

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

2 **IN THE MATTER OF:**

3 **HAMMONDS CONSTRUCTION INC., A**  
4 **DOMESTIC BUSINESS CORPORATION**

5 **RESPONDENT**

)  
) **CONSENT ORDER**

)  
) **CASE NO. C2014-0140**  
)

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

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

16 **FINDINGS OF FACT**

- 17 1. On or about February 26, 2014, at 1395 Center Drive, Medford, Oregon, Respondent  
18 allowed unlicensed individuals David Hammonds and Terry Terrana to install electrical  
19 junction boxes, new electrical outlets, switches and associated electrical wire for the account  
20 of another.
- 21 2. At no relevant time did Respondent have an active Oregon electrical contractor's license.  
22 Respondent failed to apply for and receive a permit for the work performed at 1395 Center  
23 Drive, Medford, Oregon, on or about February 26, 2014.

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(1), a person must have an electrical contractor license to engage in the  
3 business of making electrical installations, including advertising or otherwise purporting to  
4 be a business that makes electrical installations.<sup>1</sup>
- 5 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which a  
6 permit has not been issued.
- 7 4. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform  
8 electrical work for which the individual is not properly registered or licensed.

9 **CONCLUSIONS OF LAW**

- 10 1. Installing electrical junction boxes, new electrical outlets, switches and associated electrical  
11 wire are electrical installations as defined by ORS 479.530(10).
- 12 2. By making electrical installations for the account of another without an Oregon electrical  
13 contractor's license, Respondent violated ORS 479.620(1).
- 14 3. By making electrical installations without first obtaining a valid electrical permit,  
15 Respondent violated ORS 479.550(1).
- 16 4. By allowing David Hammonds and Terry Terrana to make electrical installations for which  
17 they were not properly registered or licensed, Respondent violated OAR 918-282-0120(1).

18 **SETTLEMENT AGREEMENT**

19 The Respondent and the Board agree to resolve this matter without a hearing according to  
20 the following terms:

- 21 1. The Board hereby assesses a \$6,000 total civil penalty for violating ORS 479.620(1),  
22 479.550(1), and OAR 918-282-0120(1), of which \$4,250 will be suspended for a period of  
23 five years under the following terms:

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25 <sup>1</sup> 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 1.1. Respondent agrees to pay the remaining \$1,750 of the civil penalty. (*An invoice will*  
2 *be included with Respondent's copy of the Final Order after the Board signs it.*)

3 1.2. Respondent agrees to make payments of \$250 per month for seven months,  
4 beginning with the first payment due on August 25, 2014, and all payments due  
5 (postmarked) by the 25<sup>th</sup> day of each month thereafter. As long as the payments  
6 remain timely, there shall be no interest added to Respondent's balance. There are no  
7 early-payoff penalties.

8 2. Respondent understands that a single failure to comply with any of the terms of this  
9 Settlement Agreement could result in the entire civil penalty, including the suspended  
10 amount, becoming immediately due and payable. Failure to comply includes failure to pay  
11 the civil penalty amount by the due date.

12 3. Respondent agrees to cooperate with the Building Codes Division's enforcement efforts in  
13 cases against other entities or individuals that rely on the underlying facts in this case.

14 4. Respondent agrees not to commit violations of the Building Code Division's statutes and  
15 rules.

16 5. Respondent understands that if Respondent fails to comply with any of the terms of this  
17 consent agreement then the entire civil penalty, including the amount suspended, will be  
18 immediately due and payable. Failure to comply includes failure to pay the civil penalty  
19 amount on the Final Demand Notice by the due date, or failure to make payments according  
20 to the terms of any payment arrangement or Final Demand Notice.

21 6. Respondent understands and agrees that any violation of the terms of this Consent Order  
22 will result in further enforcement action.

23 7. Respondent understands and agrees that any violation of the Building Code Division's  
24 statutes or rules not alleged in this order, whether committed before or after the execution of  
25 this Consent Order, may be the basis for further enforcement action.

1 8. Respondent understands that failure to comply with this settlement agreement may result in  
2 the denial of future licensing applications and/or suspension of licensing or certification  
3 issued by the Division and/or other state agencies.

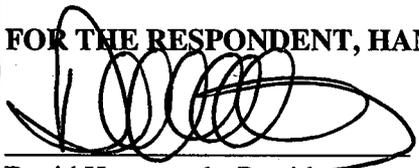
4 9. Respondent understands the suspended civil penalty will be waived five years after the  
5 execution of this Consent Order, provided Respondent complies with its terms and has not  
6 committed any further violations of Building Code Division's statutes and rules.

7 10. Respondent has read and fully understands the terms of this Consent Order, freely and  
8 voluntarily consents to the entry of this order without further hearing, without any force or  
9 duress, and expressly waives all rights to hearing or appeal in this matter.

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

12 12. Respondent understands that once this Settlement Agreement and Consent Order becomes a  
13 FINAL ORDER, it becomes a public document.

14 **FOR THE RESPONDENT, HAMMONDS CONSTRUCTION & DEVELOPMENT LLC**

15   
16 \_\_\_\_\_  
17 David Hammonds, President

Date: 7/18/14

18 **FOR THE ELECTRICAL AND ELEVATOR BOARD**

19   
20 \_\_\_\_\_ for  
21 Chair  
22 Electrical and Elevator Board  
23 State of Oregon  
24  
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Date: 7-25-14