

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

2015 SEP 14 A 1:04

RECEIVED
BUILDING CODES

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **CHARLES O. FRIESEN,**
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

BCD CASE C2015-0147

7
8 **INTRODUCTION**

9 The Building Codes Division (Division) conducted an investigation on behalf of the
10 Electrical and Elevator Board of the State of Oregon (Board) and determined that Charles O.
11 Friesen (Respondent) violated certain provisions of the Division's statutes and administrative rules
12 as identified below.

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

17 **FINDINGS OF FACT**

- 18 1. On or about July 6, 2015, John Friesen¹ stripped insulation from wires, pulled wires, and
19 wired an electrical receptacle at 12053 SW Autumn View Street in Tigard, Oregon (the
20 premises).
- 21 2. Respondent was the signing supervisor for City Electric & Supply Co., the electrical
22 contractor responsible for the work being performed at the premises.²
- 23 3. At all relevant times, John Friesen was employed by City Electric & Supply Co.
- 24 4. At all relevant times, Respondent was responsible for and supervised worked performed by

25
¹ See related BCD case C2015-0145.

² See related BCD case C2015-0146.

1 John Friesen.

- 2 5. Respondent permitted by assent or failure to prevent John Friesen from wiring an electrical
3 receptacle at the premises.
- 4 6. At no relevant time did John Friesen hold a supervising or journeyman electrician license,
5 nor was he a licensed electrical apprentice.

6 **APPLICABLE LAW**

- 7 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
8 (10), ~~ORS 479.530(1)-(23); ORS 479.905(1)-(5); Oregon Administrative Rules (OAR) 918-~~
9 001-0005(1)-(4), OAR 918-030-0010(1)-(11), and OAR 918-251-0090(1)-(43).
- 10 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
11 electrical wiring and the permanent attachment or installation of electrical products in or on
12 any structure that is not itself an electrical product.
- 13 3. Under ORS 479.620(3), a person may not make any electrical installation without a
14 supervising or journeyman electrician's license.
- 15 4. Under OAR 918-282-0140(2), a general signing supervising electrician when working for or
16 as an electrical contractor must: (f) ensure electricians have proper licenses for the work
17 performed, and may not permit either by assent or failure to prevent, an individual to
18 perform work for which they are not properly licensed.

19 **CONCLUSIONS OF LAW**

- 20 1. Under ORS 479.530(10), installing an electrical receptacle is an electrical installation.
- 21 2. Under ORS 479.620(3), a supervising or journeyman electrician license is required to install
22 an electrical receptacle.
- 23 3. By failing to hold a supervising or journeyman electrician license at the time he installed an
24 electrical receptacle at the premises, John Friesen violated ORS 479.620(3).
- 25

1 4. By failing to ensure that John Friesen had the proper license to make an electrical
2 installation and by permitting, either by assent or failure to prevent, John Friesen from
3 performing work for which he was not properly licensed, Respondent violated OAR 918-
4 282-0140(2)(f).

5 **ORDER**

6 1. The Board hereby assesses a total civil penalty of \$3,000 against Respondent for violating
7 OAR 918-282-0140(2)(f) as follows:

8 ~~a. \$2,250 of the total civil penalty will be suspended for a period of five years if there is~~
9 compliance with all other terms of this Consent Order.

10 b. Respondent agrees to pay the remaining \$750 of the civil penalty. Respondent's
11 payment shall be postmarked no later than the 25th day of the month following the
12 month in which this Consent Order becomes a final order. *(An invoice will be*
13 *included with Respondent's copy of the final order after the Director signs it.)*

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

16 2. Respondent understands the suspended civil penalty (\$2,250) will be considered satisfied
17 five years after this Consent Order becomes a final order, provided Respondent complies
18 with its terms and has not committed any further violations of the Division's statutes and
19 rules within that five-year period. Respondent understands and agrees that if Respondent
20 does not comply with the terms of this Consent Order or if Respondent commits any further
21 violations of the Division's statutes or rules within the five-year period, then the entire civil
22 penalty, including any suspended amount, will become immediately due and payable.
23 Failure to comply with this Consent Order includes, but is not limited to, failure to pay the
24 civil penalty amount due by the due date.

25 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases

1 that rely on the facts underlying this case. Cooperation may include, but may not be limited
2 to, making sworn statements or testifying in administrative hearings.

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

7 5. Respondent understands that failure to comply with this Consent Order may be used as a
8 ~~basis for the denial of future license, certificate, registration, or other applications, or for the~~
9 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
10 certificate, or registration issued by the Division or other state agencies; and/or for any other
11 reason provided for in law.

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

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

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

18 

19 _____ It is so agreed this 9 day of September, 2015.

20 Charles O. Friesen

21 

22 _____ for It is so agreed this ^{16th} ~~15th~~ day of September, 2015.

23 Chair

24 Electrical and Elevator Board

25 State of Oregon