

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

2 **IN THE MATTER OF:**

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4 **SOLEDAD ELETRIC, INC.,**  
5 **ABN AMPERE ELECTRIC,**  
6 **A DOMESTIC BUSINESS CORPORATION,**

7 **FINAL ORDER**

8 **As of: July 1, 2016 RESPONDENT.**

**NOTICE OF PROPOSED REMOVAL OF  
SUSPENSION OF PREVIOUSLY  
ASSESSED OF CIVIL PENALTIES**

**NOTICE OF PROPOSED REVOCATION  
OF ELECTRICAL CONTRACTOR  
LICENSE NUMBER C1148**

**NOTICE OF FINAL ORDER ON DEFAULT**

**BCD CASE C2016-0152**

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10 **IF YOU DO NOT REQUEST A HEARING IN WRITING WITHIN 20 DAYS**  
11 **OF THE POSTMARK DATE OF THIS NOTICE,**  
12 **THIS NOTICE WILL BECOME A FINAL ORDER.**

13 More information about this Notice and how to request a hearing is included below.

14 Pursuant to Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules  
15 (OAR) 918-001-0036, the Electrical and Elevator Board of the State of Oregon (Board) proposes to  
16 remove the suspension to have the previously assessed civil penalties totaling \$41, 250.00 against  
17 Soledad Electric, Inc., abn Ampere Electric (Respondent) due and payable because Respondent  
18 violated Building Codes Division (Division) statutes and rules and violated the terms of the consent  
19 order in C2015-0154 as identified below.

20 Pursuant to ORS 455.129(2)(b) and (3)(b), the Board proposes revoking the electrical  
21 contractor license number C1148 of Respondent because Respondent violated Division statutes and  
22 rules as identified below.

23 **FINDINGS OF FACT**

- 24 1. Respondent has held electrical contractor license number C1148 since September 8, 2015.<sup>1</sup>  
25 2. On January 28, 2016, an amended consent order executed by the Board and Respondent

<sup>1</sup> Respondent previously held electrical contractor license 26-788C, which was issued on May 7, 1992 and which expired on July 1, 2014 and limited maintenance specialty contractor license number 1122LMS, which was issued on December 23, 1999 and which expired on July 1, 2014.

NOTICE OF PROPOSED REMOVAL OF PREVIOUSLY-ASSESSED CIVIL PENALTIES, , PROPOSED  
REVOCATION OF ELECTRICAL CONTRACTOR LICENSE NUMBER C1148, AND FINAL ORDER ON  
DEFAULT

1 became a final order in Division case C2015-0154.

- 2 a. In that case, the Division amended the original consent order which required  
3 payments to be made starting November 25, 2015. On January 28, 2016, the  
4 amended consent order was issued creating a new payment agreement.
- 5 b. In that case, the Division found that Respondent had failed to pay two invoices  
6 totaling \$3,241.63 related to inspections the Division conducted for electrical work  
7 that Respondent performed for TriMet, and the Division found that Respondent  
8 failed to pay \$650.00 in civil penalties from a prior case (Division case 2006-0438)  
9 following a finding that Respondent had allowed an unlicensed individual to perform  
10 electrical work.
- 11 c. In that case, the Division also found that Respondent had made electrical  
12 installations on 15 occasions without holding a valid electrical contractor license in  
13 violation of ORS 479.620(1).
- 14 d. As a result of the foregoing violations, the Board assessed \$48,891.63 in civil  
15 penalties against Respondent (\$3,241.63 in unpaid invoices, \$650 in unpaid civil  
16 penalties from Division case 2006-0438, and \$45,000 for 15 violations of ORS  
17 479.620(1)).
- 18 e. Respondent agreed to pay \$7,641.63 of those civil penalties, and \$41,250.00 was  
19 suspended for a period of five years, provided Respondent complied with the terms  
20 of that amended consent order. Among other terms, the amended consent order  
21 required Respondent to pay \$480.00 per month. Payments were due on or before the  
22 29<sup>th</sup> day of each month, and the first payment was due on or before February 29,  
23 2016.

24 3. On March 9, 2016, Respondent paid the February 29, 2016 payment of \$480.00 toward the  
25 civil penalties in Division case C2015-0154.

- 1 4. On April 20, 2016, the division sent a letter to Respondent to notify it that as of that date the  
2 Division had not received the March 29, 2016 payment.
- 3 5. On April 25, 2016, Respondent paid a portion of the March 29, 2016 payment, \$380.00 of  
4 the \$480.00 that was owed, toward the civil penalties in Division case C2015-0154.
- 5 6. On May 2, 2016, Respondent paid the remaining amount of the March 29, 2016 payment by  
6 paying \$100.00 toward the civil penalties in Division case C2015-0154.
- 7 7. On June 7, 2016, Respondent paid the April 29, 2016 payment of \$480.00 toward the civil  
8 penalties in Division case C2015-0154.
- 9 8. Respondent has not made any further payment as of the date of this Notice and has not paid  
10 the \$480.00 that was due on May 29, 2016.

#### 11 12 **APPLICABLE LAW**

- 13 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-  
14 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-  
15 0010(1)-(11), and OAR 918-251-0090(1)-(43).
- 16 2. Under ORS 455.129(2)(b), a regulatory body may deny a license, certificate, registration, or  
17 application or may suspend, revoke, condition, or refuse to renew a license, certificate, or  
18 registration if the regulatory body finds that the licensee, certificate holder, registrant, or  
19 applicant has failed to comply with an order of the regulatory body or the Director of the  
20 Department of Consumer and Business Services, including but not limited to the failure to  
21 pay a civil penalty.
- 22 3. Under ORS 455.129(3)(b), the Board may deny a license, certificate, registration, or  
23 application or may suspend, revoke, condition, or refuse to renew a license, certificate, or  
24 registration for those reasons enumerated in ORS 455.129(2).

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## CONCLUSIONS OF LAW

1. Respondent paid \$960.00 following the execution of the amended consent order in BCD case C2015-0154. Respondent has failed to comply with the payment terms of the amended consent order in Division case C2015-0154 on at least four occasions by not making the monthly payments in full or on or before their due date above. In addition, Respondent has not made the May 29<sup>th</sup>, 2016 payment as of the date of this Notice.
2. Respondent has failed to comply with an order of the Board by failing to pay the civil penalties in accordance with the terms of the amended consent order issued in Division case C2015-0154.
3. Because Respondent has failed to comply with an order of the Board, Respondent's electrical contractor license is subject to revocation under ORS 455.129(2)(b). The Board may revoke Respondent's electrical contractor license C1148 under ORS 455.129(3)(b).

## ORDER

1. Pursuant to ORS 455.895(1)(b), OAR 918-001-0036, and the amended consent order in Division case C2015-0154, the Board removes the suspension from the stayed civil penalties in C2016-0157 and now orders Respondent to pay the \$41,250.00.
2. Pursuant to ORS 455.129(2)(b) and (3)(b), the Board revokes Respondent's electrical contractor license number C1148 commencing on the date of entry of a final order in this matter for failing to comply with the payment terms of the amended consent order in Division case C2016-0157.

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## NOTICE OF RIGHT TO HEARING

23 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, ORS  
24 chapter 183. If Respondent requests a hearing, the request must be in writing and postmarked no  
25 later than 20 days from the date of service of this Notice. If the Notice was served on Respondent in

1 person, the date of service is the date Respondent received the Notice. If the Notice was served  
2 through the mail, the date of service is the day the Notice was mailed, not the day it was received by  
3 the Respondent. If a request for hearing is not received within the 20-day period, Respondent's right  
4 to a hearing shall be considered waived. Mail hearing requests to Building Codes Division,  
5 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

6 Respondent may be represented by legal counsel. Pursuant to ORS 183.457 and OAR 918-  
7 001-0030, a corporate Respondent may be represented by an authorized representative at the  
8 hearing. If Respondent requests a hearing, Respondent will be notified of the time and place of the  
9 hearing. The Division will give Respondent information on the procedures, right of representation,  
10 and other rights of parties relating to the conduct of the hearing before the commencement of the  
11 hearing.

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#### 14 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS**

15 Active duty servicemembers have a right to stay proceedings under the Federal  
16 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon  
17 Military Department at 800-452-7500 for more information. If Respondent needs help finding legal  
18 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website at  
19 <http://legalassistance.law.af.mil/content/locator.php>.

#### 20 **NOTICE OF FINAL ORDER**

21 This Notice will become a final order by default if Respondent does any of the following:  
22 fails to request a hearing in writing within 20 days from the date of service of this Notice;  
23 withdraws a hearing request; notifies the Building Codes Division or the administrative law judge  
24 that Respondent will not appear at a scheduled hearing; or fails to appear at a scheduled hearing. If  
25 this Notice becomes a final order by default, the Division's file on the matter, including all

1 materials submitted by Respondent, becomes the record for the purpose of establishing a prima  
2 facie case.

3 **RIGHT TO JUDICIAL REVIEW**

4 Respondent is entitled to judicial review of a final order in this matter. Judicial review may  
5 be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after a  
6 final order is served upon Respondent. See ORS 183.482. If a final order is served on Respondent in  
7 person, the date of service is the date Respondent receives the order. If a final order is served  
8 through the mail, the date of service is the day the order is mailed, not the day it is received by the  
9 Respondent. If Respondent does not file a petition for judicial review within the 60-day time  
10 period, Respondent will lose the right to appeal. The phone number for the Oregon Court of  
11 Appeals is 503-986-5555.

12 **FOR THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

13 Andrea Simmons for Date: 6/10/16  
14 Chair  
15 Electrical and Elevator Board  
16 State of Oregon  
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