

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

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3	)	<b>CONSENT ORDER</b>
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5	)	<b>CASE NO. C2014-0045</b>
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**IN THE MATTER OF:**

**CHARLES E. TATE, AN INDIVIDUAL**

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**RESPONDENT**

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

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

16 **FINDINGS OF FACT**

- 17 1. During or about October and November 2013, at 209 NW 2<sup>nd</sup> Avenue, Ontario, Oregon,  
18 Respondent allowed an individual without an Oregon supervising or journeyman electrician  
19 license, Bill Cole, to extend an electrical branch circuit and install surface-mounted electrical  
20 conduit, wiring, and switch box to a ceiling light, without first obtaining a valid electrical  
21 permit.
- 22 2. During or about October and November 2013, at 209 NW 2<sup>nd</sup> Avenue, Ontario, Oregon,  
23 Respondent replaced electrical baseboard heaters and light switches as landlord of the tenant  
24 rental property without first obtaining a valid electrical permit.
- 25 3. During or about April 2014, a valid electrical permit was issued to an electrical contractor for  
the work noted above. The installation has been permitted and inspected.

26 **WHAT THE LAW SAYS**

- 27 1. ORS 479.530(10) defines an electrical installation as the construction or installation of  
28 electrical wiring and the permanent attachment or installation of electrical products.
- 29 2. Under ORS 479.620(3), a person may not make any electrical installation without a  
30 supervising or journeyman electrician's license.
- 31 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which a  
32 permit has not been issued.

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4. Under Oregon Administrative Rules (OAR) 918-282-0120(1), no person shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.

### CONCLUSIONS OF LAW

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1. Extending an electrical branch circuit and installing surface-mounted electrical conduit, wiring, and switch box to a ceiling light; and installing or replacing electrical baseboard heaters and light switches are electrical installations as defined in ORS 479.530(10).
  2. By allowing an unlicensed individual, Bill Cole, to extend an electrical branch circuit and install surface-mounted electrical conduit, wiring and switch box to a ceiling light, Respondent violated OAR 918-282-0120(1).
  3. By making electrical installations without first obtaining valid electrical permits, Respondent violated ORS 479.550(1).

### SETTLEMENT AGREEMENT

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11 Respondent and the Board agrees to resolve this matter, without a hearing, with the entry of this Consent Order subject to the following terms and conditions:

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1. The Board assesses a civil penalty of \$3,000 for violating ORS 479.550(1) and OAR 918-282-0120(1), of which \$2,000 will be suspended for a period of five years under the following terms:

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- 1.1 Respondent agrees to pay the remaining \$1,000 of the civil penalty. *(The invoice will be included with Respondent's copy of the Final Order after it is signed by the Board.)*

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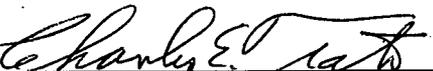
- 1.2 If payment is not received within five (5) business days after the 25<sup>th</sup> of the month once this consent order is executed, or Respondent falls behind in any other material way with this agreement, then the case will be turned over to the Department of Consumer and Business Services collections unit for collection of the entire \$3,000 civil penalty, along with interest and applicable fees.

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2. Respondent agrees if a final order is issued by a board or the Director finding Respondent violated any Building Codes Division's statutes or rules within five years from the date this order was signed by the Board, then Respondent will pay any subsequent penalty and the suspended penalty from this order.
  3. Respondent understands that if he 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.

- 1 4. Respondent understands and agrees that any violation of the terms of this Consent Order will result in further enforcement action.
- 2 5. Respondent understands and agrees that any violation of the Building Code Division's statutes or rules not alleged in this Consent Order, whether committed before or after the execution of this order, may be the basis for further enforcement action.
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- 4 6. Respondent understands that failure to comply with this settlement agreement may result in denial of future licensing applications and/or suspension of licensing or certification issued by the Building Codes Division and other state agencies.
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- 6 7. Respondent understands the suspended civil penalty will be waived five (5) years after the execution of this Consent Order, provided there is compliance with the order's terms and has not committed any further violations of the Building Codes Division's statutes or rules.
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- 8 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 hearing or appeal in this matter.
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- 10 9. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL ORDER.
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- 12 10. Respondent understands that once this Settlement Agreement and Consent Order become a FINAL ORDER, the agreement and order becomes a public document.
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- 14 11. Respondent further agrees by signing this Settlement Agreement and Consent Order that you are the respondent and/or authorized representative for the respondent in this matter.
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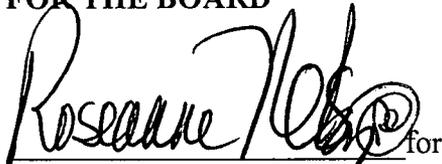
16 **FOR THE RESPONDENT**

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19 Charles E. Tate

Date: 7-24, 2014

20 **FOR THE BOARD**

21   
22 for  
23 Chair  
24 Electrical and Elevator Board  
25 State of Oregon

Date: 7-29, 2014

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