

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

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BUILDING CODES

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IN THE MATTER OF:

CONSENT ORDER

ROBERTSON ELECTRIC,
INCORPORATED, A DOMESTIC
BUSINESS CORPORATION,

CASE NO. C2015-0020

RESPONDENT.

The Building Codes Division (BCD) conducted an investigation on behalf of the Electrical and Elevator Board (Board) and determined that Respondent violated certain provisions of the Oregon Building Codes statutes and administrative rules.

Respondent and the Board agree to settle this matter informally through the entry of this Consent Order. Respondent understands that it has the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised Statutes, and fully and finally waives the right to a contested case hearing and any appeal therefrom by signing this Consent Order. Respondent agrees to conduct all future business in compliance with the applicable statutes, administrative rules, and specialty codes. Respondent understands that this Consent Order is a public record.

FINDINGS OF FACT

1. Respondent held electrical contractor's license number C131 from February 23, 2006, until July 1, 2014, when the license expired. Respondent renewed electrical contractor license number C131 on February 19, 2015.
2. On or about February 1 through 18, 2015, at 1934 Broadway Street, Baker City, Oregon, Respondent contracted to install and installed electrical branch circuit wiring, outlet receptacles, and ceiling lighting.
3. Respondent failed to apply for and receive an electrical permit prior to installing the branch circuit wiring, receptacles, and ceiling lighting described in paragraph 2.¹

APPLICABLE LAW

1. ORS 479.530(10) defines electrical installations as the construction or installation of electrical wiring and the permanent attachment or installation of electrical products in or on any structure that is not itself an electrical product.
2. Under ORS 479.620(1), no person shall engage in the business of making electrical installations, advertise as or otherwise purport to be licensed to make electrical installations or purport to be acting as a business that makes electrical installations without an electrical contractor license.

¹ On February 18, 2015, Baker City Building Department issued Permit number 124-15-000114-ELEC to Robertson Electric, Inc., for eight (8) electrical branch circuits at 1934 Broadway Street, Baker City, Oregon.

- 1 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
2 permit has not been issued.

3 **CONCLUSIONS OF LAW**

- 4 1. Installing electrical branch circuit wiring, outlet receptacles, and ceiling lighting are electrical
5 installations as defined in ORS 479.530(10).
6 2. By engaging in the business of making an electrical installation without a valid electrical
7 contractor's license, Respondent violated ORS 479.620(1).
8 3. By making an electrical installation prior to obtaining an electrical permit, Respondent
9 violated ORS 479.550(1).

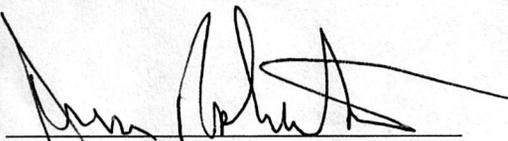
10 **SETTLEMENT AGREEMENT**

11 Respondent and the Electrical and Elevator Board agree to resolve this matter, without a
12 hearing, with the entry of this Consent Order according to the following terms and conditions:

- 13 1. The Board assesses a civil penalty of \$4,000 against Respondent for violating ORS
14 479.620.(1) and ORS 479.550(1), of which \$2,750 will be suspended for a period of five years
15 under the following terms:
16 1.1 Respondent agrees to pay the remaining \$1,250 of the civil penalty. *(The invoice will
17 be included with Respondent's copy of the Final Order after it is signed by the
18 Board.)*
19 1.2 Respondent agrees to pay \$100 per month for 12 months following the execution of
20 this Consent Order. Payments shall be postmarked by the 25th day of each month. The
21 final, 13th payment will be \$50 and shall also be postmarked by the 25th day of the
22 month. As long as the payments remain timely, there shall be no interest added to
23 Respondent's balance.
24 1.3 If Respondent fails to make a payment or otherwise defaults on any of the other terms
25 of this Consent Order, then the case may be turned over to the Department of
Consumer and Business Services collections unit for collection of the entire \$4,000
civil penalty, along with interest and applicable fees.
2. Respondent agrees if a final order is issued by a board or the Director of the Department of
Consumer and Business Services finding Respondent violated any of Building Codes
Division's statutes or rules within five (5) years from the date this order was signed by the
Board, then Respondent will be responsible for any subsequent penalties in addition to the
\$2,750 of suspended penalty and any unpaid portion of the \$1,250 penalty from this Order, all
of which will become due and payable.
3. Respondent understands that if it fails to comply with any of the terms of this Consent Order,
then the entire civil penalty, including the amount suspended, will be immediately due and
payable.

- 1 4. Respondent understands and agrees that any violation of the terms of this Consent Order will result in further enforcement action.
- 2 5. Respondent understands and agrees that any violation of the Building Codes Division's
- 3 statutes or rules not alleged in this Consent Order, whether committed before or after the
- 4 execution of this Consent Order, may be the basis for further enforcement action.
- 5 6. Respondent understands that failure to comply with this Consent Order may result in denial of
- 6 future licensing applications and/or suspension or revocation of licensing or certification
- 7 issued by the Building Codes Division and other state agencies.
- 8 7. Respondent understands the suspended civil penalty will be waived five (5) years after the
- 9 execution of this Consent Order, provided there is compliance with the Order's terms and
- 10 Respondent has not committed any further violations of the Building Codes Division's statutes
- 11 or rules.
- 12 8. Respondent agrees to cooperate with the Building Codes Division in any other cases related to
- 13 the Respondent's case.
- 14 9. Respondent has read and fully understands the terms of this Consent Order, freely and
- 15 voluntarily consents to the entry of this order without any force or duress, and expressly
- 16 waives all rights to hearing or appeal in this matter.
- 17 10. Respondent understands that, upon signature of all parties, this Consent Order will be a
- 18 FINAL ORDER.

19 **FOR THE RESPONDENT**

20 
21 _____
22 Timothy Robertson
23 Authorized Representative

24 Date: 5-23-15, 2015

25 **FOR THE BOARD**


_____ for
Chair
Electrical and Elevator Board
State of Oregon

Date: 6/4, 2015