

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

2
3 **IN THE MATTER OF:**

4 **DOYLE ELECTRIC, INC., A FOREIGN
BUSINESS CORPORATION,**

5 **RESPONDENT.**

CONSENT ORDER.

6 **CASE NO. C2015-0061**

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

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

17 **FINDINGS OF FACT**

- 18
- 19 1. At all relevant times Respondent has and continues to hold Oregon electrical contractor license
20 37-128C.
 - 21 2. On or about March 23, 2015, at 53863 Highway 332, Milton Freewater, Oregon, Respondent
22 allowed David L. Morehead (Morehead), without being licensed as a supervising or
23 journeyman electrician, to install electrical wiring.
 - 24 3. On August 16, 2010, in BCD case number 2010-0028, a consent order was executed between
25 Respondent and the Board in which Respondent was assessed a \$2,000 civil penalty for a
violation of OAR 918-282-0120(1) (allowing an individual to perform electrical work for
which the individual is not properly licensed). The Board stayed collection of \$1,000 of the
civil penalty for a period of five years from the date of the execution of the consent order
provided Respondent did not, during that time, violate any provision of Oregon Building Codes
statutes, administrative rules, specialty codes, or any order issued by a BCD advisory board.

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.

- 1 2. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.
- 2 3. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.

CONCLUSIONS OF LAW

- 4
- 5 1. Installing electrical wiring is an electrical installation as defined in ORS 479.530(10).
- 6 2. Making the electrical installation described in Conclusions of Law paragraph 1 requires the installer to possess a valid supervising or journeyman electrician license under ORS 479.620(3).
- 7
- 8 3. When Morehead made an electrical installation without a journeyman or supervising electrician license, Morehead violated ORS 479.620(3).
- 9
- 10 4. By allowing an unlicensed individual (Morehead) to install electrical wiring, Respondent violated OAR 918-282-0120(1).
- 11 5. When Respondent violated OAR 918-282-0120(1), Respondent failed to comply with the terms of the consent order in BCD case 2010-0028 within five years from August 16, 2010, the effective of that final order.
- 12
- 13 6. By breaching the consent order for case 2010-0028, the \$1,000 of previously-stayed penalties is now due and payable.
- 14

ORDER

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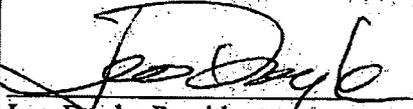
16 Respondent and the Board agree to resolve this matter without a hearing by executing this Consent Order according to the following terms and conditions:

- 17 1. Respondent admits to committing the violations as alleged in the Findings of Fact and
- 18 Conclusions of Law.
- 19 2. The Board hereby assesses a \$2,500 civil penalty for violating Oregon OAR 918-282-0120(1)
- 20 of which \$1,500 is suspended. Respondent shall also pay the \$1,000 stayed penalty from case number 2010-0028. These payments shall be made under the following terms:
- 21 2.1 Respondent agrees to pay the remaining \$2,000 of the civil penalties. *(The invoice will be*
- 22 *included with Respondent's copy of the Final Order after it is signed by the Boards.)*
- 23 2.2 Respondent agrees to pay the full \$2,000 as a one-time payment.
- 24 2.3 Respondent agrees to provide quarterly reporting to the Division, due on the 15th day
- 25 following each reporting quarter (example: the first report, due August 15, 2015, will report on the Respondent's activities from May 1 through July 31, 2015). The reporting shall include a list of all jobs worked in the month (even if reported in a previous quarter's report, in the event that a job runs longer than one calendar month), any and all invoices

1 from the job, the names and license numbers of each employee or subcontractor who
2 worked on the job, and a copy of each permit received for the job. The first reporting
3 installment is due to the Division postmarked (or scanned documents emailed to Judith
4 Moore, Judith.I.Moore@oregon.gov) by August 15, 2015. Reporting shall be submitted
5 every three months and will be considered complete with the final reporting due on May 15,
6 2016.

- 7
- 8 3. Respondent understands that a single failure to comply with any of the terms of this Consent
9 Order results in the entire civil penalty, including the suspended amount, being immediately
10 due and payable.
- 11 4. Respondent understands and agrees that any violation of the terms of this Consent Order
12 will result in further enforcement action.
- 13 5. Respondent understands and agrees that any violation of the Division's statutes or rules not
14 alleged in this Consent Order, whether committed before or after the execution of this Order,
15 may be the basis for further enforcement action.
- 16 6. Respondent understands the suspended \$1,500 civil penalty will be waived five (5) years after
17 the execution of this Consent Order, provided Respondent complies with its terms and has not
18 committed any further violations of the Division's statutes or rules.
- 19 7. Respondent has read and fully understands the terms of this Consent Order, freely and
20 voluntarily consents to the entry of this Order without any force or duress, and expressly
21 waives all rights to hearing or appeal in this matter.
- 22 8. Respondent understands that, upon signature of all parties, this Consent Order will be a FINAL
23 ORDER.
- 24 9. Respondent further agrees by signing the Consent Order, he is the Respondent or the authorized
25 representative for the Respondent in this matter.

18 **FOR THE RESPONDENT, DOYLE ELECTRIC, INC.**

19 
20 Leo Doyle, President

Date: 6/30, 2015

22 **FOR THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

23 
24 Chair
25 Electrical and Elevator Board
State of Oregon

Date: 7/13, 2015