

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

2 **IN THE MATTER OF:**

)
) **CONSENT ORDER**

3 **VANTAGE LED, LLC., AN UNREGISTERED**
4 **FOREIGN LIMITED LIABILITY COMPANY,**

)
) **CASE NO. C2014-0248**

5 **RESPONDENT.**
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7 The Building Codes Division (BCD) conducted an investigation on behalf of the Oregon
8 Electrical and Elevator of the State of Oregon (Board) and determined that Respondent violated
9 certain provisions of the Oregon Building Codes statutes and administrative rules.

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

17 **FINDINGS OF FACT**

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- 19 1. At no relevant time did Respondent possess an Oregon electrical contractor's license.
 - 20 2. At no relevant time did Respondent employ an individual licensed as an Oregon general
21 supervising electrician or journeyman electrician license.
 - 22 3. On or about September 26, 2014, at 1722 Makinster Road, Tillamook, Oregon,
23 Respondent allowed an unlicensed individual, Jeffrey Nowling, to install data cabling, a
24 circuit board, and other service components to an electric sign, for the account of another.
 - 25 4. Respondent failed to apply for and receive an electrical permit prior to allowing Nowling
to make the installation described in paragraph 3.

APPLICABLE LAW

1. ORS 479.530(10) defines an electrical installation as the construction or installation of
electrical wiring and the permanent attachment or installation of electrical products in or
on any structure that is not itself an electrical product.
2. Under ORS 479.620(3), a person may not make any electrical installation without a
supervising or journeyman electrician license.
3. Under ORS 479.620(1), no person may, without an electrical contractor's license, engage

1 in the business¹ of making electrical installations, advertise as or otherwise purport to be
2 licensed to make electrical installations or purport to be acting as a business that makes
3 electrical installations.

- 4 4. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform
5 electrical work for which the individual is not properly registered or licensed.
- 6 5. Under ORS 479.550(1), no person shall work on any new electrical installation for which
7 a permit has not been issued.

8 CONCLUSIONS OF LAW

- 9 1. Installing data cabling, a circuit board, and other service components to an electric sign are
10 electrical installations as defined in ORS 479.530(10).
- 11 2. Making the electrical installation described in Conclusions of Law paragraph 1 for the
12 account of another requires the installer to possess a valid supervising or journeyman
13 electrician license under ORS 479.620(3).
- 14 3. By allowing Jeffrey Nowling to make the electrical installation without a valid supervising
15 or journeyman electrician license, Respondent violated OAR 918-282-0120(1).
- 16 4. By engaging in the business of making an electrical installation without a valid electrical
17 contractor's license, Respondent violated ORS 479.620(1)
- 18 5. By making an electrical installation without first obtaining a valid electrical permit,
19 Respondent violated ORS 479.550(1).

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29 ¹ OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630 and any other license regulated
30 by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to
31 perform, work for which a license or permit is required under Oregon law, including but not limited to a single
32 instance.

ORDER

Respondent and the Electrical and Elevator Board agree to resolve this matter without a hearing with the entry of this Consent Order according to the following terms and conditions:

1. The Board hereby assesses a civil penalty of \$6,000 for violating ORS 479.620(1), ORS 479.550(1), and OAR 918-282-0120(1) of which \$4,000 will be suspended for a period of five (5) years under the following terms:

- 1.1 Respondent agrees to pay the remaining \$2,000 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 If Respondent fails to make a payment or otherwise defaults on any term of this settlement agreement, the case may be turned over to the Department of Consumer and Business Services collections department for collection of the entire \$6,000 civil penalty, along with interest and applicable fees.

2. Respondent agrees that if a final order is issued by a board or the Director of the Department of Consumer and Business Services finding Respondent violated any of Building Codes Division's statutes or rules within five (5) years from the date this order was signed by the Board, then Respondent will be responsible for any subsequent penalties in addition to the \$4,000 of suspended penalty from this order that will become due and payable.
3. Respondent agrees not to commit further violations of Building Codes Division's statutes or rules.
4. Respondent understands that if it 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.
5. Respondent understands and agrees any violation of the terms of this Consent Order will result in further enforcement action.
6. Respondent understands and agrees that any violations of Building Code Division's statutes or rules not alleged in this order, whether committed before or after the execution of this Consent Order, may be the basis for further enforcement action.
7. Respondent understands the suspended civil penalty will be waived five (5) years after the execution of this Consent Order, provided Respondent complies with its terms and has not committed any further violations of Building Codes Division's statutes or rules.
8. 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 force or duress, and expressly waives all rights to a hearing or appeal in this matter.
9. Respondent understands that, upon the signature of all parties, this Consent Order will be

1 a FINAL ORDER.

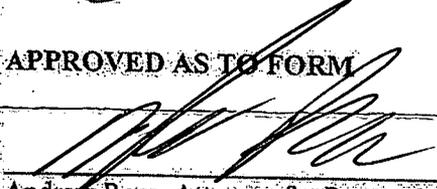
2 10. Respondent further agrees by signing this Consent Order that it is the Respondent or
3 authorized representative for the Respondent in this matter.

4 FOR THE RESPONDENT

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Vantage LED, LLC

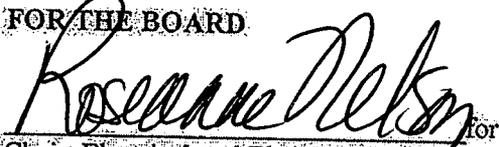
Date: 4/2/ 2015

7
8 APPROVED AS TO FORM

9 
10 Andrew Ross, Attorney for Respondent

Date: 4/2 2015

11 FOR THE BOARD

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13 Chair, Electrical and Elevator Board
14 State of Oregon

Date: 4-7- 2015

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