

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

) **CONSENT ORDER**

**MOON SECURITY SERVICES, INC.,
AN ACTIVE FOREIGN BUSINESS
CORPORATION,**

) **CASE NO. 2013-0139**

RESPONDENT

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

The parties desire to settle this matter informally. You understand that you have the right to a contested case hearing under the Oregon 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 into the Board's record. You agree to conduct all future business in compliance with the applicable statutes, administrative rules, and specialty codes. You understand that this Order, once final, is a public record.

As evidenced by the authorized signatures on this Order, the Board finds, and you stipulate to, the entry of this Order and its following terms.

FINDINGS OF FACT and CONCLUSIONS OF LAW

- (1) You hold electrical contractors license no: 37-493CLE.
- (2) On or about November 10, 2011, under case No: 2011-0205, a Final Order was issued against you in the amount of \$2,000 for allowing Joseph Harris, an unlicensed individual, to install alarm system electrical wiring at 72188 Quill Point, Pendleton, Oregon.
- (3) On or about December 21, 2012, at 500 N. 1st Street, Hermiston, Oregon, you allowed Kevin Cason, an unlicensed individual, to install a wall-mounted electrical alarm system controller, 18/2 CM electrical cable wiring and a class II electrical plug-in transformer.
- (4) You did not obtain a valid electrical permit prior to the installation at 500 N. 1st Street, Hermiston, Oregon.
- (5) The installations of a wall-mounted electrical alarm system controller, 18/2 CM electrical cable wiring and a class II electrical plug-in transformer are electrical

1 installations, as defined in ORS 479.530(10).

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3 **WHAT THE LAW SAYS**

- 4 (1) Under ORS 479.620(3) except as provided in 479.620(5), no person may make any electrical installations without a supervising or journeyman electrician's license.
- 5 (2) Under OAR 918-282-0120(1), no entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.
- 6 (3) Under ORS 479.550(1), except as allowed by ORS 479.540(6), no person may make any new electrical installation without first having obtained a valid electrical permit.

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8 **STIPULATED AGREEMENT**

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10 You and the Board agree to resolve this matter, without a hearing, according to the following terms and conditions:

- 11 (1) The Board hereby assesses a \$3,500 civil penalty for violations of ORS 479.550(1) and
 - 12 OAR 918-282-0120(1) of which \$1,750 will be suspended for a period of five years under the following terms:
 - 13 (1.1) You agree to pay \$1,750 of the civil penalty by the date on the invoice.
 - 14 (1.2) Failure to pay full amount by the date on the invoice will result in an additional \$500 assessment. (An invoice will be included with your copy of the Final Order after it is signed by the Board.)
- 15 (2) You agree to submit monthly reports to the Building Codes Division that will include invoices for work performed in Oregon, proof of permits or a minor label for work invoiced.
 - 16 a. You agree to submit the reports by the 25th of each month, beginning on December 26, 2013 and ending on December 26, 2015.
 - 17 b. You agree to submit the reports to the Enforcement Division at P.O. Box 14470, Salem, OR. 97309.
- 18 (3) You agree to submit notification to the division proof of appropriate licensure of your employees performing work which requires an electrical license within 15 business days of this order becoming final. You also agree to notify the division within 5 business days of any addition of personnel performing work that requires an electrical license. Notification must include the employee's name and license number.
- 19 (4) You agree not to commit further violations of Building Codes Division's statutes or rules.
- 20 (5) You understand that if you fail to comply with any of the terms of this consent

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agreement that the entire civil penalty, including the amount suspended, will be 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 and failure to submit the monthly reports, required by item 2, within ten (10) days of the due date.

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

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

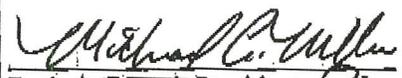
(8) You understand the suspended civil penalty will be waived five years after the execution of this Consent Order, provided you comply with its terms and have not committed any further violations of Building Codes Division's statutes or rules.

(9) 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 hearing or appeal in this matter.

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

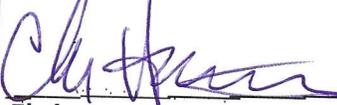
(11) You further agree by signing this Consent Order that you are the Respondent or authorized representative for the Respondent in this matter.

SIGNATURE FOR THE RESPONDENT


Ruth A. Pound, President
Moon Security Inc. *President*

Date: 12-5-2013

FOR THE BOARD


Chairman
Electrical and Elevator Board
State of Oregon

Date: December 9, 2013