowed Clark to make the following installations at the jobsite:

23
24 ¹ See related Division cases C2014-0149, C2014-0150, C2014-0151, C2014-0152, C2014-0148, and C2014-0147,
respectively.

25 ² See related Division case number C2014-0146.

³ On July 16, 2014, Joe Roddy and Bart Smith executed consent orders with the Board in Division cases C2014-0147
and C2014-0148, respectively, to settle civil penalties assessed by the Division, on behalf of the Board, for making
electrical installations without being licensed in Oregon as a supervising or journeyman electrician.

- 1 a. On or about June 21 and 22, 2014, Clark installed wire into conduit at the jobsite.
2 Clark also installed at least 40 feet of metallic conduit, terminated wires into the
3 panel that connects to the main computer of the lumber sorter, and installed four
4 disconnect boxes in the landing platform area; and
- 5 b. On or about June 24 through 26, 2014, Clark installed wires and terminated them
6 into an electrical panel.

7 11. Respondent allowed Smith to make the following installations at the jobsite:

- 8 a. On or about June 23, 2014, Smith installed wire into conduit to bring electrical
9 power to solenoids on a lumber sorter; and
- 10 b. On or about June 24 through 29, 2014, Smith installed control wiring and metallic
11 conduit associated with the renovation of a lumber mill facility.

12 12. Respondent allowed Roddy to make the following installations at the jobsite:

- 13 a. On or about June 23, 2014, Roddy installed wire into conduit to bring electrical
14 power to solenoids on the lumber sorter; and
- 15 b. On or about June 24 through June 29, 2014, Roddy installed control wiring and
16 metallic conduit associated with the renovation of a lumber mill facility.

17 13. At no relevant time were Grams, Clark, Smith, or Roddy licensed as Oregon supervising or
18 journeyman electricians.⁴

19 **APPLICABLE LAW**

- 20 1. Some of the terms used in this Consent Order may be defined in ORS 183.310(1)-(10), ORS
21 479.530(1)-(23), ORS 479.905(1)-(5), ORS 455.010(1)-(10), OAR 918-251-0090(1)-(43),
22 OAR 918-030-0010(1)-(11), and OAR 918-001-0005(1)-(4).
- 23 2. Under ORS 479.530(10), electrical installations include the construction or installation of
24 electrical wiring and the permanent attachment or installation of electrical products in or on
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⁴ Roddy became licensed in Oregon as a general journeyman electrician (license number 26405J) on June 30, 2014. Smith became licensed in Oregon as a general supervising electrician (license number 5979S) on June 30, 2014.

1 any structure that is not itself an electrical product.

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

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

6 5. Under OAR 918-001-0036(2)(a), a "continuing offense" or "continuing violation" means
7 violation of a code, rule or law on one or more additional days after having been notified of
8 the violation or ordered to correct the act, or the failure to act. A continuing violation is
9 subject to a civil penalty each day the violation continues after notification.

10 6. Under ORS 455.895(2), an appropriate advisory board may at its discretion impose a civil
11 penalty against any person who violates the state building code or ORS 479.510 to 479.945
12 or chapter 455 or any rule adopted or order issued for the administration and enforcement of
13 those statutes. A civil penalty imposed under this section must be an amount determined by
14 the appropriate advisory board or, in the case of a continuing offense, not more than \$1,000
15 for each day of the offense.

16 7. Under ORS 455.129(2)(a) and (3)(b), the Board may suspend or condition a license if the
17 Board finds that the licensee has failed to comply with the laws administered by the Board
18 or with the rules adopted by the Board.

19 **CONCLUSIONS OF LAW**

20 1. The following acts each constitute an electrical installation under ORS 479.530(10):

- 21 a. Installing metallic conduit for housing electrical wiring;
- 22 b. Installing wiring in conduit;
- 23 c. Cutting, threading, bending, and installing electrical conduit for housing electrical
- 24 wiring;
- 25 d. Installing wire into conduit to bring electrical power to solenoids to assist in the

1 operation of a lumber sorter;

2 e. Installing control wiring;

3 f. Installing and terminating wires into an electrical panel;

4 g. Fixing sealtight and rewiring conduit; and

5 h. Installing disconnect boxes

6 2. Under ORS 479.620(3), performing the foregoing electrical installations requires a
7 supervising or journeyman electrician license.

8 3. By allowing Grams, Clark, Smith, and Roddy to make the foregoing electrical installations
9 without holding Oregon supervising or journeyman electrician licenses after Respondent's
10 employee was notified of the violation, Respondent continuously violated OAR 918-282-
11 0120(1) on at least nine (9) days in June 2014.

12 4. Due to Respondent's failure to comply with a provision of ORS 479.510 to 479.945 or a rule
13 adopted under those statutes, including OAR 918-282-0120(1), the Board may suspend or
14 condition Respondent's electrical contractor license pursuant to ORS 455.129(2)(a).

15 **ORDER**

16 1. The Board hereby assesses a total civil penalty of \$9,000 against Respondent for violating
17 OAR 918-282-0120(1) on at least nine (9) days (\$1,000 per day) as follows:

18 a. Respondent agrees to pay the \$9,000 civil penalty. Respondent's payment shall be
19 postmarked no later than the 25th day of the month following the month in which this
20 Consent Order becomes a final order. *(An invoice will be included with*
21 *Respondent's copy of the final order after the Director signs it. Respondent*
22 *understands timely payment must be made even if no invoice is ever received.)*

23 Payment shall be mailed to Department of Consumer and Business Services, Fiscal
24 Services Section, P.O. Box 14610, Salem, OR 97309-0445.

25 2. Respondent's electrical contractor license number license number C816 shall be conditioned

1 as follows:

2 a. Respondent understands that its current registered signing supervisor, Adam C.
3 Hamer, will have his supervising electrician license (4570S) suspended for ninety
4 (90) days pursuant to the terms of a consent order in Division case C2014-0146.

5 During that time period, Respondent shall appoint another employee, who holds the
6 proper license, as its signing supervisor. That signing supervisor shall register with
7 the Division as Respondent's signing supervisor and shall otherwise do everything
8 necessary to maintain his or her supervising electrician license. If at any time
9 Respondent does not have a properly licensed individual who is registered with the
10 Division as Respondent's signing supervisor, Respondent may not engage in the
11 business of an electrical contractor in Oregon. Notwithstanding the foregoing, any
12 person acting as Respondent's signing supervising electrician at any time shall
13 register as such with the Division, and any person resigning as Respondent's signing
14 supervising electrician at any time shall register such resignation with the Division.

15 b. Respondent shall appoint a Compliance Officer in charge of tracking employee
16 licensure as well as auditing job site staffing and employees' job duties to ensure that
17 the same are aligned with Oregon licensing requirements and restrictions. The
18 Compliance Officer shall be knowledgeable regarding Oregon licensing
19 requirements, including but not limited to those requirements for supervising and
20 journeyman electrician licenses. The duties of the Compliance Officer shall not in
21 any way impact the duties of Respondent's registered signing supervisor, who shall
22 retain all statutory and regulatory duties and obligations of a signing supervisor.

23 c. Respondent shall adopt written policies specifying licensing requirements and
24 limitations on the performance of work requiring a license in Oregon, including
25

1 notices and disciplinary procedures. This policy will require all of Respondent's
2 employees to comply with the following requirements:

3 i. Each employee shall be responsible for obtaining and maintaining his or her
4 own licenses and providing current licensing information to Respondent's
5 Compliance Officer;

6 ii. For all work that requires a license in Oregon, including but not limited to
7 supervising electrician and journeyman electrician licenses, no employee
8 shall be permitted to do such work without first being properly licensed in
9 Oregon;

10 iii. If an employee is asked by a supervisor to do work for which he or she is not
11 licensed to perform in Oregon, the employee must report such request to
12 Respondent's Compliance Officer, Respondent's General Counsel, or both;
13 and

14 iv. Respondent's managers shall be obligated to supervise their direct reports to
15 ensure that all work being performed that requires a license in Oregon is
16 performed solely by individuals properly licensed in Oregon.

17 d. Respondent shall provide the Division with a copy of the written policy that it adopts
18 as outlined above within thirty (30) days of this Consent Order becoming a final
19 order. A draft of the written policy is attached hereto and incorporated by reference
20 herein.

21 e. Respondent shall hold regular in-house training for field management personnel on
22 the written policies and the limitations on job duties based on Oregon licensing
23 requirements during initial employee orientation and at least once annually
24 thereafter.
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1 f. Respondent shall notify the Division of the name of the individual appointed as its
2 Compliance Officer within thirty (30) days of this Consent Order becoming a final
3 order. The name and qualifications of the individual appointed as the Compliance
4 Officer shall be provided to: Building Codes Division, Enforcement Section, P.O.
5 Box 14470, Salem, Oregon, 97309.

6 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
7 that rely on the facts underlying this case. Cooperation may include, but may not be limited
8 to, making sworn statements or testifying in administrative hearings.

9 4. Respondent understands that further enforcement action may be taken for any violation of
10 the Division's statutes or rules not alleged in this Consent Order, whether committed before
11 or after the execution of this Consent Order, and/or for any violation of the terms of this
12 Consent Order.

13 5. Respondent understands that failure to comply with this Consent Order may be used as a
14 basis for the denial of future license, certificate, registration, or other applications, or for the
15 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
16 certificate, or registration issued by the Division or other state agencies; and/or for any other
17 reason provided for in law. Failure to comply with this Consent Order includes but is not
18 limited to failure to pay the civil penalty amount by the due date and failure to comply with
19 the foregoing license conditions.

20 6. Respondent understands that this Consent Order is a public record.

21 7. Respondent has read and fully understands the terms of this Consent Order, freely and
22 voluntarily consents to the entry of this Consent Order without any force or duress, and
23 expressly waives all rights to hearing or judicial review in this matter.

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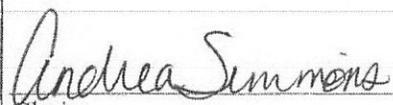
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1 8. Respondent understands that, upon signature of all parties, this Consent Order will be a
2 Final Order.

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It is so agreed this 17th day of February, 2016.

6 John Partridge
7 President and Authorized Representative
Pacific Northern Environmental Corp.

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

It is so agreed this 29th day of February, 2016.