

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

**IN THE MATTER OF:**

**AMENDED CONSENT ORDER**

**SOLEDAD ELECTRIC, INC.,  
ABN AMPERE ELECTRIC,**

**RESPONDENT.**

**BCD CASE C2015-0154**

**INTRODUCTION**

The Building Codes Division (Division) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (Board) and determined that Soledad Electric, Inc., abn Ampere Electric (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. Respondent held electrical contractor license number 26-788C starting May 7, 1992.
2. In or about September and October 2002, Respondent performed electrical work for TriMet. The Building Codes Division (BCD or Division) conducted two inspections for that work and subsequently issued two invoices to Respondent for those inspections. The first invoice, issued on or about October 29, 2002, was for the amount of \$2,421.91 and was due on November 28, 2002. The second invoice, issued on December 26, 2002, was for the amount of \$819.72 and was due on January 27, 2003. Both invoices included charges for TriMet light rail inspections at a rate of \$69 per hour. Respondent did not pay either invoice.
3. In BCD case 2006-0438, Respondent was found to have violated Oregon Administrative

1 Rules (OAR) 918-282-0120(1) for allowing an individual to perform electrical work for  
2 which the individual was not properly registered or licensed.

3 4. On December 15, 2006, a final order was issued in BCD case 2006-0438.

4 5. The final order in BCD case 2006-0438 included an assessment of a \$1,000 civil penalty  
5 against Respondent for violating OAR 918-282-0120(1).

6 6. Respondent has paid only \$350 of the \$1,000 civil penalty assessed in BCD case 2006-0438,  
7 leaving a balance of \$650 in that case that Respondent has not paid.

8 7. On July 1, 2014, Respondent's electrical contractor license expired.

9 8. On or about July 22, 2014, Respondent performed electrical work at 7026 NE Rodney  
10 Avenue in Portland, Oregon.

11 9. On or about July 28, 2014, Respondent performed electrical work at 731 N Hayden  
12 Meadows in Portland, Oregon.

13 10. On or about July 31, 2014, Respondent performed electrical work at 5520 NE Martin Luther  
14 King Boulevard in Portland, Oregon.

15 11. On or about September 12, 2014, Respondent performed electrical work at 3104 NE Everett  
16 Street in Portland, Oregon.

17 12. During or about October 8, 2014 through November 4, 2014, Respondent performed  
18 electrical work at 724 SE 153 Avenue in Portland, Oregon.

19 13. On or about October 24, 2014, Respondent performed electrical work at 340 SE 47<sup>th</sup> Avenue  
20 in Portland Oregon.

21 14. On or about October 24, 2014, Respondent performed electrical work at 340 SE 47<sup>th</sup> Avenue  
22 in Portland, Oregon.

23 15. On or about November 25, 2014, Respondent performed electrical work at 1505 NE Alberta  
24 Street in Portland, Oregon.

25 16. On or about December 1, 2014, Respondent performed electrical work at 12304 SE Sherman

1 Street in Portland, Oregon.

2 17. During or about December 19, 2014 through February 2, 2015, Respondent performed  
3 electrical work at 4024 N Haight Avenue in Portland, Oregon.

4 18. On or about February 13, 2014, Respondent performed electrical work at 11153 SE Bush  
5 Street in Portland, Oregon.

6 19. On or about March 30, 2015, Respondent performed work at 2450 SE 37<sup>th</sup> Avenue in  
7 Portland, Oregon.

8 20. On or about May 8, 2014, Respondent performed electrical work at 1830 NY 24<sup>th</sup> Place in  
9 Portland, Oregon.

10 21. On or about May 13, 2015, Respondent performed electrical work at 3035 NE 128<sup>th</sup> Avenue  
11 in Portland, Oregon.

12 22. On or about May 13, 2015, Respondent performed electrical work at 5267 NE 75<sup>th</sup> Avenue  
13 in Portland, Oregon.<sup>1</sup>

14 23. On or about September 4<sup>th</sup>, 2015, Respondent emailed a copy of the signature page to the  
15 Consent order for C2015-0154.

#### 16 **APPLICABLE LAW**

17 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-  
18 (10), 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 OAR 918-305-0420(6), electrified fixed guideway passenger railway system permit  
21 fees shall be charged at \$69 per hour including travel and office time with a minimum  
22 charge of one hour for any and all inspections performed on that permit.

23  
24  
25 <sup>1</sup> To date, DCBS has not received the signature page in the mail, but has accepted the emailed signature  
based on the understanding the original was going to be mailed to the division.

- 1 3. Under ORS 479.530(10), "Electrical installations" means the construction or installation of  
2 electrical wiring and the permanent attachment or installation of electrical products in or on  
3 any structure that is not itself an electrical product.
- 4 4. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not  
5 engage in the business of making electrical installations, advertise as or otherwise purport to  
6 be licensed to make electrical installations or purport to be acting as a business that makes  
7 electrical installations.
- 8 5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any  
9 other license regulated by ORS chapter 455, "engaging in the business" means to advertise  
10 or solicit, contract or agree to perform, or to perform work for which a license or permit is  
11 required under Oregon law, including but not limited to a single instance.

#### 12 CONCLUSIONS OF LAW

- 13 1. Respondent has failed to pay two invoices, the first from October 29, 2002 in the amount of  
14 \$2,421.91 and the second from December 26, 2002 in the amount of \$819.72, for a total  
15 amount of \$3,241.63. Accordingly, Respondent owes \$3,241.63 in unpaid invoices.
- 16 2. Respondent has failed to pay \$650 in civil penalties from BCD case 2006-0438.  
17 Accordingly, Respondent owes \$650 in unpaid civil penalties from BCD case 2006-0438.
- 18 3. Respondent made electrical installations on 15 occasions between July 22, 2014 and May  
19 13, 2015, as outlined above.
- 20 4. By agreeing to perform or performing the electrical installations outlined about, Respondent  
21 engaged in the business of an electrical contractor under OAR 918-030-0010(8).
- 22 5. Respondent did not hold a valid electrical contractor license at the time that those 15  
23 electrical installations were made.
- 24 6. By failing to hold a valid electrical contractor license while engaging in the business of  
25 making 15 electrical installations, Respondent violated ORS 479.620(1) on 15 occasions.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**ORDER**

1. The Board hereby assesses a total civil penalty of \$48,891.63 against Respondent for two unpaid invoices (totaling \$3,241.63), for unpaid civil penalties from BCD case 2006-0438 (totaling \$650) and for 15 violations of ORS 479.620(1) (\$3,000 per violation, for a total of \$45,000). The civil penalties shall be paid as follows:

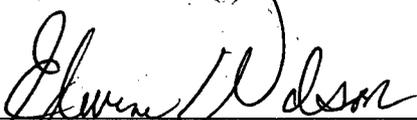
a. \$41,250 of the total civil penalty will be suspended for a period of five years if there is compliance with all other terms of this Consent Order.

2. Respondent agrees to pay the remaining <sup>29<sup>th</sup></sup> \$7,641.63 of the civil penalty. Respondent will make 16 monthly payments on the <sup>29<sup>th</sup></sup> 25<sup>th</sup> day of each month in the amount of \$480 per month, with a final, 17th payment in the remaining amount of \$286.63. Respondent's first payment shall be postmarked no later than the <sup>29<sup>th</sup></sup> 25<sup>th</sup> day of the month following the month in which this Consent Order becomes a final order. *(The Consent Order showed that the first payment was due on November 25<sup>th</sup>. As of January 11, 2016, Respondent has not made a payment. Respondent agrees to pay \$1,440 no later than January 25<sup>th</sup> of this month by calling Sandy Culpovich at (503) 373-7731. All future payments will be made by Respondent calling Sandy at the above number no later than the 25<sup>th</sup> of the month.*

3. Respondent understands the suspended civil penalty (\$41,250) 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. Failure to comply with this Consent Order includes, but is not limited to, failure to pay the civil penalty amount due by the due date,

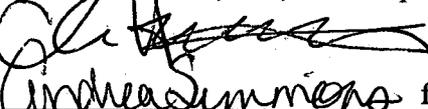
- 1 4. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases  
2 that rely on the facts underlying this case. Cooperation may include, but may not be limited  
3 to, making sworn statements or testifying in administrative hearings.
- 4 5. Respondent understands that further enforcement action may be taken for any violation of  
5 the Division's statutes or rules not alleged in this Consent Order, whether committed before  
6 or after the execution of this Consent Order, and/or for any violation of the terms of this  
7 Consent Order.
- 8 6. Respondent understands that failure to comply with this Consent Order may be used as a  
9 basis for the denial of future license, certificate, registration, or other applications, or for the  
10 refusal to renew the same; for the suspension, revocation, or conditioning of a license,  
11 certificate, or registration issued by the Division or other state agencies; and/or for any other  
12 reason provided for in law.
- 13 7. Respondent understands that this Consent Order is a public record.
- 14 8. Respondent has read and fully understands the terms of this Consent Order, freely and  
15 voluntarily consents to the entry of this Consent Order without any force or duress, and  
16 expressly waives all rights to hearing or judicial review in this matter.
- 17 9. Respondent understands that, upon signature of all parties, this Consent Order will be a

18 Final Order

19 

20 Edwin L. Wilson  
21 Authorized representative for Respondent  
22 Soledad Electric, Inc., abn Ampere Electric

It is so agreed this 22<sup>nd</sup> day of January, 2016.

23 

24 Chair  
25 Electrical and Elevator Board  
State of Oregon

It is so agreed this 28 day of January, 2016.