

2013 SEP 24 A 10:05

BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:)	CONSENT ORDER
)	
ELMER D. HILL, AN INDIVIDUAL)	
)	
)	
RESPONDENT)	CASE NO. 2013-0090
)	

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

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

FINDINGS OF FACT and CONCLUSIONS OF LAW

(1) During or about the period April 1, 2013 through May 8, 2013, at 17425 Andy Hill Road, Lakeview, Oregon, you installed a 100 amp electrical sub-panel, three electrical branch circuits, electrical light fixtures, switches and electrical wiring, for the account of another, without having an Oregon supervising or journeyman electrician's license, in violation of ORS 479.620(3).

(2) The installation of a 100 amp electrical sub-panel, three electrical branch circuits, electrical light fixtures, switches and electrical wiring, as described above, are electrical installation as defined in ORS 479.530(10).

(3) During or about the period April 1, 2013 through May 8, 2013, at 17425 Andy Hill Road, Lakeview, Oregon, you installed water supply piping and three hydrant faucets, for the account of another, without having an Oregon journeyman plumbing license, in violation of ORS 693.030(1).

1 (4) Installing water supply piping and three hydrant faucets, as described above, is
2 plumbing as defined by ORS 447.010(6).

3 **WHAT THE LAW SAYS**

4 (1) Under ORS 479.620(3), a person may not make any electrical installation
5 without a supervising or journeyman electrician's license

6 (2) Under ORS 693.030(1), a person may not engage in the trade of journeyman
7 plumber without a journeyman plumber license issued under this chapter.

8 **STIPULATED AGREEMENT**

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

11 (1) The Boards hereby assess civil penalties against you of \$4,000 for violating
12 ORS 479.620(3) and ORS 693.030(1), but suspend \$2,000 of the civil penalties
assessed for a period of five years under the following terms:

13 (1.1) You agree to pay the remaining \$2,000 of the civil penalty.

14 ***(1.2) If you are able to submit a full payment of \$1,500 by the***
15 ***invoice due date, an additional \$500 will be suspended. The invoice will be***
16 ***included with your copy of the Final Order after it is signed by the Boards.***

17 (2) You agree if a final order is issued by the Boards finding you violated any of
18 Building Codes Division's statutes or rules, within five years from the date this Order
was signed by the Boards, you will pay any subsequent penalty and the suspended
penalty from this Order.

19 (3) You agree not to commit further violations of Building Codes Division's statutes
20 or rules.

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

24 (5) You understand and agree any violation of the terms of this Consent Order will
25 result in further enforcement action.

1 (6) You understand and agree that any violations of Building Code Division's
2 statutes or rules not alleged in this Order, whether committed before or after the
3 execution of this Consent Order, shall be the basis for further enforcement action.

4 (7) You understand the suspended civil penalty will be waived five years after the
5 execution of this Consent Order, provided Respondent complies with its terms and has
6 not committed any further violations of Building Codes Division's statutes or rules.

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

10 (9) You understand that, upon signature of all parties, this Consent Order will be a
11 FINAL ORDER and becomes a public document.

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

14 **FOR THE RESPONDENT**

15 Elmer D. Hill
16 Elmer D. Hill

17 Date: 9-11-13

18 **FOR THE BOARDS**

19 Andrea Simmons for
20 Chairman
21 Electrical and Elevator Board
22 State of Oregon

23 Date: 9-25-13

24 Andrea Simmons for
25 Chairman
26 Plumbing Board
27 State of Oregon

28 Date: 9-25-13