

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

3 **IN THE MATTER OF:**

) **CONSENT ORDER**

4 **PEAK ALARM COMPANY OF IDAHO, INC.**

5 **AKA: PEAK ALARM COMPANY, INC.,**
6 **A FOREIGN BUSINESS CORPORATION**

) **CASE NO. C2013-0254**

7 **RESPONDENT**

8 The Oregon Electrical and Elevator of the State of Oregon (Board) conducted an
9 investigation and determined that Respondent violated certain provisions of the Oregon Building
10 Codes statutes and administrative rules.

11 Respondent and the Board prefer to settle this matter informally by the entry of this
12 consent order. Respondent understands that it has the right to a hearing under the Administrative
13 Procedures Act, chapter 183, Oregon Revised Statutes (ORS), and fully and finally waives the
14 right to a contested case hearing and any appeal therefrom by the signing and entry of this order
in the Board's records. Respondent agrees 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.

15 **FINDINGS OF FACT**

- 16 1. At no relevant time did Respondent hold an active Oregon Construction Contractors
Board (CCB) license.
- 17 2. At no relevant time did Respondent hold an active Oregon electrical contractor license.
- 18 3. At no relevant time did Respondent employ an individual-licensed as an Oregon general-
19 supervising electrician or journeyman electrician license.
- 20 4. On or about October 2013, at 601 Southgate, Pendleton, Oregon, Respondent allowed
21 Thomas J. Carter, an unlicensed individual, to install by permanent means an electrical
22 wall-mounted alarm system control panel, wireless receiver and siren, using the building's
previous alarm systems electrical wiring, for the account of another, without a valid
electrical permit.
- 23 5. On or about November 13, 2013, at 1730 North 1st Street, Hermiston, Oregon, Respondent
24 allowed Thomas J. Carter, an unlicensed individual, to install by permanent means CL2
25 electrical wiring, for a wall-mounted alarm system control panel, for the account of
another, without a valid electrical permit.

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RECEIVED
BUILDING CODES

- 1 6. The electrical installations at issue in this case were permitted on August 28, 2014. The
2 installation at 601 Southgate, Pendleton, Oregon, passed final inspection on August 29,
3 2014. The installation at 1730 North 1st Street, Hermiston, Oregon, passed final inspection
4 on September 2, 2014.
- 5 7. During settlement discussions, Respondent provided information of a similar installation
6 that occurred in 2011. The Board acknowledges this information and will not pursue this
7 disclosed incident.

WHAT THE LAW SAYS

- 8 1. Under ORS 479.620(1), a person must have an electrical contractor's license to engage in
9 the business of making electrical installations, advertise or otherwise purport to be
10 licensed to make electrical installations or purport to be acting as a business that makes
11 electrical installations.¹
- 12 2. ORS 479.530(10) defines an electrical installation as the construction or installation of
13 electrical wiring and the permanent attachment or installation of electrical products.
- 14 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which
15 a permit has not been issued.
- 16 4. Under ORS 479.620(3), a person may not make any electrical installation without a
17 supervising or journeyman electrician's license.
- 18 5. Under Oregon Administrative Rules (OAR) 918-282-0120(1), no person or entity shall
19 allow any individual to perform electrical work for which the individual is not properly
20 registered or licensed.

CONCLUSIONS OF LAW

- 21 1. The installation of electrical wall-mounted alarm system control panels, CL2 electrical
22 wiring, and wireless receivers and sirens are electrical installations as defined in ORS
23 479.530(10).
- 24 2. By engaging in the business of electrical contracting for the without an Oregon electrical
25 contractor's license, Respondent violated ORS 479.620(1).
3. By making electrical installations without first obtaining a valid electrical permit,
Respondent violated ORS 479.550(1).
4. By allowing an unlicensed individual to make electrical installations, Respondent violated
OAR 918-282-0120(1).

¹ Pursuant to OAR 918-030-0010(8), 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.

ORDER

Respondent and the Electrical and Elevator Board agree to resolve this matter without a hearing with the entry of this consent order subject to the following terms and conditions:

1. The Board hereby assesses a civil penalty of \$12,000 for violating ORS 479.620(1), 479.550(1), and OAR 918-282-0120(1) of which \$9,250 will be suspended for a period of five (5) years under the following terms:
 - 1.1 Respondent agrees to pay the remaining \$2,750 of the civil penalty.
(The invoice will be included with Respondent's copy of the Final Order after it is signed by the Board.)
 - 1.2 If Respondent fails to make a payment or otherwise defaults on any term of this settlement agreement, including failure to make a timely payment, the case will be turned over to the Department of Consumer and Business Services collections department for collection of the civil penalty, along with interest and applicable fees.
2. Respondent agrees that if a final order is issued by a board or the Director of the Department of Consumer and Business Services finding Respondent violated any of Building Codes Division's statutes or rules within five (5) years from the date this order was signed by the Board, then Respondent will pay the suspended penalty from this order.
3. Respondent agrees not to commit further violations of Building Codes Division's statutes or rules.
4. Respondent understands that if it fails to comply with any of the terms of this settlement agreement, then 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.
5. Respondent understands and agrees any violation of the terms of this consent order will result in further enforcement action.
6. Respondent understands and agrees 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.
7. Respondent understands the suspended civil penalty will be waived five (5) years after the execution of this consent order, provided Respondent complies with its terms and has not committed any further violations of Building Codes Division's statutes or rules.
8. Respondent has read and fully understands the terms of this consent order, freely and voluntarily consents to the entry of this order without further hearing, without any force or duress, and expressly waives all rights to a hearing or appeal in this matter.

1 9. Respondent understands that, upon the signature of all parties, this consent order will be a
FINAL ORDER.

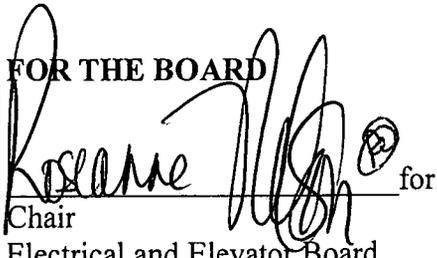
2 10. Respondent further agrees by signing this consent order that it is the Respondent or
3 authorized representative for the Respondent in this matter.

4 **FOR THE RESPONDENT**

5 
6 _____
7 F. Steven Kappel, President
Peak Alarm of Idaho, Inc.

Date: 06 October, 2014

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10 **FOR THE BOARD**

11 
12 _____ for
13 Chair
Electrical and Elevator Board
State of Oregon

Date: 10-10, 2014