

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

2 **IN THE MATTER OF:**

CONSENT ORDER

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4 **DC ELECTRICAL SOLUTIONS, LLC,**
5 **A FOREIGN LIMITED LIABILITY**
6 **COMPANY,**

7 **RESPONDENT.**

BCD CASE C2015-0122

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9 **INTRODUCTION**

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

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

18 **FINDINGS OF FACT**

- 19 1. Respondent, a foreign limited liability company based in Idaho, has held electrical
20 contractor license C1039 since June 13, 2014.
- 21 2. In or about May 28, 2015 at 69675 Sanderson Road in Summerville, Oregon, Respondent
22 instructed and allowed Mark Davis¹ to install a grounding conductor for a light fixture.
- 23 3. Mark Davis does not hold an Oregon journeyman electrician or supervising electrician
24 license.²

25 ¹ See related BCD cases C2015-0175 and C2015-0127.

² A citation was issued to Respondent and Charles Davis, the owner of Respondent, on or about May 28, 2015. That citation was withdrawn, without prejudice, on or about June 22, 2015.

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APPLICABLE LAW

1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-(10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-0010(1)-(11), and OAR 918-251-0090(1)-(43).
2. Under ORS 479.530(10), "Electrical installations" means 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.
3. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.
4. 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.

CONCLUSIONS OF LAW

1. Installing a grounding conductor for a light fixture is an electrical installation under ORS 479.530(10).
2. Making the foregoing electrical installation requires a supervising or journeyman electrician license under ORS 479.620(3).
3. By making the foregoing electrical installation without holding a valid supervising or journeyman electrician license, Mark Davis violated ORS 479.620(3).
4. By allowing Mark Davis to make the foregoing electrical installation for which he was not properly registered or licensed, Respondent violated OAR 918-282-0120(1).

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ORDER

1. The Board hereby assesses a total civil penalty of \$2,000 against Respondent for violating OAR 918-282-0120(1) 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.
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1 b. Respondent agrees to pay the remaining \$750 of the civil penalty. Respondent's
2 payment shall be postmarked no later than the 25th day of the month following the
3 month in which this Consent Order becomes a final order. *(An invoice will be*
4 *included with Respondent's copy of the final order after the Director signs it.)*
5 Payment shall be mailed to Department of Consumer and Business Services, Fiscal
6 Services Section, P.O. Box 14610, Salem, OR 97309-0445.

7 2. Respondent understands the suspended civil penalty (\$1,250) will be considered satisfied
8 five years after this Consent Order becomes a final order, provided Respondent complies
9 with its terms and has not committed any further violations of the Division's statutes and
10 rules within that five-year period. Respondent understands and agrees that if Respondent
11 does not comply with the terms of this Consent Order or if Respondent commits any further
12 violations of the Division's statutes or rules within the five-year period, then the entire civil
13 penalty, including any suspended amount, will become immediately due and payable.

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

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

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

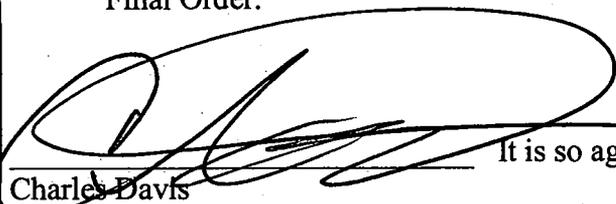
23 5. Respondent understands that failure to comply with this Consent Order may be used as a
24 basis for the denial of future license, certificate, registration, or other applications, or for the
25 refusal to renew the same; for the suspension, revocation, or conditioning of a license,

1 certificate, or registration issued by the Division or other state agencies; and/or for any other
2 reason provided for in law.

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

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

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

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10 It is so agreed this 15 day of September, 2015.

11 Charles Davis
12 Owner, Manager, and Authorized Representative for
13 DC Electrical Solutions, LLC

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15 Chair
16 Electrical and Elevator Board
17 State of Oregon

18 It is so agreed this 22 day of September, 2015.
19 ~~October~~
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