

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

**IN THE MATTER OF:**

**CONSENT ORDER**

**A LIGHT UP COMPANY OF OREGON,  
INC.,  
A DOMESTIC BUSINESS CORPORATION,**

**RESPONDENT.**

**BCD CASE C2015-0210**

**INTRODUCTION**

The Building Codes Division (Division) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (Board) and determined that A Light Up Company of Oregon, Inc. (Respondent) violated certain provisions of the Division's statutes and administrative rules as identified below.

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

**FINDINGS OF FACT**

1. In or around May 2015, Respondent contracted to install light fixtures for a commercial property located at 15009 McLoughlin Blvd. SE, in Milwaukie, Oregon (McLoughlin property).
2. Respondent, pursuant to the foregoing contract, directed two employees – Mr. Robin L. McCaslin and Mr. Donald VanderZanden – to install approximately nineteen light fixtures in the parking lot of the McLoughlin property.<sup>1</sup>

<sup>1</sup> See related Division case numbers C2015-0211 and C2015-0212.

- 1 3. On or around October 7, 2015, Respondent connected approximately nineteen light fixtures
- 2 to existing wiring at the McLoughlin property:
- 3 4. At no relevant time did Respondent hold an electrical contractor's license.<sup>2</sup>
- 4 5. No electrical permit was issued prior to the performance of the foregoing work.

#### 5 APPLICABLE LAW

- 6 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
- 7 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
- 8 0010(1)-(11), and OAR 918-251-0090(1)-(43).
- 9 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
- 10 electrical wiring and the permanent attachment or installation of electrical products in or on
- 11 any structure that is not itself an electrical product.
- 12 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
- 13 permit has not been issued.
- 14 4. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not
- 15 engage in the business of making electrical installations, advertise as or otherwise purport to
- 16 be licensed to make electrical installations or purport to be acting as a business that makes
- 17 electrical installations.
- 18 5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
- 19 other license regulated by ORS chapter 455, "engaging in the business" means to advertise
- 20 or solicit, contract or agree to perform, or to perform work for which a license or permit is
- 21 required under Oregon law, including but not limited to a single instance.

#### 22 CONCLUSIONS OF LAW

- 23 1. Installing light fixtures, including the connection of fixtures to existing wiring,
- 24 constitutes an electrical installation under ORS 479.530(10).
- 25

<sup>2</sup> Respondent was issued limited maintenance specialty license number LMS184 on August 25, 2011.

- 1 2. By performing the foregoing electrical installation without the issuance of a permit,
- 2 Respondent violated ORS 479.550(1).
- 3 3. By performing the foregoing electrical installation, for which a license and permit were
- 4 required under Oregon law, Respondent engaged in the business of making electrical
- 5 installations as defined in OAR 918-030-0010(8).
- 6 4. By engaging in the business of making electrical installations without holding an electrical
- 7 contractor license, Respondent violated ORS 479.620(1).

**ORDER**

- 9 1. The Board hereby assesses a total civil penalty of \$4,000.00 against Respondent for
- 10 violating ORS 479.550(1) and ORS 479.620(1) as follows:
- 11 a. \$2,500.00 of the total civil penalty will be suspended for a period of five years if
- 12 there is compliance with all other terms of this Consent Order.
- 13 b. Respondent agrees to pay the remaining \$1,500.00 of the civil penalty.
- 14 Respondent's payment shall be postmarked no later than the 25<sup>th</sup> day of the month
- 15 following the month in which this Consent Order becomes a final order. *(An invoice*
- 16 *will be included with Respondent's copy of the final order after the Director signs*
- 17 *it.)* Payment shall be mailed to Department of Consumer and Business Services,
- 18 Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.
- 19 c. Respondent understands the suspended civil penalty (\$2,500.00) will be considered
- 20 satisfied five years after this Consent Order becomes a final order, provided
- 21 Respondent complies with its terms and has not committed any further violations of
- 22 the Division's statutes and rules within that five-year period. Respondent
- 23 understands and agrees that if Respondent does not comply with the terms of this
- 24 Consent Order or if Respondent commits any further violations of the Division's
- 25 statutes or rules within the five-year period, then the entire civil penalty, including

1 any suspended amount, will become immediately due and payable. Failure to  
 2 comply with this Consent Order includes, but is not limited to, failure to pay the civil  
 3 penalty amount due by the due date.

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

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

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

16 5. Respondent understands that this Consent Order is a public record.

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

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

W. Scott Zwingli It is so agreed this 18 day of MAY, 2016.  
W. Scott Zwingli  
Authorized Representative  
A Light Up Company of Oregon, Inc.

Andrea Summer for It is so agreed this 18 day of May, 2015.  
Chair  
Electrical and Elevator Board  
State of Oregon

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