

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

2  
3 **IN THE MATTER OF:**

**CONSENT ORDER**

4 **RANDY REAGAN,**  
5 **AN INDIVIDUAL,**

6  
7 **RESPONDENT.**

**BCD CASE C2015-0166**

8 **INTRODUCTION**

9  
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 Randy Reagan  
12 (Respondent) violated certain provisions of the Division's statutes and administrative rules as  
13 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. Quadrant Security, Inc., dba Quadrant Systems (Quadrant) holds limited energy contractor  
20 license number 26-565CLE.<sup>1</sup>
- 21 2. Respondent is employed by Quadrant. At all relevant times, he held the position of general  
22 manager.
- 23 3. In January 2015, Quadrant hired Mr. Paul Cesario. Mr. Cesario's employment was subject to  
24 Respondent's direction, supervision, and/or control.

25  
<sup>1</sup> See related Division case numbers C2015-0164 and C2015-0165.

- 1 4. At no relevant time did Mr. Cesario hold a supervising or journeyman electrician's license.
- 2 5. Respondent dispatched Mr. Cesario on service calls to perform electrical work in Oregon.
- 3 6. On July 15, 2015, Respondent allowed Mr. Cesario to respond to a service call at the
- 4 residential address of 5500 SW Hewitt Blvd., Portland, Oregon 97221.
- 5 7. Pursuant to that service call, Mr. Cesario performed a security change out. This required him
- 6 to install an electrical panel and an electrical keypad.

#### 7 **APPLICABLE LAW**

- 8 1. The terms used in this Notice may be defined in ~~ORS 183.310(1)-(10), ORS 455.010(1)-~~
- 9 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
- 10 0010(1)-(11), and OAR 918-251-0090(1)-(43).
- 11 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
- 12 electrical wiring and the permanent attachment or installation of electrical products in or on
- 13 any structure that is not itself an electrical product.
- 14 3. Under ORS 479.620(3), a person may not make an electrical installation without a
- 15 supervising or journeyman electrician's license.
- 16 4. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform
- 17 electrical work for which the individual is not properly registered or licensed.

#### 18 **CONCLUSIONS OF LAW**

- 19 1. Installing an electrical panel and an electrical keypad constitute electrical installations under
- 20 ORS 479.530(10).
- 21 2. Making the foregoing electrical installations requires a supervising or journeyman
- 22 electrician's license under ORS 479.620(3).
- 23 3. By making the foregoing electrical installations without holding a supervising or
- 24 journeyman electrician's license, Mr. Cesario violated ORS 479.620(3).
- 25 4. By allowing Mr. Cesario to perform the foregoing electrical installations without holding a

1 supervising or journeyman electrician's license, Respondent violated OAR 918-282-  
2 0120(1).

3 **ORDER**

4 1. The Board hereby assesses a total civil penalty of \$2,000.00 against Respondent for  
5 violating OAR 918-282-0120(1) as follows:

6 a. \$1,250.00 of the total civil penalty will be suspended for a period of five years if  
7 there is compliance with all other terms of this Consent Order.

8 ~~b. Respondent agrees to pay the remaining \$750.00 of the civil penalty. Respondent's~~  
9 payment shall be postmarked no later than the 25<sup>th</sup> day of the month following the  
10 month in which this Consent Order becomes a final order. *(An invoice will be*  
11 *included with Respondent's copy of the final order after the Director signs it.*  
12 *Respondent understands timely payment must be made even if no invoice is ever*  
13 *received.)* Payment shall be mailed to Department of Consumer and Business  
14 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.

15 c. Respondent understands the suspended civil penalty (\$1,250.00) will be considered  
16 satisfied five years after this Consent Order becomes a final order, provided  
17 Respondent complies with its terms and has not committed any further violations of  
18 the Division's statutes and rules within that five-year period. Respondent  
19 understands and agrees that if Respondent does not comply with the terms of this  
20 Consent Order or if Respondent commits any further violations of the Division's  
21 statutes or rules within the five-year period, then the entire civil penalty, including  
22 any suspended amount, will become immediately due and payable. Failure to comply  
23 with this Consent Order includes, but is not limited to, failure to pay the civil penalty  
24 amount due by the due date.

25 2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases

1 that rely on the facts underlying this case. Cooperation may include, but may not be limited  
2 to, making sworn statements or testifying in administrative hearings.

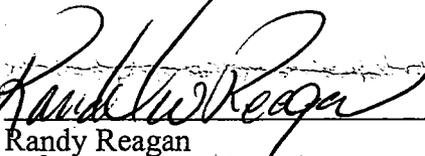
3 3. Respondent understands that further enforcement action may be taken for any violation of  
4 the Division's statutes or rules not alleged in this Consent Order, whether committed before  
5 or after the execution of this Consent Order, and/or for any violation of the terms of this  
6 Consent Order.

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

12 5. Respondent understands that this Consent Order is a public record.

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

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

18  It is so agreed this 8 day of February, 2016.  
19 Randy Reagan

20  for. It is so agreed this 10 day of February, 2016.  
21 Chair  
22 Electrical and Elevator Board  
23 State of Oregon  
24  
25