

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

2 **IN THE MATTER OF:**)

3 **KA CO ELECTRIC, LLC**)
4 **A LIMITED LIABILITY COMPANY**)

5 **RESPONDENT**)

CONSENT ORDER

CASE NO. C2014-0017

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

10 The parties wish to settle this matter informally. Respondent understands that Respondent
11 has the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised
12 Statutes (ORS), and fully and finally waives the right to a contested case hearing and any appeal
13 therefrom by the signing and entry of this Order in the Boards' records. Respondent agrees to
14 conduct all future business in compliance with the applicable statutes, administrative rules (OAR),
15 and specialty codes. Respondent understands that this order is a public record.

16 **FINDINGS OF FACT**

- 17 1. On or about January 17, 2014, at 398 NW 4th Street, Prineville, Oregon, Respondent
18 engaged in the business of installing heating systems, for the account of another, without
19 employing a full-time signing supervisor.
- 20 2. A check of the Building Codes Division's license database listed the signing supervisor for
21 KA CO Electric, LLC on January 17, 2014 as Bruce M. Griffin. Mr. Griffin's signing
22 supervisor license, 4680S, had expired on October 1, 2013.
- 23 3. On or about January 17, 2014, at 398 NW 4th Street, Prineville, Oregon, Respondent allowed
24 Jacob Bennett to install wiring during the installation of rooftop heating systems, for the
25 account of another, without having a supervising or journeyman electrician's license.

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APPLICABLE LAW

1. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.
2. Under OAR 918-282-0010(1), an electrical contractor shall continuously employ at least one full-time general signing supervisor.
3. Under ORS 479.530(10), electrical installations include the construction or installation of electrical wiring and the permanent attachment or installation of electrical products in or on any structure that is not itself an electrical product.

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CONCLUSIONS OF LAW

1. Installing wiring as part of the installation of electric heating systems, as described above, is an electrical installation as defined by ORS 479.530(10).
2. On or about January 17, 2014, at 398 NW 4th Street, Prineville, Oregon, Respondent engaged in the business of making electrical installations, for the account of another, without employing a full-time signing supervisor.
3. On or about January 17, 2014, at 398 NW 4th Street, Prineville, Oregon, Respondent allowed Jacob Bennett to make electrical installations, for the account of another, without having an Oregon supervising or journeyman electrician's license.

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SETTLEMENT AGREEMENT

The Respondent and the Board agree to resolve this matter without a hearing according to the following terms:

1. The Board hereby assesses a \$5,000 total civil penalty for violating OAR 918-282-0120(1) and 918-282-0010(1), of which \$3,500 will be suspended for a period of five years under the following terms:
 - 1.1. Respondent agrees to pay \$1,500 due of the civil penalty. (*An invoice will be included with Respondent's copy of the Final Order after the Board signs it.*)

1 1.2. Respondent agrees to make payments of \$250 per month for six months, beginning
2 with the first payment due on July 25, 2014, and each payment due (postmarked) by
3 the 25th day of the month thereafter. As long as the payments remain timely, there
4 shall be no interest added to Respondent's balance. There are no early-payoff
5 penalties.

6 2. Respondent understands that a single failure to comply with any of the terms of this
7 Settlement Agreement could result in the entire civil penalty, including the suspended
8 amount, becoming immediately due and payable. Failure to comply includes failure to pay
9 the civil penalty amount by the due date.

10 3. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts in
11 cases against other entities or individuals that rely on the underlying facts in this case.

12 4. Respondent agrees not to commit violations of the Building Code Division's statutes and
13 rules.

14 5. Respondent understands that if Respondent fails to comply with any of the terms of this
15 consent agreement then 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 according
18 to the terms of any payment arrangement or Final Demand Notice.

19 6. Respondent understands and agrees that any violation of the terms of this Consent Order
20 will result in further enforcement action.

21 7. Respondent understands and agrees that any violation of the Building Code Division's
22 statutes or rules not alleged in this order, whether committed before or after the execution of
23 this Consent Order, may be the basis for further enforcement action.

24 8. Respondent understands that failure to comply with this settlement agreement may result in
25 the denial of future licensing applications and/or suspension of licensing or certification

1 issued by the Division and/or other state agencies.

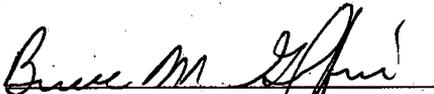
2 9. Respondent understands the suspended civil penalty will be waived five years after the
3 execution of this Consent Order, provided Respondent complies with its terms and have not
4 committed any further violations of Building Code Division's statutes and rules.

5 10. Respondent has read and fully understands the terms of this Consent Order, freely and
6 voluntarily consents to the entry of this order without further hearing, without any force or
7 duress, and expressly waives all rights to hearing or appeal in this matter.

8 11. Respondent understands that, upon signature of all parties, this Consent Order will be a
9 FINAL ORDER.

10 12. Respondent understands that once this Settlement Agreement and Consent Order becomes a
11 FINAL ORDER, it becomes a public document.

12 **FOR THE RESPONDENT, KA CO ELECTRIC LLC**

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15 Bruce M. Griffin, member

Date: 6/29/14

16 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

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18 
19 Chair

Date: 6/30/14

20 Electrical and Elevator Board
21 State of Oregon
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