

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

3 **BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON**

4 **IN THE MATTER OF:** ) **CONSENT ORDER**  
5 **PETER HILL, AN INDIVIDUAL** ) **CASE NO. C2014-0037**  
6 **RESPONDENT** )  
7 )

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

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

14 **FINDINGS OF FACT**

15 1. During or about the period of August 2012 through March 2013, at 2323 SE Regner  
16 Road, Gresham, Oregon, Respondent installed electrical can lights, for the account of another,  
17 without an Oregon electrical contractor's license, or a supervising or journeyman electrician  
license.

18 2. Respondent made the installation at 2323 SE Regner Road, Gresham, Oregon, without  
first obtaining a valid electrical permit, in violation of ORS 479.550(1).

19 3. Respondent made electrical installations that did not meet minimum safety standards.  
20 Specifically, Respondent installed can light fixtures not suitable for damp locations, and installed  
21 can lights with wires entering non-IC rated metal junction boxes with spacing less than 13 mm  
(½ in.) from combustible materials. Respondent's method of installing the can lights violated the  
following National Electrical Code (NEC) articles:

- 22 a. Article 410.10(A) – Luminaires in Wet and Damp Locations  
23 b. Article 410.110 – Special Provisions for Flushed and Recessed Luminaires

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2 4. During or about the period of August 2012 through March 2013, at 2323 SE Regner  
3 Road, Gresham, Oregon, Respondent installed a tub, toilet, sink, and plumbing fixtures, for the  
4 account of another, without an Oregon plumbing contractor's license, or a journeyman plumber  
5 license.

6 5. Respondent installed a tub, toilet, sink, and plumbing fixtures at 2323 SE Regner Road,  
7 Gresham, Oregon, without first obtaining a valid permit.

#### 8 **APPLICABLE LAW SAYS**

9 1. Under ORS 479.620(1), a person may not, without an electrical contractor's license,  
10 engage in the business of making electrical installations, advertise as or otherwise purport  
11 to be licensed to make electrical installations or purport to be acting as a business that  
12 makes electrical installations.<sup>1</sup>

13 2. ORS 479.530(10) defines electrical installations as the construction or installation of  
14 electrical wiring and the permanent attachment or installation of electrical products.

15 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which  
16 a permit has not been issued.

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

19 5. Under ORS 479.710(1), no person shall make, supervise or direct the making of an  
20 electrical installation which does not meet minimum safety standards.

21 6. Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or  
22 purport to be a plumbing contractor, and a member or employee of a firm, partnership or  
23 corporation may not engage in the layout or superintending of plumbing installations,  
24 without having obtained the plumbing contractor license.<sup>2</sup>

25 7. ORS 447.010(6) defines plumbing as the art of installing, altering or repairing in or  
adjacent to or serving buildings including pipes, fixtures, and other apparatus for bringing  
in the water supply and removing liquid and water-carried waste, including the water  
supply distributing pipes; fixture and fixture traps; soil, waste and vent pipes; and storm  
water drainage, with their devices, appurtenances and connections.

8. Under OAR 918-785-0200(1)(a), no person or firm or corporation shall do plumbing  
work in the State of Oregon, without first obtaining a plumbing permit or a minor label  
when required and paying the appropriate fees to the authorized permit issuing agency.

<sup>1</sup> Pursuant to OAR 918-030-0010(8), "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 a single instance.

<sup>2</sup> See footnote 1.

1 9. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber  
2 without a journeyman plumber license.

### 3 CONCLUSIONS OF LAW

- 4 1. Installing electrical can lights is an electrical installation under ORS 479.530(10).  
5 2. By installing the electrical can lights for the account of another, without an electrical  
6 contractor license, Respondent violated ORS 479.620(1).  
7 3. By installing electrical can lights for the account of another without a valid supervising or  
8 journeyman electrician license, Respondent violated ORS 479.620(3).  
9 4. By installing electrical can lights without first obtaining an electrical permit, Respondent  
10 violated ORS 479.550(1).  
11 5. By not meeting the minimum safety standards of the National Electric Code with the  
12 electrical installations identified in Findings of Fact at (3), Respondent violated ORS  
13 479.710(1).  
14 6. Installing a tub, toilet, sink, and plumbing fixtures are plumbing installations as defined  
15 in ORS 447.010(6).  
16 7. By installing plumbing, for the account of another, without an Oregon contractor's  
17 license, Respondent violated ORS 447.040(1).  
18 8. By installing plumbing without first obtaining a plumbing permit, Respondent violated  
19 OAR 918-785-0200(1)(a).  
20 9. By installing plumbing, for the account of another, without a journeyman plumber license,  
21 Respondent violated ORS 693.030(1).

### 22 SETTLEMENT AGREEMENT

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

1. The Boards hereby assess a civil penalty of \$15,000 for violating ORS 479.620(1) and  
(3), 479.550(1), 479.710(1), 447.040(1), and 693.030(1); and OAR 918-785-0200(1)(a)  
of which \$12,500 will be suspended for a period of five (5) years under the following  
terms:

- 1.1 Respondent agrees to pay the remaining \$2,500 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 1.2 Respondent agrees to pay \$100 postmarked by the 25th day of each month  
2 beginning May 25, 2014, continuing for 25 months, with the final payment being  
3 \$100. As long as the payments remain timely, there shall be no interest added to  
Respondent's balance.

4 1.3 If Respondent fails to make a payment or otherwise defaults on any term of this  
5 Settlement Agreement, including failure to make a timely monthly payment, the  
6 case will be turned over to the Department of Consumer and Business Services  
collections department for collection of the entire \$15,000 civil penalty, along  
with interest and applicable fees.

7 2. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts  
8 in cases against other entities or individuals that involve the underlying facts in this case.

9 3. Respondent agrees that if a final order is issued by a board or the Director finding  
10 Respondent violated any of Building Codes Division's statutes or rules within five (5)  
11 years from the date this order was signed by the Boards, then Respondent will pay any  
subsequent penalty and the suspended penalty from this order.

12 4. Respondent agrees not to commit further violations of Building Codes Division's statutes  
or rules.

13 5. Respondent understands that if he fails to comply with any of the terms of this settlement  
14 agreement, then the entire civil penalty, including the amount suspended, will be  
15 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.

16 6. Respondent understands and agrees any violation of the terms of this consent order will  
17 result in further enforcement action.

18 7. Respondent understands and agrees that any violations of Building Code Division's  
19 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.

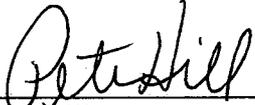
20 8. Respondent understands the suspended civil penalty will be waived five (5) years after  
21 the execution of this consent order, provided Respondent complies with its terms and has  
not committed any further violations of Building Codes Division's statutes or rules.

22 9. Respondent has read and fully understands the terms of this consent order, freely and  
23 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.

24 10. Respondent understands that, upon the signature of all parties, this consent order will be a  
25 FINAL ORDER.

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2 11. 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**

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6 \_\_\_\_\_  
7 Peter Hill

Date: 5-22, 2014

8 **FOR THE BOARDS**

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10 \_\_\_\_\_ for  
11 Chair  
12 Electrical and Elevator Board  
13 State of Oregon

Date: 5-26, 2014

14   
15 \_\_\_\_\_ for  
16 Chair  
17 State Plumbing Board  
18 State of Oregon

Date: 5-26, 2014