



Oregon

Kate Brown, Governor

Department of Consumer and Business Services
Building Codes Division
1535 Edgewater Street NW
P.O. Box 14470
Salem, OR 97309-0404
503-378-4133
Fax: 503-378-2322
oregon.gov/bcd

Electrical and Elevator Board

Agenda includes **executive session**

Amended agenda to include outside of public meeting and petition for reconsideration of final order

Thursday, July 28, 2016, 9:30 a.m.

Conference Room A

Board meetings are broadcast live via the Internet at

<http://www.oregon.gov/bcd>

Click on "View live meetings"

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the [May 26, 2016](#), board meeting minutes
- E. Date of the next regularly scheduled meeting: September 22, 2016

(Break to clear audience from room for executive session)

II. Executive session

Executive session to consult with counsel on legal advice. Exempt from public inspection under Public Records Law [ORS 192.660\(2\)\(f\)](#)

(Break to allow audience back in room to be seated)

III. Public comment

*This time is available for individuals wanting to address the board on **non-agenda items only**. The board will not take action on non-agenda items raised under public comment at this meeting. Testimony on agenda items will be heard when the item is called. (See "Issues to remember when addressing board" at the end of this agenda).*

IV. Reports

- A. Electrical program update
- B. Elevator program update

(Break to clear audience from room for outside of a public meeting)

- C. Outside of public meeting pursuant to [ORS 192.690\(1\)](#) to discuss petition for reconsideration of final order in the matter of Ampere Electric a subsidiary of Soledad Electric; Case No. 2016-0152

(Break to allow audience back in room. No votes were taken)

Board review and provide a recommendation on the petition for reconsideration of final order in the matter of Ampere Electric a subsidiary of [Soledad Electric; Case No. 2016-0152](#)

- D. Board consideration of final order in the matter of [Kurt P. Hauth; C2015-0036](#)
- E. [Summary](#) of enforcement actions previously taken by the division outlined on the enforcement board report (*No board action required*)
- F. [Conditioned licenses, suspensions and revocations](#) of enforcement actions previously taken by the division outlined on the enforcement board report (*No board action required*)

V. Communications - None

VI. Appeals - None

VII. Unfinished business – None

VIII. New business

- A. Review and approve committee's recommendations for [new continuing education courses and instructors](#)
- B. Board review and make a recommendation for electrical license [examination guidelines](#)

IX. Announcements – None

X. Adjournment

Issues to remember when addressing the board:

- All public participation is subject to the discretion of the board chair for order of testimony, length and relevance.
- Speakers are generally limited to five minutes.
- Please register on the attendance registration form and on the public testimony registration form, listing the appropriate agenda item.
- The board chair will call you to the front testimony table.
- Please state your name and the organization you represent (if any).
- Always address your comments through the chair.
- If written material is included, please provide 20 three-hole-punched copies of all information to the boards administrator prior to the start of the meeting and, when possible, [staff](#) respectfully requests an electronic copy of materials 24 hours prior to the meeting.

Interpreter services or auxiliary aids for persons with disabilities are available upon advance request. Persons making presentations including the use of video, DVD, PowerPoint, or overhead projection equipment are asked to contact boards coordinator 24 hours prior to the meeting. For assistance, please contact [Debi Barnes-Woods](#) at 503-378-6787.

Please do not park vehicles with "E" plates in "customer only" spaces.

Note: For information regarding re-appointments or board vacancies, please visit the Governor's [website](#).

Electrical and Elevator Board
Meeting minutes
May 26, 2016

Members present: Michael Weaver, electrical contractor, Chair
Heather Miller, journeyman electrician, Vice-chair
Thomas Faires, elevator manufacturing
Scott Hall, electrical equipment supplier
Joseph Pugh, public member
Robert Pyne, journeyman elevator installer
Randy Smith, electrical inspector
James Totten, owner or manager of a commercial office building
Steven Trapp, electrical contractor

Members absent: Timothy Frew, journeyman electrician
Vacant, building official
Vacant, commercial underwriter
Vacant, electrical equipment manufacturing rep
Vacant, industrial plant employing electricians
Vacant, power and light industry

Staff present: Brett Salmon, manager, Policy and Technical Services
Andrea Simmons, manager, Enforcement Services
Keith Anderson, electrical program chief, Policy and Technical Services
Shawn Haggin, electrical program assistant chief, Policy and Technical Services
Roseanne Nelson, assistant manager, State Inspection Services
Warren Hartung, elevator program chief, State Inspection Services
Alana Cox, senior policy advisor, Policy and Technical Services
Adam Blechman, contested case representative, Enforcement Services
Dan Wittekind, investigator, Enforcement Services
Bill Huston, investigator, Enforcement Services
Richard Baumann, policy analyst, Policy and Technical Services
Debi Barnes-Woods, boards administrator, Policy and Technical Services

Guests present: Nathan Philips, NECA
Grant Page, Power Plus Electric
Daniel Gustafik, Hybrid Tech LLC

I. Board business

A. Call to order

Chairman Michael Weaver called the Electrical and Elevator Board meeting of May 26, 2016, to order at 9:35 a.m. The meeting was held at the Building Codes Division in Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Timothy Frew and Robert Pyne were both connected by teleconference.

The Electrical and Elevator Board has the following five vacancies: Building official, commercial underwriter, electrical equipment mfr. representative, industrial plant representative, and power and light industry.

C. Approval of the agenda and order of business

Chair Weaver **RULED** the agenda and order of business approved.

D. Approval of the board meeting minutes of March 24, 2016

Corrections to the minutes were as followed:

- Board member James Totten's correct position is manager of a commercial office building

Chair Weaver **RULED** the amended board meeting minutes of March 24, 2016, final.

E. Date of the next regularly scheduled meeting: July 28, 2016

II. Public comment - None

III. Reports

A. Electrical program update

Keith Anderson, electrical program chief, updated the board on issues discussed during the March 24, 2016, board meeting:

- As discussed during the last Electrical and Elevator Board meeting, division staff met with City of Portland to discuss ADU requirements. The discussion focused on meeting the minimum code requirements. Chief Anderson said the group came to a consensus with the current requirement and anything else would require a code change. Chief Anderson added that the anticipated start date for the division to accept code change proposals for the 2017 Oregon Electrical Specialty Code is August 1, 2017. The division will post a more specific timeline later.
- Boise Cascade requested the board to consider special licensure for out-of-state journeyman electricians at last board meeting. Since that meeting, a group met with Boise Cascade to further discuss the issue. Chief Anderson noted that the division has a quick turn-around time for licensing applications, so the workgroup suggested some other options that may address their concerns.
- 2017 Oregon Electrical Specialty Code [update](#)

B. Elevator program update

Warren Hartung, elevator program chief, State Inspection Services, reported that several elevator shafts were replaced recently because of an outdated hydraulic connector called a roust-about that separated during use causing a hydraulic elevator to drop two floors. The program instructed this property to replace the outdated shaft with a code compliant fitting as well as instructing three other properties to do so, which were also out of compliance. The individual involved received minor injuries.

C. Board consideration of final order in the matter of Jed Javner; Case No. C2015-0202

Adam Blechman, contested case representative, explained that Mr. Javner received notice that he had allegedly advertised online to perform electrical work without an electrical contractor license. A hearing was held and ALJ Marni Davis found that Mr. Javner advertised to perform electrical work without on Oregon electrical contractor license in violation of [ORS 479.620\(1\)](#).

Motion by Vice-chair Heather Miller to adopt the proposed order with no changes and issue a final order.

Motion carried unanimously.

D. Summary of enforcement actions previously taken by the division outlined on the enforcement board report (*No board action required*)

Chair Weaver had questions the licensing and penalties for C2015-0154 Soledad Electric, Inc.

Andrea Simmons, manager, Enforcement Services, said that Soleda Electric, Inc. owes approximately \$4,000 in permit fee and inspection fees in addition to the assessed penalties, which were never paid.

E. Suspensions and conditioned licenses in the matter of William J. Smead, Pacific Northern Environmental Corp and Advanced Electrical Technologies, and Adam C. Hamer (*No board action required*)

No board questions.

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None

VII. New business

A. Review and approve committee's recommendation on new continuing education courses and instructors

Richard Baumann, policy analyst, Policy and Technical Services, said the continuing education committee continues to meet to review new instructor applications and course applications.

Mr. Baumann also discussed the next two agenda items. Both items were for retroactive approvals and were included in the matrix for Agenda Item VII.A.

Motion by Steven Trapp to approve committee's recommendations for approval or denial of courses or instructors.

Motion carried unanimously.

B. Consideration of retroactive approval of supervising electricians preparation course dated March 1, 2016, for 24 hours of code related training from John Powell, Electrical Training NW

Motion by Steven Trapp to approve John Powell's consideration of retroactive approval of supervising electrician prep-course back to March 1, 2016.

Motion carried unanimously.

C. Consideration of retroactive approval of continuing education credit for Larry Blatnik, journeyman license No. 266571. Instructor has since submitted application to the state

D. Consideration of request received from Hi Impact Supplies to include the use of its Electrical Black Book in open book examination for an Oregon General Journeyman license

Chair Weaver requested copies of the Electrical Black Book for a content review by board members and some division staff. He asked Chief Anderson to share his review.

Chief Anderson felt the Electrical Black Book was a good fit for reference material for open book electrical tests in Oregon.

Chair Weaver added that he felt comfortable in approving the book not only for the open book journeymen exams, but for all open book electrical examinations for Oregon.

Motion by Steven Trapp to approve the Electrical Black Book for all electrical licensing open book examinations.

Motion carried unanimously

IX. Announcements - None

X. Adjournment

Chair Weaver adjourned the meeting at 10:03 a.m.

Respectfully submitted by Debi Barnes-Woods, boards administrator/coordinator

State of Oregon

Board memo

Building Codes Division

July 28, 2016

To: Electrical and Elevator Board

From: Andrea Simmons, manager, Enforcement

Subject: Reconsideration of Final Order for BCD Case No. 2016-0152 for Soledad Electric, Inc.

Action requested:

Board to reconsider final order for BCD Case No. 2016-0152 Soledad Electric, Inc.

Background:

Soledad Electric, Inc. was a licensed electrical contractor from May 1992 until July 2014 and September 2015 through July 1, 2016. Ampere Electric is a subsidiary of Soledad Electric, Inc. Below is an account of Soledad's (also referred to as "Ampere/Soledad" or "respondent") history with BCD.

- In BCD case 2006-0438 Soledad was found to have allowed an individual to perform electrical work without a license. The board assessed a \$1,000 civil penalty on December 15, 2006. In 2007 a payment plan was agreed upon. At the beginning of this year, Respondent still owed \$650.
- Respondent's electrical contractor's license expired in July of 2014.
- Respondent worked as an unlicensed electrical contractor for 14 months
- In July 2015 the division received a complaint from the City of Portland alleging Respondent allowed an unlicensed individual to perform electrical installations on a residence. The City provided documentation at that time showing they issued at least 15 permits issued from 2014 through September 2015 to the respondent.
- On July 31, 2015, the Board issued a Notice of Proposed Contractor License Denial based on:
 - Unpaid TriMet inspection invoices from September through December 2002 and unpaid civil penalties
 - Respondent's CCB license was suspended at that time.
- On August 15, 2015, a hearing request was received by the division.
- A board entered into a consent order was issued in September 2015 which resolved the proposed denial of contractor's license and the unlicensed activity for the 14 months where respondent did not have a contractor's license. The consent order assessed a total of \$48,891.63. The board stayed \$41,250 for a period of five years provided all terms,

including payment terms, of this order were complied with. Payments were to start in November 2015.

- In January, 2016, the Respondent contacted the division asking for a modified agreement because of a recent death in the family. The Respondent agreed to bring the payments current and then continue making payments in a timely manner. On January 28, 2016, an amended consent order was issued by the board because no payments had been received as of January 11, 2016. The new payment terms related to this matter included a payment of \$1440 by January 25, 2016 (the past due amount) and payments of \$480 a month starting February 2016 until the penalties were paid off with the last payment being the remaining balance. Payments are due on or before the 29th of each month. The rest of the terms of the original consent order were unchanged.
- On March 9, 2016, Respondent paid the February 29, 2016 payment.¹
- On April 20, 2016, the division sent a letter to the Respondent on behalf of the board indicating that the March 29, 2016 payment had not been received.
- On April 25, 2016, Respondent paid \$380.00 towards the \$480 due on March 29, 2016.
- On May 2, 2016, Respondent paid \$100 for the remainder of the March payment, but none of the April payment that was due had been paid.
- On May 26, 2016, the Amended Consent Order was presented to the board on the consent agenda as a reminder of the action that had been taken on the case.
- On June 7, 2016, Respondent paid the April, 2016 payment of \$480.00, but none of the May payment that was due had been paid...
- On June 10, 2016, the board issued a notice to reinstate the \$41,250 of Ampere/Soledad's civil penalty was previously stayed, based on the Respondent's multiple failures to comply with the payment terms of its various consent orders. The notice also proposed revoking the electrical contractor's license for failing to comply with the payment terms of the amended consent order. The notice contained the ordinary notification of hearing rights and deadline to request a hearing.
- Ampere/Soledad never requested a hearing.
- The notice became a final order on July 1, 2016. At that time, Soledad/Ampere had not paid any of the May or June payments that were due.
- On July 7, 2016, respondent made both the May and June payment after being notified of the final order.
- On July 14, 2016, the respondent submitted a petition for reconsideration of the final order to the Board.

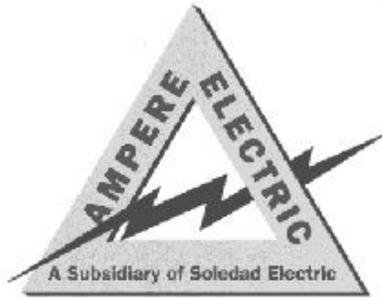
Options:

After considering the petition for reconsideration, the Board may:

- Grant the petition and reconsider its final order, which it may then:
 - Reaffirm with a Final Order upon Reconsideration;
 - Modify with a Final Order upon Reconsideration;
 - Withdraw and issue an Amended Notice of discipline; or,
 - Withdraw and dismiss the case.

¹ Payments are accepted and processed as they come in no matter whether they are early, on time or late. Before sending a notice to reinstate civil penalties, the division's practice is to establish a pattern of non or late payments before reinstating the rest of the civil penalties.

- Deny the petition. The respondent's right to petition the Oregon Court of Appeals for review of the original final order will still be in place.



AMPERE ELECTRIC (A Division of Soledad Electric)
1518 NE BUFFALO STREET
PORTLAND, OR 97211
Telephone (971) 271-8463
Fax (971) 271-8465

CCB #82102 WA: SOLEDEI973NH
CERTIFIED DBE, MBE, ESB #1349 WA: D3M86185

July 11, 2016

Mike Weaver, Chairman
Electrical Contractors Building Code
1535 Edgewater Street, N.W.
Salem, Oregon 97309-0404

Dear Mr. Weaver:

I sent you an email on July 11, 2016 requesting the ability to get on the agenda for your July 28 board meeting so that I can appeal the revocation of my electrical contractor's license. You have a case number C2016-0152. My contractor's license has been revoked such that I can no longer to perform work in Oregon. I am requesting a reconsideration and reissuance of my license as I am a senior citizen trying to make a living here in Portland, Oregon.

Since the recession, I have had very little business and unbeknownst to me my license expired in 2015 and I had no knowledge as I had moved and BCD did not have the correct address for me.. We worked out an arrangement with Andrea Simmons at the Building Code and bottom line, we were supposed to pay approximately a little over \$7,000 with a monthly payment of \$480 per month. I was making those payments but due to clerical errors and a death in the family, I missed the payment for May. . As of this writing, I am current on my payments with my next payment not due until July 29.. I am desperate to get my license back as I am unable to make future payments with an inability to contract work. Please let me know if it's possible to get on the July 28th agenda. I do not know I will have the \$375 to reapply.

Thank you for your consideration.

Sincerely,

Edwin L. Wilson

Mike Weaver
Chairman Electrical Contractor's Board for Building Code Division
A little background on the matter:

I received a letter dated June 10, 2016 regarding my Case number C2016-0152. I did not get possession of the letter until June the 22. I failed to open it because I mistakenly assumed that this was to remind me that I had a payment due.

At the time I received this letter, I was unaware that I was missing one month's payment. My payment is normally due on the 29 of each month with the normal ten day grace period for a payment I would not have been passed due until well after the 12 of July. I went to make a payment on July 5 via Sandy the person I normally call to make my payments was out of the office until the 18th I was redirected to Lacey. When I spoke with Lacey, she said she could not take my payment so I had to call Andrea Simmons to arrange to make the payment and that is when I found out I was a month behind. I immediately, on the 6th, I paid the payment that was due for \$480.00 on the 5th and I paid the past due amount of \$480.00 on the 6th. I am told that because I did not request a hearing, BCD is cancelling my agreement and revoking my license. I do not think it is fair to cancel my agreement because of one month past due. I am seeking assistance from the board in reinstating my contractor's license. I do not believe the board is in the business of putting small businesses out of business for misunderstanding. I am asking that something be worked out.

I have asked Andrea to put me on the agenda for your July 28 meeting as there is not another meeting until September because I had to make two payments in a short period of time and I can no longer work, I do not have the \$375.00 to apply for a new license and start all over. Is there any way I can plead my case to the board directly on the 28th?

Thank you for your consideration.

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

2 **IN THE MATTER OF:**

3
4 **SOLEDAD ELETRIC, INC.,**
5 **ABN AMPERE ELECTRIC,**
6 **A DOMESTIC BUSINESS CORPORATION,**

7 **FINAL ORDER**

8 **As of: July 1, 2016 RESPONDENT.**

**NOTICE OF PROPOSED REMOVAL OF
SUSPENSION OF PREVIOUSLY
ASSESSED OF CIVIL PENALTIES**

**NOTICE OF PROPOSED REVOCATION
OF ELECTRICAL CONTRACTOR
LICENSE NUMBER C1148**

NOTICE OF FINAL ORDER ON DEFAULT

BCD CASE C2016-0152

9
10 **IF YOU DO NOT REQUEST A HEARING IN WRITING WITHIN 20 DAYS**
11 **OF THE POSTMARK DATE OF THIS NOTICE,**
12 **THIS NOTICE WILL BECOME A FINAL ORDER.**

13 More information about this Notice and how to request a hearing is included below.

14 Pursuant to Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules
15 (OAR) 918-001-0036, the Electrical and Elevator Board of the State of Oregon (Board) proposes to
16 remove the suspension to have the previously assessed civil penalties totaling \$41, 250.00 against
17 Soledad Electric, Inc., abn Ampere Electric (Respondent) due and payable because Respondent
18 violated Building Codes Division (Division) statutes and rules and violated the terms of the consent
19 order in C2015-0154 as identified below.

20 Pursuant to ORS 455.129(2)(b) and (3)(b), the Board proposes revoking the electrical
21 contractor license number C1148 of Respondent because Respondent violated Division statutes and
22 rules as identified below.

23 **FINDINGS OF FACT**

- 24 1. Respondent has held electrical contractor license number C1148 since September 8, 2015.¹
25 2. On January 28, 2016, an amended consent order executed by the Board and Respondent

¹ Respondent previously held electrical contractor license 26-788C, which was issued on May 7, 1992 and which expired on July 1, 2014 and limited maintenance specialty contractor license number 1122LMS, which was issued on December 23, 1999 and which expired on July 1, 2014.

NOTICE OF PROPOSED REMOVAL OF PREVIOUSLY-ASSESSED CIVIL PENALTIES, , PROPOSED
REVOCATION OF ELECTRICAL CONTRACTOR LICENSE NUMBER C1148, AND FINAL ORDER ON
DEFAULT

1 became a final order in Division case C2015-0154.

- 2 a. In that case, the Division amended the original consent order which required
3 payments to be made starting November 25, 2015. On January 28, 2016, the
4 amended consent order was issued creating a new payment agreement.
- 5 b. In that case, the Division found that Respondent had failed to pay two invoices
6 totaling \$3,241.63 related to inspections the Division conducted for electrical work
7 that Respondent performed for TriMet, and the Division found that Respondent
8 failed to pay \$650.00 in civil penalties from a prior case (Division case 2006-0438)
9 following a finding that Respondent had allowed an unlicensed individual to perform
10 electrical work.
- 11 c. In that case, the Division also found that Respondent had made electrical
12 installations on 15 occasions without holding a valid electrical contractor license in
13 violation of ORS 479.620(1).
- 14 d. As a result of the foregoing violations, the Board assessed \$48,891.63 in civil
15 penalties against Respondent (\$3,241.63 in unpaid invoices, \$650 in unpaid civil
16 penalties from Division case 2006-0438, and \$45,000 for 15 violations of ORS
17 479.620(1)).
- 18 e. Respondent agreed to pay \$7,641.63 of those civil penalties, and \$41,250.00 was
19 suspended for a period of five years, provided Respondent complied with the terms
20 of that amended consent order. Among other terms, the amended consent order
21 required Respondent to pay \$480.00 per month. Payments were due on or before the
22 29th day of each month, and the first payment was due on or before February 29,
23 2016.

24 3. On March 9, 2016, Respondent paid the February 29, 2016 payment of \$480.00 toward the
25 civil penalties in Division case C2015-0154.

- 1 4. On April 20, 2016, the division sent a letter to Respondent to notify it that as of that date the
2 Division had not received the March 29, 2016 payment.
- 3 5. On April 25, 2016, Respondent paid a portion of the March 29, 2016 payment, \$380.00 of
4 the \$480.00 that was owed, toward the civil penalties in Division case C2015-0154.
- 5 6. On May 2, 2016, Respondent paid the remaining amount of the March 29, 2016 payment by
6 paying \$100.00 toward the civil penalties in Division case C2015-0154.
- 7 7. On June 7, 2016, Respondent paid the April 29, 2016 payment of \$480.00 toward the civil
8 penalties in Division case C2015-0154.
- 9 8. Respondent has not made any further payment as of the date of this Notice and has not paid
10 the \$480.00 that was due on May 29, 2016.

11 12 **APPLICABLE LAW**

- 13 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
14 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
15 0010(1)-(11), and OAR 918-251-0090(1)-(43).
- 16 2. Under ORS 455.129(2)(b), a regulatory body may deny a license, certificate, registration, or
17 application or may suspend, revoke, condition, or refuse to renew a license, certificate, or
18 registration if the regulatory body finds that the licensee, certificate holder, registrant, or
19 applicant has failed to comply with an order of the regulatory body or the Director of the
20 Department of Consumer and Business Services, including but not limited to the failure to
21 pay a civil penalty.
- 22 3. Under ORS 455.129(3)(b), the Board may deny a license, certificate, registration, or
23 application or may suspend, revoke, condition, or refuse to renew a license, certificate, or
24 registration for those reasons enumerated in ORS 455.129(2).

1
2
3
4
5
6
7
8
9
10
11
12
13

CONCLUSIONS OF LAW

1. Respondent paid \$960.00 following the execution of the amended consent order in BCD case C2015-0154. Respondent has failed to comply with the payment terms of the amended consent order in Division case C2015-0154 on at least four occasions by not making the monthly payments in full or on or before their due date above. In addition, Respondent has not made the May 29th, 2016 payment as of the date of this Notice.
2. Respondent has failed to comply with an order of the Board by failing to pay the civil penalties in accordance with the terms of the amended consent order issued in Division case C2015-0154.
3. Because Respondent has failed to comply with an order of the Board, Respondent's electrical contractor license is subject to revocation under ORS 455.129(2)(b). The Board may revoke Respondent's electrical contractor license C1148 under ORS 455.129(3)(b).

ORDER

1. Pursuant to ORS 455.895(1)(b), OAR 918-001-0036, and the amended consent order in Division case C2015-0154, the Board removes the suspension from the stayed civil penalties in C2016-0157 and now orders Respondent to pay the \$41,250.00.
2. Pursuant to ORS 455.129(2)(b) and (3)(b), the Board revokes Respondent's electrical contractor license number C1148 commencing on the date of entry of a final order in this matter for failing to comply with the payment terms of the amended consent order in Division case C2016-0157.

21
22

NOTICE OF RIGHT TO HEARING

23 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, ORS
24 chapter 183. If Respondent requests a hearing, the request must be in writing and postmarked no
25 later than 20 days from the date of service of this Notice. If the Notice was served on Respondent in

1 person, the date of service is the date Respondent received the Notice. If the Notice was served
2 through the mail, the date of service is the day the Notice was mailed, not the day it was received by
3 the Respondent. If a request for hearing is not received within the 20-day period, Respondent's right
4 to a hearing shall be considered waived. Mail hearing requests to Building Codes Division,
5 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

6 Respondent may be represented by legal counsel. Pursuant to ORS 183.457 and OAR 918-
7 001-0030, a corporate Respondent may be represented by an authorized representative at the
8 hearing. If Respondent requests a hearing, Respondent will be notified of the time and place of the
9 hearing. The Division will give Respondent information on the procedures, right of representation,
10 and other rights of parties relating to the conduct of the hearing before the commencement of the
11 hearing.

12 ///

13 ///

14 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS**

15 Active duty servicemembers have a right to stay proceedings under the Federal
16 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon
17 Military Department at 800-452-7500 for more information. If Respondent needs help finding legal
18 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website at
19 <http://legalassistance.law.af.mil/content/locator.php>.

20 **NOTICE OF FINAL ORDER**

21 This Notice will become a final order by default if Respondent does any of the following:
22 fails to request a hearing in writing within 20 days from the date of service of this Notice;
23 withdraws a hearing request; notifies the Building Codes Division or the administrative law judge
24 that Respondent will not appear at a scheduled hearing; or fails to appear at a scheduled hearing. If
25 this Notice becomes a final order by default, the Division's file on the matter, including all

1 materials submitted by Respondent, becomes the record for the purpose of establishing a prima
2 facie case.

3 **RIGHT TO JUDICIAL REVIEW**

4 Respondent is entitled to judicial review of a final order in this matter. Judicial review may
5 be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after a
6 final order is served upon Respondent. See ORS 183.482. If a final order is served on Respondent in
7 person, the date of service is the date Respondent receives the order. If a final order is served
8 through the mail, the date of service is the day the order is mailed, not the day it is received by the
9 Respondent. If Respondent does not file a petition for judicial review within the 60-day time
10 period, Respondent will lose the right to appeal. The phone number for the Oregon Court of
11 Appeals is 503-986-5555.

12 **FOR THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

13 Andrea Simmons for Date: 6/10/16
14 Chair
15 Electrical and Elevator Board
16 State of Oregon
17
18
19
20
21
22
23
24
25

State of Oregon

Board memo

Building Codes Division

July 28, 2016

To: The Electrical and Elevator Board

From: Adam D. Blechman, contested case representative, Enforcement Services

Subject: Review Proposed Order for BCD case C2015-0036, In the Matter of Kurt P. Hauth

Action requested:

To consider the adoption of a Proposed Order and issue a Final Order.

Background:

On November 17, 2015, the division, acting on behalf of the board, issued a Notice of Proposed Assessment of Civil Penalties to Kurt P. Hauth in case C2015-0036. The Notice alleged that Mr. Hauth violated the following statutes and rules of the board and division: Engaging in the business of an electrical contractor without holding an electrical contractor license ([ORS 479.620\(1\)](#)); directing, supervising, and controlling the making of electrical installations without holding a supervising electrician license (ORS 479.620(2)); allowing an unlicensed individual to perform electrical work ([OAR 918-282-0120\(1\)](#)); and failing to work under the supervision of a supervising electrician (OAR 918-282-0170(1)(b)). In addition, Mr. Hauth was previously found to have made electrical installations without working under the supervision of a supervising electrician (BCD case 2011-0101). In that case, Mr. Hauth signed a consent order, which assessed a \$2,000 civil penalty; he paid \$1,500 of that amount and the remaining \$500 was suspended for a period of five years. Because that consent order became a final order less than five years before the violations occurred in this matter, the \$500 that was suspended in that previous case is due and payable.

Mr. Hauth requested a hearing, which was held on March 29, 2016. Administrative Law Judge (ALJ) Marni Davis presided. On May 9, 2016, ALJ Davis issued a Proposed Order finding that Mr. Hauth: engaged in the business of making electrical installations without holding an electrical contractor license, in violation of ORS 479.620(1); directed, supervised, or controlled the making of electrical installations without a supervising electrician license, in violation of ORS 479.620(2); allowed an individual to perform electrical work for which the individual was not properly licensed, in violation of OAR 918-282-0120(1); and made electrical installations without working under the supervision of a supervising electrician, in violation of OAR 918-282-0170(1)(b).

ALJ Davis found the board may impose a \$12,500 civil penalty against Mr. Hauth for these violations, and that the \$500 that was suspended from his prior case (2011-0101) is also now payable, for a total of \$13,000 of civil penalties imposed against Mr. Hauth.¹

The division has made no amendments to the Proposed Order.

Options:

After considering the Proposed Order, the board may:

- Have the division issue a Final Order on the board's behalf adopting the Proposed Order.
- Amend the Proposed Order and indicate to the division what the board would like to alter in the Proposed Order. And, provided that no timely written exceptions are filed, authorize the division to issue a Final Order on the board's behalf after the exceptions period has run.
- Disapprove the Proposed Order, which will dismiss the case against Mr. Hauth.

¹ ALJ Davis also found that the Department may order Mr. Hauth to cease and desist from engaging in further violations of the state building code. The Director, not the Board, issues orders to cease and desist, and therefore the Board need not take any action with respect to this order.

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
BUILDING CODES DIVISION**

IN THE MATTER OF:) **PROPOSED ORDER**
)
KURT HAUTH) OAH Case No.: 1604452
) Agency Case No.: C2015-0036

HISTORY OF THE CASE

On November 17, 2015, the Electrical and Elevator Board (Board) of the Building Codes Division (Division) issued a Notice of Proposed Assessment of Civil Penalty, Order to Cease and Desist and Final Order on Default to Kurt Hauth (Respondent). On December 1, 2015, Respondent requested a hearing.

On January 28, 2016, the Division referred the hearing request to the Office of Administrative Hearings. Administrative Law Judge (ALJ) Marni J. Davis was assigned to preside at hearing.

ALJ Davis held a contested case telephone hearing on March 29, 2015. Respondent appeared and testified on his own behalf. Cindy Hauth testified on behalf of Respondent. Adam Blechman represented the Division. Russ Darling and Andrea Simmons testified on behalf of the Division. The record closed at the conclusion of the hearing.

ISSUES

1. Whether Respondent engaged in the business of making electrical installations, advertised as or otherwise purported to be licensed to make electrical installations or purported to be acting as a business that makes electrical installations without an electrical contractor's license, in violation of ORS 479.620(1).
2. Whether Respondent directed, supervised, or controlled the making of an electrical installation without a supervising electrician's license, in violation of 479.620(2).
3. Whether Respondent allowed an individual to perform electrical work for which the individual was not properly registered or licensed, in violation of OAR 918-282-0120(1).
4. Whether Respondent made electrical installations without working under the supervision, direction, and control of a general supervising electrician, in violation of OAR 918-282-0170(1)(b).
5. Whether the Division may impose a civil penalty of \$12,500 against Respondent. ORS 455.895(1)(b) and OAR 918-001-0036.

6. Whether Respondent shall pay \$500 that was suspended under the terms of the consent order executed in Division case 2011-0101.

7. Whether the Division may order Respondent to cease and desist from engaging in any further violation of the state building code. ORS 455.775(2).

EVIDENTIARY RULING

Exhibits A1 through A8, offered by the Division, were admitted into the record without objection.

FINDINGS OF FACT

1. Kurt Hauth (Respondent) has been a licensed journeyman electrician in Oregon since 1989. (Ex. A1; test. of Respondent.)

2. On September 6, 2011, Respondent and the Electrical and Elevator Board (Board) entered into a consent order in case 2011-0101. Respondent was found to have made electrical installations without working under the supervision of a supervising electrician, in violation of OAR 918-282-0170. The Board assessed Respondent a \$2,000 civil penalty. The Board suspended \$500 of that civil penalty on the condition that it would be waived five years after the execution of the consent order, provided that Respondent complied with the terms of the consent order and did not commit any further violation of the Division's statutes and/or rules. (Ex. A7; test. of Simmons.)

3. In approximately May 2015, Respondent prepared an estimate to perform some electrical work for Keith and Gail Woung (Woungs) at a residence located at 418 E. Main St. in Silverton, Oregon (property). At the time, Respondent was an employee of 5 Star Electric Inc. (5 Star Electric). Respondent showed the estimate to Tim Turner, the owner of 5 Star Electric. Mr. Turner informed Respondent that because the property was still in closing, he was not interested in performing any work on it. (Ex. A5 at 14.)

4. In approximately mid-July 2014, Respondent informed Mr. Turner that the property closed and that the Woungs were ready to begin the electrical work. Mr. Turner asked Respondent to schedule a meeting and had his bookkeeper complete an application for a permit. (Ex. A5 at 14.)

5. On July 14, 2014, 5 Star Electric Inc. obtained a permit from the City of Silverton to perform work at the property. The permit provided for the installation of one 200 amp feeder and 20 branch circuits. The signing supervisor on the permit was Mr. Turner. (Ex. A5; test. of Darling, Respondent.)

6. On July 22, 2014, Respondent entered into an Agreement to Perform Electrical Services with the Woungs. He agreed to install a 125 amp 120-240 volt meter and a 125 amp 120-24 circuit main breaker outdoor load center and to rewire the unit "B" 60 amp subpanel. Other installations he agreed to perform included, among other things, recessed lights, light

switches, GFI receptacles, a stove hood and microwave connection, lighting junction boxes, and a dryer 30 amp 240 volt circuit. (Ex. A3; test. of Respondent.)

7. The Woungs made payments to Respondent on July 24 and August 8, 2014 to perform work on the property. (Ex. A3.)

8. On August 12, 2014, Respondent quit working for 5 Star Electric. Mr. Turner assumed that the Woungs decided not to hire 5 Star Electric to perform any work on the property. (Ex. A3).

9. On August 18, October 8, November 19, and December 20, 2014, the Woungs made payments to Respondent for work performed on the property. The owners paid Respondent a total amount of \$6,200. Respondent performed work that included relocating the main electrical distribution panel, installing a new floor panel system and installing more than 20 circuits. (Exs. A3, A5; test. of Darling, Respondent.)

10. On December 23, 2014, Respondent prepared an Additional Work Order for the property. He listed Mr. Turner as the supervising electrician. (Ex. A3.)

11. In approximately December 2014 or January 2015, Respondent asked Scott McNamara to assist him with work on the property. Respondent did not intend on paying Mr. McNamara for his help. Mr. McNamara is not a licensed journeyman electrician. He is an inside electrician apprentice. Respondent is not licensed to oversee Mr. McNamara's work. Respondent was not aware that Mr. McNamara was not properly licensed to perform electrical installations. Mr. McNamara assisted Respondent in matching wires in the basement to their corresponding wires in other areas of the house. Mr. McNamara also submitted an invoice to the owners for the work on behalf of Respondent. (Ex. A6; test. of Simmons, Respondent.)

12. On January 20, 2015, the owners of the property contacted Mr. Turner because Respondent quit working on their property. (Ex. A5.)

13. On January 23, 2015, Mr. Turner visited the job site for the first time. He was not aware that he was still listed as the supervising electrician for the work performed on the property. (Ex. A5.)

14. The Board based the proposed penalty in this case on the factors set forth in the Division's penalty matrix. (Ex. A8; test. of Simmons.)

CONCLUSIONS OF LAW

(1) Respondent engaged in the business of making electrical installations, advertised as or otherwise purported to be licensed to make electrical installations, or purported to be acting as a business that makes electrical installations without an electrical contractor's license, in violation of ORS 479.620(1).

(2) Respondent directed, supervised, or controlled the making of an electrical installation without a supervising electrician's license, in violation of 479.620(2)

(3) Respondent allowed an individual to perform electrical work for which the individual was not properly registered or licensed, in violation of OAR 918-282-0120(1).

(4) Respondent made electrical installations without working under the supervision, direction, and control of a general supervising electrician, in violation of OAR 918-282-0170(1)(b)

(5) The Division may impose a civil penalty of \$12,500 against Respondent.

(6) Respondent shall pay \$500 that was suspended under the terms of the consent order executed in Division case 2011-0101.

(7) The Division may order Respondent to cease and desist from engaging in any further violation of the state building code.

OPINION

The Division contends that Respondent engaged in the business of making electrical installations, advertised as or otherwise purported to be licensed to make electrical installations, or purported to be acting as a business that makes electrical installations without an electrical contractor's license; that he directed, supervised, or controlled the making of an electrical installation without a supervising electrician's license; that he allowed an individual to perform electrical work for which the individual was not properly registered or licensed; and that he made electrical installations without working under the supervision, direction, and control of a general supervising electrician. The Division also contends that Respondent should be assessed a \$12,500 civil penalty for the violations, that he should pay \$500 that was suspended in Division case 2011-0101, and that he should be ordered to cease and desist from engaging in any further violation of the state building code. The Division has the burden to show, by a preponderance of the evidence, that Respondent committed the alleged violations, and that the proposed penalties and the order to cease and desist are appropriate. ORS 183.450(2), *Harris v. SAIF*, 292 Or 683, 690 (1982). Proof by a preponderance of evidence means that the fact finder is persuaded that the facts asserted are more likely true than not true. *Riley Hill General Contractor, Inc. v. Tandy Corp.*, 303 Or. 390 (1987).

Engaging in Certain Conduct without an Electrical Contractor's License:

ORS 479.620(1) provides:

Subject to ORS 479.540, a person may not:

Without an electrical contractor's license, engage in the business of making electrical installations, advertise as or otherwise purport to be licensed to make electrical installations or purport to be acting as a business that makes electrical installations.

Respondent admitted at hearing that he made electrical installations at the Woung's property and that he does not have an electrical contractor's license. Respondent agreed to perform electrical work, performed the work, and received payment for the work. The preponderance of the evidence indicates that he purported to be acting as a business that makes electrical installations, and his conduct does not fall within the exemptions set forth in ORS 479.540. Thus, Respondent engaged in the business of making electrical installations without an electrical contractor's license, in violation of ORS 479.620(1).

Directing, Supervising, or Controlling the Making of an Electrical Installation Without a Supervising Electrician's License

ORS 479.620(2) provides:

Subject to ORS 479.540, a person may not:

Except as provided in ORS 479.630(10)(c) and 11(f), direct, supervise, or control the making of an electrical installation without a supervising electrician's license.

ORS 479.530(10) provides, in relevant part:

"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. "Electrical installation" also means the maintenance or repair of installed electrical wiring and permanently attached electrical products.

Respondent does not have a supervising electrician's license. Mr. McNamara assisted Respondent in matching electrical wires throughout the Woung's property and the evidence is sufficient to establish that the work Mr. McNamara performed qualifies as maintaining or repairing installed electrical wiring. Respondent testified that he believed Mr. Turner was the supervising electrician for the project. However, Mr. Turner never visited the job site, Respondent quit working for 5 Star Electric prior to allowing Mr. McNamara to assist at the property, and Mr. Turner believed that 5 Star Electric was not hired to perform any work on the property. The evidence is persuasive that there was no supervising electrician working on the property and that Respondent allowed Mr. McNamara to assist him in making electrical installations, in violation of ORS 479.620(2).

Allowing an Individual to Perform Electrical Work without Proper Licensure:

OAR 918-282-0120(1) provides:

No person or entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.

Electrical work is not defined by rule or statute. However, it is reasonable that electrical work would be included in the definition of an “electrical installation.” Respondent testified that he believed Mr. McNamara was properly licensed to perform electrical work in Oregon. Mr. McNamara assisted Respondent in matching electrical wires throughout the property, and such conduct qualifies as maintaining or repairing installed electrical wiring. Because Respondent allowed Mr. McNamara to perform electrical work and he was not properly licensed, Respondent violated OAR 918-282-0120(1).

Making Electrical Installations without Working under the Supervision, Direction, and Control of a General Supervising Electrician

OAR 918-282-0170(1)(b) provides:

A general journeyman:

Shall work under the supervision, direction and control of a general supervising electrician unless doing the type of work that may be supervised, directed or controlled by a person holding a specific limited supervising electrician license, or the type of work requiring no supervision.

While Respondent testified at hearing that he believed Mr. Turner was the supervising electrician for the project, Mr. Turner never visited the job site. Additionally, Respondent quit working for 5 Star Electric and Mr. Turner was not even aware that the Woung’s believed that they had actually hired 5 Star Electric to perform any work on the property. The evidence is persuasive that there was no supervising electrician working on the property and that Respondent made electrical installations without a supervising electrician’s license, in violation of OAR 918-282-0170(1)(b).

Appropriate Penalty

The Division has adopted administrative rules to administer and enforce ORS chapter 693. OAR 918-001-0036(6) provides that the Director may, subject to approval of the Boards, develop a penalty matrix to use as a guideline for assessing civil penalties.

The Division assessed Respondent a penalty in 2011 for a state building code violation and Respondent has committed further violations of state building code. Because these violations occurred within five years of each other, Respondent is a second time violator and, on that basis, the Division’s penalty matrix provides for a civil penalty of \$4,000 for violating ORS 479.620(1), \$3,000 for violating ORS 479.620(2), \$2,500 for violating OAR 918-282-0120(1), and \$3,000 for violating OAR 918-282-0170(1)(b). Therefore, the \$12,500 total civil penalty proposed by the Division is appropriate for the proven violations in this case.

\$500 Suspended in Division Case 2011-0101

On September 6, 2011, Respondent and the Board entered into a consent agreement where the Board agreed to suspend payment of \$500 as long as Respondent did not violate any

Division statutes or rules within five years. Because Respondent has committed further violations of Division statutes and rules within five years of the execution of that agreement, he must pay the \$500 that was suspended in that case.

Order to Cease and Desist:

ORS 455.755(2) provides:

If the director has reason to believe that any person has been engaged, or is engaging, or is about to engage in any violation of the state building code * * *, the director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to cease and desist from the violation or threatened violation.

The Division contends that Respondent has been or is violating state building code law. Such belief is reasonable, based on Respondent's numerous violations in 2014 and 2015 and the similarity of those violations to the previous violation in Division Case 2011-0101. The Division has established grounds to issue an Order to Cease and Desist.

ORDER

I propose the Building Codes Division, Electrical and Elevator Board, issue the following order:

Kurt Hauth shall pay a \$12,500 civil penalty, as well as the \$500 that was suspended in Division case 2011-0101, and he shall cease and desist from further violations of ORS chapters 479 and 455 and the rules adopted thereunder.

Marni J. Davis
Administrative Law Judge
Office of Administrative Hearings

APPEAL PROCEDURE

This is the Administrative Law Judge's Proposed Order. You have the right to file written exceptions and argument to be considered per OAR 137-003-0650. Your exceptions and argument must be received within 20 calendar days after the service date of this Proposed Order. Send them to:

Building Codes Division
Manager, Enforcement and Licensing
PO Box 14470
Salem, OR 97309-0404

CERTIFICATE OF MAILING

On May 9, 2016, I mailed the foregoing PROPOSED ORDER issued on this date in OAH Case No. 1604452.

By: First Class Mail

Kurt Hauth
1909 Main St.
Lyons OR 97358

Adam Blechman
Building Codes Division (DCBS)
PO Box 14470
Salem OR 97309-0404

Alesia Vella
Administrative Specialist
Hearing Coordinator

Electrical and Elevator Board Enforcement Report for July 28, 2016

Agenda Item IV.E.

Summary Report - Cases Previously Resolved by Division

Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2015-0240 Russ	Ross Electric Co A Corp of Washington	Installation of electrical wiring to included conduit and wiring within the conduit, connecting wiring to combiner boxes and terminating wiring in the main electrical panel. <ul style="list-style-type: none"> •Allowing unlicensed individuals to perform electrical installations •Failure to continuously employ a signing supervisor 	Oregon City	June 2015 through July 2015	\$6,000	\$3,000	Consent Order. Related to C2015-0232 and C2015-0241. Complaint submitted by Industry.
C2016-0018 Dan	Giesking, Bradley J.	Installation of a switch and outlets. Replaced ballast and electrical motors. <ul style="list-style-type: none"> •No electrical journeyman license 	Redmond	June 2010 to April 2016	\$2,000	\$250	Consent Order. Complaint submitted by BCD licensing staff.
C2016-0030	Icenogle, Nathaneal	Failure to pay civil penalties following default in prior case (C2015-0135) based on performing rough-in electrical work. <ul style="list-style-type: none"> •No electrical journeyman license 			\$2,000	\$2,000	Consent Order. Complaint submitted by BCD Enforcement Manager.
C2016-0009 Eric	Holten, Stephen R., dba Stevonnsons Handyman 2 the Rescue	Installation of six electrical outlets and new electrical wiring to each outlet. <ul style="list-style-type: none"> •No electrical contractors license •No electrical journeyman license •No electrical permit 	Canby	December 2015	\$6,000	\$6,000	Default Order. Complaint submitted by CCB field investigator.

Electrical and Elevator Board Enforcement Report for July 28, 2016

Summary Report - Cases Previously Resolved by Division							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2015-0241 Skip	Gonzales, Erasmo Ed	Signing Supervisor paid a monthly stipend or fee to act as a signing supervisor while not performing duties of supervising electrician.	Oregon City	November 2005 through February 2016	\$9,000	\$4,500	Consent Order. Related to C2015-0232 and C2015-0240. Complaint submitted by Industry.
C2015-0124 Russ	Americorp Construction LLC	Installation of wires, electrical receptacles, junction boxes and otherwise completing the rough-in electrical work on a new residential structure. •No electrical contractor license •Allowing unlicensed individuals to perform electrical installations •No electrical permit	Port Orford	2014 to 2015	\$43,400*	\$19,750	Consent Order. Related to CC2015-0178 Complaint submitted by Coos County electrical inspector.
C2015-0178	Young, Ronald E. Jr.	Installation of wires, electrical receptacles, junction boxes and otherwise completing the rough-in electrical work on a new residential structure. •No journeyman electrician license	Port Orford	2014 to 2015	\$10,000*	\$19,750	Consent Order. Related to CC2015-0178 Complaint submitted by Coos County electrical inspector.
C2015-0116 Eric	Gray, Jonathan	Installation of a 200-amp electrical panel and meter base. •No journeyman electrician license •Provided false or incorrect information to obtain an electric permit.	Gold Hill	May 2015	\$3,000	\$1,250	Consent Order. Complaint submitted by a License Enforcement Specialist.
C2016-0003 Russ	Total Quality Services, Inc.	Replacement of a thermostat for an HVAC unit. Installation of electrical wiring on the line-side of an HVAC unit. •No electrical contractor license •Allowing unlicensed individuals to perform electrical installations	Portland Area	August 2015 through January 2016	\$8,000	\$2,750	Consent Order. Complaint submitted by BCD field investigator.

Electrical and Elevator Board Enforcement Report for July 28, 2016

Summary Report - Cases Previously Resolved by Division							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2015-0044 Skip	Pep-Pro Home Improvements Construction Service LLC	Installation of light fixture including connecting to electrical wiring and relocation of electrical outlet. •No electrical contractor license •No electrical permit	Nyssa	July 2014	\$8,000*	\$2,000	Consent Order. Related to C2016-0001 Complaint submitted by CCB field investigator.
C2016-0001 Skip	Baeza, Jose L.	Installation of light fixture including connecting to electrical wiring and relocation of electrical outlet. •No journeyman electrician license	Nyssa	July 2014	\$4,000*	\$1,000	Consent Order. Related to C2015-0044 Complaint submitted by CCB field investigator.
C2015-0246 Russ	Square Deal Construction Company LLC	Installation of under mount cabinet lighting fixtures, new LED motion sensor security lights, new LED light fixture, can lights, ceiling fan and fixtures and 3 electrical receptacles. Replacement of all light switches in the home. •No electrical contractor license •Allowing unlicensed individuals to perform electrical installations •No electrical permit	Amity	January 2015	\$24,000*	\$8,000	Consent Order. Related to C2016-0017 Complaint submitted by Yamhill County electrical inspector.
C2015-0213 Skip	Panchos Heating & Cooling LLC	Installation of new electrical wiring to an HVAC unit. •No electrical contractor license •Allowing unlicensed individuals to perform electrical installations •No electrical permit	Hermiston	October 2015	\$6,000	\$6,000	Default Order. Related to C2015-0214. Complaint submitted by BCD field investigator.
C2015-0214 Skip	Estrella, Benjamin	Installation of new electrical wiring to an HVAC unit. •No journeyman electrician license	Hermiston	October 2015	\$2,000	\$2,000	Default Order. Related to C2015-0213. Complaint submitted by BCD field investigator.

Electrical and Elevator Board Enforcement Report for July 28, 2016

Summary Report - Cases Previously Resolved by Division							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2015-0210 Russ	A Light Up Company of Oregon, Inc.	Installation of approximately 19 light fixtures in a parking lot. <ul style="list-style-type: none"> •No electrical contractor license •Allowing unlicensed individuals to perform electrical installations •No electrical permit 	Milwaukie	May 2015	\$4,000	\$1,500	Consent Order. Complaint submitted by industry.
C2015-0068 Skip	West Coast Lighting & Energy, Inc.	Installation of a 30-amp electrical branch circuit and electrical receptacle, metal-clad conduit and electrical wiring. <ul style="list-style-type: none"> •No electrical contractor license •Allowing unlicensed individuals to perform electrical installations •No electrical permit 	McMinnville	December 2014	\$6,000	\$6,000	Default Order. Related to C2015-0137. Complaint submitted by Yamhill County electrical inspector.

Electrical and Elevator Board Enforcement Report for July 28, 2016

Agenda Item IV.F.

License Suspensions, Revocations and Conditioned (Director Action)			
Case #	Name	Suspension/Revocation/Conditioned Information	Other Comments
C2015-0241 Skip	Gonzales, Erasamo E.	Respondent's supervising electrician license is suspended for a period of 1 year. Respondent's journeyman electrician license is suspended for a period of 3 months then the license will be issued as a conditional license for a period of 9 months.	Consent Order. Related to C2015-0232 and C2015-0240. Complaint submitted by Industry.
C2016-0109 Adam	Peterson, Douglas L.	Respondent's journeyman electrician license is revoked because the division issued it in error.	Default Order. Complaint submitted by BCD licensing staff.
C2015-0101	Buster Jr., Timothy Lee dba Edco Electric	Respondent's electrical contractors license is revoked. Respondent's journeyman electrician license is suspended for 3 months then license will be conditioned for 6 months.	Consent Order. Complaint submitted by BCD field investigator.
C2016-01337 Dan	HSI Security Systems, Inc.	Respondent's electrical contractors license is suspended until they properly employ a signing supervisor or July 17, 2017.	Consent Order. Citation issued by BCD field investigator.

State of Oregon

Board memo

Building Codes Division

July 28, 2016

To: The Electrical and Elevator Board

From: Richard Baumann, policy analyst, Policy and Technical Services

Subject: Continuing Education Course Approval Process

Action requested:

Electrical and Elevator Board consideration of the Continuing Education Committee's recommendations regarding continuing education courses and instructors.

Background:

The Electrical and Elevator Board establishes continuing education (CE) requirements for all electrical licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. They set standards for approval of courses and instructors in order to have a sufficient number and variety of CE courses available to licensees. The board's continuing education committee has been meeting to evaluate courses and instructors on the board's behalf. The committee met on June 16, 2016, to review CE course and instructor applications. The committee reviewed 16 applications from 6 organizations:

- 3 courses were recommended for approval.
- No courses were recommended for denial.
- 8 instructors were recommended for approval.
- No instructors were recommended for denial.
- 5 applications are pending waiting for additional information from the providers.

See attached summary for more information.

In addition to the Oregon Rule and Law criteria, the committee is using the following when reviewing applications:

- NFPA 70E courses are eligible for a maximum of eight hours code-related credits.
- OSHA 10 courses are eligible for a maximum of four hours code-related credits.
- OSHA 30 courses are eligible for a maximum of sixteen hours code-related credits.
- First Aid/CPR courses are eligible for a maximum of four hours code-related credits (two hours for each course).

- For correspondence courses – Provider must submit complete course.
- For online courses – Provider must submit a log-on or screen shots of course content.

Options:

- Approve the committee's recommendations for approval or denial of courses or instructors.
- Amend and approve the committee's recommendation for approval or denial of courses or instructors.
- Disapprove the committee's recommendation for approval or denial of courses or instructors.

Electrical and Elevator Board
Committee on Continuing Education Course and Instructor Review
7/28/16

Courses

	Applicant	Course Name	Committee Recommendation	Board Action
1	AnytimeCE.com	2014 Oregon Electrical Rule and Law (4 hours ORL)	Approve – board approved instructor on file.	
2	JADE Learning	Installation Checklists (4 hours CR)	Approve – board approved instructor on file.	
3	NECA-IBEW Electrical Training Center	Practical Residential Wiring (4 hours CR)	Approve – board approved instructor on file.	

Instructors

	Applicant	Committee Recommendation	Board Action
1	Cory Linkhart NECA-IBEW Electrical Training Center	Approve – Additional instructor. Course currently approved by the board.	
2	Alan Davidson NECA-IBEW Electrical Training Center	Approve – Additional instructor. Course currently approved by the board.	
3	Michael Mueller NECA-IBEW Electrical Training Center	Approve – Additional instructor. Course currently approved by the board.	
4	David Jacobsen NECA-IBEW Electrical Training Center	Approve – Additional instructor. Course currently approved by the board.	
5	Richard Metzler NECA-IBEW Electrical Training Center	Approve – Additional instructor. Course currently approved by the board.	
6	Kyle Rood NECA-IBEW Electrical Training Center	Approve – Additional instructor. Course currently approved by the board.	

7	Ben Pelster NECA-IBEW Electrical Training Center	Approve – Additional instructor. Course currently approved by the board.	
8	Devan Hinshaw NECA-IBEW Electrical Training Center	Approve – Additional instructor. Course currently approved by the board.	

Applications Pending

	Applicant	Course Name	Information Requested by Committee
1	Southwestern Idaho Electrical JATC	Fire Alarm (8 hours CR)	Committee requested more specific course outline and time spent in each area of instruction. Also, as submitted, course does not contain enough code related material for 8 hours of code related credit.
2	IAEI (Inter. Assoc. of Elect. Insp)	Significant Changes to the 2017 National Electrical Code (8 hours CC)	OAR 918-035-0050(1) specifies code change course content. This course does not currently meet the criteria. The committee suggested tabling review of this course.
3	IAEI (Inter. Assoc. of Elect. Insp)	Electrical Safety NEC-NFPA (4 hours CR)	Committee seeking clarification on edition of code being used for this course, more information in the course outline and a detailed breakdown of time spent in each area of instruction for each code.
4	IAEI (Inter. Assoc. of Elect. Insp)	Conductors (4 hours CR)	Course outline indicates course includes code content from the 2014 and 2017 editions of the NEC. Course can not be considered at this time because it includes 2017 NEC content. Also, more information in the course outline and a detailed breakdown of time spent in each area of instruction for each code.
5	Electrical Code and Safety Training	NFPA 70E 2015 Electrical Safety in the Workplace (8 hours CC CR)	Committee requested more specific course outline and time spent in each area of instruction.

**Agenda
Item
VIII.B.**

State of Oregon

Board memo

Building Codes Division

July 28, 2016

To: The Electrical and Elevator Board

From: Electrical Supervisor Exam Review Committee

Subject: Electrical license examination guidelines

Action requested:

Recommend guidelines for what materials candidates may use during electrical license examinations.

Background:

Oregon Revised Statutes ([ORS](#)) [479.630](#) requires an individual seeking electrical licensure to pass an examination prepared by the board and administered by the division. The division has received multiple inquiries from stakeholders regarding what materials candidates may use during these examinations. The current examination guidelines allow a candidate to use the following:

- National Electrical Code, 2014 Edition, NFPA-70
- Current NEC Handbook
- ORS chapter 479
- Oregon Administrative Rules (OAR) chapter 918 divisions 98, 251, 305, and 311
- American Electrician's Handbook
- Electrical Black Book
- Ugly's Electrical – References
- Ferm's Fast Finder Index
- Tom Henry's Key Word Index
- A silent non-printing, non-programmable calculator

The Electrical Supervisor Exam Review Committee is of the opinion that a candidate's personal notes and any type of tabs within the reference material, and any of the candidate's personal handwritten or printed notes, do not provide an unfair advantage and therefore should not be prohibited. Personal electronic devices such as smart phones, tablets, or laptop computers, and printed materials other than the approved reference materials may provide an unfair advantage, and should remain prohibited.

Options:

- Board recommends the division update examination guidelines to allow the use of the following during electrical license examinations in addition the items listed in the existing guidelines:
 - NFPA-70 errata; and,
 - Approved reference materials may be altered for the convenience of the candidate, including the attachment of hand written or printed tabs and notes.
- Board recommends the division adopt other specified guidelines for electrical license examinations.