

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

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3 **IN THE MATTER OF:**

CONSENT ORDER

4 **LEA ELECTRIC, L.L.C.,**
5 **A FOREIGN LIMITED LIABILITY**
6 **COMPANY**

7 **RESPONDENT.**

BCD CASE C2015-0245

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9 **INTRODUCTION**

10 The Building Codes Division (Division) conducted an investigation on behalf of the
11 Electrical and Elevator Board of the State of Oregon (Board) and determined that Lea Electric,
12 L.L.C. (Respondent) violated certain provisions of the Division's statutes and administrative rules
13 as identified below.

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

18 **FINDINGS OF FACT**

- 19 1. At all relevant times, Respondent employed Richard Corn.
20 2. On or around December 16, 2015, in the course of his employment with Respondent, Mr.
21 Corn installed electrical cable wiring for a new alarm system at 351 SW 9th Street, Ontario,
22 Oregon.¹
23 3. At no relevant time did Mr. Corn hold an Oregon journeyman or supervising electrician's
24 license.²

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¹ See related Division case numbers C2015-0244 and C2015-0249.

² Respondent holds electrical contractor license number 37-838C.

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APPLICABLE LAW

1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-(10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-0010(1)-(11), and OAR 918-251-0090(1)-(43).
2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of electrical wiring and the permanent attachment or installation of electrical products in or on any structure that is not itself an electrical product.
3. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.
4. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.

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CONCLUSIONS OF LAW

1. Installing electrical cable wiring constitutes an electrical installation under ORS 479.530(10).
2. A supervising or journeyman electrician's license is required to make the foregoing electrical installation, under ORS 479.620(3).
3. By making the foregoing electrical installation without a supervising or journeyman electrician's license, Mr. Corn violated ORS 479.620(3).
4. By allowing Mr. Corn to perform the foregoing electrical installation without a supervising or journeyman electrician's license, Respondent violated OAR 918-282-0120(1).

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ORDER

1. The Board hereby assesses a total civil penalty of \$2,000.00 against Respondent for violating OAR 918-282-0120(1) as follows:
 - a. \$1,250.00 of the total civil penalty will be suspended for a period of five years if there is compliance with all other terms of this Consent Order.

1 b. Respondent agrees to pay the remaining \$750.00 of the civil penalty. Respondent's
2 payment shall be postmarked no later than the 25th day of the month following the
3 month in which this Consent Order becomes a final order. *(An invoice will be*
4 *included with Respondent's copy of the final order after the Director signs it.*
5 *Respondent understands timely payment must be made even if no invoice is ever*
6 *received.)* Payment shall be mailed to Department of Consumer and Business
7 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.

8 c. Respondent understands the suspended civil penalty (\$1,250.00) 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

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

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

11  It is so agreed this 3rd day of February, 2016.
12 Tom Betty
13 Authorized Representative for Lea Electric, L.L.C.

14  for It is so agreed this 8th day of February, 2016.
15 Chair
16 Electrical and Elevator Board
17 State of Oregon
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