

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

2 **IN THE MATTER OF:** ) **CONSENT ORDER**  
3 )  
4 **RAJIV RATAN,** )  
5 **dba TOWNE HOUSE MOTEL,** )  
6 **RESPONDENT.** ) **CASE NO. C2014-0207**

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

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

17 **FINDINGS OF FACT**

- 18 1. At no relevant time did Respondent employ an individual licensed as a general supervising  
19 electrician or journeyman electrician.
- 20 2. At no relevant time did Respondent possess a general supervising electrician or  
21 journeyman electrician license.
- 22 3. During or about August 2014, at a commercial building at 5323 South 6<sup>th</sup> Street, Klamath  
23 Falls, Oregon, Respondent installed new electrical wiring, switches and plugs, and a wall  
24 heater.
- 25 4. During or about August 2014, at 5323 South 6<sup>th</sup> Street, Klamath Falls, Oregon,  
Respondent allowed an unlicensed individual, Michael Hanby, to install new electrical  
wiring, switches and plugs, and a wall heater.
5. Respondent failed to obtain an electrical permit prior to making the installations described  
in paragraph 2.
6. On September 3, 2014, an electrical permit was issued by Klamath County to an electrical  
contractor for the subject property (Bld14-1518).

///

///

1  
2  
3  
4  
5  
6  
7  
8

**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(3), a person may not make any electrical installation without a supervising or journeyman electrician license.
3. Under ORS 479.620(6), a person may not permit or suffer any electrical installation on property that the person owns, controls, manages or supervises to be made by a person not licensed to make such an installation.
4. Under ORS 479.550(1), no person shall work on any new electrical installation for which a permit has not been issued.

9

**CONCLUSIONS OF LAW**

1. Installing new electrical wiring, switches and plugs, and a wall heater are electrical installations as defined in ORS 479.530(10).
2. By installing new electrical wiring, switches and plugs, and a wall heater without a supervising or journeyman electrician license, Respondent violated ORS 479.620(3).
3. By permitting Michael Hanby, who does not possess a valid supervising or journeyman electrician license, to make electrical installations, Respondent violated ORS 479.620(6).
4. By making electrical installations prior to obtaining an electrical permit, Respondent violated ORS 479.550(1).

16

**ORDER**

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

- 19 1. The Board hereby assesses a civil penalty of \$5,000 for violating ORS 479.620(3), ORS  
20 479.620(6), and ORS 479.550(1), of which \$3,500 will be suspended for a period of five  
(5) years under the following terms:
  - 21 1.1 Respondent agrees to pay the remaining \$1,500 of the civil penalty.  
22 *(The invoice will be included with Respondent's copy of the Final Order after it  
is signed by the Board.)*
  - 23 1.2 Respondent agrees to pay \$150 a month for ten (10) months, beginning once the  
24 Consent Order becomes final. The monthly payments must be postmarked by the  
25 25<sup>th</sup> day of each month.

///  
25

1 1.3 If electrical permit Bld14-1518 does not receive final inspection within 12 months  
2 once the Consent Order becomes final, the entire \$5,000 civil penalty will become  
3 due and payable.

4 1.4 If Respondent fails to make a payment or otherwise defaults on any term of this  
5 settlement agreement, the case may be turned over to the Department of Consumer  
6 and Business Services collections department for collection of the entire \$5,000  
7 civil penalty, along with interest and applicable fees.

8 2. Respondent agrees that if a final order is issued by a board or the Director of the  
9 Department of Consumer and Business Services finding Respondent violated any of  
10 Building Codes Division's statutes or rules within five (5) years from the date this order  
11 was signed by the Board, then Respondent will be responsible for any subsequent  
12 penalties in addition to the \$3,500 of suspended penalty from this order that will become  
13 due and payable.

14 3. Respondent agrees not to commit further violations of Building Codes Division's statutes  
15 or rules.

16 4. Respondent understands that if he fails to comply with any of the terms of this settlement  
17 agreement, then the entire civil penalty, including the amount suspended, will be  
18 immediately due and payable. Failure to comply includes, but is not limited to, failure to  
19 pay the civil penalty amount on the Final Demand Notice by the due date.

20 5. Respondent understands and agrees any violation of the terms of this Consent Order will  
21 result in further enforcement action.

22 6. Respondent understands and agrees that any violations of Building Code Division's  
23 statutes or rules not alleged in this order, whether committed before or after the execution  
24 of this Consent Order, may be the basis for further enforcement action.

25 7. Respondent understands the suspended civil penalty will be waived five (5) years after the  
execution of this Consent Order, provided Respondent complies with its terms and has not  
committed any further violations of Building Codes Division's statutes or rules.

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

///

///

///

///

///

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

3 10. Respondent further agrees by signing this Consent Order that he is the Respondent or  
4 authorized representative for the Respondent in this matter.

5 **FOR THE RESPONDENT**

6 *R. Ratan*  
7 Rajiv Ratan, dba  
8 Towne House Motel

Date: *Feb 7th*, 2015

9 **FOR THE BOARD**

10 *Andrea Simmons* for  
11 Chair, Electrical and Elevator Board  
12 State of Oregon

Date: *2/23*, 2015