

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **JEREMY LYNN SAMPSON,**
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

BCD CASE C2015-0223

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 Jeremy Lynn
11 Sampson (Respondent) violated certain provisions of the Division's statutes and administrative
12 rules as 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. On or about September 15, 2015, at 351 NW Willamina Dr. in Willamina, Oregon,
19 Respondent installed electric baseboard heaters.
- 20 2. At no relevant time did Respondent hold an active Oregon supervising or journeyman
21 electrician license.¹

22 **APPLICABLE LAW**

- 23 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
24 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-

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¹ See related BCD cases C2015-0224 and C2015-0225.

1 0010(1)-(11), and OAR 918-251-0090(1)-(43).

- 2 2. ORS 479.530(10) defines an electrical installation as the construction or installation of
3 electrical wiring and the permanent attachment or installation of electrical products.
4 3. Under ORS 479.620(3), a person may not make any electrical installation without a
5 supervising or journeyman electrician's license.

6 **CONCLUSIONS OF LAW**

- 7 1. The installation of electric baseboard heaters are electrical installations as defined by ORS
8 479.530(10).
9 2. By making the foregoing electrical installations without an Oregon supervising or
10 journeyman electrician license, Respondent violated ORS 479.620(3).

11 **ORDER**

- 12 1. The Board hereby assesses a total civil penalty of \$2,000 against Respondent for violating
13 ORS 479.620(3) as follows:
14 a. \$1,250 of the total civil penalty will be suspended for a period of five years if there is
15 compliance with all other terms of this Consent Order.
16 b. Respondent agrees to pay the remaining \$750 of the civil penalty. Respondent's
17 payment shall be postmarked no later than the 25th day of the month following the
18 ~~month in which this Consent Order becomes a final order.~~ *(An invoice will be*
19 *included with Respondent's copy of the final order after the Director signs it.*
20 *Respondent understands timely payment must be made even if no invoice is ever*
21 *received.)* Payment shall be mailed to Department of Consumer and Business
22 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445.
23 c. Respondent understands the suspended civil penalty (\$1,250) will be considered
24 satisfied five years after this Consent Order becomes a final order, provided
25 Respondent complies with its terms and has not committed any further violations of

1 the Division's statutes and rules within that five-year period. Respondent
2 understands and agrees that if Respondent does not comply with the terms of this
3 Consent Order or if Respondent commits any further violations of the Division's
4 statutes or rules within the five-year period, then the entire civil penalty, including
5 any suspended amount, will become immediately due and payable. Failure to comply
6 with this Consent Order includes, but is not limited to, failure to pay the civil penalty
7 amount due by the due date.

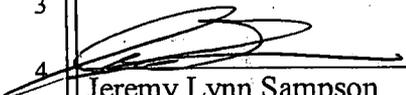
- 8 2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
9 that rely on the facts underlying this case. Cooperation may include, but may not be limited
10 to, making sworn statements or testifying in administrative hearings.
- 11 3. Respondent understands that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

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

 It is so agreed this 26 day of January, 2016.
Jeremy Lynn Sampson

 for It is so agreed this 29th day of January, 2016.
Chair
Electrical and Elevator Board
State of Oregon