

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **BRET O'BRIEN,**
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

BCD CASE C2015-0177

7
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 Bret O'Brien
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. Respondent owns a commercial building located at 92891 Blueberry Lane in Port Orford,

19 Oregon (the premises).

20 2. During or about 2015, Respondent installed a 600-amp service panel, electrical receptacles,
21 and overhead lights at the premises.¹

22 3. At no relevant time did Respondent hold a supervising or journeyman electrician license.

23 4. Respondent did not obtain a permit prior to performing the foregoing installations.

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¹ See related Division case C2015-0176.

1 **APPLICABLE LAW**

- 2 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
3 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
4 0010(1)-(11), and OAR 918-251-0090(1)-(43).
- 5 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
6 electrical wiring and the permanent attachment or installation of electrical products in or on
7 any structure that is not itself an electrical product.
- 8 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
9 permit has not been issued.
- 10 4. Under ORS 479.620(3), a person may not make any electrical installation without a
11 supervising or journeyman electrician's license.

12 **CONCLUSIONS OF LAW**

- 13 1. Under ORS 479.530(10), the installation of a 600-amp service panel, electrical receptacles,
14 and overhead lights constitute electrical installations.
- 15 2. By working on the foregoing electrical installations for which a permit had not been issued,
16 Respondent violated ORS 479.550(1).
- 17 3. By making the foregoing electrical installations without a supervising or journeyman
18 electrician license, Respondent violated ORS 479.620(3).

19 **ORDER**

- 20 1. The Board hereby assesses a total civil penalty of \$3,000 against Respondent for violating
21 ORS 479.620(3) and ORS 479.550(1) as follows:
- 22 a. \$1,750.00 of the total civil penalty will be suspended for a period of five years if
23 there is compliance with all other terms of this Consent Order.
- 24 b. Respondent agrees to pay the remaining \$1,250.00 of the civil penalty. Respondent's
25 payment shall be postmarked no later than the 25th day of the month following the

1 month in which this Consent Order becomes a final order. (*An invoice will be*
2 *included with Respondent's copy of the final order after the Director signs it.*
3 *Respondent understands timely payment must be made even if no invoice is ever*
4 *received.*) Payment shall be mailed to Department of Consumer and Business
5 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.

6 c. Respondent understands the suspended civil penalty (\$1,750.00) will be considered
7 satisfied five years after this Consent Order becomes a final order, provided

8 Respondent complies with its terms and has not committed any further violations of
9 the Division's statutes and rules within that five-year period. Respondent
10 understands and agrees that if Respondent does not comply with the terms of this
11 Consent Order or if Respondent commits any further violations of the Division's
12 statutes or rules within the five-year period, then the entire civil penalty, including
13 any suspended amount, will become immediately due and payable. Failure to comply
14 with this Consent Order includes, but is not limited to, failure to pay the civil penalty
15 amount due by the due date.

16 2. 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 3. 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 4. 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 5. Respondent understands that this Consent Order is a public record.

4 6. 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 7. Respondent understands that, upon signature of all parties, this Consent Order will be a
8 Final Order.

9
10 Bret O'Brien It is so agreed this 9 day of February, 2016.
11 Bret O'Brien

12 Andrea Simmon for It is so agreed this 26 day of February, 2016.
13 Chair
14 Electrical and Elevator Board
15 State of Oregon
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