

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**DO JAE HOLLINGSWORTH,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2015-0140

INTRODUCTION

The Building Codes Division (Division) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon and the State Plumbing Board of the State of Oregon (Boards) and determined that Do Jae Hollingsworth (Respondent) violated certain provisions of the Division's statutes and administrative rules as identified below.

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

FINDINGS OF FACT

1. On or around January 30, 2015, Respondent purchased a residential property located at 443 W. Umpqua St. in Roseburg, Oregon (Umpqua property).
2. At all relevant times, Respondent planned on renting or leasing the Umpqua property.
3. At no relevant time did Respondent hold a general or limited supervising electrician's license, a general or limited journeyman electrician's license, a limited residential electrician's license, or a journeyman plumber license.
4. On or around March 2015 through May 2015, Respondent hired Mr. Sergio Rodriguez to

1 assist in renovating the Umpqua property, which included installing all new plumbing and
2 electrical systems.

- 3 5. At no relevant time did Mr. Rodriguez hold a general or limited supervising electrician's
4 license, a general or limited journeyman electrician's license, a limited residential
5 electrician's license, or a journeyman plumber license.
- 6 6. From on or around March 2015 through on or around May 2015, Respondent performed the
7 following electrical work at the Umpqua property:

- 8 a. Installation of overhead lighting fixtures in the kitchen, dining room, laundry room,
9 hallway, and porches.
- 10 b. Installation of an overhead fan unit in the living room.

- 11 7. From on or around March 2015 through on or around May 2015, Respondent and Mr.
12 Rodriguez jointly performed the following electrical work at the Umpqua property:

- 13 a. Installation of wiring for an electrical receptacle for a kitchen range.
- 14 b. Installation of electrical wiring for electrical receptacles and light switches in the
15 kitchen, dining room, laundry room, hallway and porches.
- 16 c. Installation of 220-volt electrical wiring beneath the floor to the laundry room for a
17 receptacle for dryer unit.
- 18 d. Installation of Romex electrical wiring underneath the property and affixing it to
19 beams located beneath the property's flooring.
- 20 e. Installation of electrical wiring through the attic and affixing it to overhead lighting
21 receptacles, which included a hallway light fixture, and numerous wall receptacles.

- 22 8. From on or around March 2015 through on or around May 2015, Respondent and Mr.
23 Rodriguez jointly performed the following plumbing work at the Umpqua property:

- 24 a. Installation of plumbing fixtures, including sinks and toilets.
- 25 b. Installation of an additional bathroom with associated plumbing, including

1 installation of additional water lines.

2 9. No permits were issued to perform the aforementioned electrical installations.

3 10. No permits were obtained to perform the aforementioned plumbing work.

4 **APPLICABLE LAW**

5 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
6 (10), ORS 479.530(1)-(23), ORS 447.010(1)-(6), ORS 455.010(1)-(10), ORS 479.905(1)-
7 (5), ORS 693.010(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-0010(1)-(11), OAR
8 ~~918-251-0090(1)-(43) and OAR 918-690-0420(1)-(14).~~

9 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
10 electrical wiring and the permanent attachment or installation of electrical products in or on
11 any structure that is not itself an electrical product.

12 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
13 permit has not been issued.

14 4. Under ORS 455.450(2), a person may not engage in, or procure or assist any other person to
15 engage in, any conduct or activity for which a permit, label, license, certificate, registration,
16 or other formal authorization is required by any specialty code, any provision of ORS
17 chapter 447, ORS chapter 693 or any rule adopted or order issued for the administration and
18 enforcement of those provisions, without first having obtained such permit, label, license,
19 certificate, registration, or other formal authorization.

20 5. Under ORS 479.620(3), a person may not make any electrical installation without a
21 supervising or journeyman electrician's license.

22 6. Under ORS 479.620(6), a person may not permit or suffer any electrical installation on
23 property that the person owns, controls, manages, or supervises to be made by a person not
24 licensed to make such an installation.

25 7. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform

1 electrical work for which the person is not properly licensed.

- 2 8. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing
3 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and
4 water-carried waste.
- 5 9. Under OAR 918-780-0065, no person, firm, or corporation shall do plumbing work in the
6 State of Oregon without first obtaining a plumbing permit or minor label when required and
7 paying the appropriate fees to the authorized permit issuing agency.

8 **CONCLUSIONS OF LAW**

- 9 1. The following constitute electrical installations under ORS 479.530(10):
- 10 a. Installation of overhead lighting fixtures in the kitchen, dining room, laundry room,
11 hallway and porches.
 - 12 b. Installation of an overhead fan unit in the living room.
 - 13 c. Installation of wiring for an electrical receptacle for a kitchen range.
 - 14 d. Installation of electrical wiring for electrical receptacles and light switches in the
15 kitchen, dining room, laundry room, hallway and porches.
 - 16 e. Installation of 220-volt electrical wiring beneath the floor to the laundry room for a
17 receptacle for dryer unit.
 - 18 f. Installation of Romex electrical wiring underneath the property and affixing it to
19 beams located beneath the property's flooring.
 - 20 g. Installation of electrical wiring through the attic and affixing it to overhead lighting
21 receptacles, including a hallway light fixture, and numerous wall receptacles.
- 22 2. By performing the foregoing electrical installations without holding a supervising or
23 journeyman electrician's license, Respondent violated ORS 479.620(3).
- 24 3. By allowing Mr. Rodriguez to perform electrical work, including electrical installation
25 work, on Respondent's property for which he was not licensed, Respondent violated OAR

1 918-282-0120(1) and ORS 479.620(6).

2 4. By performing new electrical installations at the Umpqua property for which permits were
3 not issued, Respondent violated ORS 479.550(1).

4 5. The following constitute plumbing under ORS 447.010(6):

5 a. Installation of plumbing fixtures, including sinks and toilets.

6 b. Installation of an additional bathroom with associated plumbing, including
7 installation of additional water lines.

8 6. By performing plumbing work at the Umpqua property without first obtaining permits,
9 Respondent violated OAR 918-780-0065.

10 7. By engaging in conduct and activities for which permits and licenses were required pursuant
11 to ORS 479.550(1) and/or OAR 918-780-0065 without such permits and licenses, including
12 a journeyman plumber license, and by procuring Mr. Rodriguez to do the same, Respondent
13 violated ORS 455.450(2).

14 **ORDER**

15 1. The Boards hereby assesses a total civil penalty of \$8,000.00 against Respondent for
16 violating ORS 479.550(1), ORS 479.620(3), ORS 479.620(6), ORS 455.450(2) and OAR
17 918-780-0065 as follows:

18 a. \$6,000.00 of the total civil penalty will be suspended for a period of five years if
19 there is compliance with all other terms of this Consent Order.

20 b. Respondent agrees to pay the remaining \$2,000.00 of the civil penalty. Respondent
21 will make two monthly payments on the 25th day of each month in the amount of
22 \$1,000.00 per month. Respondent's first payment shall be postmarked no later than
23 the 25th day of the month following the month in which this Consent Order becomes
24 a final order. *(An invoice will be included with Respondent's copy of the final order*
25 *after the Director signs it.)* Payments shall be mailed to Department of Consumer

1 and Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-
2 0445.

3 c. Respondent understands the suspended civil penalty (\$6,000.00) will be considered
4 satisfied five years after this Consent Order becomes a final order, provided
5 Respondent complies with its terms and has not committed any further violations of
6 the Division's statutes and rules within that five-year period. Respondent
7 understands and agrees that if Respondent does not comply with the terms of this
8 Consent Order or if Respondent commits any further violations of the Division's
9 statutes or rules within the five-year period, then the entire civil penalty, including
10 any suspended amount, will become immediately due and payable. Failure to
11 comply with this Consent Order includes, but is not limited to, failure to pay the civil
12 penalty amount due by the due date.

13 2. Respondent agrees to cease and desist from the following violations of the State Building
14 Code: performing electrical installations without holding a supervising or journeyman
15 electrician's license (ORS 479.6920(3)), allowing an individual to perform electrical
16 installations on Respondent's property for which he or she is not licensed (ORS 479.620(6)),
17 performing electrical installations for which a permit has not issued (ORS 479.550(1)),
18 performing plumbing work without first obtaining a permit (OAR 918-780-0065), and
19 procuring an individual to engage in conduct and/or activities for which permits and/or
20 licenses are required under ORS 479.550(1) and/or OAR 918-780-0065, without such
21 permits and/or licenses (ORS 455.450(2)).

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

25 4. Respondent understands that further enforcement action may be taken for any violation of

1 the Division's statutes or rules not alleged in this Consent Order, whether committed before
2 or after the execution of this Consent Order, and/or for any violation of the terms of this
3 Consent Order.

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

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

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

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

15 Do Jae Hollingsworth It is so agreed this 22 day of 1, 2016.
16 Do Jae Hollingsworth

18 Andrea Simmons for It is so agreed this 25th day of January, 2016.
19 Chair
20 Electrical and Elevator Board
21 State of Oregon

22 Andrea Simmons for It is so agreed this 25th day of January, 2016.
23 Chair
24 State Plumbing Board
25 State of Oregon