

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

2  
3 **IN THE MATTER OF:**

) **CONSENT ORDER**

4 **ALBERT RODRIGUEZ, AN INDIVIDUAL**

5 **RESPONDENT**

) **CASE NO. C2014-0126**  
)  
6

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

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

16 **FINDINGS OF FACT**

- 17 1. At all relevant times Respondent was working as an employee of Maxwell Anthony Pacific,  
18 Inc., a foreign business corporation based in California.  
19 2. On or about June 6, 2014, at 75381 Highway 101, Space D-4, Reedsport, Oregon, Respondent  
20 removed, repaired, and replaced electrical wire within an RV electrical hookup box owned by  
21 Maxwell Anthony Pacific, Inc..  
22 3. At no relevant time did Respondent have an active Oregon general supervising electrician or  
23 journeyman electrician license.

24 **APPLICABLE LAW**

- 25 1. ORS 479.530(10) defines an electrical installation as the construction or installation of

1 electrical wiring and the permanent attachment or installation of electrical products.

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

4 **CONCLUSIONS OF LAW**

- 5 1. The removal, repair, and replacement of electrical wire within an RV electrical hookup box is  
6 an electrical installation as defined by ORS 479.530(10).  
7 2. By making electrical installations without a valid supervising or journeyman electrician license,  
8 Respondent violated ORS 479.620(3).

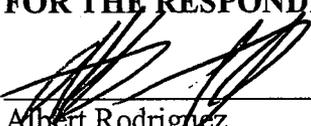
9 **ORDER**

10 Respondent and the Director agree to resolve this matter without a hearing according to the  
11 following terms:

- 12 1. The Board hereby assesses a \$2,000 civil penalty for violating ORS 479.620(3), of which  
13 \$1,750 will be suspended for a period of five years under the following terms:  
14 1.1 Respondent agrees to pay the remaining \$250 of the civil penalty. *(An invoice will be*  
15 *included with Respondent's copy of the final order after the Board signs it.)*  
16 2. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts in  
17 cases against other entities or individuals that rely on the underlying facts in this case.  
18 3. Respondent agrees not to commit violations of the Building Code Division's statutes and rules.  
19 4. Respondent understands that if Respondent fails to comply with any of the terms of this  
20 consent agreement that the entire civil penalty, including the amount suspended, will be  
21 immediately due and payable. Failure to comply includes, but is not limited to, failure to pay  
22 the civil penalty amount on the Final Demand Notice by the due date, or failure to make  
23 payments according to the terms of any payment arrangement or Final Demand Notice.  
24 5. Respondent understands and agrees that any violation of the terms of this Consent Order  
25 will result in further enforcement action.

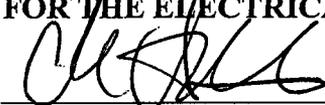
- 1 6. Respondent understands and agrees that any violation of the Building Code Division's statutes  
2 or rules not alleged in this order, whether committed before or after the execution of this  
3 Consent Order, may be the basis for further enforcement action.
- 4 7. Respondent understands that failure to comply with this settlement agreement may result in the  
5 denial of future licensing applications and/or suspension of licensing or certification  
6 issued by the Division and/or other state agencies.
- 7 8. Respondent understands the suspended civil penalty will be waived five years after the  
8 execution of this Consent Order, provided Respondent complies with its terms and has not  
9 committed any further violations of Building Code Division's statutes and rules.
- 10 9. Respondent has read and fully understand the terms of this Consent Order, freely and  
11 voluntarily consents to the entry of this order without further hearing, without any force or  
12 duress, and expressly waives all rights to hearing or appeal in this matter.
- 13 10. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL  
14 ORDER.

15  
16 **FOR THE RESPONDENT**

17   
18 Albert Rodriguez

Date: 10 31 2014

19 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

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

Date: 11/7/14