

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

3
4 **IN THE MATTER OF:**) **CONSENT ORDER**
5)
6 **INFINITY ELECTRIC INC.,**)
7 **A FOREIGN CORPORATION**)
8)
9) **CASE NO. 2012-0187**
10 **RESPONDENT**)

11 The Electrical and Elevator Board of the State of Oregon (Board) has conducted an investigation
12 and determined that you violated certain provisions of the Oregon Building Codes statutes,
13 administrative rules, and specialty codes.

14 You and the Board desire to settle this matter informally by the entry of this Consent Order. You
15 understand that you have the right to a hearing under the Administrative Procedures Act (Chapter
16 183), Oregon Revised Statutes, and fully and finally waive the right to a contested case hearing
17 and any appeal therefrom by the signing and entry of this Order in the Board's record. You agree
18 to conduct all future business in compliance with the applicable statutes, administrative rules,
19 and specialty codes. You understand that, once final, this Order is a public record.

20 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

- 21 1. You installed an electrical service panel, wiring and outlet receptacles at 5100 Culberson
22 Drive, Parkdale, Oregon, for the account of another, without an electrical contractor's
23 license.
- 24 2. You did not obtain an electrical permit prior to performing the installation.

25 **WHAT THE LAW SAYS**

1. Under ORS 479.620(1), a person may not engage in the business of an electrical
contractor without an electrical contractor's license.
2. Under ORS 479.550(1), a person may not make any new electrical installation without
first obtaining a valid electrical permit.

STIPULATED AGREEMENT

You and the Board agree to resolve this matter, without a hearing, with the entry of this
Consent Order subject to the following terms and conditions:

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2 1. The Board hereby assesses a civil penalty of \$4,000 for violating ORS 479.620(1) and
3 ORS 479.550(1) of which \$2,750 will be suspended for a period of five years under the
4 following terms:

5 1.1 You agree to pay the remaining \$1,250 of the civil penalty.

6 1.2 An additional \$500 of the total assessed penalties will be suspended if you are
7 able to pay \$750 by the date on the invoice. ***(The invoice will be included with***
8 ***your copy of the Final Order after it is signed by the Board.)***

9 2. You agree if a final order is issued by a Board or the Director finding you violated any of
10 Building Codes Division's statutes or rules, within five years from the date this Order
11 was signed by the Board, you will pay any subsequent penalty **and** the suspended penalty
12 from this Order.

13 3. You agree not to commit further violations of Building Codes Division's statutes or rules.

14 4. You understand that if you fail to comply with any of the terms of this consent
15 agreement, that the entire civil penalty, including the amount suspended, will be
16 immediately due and payable. Failure to comply includes failure to pay the civil penalty
17 amount on the Final Demand Notice by the due date, or failure to make payments
18 according to the terms of any payment arrangement or Final Demand Notice.

19 5. You understand and agree any violation of the terms of this Consent Order will result in
20 further enforcement action.

21 6. You understand and agree that any violations of Building Code Division's statutes or
22 rules not alleged in this Order, whether committed before or after the execution of this
23 Consent Order, may be the basis for further enforcement action.

24 7. You understand the suspended civil penalty will be waived five years after the execution
25 of this Consent Order, provided you comply with its terms and have not committed any
further violations of Building Codes Division's statutes or rules.

8. You have read and fully understand the terms of this Consent Order, freely and
voluntarily consent to the entry of this Order without further hearing, without any force
or duress, and expressly waive all rights to a hearing or appeal in this matter.

9. You understand that, upon signature of all parties, this Consent Order will be a FINAL
ORDER.

10. You further agree by signing this Consent Order that you are the Respondent or
authorized representative for the Respondent in this matter.

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FOR THE RESPONDENT



Kevin A. Duncan
Infinity Electric LLC.

Date: 10-15-2013

FOR THE BOARD



Chris Huntington
for
Chairman
Electrical and Elevator Board
State of Oregon

Date: 11/3/13