

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **BRUCE OAKS, AN INDIVIDUAL,
DBA HARBER LIGHTING,**

5
6 **RESPONDENT.**

BCD CASE C2015-0151

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 Bruce Oaks, dba
11 Harber Lighting (Respondent), violated certain provisions of the Division's statutes and
12 administrative rules 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 March 25, 2015, Respondent entered into a contract to remove existing neon
19 lights, install LED lights, and complete all internal wiring for Costless Market Inc. of 1895
20 SE Tualatin Valley Highway in Hillsboro, Oregon.¹
21 2. At no relevant time did Respondent hold an electrical contractor license.

22 **APPLICABLE LAW**

- 23 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
24 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-

25 ¹ On or about March 6, 2015, James Varde, purportedly acting on behalf of Respondent, entered into a contract to remove existing neon lights, install LED lights, and complete all internal wiring for Costless Market. See related BCD Case C2015-0079.

1 0010(1)-(11), and OAR 918-251-0090(1)-(43).

2 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
3 electrical wiring and the permanent attachment or installation of electrical products in or on
4 any structure that is not itself an electrical product.

5 3. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not
6 engage in the business of making electrical installations, advertise as or otherwise purport to
7 ~~be licensed to make electrical installations or purport to be acting as a business that makes~~
8 electrical installations.

9 4. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
10 other license regulated by ORS chapter 455, "engaging in the business" means to advertise
11 or solicit, contract or agree to perform, or to perform work for which a license or permit is
12 required under Oregon law, including but not limited to a single instance.

13 CONCLUSIONS OF LAW

14 1. Under ORS 479.530(10), removing existing neon lights, installing LED lights, and
15 completing internal wiring are electrical installations.

16 2. Under ORS 918-030-0010(8), contracting or agreeing to perform the foregoing electrical
17 installations for which a license or permit is required constitutes engaging in the business of
18 ~~making electrical installations.~~

19 3. By engaging in the business of making electrical installations without holding an electrical
20 contractor license, Respondent violated ORS 479.620(1).

21 ORDER

22 1. The Board hereby assesses a total civil penalty of \$3,000 against Respondent for violating
23 ORS 479.620(1) as follows:

- 24 a. \$2,400 of the total civil penalty will be suspended for a period of five years if there is
25 compliance with all other terms of this Consent Order.

1 b. Respondent agrees to pay the remaining \$600 of the civil penalty. Respondent will
2 make six (6) monthly payments on the 25th day of each month in the amount of \$100
3 per month. Respondent's first payment shall be postmarked no later than the 25th day
4 of the month following the month in which this Consent Order becomes a final order.
5 *(An invoice will be included with Respondent's copy of the final order after the*
6 *Director signs it.)* Payments shall be mailed to Department of Consumer and
7 Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445

8 c. Respondent understands the suspended civil penalty (\$2,400) will be considered
9 satisfied five years after this Consent Order becomes a final order, provided
10 Respondent complies with its terms and has not committed any further violations of
11 the Division's statutes and rules within that five-year period. Respondent
12 understands and agrees that if Respondent does not comply with the terms of this
13 Consent Order or if Respondent commits any further violations of the Division's
14 statutes or rules within the five-year period, then the entire civil penalty, including
15 any suspended amount, will become immediately due and payable. Failure to comply
16 with this Consent Order includes, but is not limited to, failure to pay the civil penalty
17 amount due by the due date.

18 ~~2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases~~
19 that rely on the facts underlying this case. Cooperation may include, but may not be limited
20 to, making sworn statements or testifying in administrative hearings.

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

25 4. Respondent understands that failure to comply with this Consent Order may be used as a

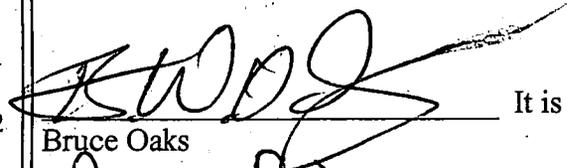
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By Whom?

basis for the denial of future license, certificate, registration, or other applications, or for the refusal to renew the same; for the suspension, revocation, or conditioning of a license, certificate, or registration issued by the Division or other state agencies; and/or for any other reason provided for in law.

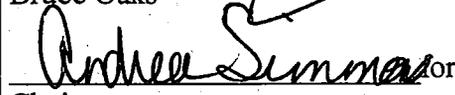
2 SAME PART 2
D. APPROV.

- 5. Respondent understands that this Consent Order is a public record.
- 6. Respondent has read and fully understands the terms of this Consent Order, freely and voluntarily consents to the entry of this Consent Order without any force or duress, and expressly waives all rights to hearing or judicial review in this matter.
- 7. Respondent understands that, upon signature of all parties, this Consent Order will be a Final Order.



Bruce Oaks

It is so agreed this 29 day of Sept., 2015.


Chair
Electrical and Elevator Board
State of Oregon

It is so agreed this 2 day of October, 2015.