

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **ALAN R. STEELE,**
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

BCD CASE C2016-0015

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 Alan R. Steele
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. Ertell Electric, LLC employed Respondent starting on or about October 20, 2014.¹
19 2. Respondent held an Oregon apprentice electrician license at all relevant times until April 1,
20 2015, at which time he completed the Joint Apprenticeship Training Committee (JATC)
21 program.
22 3. Respondent performed electrical installations at the following job sites² between October
23 and December 2015:

24 ¹ See related Division case C2015-0098 against Ertell Electric, LLC (Ertell Electric) in which the Division found that
25 Ertell Electric allowed Mikol Porterfield and Respondent to make electrical installations in violation of OAR 918-282-
0120(1), among other violations. See also related Division cases C2015-0136 against Ertell Electric's signing
supervising electrician and C2015-0099 against Mikol Porterfield, another employee of Ertell Electric.

² The names of the job sites listed are the names indicated on Ertell Electric's time sheets and payroll records.

- a. Market Contractors Ltd., 19325 NW Emma Way, Hillsboro, Oregon.
- b. Stout Construction, 2855 NE Cumulus Avenue, McMinnville, Oregon.
- c. David A. Nice Builders, 7321 SW Bridgeport Road, Portland, Oregon.
- d. Deacon Corp., 20900 SW 155th Avenue, Lot 6, Tualatin, Oregon.
- e. Van Osdel Construction, 5509 NE 122 Avenue, #420, Portland, Oregon.
- f. Retail Construction Services, Inc., 6600 SW Bonita Road, Tigard, Oregon.
- g. Parkway Construction, 10655 SW Greenburg Road, Tigard, Oregon.
- h. Apple Aviation, 17675 NW Davidson Road, Banks, Oregon.
- i. First Class Property, 4628 Oakridge Road, Lake Oswego, Oregon.
- j. Jerry Yeager, 8456 SW Tygh Loop, Tualatin, Oregon.
- k. Infinity Property Management, 2715 Main Street, Unit 22, Forest Grove, Oregon.
- l. Myrna Hein, 52595 NW Hayward Road, Manning, Oregon.
- m. Larry Jacobs Construction, 8905 SW River Road, Hillsboro, Oregon.

4. Steele performed electrical installations at the following job sites in January 2016:

- a. Renaissance Homes, 16865 Boones Ferry Road, #101, Lake Oswego, Oregon.
- b. Larry Jacobs Construction, 8905 SW River Road, Hillsboro, Oregon.
- c. Infinity Property Management 1715 Pacific Avenue, Forest Grove, Oregon.
- d. Rose Grove Mobile Home, 3839 Pacific Avenue, #225, Forest Grove, Oregon.
- e. Retail Construction Services, Inc., 6600 SW Bonita Road, Tigard, Oregon.
- f. Bank of Commerce Business Center, 205 7th Street, Oregon City, Oregon.
- g. Abraham Furman, 2195 Glenmorrie Lane, Lake Oswego, Oregon.³

5. The work performed at the locations named in the foregoing two paragraphs included the following:

- a. Rough-in electrical work

³ The work performed at the job sites listed in Findings of Fact paragraphs 3 and 4 is the same work for which Ertell Electric paid civil penalties in Division case C2015-0098 for allowing Respondent to make electrical installations at those locations.

- b. Installing conduit
- c. Installing electrical boxes
- d. Installing electrical panels
- e. Installing electrical wiring/cable/Romex
- f. Installing light fixtures
- g. Installing electrical receptacles
- h. Installing outside display lighting
- i. Hard-wiring a furnace
- j. Installing cadet heaters and thermostats
- k. Installing motion lights

6. At no relevant time has Respondent held a supervising or journeyman electrician license.⁴

APPLICABLE LAW

1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-(10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-0010(1)-(11), and OAR 918-251-0090(1)-(43).
2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of electrical wiring and the permanent attachment or installation of electrical products in or on any structure that is not itself an electrical product.
3. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.⁵
4. Under ORS 455.127(2)(a), an appropriate advisory board may disqualify a person from obtaining a license if the person is or has been subject to civil penalties or other sanction by the director, department or an advisory board;

⁴ Respondent has taken and failed to pass the journeyman electrician license exam on six (6) occasions between April 6, 2015 and April 7, 2016.

⁵ Under ORS 479.620(4), a person may perform work as an electrical apprentice if that person holds a valid electrical apprentice license.

- 1 5. Under ORS 455.127(3), a disqualification under subsection (2) of this section shall be for a
2 period determined by the appropriate advisory board by rule, not to exceed five years.
- 3 6. Under OAR 918-001-0034(1), disqualification under ORS 455.127(2) shall be for a period
4 of five years except as provided in subsection (2) of this rule.
- 5 7. Under ORS 445.010(1)(a)(B), "advisory board" means the board with responsibility for
6 assisting in the adoption, amendment or administration of a specialty code, specifically the
7 Board.

8 CONCLUSIONS OF LAW

- 9 1. The following constitute electrical installations under ORS 479.530(10):
- 10 a. Rough-in electrical work
 - 11 b. Installing conduit
 - 12 c. Installing electrical boxes
 - 13 d. Installing electrical panels
 - 14 e. Installing electrical wiring/cable/Romex
 - 15 f. Installing light fixtures
 - 16 g. Installing electrical receptacles
 - 17 h. Installing outside display lighting
 - 18 i. Hard-wiring a furnace
 - 19 j. Installing cadet heaters and thermostats
 - 20 k. Installing motion lights
- 21 2. The foregoing electrical installations cannot be made without a supervising or journeyman
22 electrician license under ORS 479.620(3).
- 23 3. By making the foregoing electrical installations without holding a supervising or
24 journeyman electrician license, Respondent violated ORS 479.620(3).
- 25

- 1 4. If Respondent is subject to civil penalties or other discipline by the Board, then the Board
2 may disqualify Respondent from obtaining a journeyman electrician license pursuant to
3 ORS 455.127(2)(a).
- 4 5. Under ORS 455.127(3) the Board may disqualify Respondent from obtaining a Limited
5 Residential Electrician License for a period not to exceed five (5) years.
- 6 6. Under OAR 918-001-0034(2), the Board may, in its discretion, order a disqualification
7 fewer than five years.

8 **ORDER**

- 9 1. The Board hereby assesses a total civil penalty of \$4,000.00 against Respondent for
10 violating ORS 479.620(3) in 2015 and 2016 (\$2,000.00 per year) as follows:
- 11 a. \$2,500.00 of the total civil penalty will be suspended for a period of five years if
12 there is compliance with all other terms of this Consent Order.
- 13 b. Respondent agrees to pay the remaining \$1,500.00 of the civil penalty. Respondent
14 will make ten (10) monthly payments postmarked no later than the 25th day of each
15 month in the amount of \$150.00 per month. Respondent's first payment shall be
16 postmarked no later than the 25th day of the month following the month in which this
17 Consent Order becomes a final order. *(An invoice will be included with*
18 *Respondent's copy of the final order after the Director signs it. This is a one-time*
19 *invoice; Respondent will not receive monthly invoices or other reminders to pay.*
20 *Respondent understands timely payments must be made even if no invoice is ever*
21 *received.)* Payments 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 (\$2,500.00) 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.

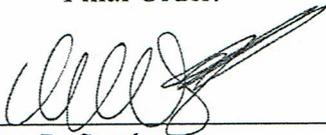
- 8 2. Respondent shall be disqualified from obtaining a journeyman electrician license for a
9 period of twelve (12) months. However, if Respondent is in compliance with the terms of
10 this Consent Order, including but not limited to the payment plan terms outlined above, then
11 Respondent may take the journeyman electrician license exam three (3) months after a final
12 order is entered in this matter. If Respondent is not in compliance with the terms of this
13 Consent Order, then the disqualification shall run for the full twelve-month period.
- 14 3. Respondent represents that he will not make electrical installations while he is not licensed
15 to do so. As of the date of this Consent Order, Respondent does not hold any valid electrical
16 license in Oregon.
- 17 4. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
18 that rely on the facts underlying this case. Cooperation may include, but may not be limited
19 to, making sworn statements or testifying in administrative hearings.
- 20 5. Respondent understands that further enforcement action may be taken for any violation of
21 the Division's statutes or rules not alleged in this Consent Order, whether committed before
22 or after the execution of this Consent Order, and/or for any violation of the terms of this
23 Consent Order.
- 24 6. Respondent understands that failure to comply with this Consent Order may be used as a
25 basis for the denial of future license, certificate, registration, or other applications, or for the

1 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
2 certificate, or registration issued by the Division or other state agencies; and/or for any other
3 reason provided for in law.

4 7. Respondent understands that this Consent Order is a public record.

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

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

10 

11 Alan R. Steele

It is so agreed this 15 day of June, 2016.

12 

13 Chair

14 Electrical and Elevator Board
15 State of Oregon

It is so agreed this 15 day of June, 2016.