

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

2 )  
3 **IN THE MATTER OF:** ) **CONSENT ORDER**  
4 )  
5 **EDWARD J. MILTENBERGER DBA SIGN MEN,** )  
6 **AN INDIVIDUAL** )  
7 )  
8 ) **CASE NO. 2013-0239**  
9 )  
10 **RESPONDENT** )  
11 )  
12 )

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

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

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

24 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

- 25
1. On or about November 19, 2013, at 1730 N. 1<sup>st</sup> Street, Hermiston Oregon, you engaged in the business of installing an electric sign, for the account of another, without an Oregon electrical contractor's license, in violation of ORS 479.620(1).
  2. On or about November 19, 2013, at 1730 N. 1<sup>st</sup> Street, Hermiston Oregon, you engaged in the business of installing an electric sign, for the account of another, without having first obtained a valid permit, in violation of ORS 479.550(1).
  3. The installation of an electric sign, as described above, is an electrical installation under ORS 479.530(10).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**WHAT THE LAW SAYS**

1. Under ORS 479.620(1), a person may not, without an electrical contractor's license, engage in the business of making electrical installations, or advertise as or otherwise purport to be licensed to make electrical installations or purport to be acting as a business that makes electrical installations.<sup>1</sup>
2. Under ORS 479.550(1), except as provided in ORS 479.540, no person shall work on any new electrical installation for which a permit has not been issued.<sup>2</sup>

**ORDER**

Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses the following sanctions:

- (1) a \$3,000 civil penalty for violating ORS 479.620(1)
- (2) a \$1,000 civil penalty for violating ORS 479.550(1)

The assessed penalties total \$4,000.

**STIPULATED AGREEMENT**

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

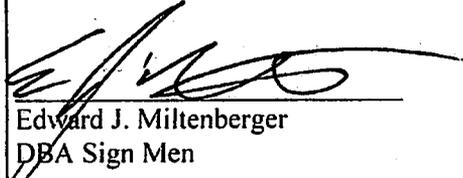
1. The Board hereby assesses \$4,000 in civil penalties for violations of ORS 479.620(1) and ORS 479.550(1), of which \$2,750 will be suspended for a period of five years under the following terms:
  - 1.1. You agree to pay \$1,250 of the assessed civil penalties;
  - 1.2. An additional \$500 of the total assessed penalties will be suspended if you are able to pay \$750 by the date on the invoice. **(An invoice will be included with your copy of the Final Order after it is signed by the Board.)**
2. You agree not to commit further violations of the Building Code Division's statutes or rules.

---

<sup>1</sup> OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630 and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform, work for which a license or permit is required under Oregon law, including but not limited to a single instance.  
<sup>2</sup> OAR 918-309-0000(5) establishes a permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any electrical work thereunder.

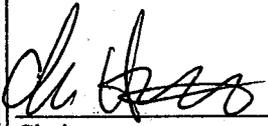
- 1 3. You agree to provide a monthly report to the division for six (6) consecutive months  
2 beginning January 1, 2014 through June 30, 2014. Reports must contain information  
3 through the end of the month. Reports are due to the division no later than the 10<sup>th</sup> day of  
4 the following month. Reports shall identify all sign installations done by you as a licensed  
5 Limited Sign Contractor. Reports shall also include permit numbers from all applicable  
6 jurisdictions for all electrical work requiring a permit. Reports are to be sent to: Building  
7 Codes Division Enforcement Section, P.O. box 14470, Salem, Oregon 97309-0404 or  
8 emailed to [juliet.m.wiersma@state.or.us](mailto:juliet.m.wiersma@state.or.us).
- 9 4. You understand that if you fail to comply with any of the terms of this Consent Order that  
10 the entire civil penalty, including the amount suspended, will be immediately due and  
11 payable. Failure to comply includes failure to submit reports required by item number 3  
12 within 10 days of the due date, failure to pay the civil penalty amount on the Final  
13 Demand Notice by the due date, or failure to make payments according to the terms of any  
14 payment arrangement or Final Demand Notice.
- 15 5. You agree that any violation of this order may result in the immediate revocation of your  
16 limited sign contractor's license.
- 17 6. You understand and agree that any violation of the terms of this Consent Order may result  
18 in further enforcement action.
- 19 7. You understand and agree that any violation of the Building Code Division's statutes or  
20 rules not alleged in this Order, whether committed before or after the execution of this  
21 Consent Order, may be the basis for further enforcement action.
- 22 8. You understand the suspended civil penalty will be waived five years after the execution  
23 of this Consent Order, provided you comply with its terms and have not committed any  
24 further violations of the Building Code Division's statutes and rules.
- 25 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 and/or  
authorized representative for the respondent in this matter.

1 **FOR THE RESPONDENT**

2   
3 \_\_\_\_\_  
4 Edward J. Miltenberger  
5 DBA Sign Men

Date: 12/9/13

6  
7 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

8   
9 \_\_\_\_\_ for  
10 Chairman  
11 Electrical and Elevator Board  
12 State of Oregon

Date: 12/16/13

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25