

1 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF**
2 **CONSUMER AND BUSINESS SERVICES,**
3 **BUILDING CODES DIVISION**
 STATE OF OREGON

4 **IN THE MATTER OF:**

5 **STEPHEN W. ROSS,**
6 **AN INDIVIDUAL**

7 **RESPONDENT**

) **CONSENT ORDER**

) **CASE NO. C2014-0132**

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1.

 The Director of the Department of Consumer and Business Services (Director) is responsible for administration and enforcement of Oregon's statewide building code, and is authorized to regulate electrical installations and persons engaged in making those installations, in Oregon. On or about May 14, 2015, the Director properly served a Notice of proposed discipline on Stephen W. Ross (Respondent), alleging violations of statutes and administrative rules under the Director's authority.

2.

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

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1 3.

2 The Director Finds and Respondent stipulates:

3 3.1 Respondent has held Class "A" limited energy technician license #4869LEA
4 continuously since March 29, 2013.

5 3.2 At all relevant times, Respondent was employed by Vivint as limited energy technician,
6 and was responsible to make electrical installations related to the installation of burglar systems
7 on behalf of Vivint.

8 3.3 On multiple occasions from at least April 14, 2013 to at least July 22, 2013, Respondent
9 allowed unlicensed individuals to run electrical wire through interior walls, or through
10 raceways attached to interior walls, during the installation of burglar alarm systems on behalf
11 of Vivint and under minor label permits signed by Respondent, in Oregon.

12 3.4 Installing electrical wire through interior walls, or through raceways attached to
13 interior walls, is an electrical installation as defined by ORS 479.530(10).

14 4.

15 The Director finds, but Respondent does not admit, that by allowing individuals to perform
16 electrical work for which those individuals were not properly registered or licensed under minor label
17 permits signed by Respondent, Respondent violated OAR 918-282-0120(1) on multiple occasions.

18 5.

19 The Director hereby assesses a \$10,000 civil penalty against Respondent for violating OAR
20 918-282-0120(1) on multiple occasions, \$8,000 of which will be stayed for a period of four years from
21 issuance of this Consent Order, under the terms of this order. If Respondent fully complies with all
22 terms of this Consent Order, the stayed amount of the civil penalty shall be considered satisfied at the
23 end of two years. Respondent shall pay the \$2,000 of civil penalty that has not been stayed, to the
24 Department of Consumer and Business Services – Building Codes Division, no later than July 25,
25

1 2015.¹ If Respondent fails to fully and timely comply with any term of this Consent Order, the \$8,000
2 of the civil penalty that has been stayed shall be immediately due and payable.

3 6.

4 Through June 1, 2019, Respondent's Class "A" limited energy technician license #4869LEA
5 will remain active and valid upon the following terms:

6 6.1 Respondent shall fully cooperate with the Division's enforcement efforts in cases
7 against other entities or individuals that rely on the underlying facts in this case.

8 6.2 Respondent shall not commit any new violations of the Division's
9 statutes or rules.

10 6.3 Respondent shall timely complete all license renewal requirements, including
11 documentation and any required continuing education, and shall timely pay all license renewal fees for
12 Class "A" limited energy technician license #4869LEA.

13 6.4 Respondent shall pay the \$2,000 of the civil penalty that is not stayed by the due date
14 provided herein.

15 7.

16 If, at any time through June 1, 2019, Respondent fails to comply with any provision of
17 paragraph 5 above, including sub-paragraphs 5.1 through 5.4, Respondent understands and agrees that
18 Respondent's Class "A" limited energy technician license #4869LEA shall be immediately inactive,
19 invalid for electrical work in Oregon, and subject to further discipline. If Respondent fully complies
20 with all provisions of this Consent Order, then on June 2, 2019, Respondent's Class "A" limited
21 energy technician license #4869LEA shall no longer be subject the terms of this Consent Order.

22 8.

23 Respondent understands that any violation of the terms of this Consent Order will also result in
24 further enforcement action.

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¹ An invoice will be included with Respondent's copy of the final order after it is signed by the Director or his designee.

9.

Respondent understands and agrees that any violation of the Building Code Division's statutes or rules not alleged in this order, whether committed before or after the execution of this Consent Order, may result in additional enforcement action. However, and notwithstanding the foregoing, this Consent Order fully and finally resolves any and all potential violations of OAR 918-282-0120(1) by Respondent in connection with the installation or repair of a burglar alarm system that may have occurred before July 29, 2014.

10.

Respondent understands that failure to comply with this Consent Order may result in the denial of future licensing applications, suspension or revocation of licensing or certification issued by the Division and other state agencies, or a combination thereof.

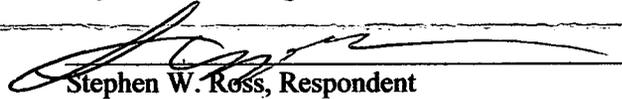
11.

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 coercion, force or duress, and expressly waives all rights to hearing, appeal or judicial review in this matter.

12.

Respondent understands that, upon signature of the Director or his designee, this Consent Order is a final order.

IT IS SO AGREED THIS 23RD day of JUNE, 2015.


Stephen W. Ross, Respondent

APPROVED AS TO FORM:


Attorney for Respondent

DATE:
IT IS SO ORDERED THIS 21ST day of JULY, 2015.


Patrick Allen, Director
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
BUILDING CODES DIVISION