

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

2 **IN THE MATTER OF:**

) **CONSENT ORDER**

3 **DAVID CARTZNES, AN INDIVIDUAL**

4 **RESPONDENT**

) **CASE NO. C2014-0050**
5)

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

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

15 **FINDINGS OF FACT**

- 16 1. On or about February 27, 2014, at 2860 NW Harrison Blvd, Corvallis, Oregon, Respondent
17 installed a new 200 amp electrical service and 4 electrical branch circuits for the account of
18 another.
- 19 2. At no relevant time did Respondent have an active Oregon electrical contractor's license.
- 20 3. At no relevant time did Respondent have an active Oregon general supervising electrician or
21 journeyman electrician license.

22 **APPLICABLE LAW**

- 23 1. ORS 479.530(10) defines an electrical installation as the construction or installation of
24 electrical wiring and the permanent attachment or installation of electrical products.
- 25 2. Under ORS 479.620(1), a person must have an electrical contractor license to engage in the

1 business of making electrical installations, including advertising or otherwise purporting to be a
2 business that makes electrical installations.¹

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

5 CONCLUSIONS OF LAW

- 6 1. Installing an electrical service and branch circuits is an electrical installation as defined by ORS
7 479.530(10).
- 8 2. ~~By making electrical installations for the account of another without an Oregon electrical~~
9 contractor's license, Respondent violated ORS 479.620(1).
- 10 3. By making electrical installations without a valid supervising or journeyman electrician license,
11 Respondent violated ORS 479.620(3).

12 SETTLEMENT AGREEMENT

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

- 15 1. The Board hereby assesses a \$5,000 civil penalty for violating ORS 479.620(1) and 479.620(3),
16 of which \$3,500 will be suspended for a period of five years under the following terms:
- 17 1.1. Respondent agrees to pay the remaining \$1,500 of the civil penalty. *(An invoice will be*
18 *included with Respondent's copy of the final order after the Board signs it.)*
- 19 1.2. Respondent agrees to pay \$125 postmarked by July 25, 2014, continuing for twelve (12)
20 months. All payments are due (postmarked) by the 25th day of the month. As long as the
21 payments remain timely, there shall be no interest added to Respondent's balance.
- 22 1.3. Respondent understands that a single failure to comply with any of the terms of this
23 Settlement Agreement could result in the entire civil penalty, including the suspended
24

25 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, including but not limited to a single instance.

1 amount, becoming immediately due and payable. Failure to comply includes failure to
2 pay the civil penalty amount by the due date.

- 3 2. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts in
4 cases against other entities or individuals that rely on the underlying facts in this case.
- 5 3. Respondent agrees not to commit violations of the Building Code Division's statutes and rules.
- 6 4. Respondent understands that if Respondent fails to comply with any of the terms of this
7 consent agreement that the entire civil penalty, including the amount suspended, will be
8 immediately due and payable. Failure to comply includes failure to pay the civil penalty
9 amount on the Final Demand Notice by the due date, or failure to make payments according to
10 the terms of any payment arrangement or Final Demand Notice.
- 11 5. Respondent understands and agrees that any violation of the terms of this Consent Order
12 will result in further enforcement action.
- 13 6. Respondent understands and agrees that any violation of the Building Code Division's statutes
14 or rules not alleged in this order, whether committed before or after the execution of this
15 Consent Order, may be the basis for further enforcement action.
- 16 7. Respondent understands that failure to comply with this settlement agreement may result in the
17 denial of future licensing applications and/or suspension of licensing or certification
18 issued by the Division and/or other state agencies.
- 19 8. Respondent understands the suspended civil penalty will be waived five years after the
20 execution of this Consent Order, provided Respondent complies with its terms and have not
21 committed any further violations of Building Code Division's statutes and rules.
- 22 9. Respondent has read and fully understand the terms of this Consent Order, freely and
23 voluntarily consents to the entry of this order without further hearing, without any force or
24 duress, and expressly waives all rights to hearing or appeal in this matter.

1 10. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL
2 ORDER.

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

5
6 **FOR THE RESPONDENT**

7 
8 David Cartznes

Date: 6/20/14

9 **FOR THE STATE PLUMBING BOARD**

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

Date: 6-20-14