

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

2 **IN THE MATTER OF:**

3 **DUSTIN MOUL, AN INDIVIDUAL,**  
4 **RESPONDENT.**

**CONSENT ORDER**

5 **CASE NO. C2015-0010**  
6

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

9 Respondent and the Board agree to settle this matter informally through the entry of this  
10 Consent Order. Respondent understands that he has the right to a hearing under the Administrative  
11 Procedures Act (chapter 183), Oregon Revised Statutes (ORS), and fully and finally waives the right to  
12 a contested case hearing and any appeal therefrom by the signing and entry of this Consent Order in  
the Board's records. 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.

13 **FINDINGS OF FACT**

- 14
- 15 1. At all relevant times Respondent was and continues to be an Oregon general supervising  
electrician, license number 5549S.
  - 16 2. At all relevant times Respondent was and continues to be the signing supervising electrician for  
17 Distinct Electric, Inc., an Oregon business corporation and specialty contractor that holds  
Oregon electrical contractor license 24-523C.
  - 18 3. At all relevant times Efram Ferrera (Ferrera), an unlicensed individual, was employed by  
19 Distinct Electric, Inc.
  - 20 4. During or about October 2014, Respondent failed to ensure that Ferrera held the proper license  
21 to install ground-fault circuit interrupter (GFCI) outlets, electrical wiring and three-way  
switches at 3789 5<sup>th</sup> Avenue N, Keizer, Oregon.
  - 22 5. During or about October 2014, Respondent failed to ensure that Ferrera held the proper license  
23 to install GFCI outlets, electrical wiring and three-way switches at 14998 Triumph Road,  
Sublimity, Oregon.
  - 24 6. On October 5, 2013, in BCD case number 2013-0136, a consent order was executed between  
25 Respondent and the Electrical and Elevator Board in which Respondent was assessed a \$3,000  
civil penalty for violation of OAR 918-282-0140(2)(f) (failing to ensure an individual was  
properly licensed). The Board stayed collection of \$2,250 of the civil penalty for a period of

1 five years from the date of the execution of the consent order provided Respondent did not,  
2 during that time, violate any provision of Oregon Building Codes statutes, administrative rules,  
3 specialty codes, or any order issued by a BCD advisory board.

### 4 **APPLICABLE LAW**

- 5 1. ORS 479.530(10) defines an electrical installation as the construction or installation of  
6 electrical wiring and the permanent attachment or installation of electrical products.
- 7 2. Under ORS 479.620(3), a person may not make an electrical installation without a supervising  
8 or journeyman electrician's license.
- 9 3. Under OAR 918-282-0140(2)(f), a general signing supervising electrician must ensure  
10 electricians have the proper licenses for the work performed, and may not permit either by  
11 assent or by failure to prevent, an individual to perform work for which they are not properly  
12 licensed.

### 13 **CONCLUSIONS OF LAW**

- 14 1. Installing GFCI outlets, electrical wiring and three-way switches are electrical installations as  
15 defined by ORS 479.530(10).
- 16 2. Making the electrical installation described in Conclusions of Law paragraph 1 requires the  
17 installer to possess a valid supervising or journeyman electrician license under ORS  
18 479.620(3).
- 19 3. When Ferrera made electrical installations without a journeyman or supervising electrician  
20 license, Ferrera violated ORS 479.620(3).
- 21 4. By permitting by assent or by failure to prevent Ferrera to perform work for which he was not  
22 properly licensed, to make electrical installations, Respondent violated OAR 918-282-  
23 0140(2)(f) on two occasions.
- 24 5. When Respondent violated OAR 918-282-0140(2)(f), Respondent failed to comply with the  
25 terms of the consent order in BCD case 2013-0136 within five years from October 5, 2013, the  
effective date of that final order.
6. By breaching the consent order in BCD case 2013-0136, the \$2,250 of stayed penalties is now  
due and payable.
7. By failing to comply with the consent order in BCD case 2013-0136, as outlined above, the  
Electrical and Elevator Board may suspend Respondent's electrical contractor license 24-523C.

///

///

///

**ORDER**

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

1. Respondent admits to committing the violations as alleged in the Findings of Fact and Conclusions of Law, and agrees the Board will issue an order imposing the proposed civil penalties of such violations in order to resolve this matter.
2. The Board hereby assesses an \$8,000 civil penalty for violating Oregon OAR 918-282-0140(2)(f) on two occasions, of which \$3,250 will be suspended, and suspends the \$2,250 stayed penalty in case number 2013-0135 under the following terms:
  - 2.1 Respondent agrees to pay the remaining \$4,750 of the civil penalty. *(The invoice will be included with Respondent's copy of the Final Order after it is signed by the Boards.)*
  - 2.2 Respondent agrees to pay an initial \$400 postmarked by the 25<sup>th</sup> day of the first month after this Consent Order becomes final. Thereafter, Respondent agrees to pay \$300 per month for 14 months. The final, 16<sup>th</sup> payment will be \$150. The monthly payments must be postmarked by the 25<sup>th</sup> day of each month.
3. Respondent understands that a single failure to comply with any of the terms of this Consent Order results in the entire civil penalty, including the suspended amount, being immediately due and payable.
4. Respondent understands and agrees that any violation of the terms of this Consent Order will result in further enforcement action.
5. Respondent understands and agrees that any violation of the Building Codes Division's statutes or rules not alleged in this Consent Order, whether committed before or after the execution of this Order, may be the basis for further enforcement action.
6. 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.
7. Respondent has read and fully understands the terms of this Consent Order, freely and voluntarily consents to the entry of this order without any force or duress, and expressly waives all rights to hearing or appeal in this matter.

///

///

///

///

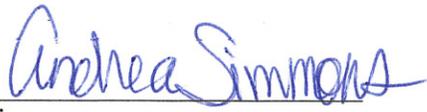
1 8. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL  
2 ORDER.

3 **FOR THE RESPONDENT**

4   
5 Dustin Moul

Date: JUNE 29<sup>TH</sup>, 2015

6  
7 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

8   
9 Chair  
10 Electrical and Elevator Board  
11 State of Oregon

Date: JULY 16, 2015