

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

2 **BEFORE THE STATE PLUMBING BOARD OF THE STATE OF OREGON**

3 **IN THE MATTER OF:**

CONSENT ORDER

4
5 **JOSE L. BAEZA,**
6 **AN INDIVIDUAL,**

7
8 **RESPONDENT.**

BCD CASE C2016-0001

9
10 **INTRODUCTION**

11 The Building Codes Division (Division) conducted an investigation on behalf of the
12 Electrical and Elevator Board of the State of Oregon and the State Plumbing Board of the State of
13 Oregon (Boards) and determined that Jose L. Baeza (Respondent) violated certain provisions of the
14 Division's statutes and administrative rules as identified below.

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

19 **FINDINGS OF FACT**

- 20 1. From in or around July 2014 through in or around February 2015, Respondent performed the
21 following work at a residential property located at 806 Reece Avenue, Nyssa, Oregon
22 (Reece Property):
- 23 a. Installation of water and drain lines in the first-floor bathroom;
 - 24 b. Installation of a toilet and shower unit in the first-floor bathroom, including
25 connecting each to water and waste lines;

1 c. Installation of a light fixture in the kitchen, including connecting the fixture to
2 electrical wiring; and

3 d. Relocation of an electrical outlet in the kitchen.¹

4 2. At no relevant time did Respondent hold a journeyman plumber license.

5 3. At no relevant time did Respondent hold a journeyman or supervising electrician's license.

6 **APPLICABLE LAW**

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

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 any electrical installation without a
15 supervising or journeyman electrician's license.

16 4. Under ORS 447.010(6), plumbing is defined as the art of installing, altering, or repairing
17 pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and
18 water-carried waste.

19 5. Under ORS 693.030(1), a person may not engage in the trade of journeyman plumber
20 without a journeyman plumber license.

21 **CONCLUSIONS OF LAW**

22 1. The following constitute electrical installations under ORS 479.530(10):

23 a. Installation of a light fixture; and

24 b. Relocation of an electrical outlet.

25
¹ At all relevant times, Respondent was the owner and sole member of Pep-Pro Home Improvements Construction Service LLC. See related Division case number C2015-0044.

- 1 2. By making the foregoing electrical installations at the Reece property, without a journeyman
2 or supervising electrician's license, Respondent violated ORS 479.620(3).
- 3 3. The following constitute plumbing under 447.010(6):
 - 4 a. Installation of water and drain lines; and
 - 5 b. Installation of toilet and shower fixtures.
- 6 4. By performing the foregoing plumbing work at the Reece property, Respondent engaged
7 in the trade of journeyman plumber.
- 8 5. By engaging in the trade of journeyman plumber without a journeyman plumber license,
9 Respondent violated 693.030(1).

10 ORDER

- 11 1. The Boards hereby assesses a total civil penalty of \$4,000.00 against Respondent for
12 violating ORS ORS 479.620(3) and OAR 918-001-0036 as follows:
 - 13 a. \$3,0000.00 of the total civil penalty will be suspended for a period of five years if
14 there is compliance with all other terms of this Consent Order.
 - 15 b. Respondent agrees to pay the remaining \$1,000.00 of the civil penalty. Respondent
16 will make an initial payment of \$400.00 followed by 20 monthly payments on the
17 25th day of each month in the amount of \$30.00 per month. Respondent's first
18 payment shall be postmarked no later than the 25th day of the month following the
19 month in which this Consent Order becomes a final order. *(An invoice will be
20 included with Respondent's copy of the final order after the Director signs it. This
21 is a one-time invoice; Respondent will not receive monthly invoices or other
22 reminders to pay. Respondent understands timely payments must be made even if
23 no invoice is ever received.)* Payments shall be mailed to Department of Consumer
24 and Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-
25 0445.

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

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

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

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

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

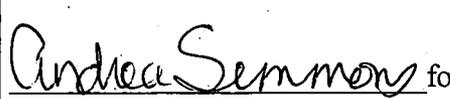
24 6. Respondent has read and fully understands the terms of this Consent Order, freely and
25 voluntarily consents to the entry of this Consent Order without any force or duress, and

1 expressly waives all rights to hearing or judicial review in this matter.

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

4
5 Jose Luis Baeza  It is so agreed this 6 day of May, 2016.
6 Jose Baeza

7 Andrea Semmon  It is so agreed this 16 day of May, 2016.
8 Chair
9 Electrical and Elevator Board
10 State of Oregon

11 Andrea Semmon  for It is so agreed this 16 day of May, 2016.
12 Chair
13 State Plumbing Board
14 State of Oregon