

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

2		)	
3	<b>IN THE MATTER OF:</b>	)	<b>STIPULATED ORDER</b>
4	<b>DENNIS YOUNG, AN INDIVIDUAL,</b>	)	
5		)	
6	<b>RESPONDENT.</b>	)	<b>BCD CASE C2014-0234</b>

7 1.

8 The Electrical and Elevator Board of the State of Oregon (Board), with the assistance of  
9 the Department of Consumer and Business Service's Building Codes Division (Division), is  
10 authorized to regulate electrical installations and persons engaged in making those installations, in  
11 the State of Oregon. On or about December 17, 2014, the Division served Respondent with a Notice  
12 of Proposed Assessment of Civil Penalty on behalf of the Board that alleges Respondent violated a  
13 rule under the Board's authority when Respondent, acting as Young Electric LLC's (Young  
14 Electric) registered signing supervising electrician, failed to ensure Scott McNamara (McNamara)  
15 was properly licensed to make electrical installations while working as a Young Electric employee  
16 under Respondent's supervision.

17 2.

18 Following Respondent's timely request for a hearing on the matter, the parties decided that  
19 they wish to settle this matter informally. Respondent understands that he has the right to a hearing  
20 under the Oregon Revised Statutes (ORS) chapter 183 Administrative Procedures Act, and  
21 Respondent fully and finally waives the right to a contested case hearing and any appeal therefrom  
22 by the signing and entry of this order in the Board's records.

23 ///

24 ///

25 ///

1 3.

2 The Board finds and Respondent stipulates:

3 3.1 At all relevant times, Respondent held general supervising electrician license number  
4 3783S and was the registered signing supervising electrician for Young Electric,  
5 holder of Oregon electrical contractor license C353.

6 3.2 At all relevant times, Scott McNamara (McNamara) was employed by Young  
7 Electric as a second period Oregon Electrical Apprentice, license number 917788. At  
8 no relevant time has McNamara held any other electrician license.

9 3.3 On or about August through September 2014, Respondent failed to ensure, either by  
10 assent or by failure to prevent, that McNamara had the proper license or supervision  
11 as an apprentice to install electrical wiring, electrical conduit, light fixtures, light  
12 switches, and electrical outlets at 4174 NW 176<sup>th</sup> Avenue, Portland, Oregon, for the  
13 account of another.

14 4.

15 The Board and Respondent agree to resolve this matter by the entry of this Stipulated Order  
16 subject to the following conditions:

17 4.1 Respondent is hereby assessed a \$3,000 civil penalty for violating OAR 918-282-  
18 0140(2)(f), \$2,750 of which will be suspended for a period of five (5) years from the date  
19 this Stipulated Order is executed, and considered satisfied after those (5) five years if the  
20 following terms and conditions are timely fulfilled in their entirety:

21 4.1.1 Respondent shall pay \$250 of the total civil penalty due.<sup>1</sup>

22  
23  
24  
25 <sup>1</sup> An invoice will be included with Respondent's copy of the final order after it is fully executed.

1 4.1.2 Respondent shall fully cooperate with the Building Codes Division's  
2 enforcement efforts in cases against other entities or individuals that involve the  
3 underlying facts in the case subject to this Stipulated Order. Cooperation may  
4 include, but is not limited to, making sworn statements or testifying in administrative  
5 hearings to the enclosed stipulated facts and other relevant facts.

6 4.1.3 Respondent shall not commit further violations of the Building Codes  
7 Division's statutes and rules for five (5) years from the execution of this Stipulated  
8 Order.

9 5.

10 Respondent understands and agrees that Respondent's failure to comply with any term or  
11 condition of this Stipulated Order, or failure to comply by any deadline provided, shall result in any  
12 unpaid portion of the entire civil penalty, including the stayed amount, being immediately due and  
13 payable.

14 6.

15 Respondent understands that any violation of the terms of this Stipulated Order will also  
16 result in further enforcement action.

17 7.

18 Respondent understands that any violation of the Building Codes Division's statutes or  
19 rules, whether committed before or after the execution of this Stipulated Order, may be the basis for  
20 further enforcement action.

21 8.

22 Respondent understands that failure to comply with this Stipulated Order also provides a  
23 statutory basis to deny future license and certification applications, and to suspend licenses and  
24 certifications not subject to this Stipulated Order, if issued by the Division, other divisions of the  
25 Department of Consumer and Business Services, and certain other state agencies.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

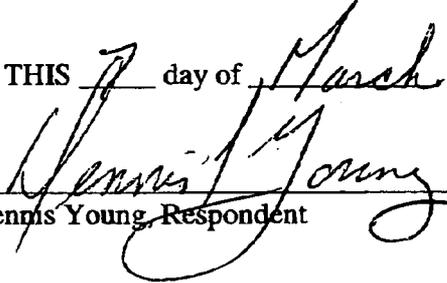
9.

Respondent stipulates and agrees that this Stipulated Order is fully executed and becomes effective the date it is signed by the Board Chair or the Chair's designee.

10.

Respondent understands this Stipulated Order is a Final Order and a public record. By his signature below, Respondent attests that he has read and understands this Stipulated Order and agrees to abide by each and every one of its terms and conditions, and further attests that no duress or coercion has been used to induce him to sign this Stipulated Order.

IT IS SO STIPULATED THIS 11 day of March 2015.

  
Dennis Young, Respondent

IT IS SO ORDERED THIS 11<sup>th</sup> day of March, 2015.

 for  
Chair  
Electrical and Elevator Board  
State of Oregon