

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

2 **IN THE MATTER OF:**

**CONSENT ORDER**

3  
4 **GREG TOMLINSON,**  
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

**BCD CASE C2015-0089**

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8 **INTRODUCTION**

9 The Building Codes Division (Division) conducted an investigation on behalf of the  
10 Electrical and Elevator Board of the State of Oregon (Board) and determined that Greg Tomlinson  
11 (Respondent) violated certain provisions of the Division's statutes and administrative rules as  
12 identified below.

13 The parties agree to resolve this matter without a hearing. Respondent understands that  
14 Respondent has the right to a contested case hearing under the Administrative Procedures Act,  
15 Oregon Revised Statutes (ORS) chapter 183, and Respondent fully and finally waives the right to a  
16 hearing and any judicial review therefrom by the signing of this Consent Order.

17 **FINDINGS OF FACT**

- 18 1. During February 2014, Respondent purchased 940 N. Laurel Street, Coquille, Oregon  
19 (subject property) for \$49,000. Respondent recorded his ownership of the subject property  
20 with Coos County, Oregon on April 3, 2014.
- 21 2. At the time Respondent bought the subject property, the single-family dwelling on the  
22 subject property was in extremely poor condition due to water damage from a leaking roof  
23 and mold throughout the house. The county considered the structure on the subject property  
24 to be a good candidate for demolition.
- 25 3. On or about February or March 2014, Respondent began a whole-home remodel and small

1 structural addition to the single-family dwelling on the subject property.

2 4. During the whole-home remodel of the single-family dwelling on the subject property,

3 Respondent hired Mark Fisher (Fisher). Fisher helped Respondent by directing

4 Respondent's electrical and plumbing work throughout the remodeling and addition to the  
5 single-family dwelling on the subject property.

6 5. On or about February or March 2014 through April 2015, Respondent installed wires,

7 outlets, lighting fixtures, heaters, a fireplace insert, a breaker box, and connected the wires to

8 the breaker box. During the same period, Respondent plumbed the fixtures in two bathrooms

9 and the kitchen in the single-family dwelling on the subject property.

10 6. In June or July 2014, Geraldine Mendricks (Mendricks) entered into a verbal contract with

11 Respondent to purchase the subject property following Respondent's completion of the  
12 remodel and structural addition installation.

13 7. On April 28, 2015, Mendricks bought the subject property from Respondent for \$180,000

14 and recorded her ownership with Coos County, Oregon, on April 30, 2015.

15 8. At no relevant time has Respondent held a supervising or journeyman electrician license.

16 **APPLICABLE LAW**

17 1. Terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-(10),

18 ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-

19 0010(1)-(11), and OAR 918-251-0090(1)-(43).

20 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of

21 electrical wiring and the permanent attachment or installation of electrical products in or on  
22 any structure that is not itself an electrical product.

23 3. Under ORS 479.620(3), a person may not make any electrical installation without a

24 supervising or journeyman electrician's license.

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## CONCLUSIONS OF LAW

1. Under ORS 479.530(10), installing wires, outlets, lighting fixtures, heaters, a fireplace insert, a breaker box, and connecting the wires to a breaker box are electrical installations.
2. Under ORS 479.620(3), performing the electrical installations described above requires a general supervising or journeyman electrician license.
3. By performing the electrical installations described above without holding a general supervising or journeyman electrician license, Respondent violated ORS 479.620(3).

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## ORDER

1. The Board hereby assesses a total civil penalty of \$2,000 against Respondent for violating ORS 479.620(3) as follows:
  - a. \$1,250 of the total civil penalty will be suspended for a period of five years if there is compliance with all other terms of this Consent Order.
  - b. Respondent agrees to pay the remaining \$750 of the civil penalty. Respondent's payment shall be postmarked no later than the 25<sup>th</sup> day of the month following the month in which this Consent Order becomes a final order. *(An invoice will be included with Respondent's copy of the final order after the Director signs it.)*  
Payment shall be mailed to Department of Consumer and Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.
2. Respondent understands the suspended civil penalty (\$1,250) will be considered satisfied five years after this Consent Order becomes a final order, provided Respondent complies with its terms and has not committed any further violations of the Division's statutes and rules within that five-year period. Respondent understands and agrees that if Respondent does not comply with the terms of this Consent Order or if Respondent commits any further violations of the Division's statutes or rules within the five-year period, then the entire civil penalty, including any suspended amount, will become immediately due and payable.

1 Failure to comply with this Consent Order includes, but is not limited to, failure to pay the  
2 civil penalty amount due by the due date.

3 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases  
4 that rely on the facts underlying this case. Cooperation may include, but may not be limited  
5 to, making sworn statements or testifying in administrative hearings.

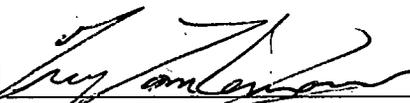
6 4. Respondent understands that further enforcement action may be taken for any violation of  
7 the Division's statutes or rules not alleged in this Consent Order, whether committed before  
8 or after the execution of this Consent Order, and/or for any violation of the terms of this  
9 Consent Order.

10 5. Respondent understands that failure to comply with this Consent Order may be used as a  
11 basis for the denial of future license, certificate, registration, or other applications, or for the  
12 refusal to renew the same; for the suspension, revocation, or conditioning of a license,  
13 certificate, or registration issued by the Division or other state agencies; and/or for any other  
14 reason provided for in law.

15 6. Respondent understands that this Consent Order is a public record.

16 7. Respondent has read and fully understands the terms of this Consent Order, freely and  
17 voluntarily consents to the entry of this Consent Order without any force or duress, and  
18 expressly waives all rights to hearing or judicial review in this matter.

19 8. Respondent understands that, upon signature of all parties, this Consent Order will be a  
20 Final Order.

21   
22 Greg Tomlinson

It is so agreed this 17 day of SEPT, 2015.

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24 Andrea Simmon  
25 Chair

It is so agreed this 1 day of October, 2015.

Electrical and Elevator Board  
State of Oregon