

1 make electrical installations or purport to be acting as a business that makes electrical
installations.¹

- 2 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
3 permit has not been issued.
- 4 4. Under OAR 918-282-0170(1)(b), a journeyman electrician may not make electrical installations
without being under the direction of an Oregon supervising electrician.
- 5 5. Under ORS 455.125(1)(a), the Electrical and Elevator Board may suspend a license if the Board
6 finds that the licensee has failed to comply with the laws or the rules administered by the
advisory board.

7 **CONCLUSIONS OF LAW**

- 8 1. When Respondent installed electrical boxes, electrical wiring, can lights, and electrical plates at
9 4540 SW Nevada Street, Portland, Oregon, for the account of another, Respondent made
electrical installations.
- 10 2. By making electrical installations as described in Findings of Fact (2), without an Oregon
11 electrical contractor's license, Respondent violated ORS 479.620(1).
- 12 3. By making electrical installations as described in Findings of Fact (2), without first obtaining a
13 valid electrical permit, Respondent violated ORS 479.550(1).
- 14 4. By making electrical installations as described in Findings of Fact (2), while not under the
supervision of a supervising electrician, Respondent violated OAR 918-282-0170(1)(b).
- 15 5. By failing to comply with the laws and rules administered by the Electrical and Elevator Board,
16 the Board may suspend Respondent's journeyman electrician license number 23614J under ORS
455.125(1)(a).

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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 a single instance.

SETTLEMENT AGREEMENT

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:

1. The Board assesses a civil penalty of \$6,000 for violating ORS 479.620(1), ORS 479.550(1), and OAR 918-282-0170(1)(b), of which \$3,500 will be suspended for a period of five 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.)*
 - 1.2 Respondent agrees to pay \$175 a month for 14 months, beginning once the consent order becomes final. The monthly payments must be postmarked by the 25th day of each month.
 - 1.3 Respondent agrees to pay the remaining \$50 as a final and 15th payment. This final payment must also be postmarked by the 25th day of the month.
 - 1.4 If payments are not received within five (5) business days after the 25th of each month, 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 \$6,000 civil penalty, along with interest and applicable fees.
 - 1.5 If payments are not received within five (5) business days after the 25th of each month, or Respondent falls behind in any other material way with this agreement, then Respondent's journeyman electrician license number 23614J will be suspended for six (6) months.
2. Respondent agrees that 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.
4. Respondent understands and agrees that any violation of the terms of this Consent Order will result in further enforcement action.
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.
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.

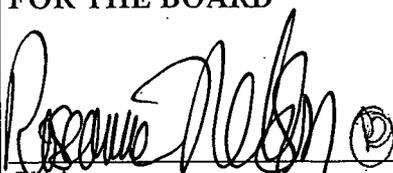
- 1 7. Respondent understands the suspended civil penalty will be waived five (5) years after the
2 execution of this Consent Order, provided there is compliance with the order's terms and has not
3 committed any further violations of the Building Codes Division's statutes or rules.
4 8. Respondent has read and fully understands the terms of this Consent Order, freely and
5 voluntarily consents to the entry of this order without further hearing, without any force or
6 duress, and expressly waives all rights to hearing or appeal in this matter.
7 9. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL
8 ORDER.
9 10. Respondent understands that once this Settlement Agreement and Consent Order become a
10 FINAL ORDER, the agreement and order becomes a public document.

11 **FOR THE RESPONDENT**

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14 Vincent J. South

15 Date: 8-21-14, 2014

16 **FOR THE BOARD**

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18 _____ for
19 Chair
20 Electrical and Elevator Board
21 State of Oregon

22 Date: 8-26-14, 2014