



Oregon

Tina Kotek, Governor



Building
Codes
Division

Department of Consumer
and Business Services

Electrical and Elevator Board

Amended meeting agenda

Late submission adding a new II.

Addition to IV.E., and correction to VIII.B.

Meeting date: Thursday, Sept. 28, 2023

Time: 9:30 a.m.

In-person attendance: Building Codes Division Salem office in Conference Room A

Virtual connection and online streaming: View the live meeting or access the connection

Information for the Zoom meeting at: [Oregon.gov/bcd/Pages/bcd-video.aspx](https://oregon.gov/bcd/Pages/bcd-video.aspx)

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the draft board meeting minutes of [July 27, 2023](#)
- E. Date of the next scheduled meeting: Nov. 16, 2023
- F. Formal farewell to leaving Board Member Brian LaDieu

II. **Enforcement – Late submission**

Board consideration of a final order *In the matter of* [Sean Murphy dba Murphy Family Electric](#) for violating the Board's statutes and rules pertaining to electrical installations; Case No. C2021-0174. (**Board action required**)

III. Public comment

The board will hear public testimony, including testimony from individuals who have signed up in advance.

IV. Reports and updates

- A. Electrical program update
- B. Elevator program update
- C. Legislative [update](#)
- D. Enforcement [update](#)
- E. Board vote on consent orders for [cases proposed for resolution](#) as outlined in the enforcement board report (**Board action required**) (**Additional consent order added**)



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- F. Summary of enforcement [cases previously resolved](#) by the division as outlined in the enforcement board report *(No board action required)*

V. Communications

This item is for the division to present advisory information.

Discussion on [Senate Bill 582](#)

VI. Appeals

There are no appeals for this meeting.

VII. Unfinished business

There is no unfinished business for this meeting.

VIII. New business

- A. Board provide a recommendation to the Administrator for the [draft rule](#) that adopts the provisions of the 2024 Oregon Elevator Specialty Code
- B. Review and approval of [committee recommendations](#) for new continuing education course and instructor applications *(Correction made to matrix)*
- C. Board review [retroactive request](#) received from NECA/IBEW Electrical Training Center for participants of classes Jan. 25, 2022, and on since the course approval July 27, 2023, for Electrical Vehicle Infrastructure Training Program course ID 20803923
- D. Board review [retroactive request](#) received from Blu PHX Electrical Engineering for participants of class held May 3, 2023, NFPA 70E LV Qualified Person

IX. Announcements

The Board Chair or any of the board members may make announcements during this time.

X. Adjournment

Board Chair or Vice-chair will adjourn the meeting announcing specific time of adjournment.



State of Oregon
Electrical and Elevator Board
Virtual meeting minutes of July 27, 2023

Members: Thomas Kyle, electrical contractor, Chair
 Jon Flegel, journeyman electrician, Vice-chair
 William Barlow, electrical equipment mfr. industry
 Elizabeth Bunga, building official
 Robert Larzalere, journeyman elevator installer
 Robert McNeill, elevator-manufacturing representative
 Ryan Richards, electrical contractor
 Richard Rudder, owner/manager of a commercial office building
 Ken Spencer, power & light industry
 Frank Sonnabend, electrical inspector
 Sara Young, journeyman electrician

Members absent: Al Schacher, electrical equipment supplier
 Vacant, industrial plant employing electricians
 Vacant, commercial underwriter
 Vacant, public member

Staff: Jacob Gill, AAG, Department of Justice
 Alana Cox, Administrator, Building Codes Division
 Todd Smith, manager, Policy and Technical Services (PTS)
 Richard Rogers, chief building official, PTS
 Brian Crise, chief electrical inspector, PTS
 Keith Anderson, chief electrical inspector, PTS
 Damon Jensen, assistant chief electrical inspector, PTS
 Andy Boulton, senior policy advisor, PTS
 Ian Paik, policy analyst, PTS
 Pierre Sabagh, policy analyst, PTS
 Julia Hier, manager, Enforcement Services
 Michael Mayorga-Hamilton, contested case representative (CCR)
 Enforcement Services
 Emily Roque, CCR, Enforcement Services
 Kathy Rowell, CCR, Enforcement Services
 Laura Burns, support coordinator, PTS
 Nathan Kramer, policy development coordinator, PTS
 Debi Barnes-Woods, boards administrator/coordinator, PTS

Guests: Nathan Philips, NECA
 James Imlah, City of Hillsboro
 Mike Stone, NEMA
 Levi Weintz, Agenda Item II.D.

I. Board business

A. Call to order

The Hybrid Electrical and Elevator Board meeting of July 27, 2023, was called to

order at 9:31 a.m., by Vice-chair Jon Flegel, present in Conference Room A.

B. Roll call

Members in the Board Room; Vice-chair Jon Flegel; Sara Young; Ryan Richards; Frank Sonnabend; and Ken Spencer.

Virtual attendance: Chair Thomas Kyle; William Barlow; Elizabeth Bunga; Brian La Dieu; Robert Larzalere (arrived at 9:41am); Robert McNeill; and Richard Rudder.

Member excused: Al Schacher.

C. Approval of the agenda and order of business

Vice-chair Flegel ruled the agenda and the order of business approved.

D. Approval of the board meeting draft minutes

Vice-chair Flegel ruled the draft meeting minutes of May 25, 2023, final.

E. Date of the next regularly scheduled meeting

Sept. 28, 2023.

F. Welcome new Board Member: Frank Sonnabend, electrical inspector

The welcome of recently confirmed member Frank Sonnabend was carried over from the prior meeting of July 27. Frank represents electrical inspectors in the State of Oregon and is looking forward to serving his four- year term.

II. Reports & updates

A. Electrical program update

Brian Crise, chief electrical inspector, Policy and Technical Services, briefed the board on the status of the new code. He said the adoption process is on track for an anticipated effective date of October 1, 2023, for the 2023 Oregon Electrical Specialty Code. He said during the hearing of July 18 some comments were made that the division is currently reviewing, but said there is no reason for concern. Chief Crise added that the division is currently working on a training video related to the new code for the Oregon Inspector Certification.

James Imlah, Imlah Electrical Consulting, ask Chief Crise when can training consultants submit their syllabus for the new code.

Todd Smith, manager, Policy and Technical Services, said that Table 1E is published on the division web site with no additional changes foreseen. Manager Smith said the new code cannot be taught until the anticipated effective date of October 1, 2023, but he urged the submissions of the syllabus for the review committee to begin its work.

B. Elevator program update

Warren Hartung, chief elevator inspector, Statewide Services, said he is available to answer any questions on the reports sent to members. Chief Hartung said he will be discussing the process of the elevator code adoption later in the agenda.

C. General overview of the enforcement process

Alana Cox, administrator, Building Codes Division, introduced Julia Hier, manager, Enforcement Services, and said Manager Hier will be providing an enforcement overview. Administrator Cox also brought to the board's attention that Jacob Gill, AAG, Department of Justice, who is the board's legal counsel, is available to provide legal questions and counsel.

Manager Hier showed a PowerPoint presentation to the board and audience providing a general overview of enforcement. A copy of the presentation is located in the board packet.

D. Time allowed for Levi S. Weintz to speak on the disapproval of consent order C2022-0137 during the May 25, 2023, board meeting

Levi Weintz, connected through ZOOM, said while working at Wolcott Electric he was constantly making sure that the proper number of licensed employees were on the job and were following all rules. Mr. Weintz said there were obvious signs of incompetence, which is why he said he needed to remove himself from the situation. Mr. Weintz said that he resigned from Wolcott on March 21 before receiving the second violation on March 24.

III. Executive Session Deliberation pursuant to ORS 192.660

(Break to open ZOOM waiting room and to clear audience from room for Executive Session)

Executive Session to consult with counsel concerning the request for legal advice concerning the legal rights and duties of the Board concerning enforcement and with regards to the matter involving Levi S. Weintz, BCD Case No. C2022-0137; ORS 192.660(2)(f)

Vice-chair Flegel read a script announcing the start of Executive Session at 9:55 a.m. Representatives of the news media and designated staff were allowed to attend the executive session. All other members of the audience were asked to disconnect from the audio-conference board meeting through ZOOM, and were asked to leave Conference Room A. No decisions were made during executive session. At the end of executive session, the board will return to open session and welcome members, staff, and the public to join the meeting through the ZOOM platform for the rest of the board agenda.

Vice-chair Flegel read a script concluding executive session at 10:36 a.m. and re-entering public meeting. No decisions were made and no votes were taken outside of the public meeting. Roll call was taken to ensure quorum requirements were still met.

(Continued with Reports and updates)

II. Reports and updates

E. Board discussion of Levi S Weintz, BCD Case No. C2022-0137 with a possible recommendation

Kathy Rowell, contested case representative, Enforcement Services, explained the options of how to proceed with Levi S. Weintz, BCD Case C2022-0137.

Julia Hier, manager, Enforcement Services, explained that through a consent order during settlement, Mr. Weintz can be provided a general journeymen license during the period of suspension, if Mr. Weintz agrees with the settlement.

Motion by Chair Kyle to allow the division to negotiate a fair settlement with Levi S. Weintz.

Roll call vote taken:

Yea: William Barlow; Elizabeth Bunga; Brian La Dieu; Robert Larzalere; Robert McNeill; Ryan Richards; Richard Rudder; Ken Spencer; Frank Sonnabend; Sara Young; Vice-chair Jon Flegel; and Chair Thomas Kyle.

Nay: None.

Motion carried unanimously.

F. Board consideration of final order in the matter of Derek L. Gaston for failure to meet the requirements for a reciprocal license; Case No. C2022-0171

Contested Case Representative Kathy Rowell explained that a telephone hearing was held. Administrative Law Judge (ALJ) Fair determined that Derek Lovell Gaston failed to meet the work experience requirements and issued a proposed order.

Motion by Member Ryan Richards to issue a final order and attach the proposed order written by ALJ Fair as Exhibit A.

Roll call vote taken:

Yea: William Barlow; Elizabeth Bunga; Brian La Dieu; Robert Larzalere; Robert McNeill; Ryan Richards; Richard Rudder; Ken Spencer; Frank Sonnabend; Sara Young; Vice-chair Jon Flegel; and Chair Thomas Kyle.

Nay: None.

Motion carried unanimously.

G. Board vote on consent orders for cases proposed for resolution as outlined in the enforcement board report (*Board action required*)

Contested Case Representative (CCR) Kathy Rowell summarized each of the seven consent orders.

Following discussion of the seven cases listed on the enforcement matrix, CCR Rowell said a motion was required.

Motion by Member Sara Young to approve all seven consent orders and issue final orders as presented by CCR Rowell.

Roll call vote taken:

Yea: William Barlow; Elizabeth Bunga; Brian La Dieu; Robert Larzalere; Robert McNeill; Ryan Richards; Richard Rudder; Ken Spencer; Frank Sonnabend; Sara Young; Vice-chair Jon Flegel; and Chair Thomas Kyle.

Nay: None.

Motion carried unanimously.

H. Summary of enforcement cases previously resolved by the division as outlined in the enforcement board report (*No board action required*)

Kathy Rowell, CCR, Enforcement Services, continued discussion with the one case listed in this Agenda Item. There was no board interaction on this item.

IV. Public comment

The board will hear public testimony, including testimony from individuals who have signed up in advance

Policy Analyst Ian Paik left additional time open for anyone who did not register in advance and for those who were in-person, or for those connected virtually to discuss general public comment. Two individuals signed up in advance to speak, but only one was available during this Agenda Item.

James Imlah, Imlah Electrical Consulting, asked for an updated and clear written process on submissions of training courses for CEU Credits. He said that there is no clear process, out dated application forms, and he said he is very confused who to talk to. He also said it takes up to two months for approval.

V. Communications

Chief Hartung will announce membership of the 2024 Oregon Elevator Specialty Code Review Committee and selection of Chair

Warren Hartung, Chief Elevator Inspector, Statewide Services, announced those individuals that will be sitting on the committee. Names are included in the board packet. Chief Hartung is working on an additional individual who is a general manager of an elevator company. Chief Hartung added that Mr. Hart, an elevator inspector for the division will be involved in all elevator committee meetings.

VI. Unfinished business

No unfinished business was presented during this meeting.

VII. New business

A. Review and approval of committee recommendations for new continuing education course and instructor applications

Ian Paik, policy analyst, reported that 77 applications from 19 organizations were received and reviewed by the Continuing Education Committee. The committee

recommended 43 courses for approval and 18 instructors were recommended for approval. The committee recommended 11 courses and five instructors for denial. Details of all the information was included in the attached matrix for this Agenda Item.

Motion by Member Ryan Richards to approve all committee recommendations for approval or denial of courses or instructors.

Roll call vote taken:

Yea: William Barlow; Elizabeth Bunga; Brian La Dieu; Robert Larzalere; Robert McNeill; Ryan Richards; Richard Rudder; Ken Spencer; Frank Sonnabend; Sara Young; Vice-chair Jon Flegel; and Chair Thomas Kyle.

Nay: None.

Motion carried unanimously.

B. Board review retroactive request received from Independent Electrical Contractors of Oregon (IEC) to approve eight hours of 023 NEC Code Update Limited Energy course for each attendee listed

Analyst Paik introduced the item and asked that the board make a motion on the request.

Motion by Board Member Sara Young to approve the retroactive request for attendees to receive credit for courses taught.

Roll call vote taken:

Yea: William Barlow; Elizabeth Bunga; Brian La Dieu; Robert Larzalere; Robert McNeill; Ryan Richards; Richard Rudder; Ken Spencer; Frank Sonnabend; Sara Young; Vice-chair Jon Flegel; and Chair Thomas Kyle.

Nay: None.

Motion carried unanimously

C. Board review retroactive request received from Blu PHX for attendees of the NFPA 70E LV Qualified Person training class

Analyst Paik introduced the item and asked that the board make a motion on the request. He added that the board just reviewed and approved this course during Agenda item VII.B. of this board packet.

Motion by Board Member Ryan Richards to disapprove the retroactive request for the attendees to receive credit for course taught based on the dates on the document does not match.

Roll call vote taken:

Yea: William Barlow; Elizabeth Bunga; Brian La Dieu; Robert Larzalere; Robert McNeill; Ryan Richards; Richard Rudder; Ken Spencer; Frank Sonnabend; Sara Young; Vice-chair Jon Flegel; and Chair Thomas Kyle.

Nay: None.

Motion carried unanimously to disapprove the retroactive request.

VIII. Announcements

The Board Chair, Vice-chair or any of the board members may make announcements during this time.

IX. Adjournment

The meeting of the Electrical and Elevator Board was adjourned at 11:10 a.m. by Vice-chair Jon Flegel.

Draft meeting minutes was respectfully written and submitted by Debi Woods, division boards administrator/coordinator.

**Agenda
Item**

II.

Late submission

State of Oregon

Board memo

Building Codes Division

September 28, 2023

To: The Electrical and Elevator Board

From: Michael Mayorga Hamilton, contested case representative, Enforcement Section at the Building Codes Division

Subject: Approval of a Final Order for OAH Case No. 2023-ABC-05780, BCD Case No. C2021-0174, In the Matter of Sean Murphy dba Murphy Family Electric

Action requested:

To review the Proposed Order from the Office of Administrative Hearings (“OAH”) (attached as Exhibit 1), the Final Order with the Division’s modifications to the Proposed Order (attached as Exhibit 2), and the response filed by Sean Murphy to the ALJ and BCD’s counsel, which we have accepted as exceptions to the Proposed Order (attached as Exhibit 3); and to issue a Final Order.

Background:

On November 9, 2022, the Electrical and Elevator Board (“Board”) of the Building Codes Division (“Division”) issued a Notice of Proposed Assessment of Civil Penalties; Notice of Proposed Reinstatement of Previously Suspended Civil Penalties; Notice of Proposed Suspension of Electrical Contractor License Number C1554; Notice of Proposed Suspension of General Supervising Electrician License Number 6519S; and Notice of Final Order on Default (“Notice”) to Sean Murphy, dba Murphy Family Electric (“Respondent”).

The Division alleged the following violations in the Notice: Respondent violated Oregon Administrative Rule (“OAR”) 918-282-0120(1) three times by allowing an unlicensed person to perform electrical installations; Respondent, as the signing supervising electrician, violated OAR 918-282-0140(2)(f) three times by permitting, either by assent or by failure to prevent, an individual to perform electrical work, for which the individual was not properly licensed for; and Respondent violated ORS 479.550(1) one time by failing to obtain an electrical permit prior to performing an electrical installation. On December 5, 2022, Respondent requested a hearing.

The hearing ultimately took place on July 20, 2023, before Administrative Law Judge (“ALJ”) Elizabeth Jarry at the Office of Administrative Hearings (“OAH”). On September 5, 2023, a

Proposed Order was issued. *See* attached Exhibit 1. ALJ Jarry determined that the Division met its burden of establishing that Respondent violated OAR 918-282-0120(1) three times, OAR 918-282-0140(2) three times, and ORS 479.550(1) one time. ALJ Jarry also affirmed that the Division's proposed civil penalties, license suspensions, and reinstatement of previously suspended civil penalties for these violations was appropriate.

Respondent was given an opportunity to file exceptions within 20 calendar days from the date of service of the Proposed Order. Respondent timely filed a response to the Proposed Order with the ALJ and BCD's counsel, which BCD has accepted as written exceptions to the Proposed Order. *See* attached Exhibit 3. The Division believes that Respondent's exceptions are without merit.

Modifications to the Proposed Order

The Division recommends modifying ALJ Jarry's Proposed Order. These recommended modifications are outlined below, and are also articulated in the attached Final Order, identified as Exhibit 2.

On page 12 of 18, ALJ Jarry wrote the following, in connection with the reinstatement of the civil penalty assessed in the 2021 final order:

The Division contends Respondent violated the terms of the 2021 final order issued by the Board.

ORS 455.450 provides, in pertinent part:

A person may not:

(1) Violate, or procure or assist in the violation of, any final order of the Director of the Department of Consumer and Business Services, an advisory board, a state administrative officer or any local appeals board, building official or inspector, concerning the application of the state building code in a particular case or concerning a license, certificate, registration or other authorization.

The Board issued the Consent Order on January 28, 2021, and the 2021 final order was fully executed on February 18, 2021. The 2021 final order provides that if Mr. Murphy commits further violations of the Division's statutes or rules within the five-year period after the Consent Order became final, the entire civil penalty, including the suspended amount of \$2,750, would become due and payable.

At the 9th Place property, Mr. Murphy's violations of ORS 479.550(1), OAR 918-282-0120(1), and OAR 918-282-0140(2)(f) occurred prior to February 18, 2021. Therefore, Mr. Murphy did not violate the 2021 final order with respect to those violations.

The Division established that Mr. Murphy violated OAR 918-282-0120(1) and OAR 918-282-0140(2)(f) at the 70th Avenue and Concord Avenue properties in June 2021 and August/September 2021, respectively. Those violations occurred within the five-year

period after the Consent Order became final; therefore, Mr. Murphy violated the terms of the 2021 final order.

The 2021 final order, attached as Exhibit 4, was fully executed on January 28, 2021. On page 7 of 9, line 1 of the 2021 final order, it states “Respondent understands that, upon signature of all parties, this Consent Order will be a Final Order.” Respondent signed the 2021 final order on January 24, 2021, and Todd Smith, on behalf of the Board, signed the 2021 final order on January 28, 2021, making the 2021 final order fully executed on January 28, 2021. ALJ Jarry cited February 18, 2021, as the date the 2021 final order was fully executed, but that was the date the final order was mailed to the Respondent. Because Respondent’s violations at the 9th Place property occurred after the 2021 final order was fully executed on January 28, 2021, Respondent’s actions at the 9th Place property violated the terms of the 2021 final order.

The Division recommends the Board incorporate the suggested modifications into the language of the Final Order, attached as Exhibit 2. These recommended modifications will not alter ALJ Jarry’s proposed order concerning Respondent’s penalties.

The Division also recommends additional modifications in the Proposed Order, including language in the Order section of the Final Order, to provide clarity. These recommended changes are outlined in the drafted Final Order using ~~strikeouts~~ for removed language and **underlining** and **bold** for proposed new language. *See* attached Exhibit 2.

Options:

After considering the Proposed Order and exceptions, the Board may:

- Accept the Division’s recommended modifications and issue the Order provided in Exhibit 2 as the Final Order.
- Amend the ALJ’s Proposed Order, specify what the Board would like to alter in the Proposed Order, and provide direction about the issuance of a Final Order.
- Disapprove the Proposed Order and provide further direction to the Division.

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
BUILDING CODES DIVISION
ELECTRICAL AND ELEVATOR BOARD**

IN THE MATTER OF:) PROPOSED ORDER
)
SEAN MURPHY,) OAH Case No. 2023-ABC-05780
DBA MURPHY FAMILY ELECTRIC) Agency Case No. C2021-0174

HISTORY OF THE CASE

On November 9, 2022, the Electrical and Elevator Board of the Building Codes Division (Division) issued a Notice of Proposed Assessment of Civil Penalties; Notice of Proposed Reinstatement of Previously Suspended Civil Penalties; Notice of Proposed Suspension of Electrical Contractor License Number C1554; Notice of Proposed Suspension of General Supervising Electrician License Number 6519S; Notice of Final Order on Default (Notice) to Sean Murphy, dba Murphy Family Electric. On December 5, 2022, Mr. Murphy requested a hearing.

On January 18, 2023, the Division referred the matter to the Office of Administrative Hearings (OAH). The OAH assigned Senior Administrative Law Judge (ALJ) Elizabeth Jarry to preside at the hearing.

On March 2, 2023, ALJ Jarry held a prehearing conference by telephone. Mr. Murphy appeared without counsel. Assistant Attorney General Jacob Gill represented the Division, and Julia Hier and Michael Mayorga-Hamilton appeared on behalf of the Division. By email after the prehearing conference, ALJ Jarry set a hearing for July 20 and 21, 2023, and set filing deadlines for the submission of witness lists and exhibits.

On or about June 7, 2023, Assistant Attorney General Kelly Routt replaced Mr. Gill as the Division's attorney of record.

On June 28, 2023, Attorney Megan Daniels filed a Notice of Representation on behalf of Mr. Murphy and requested an extension of the exhibit submission deadline. Also on June 28, 2023, ALJ Jarry granted the unopposed request.

On July 5, 2023, Mr. Murphy filed Respondent's Motion for Continuance. On July 6, 2023, the Division filed a Response to Respondent's Motion for Continuance. On July 7, 2023, ALJ Jarry issued a Ruling on Respondent's Motion for Continuance, denying the motion.

ALJ Jarry convened a videoconference hearing on July 20, 2023. Ms. Daniels represented Mr. Murphy, who appeared and testified. Ms. Routt represented the Division, and

Mr. Mayorga-Hamilton appeared for the Division. The following witnesses testified on behalf of the Division: Jack Maynard, Senior Electrical Inspector for the City of Portland; Bill Schley, homeowner; Celine Lowney, homeowner; Brian Crise, Division Electrical Program Chief; Julia Hier, Division Enforcement Manager; and Curtis Stone, electrician. At the conclusion of the hearing, ALJ Jarry set a deadline of August 3, 2023, for submission of written closing arguments.

On August 3, 2023, the Division filed its Closing Argument. On August 4, 2023, Mr. Murphy filed his Closing Argument, which included stipulations to findings of fact 1 through 8 in the Notice. Also on August 4, 2023, the Division filed an objection to Mr. Murphy's late submission of his Closing Argument. On August 7, 2023, ALJ Jarry admitted Mr. Murphy's Closing Argument into the record and provided the Division with the opportunity to file a reply brief and to respond to Mr. Murphy's stipulations. On August 8, 2023, the Division agreed to Mr. Murphy's stipulations.¹ The record closed on August 14, 2023, after receipt of the Division's Reply Brief (Reply).

ISSUES

1. Whether Mr. Murphy violated OAR 918-282-0120(1) by allowing an individual to perform electrical work, for which the individual was not properly licensed.
2. Whether Mr. Murphy violated OAR 918-282-0140(2)(f) by permitting, either by assent or by failure to prevent, an individual to perform electrical work, for which the individual was not properly licensed.
3. Whether Mr. Murphy violated ORS 479.550(1) by obtaining an electrical permit approximately one year after a new electrical panel and new GFCI outlets were installed at the 9th Place property.
4. Whether Mr. Murphy violated the terms of a 2021 final order issued by the Board. ORS 455.450(1).
5. Whether Mr. Murphy should pay a total civil penalty of \$21,500 for violations of OAR 918-282-0120(1), OAR 918-282-0140(2)(f), and ORS 479.550(1). ORS 455.895(1)(b) and OAR 918-001-0036.
6. Whether Mr. Murphy's suspended civil penalty of \$2,750 should be reinstated. ORS 455.450 and OAR 918-001-0036(4).
7. Whether Mr. Murphy's electrical contractor's license should be suspended for two years. ORS 455.129(2)(a), (b), (d), and (3)(b).

¹ The stipulated findings of fact are incorporated into the Findings of Fact below with one minor typographical correction, which is noted, and minor changes to wording that do not affect the substance of the findings.

8. Whether Mr. Murphy's general supervising electrician license should be suspended for two years. ORS 455.129(2)(a), (b), (d), and (3)(b).

EVIDENTIARY RULINGS

Exhibits A1 through A5 and A7 through A24, offered by the Division, were admitted into the record without objection. Exhibit A6, offered by the Division, was admitted into the record over Mr. Murphy's objection.

FINDINGS OF FACT

Background

1. At all relevant times, Mr. Murphy held Construction Contractors Board number 231590. (Stipulation of Parties; Ex. A1 at 1.)

2. At all relevant times, Mr. Murphy held electrical contractor's license number C1554. (Stipulation of Parties; Ex. A1 at 3.)

3. At all relevant times, Mr. Murphy held general supervising electrician license number 6519S. (Stipulation of Parties; Ex. A1 at 2.)

4. On or about July 6, 2020, Mr. Murphy registered with the Oregon Secretary of State under an assumed business name, Murphy Family Electric. (Stipulation of Parties; Ex. A1 at 4.)

5. At all relevant times, Mr. Murphy was registered with the Division as the general supervising electrician for Murphy Family Electric. (Stipulation of Parties.)

6. At all relevant times, Stan Grubbs worked for Murphy Family Electric as an electrician. Mr. Grubbs did not hold a valid Oregon supervising electrician license, journeyman electrician license, or limited residential electrician license. (Stipulation of Parties.)

7. Mr. Murphy resides primarily in Virginia and Tennessee and spends some time in Oregon. He operates the business using Square, a booking and payment application. When customers book services, he receives emails that include the terms of the appointments and the pricing. (Test. of Murphy.)

2021 Final Order

8. On or about January 28, 2021, the Board issued a Consent Order, incorporated as a final order (2021 final order) in Division case C2020-0114, against Mr. Murphy, which Mr. Murphy had signed on or about January 24, 2021. The fully executed final order was mailed to Mr. Murphy on or about February 18, 2021. (Stipulation of Parties; Ex. A5.)

9. In the 2021 final order, the Board assessed Mr. Murphy \$4,000 in total civil penalties for performing electrical installations without an electrical contractor's license in violation of

ORS 479.620(1) and for failing to obtain a valid electrical permit or minor label in violation of ORS 479.550(1). (Stipulation of Parties.) The violations occurred in March and May 2020. (Ex. A5 at 1-2.)

10. In the 2021 final order, Mr. Murphy consented to, and the Board ordered, the following disposition of the civil penalties:

- \$1,250 of the civil penalty was due and payable in 10 monthly payments that must be received no later than the 25th day of each month in the amount of \$125 per month. Mr. Murphy's first payment shall be received no later than the 25th day of the month following the month in which the Consent Order becomes a final order.²
- \$2,750 of the total civil penalty was suspended for a period of five years if Mr. Murphy complied with all other terms of this Consent Order.
- Mr. Murphy understood the suspended civil penalty (\$2,750) was to be considered satisfied five years after the Consent Order became a final order, provided Mr. Murphy complies with its terms and does not commit any further violations of the Division's statutes and rules within that five-year period. Mr. Murphy understood and agreed that upon a showing that he had not complied with the terms of this Consent Order or that he committed further violations of the Division's statutes or rules within the five-year period, the entire civil penalty, including the suspended amount, would become due and payable. Failure to comply with the Consent Order included, but was not limited to, failure to pay the civil penalty amount due by the due date.

(Stipulation of Parties.)

11. Mr. Murphy understood that further enforcement action would be taken for any violation of the Division's statutes or rules not alleged in the Consent Order, whether committed before or after the execution of the Consent Order, and/or for any violation of the Consent Order. (Stipulation of Parties.)

12. Mr. Murphy understood that failure to comply with the Consent Order could be used as a basis for denial of future licenses, certificates, registration, or other applications, or for the refusal to renew the same; for the suspension, revocation, or conditioning of a license, certificate, or registration issued by the Division or other state agencies; and/or for any other reason provided for in law. (Stipulation of Parties.)

13. Mr. Murphy confirmed by signing the Consent Order that he read and fully understood the terms of the Consent Order, freely and voluntarily consented to the entry of the Consent Order without any force or duress, and expressly waived all rights to a hearing or judicial review of the matter. (Stipulation of Parties.)

² On or about March 16, 2021, Mr. Murphy paid the \$1,250 civil penalty. (Stipulation of Parties.)

9th Place Property

14. In or about February 2021, Mr. Grubbs, acting on behalf of Murphy Family Electric, installed a new electrical panel and new GFCI outlets at a residence located at 9048 SW 9th Place in Portland, Oregon (9th Place property). (Stipulation of Parties.)

15. On or about January 28, 2021, Murphy Family Electric emailed Celine Lowney, homeowner of the 9th Place property, confirming that Mr. Grubbs was the electrician assigned to install an electrical panel on February 3, 2021, at the 9th Place property. (Stipulation of Parties; Ex. A7 at 12-13.)

16. On or about January 28, 2021, Murphy Family Electric emailed Ms. Lowney a receipt in the amount of \$203.50 for a service call and travel time. (Stipulation of Parties; Ex. A7 at 4-5.)

17. On or about February 3, 2021, Murphy Family Electric emailed Ms. Lowney a receipt in the amount of \$1,395 for homeowner's panel replacement. (Stipulation of Parties; Ex. A7 at 10-11.)

18. On or about February 12, 2021,³ Murphy Family Electric emailed Ms. Lowney a receipt in the amount of \$1,174.70 for an electrician for a day deal, travel time, van parts, tools, inventory fee, plastic outlet box, GFCI x 4, duplex receptacle/outlet x 2, and weatherproof bubble cover. (Stipulation of Parties; Ex. A7 at 7-8.)

19. In an interview with Division investigator, Phillip Padilla, Ms. Lowney confirmed that Mr. Grubbs was the only person working for Murphy Family Electric who performed electrical installations at the 9th Place property. (Stipulation of Parties.)

20. On or about April 8, 2022, Mr. Murphy obtained permit number 2022-130578-000-00-ET for the work Murphy Family Electric performed in February 2021 at the 9th Place property. (Stipulation of Parties.)

SE 70th Avenue Property

21. In or about June 2021, Mr. Grubbs, acting on behalf of Murphy Family Electric, installed the final wiring to connect a hot tub to power, replaced the interior circuit breaker box, installed a new service line mast on the roof, placed an external meter box from the main service line, and installed electrical wire from the meter in conduit to the rear of house at a residence located at 2506 SE 70th Avenue in Portland, Oregon (70th Avenue property). (Stipulation of Parties.)

Concord Avenue Property

22. In or about August 2021, Mr. Grubbs, acting on behalf of Murphy Family Electric,

³ The finding of fact in the Notice included a typographical error of 2012 rather than 2021. The ALJ made the correction in this finding based on Exhibit A7 at 7.

installed outlets, switches, new nonmetallic cable, and hardwired smoke detectors at a residence located at 4935 N. Concord Avenue in Portland, Oregon (Concord Avenue property.)

23. On or about August 18, 2021, Murphy Family Electric emailed Michael Meerschaert, homeowner of the Concord Avenue property, confirming that Mr. Grubbs would be his electrician for a day on August 25, 2021. (Stipulation of Parties; Ex. A6 at 4-5.)

24. On or about August 25, 2021, Murphy Family Electric emailed Mr. Meerschaert, confirming that Mr. Grubbs would be his electrician for a day on September 9, 2021. (Stipulation of Parties; Ex. A6 at 6-7.)

25. On or about August 25, 2021, Murphy Family Electric emailed Mr. Meerschaert a receipt (invoice number 000231) in the amount of \$1,528.50 for an electrician for a day deal, travel time, fleet fee, van parts, tools, inventory fee, a plastic outlet box, 12-2 150' (Romex wire), and 12-2 50' (Romex wire). (Stipulation of Parties; Ex. A6 at 67-68.)

26. On or about September 9, 2021, Murphy Family Electric emailed Mr. Meerschaert a receipt (invoice number 000244) in the amount of \$1,255.70 for an electrician for a day deal, a regular service call with 30 minutes of labor, van parts, tools, inventory fee, a plastic outlet box, 12-2 75', 12-2 50', and a single pole amp breaker. (Stipulation of Parties; Ex. A6 at 73-74.)

27. On or about September 10, 2021, Murphy Family Electric emailed Mr. Meerschaert, confirming that Mr. Grubbs would be his electrician for a half-day on September 13, 2021. (Stipulation of Parties; Ex. A6 at 8-9.)

28. On or about September 13, 2021, Murphy Family Electric emailed Mr. Meerschaert a receipt (invoice number 000249) in the amount of \$386 for use of license and city fees. (Stipulation of Parties; Ex. A6 at 69-70.)

29. On or about September 13, 2021, Murphy Family Electric emailed Mr. Meerschaert a receipt (invoice number 000250) in the amount of \$846.85 for travel time, fleet fee, van parts, tools, inventory fee, electrician half-day, 14-2 35', 14-2 25', and plastic outlet box x 3. (Stipulation of Parties; Ex. A6 at 71-72.)

30. On or about September 14, 2021, Mr. Meerschaert sent Mr. Murphy a text message, asking whether there was "[a]ny word on the inspection." (Stipulation of Parties.) Mr. Murphy replied, "Yeah the inspector call [*sic*] this morning and he said that we don't have the right type of permit..." (*Id.*) Mr. Murphy further explained that he was working to resolve the permitting issues so the inspection could take place. (*Id.*)

31. On or about September 15, 2021, Murphy Family Electric emailed Mr. Meerschaert an invoice (invoice number 034450) in the amount of \$698.50 for an electrician for a half-day, travel time, fleet fee, van parts, tools, and inventory fee. (Stipulation of Parties; Ex. A6 at 75-76.)

32. On or about September 15, 2021, Mr. Murphy sent Mr. Meerschaert an electrical

permit application from the City of Portland and asked him via text message to sign a section of the permit that declared Mr. Meerschaert was the homeowner who was responsible for performing the electrical installations and that the Concord Avenue property was not intended for sale, lease, rent, or exchange. Mr. Meerschaert pointed out the declaration language on the application to Mr. Murphy and informed Mr. Murphy that he did not perform the electrical installations and that he intended to rent the property. Mr. Murphy replied via text message, “Oh I see... small print.” (Stipulation of Parties; Ex. A6 at 15.)

33. On or about September 15, 2021, Mr. Murphy asked Mr. Meerschaert via text message to tell the inspector that Curtis Stone, a licensed journeyman electrician, performed the electrical installations at the Concord Avenue property. In reply, Mr. Meerschaert stated that he did not know Mr. Grubbs was not licensed and that he had already told the inspector that Mr. Grubbs performed the electrical installations. (Stipulation of Parties; Ex. A6 at 15-16.) Mr. Murphy replied, “It’s ok we can say Stan helped.” (Ex. A6 at 16; Stipulation of Parties.) Mr. Murphy stated that Mr. Grubbs was about to take his journeyman’s test and works under Mr. Murphy’s license. Mr. Murphy again stated, “We need to tell the inspector Curtis [Stone] is our licensed tech on the job.” (*Id.*)

Sanctions

34. The Division has adopted a penalty matrix for determining the appropriate civil penalty for violations of the electrical code. (Ex A12; test. of Hier.) The penalty matrix provides:

The entire penalty is imposed in all cases. * * *. A stay of some portion of a penalty is within the sole discretion of the board or the division acting on the board’s behalf for purposes of settling cases prior to hearing.

(Ex. A12 at 1.)

35. The penalty matrix includes the following standard civil penalties for violators who have one prior violation within five years:

- \$4,000 for a supervising electrician failing to perform the duties of a supervisor under OAR 918-282-0140;
- \$2,500 for allowing an unlicensed individual to perform specialty work;
- \$2,000 for violations of permit requirements;

(Ex. A12 at 1-2; test. of Hier.)

CONCLUSIONS OF LAW

1. Mr. Murphy violated OAR 918-282-0120(1) by allowing an individual to perform electrical work, for which the individual was not properly licensed.

2. Mr. Murphy violated OAR 918-282-0140(2)(f) by permitting, either by assent or by failure to prevent, an individual to perform electrical work, for which the individual was not properly licensed.

3. Mr. Murphy violated ORS 479.550(1) by obtaining an electrical permit approximately one year after a new electrical panel and new GFCI outlets were installed at the 9th Place property.

4. Mr. Murphy violated the terms of a 2021 final order issued by the Board.

5. Mr. Murphy should pay a total civil penalty of \$21,500 for violations of OAR 918-282-0120(1), OAR 918-282-0140(2)(f), and ORS 479.550(1).

6. Mr. Murphy's suspended civil penalty of \$2,750 should be reinstated.

7. Mr. Murphy's electrical contractor's license should be suspended for two years.

8. Mr. Murphy's general supervising electrician license should be suspended for two years.

OPINION

The Division bears the burden of establishing by a preponderance of the evidence that the alleged violations occurred and that the proposed sanctions (*i.e.*, the civil penalties and two-year license suspensions) are warranted. *See* ORS 183.450(2) ("The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position"); *Harris v. SAIF*, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of a fact or position); *Dixon v. Board of Nursing*, 291 Or App 207, 213 (2018) (preponderance standard of proof generally applies in agency proceedings).

Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

Violations of OAR 918-282-0120(1)

ORS 479.620 provides, in part:

Subject to ORS 479.540, a person may not:

* * * * *

(3) Except as provided in subsection (5) of this section, make any electrical installation without a supervising or journeyman electrician's license.

* * * * *

(5) Make any electrical installation on a single or multifamily dwelling unit not exceeding three floors above grade, as provided in ORS 479.630 (14), without a limited residential electrician's license.

ORS 479.530 provides, in part:

(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. "Electrical installation" also means the maintenance or repair of installed electrical wiring and permanently attached electrical products. "Electrical installation" does not include an oil module.

(11) "Electrical product" means any electrical equipment, material, device or apparatus that, except as provided in ORS 479.540, requires a license or permit to install and either conveys or is operated by electrical current.

The parties do not dispute that Mr. Grubbs performed electrical work at the 9th Place, 70th Avenue, and Concord Avenue properties, for which he was not properly licensed. The Division contends that Mr. Murphy allowed Mr. Grubbs to perform the electrical work at issue, and therefore, Mr. Murphy violated OAR 918-282-0120(1). Division Closing Argument at 5-6.

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.

Mr. Murphy contends that, in order to establish a violation of OAR 918-282-0120(1), the Division must prove that he "had awareness or knowledge that Mr. Grubbs was unlicensed and then acted with that knowledge." Murphy Closing Argument at 2. The Division disputes that it must prove that Mr. Murphy had knowledge of Mr. Grubbs' licensure status to prove a violation of the rule. Reply at 1.

To properly construe the meaning of OAR 918-282-0120(1), it is necessary to consider the analytical approach set forth in *PGE v. Bureau of Labor and Industries*, 317 Or 606 (1993) and *State v. Gaines*, 346 Or 160 (2009); *see also Tye v. McFetridge*, 342 Or 61, 69 (2006) (PGE analysis is applicable to administrative rule analysis). In *PGE*, the Oregon Supreme Court explained that to determine legislative intent, a court begins by examining a statute's text, and its statutory context, giving words of common usage their plain, natural, and ordinary meaning. If the legislative intent is unambiguous, the court stops at that first level of analysis. *PGE*, 317 Or at 610-11. Words of common usage, such as "allow," are typically given their "plain, natural, and ordinary meaning." *See Dept. of Consumer & Business Services v. Muliro*, 359 Or 736, 745-46 (2016) (citing *PGE*, 317 Or at 611).

The rule does not specify a culpable mental state. It is therefore necessary to determine the meaning of “allow.”

Here, the most relevant dictionary definition of “allow” is as follows:

4: PERMIT <a pipe to ~ the heated air to escape> <occasional gaps ~ passage through the mountains> <pulled to the side to ~ us to pass>: **a:** to permit by way of concession <no smoking ~ed> <he ~s himself many luxuries> <children too young to be ~ed out at night> **b:** to permit by neglecting to restrain or prevent <~ a garden to become overgrown with weeds> <conditions which should never have been ~ed to develop>[.]

See Webster’s Third New Int’l Dictionary 58 (unabridged ed 2002).

Given the above definition, it is reasonable to interpret the term “allow” in OAR 918-282-0120(1) as “to permit,” either “by way of concession,” or “by neglecting to restrain or prevent.” The meaning of “allow” does not specify a culpable mental state. Accordingly, the omission of a mental state in the rule demonstrates the Board’s intent to not require a culpable mental state. *See Topaz v. Oregon Board of Examiners for Engineering*, 255 Or App 138, 146 (2013) (“the legislature’s failure to include a clear reference to a mental state” in statute demonstrated intent not to require a culpable mental state).⁴

The record establishes that Mr. Grubbs made electrical installations at the 9th Place, 70th Avenue, and Concord Avenue properties on behalf of Murphy Family Electric. Accordingly, Mr. Murphy committed three violations of OAR 918-282-0120(1) by allowing an unlicensed individual to perform electrical work.

Violations of OAR 918-282-0140(2)(f)

The Division alleges that Mr. Murphy violated OAR 918-282-0140(2) by permitting, either by assent or by failure to prevent, Mr. Grubbs to perform work for which he was not properly licensed at the 9th Place, 70th Avenue, and Concord Avenue properties.

OAR 918-282-0140(2) provides, in pertinent part:

The general signing supervising electrician must:

* * * * *

⁴ Regardless, the evidence in the record establishes that Mr. Murphy was aware Mr. Grubbs was not licensed in Oregon when Mr. Grubbs performed work for Murphy Family Electric. For instance, in a text message exchange with Mr. Meerschaert in September 2021, Mr. Murphy stated, “Stan [Grubbs] is about to take his journeyman’s test and works under my license.” Exhibit A6 at 16. Additionally, during Mr. Murphy’s interview with the Division’s investigator, Mr. Murphy stated that he believed Mr. Grubbs was licensed in California but did not claim to believe Mr. Grubbs was licensed in Oregon. Exhibit A18.

(f) Ensure electricians have proper licenses for the work performed, and may not permit either by assent or by failure to prevent, an individual to perform work for which they are not properly licensed[.]

Mr. Murphy contends that OAR 918-282-0140(2)(f) does not apply to this matter because the rule requires general signing supervising electricians to ensure that *electricians* have proper licenses for the work performed and Mr. Grubbs was not a licensed electrician. Murphy Closing Argument at 6. The Division contends that Mr. Murphy failed to examine the rule in its entirety. Reply at 3.

The Division's allegations against Mr. Murphy involve the portion of OAR 918-282-0140(2)(f) that prohibits general signing supervising electricians from permitting *individuals* to perform work for which they are not properly licensed. *See* Notice at 12-13. The evidence in the record establishes that Mr. Murphy permitted Mr. Grubbs to perform electrical work for which he was not licensed at the 9th Place, 70th Avenue, and Concord Avenue properties. Accordingly, the Division established that Mr. Murphy committed three violations of OAR 918-282-0140(2)(f).

Violation of ORS 479.550(1)

The Division alleges that Mr. Murphy violated ORS 479.550(1) by obtaining an electrical permit approximately one year after Murphy Family Electric installed a new electrical panel and new GFCI outlets at the 9th Place property. The work performed qualifies as electrical installations pursuant to ORS 479.530(10).

ORS 479.550(1) provides, in part:

Except as provided in ORS 479.540, no person shall work on any new electrical installation for which a permit has not been issued.

Mr. Murphy contends that ORS 479.550(1) “requires an element of knowledge” and that he did not know about the work at the 9th Place property at the time it was performed. Murphy Closing Argument at 7. The Division argues that once Murphy Family Electric sent the appointment for the panel replacement at the 9th Place property, Mr. Murphy was required to obtain a permit. Reply at 4.

The plain language of ORS 479.550(1) does not include a mental state, which demonstrates the legislature's intent to not require a culpable mental state. *See Topaz*, 255 Or App 138, 146 (2013). Regardless, Mr. Murphy would have received an email notification of the appointment made by Ms. Lowney, which specified the type of work to be performed, and of the receipts for the work performed by Murphy Family Electric. *See* Exhibit A7 at 7-8, 10-13. Furthermore, as the general signing supervisor for Murphy Family Electric, Mr. Murphy had the responsibility to direct, supervise, make, or control “the making of electrical installations.” OAR 918-282-0140(1)(b). Additionally, he was required to “[s]ign all permits[.]” OAR 918-282-0140(2)(a). Accordingly, it was his responsibility to be aware of electrical installations made by Murphy Family Electric and to sign all permits needed for that work.

Mr. Murphy obtained a permit for the electrical installations made at the 9th Place property more than one year after Murphy Family Electric performed the work. Accordingly, the Division established that Mr. Murphy violated ORS 479.550(1).

Violation of Final Order

The Division contends that Mr. Murphy violated the terms of the 2021 final order issued by the Board.

ORS 455.450 provides, in pertinent part:

A person may not:

(1) Violate, or procure or assist in the violation of, any final order of the Director of the Department of Consumer and Business Services, an advisory board, a state administrative officer or any local appeals board, building official or inspector, concerning the application of the state building code in a particular case or concerning a license, certificate, registration or other authorization.

The Board issued the Consent Order on January 28, 2021, and the 2021 final order was fully executed on February 18, 2021. The 2021 final order provides that if Mr. Murphy commits further violations of the Division's statutes or rules within the five-year period after the Consent Order became final, the entire civil penalty, including the suspended amount of \$2,750, would become due and payable.

At the 9th Place property, Mr. Murphy's violations of ORS 479.550(1), OAR 918-282-0120(1), and OAR 918-282-0140(2)(f) occurred prior to February 18, 2021. Therefore, Mr. Murphy did not violate the 2021 final order with respect to those violations.

The Division established that Mr. Murphy violated OAR 918-282-0120(1) and OAR 918-282-0140(2)(f) at the 70th Avenue and Concord Avenue properties in June 2021 and August/September 2021, respectively. Those violations occurred within the five-year period after the Consent Order became final; therefore, Mr. Murphy violated the terms of the 2021 final order.

Civil Penalties for Violations

ORS 455.895(1)(b) states that "[t]he Electrical and Elevator Board may impose a civil penalty against a person as provided under ORS 479.995." ORS 479.995 provides:

The Electrical and Elevator Board may impose a civil penalty for a violation of ORS 479.510 to 479.945 or rules adopted for the administration or enforcement of ORS 479.510 to 479.945 and this

section. The board shall impose a civil penalty authorized by this section as provided in ORS 455.895.

OAR 918-001-0036 is titled, “Guidelines for Civil Penalties,” and provides, in part:

(1) Scope and Authority. This rule sets guidelines for assessing a civil penalty under ORS 446.995 & 455.895.

(2) Definitions. For the purposes of this rule:

* * * * *

(c) “Pattern of violation” means two or more prior violations during a five-year period of any provision of ORS Chapter 446, 447, 455, 460, 479, 480, or 693, or the state building code as defined in 455.010, whether or not a penalty was assessed. A pattern of violation is calculated within a five-year period from the date of the latest violation.

* * * * *

(4) Civil penalties may be assessed by a board, the Director, or a board’s designee acting as agent for a board. A board or the Director may take into account any appropriate factors, including previous directives, in determining the penalty amount or conditions within an order. The statutorily defined maximum penalty may only be assessed upon a finding of a pattern of violation.

(5) Civil penalties may be assessed in addition to, or in lieu of, the conditioning, suspension, or revocation of a license, certificate of competency, or similar authority issued by the Director.

(6) The Director may, subject to approval of a board, develop a penalty matrix for the board’s use to promote equity and uniformity in proposing the amount and terms of civil penalties and conditions under which the penalties may be modified based on the circumstances in individual cases.

In the 2021 final order, the Board found that Mr. Murphy violated ORS 479.620(1) and ORS 479.550(1) in March and May 2020. Because those violations occurred within five years of the violations in this matter, the Division established that Mr. Murphy engaged in a pattern of violation pursuant to OAR 918-001-0036(2)(c). Mr. Murphy is therefore subject to increased civil penalties according to the Division’s penalty matrix. *See* Exhibit A12.

The Division established that Mr. Murphy committed three violations of OAR 918-282-0120(1). The standard civil penalty for unlicensed activities violations, based on the increased civil penalty for having a prior violation with five years, is \$2,500. Exhibit A12 at 1.

Accordingly, Mr. Murphy should pay a total civil penalty of \$7,500 (\$2,500 x 3) for violations of OAR 918-282-0120(1).

The Division established that Mr. Murphy committed three violations of OAR 918-282-0140(2)(f). The standard civil penalty for supervisor violations, based on the increased civil penalty for having a prior violation with five years, is \$4,000. Exhibit A12 at 2. Accordingly, Mr. Murphy should pay a total civil penalty of \$12,000 (\$4,000 x 3) for violations of OAR 918-282-0140(2)(f).

Finally, the Division established that Mr. Murphy violated ORS 479.550(1) on one occasion. The standard civil penalty for permit violations, based on the increased civil penalty for having a prior violation with five years, is \$2,000. Accordingly, Mr. Murphy should pay a civil penalty of \$2,000 for a violation of ORS 479.550(1).

In sum, the Division established that a total civil penalty of \$21,500 (\$12,000 + \$7,500 + \$2,000) is appropriate.

Reinstatement of \$2,750 Civil Penalty

The Division seeks the reinstatement of Mr. Murphy's suspended civil penalty of \$2,750. OAR 918-001-0036 provides, in part:

(2) Definitions. For the purposes of this rule:

* * * * *

(b) A "directive" includes, but is not limited to, a * * * order, consent decree or settlement agreement * * *.

(4) Civil penalties may be assessed by a board, the Director, or a board's designee acting as agent for a board. A board or the Director may take into account any appropriate factors, including previous directives, in determining the penalty amount or conditions within an order[.]

As previously discussed, Mr. Murphy violated the terms of the 2021 final order by committing violations of the Division's statutes and rules within five years of the Consent Order becoming final. Pursuant to the terms of the Board's 2021 final order, the previously suspended civil penalty of \$2,750 should be reinstated.

License Suspensions

The Division proposes two-year suspensions of Mr. Murphy's electrical contractor's license and general supervising electrician license pursuant to ORS 455.129(2)(a), (b), (d), and (3)(b).

ORS 455.129 provides, in part:

(2) Subject to ORS chapter 183, a regulatory body listed in subsection (3) of this section may deny a license, certificate, registration or application or may suspend, revoke, condition or refuse to renew a license, certificate or registration if the regulatory body finds that the licensee, certificate holder, registrant or applicant:

(a) Has failed to comply with the laws administered by the regulatory body or with the rules adopted by the regulatory body.

(b) Has failed to comply with an order of the regulatory body or the Director of the Department of Consumer and Business Services, including but not limited to the failure to pay a civil penalty.

* * * * *

(d) Has performed work without appropriate licensing, certification or registration or has employed individuals to perform work without appropriate licensing, certification or registration.

* * * * *

(3) Subsection (2) of this section applies to:

* * * * *

(b) The Electrical and Elevator Board for purposes of licenses issued under ORS 479.510 to 479.945.

The Division established that Mr. Murphy failed to comply with the laws administered by the Board and with the rules adopted by the Board, failed to comply with the 2021 final order, and employed an individual to perform work without appropriate licensing. As a result, the Division may suspend Mr. Murphy's electrical contractor's license and general supervising electrician license pursuant to ORS 455.129(2)(a), (b), and (d).

The Division seeks two-year suspensions of Mr. Murphy's licenses due to aggravating circumstances surrounding the violations. *See* Division Closing Argument at 8-9. For the following reasons, I agree. First, Mr. Murphy previously committed violations involving lack of licensure and failure to obtain a permit in 2020, as established by the 2021 final. His violations in this matter occurred shortly after he signed the Consent Order in January 2021, which demonstrates his disregard for the requirements under the applicable statutes and rules. Second, Mr. Murphy attempted to deceive the City of Portland inspectors by asking a homeowner, Mr. Meerschaert, to falsely inform the inspector that a licensed journeyman electrician performed the electrical installations at the Concord Avenue property. Finally, multiple violations in this matter involve an unlicensed individual performing electrical work on behalf of Murphy Family

Electric at three properties in Oregon. Pursuant to ORS 479.520, “the purpose of the Electrical Safety Law is to protect the health and safety of the people of Oregon[.]” By allowing an unlicensed individual to perform electrical work for Murphy Family Electric’s customers, Mr. Murphy disregarded the legislature’s intent “[t]o assure the public that persons making electrical installations in this state are qualified by experience and training.” ORS 479.520(2). At the hearing, Mr. Murphy failed to show any contrition regarding the violations and instead blamed his predicament on onerous licensing requirements in Oregon, a difficult permitting process in Portland, Oregon, and harassment by inspectors. Testimony of Murphy. Given these aggravating circumstances, the Division established that two-year suspensions of Mr. Murphy’s licenses are appropriate.

ORDER

I propose the Building Codes Division issue the following order:

Sean Murphy is liable to pay a total civil penalty of \$21,500 for violations of OAR 918-282-0120(1), OAR 918-282-0140(2)(f), and ORS 479.550(1).

Sean Murphy’s suspended civil penalty of \$2,750, from the 2021 final order in case number C2020-0114, is reinstated.

Sean Murphy’s electrical contractor’s license number C1554 is suspended for two years, commencing on the date of entry of a final order in this matter.

Sean Murphy’s general supervising electrician license number 6519S is suspended for two years, commencing on the date of entry of a final order in this matter.

Elizabeth Jarry

Senior 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
PO Box 14470
Salem, OR 97309-0404

SERVICEMEMBERS' CIVIL RELIEF ACT

Unless otherwise stated in this order, the Office of Administrative Hearings has no reason to believe that a party to this proceeding is subject to the Servicemembers' Civil Relief Act (SCRA). If a party to this proceeding is a servicemember who did not appear for the hearing, within the servicemember's period of service, or 90 days after their termination of service, that party should immediately contact the agency to address any rights they may have under the SCRA.

CERTIFICATE OF MAILING

On September 5, 2023, I mailed the foregoing PROPOSED ORDER issued on this date in OAH Case No. 2023-ABC-05780.

By: Electronic Mail

Sean Murphy
DBA Murphy Family Electric, Assumed Business Name

[REDACTED]

[REDACTED]

Email: [REDACTED]

Megan Daniels, Attorney at Law
Lake Oswego Family Law
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By: Electronic Mail

Julia Hier, Agency Representative
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Kelly K Routt, Assistant Attorney General
Department of Justice
1162 Court St NE
Salem OR 97301

Sherry Fox Hames
Hearing Coordinator

IN THE MATTER OF:) **FINAL PROPOSED ORDER**
)
SEAN MURPHY,) OAH Case No. 2023-ABC-05780
DBA MURPHY FAMILY ELECTRIC) Agency Case No. C2021-0174

On November 9, 2022, the Electrical and Elevator Board of the Building Codes Division (**hereinafter referred to as “Division” or “Board”**) issued a Notice of Proposed Assessment of Civil Penalties; Notice of Proposed Reinstatement of Previously Suspended Civil Penalties; Notice of Proposed Suspension of Electrical Contractor License Number C1554; Notice of Proposed Suspension of General Supervising Electrician License Number 6519S; Notice of Final Order on Default (Notice) to Sean Murphy, dba Murphy Family Electric. On December 5, 2022, Mr. Murphy requested a hearing.

On March 2, 2023, ALJ Jarry held a prehearing conference by telephone. Mr. Murphy appeared without counsel. Assistant Attorney General Jacob Gill represented the Division, and Julia Hier and Michael Mayorga-Hamilton appeared on behalf of the Division. By email after the prehearing conference, ALJ Jarry set a hearing for July 20 and 21, 2023, and set filing deadlines for the submission of witness lists and exhibits.

On June 28, 2023, Attorney Megan Daniels filed a Notice of Representation on behalf of Mr. Murphy and requested an extension of the exhibit submission deadline. Also on June 28, 2023, ALJ Jarry granted the unopposed request.

ALJ Jarry convened a videoconference hearing on July 20, 2023. Ms. Daniels

represented Mr. Murphy, who appeared and testified. Ms. Routt represented the Division, and Mr. Mayorga-Hamilton appeared for the Division. The following witnesses testified on behalf of the Division: Jack Maynard, Senior Electrical Inspector for the City of Portland; Bill Schley, homeowner; Celine Lowney, homeowner; Brian Crise, Division Electrical Program Chief; Julia Hier, Division Enforcement Manager; and Curtis Stone, electrician. At the conclusion of the hearing, ALJ Jarry set a deadline of August 3, 2023, for submission of written closing arguments.

On August 3, 2023, the Division filed its Closing Argument. On August 4, 2023, Mr. Murphy filed his Closing Argument, which included stipulations to findings of fact 1 through 8 in the Notice. Also on August 4, 2023, the Division filed an objection to Mr. Murphy's late submission of his Closing Argument. On August 7, 2023, ALJ Jarry admitted Mr. Murphy's Closing Argument into the record and provided the Division with the opportunity to file a reply brief and to respond to Mr. Murphy's stipulations. On August 8, 2023, the Division agreed to Mr. Murphy's stipulations.¹ The record closed on August 14, 2023, after receipt of the Division's Reply Brief (Reply).

On September 5, 2023, ALJ Jarry issued a Proposed Order. Mr. Murphy was given an opportunity to file exceptions within 20 calendar days from the date of service of the Proposed Order. Mr. Murphy timely filed a response to the Proposed Order with the ALJ and BCD's counsel, which the Division has accepted as written exceptions. At its meeting on September 28, 2023, the Board considered Mr. Murphy's exceptions and found them to be without merit.²

ISSUES

1. Whether Mr. Murphy violated OAR 918-282-0120(1) by allowing an individual to perform electrical work, for which the individual was not properly licensed.
2. Whether Mr. Murphy violated OAR 918-282-0140(2)(f) by permitting, either by assent or by failure to prevent, an individual to perform electrical work, for which the individual was not properly licensed.
3. Whether Mr. Murphy violated ORS 479.550(1) by obtaining an electrical permit approximately one year after a new electrical panel and new GFCI outlets were installed at the 9th Place property.
4. Whether Mr. Murphy violated the terms of a 2021 final order issued by the Board. ORS 455.450(1).

¹ The stipulated findings of fact are incorporated into the Findings of Fact below with one minor typographical correction, which is noted, and minor changes to wording that do not affect the substance of the findings.

² **In Mr. Murphy's response, he claimed the ALJ made determinations that were not supported by the record and misapplied the law. The Board finds these exceptions to be without merit for, among other reasons, that Mr. Murphy stipulated to all but one of the Findings of Fact in the Notice, and the ALJ based her conclusions upon those stipulated facts.**

5. Whether Mr. Murphy should pay a total civil penalty of \$21,500 for violations of OAR 918-282-0120(1), OAR 918-282-0140(2)(f), and ORS 479.550(1). ORS 455.895(1)(b) and OAR 918-001-0036.

6. Whether Mr. Murphy's suspended civil penalty of \$2,750 should be reinstated. ORS 455.450 and OAR 918-001-0036(4).

7. Whether Mr. Murphy's electrical contractor's license should be suspended for two years. ORS 455.129(2)(a), (b), (d), and (3)(b).

8. Whether Mr. Murphy's general supervising electrician license should be suspended for two years. ORS 455.129(2)(a), (b), (d), and (3)(b).

EVIDENTIARY RULINGS

Exhibits A1 through A5 and A7 through A24, offered by the Division, were admitted into the record without objection. Exhibit A6, offered by the Division, was admitted into the record over Mr. Murphy's objection.

FINDINGS OF FACT

Background

1. At all relevant times, Mr. Murphy held Construction Contractors Board number 231590. (Stipulation of Parties; Ex. A1 at 1.)

2. At all relevant times, Mr. Murphy held electrical contractor's license number C1554. (Stipulation of Parties; Ex. A1 at 3.)

3. At all relevant times, Mr. Murphy held general supervising electrician license number 6519S. (Stipulation of Parties; Ex. A1 at 2.)

4. On or about July 6, 2020, Mr. Murphy registered with the Oregon Secretary of State under an assumed business name, Murphy Family Electric. (Stipulation of Parties; Ex. A1 at 4.)

5. At all relevant times, Mr. Murphy was registered with the Division as the general supervising electrician for Murphy Family Electric. (Stipulation of Parties.)

6. At all relevant times, Stan Grubbs worked for Murphy Family Electric as an electrician. Mr. Grubbs did not hold a valid Oregon supervising electrician license, journeyman electrician license, or limited residential electrician license. (Stipulation of Parties.)

7. Mr. Murphy resides primarily in Virginia and Tennessee and spends some time in Oregon. He operates the business using Square, a booking and payment application. When customers book services, he receives emails that include the terms of the appointments and the pricing. (Test. of Murphy.)

2021 Final Order

8. On or about January 28, 2021, the Board issued a Consent Order, incorporated as a final order (2021 final order) in Division case C2020-0114, against Mr. Murphy, which Mr. Murphy had signed on or about January 24, 2021. The fully executed final order was mailed to Mr. Murphy on or about February 18, 2021. (Stipulation of Parties; Ex. A5.)

9. In the 2021 final order, the Board assessed Mr. Murphy \$4,000 in total civil penalties for performing electrical installations without an electrical contractor's license in violation of ORS 479.620(1) and for failing to obtain a valid electrical permit or minor label in violation of ORS 479.550(1). (Stipulation of Parties.) The violations occurred in March and May 2020. (Ex. A5 at 1-2.)

10. In the 2021 final order, Mr. Murphy consented to, and the Board ordered, the following disposition of the civil penalties:

- \$1,250 of the civil penalty was due and payable in 10 monthly payments that must be received no later than the 25th day of each month in the amount of \$125 per month. Mr. Murphy's first payment shall be received no later than the 25th day of the month following the month in which the Consent Order becomes a final order.³
- \$2,750 of the total civil penalty was suspended for a period of five years if Mr. Murphy complied with all other terms of this Consent Order.
- Mr. Murphy understood the suspended civil penalty (\$2,750) was to be considered satisfied five years after the Consent Order became a final order, provided Mr. Murphy complies with its terms and does not commit any further violations of the Division's statutes and rules within that five-year period. Mr. Murphy understood and agreed that upon a showing that he had not complied with the terms of this Consent Order or that he committed further violations of the Division's statutes or rules within the five-year period, the entire civil penalty, including the suspended amount, would become due and payable. Failure to comply with the Consent Order included, but was not limited to, failure to pay the civil penalty amount due by the due date.

(Stipulation of Parties.)

11. Mr. Murphy understood that further enforcement action would be taken for any violation of the Division's statutes or rules not alleged in the Consent Order, whether committed before or after the execution of the Consent Order, and/or for any violation of the Consent Order. (Stipulation of Parties.)

12. Mr. Murphy understood that failure to comply with the Consent Order could be used as a basis for denial of future licenses, certificates, registration, or other applications, or for the refusal to renew the same; for the suspension, revocation, or conditioning of a license, certificate,

³ On or about March 16, 2021, Mr. Murphy paid the \$1,250 civil penalty. (Stipulation of Parties.)

or registration issued by the Division or other state agencies; and/or for any other reason provided for in law. (Stipulation of Parties.)

13. Mr. Murphy confirmed by signing the Consent Order that he read and fully understood the terms of the Consent Order, freely and voluntarily consented to the entry of the Consent Order without any force or duress, and expressly waived all rights to a hearing or judicial review of the matter. (Stipulation of Parties.)

9th Place Property

14. In or about February 2021, Mr. Grubbs, acting on behalf of Murphy Family Electric, installed a new electrical panel and new GFCI outlets at a residence located at 9048 SW 9th Place in Portland, Oregon (9th Place property). (Stipulation of Parties.)

15. On or about January 28, 2021, Murphy Family Electric emailed Celine Lowney, homeowner of the 9th Place property, confirming that Mr. Grubbs was the electrician assigned to install an electrical panel on February 3, 2021, at the 9th Place property. (Stipulation of Parties; Ex. A7 at 12-13.)

16. On or about January 28, 2021, Murphy Family Electric emailed Ms. Lowney a receipt in the amount of \$203.50 for a service call and travel time. (Stipulation of Parties; Ex. A7 at 4-5.)

17. On or about February 3, 2021, Murphy Family Electric emailed Ms. Lowney a receipt in the amount of \$1,395 for homeowner's panel replacement. (Stipulation of Parties; Ex. A7 at 10-11.)

18. On or about February 12, 2021,⁴ Murphy Family Electric emailed Ms. Lowney a receipt in the amount of \$1,174.70 for an electrician for a day deal, travel time, van parts, tools, inventory fee, plastic outlet box, GFCI x 4, duplex receptacle/outlet x 2, and weatherproof bubble cover. (Stipulation of Parties; Ex. A7 at 7-8.)

19. In an interview with Division investigator, Phillip Padilla, Ms. Lowney confirmed that Mr. Grubbs was the only person working for Murphy Family Electric who performed electrical installations at the 9th Place property. (Stipulation of Parties.)

20. On or about April 8, 2022, Mr. Murphy obtained permit number 2022-130578-000-00-ET for the work Murphy Family Electric performed in February 2021 at the 9th Place property. (Stipulation of Parties.)

SE 70th Avenue Property

21. In or about June 2021, Mr. Grubbs, acting on behalf of Murphy Family Electric, installed the final wiring to connect a hot tub to power, replaced the interior circuit breaker box,

⁴ The finding of fact in the Notice included a typographical error of 2012 rather than 2021. The ALJ made the correction in this finding based on Exhibit A7 at 7.

installed a new service line mast on the roof, placed an external meter box from the main service line, and installed electrical wire from the meter in conduit to the rear of house at a residence located at 2506 SE 70th Avenue in Portland, Oregon (70th Avenue property). (Stipulation of Parties.)

Concord Avenue Property

22. In or about August 2021, Mr. Grubbs, acting on behalf of Murphy Family Electric, installed outlets, switches, new nonmetallic cable, and hardwired smoke detectors at a residence located at 4935 N. Concord Avenue in Portland, Oregon (Concord Avenue property.)

23. On or about August 18, 2021, Murphy Family Electric emailed Michael Meerschaert, homeowner of the Concord Avenue property, confirming that Mr. Grubbs would be his electrician for a day on August 25, 2021. (Stipulation of Parties; Ex. A6 at 4-5.)

24. On or about August 25, 2021, Murphy Family Electric emailed Mr. Meerschaert, confirming that Mr. Grubbs would be his electrician for a day on September 9, 2021. (Stipulation of Parties; Ex. A6 at 6-7.)

25. On or about August 25, 2021, Murphy Family Electric emailed Mr. Meerschaert a receipt (invoice number 000231) in the amount of \$1,528.50 for an electrician for a day deal, travel time, fleet fee, van parts, tools, inventory fee, a plastic outlet box, 12-2 150' (Romex wire), and 12-2 50' (Romex wire). (Stipulation of Parties; Ex. A6 at 67-68.)

26. On or about September 9, 2021, Murphy Family Electric emailed Mr. Meerschaert a receipt (invoice number 000244) in the amount of \$1,255.70 for an electrician for a day deal, a regular service call with 30 minutes of labor, van parts, tools, inventory fee, a plastic outlet box, 12-2 75', 12-2 50', and a single pole amp breaker. (Stipulation of Parties; Ex. A6 at 73-74.)

27. On or about September 10, 2021, Murphy Family Electric emailed Mr. Meerschaert, confirming that Mr. Grubbs would be his electrician for a half-day on September 13, 2021. (Stipulation of Parties; Ex. A6 at 8-9.)

28. On or about September 13, 2021, Murphy Family Electric emailed Mr. Meerschaert a receipt (invoice number 000249) in the amount of \$386 for use of license and city fees. (Stipulation of Parties; Ex. A6 at 69-70.)

29. On or about September 13, 2021, Murphy Family Electric emailed Mr. Meerschaert a receipt (invoice number 000250) in the amount of \$846.85 for travel time, fleet fee, van parts, tools, inventory fee, electrician half-day, 14-2 35', 14-2 25', and plastic outlet box x 3. (Stipulation of Parties; Ex. A6 at 71-72.)

30. On or about September 14, 2021, Mr. Meerschaert sent Mr. Murphy a text message, asking whether there was "[a]ny word on the inspection." (Stipulation of Parties.) Mr. Murphy replied, "Yeah the inspector call [*sic*] this morning and he said that we don't have the right type of permit..." (*Id.*) Mr. Murphy further explained that he was working to resolve the permitting issues so the inspection could take place. (*Id.*)

31. On or about September 15, 2021, Murphy Family Electric emailed Mr. Meerschaert an invoice (invoice number 034450) in the amount of \$698.50 for an electrician for a half-day, travel time, fleet fee, van parts, tools, and inventory fee. (Stipulation of Parties; Ex. A6 at 75-76.)

32. On or about September 15, 2021, Mr. Murphy sent Mr. Meerschaert an electrical permit application from the City of Portland and asked him via text message to sign a section of the permit that declared Mr. Meerschaert was the homeowner who was responsible for performing the electrical installations and that the Concord Avenue property was not intended for sale, lease, rent, or exchange. Mr. Meerschaert pointed out the declaration language on the application to Mr. Murphy and informed Mr. Murphy that he did not perform the electrical installations and that he intended to rent the property. Mr. Murphy replied via text message, "Oh I see... small print." (Stipulation of Parties; Ex. A6 at 15.)

33. On or about September 15, 2021, Mr. Murphy asked Mr. Meerschaert via text message to tell the inspector that Curtis Stone, a licensed journeyman electrician, performed the electrical installations at the Concord Avenue property. In reply, Mr. Meerschaert stated that he did not know Mr. Grubbs was not licensed and that he had already told the inspector that Mr. Grubbs performed the electrical installations. (Stipulation of Parties; Ex. A6 at 15-16.) Mr. Murphy replied, "It's ok we can say Stan helped." (Ex. A6 at 16; Stipulation of Parties.) Mr. Murphy stated that Mr. Grubbs was about to take his journeyman's test and works under Mr. Murphy's license. Mr. Murphy again stated, "We need to tell the inspector Curtis [Stone] is our licensed tech on the job." (*Id.*)

Sanctions

34. The Division has adopted a penalty matrix for determining the appropriate civil penalty for violations of the electrical code. (Ex A12; test. of Hier.) The penalty matrix provides:

The entire penalty is imposed in all cases. * * *. A stay of some portion of a penalty is within the sole discretion of the board or the division acting on the board's behalf for purposes of settling cases prior to hearing.

(Ex. A12 at 1.)

35. The penalty matrix includes the following standard civil penalties for violators who have one prior violation within five years:

- \$4,000 for a supervising electrician failing to perform the duties of a supervisor under OAR 918-282-0140;
- \$2,500 for allowing an unlicensed individual to perform specialty work;
- \$2,000 for violations of permit requirements;

(Ex. A12 at 1-2; test. of Hier.)

CONCLUSIONS OF LAW

1. Mr. Murphy violated OAR 918-282-0120(1) by allowing an individual to perform electrical work, for which the individual was not properly licensed.
2. Mr. Murphy violated OAR 918-282-0140(2)(f) by permitting, either by assent or by failure to prevent, an individual to perform electrical work, for which the individual was not properly licensed.
3. Mr. Murphy violated ORS 479.550(1) by obtaining an electrical permit approximately one year after a new electrical panel and new GFCI outlets were installed at the 9th Place property.
4. Mr. Murphy violated the terms of a 2021 final order issued by the Board.
5. Mr. Murphy should pay a total civil penalty of \$21,500 for violations of OAR 918-282-0120(1), OAR 918-282-0140(2)(f), and ORS 479.550(1).
6. Mr. Murphy's suspended civil penalty of \$2,750 should be reinstated.
7. Mr. Murphy's electrical contractor's license should be suspended for two years.
8. Mr. Murphy's general supervising electrician license should be suspended for two years.

OPINION

The Division bears the burden of establishing by a preponderance of the evidence that the alleged violations occurred and that the proposed sanctions (*i.e.*, the civil penalties and two-year license suspensions) are warranted. *See* ORS 183.450(2) ("The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position"); *Harris v. SAIF*, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of a fact or position); *Dixon v. Board of Nursing*, 291 Or App 207, 213 (2018) (preponderance standard of proof generally applies in agency proceedings). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

Violations of OAR 918-282-0120(1)

ORS 479.620 provides, in part:

Subject to ORS 479.540, a person may not:

* * * * *

(3) Except as provided in subsection (5) of this section, make any electrical installation without a supervising or journeyman electrician's license.

* * * * *

(5) Make any electrical installation on a single or multifamily dwelling unit not exceeding three floors above grade, as provided in ORS 479.630 (14), without a limited residential electrician's license.

ORS 479.530 provides, in part:

(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. "Electrical installation" also means the maintenance or repair of installed electrical wiring and permanently attached electrical products. "Electrical installation" does not include an oil module.

(11) "Electrical product" means any electrical equipment, material, device or apparatus that, except as provided in ORS 479.540, requires a license or permit to install and either conveys or is operated by electrical current.

The parties do not dispute that Mr. Grubbs performed electrical work at the 9th Place, 70th Avenue, and Concord Avenue properties, for which he was not properly licensed. The Division contends that Mr. Murphy allowed Mr. Grubbs to perform the electrical work at issue, and therefore, Mr. Murphy violated OAR 918-282-0120(1). Division Closing Argument at 5-6.

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.

Mr. Murphy contends that, in order to establish a violation of OAR 918-282-0120(1), the Division must prove that he "had awareness or knowledge that Mr. Grubbs was unlicensed and then acted with that knowledge." Murphy Closing Argument at 2. The Division disputes that it must prove that Mr. Murphy had knowledge of Mr. Grubbs' licensure status to prove a violation of the rule. Reply at 1.

To properly construe the meaning of OAR 918-282-0120(1), it is necessary to consider the analytical approach set forth in *PGE v. Bureau of Labor and Industries*, 317 Or 606 (1993) and *State v. Gaines*, 346 Or 160 (2009); *see also Tye v. McFetridge*, 342 OR 61, 69 (2006) (PGE analysis is applicable to administrative rule analysis). In *PGE*, the Oregon Supreme Court explained that to determine legislative intent, a court begins by examining a statute's text, and its statutory context, giving words of common usage their plain, natural, and ordinary meaning. If

the legislative intent is unambiguous, the court stops at that first level of analysis. *PGE*, 317 Or at 610-11. Words of common usage, such as “allow,” are typically given their “plain, natural, and ordinary meaning.” See *Dept. of Consumer & Business Services v. Muliro*, 359 Or 736, 745-46 (2016) (citing *PGE*, 317 Or at 611).

The rule does not specify a culpable mental state. It is therefore necessary to determine the meaning of “allow.”

Here, the most relevant dictionary definition of “allow” is as follows:

4: PERMIT <a pipe to ~ the heated air to escape> <occasional gaps ~ passage through the mountains> <pulled to the side to ~ us to pass>: **a:** to permit by way of concession <no smoking ~ed> <he ~s himself many luxuries> <children too young to be ~ed out at night> **b:** to permit by neglecting to restrain or prevent <~ a garden to become overgrown with weeds> <conditions which should never have been ~ed to develop>[.]

See *Webster’s Third New Int’l Dictionary* 58 (unabridged ed 2002).

Given the above definition, it is reasonable to interpret the term “allow” in OAR 918-282-0120(1) as “to permit,” either “by way of concession,” or “by neglecting to restrain or prevent.” The meaning of “allow” does not specify a culpable mental state. Accordingly, the omission of a mental state in the rule demonstrates the Board’s intent to not require a culpable mental state. See *Topaz v. Oregon Board of Examiners for Engineering*, 255 Or App 138, 146 (2013) (“the legislature’s failure to include a clear reference to a mental state” in statute demonstrated intent not to require a culpable mental state).⁵

The record establishes that Mr. Grubbs made electrical installations at the 9th Place, 70th Avenue, and Concord Avenue properties on behalf of Murphy Family Electric. Accordingly, Mr. Murphy committed three violations of OAR 918-282-0120(1) by allowing an unlicensed individual to perform electrical work.

Violations of OAR 918-282-0140(2)(f)

The Division alleges that Mr. Murphy violated OAR 918-282-0140(2) by permitting, either by assent or by failure to prevent, Mr. Grubbs to perform work for which he was not properly licensed at the 9th Place, 70th Avenue, and Concord Avenue properties.

⁵ Regardless, the evidence in the record establishes that Mr. Murphy was aware Mr. Grubbs was not licensed in Oregon when Mr. Grubbs performed work for Murphy Family Electric. For instance, in a text message exchange with Mr. Meerschaert in September 2021, Mr. Murphy stated, “Stan [Grubbs] is about to take his journeyman’s test and works under my license.” Exhibit A6 at 16. Additionally, during Mr. Murphy’s interview with the Division’s investigator, Mr. Murphy stated that he believed Mr. Grubbs was licensed in California but did not claim to believe Mr. Grubbs was licensed in Oregon. Exhibit A18.

OAR 918-282-0140(2) provides, in pertinent part:

The general signing supervising electrician must:

* * * * *

(f) Ensure electricians have proper licenses for the work performed, and may not permit either by assent or by failure to prevent, an individual to perform work for which they are not properly licensed[.]

Mr. Murphy contends that OAR 918-282-0140(2)(f) does not apply to this matter because the rule requires general signing supervising electricians to ensure that *electricians* have proper licenses for the work performed and Mr. Grubbs was not a licensed electrician. Murphy Closing Argument at 6. The Division contends that Mr. Murphy failed to examine the rule in its entirety. Reply at 3.

The Division's allegations against Mr. Murphy involve the portion of OAR 918-282-0140(2)(f) that prohibits general signing supervising electricians from permitting *individuals* to perform work for which they are not properly licensed. *See* Notice at 12-13. The evidence in the record establishes that Mr. Murphy permitted Mr. Grubbs to perform electrical work for which he was not licensed at the 9th Place, 70th Avenue, and Concord Avenue properties. Accordingly, the Division established that Mr. Murphy committed three violations of OAR 918-282-0140(2)(f).

Violation of ORS 479.550(1)

The Division alleges that Mr. Murphy violated ORS 479.550(1) by obtaining an electrical permit approximately one year after Murphy Family Electric installed a new electrical panel and new GFCI outlets at the 9th Place property. The work performed qualifies as electrical installations pursuant to ORS 479.530(10).

ORS 479.550(1) provides, in part:

Except as provided in ORS 479.540, no person shall work on any new electrical installation for which a permit has not been issued.

Mr. Murphy contends that ORS 479.550(1) "requires an element of knowledge" and that he did not know about the work at the 9th Place property at the time it was performed. Murphy Closing Argument at 7. The Division argues that once Murphy Family Electric sent the appointment for the panel replacement at the 9th Place property, Mr. Murphy was required to obtain a permit. Reply at 4.

The plain language of ORS 479.550(1) does not include a mental state, which demonstrates the legislature's intent to not require a culpable mental state. *See Topaz*, 255 Or App 138, 146 (2013). Regardless, Mr. Murphy would have received an email notification of the appointment made by Ms. Lowney, which specified the type of work to be performed, and of the receipts for the work performed by Murphy Family Electric. *See* Exhibit A7 at 7-8, 10-13.

Furthermore, as the general signing supervisor for Murphy Family Electric, Mr. Murphy had the responsibility to direct, supervise, make, or control “the making of electrical installations.” OAR 918-282-0140(1)(b). Additionally, he was required to “[s]ign all permits[.]” OAR 918-282-0140(2)(a). Accordingly, it was his responsibility to be aware of electrical installations made by Murphy Family Electric and to sign all permits needed for that work.

Mr. Murphy obtained a permit for the electrical installations made at the 9th Place property more than one year after Murphy Family Electric performed the work. Accordingly, the Division established that Mr. Murphy violated ORS 479.550(1).

Violation of Final Order

The Division contends that Mr. Murphy violated the terms of the 2021 final order issued by the Board.

ORS 455.450 provides, in pertinent part:

A person may not:

- (1) Violate, or procure or assist in the violation of, any final order of the Director of the Department of Consumer and Business Services, an advisory board, a state administrative officer or any local appeals board, building official or inspector, concerning the application of the state building code in a particular case or concerning a license, certificate, registration or other authorization.

The Board issued the Consent Order on January 28, 2021, and the 2021 final order was fully executed on **January 28**~~February 18~~, 2021.⁶ The 2021 final order provides that if Mr. Murphy commits further violations of the Division’s statutes or rules within the five-year period after the Consent Order became final, the entire civil penalty, including the suspended amount of \$2,750, would become due and payable.

~~At the 9th Place property, Mr. Murphy’s violations of ORS 479.550(1), OAR 918-282-0120(1), and OAR 918-282-0140(2)(f) occurred prior to February 18, 2021. Therefore, Mr. Murphy did not violate the 2021 final order with respect to those violations.~~

⁶ **The Board in this Final Order has made these changes to what was proposed in the Proposed Order to correct in the Opinion the date of when the 2021 final order was executed. The 2021 final order was fully executed and issued on January 28, 2021, not February 18, 2021, as shown in Finding of Fact 8 above. This correction to the Opinion does not change the Proposed Order in a substantial manner because the effect of the modification does not change the outcome or basis or a finding of fact from that in the Proposed Order. The 2021 final order provided that any further violation of the Division’s statutes and rules within a five-year period was a violation of the 2021 final order. The proposed order found that Mr. Murphy had violated the 2021 final order at the 70th Avenue and Concord Avenue properties, either of which was a violation of the 2021 final order that supports the sanctions imposed. Thus, this change in the Opinion to correct the date when the 2021 final order was fully executed is not a substantial change and was done to accurately reflect the Finding of Fact and evidence in the record.**

The Division established that Mr. Murphy violated OAR 918-282-0120(1), ~~and~~ OAR 918-282-0140(2)(f) at the 9th Place, 70th Avenue, and Concord Avenue properties in February 2021, June 2021, and August/September 2021, respectively. Those violations occurred within the five-year period after the Consent Order became final; therefore, Mr. Murphy violated the terms of the 2021 final order.

Civil Penalties for Violations

ORS 455.895(1)(b) states that “[t]he Electrical and Elevator Board may impose a civil penalty against a person as provided under ORS 479.995.” ORS 479.995 provides:

The Electrical and Elevator Board may impose a civil penalty for a violation of ORS 479.510 to 479.945 or rules adopted for the administration or enforcement of ORS 479.510 to 479.945 and this section. The board shall impose a civil penalty authorized by this section as provided in ORS 455.895.

OAR 918-001-0036 is titled, “Guidelines for Civil Penalties,” and provides, in part:

(1) Scope and Authority. This rule sets guidelines for assessing a civil penalty under ORS 446.995 & 455.895.

(2) Definitions. For the purposes of this rule:

* * * * *

(c) “Pattern of violation” means two or more prior violations during a five-year period of any provision of ORS Chapter 446, 447, 455, 460, 479, 480, or 693, or the state building code as defined in 455.010, whether or not a penalty was assessed. A pattern of violation is calculated within a five-year period from the date of the latest violation.

* * * * *

(4) Civil penalties may be assessed by a board, the Director, or a board’s designee acting as agent for a board. A board or the Director may take into account any appropriate factors, including previous directives, in determining the penalty amount or conditions within an order. The statutorily defined maximum penalty may only be assessed upon a finding of a pattern of violation.

(5) Civil penalties may be assessed in addition to, or in lieu of, the conditioning, suspension, or revocation of a license, certificate of competency, or similar authority issued by the Director.

(6) The Director may, subject to approval of a board, develop a penalty matrix for the board's use to promote equity and uniformity in proposing the amount and terms of civil penalties and conditions under which the penalties may be modified based on the circumstances in individual cases.

In the 2021 final order, the Board found that Mr. Murphy violated ORS 479.620(1) and ORS 479.550(1) in March and May 2020. Because those violations occurred within five years of the violations in this matter, the Division established that Mr. Murphy engaged in a pattern of violation pursuant to OAR 918-001-0036(2)(c). Mr. Murphy is therefore subject to increased civil penalties according to the Division's penalty matrix. *See* Exhibit A12.

The Division established that Mr. Murphy committed three violations of OAR 918-282-0120(1). The standard civil penalty for unlicensed activities violations, based on the increased civil penalty for having a prior violation with five years, is \$2,500. Exhibit A12 at 1. Accordingly, Mr. Murphy should pay a total civil penalty of \$7,500 (\$2,500 x 3) for violations of OAR 918-282-0120(1).

The Division established that Mr. Murphy committed three violations of OAR 918-282-0140(2)(f). The standard civil penalty for supervisor violations, based on the increased civil penalty for having a prior violation with five years, is \$4,000. Exhibit A12 at 2. Accordingly, Mr. Murphy should pay a total civil penalty of \$12,000 (\$4,000 x 3) for violations of OAR 918-282-0140(2)(f).

Finally, the Division established that Mr. Murphy violated ORS 479.550(1) on one occasion. The standard civil penalty for permit violations, based on the increased civil penalty for having a prior violation with five years, is \$2,000. Accordingly, Mr. Murphy should pay a civil penalty of \$2,000 for a violation of ORS 479.550(1).

In sum, the Division established that a total civil penalty of \$21,500 (\$12,000 + \$7,500 + \$2,000) is appropriate.

Reinstatement of \$2,750 Civil Penalty

The Division seeks the reinstatement of Mr. Murphy's suspended civil penalty of \$2,750. OAR 918-001-0036 provides, in part:

(2) Definitions. For the purposes of this rule:

* * * * *

(b) A "directive" includes, but is not limited to, a * * * order, consent decree or settlement agreement * * *.

(4) Civil penalties may be assessed by a board, the Director, or a board's designee acting as agent for a board. A board or the Director may take

into account any appropriate factors, including previous directives, in determining the penalty amount or conditions within an order[.]

As previously discussed, Mr. Murphy violated the terms of the 2021 final order by committing violations of the Division's statutes and rules within five years of the Consent Order becoming final. Pursuant to the terms of the Board's 2021 final order, the previously suspended civil penalty of \$2,750 should be reinstated.

License Suspensions

The Division proposes two-year suspensions of Mr. Murphy's electrical contractor's license and general supervising electrician license pursuant to ORS 455.129(2)(a), (b), (d), and (3)(b).

ORS 455.129 provides, in part:

(2) Subject to ORS chapter 183, a regulatory body listed in subsection (3) of this section may deny a license, certificate, registration or application or may suspend, revoke, condition or refuse to renew a license, certificate or registration if the regulatory body finds that the licensee, certificate holder, registrant or applicant:

(a) Has failed to comply with the laws administered by the regulatory body or with the rules adopted by the regulatory body.

(b) Has failed to comply with an order of the regulatory body or the Director of the Department of Consumer and Business Services, including but not limited to the failure to pay a civil penalty.

* * * * *

(d) Has performed work without appropriate licensing, certification or registration or has employed individuals to perform work without appropriate licensing, certification or registration.

* * * * *

(3) Subsection (2) of this section applies to:

* * * * *

(b) The Electrical and Elevator Board for purposes of licenses issued under ORS 479.510 to 479.945.

The Division established that Mr. Murphy failed to comply with the laws administered by the Board and with the rules adopted by the Board, failed to comply with the 2021 final order,

and employed an individual to perform work without appropriate licensing. As a result, the Division may suspend Mr. Murphy's electrical contractor's license and general supervising electrician license pursuant to ORS 455.129(2)(a), (b), and (d).

The Division seeks two-year suspensions of Mr. Murphy's licenses due to aggravating circumstances surrounding the violations. *See* Division Closing Argument at 8-9. For the following reasons, I agree. First, Mr. Murphy previously committed violations involving lack of licensure and failure to obtain a permit in 2020, as established by the 2021 final. His violations in this matter occurred shortly after he signed the Consent Order in January 2021, which demonstrates his disregard for the requirements under the applicable statutes and rules. Second, Mr. Murphy attempted to deceive the City of Portland inspectors by asking a homeowner, Mr. Meerschaert, to falsely inform the inspector that a licensed journeyman electrician performed the electrical installations at the Concord Avenue property. Finally, multiple violations in this matter involve an unlicensed individual performing electrical work on behalf of Murphy Family Electric at three properties in Oregon. Pursuant to ORS 479.520, "the purpose of the Electrical Safety Law is to protect the health and safety of the people of Oregon[.]" By allowing an unlicensed individual to perform electrical work for Murphy Family Electric's customers, Mr. Murphy disregarded the legislature's intent "[t]o assure the public that persons making electrical installations in this state are qualified by experience and training." ORS 479.520(2). At the hearing, Mr. Murphy failed to show any contrition regarding the violations and instead blamed his predicament on onerous licensing requirements in Oregon, a difficult permitting process in Portland, Oregon, and harassment by inspectors. Testimony of Murphy. Given these aggravating circumstances, the Division established that two-year suspensions of Mr. Murphy's licenses are appropriate.

ORDER

~~*I propose the Building Codes Division issue the following order:*~~ **After considering all the above, the Electrical and Elevator Board issues the following order:**

Sean Murphy must pay a total civil penalty of \$24,250 as follows:

- 1.** Sean Murphy is liable to pay a total civil penalty of \$21,500 for violations of OAR 918-282-0120(1), OAR 918-282-0140(2)(f), and ORS 479.550(1); **and**
- 2.** Sean Murphy's suspended civil penalty of \$2,750, from the 2021 final order in case number C2020-0114, is reinstated.

Sean Murphy's Oregon electrical licenses are suspended as follows:

- 1.** Sean Murphy's **Oregon** electrical contractor's license number C1554 is suspended for two years, commencing on the date of entry of a **this** final order ~~in this matter.~~; **and**
- 2.** Sean Murphy's **Oregon** general supervising electrician license number 6519S is suspended for two years, commencing on the date of entry of a **this** final order ~~in this matter.~~

_____ for
Chair
Electrical and Elevator Board
State of Oregon

Date: _____

Appeal Rights: You are entitled to judicial review of this order in accordance with ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals within 60 days from the date this order served on you. If this Order was mailed to you, the date of service is on the day it was *mailed*, not the day you received it. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Sean Murphy

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

September 10th 2023

Office of Administrative Hearings State of Oregon

Re: Appeal of Proposed Order in the Matter of Sean Murphy, OAH Case No.
2023-ABC-05780

Dear Office of Administrative Hearings,

I am writing to formally appeal the Proposed Order issued by Senior Administrative Law Judge Elizabeth Jarry in the above-referenced case. I respectfully assert that the Administrative Law Judge (ALJ) has made determinations that are not supported by the record and misapplied the law in this matter.

1. Past Violations and The Consent Order: While it is true that I had past violations in 2020 and subsequently signed a Consent Order in January 2021, it is pertinent to note that these past violations were administrative in nature and unrelated to the safety and quality of electrical work performed. Moreover, there is no substantiated evidence that I disregarded the requirements of the applicable statutes and rules post the signing of the Consent Order.

2. Alleged Deception of City Inspectors: The assertion that I asked Mr. Meerschaert to falsely inform the City of Portland inspectors is not supported by any verifiable testimonies or evidence in the record. Moreover, Mr. Meerschaert admits he was not present during the work, as he lives in California, and the home is not his home. This claim relies solely on hearsay without corroboration, and thus it is unfair to utilize this unsubstantiated claim as a basis for such a punitive order.

3. Unlicensed Individual Performing Work: The statement that multiple violations involve an unlicensed individual performing electrical work on behalf of Murphy Family Electric is misleading. While an individual without the official state license did participate, he acted as a laborer and administrative in nature not performing electrical work, in accordance with the requirements of the Electrical Safety Law.

4. Testimony and Intent: The ALJ has misconstrued my testimony. My intention was not to blame my circumstances entirely on licensing requirements or perceived harassment. I aimed to emphasize the challenges faced in navigating the state's licensing and permitting systems. I believe the conclusion drawn from my testimony lacks context and misrepresents my position.

5. Severity of Penalties: The proposed penalties are excessive, especially given that there has been no evidence presented that my work resulted in any actual harm or posed any real danger to the public. The substantial civil penalty and a two-year suspension for both my electrical contractor's license and general supervising electrician license appear to be more punitive than constructive.

In conclusion, while I accept responsibility for any oversight on my part, I believe that the ALJ's Proposed Order is not based on a complete and accurate understanding of the facts, and misapplies the law to my situation. I respectfully request a thorough review of the case and the evidence, and reconsideration of the Proposed Order's conclusions and penalties.

Thank you for your attention to this matter. I am hopeful for a just resolution.

Sincerely,

Sean Murphy

FINAL ORDERAs of: January 28, 2021**BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON****IN THE MATTER OF:****CONSENT ORDER****SEAN MURPHY DBA MURPHY FAMILY
ELECTRIC¹,
ASSUMED BUSINESS NAME,****RESPONDENT.****BCD CASE C2020-0114****INTRODUCTION**

The Building Codes Division (Division) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (Board) and determined that Sean Murphy operating under the abn Murphy Family Electric (Respondent) violated certain provisions of the Division's statutes and administrative rules as identified below.

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

FINDINGS OF FACT

1. On or about March 23, 2020, Respondent, performed electrical diagnosis and then installed a new circuit breaker in an electrical distribution panel at a residence located at 5980 West A Street in West Linn, Oregon (the West property).
 - a. A receipt issued by Respondent under the name "Murphy Family Services" as follows:
 - i. The total charged for the services rendered was \$218.49.

¹ Murphy Family Electric is a registered assumed business name (abn) with the Oregon Secretary of State. Sean Murphy is the authorized representative and registrant listed for the abn.

1. The total included \$49.99 charged for a “Breaker, single pole 15 AMP”; and,
 2. \$99.00 was charged for “Electrician for 30 minutes of Labor.”
- ii. The receipt has a statement at the bottom of the which says, “Get \$5 off if you write a review for us link is on our website:
- www.murphyfamilyservices.com”
2. The property owner found Respondent through services Respondent advertised on Yelp. Subsequent to the service provided by the Respondent, in or around April of 2020, the homeowner of the West property wrote a review for the Respondent’s services on Yelp.
 3. In or around May of 2020, Respondent, performed several electrical installations at a residence located at 2024 SE 6th Avenue in Portland, Oregon (the Portland property), including the following:
 - a. Installed two (2) new outdoor electrical receptacles;
 - b. Installed the associated electrical wiring; and,
 - c. Installed two (2) new electrical circuits for the receptacles.
 4. The property owner found Respondent through services Respondent advertised on Yelp. Subsequent to the service provided by the Respondent, in or around April of 2020, the homeowner of the Portland property wrote a review for the Respondent’s services on Yelp under the name “Roberto B” and posted a picture of the work. Respondent submitted a response to the review on Yelp.
 5. At no relevant time has Respondent held a Construction Contractors Board (CCB) license in Oregon².
 6. At no relevant time has Respondent held a valid electrical contractors license in Oregon³.

² Respondent obtained valid Oregon Construction Contractors Board (CCB) license number 231590 on July 21, 2020. This license was issued several months after the work performed in this notice occurred and does not apply retroactively.

³ Respondent obtained valid Oregon electrical contractors license number C-1554 on August 12, 2020. This license was issued several months after the work performed in this notice occurred and does not apply retroactively.

- 1 7. At all relevant times Respondent has held valid supervising electrician license number
2 6519S in Oregon. This license was issued on or about March 11, 2020.
- 3 8. At no relevant time did Respondent obtain an electrical permit or minor label for the
4 electrical work performed at the West or Portland properties.

5 **APPLICABLE LAW**

- 6 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
7 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rules (OAR) 918-001-0005,
8 OAR 918-030-0010, and OAR 918-251-0090.
- 9 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
10 electrical wiring and the permanent attachment or installation of electrical products in or on
11 any structure that is not itself an electrical product. "Electrical installation" also means the
12 maintenance or repair of installed electrical wiring and permanently attached electrical
13 products.
- 14 3. Under ORS 479.530(11), "Electrical product" means any electrical equipment, material,
15 device or apparatus that, except as provided in ORS 479.540, requires a license or permit to
16 install and either conveys or is operated by electrical current.
- 17 4. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not
18 engage in the business of making electrical installations, advertise as or otherwise purport to
19 be licensed to make electrical installations or purport to be acting as a business that makes
20 electrical installations.
- 21 5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
22 other license regulated by ORS chapter 455, "engaging in the business" means to advertise
23 or solicit, contract or agree to perform, or to perform work for which a license or permit is
24 required under Oregon law, including but not limited to a single instance.
- 25

- 1 6. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
2 permit has not been issued.

3 **CONCLUSIONS OF LAW**

- 4 1. The following constitutes electrical products under ORS 479.530(11):
5 a. Electrical wire;
6 b. Electrical Receptacles;
7 c. A fifty (50) ampere circuit breaker;
8 d. Electrical circuits; and,
9 e. An electrical distribution panel.
10 2. The following constitutes electrical installations under ORS 479.530(10):
11 a. Installing electrical wire;
12 b. Installing two (2) electrical receptacles;
13 c. Installing a fifty (50) ampere circuit breaker in an electrical distribution panel; and,
14 d. Installing two (2) electrical circuits
15 3. By agreeing to perform, and then by performing the foregoing electrical installations at the
16 West and Portland properties, Respondent engaged in the business of an electrical contractor
17 under OAR 918-030-0010(8).
18 4. By engaging in the business of an electrical contractor without a valid Oregon electrical
19 contractor license, Respondent violated ORS 479.620(1).
20 5. By performing the foregoing electrical installations at the West and Portland properties
21 without first obtaining a valid electrical permit, Respondent violated ORS 479.550(1).

22 **ORDER**

- 23 1. The Board hereby assesses a total civil penalty of \$4,000.00 against Respondent for
24 violating ORS 479.620(1) and ORS 479.550(1) as follows:
25 a. \$2,750.00 of the total civil penalty will be suspended for a period of five years if

1 there is compliance with all other terms of this Consent Order.

- 2 b. Respondent agrees to pay the remaining \$1,250.00 of the civil penalty. Respondent
3 will make ten (10) monthly payments that must be received no later than the 25th day
4 of each month in the amount of \$125.00 per month. Respondent's first payment shall
5 be received no later than the 25th day of the month following the month in which this
6 Consent Order becomes a final order. *(An invoice will be included with*
7 *Respondent's copy of the final order after the Director or Board Chair signs it.*
8 *Respondent understands timely payments must be made even if no invoice is ever*
9 *received.)* Payments shall be mailed to Department of Consumer and Business
10 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. **NOTE:**
11 *If you fail to make timely payments as stated in this signed Consent Order, the*
12 *payment agreement becomes void. In addition, this account may be assigned to the*
13 *Department of Justice, Department of Revenue, or a private collection agency.*
14 *You will be responsible for any court costs and attorney fees necessary to collect*
15 *this debt, and any interest accrued. This debt may also appear on future credit*
16 *reports.* For payment questions call 503-373-7731.
- 17 c. Respondent understands the suspended civil penalty (\$2,750.00) will be considered
18 satisfied five years after this Consent Order becomes a final order, provided
19 Respondent complies with its terms and has not committed any further violations of
20 the Division's statutes and rules within that five-year period. Respondent
21 understands and agrees that upon a showing that Respondent has not complied with
22 the terms of this Consent Order or that Respondent has committed any further
23 violations of the Division's statutes or rules within the five-year period, the entire
24 civil penalty, including any suspended amount, will become due and payable. Failure
25 to comply with this Consent Order includes, but is not limited to, failure to pay the

1 civil penalty amount due by the due date.

- 2 2. Respondent agrees to cease and desist from the following violations of the State Building
3 Code: engaging in the business of an electrical contractor without a valid Oregon license
4 (ORS 479.620(1)) and failing to obtain a valid permit (ORS 479.550(1)).
- 5 3. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
6 that rely on the facts underlying this case. Cooperation may include, but may not be limited
7 to, making sworn statements or testifying in administrative hearings.
- 8 4. Respondent understands that further enforcement action may be taken for any violation of
9 the Division's statutes or rules not alleged in this Consent Order, whether committed before
10 or after the execution of this Consent Order, and/or for any violation of the terms of this
11 Consent Order.
- 12 5. Respondent understands that failure to comply with this Consent Order may be used as a
13 basis for the denial of future license, certificate, registration, or other applications, or for the
14 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
15 certificate, or registration issued by the Division or other state agencies; and/or for any other
16 reason provided for in law.
- 17 6. Respondent understands that this Consent Order is a public record.
- 18 7. Respondent has read and fully understands the terms of this Consent Order, freely and
19 voluntarily consents to the entry of this Consent Order without any force or duress, and
20 expressly waives all rights to hearing or judicial review in this matter.

21 ///


22 ///

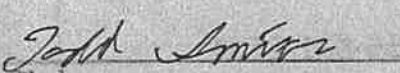
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24 ///

25 ///

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

3
4  It is so agreed this 24 day of January, 2021.
5 Sean Murphy

6
7  for It is so agreed this 28th day of January, 2021.
8 Chair
9 Electrical and Elevator Board
10 State of Oregon
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22



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
bcd.oregon.gov

February 18, 2021

Murphy Family Electric
attn: Sean Murphy



RE: Final Order

In the Matter of Sean Murphy dba Murphy Family Electric
BCD Case C2020-0114

Mr. Murphy:

The Consent Order enclosed has now been signed by all parties and it became a final order as of January 28, 2021. Please keep this for your records to resolve any questions you may have going forward. If you have any questions regarding the invoice, please contact the Building Codes Division fiscal section at 503-373-7731 or 503-378-4133.

If you have any questions or concerns, please contact me at the number listed below.

Sincerely,

Sarah Blam-Linville
Enforcement
Building Codes Division
503-373-7438
503-378-2322 Fax

Enclosures: executed Consent Order (7 pages)

CERTIFICATE OF SERVICE

I, Ashley Thommen, hereby certify that on the 18th day of February, 2021, I mailed the Final Order in the matter of Murphy Family Electric, BCD Case Number C2020-0114, on behalf of the Building Codes Division of the Department of Consumer and Business Services, by certified first class mail, return receipt requested and addressed as follows:

Respondent**Murphy Family Electric****attn: Sean Murphy**


I further certify that the attached mail receipt is a true copy of the "green card" receipt delivered back by the United States Postal Service, showing receipt of the Final Order.

Dated this 18th day of February, 2021.



Ashley Thommen, Enforcement Program Assistant
Building Codes Division
Department of Consumer and Business Services
503-373-1326

☐ Copies of the Notice of Contested Case Rights and Procedures were included with the mailings noted above. See attached copy.

Legislative Update

Table of Contents

Bills Passed in the 2023 Session that may impact BCD Operations.....	2
HB 2001 Affordable housing omnibus bill	2
SB 80 Wildfire bill, updates to SB 762.....	3
SB 582 Electric Vehicle Infrastructure Training Program.....	3
HB 3395 Additional Affordable housing legislation	4
HB 2889 Conforming amendments and updates to HB 2001.....	5
HB 2727 Childcare facilities workgroup	5
HB 3409 Climate and greenhouse gas legislation.....	5
HB 5506 End of session funding bill, grant program extension.....	11

The following is a brief summary of recently passed legislation which may be of interest to the board. These summaries are not a complete outline of the new law and the summary should not be relied upon for decision making. Please refer to the bill text for a complete description of the law change.

Bills Passed in the 2023 Session that may impact BCD Operations

HB 2001 Affordable housing omnibus bill

Bill

Summary: House Bill 2001 is the primary bill for the legislature's and the governor's housing expansion priorities. The bill was signed by the governor in March. The bill is significant and for a full overview of changes please refer to the bill page and the complete bill text. The bill establishes the Oregon Housing Needs Analysis within the Oregon Department of Administrative Services. The bill increases accountability of cities outside the Metro and the Metro for achieving the state's housing goals. The bill requires Oregon Housing and Community Services to develop and maintain a state wide housing production dashboard that includes data on housing affordability as well as equity indicators relevant to housing. The bill directs the Land Conservation and development commission to work to address local housing barriers and directs public bodies to use their authority to remove barriers to housing development. The bill expands the ability of the Department of Land Conservation and Development and the Land Conservation and Development Commission to pursue enforcement against a city that is not meeting its housing development goals. The bill outlines how cities address urbanization inside and outside the Metro. The bill expands the ability to address youth homelessness through grant programs. The bill increases protections for tenants being evicted for nonpayment of rent. The bill allocates funding for grant programs to support modular housing. The bill allocates funding for moderate income housing predevelopment loans. The bill directs the Department of Agriculture to provide grants to improve health and safety conditions of agriculture workforce housing.

Building Codes Division Specific: The housing production dashboard developed by Housing and Community Services will require a definition of housing accessibility and visitability and that definition will be created by rule by the division.

Plan: The bill requires that Oregon Housing and Community Services create the dashboard by January 1, 2025. The division intends to develop a definition for visitability and accessibility and bring it to the Residential and Manufactured Structures Board and the Building Codes Structures Board in advance of Housing and Community Services finishing the dashboard.

SB 80 Wildfire bill, updates to SB 762

Bill

Summary: Senate Bill 80 is this session's omnibus wildfire bill. It includes updates and fixes to aspects of SB 762 from the 2021 session. For a full review of all components of SB 80 please refer to the bill page. Senate Bill 80 changes the name of the state wildfire risk map to the statewide wildfire hazard map and eliminates the extreme and no risk hazard zones to leave three hazard zones (low, moderate, and high). The bill directs all agencies and public bodies involved with the development and roll out of the map as well as the accompanying rules to engage in specific and robust public engagement and education before finalizing the map and the associated rules. The landscape resiliency fund is established to allocate funds to the Department of Forestry specifically for actions to increase landscape resiliency. The prescribed fire liability pilot program is established to help cover liability created by using prescribed fire to mitigate future wildfire risk. The bill includes several conforming amendments and allocates funds to numerous ongoing programs related to wildfire protection.

Plan: The changes in Senate Bill 80 only impact the division in so far as the division's rulemaking that makes section R327 of the Oregon Residential Specialty Code mandatory for new construction in high wildfire hazard zones contained within the wildland urban interface will follow the final adoption of the wildfire hazard map. The division held a rulemaking advisory committee and a public rulemaking hearing for its rulemaking in 2022 before putting the rulemaking on hold pending the adoption of a final wildfire hazard map. The division intends to hold at least one additional hearing prior to adopting the rules but does not anticipate any changes to the construction provisions of section R327.

SB 582 Electric Vehicle Infrastructure Training Program

Bill

Summary: Senate Bill 582 directs the Electrical and Elevator Board to approve the Electric Vehicle Infrastructure Training Program (EVITP) as an approved continuing education program and that the board review equivalent training programs for approval. The bill requires the board to request information from EVITP providers about the number of electricians that have signed up for the course, completed the course, and passed the certification. Once the board certifies that 500 electricians have completed the EVITP or an equivalent program the board must notify the appropriate legislative committees. This also triggers requirements on using EVITP certified electricians on state funded projects that install electric vehicle charging systems. Residential construction with four or fewer units would be exempt from these requirements

Plan: The division on behalf of the Electrical and Elevator Board will set up reporting with EVITP on the number of Oregon electricians signing up for, completing, and being certified by the program. Additionally, the division will accept and process applications from the EVITP and equivalent training programs to be considered by the board's

continuing education committee and ultimately the board itself for approval as continuing education.

HB 3395 Additional Affordable housing legislation

Bill

Summary: House Bill 3395 is another substantial bill relating to housing. It combines several bills that were introduced earlier in the session and for a full overview of the bill's provisions please review the bill page on OLIS.

The bill prohibits local governments from denying the siting and development of residential uses on land zoned to allow only commercial use under certain conditions. The bill changes residential land use approval procedures. The bill requires local governments to approve an application for development or use of land for emergency shelters under certain conditions. The bill directs the Department of Consumer and Business Services to review and consider updates to the Oregon Structural Specialty Code to allow a residential occupancy to be served by a single exit and specifies considerations that should be taken into account. The bill clarifies that residential units subject to affordability restrictions are not included in the planned community definition. The bill restricts the ability of state or local governments to specifically impede the development of condominiums. The bill requires a local government accept letters from public funding sources as assurance when considering an application to develop a subdivision. The bill defines single room occupancy and requires local governments allow single room occupancy development within an urban growth boundary. The bill requires cities with 2,500 to 25,000 residents that are outside of a metropolitan service district allow siting duplexes on parcels zoned for single family detached dwellings. The bill creates provisions that allow the removal of discriminatory provisions from planned community or condominium declaration or bylaws without a vote of owners or board members. The bill allows public utilities to sell at or below market price, or gift, interest in real property for the purpose of developing affordable housing under certain conditions. The bill allocates money for affordable housing grants for low income college students. The bill establishes and funds the agricultural housing repair fund to provide grants to assist with the development of affordable agricultural worker housing. The bill allocates funds to the Department of Housing and Community Services to implement grant programs to assist with affordable housing.

Plan: The only requirement on the division is to review and consider updates to the Oregon Structural Specialty Code (OSSC) through the Building Codes Structures Board to allow residential occupancy to be served by a single exit in certain circumstances. The deadline in the bill is October 1, 2025, which is the planned adoption date for the next version of the OSSC and the division plans to include the recommendations for consideration in the normal development and adoption process for the 2025 OSSC.

HB 2889 Conforming amendments and updates to HB 2001

Bill

Summary: House Bill 2889 includes many conforming amendments to ensure alignment with House Bill 2001. The Department of Land Conservation and Development (DLCD) and the Department of Housing and Community Services (HCS) are tasked with assisting DAS. The bill outlines reporting and rulemaking requirements for DAS, DLCD, and HCS and lists a number of agencies that should be consulted in some of these rulemakings including the Department of Business and Consumer Services (DCBS). The bill outlines different requirements for municipalities' responsibilities under the OHNA depending on the size of the municipality and whether it is included in the Metro.

Plan: This bill does not require any action by the division but it is relevant to the larger discussion surrounding housing. The division will likely be consulting with other agencies on rulemakings related to housing on an ongoing basis.

HB 2727 Childcare facilities workgroup

Bill

Summary: House bill 2727 directs the Department of Land Conservation and Development (DLCD) to convene a workgroup to examine strategies for expanding early learning and care facilities in the state. In addition to the legislators appointed to the task force, the bill directs DLCD, to the extent practicable, to select several additional task force members with certain roles defined in the bill. One of those roles includes "representatives from the Department of Consumer and Business Services with expertise in state and local building codes."

Plan: The task force created by the bill would include at least one person from the building codes division. The time commitment required of the person(s) serving on the taskforce will depend on the extent of engagement with the process and the number of meetings required.

HB 3409 Climate and greenhouse gas legislation

Bill

Summary: House Bill 3409 is the session's omnibus climate bill and it combines several bills introduced previously in the session including the four bills that came out of the Resilient Efficient Buildings Taskforce (SBs 868, 869, 870, 871). This bill is extensive and for a full breakdown of its provisions please consult with the bill page on OLIS.

Designated State Agency Programs for Energy Efficiency in Buildings

The bill declares the following goals: for owners, operators, or residents to install and use at least 500,000 new heat pumps by 2030; provide programs and support to

accelerate purchase and use of heat pump technologies to help meet state's greenhouse gas (GHG) emissions reduction goals; prioritize environmental justice communities and individuals who reside in structures without functioning, adequate, or affordable heating or cooling system; evaluate adoption and use of heat pump technologies to determine if adoption rate will enable Oregon to meet GHG emission reduction goals; and executive branch agencies to lead by example by acquiring, installing, and using heat pump technologies. The bill requires in carrying out "designated state agency programs" (Designated Programs) that relate to promotion, implementation, incentivization, or regulation of energy efficiency in buildings State Department of Energy (ODOE), Housing and Community Services Department, Public Utility Commission, Department of Environmental Quality, Oregon Health Authority, and Department of Consumer and Business Services (Designated Agencies) shall consider actions to aid in achieving GHG emission reduction goals that include:

- consider GHG emission reduction goals in regulatory decisions;
- aligning the creation or operation of Designated Programs with GHG emissions reduction goals;
- working in consultation and aligning efforts with other agencies to simplify and improve program access that relate to energy efficiency and resilience, and where appropriate to reduce or eliminate barriers to accessing energy efficiency measures or appliances that will result in the greatest GHG emission reductions;
- prioritize actions that help environmental justice communities adapt from impacts from climate change and overcome cost burdens consistent with applicable federal and state laws and program requirements; and
- consult with Oregon Global Warming Commission and the Environmental Justice Council, and use when appropriate environmental justice mapping tool.

The bill requires ODOE to submit a heat pump market report that evaluates rate of adoption and progress towards meeting GHG emission reduction goals to the Governor and the Legislative Committee related to the Environment no later than September 15th of each odd numbered year. The bill provides minimum requirements for heat pump technologies report.

The bill requires ODOE to collaborate with Designated Agencies to reduce financial and nonfinancial barriers to home energy efficiency and resilience by: providing initial and continuing technical assistance and training to build capacity in developers, builders, community-based organizations, homeowners and tenants to conduct renovations and installations of energy efficient technologies and provide education and training to contractors, subcontractors, technicians, community based organizations and other installers and workers in industries related to construction and energy appliance installation.

Department of Consumer and Business Services: Energy Efficiency in Buildings

House Bill 3409 directs the Department of Consumer and Business Services (DCBS), as DCBS' responsibilities relate to efficiency or resiliency in buildings to:

- Exercise all authority and discretion to help facilitate, at a minimum, the achievement of greenhouse gas (GHG) emission reduction goals (ORS 468A.205).
- Prioritize and take actions necessary to accelerate reductions in GHG emissions, including but not limited to rulemaking processes in addition to DCBS' existing responsibilities; and
- Consider and integrate prevention or reduction of climate change impacts and GHG emissions reduction goals into planning, budgeting, investments, and policymaking decisions.

The bill directs DCBS to contribute towards achieving GHG emission reductions and mitigation of climate change impacts by: setting goals for improved energy efficiency; investigating options for, and feasibility of, reducing GHG emissions resulting from manufacturing, transporting, installing, disposing and recovering materials used in building construction; and investigating benefits and feasibility of updating building ventilation standards and specifying standards for air cleaners present in building mechanical systems and occupied indoor spaces.

The bill requires DCBS to: consult with advisory boards and committees and cooperate with ODOE to specify energy efficiency goals for new residential and commercial construction that aim to achieve at least 60 percent reduction in annual energy consumption from standards specified in the statewide 2006 building code and applicable specialty codes by 2030. Cooperate with ODOE to identify metrics to inform updates to statewide building codes and applicable specialty codes. Requires DCBS to report to Legislative Committee related to the environment every three years, beginning December 31, 2023, on progress towards achieving goals and options for achieving goals over the course of the subsequent three updates to the state building code and applicable specialty codes.

The bill requires DCBS to update Reach Code to reflect progress toward specified energy efficiency goals each time statewide building code and applicable specialty code are updated. It requires coordination with DEQ. It requires to extent feasible, in cooperation with DEQ, and taking into account Department of Transportation standards, DCBS identify options to reduce GHG emissions attributable to building materials so that lower carbon materials may serve the same function. Requires DCBS to consider industry standards. The bill requires DCBS to report to the Legislative Committee related to the environment, no later than December 31, 2024, on findings and recommendations on options for reducing GHG emissions that result from manufacturing, transporting, installing, disposing of, and recovering materials used in building construction including specifying lower carbon materials or other means.

Energy Performance Standards for Covered Commercial Buildings

House Bill 3409 directs the Oregon Department of Energy (ODOE) in consultation with the Department of Consumer and Business Services (DCBS) to adopt rules specifying an energy performance standard for covered commercial buildings. The bill also requires that a database of eligible building owners and covered commercial buildings that are subject to the requirements of the new rules be created. We assume that the department tasked with creating that database would be ODOE in consultation with DCBS but the language in the bill is ambiguous. The bill outlines notification and reporting requirements for buildings covered by the new rules. The bill directs ODOE to establish, with a third party, incentive programs.

State Agencies to Conduct Assessment of Energy Use

House Bill 3409 creates standards for implementing energy conservation measures into capital construction by or on behalf of state agencies. The bill includes development and implementation of a comprehensive assessment of energy use and greenhouse gas emissions by state owned buildings and a searchable database of the results of that assessment. The bill directs the Department of Administrative services to oversee state agency capital projects exceeding \$1 million dollars in regards to meeting the requirements of the bill and each state agency to report to DAS and ODOE on the progress of capital projects underway.

Community Green Infrastructure Grant Program

The bill establishes the community green infrastructure grant program as a program administered by the Department of Land Conservation and Development (DLCD) for the purpose of: offsetting the cost of planning and developing community green infrastructure projects or green infrastructure community development projects; and providing direct social, environmental, and economic benefits to communities across Oregon through green infrastructure in the form of climate adaptation, mitigation, and resilience, local jobs, public or community benefits, and local food sovereignty.

College of Forestry, Oregon State University: Low Carbon Fuels From Woody Biomass Residues

The bill directs the College of Forestry at Oregon State University, in collaboration with the Department of Environmental Quality and the State Forestry Department, to research development of fuel pathways for low carbon fuels derived from woody biomass residues from forestry operations.

Rebate Program for Medium and Heavy Duty Zero-Emission Vehicles

The bill directs the Department of Environmental Quality to establish a program to provide rebates to persons that purchase or lease qualifying medium or heavy duty zero-emissions vehicles.

Finding Opportunities and Reducing Conflict in Siting Photovoltaic Solar Power Generation Facilities

The bill directs the Department of Energy and the Department of Land Conservation and Development to establish the Finding Opportunities and Reducing Conflict in Energy Siting Process to identify locations best suited to site renewable energy or transmission development and ways to streamline or expedite the siting process for renewable energy or transmission development.

Oregon Climate Action Commission

Changes name of "Oregon Global Warming Commission" to "Oregon Climate Action Commission." Modifies membership and duties of commission. Modifies state greenhouse gas emissions reduction goals. Directs state agencies to report to commission on progress toward achieving greenhouse gas emissions reduction goals. Directs Department of Environmental Quality, in consultation with commission, to evaluate opportunities to reduce Oregon's consumption-based greenhouse gas emissions and report to interim committees of Legislative Assembly related to environment no later than September 15, 2024.

State Policy for Natural Climate Solutions

The bill establishes state policy regarding natural climate solutions. Establishes Natural and Working Lands Fund and provides for transfer of moneys from fund to certain state agencies. Prescribes uses of moneys from fund and requires Oregon Global Warming Commission to report to legislature on uses of moneys from fund. Directs State Department of Energy and commission to prepare inventory, baseline, activity-based metrics and community impact metrics for net carbon sequestration and storage in natural and working lands and establish carbon sequestration and storage goals. Directs State Department of Energy, in coordination with commission, to study workforce training programs needed to support adoption of natural climate solutions and provide results to committees of Legislative Assembly related to environment no later than September 15, 2024. Authorizes commission to appoint natural and working lands advisory committee. Takes effect on 91st day following adjournment sine die.

Extends Sunset for Solar and Storage System Rebate Program

Extends to January 2, 2029, sunset of program for provision of rebate for construction or installation of solar electric system or paired solar and storage system, for residential customer or low-income service provider, on real property in Oregon. Modifies definition of "paired solar and storage system." Requires State Department of Energy, under renewable energy production system grant program, to waive requirement that construction begin within 12 months of grant award if construction was delayed because of supply chain or workforce disruptions or shortages related to COVID-19 pandemic and construction began between March 1, 2020, and March 31, 2022.

Residential Heat Pump Program; Air Conditioner and Air Filter Deployment Program
Extends Residential Heat Pump Fund until January 2, 2026. Appropriates moneys to Oregon Health Authority for air conditioner and air filter deployment program. Declares emergency, effective on passage.

Community Climate Investment Entities

The bill authorizes the Environmental Quality Commission to establish by rule the fee to be paid by community climate investment entities.

Harmful Algal Blooms

The bill declares harmful algal blooms to be menace to public health and welfare. Directs Oregon Health Authority to identify water sources susceptible to harmful algal blooms, monitor and test susceptible waters and develop protocol for advisory alerts. Directs Department of Environmental Quality to develop response strategy to harmful algal blooms, produce and maintain relevant data, identify sources of pollutants, develop strategies to reduce pollutants and determine causes of harmful algal blooms.

Resilience Hubs and Networks

The bill directs the Department of Human Services to provide grants, support and technical assistance for resilience hubs and networks in Oregon.

Plan for implementing House Bill 3409:

Most of the bill does not impact the division, but because the bill is so extensive, this summary will address the plan for each specific section that does impact the division separately.

Designated State Agency Programs for Energy Efficiency in Buildings

This section requires that the division consider greenhouse gas (GHG) emission goals as a part of executing agency actions. The division intends to seek legal advice from the DOJ on how best to balance the priorities outlined in this section of the bill with other statutory priorities that are set out for the division and the state building code.

Department of Consumer and Business Services: Energy Efficiency in Buildings

The division intends to fulfill the requirements of this section in consultation with the appropriate advisory boards.

Similarly to the previous section, the division intends to consult with DOJ agency counsel to get advice on the impact of the new priorities created by this section of the bill and how those priorities interact with already existing statutory requirements on the division and the state building code.

The division is determining the best way to consult with the Environmental Justice Council when evaluating the priorities that the department sets and actions the department takes to adapt to and mitigate the impacts of climate change. It will likely involve a regular check in with the council and updating on the relevant actions being taken by the division.

The division will continue to fulfill the reporting requirements that were first created by executive order 20-04 and with this bill are now required starting in 2023 and every three years after.

The division was appropriated funding for 1-2 additional positions to assist with the assessment of lower carbon building materials and anticipates contracting with a third party to help prepare the study of lower carbon materials in the statewide building code.

Energy Performance Standards for Covered Commercial Buildings

The division will be available to consult with the Department of Energy on the directives in this section.

HB 5506 End of session funding bill, grant program extension

Bill

Summary: This is the end of session “Christmas tree bill.” It is extensive with a few hundred sections. Please refer to the bill to get the full scope of its contents but the Building Codes Division does make special note of Section 270 which allocates \$6,300,000 to continue funding the fire hardening grant program that the division has been administering in partnership with the counties impacted by the 2020 wildfires. The legislature extended the program through the end of the 2024-25 biennium and extended eligibility to those own buildings damaged in the 2021 wildfires.

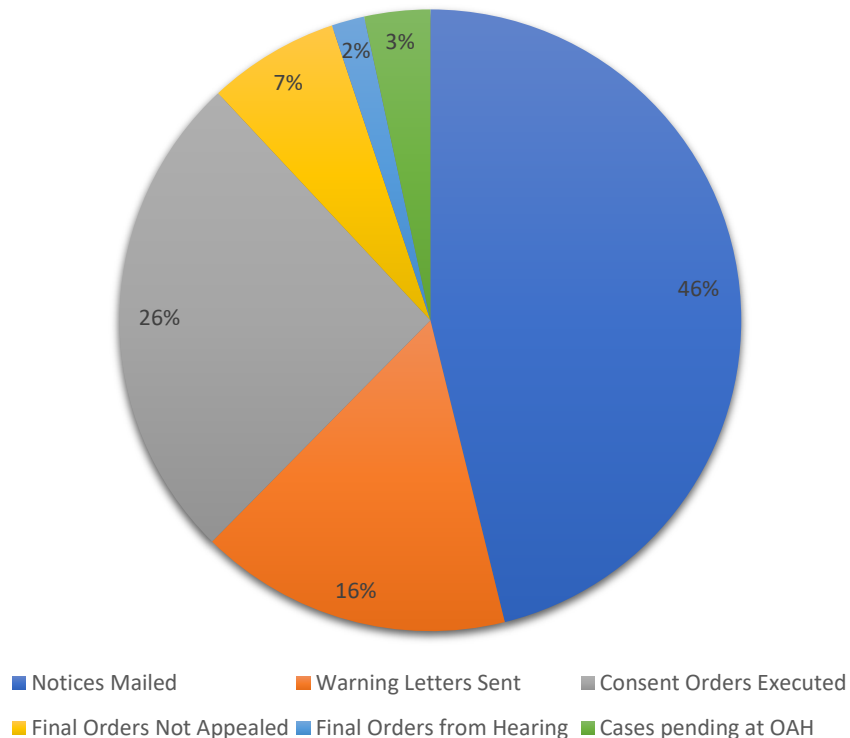
Plan: The Building Codes Division will continue to partner with impacted counties to administer the grant program that has been operating since the start of 2022. The division has updated its rules to conform with the updated directive from the legislature and is executing new agreements with participating counties.

Enforcement by the Numbers

Electrical and Elevator Board: January 1, 2023, through August 31, 2023

- Notices Mailed: 54
- Warning Letters Sent: 19
- Consent Orders Executed: 30
- Final Orders Not Appealed: 8
- Final Orders from Hearing: 2
- Cases pending at OAH: 4

**Electrical and Elevator Board:
January 1, 2023, through August 31, 2023**



**Agenda
Item
IV.E.**

Amended; additional
consent order added

State of Oregon

Board memo

Building Codes Division

September 28, 2023

To: Electrical and Elevator Board

From: Michael Mayorga-Hamilton, contested case representative, Enforcement Services

Subject: Consent orders for cases resolved on behalf of the Electrical and Elevator Board

Action requested:

To consider the adoption of recent consent orders and issue final orders.

Background:

The board, through division staff, implemented a civil penalty matrix for electrical violations. The penalty matrix establishes civil penalties based upon the type and number of violations committed within five years of the date of the present violations. The penalty matrix further provides that a stay of some portion of a penalty is within the sole discretion of the board or the division acting on the board's behalf for purposes of settling cases prior to hearing.

The Enforcement Section, acting on behalf of the board, has entered into a consent agreement in **ten (10)** cases since the board's July 27, 2023, meeting. A copy and summary of the consent orders is included for your review.

The consent orders contain the following conditions, any additions or exceptions to these conditions is noted with the individual case information:

- Respondent agrees to fully cooperate with the division's enforcement efforts.
- Respondent understands that further enforcement action may be taken for any other violations.
- Respondent understands that failure to comply with the consent orders may be used as a basis for the denial, suspension, revocation, or conditioning of a license, certificate, or registration.

In these cases, the penalty amounts assessed, amounts suspended, and amounts due and payable are consistent with the board's penalty matrix.

Electrical and Elevator Board Enforcement Report for September 28, 2023

Summary Report - Consent Orders							
Case #	Name	Violation relating to Electrical and Elevator Board	Location	Date of Violation	Civil Penalty		Other
C2022-0137	Levi Weintz	Installation of electrical cabling, wiring, and an electrical distribution panel. <ul style="list-style-type: none"> • Permitting unlicensed work as signing supervisor • Not continuously employed as signing supervisor 	Damascus	Jun-22	Assessed: Imposed: Suspended:	\$8,000 \$6,500 \$1,500	Repeat violator 9 month suspension of license followed by 3 months conditioned license
C2022-0174	Rodrigo Hernandez-Martinez	Installation of new electrical outlet boxes and receptacles, light switches, light fixtures, and breakers in distribution panels; connected pre-existing wiring to new baseboard heating units <ul style="list-style-type: none"> • Performing unlicensed electrical work • No electrical contractor's license • No permit 	Lincoln City	Feb-22	Assessed: Imposed: Suspended:	\$6,000 \$1,050 \$4,950	No previous enforcement history
C2022-0176	Brenden Kerrigan	Installation of new electrical receptacles, GFCI 20 amp breakers, electrical wiring, electrical panels, and electrical wiring from panels to the hot tub and receptacles <ul style="list-style-type: none"> • Allowing unlicensed electrical work • No electrical contractor's license • No permit 	Klamath Falls	Oct-Nov 2022	Assessed: Imposed: Suspended:	\$6,000 \$1,250 \$4,750	No previous enforcement history
C2023-0034	Dimitri Thevenin	Advertised to install various electrical products, and replaced light switches, light fixtures, and receptacles <ul style="list-style-type: none"> • No electrical contractor's license • No supervision by general supervising electrician 	Corvallis	June-Dec 2022	Assessed: Imposed: Suspended:	\$5,000 \$1,500 \$3,500	No previous enforcement history

Case #	Name	Violation relating to Electrical and Elevator Board	Location	Date of Violation	Civil Penalty		Other
C2023-0043	Gary Hunter	<p>Installation of circuits, electric wall heaters, lighting outlet boxes, and electrical panels at two different properties.</p> <ul style="list-style-type: none"> • No electrical contractor's license • No supervision by general supervising electrician • No permit 	Portland	Feb and Mar 2023	Assessed: Imposed: Suspended:	\$12,000 \$3,000 \$9,000	<p>Prior enforcement history consisting of a warning letter in 2018. Respondent now holds an Oregon journeyman electrician license, Oregon electrical inspector license, and Oregon inspector certification.</p> <p>This order includes a six (6) month suspension of his Oregon journeyman electrician license.</p> <p>Respondent has also consented to the suspension of his Oregon electrical inspector license and his inspector certification for a period of ninety (90) days in case C2023-0102 (issued under the Director's authority)</p>
C2022-0102	Syrett Building Solutions LLC	<p>Advertised to perform electrical services on Facebook.</p> <ul style="list-style-type: none"> • No electrical contractor's license 	World Wide Web	Jul-22	Assessed: Imposed: Suspended:	\$3,000 \$600 \$2,400	No previous enforcement history
C2023-0071	Jonathan Syrett	<p>Installation of an overhead service consisting of a meter-main, riser, service conductors, weatherhead, grounding electrode system, bonding conductors, electrical metallic tubing, junction boxes, and THHN conductors.</p> <ul style="list-style-type: none"> • Performing unlicensed electrical work • No electrical contractor's license • No permit 	Cottage Grove	Feb-23	Assessed: Imposed: Suspended:	\$6,000 \$900 \$5,100	No previous enforcement history

Case #	Name	Violation relating to Electrical and Elevator Board	Location	Date of Violation	Civil Penalty		Other
C2023-0074	Bryan Suchanski	Installation of electrical boxes, receptacle, light switches, 15 feet of NM cable, and relocated NM wire for ceiling fan. • Unlicensed electrical work	West Linn	Nov-Dec 2021	Assessed: Imposed: Suspended:	\$2,000 \$500 \$1,500	No previous enforcement history
C2023-0116	Bryan's Renovation and Repair LLC	Installation of new electrical boxes, receptacle, light switches, 15 feet of NM cable, and relocated NM wire for ceiling fan. • Allowing unlicensed electrical work • No electrical contractor's license • No permit	West Linn	Nov-Dec 2021	Assessed: Imposed: Suspended:	\$6,000 \$1,500 \$4,500	No previous enforcement history
C2023-0047	Serden Group LLC	Installation of lighting fixtures, Romex wiring, and receptacles. • Allowing unlicensed electrical work	Beaverton	Jan-2023	Assessed: Imposed: Suspended:	\$2,000 \$750 \$1,250	No previous enforcement history

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**LEVI S. WEINTZ,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2022-0137

INTRODUCTION

The Building Codes Division ("Division") conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon ("Board") and determined that Levi S. Weintz ("Respondent") violated certain provisions of the Division's statutes and administrative rules as identified below.

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

FINDINGS OF FACT

1. On or about December 8, 1995, Development Northwest, Inc. ("Development Northwest")¹ registered as a domestic business corporation with the Oregon Secretary of State ("SOS")².
 - a. At all relevant times, Guy Wolcott was listed as the President and Secretary of Development Northwest.
2. Since on or about March 14, 1996, Development Northwest has held Construction Contractor Board ("CCB") license number 112220.

¹ See related Division case number C2022-0092 against Northwest Development, Inc. DBA Wolcott Electric.

² On or about August 22, 2019, Wolcott Electric was registered with the SOS as an assumed business name of Development Northwest, Inc.

- 1 a. At all relevant times, Guy Wolcott was listed as the responsible managing individual
2 and owner and Wolcott Electric was listed as an assumed business name on the CCB
3 website.
- 4 3. At all relevant times, Malachi Wolcott ("Malachi")³ was employed as the supervisor for
5 Development Northwest and held valid Oregon general journeyman's electrician license
6 30535J.
- 7 4. At all relevant times, Development Northwest has held valid Oregon electrical contractor's
8 license number C1272.
- 9 5. At all relevant times Respondent was registered with the Division as Development
10 Northwest's signing supervising electrician and held a valid Oregon general supervising
11 electrician license number 5431S and as such was responsible for overseeing all company
12 electrical work.
- 13 6. At all relevant times, the following applied:
- 14 a. Respondent acted as a part-time employee of Development Northwest and was not
15 involved in the day-to-day operations, including the dispatching of personnel;
- 16 b. Development Northwest paid a flat-rate fee of \$1,500.00 a month to Respondent for
17 his supervising electrician tasks; and
- 18 c. West Side Electric employed Respondent full-time as a project manager and
19 estimator.
- 20 7. At all relevant times, Development Northwest employed Alexander Felisiano ("Felisiano")⁴
21 as a journeyman electrician.⁵
- 22 8. At no relevant time did Felisiano hold a valid Oregon supervising electrician's license,
23 journeyman electrician's license, or limited residential electrician's ("LRE") license.

24
25 ³ See related Division case number C2022-0138 regarding Malachi.

⁴ See related Division case number C2022-0135 regarding Felisiano.

⁵ At all relevant times, Felisiano held a valid Washington State residential electrician license, numbered FELISAL821AM.

9. At all relevant times, Development Northwest employed John Cristurean ("Cristurean")⁶ as an apprentice electrician.

a. At all relevant times, Cristurean was registered with the Bureau of Labor and Industries ("BOLI") with apprentice ID number 1258214 which required supervision by a licensed journeyman electrician for all electrical work.

b. At no relevant time did Cristurean hold a valid Oregon supervising electrician's license, journeyman electrician's license, or limited residential electrician's ("LRE") license.

10. On or about June 15, 2022, Felisiano and Cristurean, on Development Northwest's behalf and procured by Malachi, performed unlicensed rough-in electrical work at a residence located at 10627 SE Leopard Lane in Damascus, Oregon ("the property"):

a. Felisiano installed electrical cabling throughout the entryway to the home and electrical wiring through wall studs; and

b. Cristurean installed an electrical distribution panel.

11. On or about August 21, 2019, the Board issued a final order in Division case C2019-0190, attached as Exhibit A:

a. In the final order, Respondent received a penalty of \$3,000.00 for violating OAR 918-282-140(2)(f) for failing to ensure electricians employed by Development Northwest had proper licenses to perform electrical work.

b. Respondent has paid the \$3,000.00 penalty from Division case C2019-0190 in full.

APPLICABLE LAW

1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule ("OAR") 918-001-0005,

⁶ See related Division case number C2022-0135 regarding Cristurean.

OAR 918-030-0010, and OAR 918-251-0090.

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. "Electrical installation" also means the maintenance or repair of installed electrical wiring and permanently attached electrical products.
3. Under ORS 479.530(11), "electrical product" means any electrical equipment, material, device or apparatus that, except as provided in ORS 479.540, requires a license or permit to install and either conveys or is operated by electrical current.
4. Under ORS 479.620(3), except as provided in ORS 479.620(5), a person may not make any electrical installation without a supervising or journeyman electrician's license.
5. Under ORS 479.620(5), a person may not make any electrical installation on a single or multifamily dwelling unit not exceeding three floors above grade, as provided in ORS 479.630(14), without a limited residential electrician's license.
6. Under OAR 918-282-0010(1), an electrical contractor is required to continuously employ at least one full-time general supervising electrician.
7. Under OAR 918-251-0090(8), "continuously employ" means a person, including a person leased from a worker leasing company licensed under ORS 656.850, during time periods when electrical work for which they are responsible is performed, devotes their entire time of employment to tasks of supervising, designing, laying out, planning, controlling, and making electrical installations for the electrical contractor for which the supervisor is registered as signing supervisor.
8. Under OAR 918-282-0140(1), a general supervising electrician, when working for or as an electrical contractor requiring a signing supervisor:
 - a. Directs, supervises, makes, or controls the making of electrical installations; and

b. Is the only individual authorized to direct, supervise, or control the installation or alteration of an electrical service;.

9. Under OAR 918-282-0140(2)(c), the general signing supervising electrician must be continuously employed as a general supervising electrician on the electrical contractor's regular payroll and be available during working hours to carry out the duties of a supervising electrician under this section.

10. Under OAR 918-282-0140(2)(f), a general signing supervising electrician when working for or as an electrical contractor must ensure electricians have proper licenses for the work performed, and may not permit either by assent or failure to prevent, an individual to perform work for which they are not properly licensed.

11. Under OAR 918-282-0140(3), supervising electricians who fail to comply with the provisions of this rule through act or omission may be subject to penalties. Penalties include, but are not limited to, fines, license conditioning, suspension, and revocation.

12. Under ORS 455.129(2)(a), a regulatory body may deny a license, certificate, registration, or application or may suspend, revoke, condition, or refuse to renew a license, certificate, or registration if the regulatory body finds that the licensee, certificate holder, registrant, or applicant has failed to comply with the laws administered by the regulatory body or with the rules adopted by the regulatory body.

13. Under ORS 455.129(3)(b), the Board may deny a license, certificate, registration, or application or may suspend, revoke, condition, or refuse to renew a license, certificate, or registration for those reasons enumerated in ORS 455.129(2).

14. Under ORS 455.895(5), the maximum penalty established by ORS 455.895 for a violation may be imposed only upon a finding that the person has engaged in a pattern of violations.

15. Under OAR 918-001-0036(2)(c), "pattern of violation" means two or more prior violations during a five-year period of any provision of ORS chapters 446, 447, 455, 460, 479, 480, or

693, or the state building code as defined in ORS 455.010, whether or not a penalty was assessed. A pattern of violation is calculated within a five-year period from the date of the latest violation.

16. Under OAR 918-001-0036(4), civil penalties may be assessed by a board, the Director, or a board's designee acting as agent for a board. A board or the Director may take into account any appropriate factors, including previous directives, in determining the penalty amount or conditions within an order. The statutorily defined maximum penalty may only be assessed upon a finding of a pattern of violation.

17. Under OAR 918-001-0036(6), the Director may, subject to approval of a board, develop a penalty matrix for the board's use to promote equality and uniformity in proposing the amount and terms of civil penalties and conditions under which the penalties may be modified based on the circumstances in individual cases.

CONCLUSIONS OF LAW

1. Electrical wiring, electrical cabling, and an electrical panel constitute electrical products under ORS 479.530(11).
2. Installations of electrical wiring, cabling, and an electrical panel constitute electrical installations under ORS 479.530(10).
3. By performing the foregoing electrical installations at the property, on Development Northwest's behalf, without a valid Oregon supervising license, journeyman electrician licenses or LRE license, Felisiano and Cristurean violated ORS 479.620(3) and ORS 479.620(5).
4. By permitting, either by assent or by failure to prevent, Felisiano and Cristurean to perform the foregoing electrical installations, for which they were not properly licensed, Respondent acted outside the scope of his signing supervisor license and therefore violated OAR 918-282-0140(2)(f).

1 5. During time periods when electrical work was performed by Development Northwest, for
2 which Respondent was responsible, Respondent could not and did not devote his entire time
3 of employment to tasks of supervising, designing, laying out, planning, controlling, and
4 making electrical installations for Development Northwest because:

- 5 a. At all relevant time periods, Respondent was also working full-time for West Side
6 Electric as a project manager and estimator;
- 7 b. Respondent was not involved in the day to day dispatching duties of Development
8 Northwest; and
- 9 c. Respondent failed to ensure the proper license statuses of Development Northwest's
10 employees for the aforementioned work in Oregon.

11 6. For the reasons stated above, Respondent was not continuously employed by Development
12 Northwest as defined in OAR 918-251-0090(8).

13 7. Because Respondent was not continuously employed by Development Northwest while
14 designated as its signing supervising electrician, Respondent violated OAR 918-282-
15 0140(2)(c).

16 8. By violating OAR 918-282-0140(2)(c) and (2)(f), Respondent has failed to comply with the
17 rules administered and adopted by the Board and therefore Respondent's Oregon general
18 supervising electrician license number 5431S may be suspended by the Board under ORS
19 455.129(2)(a) and (3)(b).

20 9. By violating OAR 918-282-0140(2)(f) within the last five years in Division case C2019-
21 0190 and by violating OAR 918-282-0140(2)(c) and (2)(f) in this matter, Respondent has
22 engaged in a pattern of violations under OAR 918-001-0036(2)(c). Therefore, Respondent is
23 subject to increased civil penalties in accordance with the Advisory Board Penalty Matrix.

24 ORDER

25 1. The Board hereby assesses a total civil penalty of \$8,000.00 against Respondent for

violating OAR 918-282-0140 (2)(c) and OAR 918-282-0140 (2)(f) as follows:

a. \$1,500.00 of the total civil penalty will be suspended for a period of five years if there is compliance with all other terms of this Consent Order.

b. Respondent agrees to pay the remaining \$6,500.00 of the civil penalty in a lump sum payment. Respondent's payment must be received no later than the 25th day of the month following the month in which this Consent Order is signed by both parties(*An invoice may be provided to Respondent after this Consent Order is signed by both parties. Respondent understands timely payments must be made even if no invoice is ever received.*) Checks should be made out to the Department of Consumer and Business Services. **Payment shall be mailed to Department of Consumer and Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For payment questions and credit card payments call 971-375-7087.**

NOTE: If you fail to make your lump sum payment as stated in this signed Consent Order, this account may be assigned to the Department of Justice, Department of Revenue, or a private collection agency. You will be responsible for any court costs, attorney fees, any other necessary fees related to the collection of this debt, and any interest or penalties accrued. This debt may also appear on future credit reports.

c. Respondent understands the suspended civil penalty (\$1,500.00) will be considered satisfied five years after this Consent Order becomes a final order, provided Respondent complies with its terms and has not committed any further violations of the Division's statutes and rules within that five-year period. Respondent understands and agrees that upon a showing that Respondent has not complied with the terms of this Consent Order or that Respondent has committed any further violations of the Division's statutes or rules within the five-year period, the entire civil penalty, including any suspended amount, will become due and payable. Failure to comply with this Consent Order includes, but is not limited to, failure to pay the civil penalty amount due by the due date.

2. Respondent's general supervising electrician license number 5431S shall be suspended for a period of nine (9) months, commencing on the date that this Consent Order is signed by both parties.

a. Respondent shall send in Respondent's general supervising electrician license number 5431S to the Division within fourteen (14) calendar days of the consent order being signed by both parties and emailed to Respondent. The Division will consider Respondent's general supervising electrician license number 5431S submitted either on the date it is postmarked by certified mail or on the date it is hand delivered it to the BCD Salem office located at 1535 Edgewater Street NW, Salem, OR 97304. If mailed, it shall be sent to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

b. Respondent understands he is responsible for completing any required continuing education requirements necessary to maintain his general supervising electrician license number 5431S during the suspension period.

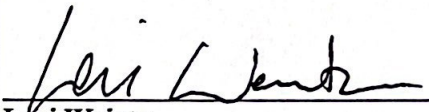
3. Following the nine (9) month suspension period, the Division, on behalf of the Board, will issue Respondent a conditional general supervising electrician license for a three (3) month period, provided that Respondent has complied with all terms of this Consent Order.

Respondent's supervising electrician license number 5431S shall be conditioned as follows:

a. Respondent shall keep the Division informed of any and all electrical contractors for whom he works during the three (3) month period. Respondent shall identify his starting date of employment and shall provide contact information for each electrical contractor within five (5) calendar days of securing employment. Within seven (7) calendar days of beginning work with an electrical contractor, Respondent shall also provide the following information:

- i. A list of all the electricians and apprentices that are working under the Respondent's signing supervisor license;
 - ii. Identification of whether those individuals are an electrician or an apprentice and providing the Division with proof of Oregon licensure for each;
 - iii. An explanation of how Respondent is ensuring that Oregon jobsites have Oregon licensed professionals performing all electrical installations; and
 - iv. An explanation of how Respondent is ensuring that all electrical apprentices are properly supervised by a licensed Oregon journeyman electrician.
 - b. The information outlined above, provided to the Division during the conditional license period, shall be submitted by regular or electronic mail. If mailed, it shall be sent to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309. If e-mailed, they shall be emailed to BCD.Complaint@dcbs.oregon.gov.
4. Following the three month conditional period for general supervising electrician license number 5431S, Respondent may return the conditional license to the Division in exchange for a regular supervising electrician license, provided that Respondent has complied with all terms of this Consent Order. If Respondent has failed to comply with the terms of this Consent Order, or has violated any other provision of the state building code or related statutes and rules, a regular license will not be provided at the end of the three month period. Instead, Respondent may retain the conditional license until: the license expires; the license is suspended or revoked; or Respondent and the Division or the Board execute a written agreement to provide Respondent a regular supervising electrician license.
5. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases that rely on the facts underlying this case. Cooperation may include, but may not be limited to, making sworn statements or testifying in administrative hearings.

- 1 6. Respondent understands that further enforcement action may be taken for any violation of
2 the Division's statutes or rules not alleged in this Consent Order, whether committed before
3 or after the execution of this Consent Order, and for any violation of the terms of this
4 Consent Order.
- 5 7. Respondent understands that failure to comply with this Consent Order may be used as a
6 basis for the denial of future license, certificate, registration, or other applications, or for the
7 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
8 certificate, or registration issued by the Division or other state agencies; and/or for any other
9 reason provided for in law.
- 10 8. Respondent understands that this Consent Order is a public record.
- 11 9. Respondent has read and fully understands the terms of this Consent Order, freely and
12 voluntarily consents to the entry of this Consent Order without any force or duress, and
13 expressly waives all rights to hearing or judicial review in this matter.
- 14 10. Respondent understands that, upon signature of all parties, this Consent Order will be a
15 Final Order.

16
17
18  It is so agreed this 5th day of September, 2023.
19 Levi Weintz

20
21 _____ for It is so agreed this _____ day of _____, 2023.
22 Chair
23 Electrical and Elevator Board
24 State of Oregon
25

FINAL ORDER

As of: August 21, 2019

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

NOTICE OF PROPOSED ASSESSMENT
OF A CIVIL PENALTY

LEVI S. WEINTZ,
AN INDIVIDUAL,

NOTICE OF FINAL ORDER ON DEFAULT

RESPONDENT.

BCD CASE C2019-0190

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

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

Pursuant to Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules (OAR) 918-001-0036, the Electrical and Elevator Board of the State of Oregon (Board) proposes to assess civil penalties totaling \$3,000.00 against Levi S. Weintz (Respondent) because Respondent violated Building Codes Division (Division) statutes and rules as identified below.

FINDINGS OF FACT

1. At all relevant times Development Northwest, Inc. dba Wolcott¹ (Wolcott) has held Construction Contractors Board (CCB) license number 112220.
2. At all relevant times Wolcott has held Oregon electrical contractors license number C1272.
3. At all relevant times Respondent has been Wolcott's registered signing supervisor.
4. Respondent has held signing supervisor license number 5431S since March 11, 2009.
5. At all relevant times Wolcott employed Brandon M. Anderson (Anderson)² and Jason V.

Exhibit A

¹ Wolcott operates under the following dba: Perfect Climate Inc, Wolcott, Wolcott HVAC, Wolcott Plumbing, and Wolcott Services.

² Anderson holds Washington State trainee card ANDERB*810LO. Anderson holds no reciprocal apprentice licenses in Oregon.

1 Gawley (Gawley)³.

- 2 6. On or about July 13, 2019, Anderson and Gawley, on Wolcott's behalf, installed electrical
3 outlets throughout the new residential property located at 20047 SW 64th Terrace in
4 Tualatin, Oregon (the property).
- 5 7. At no relevant time were there any other employees of Wolcott's at the property.
- 6 8. At no relevant time did Anderson or Gawley hold a valid Oregon supervising, journeyman
7 or apprentice electrician's license.

8 **APPLICABLE LAW**

- 9 1. Definitions for terms used in this Notice may be found in ORS 183.310, ORS 455.010, ORS
10 479.530, ORS 479.905, OAR 918-001-0005, OAR 918-030-0010, and OAR 918-251-0090.
- 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. "Electrical installation" also means the
14 maintenance or repair of installed electrical wiring and permanently attached electrical
15 products.
- 16 3. Under ORS 479.530(11), "Electrical product" means any electrical equipment, material,
17 device or apparatus that, except as provided in ORS 479.540, requires a license or permit to
18 install and either conveys or is operated by electrical current.
- 19 4. Under ORS 479.620(3), a person may not make any electrical installation without a
20 supervising or journeyman electrician's license.
- 21 5. Under ORS 479.620(4), a person may not perform work on an electrical installation as an
22 electrical apprentice without an electrical apprentice's license.
- 23 6. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform
24 electrical work for which the individual is not properly registered or licensed.

25 Exhibit A

³ Gawley holds Washington State journeyman electrician card number GAWLEJV22NO.

1 7. Under OAR 918-282-0140(2), a general signing supervising electrician when working for or
2 as an electrical contractor must: (f) ensure electricians have proper licenses for the work
3 performed, and may not permit either by assent or failure to prevent, an individual to
4 perform work for which they are not properly licensed.

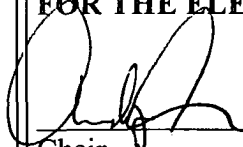
5 **CONCLUSIONS OF LAW**

- 6 1. Electrical outlets constitute electrical products under ORS 479.530(11).
7 2. Installing electrical outlets constitutes electrical installations under ORS 479.530(10).
8 3. By making the foregoing electrical installations at the property, on Wolcott's behalf, without
9 a valid Oregon supervising or journeyman electrician's license, Anderson and Gawley
10 violated ORS 479.620(3).
11 4. By failing to ensure Anderson and Gawley were properly licensed or properly supervised in
12 Oregon to perform the foregoing electrical installations at the property, Respondent violated
13 OAR 918-282-0140(2)(f).

14 **ORDER**

- 15 1. Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036 the Board assesses a total civil
16 penalty of \$3,000.00 for violating OAR 918-282-0140(2)(f).

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

18 
19 _____ for
20 Chair
21 Electrical and Elevator Board
22 State of Oregon
23
24
25

Date: 7/24/19

Exhibit A

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2

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24

1 side of all the issues before the ALJ. The hearing is recorded to preserve testimony and to allow
2 appeal of the decision. Witnesses are placed under oath, and the Respondent or the Respondent's
3 attorney may question all witnesses.

4 **LEGAL REPRESENTATION AT HEARING**

5 Respondent may be represented by legal counsel. Division staff or an Assistant Attorney
6 General will represent the Division. If the Division will be represented by an Assistant Attorney
7 General, Respondent will be notified by letter. Respondent may self-represent or may choose to be
8 represented by an attorney.

9 If Respondent is a partnership, corporation, association or organized group, or a
10 governmental authority other than a state agency, Respondent must be represented by an attorney or
11 an authorized representative. An authorized representative is: a member of a participating
12 partnership; an authorized officer or regular employee of a participating corporation, association or
13 organized group; or an authorized officer or employee of a participating governmental authority
14 other than a state agency. *See* ORS 183.457 and OAR 918-001-0030.

15 If Respondent cannot afford an attorney, a legal aid organization may be able to provide
16 assistance. Respondent may contact the Oregon State Bar at 800-452-8260 to find the legal aid
17 office in Respondent's area.

18 If Respondent is represented by counsel, Respondent's attorney shall provide the ALJ and
19 the Division with a "letter of representation" as soon as possible. Hearings are not automatically
20 postponed by the late hiring of an attorney. If Respondent is not represented and decides during the
21 hearing that Respondent needs an attorney, Respondent may ask for a break to request an attorney.

22 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS**

23 Active duty Servicemembers have a right to stay these proceedings under the federal
24 Servicemembers Civil Relief Act. For more information contact the Oregon State Bar at 800-452-
25 8260, the Oregon Military Department at 503-584-3571 or the nearest United States Armed Forces

Exhibit A

1 Legal Assistance Office through <http://legalassistance.law.af.mil>. The Oregon Military Department
2 does not have a toll free telephone number.

3 **DISCOVERY**

4 Discovery may be permitted as provided in OAR 137-003-0566 through 137-003-0570, 137-
5 003-0572 and 137-003-0573. Respondent must first ask the agency to provide copies of documents
6 or other information relevant to this proceeding. If Respondent is not satisfied with the response of
7 the agency, Respondent may ask the ALJ or Chief ALJ to order production of the information
8 Respondent seeks in accordance with applicable rules.

9 Additionally, prior to the hearing, the Division will provide Respondent with a copy of
10 exhibits and a list of witnesses it intends to present during the hearing. The Division will also ask
11 that Respondent provide copies of Respondent's exhibits and names of witnesses Respondent will
12 present during the hearing. This exchange should occur no later than two weeks prior to the hearing.

13 If Respondent discovers during or at the end of the hearing that there is evidence which was
14 not available to Respondent prior to hearing, Respondent may ask for a postponement. After the
15 hearing if Respondent discovers there is evidence that was not available at the time of the hearing,
16 Respondent may ask to reopen the hearing. In either case, the ALJ has discretion in deciding
17 whether to grant Respondent's request. If Respondent knew about the additional evidence *before*
18 the hearing, and had adequate time to obtain it, Respondent's request may be denied.

19 **PRESENTING EVIDENCE**

20 The Division presents its evidence first. Respondent then presents evidence to prove that the
21 Division's facts are incorrect, or to present other factual or legal defense. A general feeling that the
22 Division is being unfair is not a legal defense; Respondent needs to point to the fact Respondent
23 thinks is missing or incorrect, or law that Respondent think is being incorrectly interpreted or
24 applied. Respondent and the Division's representative will be allowed to present evidence in
25

Exhibit A

1 response to the other party's evidence. The burden of proof is a "preponderance" of the evidence,
2 which means the evidence must show that a fact is more likely true than not.

3 Evidence is generally admissible unless it is irrelevant, immaterial, unduly repetitious or
4 privileged. Either party may object to evidence if it does not meet this standard, or for any other
5 legal reason. "Hearsay evidence" (evidence that a witness did not directly see or hear, but which he
6 or she heard about from someone else) may be admissible.

7 **WITNESSES**

8 Respondent should decide immediately what witnesses will testify on Respondent's behalf.
9 With prior approval from the ALJ, witnesses may testify by telephone. Respondent shall let the
10 Division know if a witness will appear by telephone. Witnesses testifying by telephone must receive
11 copies of all "exhibits" (evidence submitted into the hearing record) that will be discussed at the
12 hearing. Respondent shall ensure that Respondent has correct telephone numbers and that
13 Respondent's witnesses will be available to testify during the scheduled hearing time.

14 Subpoenas are only issued when a witness will not appear voluntarily and when the witness'
15 testimony has a direct bearing on the issues being decided in the hearing. At Respondent's request,
16 the Division may issue a subpoena to compel Respondent's witnesses to appear at hearing. To
17 request a subpoena, Respondent shall notify the Division in writing, along with a statement
18 describing the relevance of the witness' testimony.

19 **PROPOSED ORDERS AND FINAL ORDERS**

20 At the conclusion of the hearing the record is closed (no more evidence can be introduced);
21 the ALJ will review the record and issue a "Proposed Order." Proposed Orders are normally issued
22 within 45 days; the Proposed Order contains "findings of fact," "conclusions of law," and a
23 recommendation. The order is a "Proposed Order" because the Director of the Department of
24 Consumer and Business Services or a licensing board may change or reject a Proposed Order.

25 Exhibit A

1 If either party disagrees with the ALJ's Proposed Order, written exceptions may be
2 submitted. Submitting written exceptions is Respondent's opportunity to express legal or factual
3 disagreements Respondent has with the Proposed Order. Respondent will be notified when
4 exceptions to the Proposed Order must be filed. The Division and the licensing boards do not permit
5 oral argument when considering exceptions.

6 **RECORD**

7 A record will be made of the entire proceeding to preserve the testimony and other evidence
8 for appeal. This may be done by use of a tape or digital recorder or court reporter. The record is
9 generally not transcribed, unless there is an appeal to the court of Appeals. However, Respondent
10 may obtain a copy of the recording upon payment of the costs of making that copy.

11 **RIGHT TO JUDICIAL REVIEW**

12 If this Notice becomes a Final Order, Respondent is entitled to judicial review of a final
13 order in this matter. The recording of the hearing, together with evidence admitted at hearing, the
14 Proposed Order, Written Exceptions, and the Final Order constitute the hearing record for appeal
15 purposes. The record is available to Respondent and Respondent's attorney.

16 Judicial review may be obtained by filing a petition for review with the Oregon Court of
17 Appeals within 60 days after a final order is served upon Respondent. See ORS 183.482. If a final
18 order is served on Respondent in person, the date of service is the date Respondent receives the
19 order. If a final order is served through the mail, the date of service is the day the order is mailed,
20 not the day it is received by the Respondent. If Respondent does not file a petition for judicial
21 review within the 60-day time period, Respondent will lose the right to appeal. The phone number
22 for the Oregon Court of Appeals is 503-986-5555.

23
24
25 Exhibit A

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

2
3 **IN THE MATTER OF:**

CONSENT ORDER

4 **RODRIGO HERNANDEZ-MARTINEZ,**
5 **AN INDIVIDUAL,**

6
7 **RESPONDENT.**

BCD CASE C2022-0174

8
9 **INTRODUCTION**

10 The Building Codes Division ("Division") conducted an investigation on behalf of the
11 Electrical and Elevator Board of the State of Oregon ("Board") and determined that Rodrigo
12 Hernandez-Martinez ("Respondent") violated certain provisions of the Division's statutes and
13 administrative rules as identified below.

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

18 **FINDINGS OF FACT**

- 19 1. In or around January or February 2022, Respondent was hired by Barbara Keckler, an
20 employee of Seagull Beachfront Inn LLC ("Seagull")¹, to perform electrical work as part of
21 a renovation to the Seagull Beachfront Inn located at 1511 Northwest Harbor Avenue in
22 Lincoln City, Oregon ("the property").
- 23 2. In or around February 2022 until in or around March 2022, Respondent performed the
24 following electrical work at the property:
- 25 a. Installed electrical outlet boxes and receptacles;

¹ See related Division case C2022-0173 against Seagull.

- b. Installed light switches;
 - c. Connected pre-existing electrical wiring to new baseboard heating units;
 - d. Installed bathroom light fixtures; and,
 - e. Installed new breakers in electrical distribution panels.
3. At no relevant time has Respondent held a valid Oregon electrical contractor's license.
 4. At no relevant time has Respondent held a valid Oregon supervising or journeyman electrician's license.
 5. At no relevant time did Respondent obtain a valid electrical permit or minor label for the electrical work performed at the property.

APPLICABLE LAW

1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule ("OAR") 918-001-0005, OAR 918-030-0010, and OAR 918-251-0090.
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. "Electrical installation" also means the maintenance or repair of installed electrical wiring and permanently attached electrical products.
3. Under ORS 479.530(11), "electrical product" means any electrical equipment, material, device or apparatus that, except as provided in ORS 479.540, requires a license or permit to install and either conveys or is operated by electrical current.
4. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not 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.

5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any other license regulated by ORS chapter 455, “engaging in the business” means to advertise or solicit, contract or agree to perform, or to perform work for which a license or permit is required under Oregon law, including but not limited to a single instance.
6. Under ORS 479.620(3), except as provided in ORS 479.620(5), a person may not make any electrical installation without a supervising or journeyman electrician’s license.
7. Under ORS 479.550(1), no person shall work on any new electrical installation for which a permit has not been issued.

CONCLUSIONS OF LAW

1. The following constitutes electrical products under ORS 479.530(11):
 - a. Electrical outlet boxes and receptacles;
 - b. Light switches;
 - c. Electrical wiring;
 - d. Bathroom light fixtures; and,
 - e. Electrical breakers.
2. The following constitutes electrical installations under ORS 479.530(10):
 - a. Installing electrical outlet boxes and receptacles;
 - b. Installing light switches;
 - c. Connecting pre-existing electrical wiring to new baseboard heating units;
 - d. Installing bathroom light fixtures; and,
 - e. Installing new breakers in electrical distribution panels.
3. By agreeing to perform and then by performing the foregoing electrical installations at the property, Respondent engaged in the business of an electrical contractor as defined in OAR 918-030-0010(8).
4. By engaging in the business of an electrical contractor without a valid Oregon electrical

contractor's license, Respondent violated ORS 479.620(1).

5. By performing the foregoing electrical installations without holding a valid Oregon supervising or journeyman electrician's license, Respondent violated ORS 479.620(3).
6. By performing the foregoing electrical installations at the property without first obtaining a valid electrical permit or minor label, Respondent violated ORS 479.550(1).


ORDER

1. The Board hereby assesses a total civil penalty of \$6,000.00 against Respondent for violating ORS 479.620(1), ORS 479.620(3) and ORS 479.550(1) as follows:
 - a. \$4,950.00 of the total civil penalty will be suspended for a period of five years if there is compliance with all other terms of this Consent Order.
 - b. Respondent agrees to pay the remaining \$1,050.00 of the civil penalty. Respondent will make six monthly payments that must be received no later than the 25th day of each month in the amount of \$175.00 per month. Respondent's first payment shall be received **no later than the 25th day of the month following the month in which this Consent Order is signed by both parties.** *(An invoice may be provided to Respondent after this Consent Order is signed by both parties. Respondent understands timely payments must be made even if no invoice is ever received.)*
Checks should be made out to the Department of Consumer and Business Services.
Payments shall be mailed to Department of Consumer and Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For payment questions and credit card payments, call cashiering at 503-947-7891.
NOTE: If you fail to make timely payments as stated in this signed Consent Order, the payment agreement becomes void. In addition, this account may be assigned to the Department of Justice, Department of Revenue, or a private collection agency. You will be responsible for any court costs, attorney fees, any other necessary fees related to the collection of this debt, and any interest accrued. This debt may also appear on future credit reports.
 - c. Respondent understands the suspended civil penalty (\$4,950.00) will be considered

satisfied five years after this Consent Order becomes a final order, provided Respondent complies with its terms and has not committed any further violations of the Division's statutes and rules within that five-year period. Respondent understands and agrees that upon a showing that Respondent has not complied with the terms of this Consent Order or that Respondent has committed any further violations of the Division's statutes or rules within the five-year period, the entire civil penalty, including any suspended amount, will become due and payable. Failure to comply with this Consent Order includes, but is not limited to, failure to pay the civil penalty amount due by the due date.

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

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

3
4  It is so agreed this 5 day of July, 2023.
5 Rodrigo Hernandez-Martinez

6
7 _____ for It is so agreed this _____ day of _____, 2023.
8 Chair
9 Electrical and Elevator Board
10 State of Oregon
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1 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

2
3 **IN THE MATTER OF:**

CONSENT ORDER

4 **BRENDAN KERRIGAN,**
5 **AN INDIVIDUAL,**

6
7 **RESPONDENT.**

BCD CASE C2022-0176

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 Brendan
11 Kerrigan ("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
16 a hearing and any judicial review therefrom by the signing of this Consent Order.

17 **FINDINGS OF FACT**

- 18 1. In or around October to November, 2022, at 41506 Lakewoods Drive, Klamath Falls,
19 Oregon ("the property"), Respondent performed the following electrical installations:
20
21 a. Installed three (3) new electrical receptacles on garden posts;
22 b. Installed a new GFCI 20 amp breaker in the exterior electrical panel for a hot tub;
23 c. Installed a GFCI 20 amp breaker inside the garage; and
24 d. Installed electrical wiring from electrical panels to the hot tub and electrical
25 receptacles.
2. Respondent billed the homeowner \$2,082.65 for the above mentioned electrical work.

3. At no relevant time did Respondent hold a valid Oregon electrical contractor license.
4. At no relevant time did Respondent hold a valid Oregon supervising, journeyman electrician's license or limited residential electrician ("LRE") license.¹
5. At no relevant time did Respondent obtain a permit for the foregoing electrical work.

APPLICABLE LAW

1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule ("OAR") 918-001-0005, OAR 918-030-0010, and OAR 918-251-0090.
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. "Electrical installation" also means the maintenance or repair of installed electrical wiring and permanently attached electrical products.
3. Under ORS 479.530(11), "electrical product" means any electrical equipment, material, device or apparatus that, except as provided in ORS 479.540, requires a license or permit to install and either conveys or is operated by electrical current.
4. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not 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.
5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform work for which a license or permit is required under Oregon law, including but not limited to a single instance.

¹ At all relevant times, Respondent was an electrical apprentice (ID#1158953) in Oregon and was employed by JT Electric, Inc, but performed this electrical work as a side job.

- 1 6. Under ORS 479.620(3), except as provided in ORS 479.620(5), a person may not make any
2 electrical installation without a supervising or journeyman electrician's license.
- 3 7. Under ORS 479.620(5), a person may not make any electrical installation on a single or
4 multifamily dwelling unit not exceeding three floors above grade, as provided in ORS
5 479.630(14), without a limited residential electrician's license.
- 6 8. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
7 permit has not been issued.

8 **CONCLUSIONS OF LAW**

- 9 1. The following constitutes electrical products under ORS 479.530(11):
 - 10 a. Electrical receptacles;
 - 11 b. GFCI 20 amp breakers;
 - 12 c. Electrical wiring; and
 - 13 d. Electrical panels.
- 14 2. The following constitutes electrical installations under ORS 479.530(10):
 - 15 a. Installing three (3) new electrical receptacles on garden posts;
 - 16 b. Installing a new GFCI 20 amp breaker in the exterior electrical panel for a hot tub;
 - 17 c. Installing a GFCI 20 amp breaker inside the garage; and
 - 18 d. Installing electrical wiring from electrical panels to the hot tub and electrical
19 receptacles.
- 20 3. By agreeing to perform and by performing the foregoing electrical installations at the
21 property, Respondent engaged in the business of an electrical contractor as defined in OAR
22 918-030-0010(8).
- 23 4. By engaging in the business of electrical contractor at the property without a valid Oregon
24 electrical contractor's license, Respondent violated ORS 479.620(1).
25

- 1 5. By performing the foregoing electrical installations at the property without a valid Oregon
2 supervising electrician's license, journeyman electrician's license, or LRE license
3 Respondent violated ORS 479.620(3) and (5).
4 6. By performing the foregoing electrical installations at the property without obtaining a
5 permit, Respondent violated ORS 479.550(1).


6 **ORDER**

- 7 1. The Board hereby assesses a total civil penalty of \$6,000.00 against Respondent for
8 violating ORS 479.620(1), ORS 479.620(3) and (5) and ORS 479.550(1) as follows:
9 a. \$4,750.00 of the total civil penalty will be suspended for a period of five years if
10 there is compliance with all other terms of this Consent Order.
11 b. Respondent agrees to pay the remaining \$1,250.00 of the civil penalty. Respondent
12 will make five (5) consecutive monthly payments that must be received no later than
13 the 25th day of each month in the amount of \$250.00 per month. Respondent's first
14 payment shall be received **no later than the 25th day of the month following the**
15 **month in which this Consent Order is signed by both parties.** *(An invoice may be*
16 *provided to Respondent after this Consent Order is signed by both parties.*
17 *Respondent understands timely payments must be made even if no invoice is ever*
18 *received.)* Checks should be made out to the Department of Consumer and Business
19 Services. **Payments shall be mailed to Department of Consumer and Business**
20 **Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For**
21 **payment questions and credit card payments, call cashiering at 503-947-7891.**
22 ***NOTE: If you fail to make timely payments as stated in this signed Consent Order,***
23 ***the payment agreement becomes void. In addition, this account may be assigned to***
24 ***the Department of Justice, Department of Revenue, or a private collection agency.***
25 ***You will be responsible for any court costs, attorney fees, any other necessary fees***
related to the collection of this debt, and any interest accrued. This debt may also
appear on future credit reports.
c. Respondent understands the suspended civil penalty (\$4,750.00) will be considered

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

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

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

3 
4 _____ It is so agreed this 27 day of July, 2023.
5 Brendan Kerrigan

6 _____ for It is so agreed this ____ day of _____, 2023.
7 Chair
8 Electrical and Elevator Board
9 State of Oregon
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1 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

2
3 **IN THE MATTER OF:**

CONSENT ORDER

4
5 **DIMITRI THEVENIN,**
6 **AN INDIVIDUAL,**

7 **RESPONDENT.**

BCD CASE C2023-0034

8
9 **INTRODUCTION**

10 The Building Codes Division (“Division”) conducted an investigation on behalf of the
11 Electrical and Elevator Board of the State of Oregon (“Board”) and determined that Dimitri
12 Thevenin (“Respondent”) violated certain provisions of the Division’s statutes and administrative
13 rules as identified below.

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

18 **FINDINGS OF FACT**

- 19 1. On or about September 9, 2022, Respondent placed the following advertisement on
20 Nextdoor.com: “Anyone needing some electrical work done on the weekends or after hours,
21 I’m a certified journeyman electrician looking for some small jobs in Corvallis, Philomath,
22 Albany area. Receptacles, switches, can lights, ceiling fan, panel change, ev charger, etc.
23 Text me if interested.”
- 24 2. Sometime in 2022, Respondent disconnected a light fixture from a hot wire and connected it
25 to a switch leg at 2600 Northwest Garfield Avenue in Corvallis, Oregon (“Garfield

property”). Respondent was compensated an undisclosed amount for the foregoing electrical work.

3. In or around June 2022, Respondent replaced four wall switches at 1260 Northwest Kline Place in Corvallis, Oregon (“Kline property”). Respondent was compensated \$100.00 for the foregoing electrical work.

4. In or around October 2022, Respondent installed a three-way light switch in the dining room and sitting room at the Kline property. Respondent was compensated \$50.00 for the foregoing electrical work.

5. On or about December 10, 2022, Respondent replaced an existing light fixture with a motion sensing porch light at 1080 Southeast Park Avenue in Corvallis, Oregon (“Park property”). Respondent was compensated \$40.00 for the foregoing electrical work.

6. On or about January 28, 2023, Respondent installed new GFCI receptacles and three electrical dimmer light switches at 6154 Bellfountain Road in Corvallis, Oregon (“Bellfountain property”). Respondent was compensated \$150.00 for the foregoing electrical work.

7. At all relevant times, Respondent has held Oregon journeyman electrician’s license 29133J.

8. At no relevant time has Respondent held a valid Oregon electrical contractor’s license.

9. At no relevant time was Respondent working for an electrical contractor or under the supervision of a signing supervising electrician.¹

APPLICABLE LAW

1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule (“OAR”) 918-001-0005, OAR 918-030-0010, and OAR 918-251-0090.

¹ At the time of the aforementioned electrical work, Respondent was employed by Northside Electric, a licensed electrical contractor (24-14C). The electrical work was performed as “side jobs” that Respondent obtained through the advertisement posted on Nextdoor.com and had no affiliation with his employer.

- 1 2. Under ORS 479.530(10), “electrical installations” means the construction or installation of
2 electrical wiring and the permanent attachment or installation of electrical products in or on
3 any structure that is not itself an electrical product. “Electrical installation” also means the
4 maintenance or repair of installed electrical wiring and permanently attached electrical
5 products.
- 6 3. Under ORS 479.530(11), “electrical product” means any electrical equipment, material,
7 device or apparatus that, except as provided in ORS 479.540, requires a license or permit to
8 install and either conveys or is operated by electrical current.
- 9 4. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not
10 engage in the business of making electrical installations, advertise as or otherwise purport to
11 be licensed to make electrical installations or purport to be acting as a business that makes
12 electrical installations.
- 13 5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
14 other license regulated by ORS chapter 455, “engaging in the business” means to advertise
15 or solicit, contract or agree to perform, or to perform work for which a license or permit is
16 required under Oregon law, including but not limited to a single instance.
- 17 6. Under OAR 918-282-0170(1)(b), a general journeyman electrician shall work under the
18 supervision, direction, and control of a general supervising electrician unless doing the type
19 of work that may be supervised, directed, or controlled by a person holding a specific
20 limited supervising electrician license, or the type of work requiring no supervision.

21 **CONCLUSIONS OF LAW-**

- 22 1. The following constitutes electrical products under ORS 479.530(11):
- 23 a. Receptacles;
- 24 b. Light switches;
- 25 c. Can lights;

- d. Ceiling fans;
- e. Electrical panels;
- f. EV chargers; and,
- g. Light fixtures.

2. The following constitutes electrical installations under ORS 479.530(10):

- a. Installing receptacles;
- b. Installing light switches;
- c. Installing can lights;
- d. Installing ceiling fans;
- e. Changing electrical panels;
- f. Installing EV chargers; and,
- g. Installing light fixtures.

3. By advertising to install receptacles, switches, can lights, ceiling fans, EV chargers, and change electrical panels, Respondent engaged in the business of an electrical contractor under OAR 918-030-0010(8).

4. By engaging in the business of an electrical contractor through the advertisement without a valid Oregon electrical contractor's license, Respondent violated ORS 479.620(1).

5. By agreeing to perform and then by performing the following electrical installations, Respondent engaged in the business of an electrical contractor under OAR 918-030-0010(8):

- a. Disconnecting a light fixture from a hot wire and connecting it to a switch leg at the Garfield property.
- b. Replacing four light switches, and installing two three-way light switches at the Kline property.
- c. Replacing an existing light fixture with a motion sensing porch light at the Park property.

d. Installing GFCI receptacles and electrical light dimmer switches at the Bellfountain property.

6. By engaging in the business of an electrical contractor at the Garfield property, Kline property, Park property, and Bellfountain property, without a valid Oregon electrical contractor's license, Respondent violated ORS 479.620(1) four times.

7. By performing the foregoing electrical installations at the Garfield property, Kline property, Park property, and Bellfountain property, without being under the supervision, direction, or control of a general supervising electrician, Respondent acted outside the scope of Respondent's journeyman electrician's license. By acting outside the scope of Respondent's journeyman license, at each of the aforementioned properties, Respondent violated OAR 918-282-0170(1)(b) four times.

ORDER

1. The Board hereby assesses a total civil penalty of \$5,000.00 against Respondent for violating ORS 479.620(1) and OAR 918-282-0170(1)(b) as follows:²

a. \$3,500.00 of the total civil penalty will be suspended for a period of five years if there is compliance with all other terms of this Consent Order.

b. Respondent agrees to pay the remaining \$1,500.00 of the civil penalty. Respondent will make six monthly payments that must be received no later than the 25th day of each month in the amount of \$250.00 per month. Respondent's first payment shall be received **no later than the 25th day of the month following the month in which this Consent Order is signed by both parties.** *(An invoice may be provided to Respondent after this Consent Order is signed by both parties. Respondent understands timely payments must be made even if no invoice is ever received.)*

Checks should be made out to the Department of Consumer and Business Services.

Payments shall be mailed to Department of Consumer and Business Services,

² The Board could have imposed a civil penalty for each violation of ORS 479.620(1) and OAR 918-282-0170(1)(b).

1 Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For payment
2 questions and credit card payments, call cashiering at 503-947-7891.

3 *NOTE: If you fail to make timely payments as stated in this signed Consent Order,*
4 *the payment agreement becomes void. In addition, this account may be assigned to*
5 *the Department of Justice, Department of Revenue, or a private collection agency.*
6 *You will be responsible for any court costs, attorney fees, any other necessary fees*
 related to the collection of this debt, and any interest accrued. This debt may also
 appear on future credit reports.

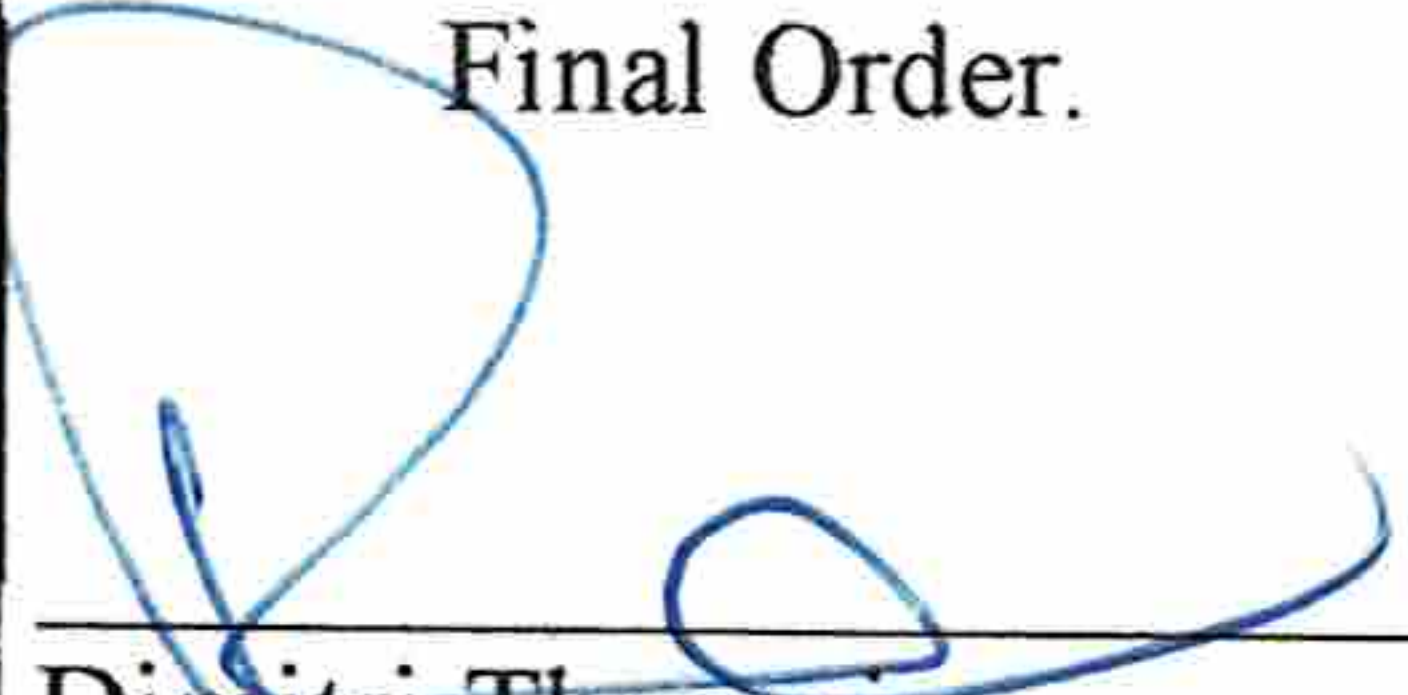
- 7 c. Respondent understands the suspended civil penalty (\$3,500.00) will be considered
8 satisfied five years after this Consent Order becomes a final order, provided
9 Respondent complies with its terms and has not committed any further violations of
10 the Division's statutes and rules within that five-year period. Respondent
11 understands and agrees that upon a showing that Respondent has not complied with
12 the terms of this Consent Order or that Respondent has committed any further
13 violations of the Division's statutes or rules within the five-year period, the entire
14 civil penalty, including any suspended amount, will become due and payable. Failure
15 to comply with this Consent Order includes, but is not limited to, failure to pay the
16 civil penalty amount due by the due date.
- 17 2. 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 3. 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 for any violation of the terms of this
23 Consent Order.
- 24 4. 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
 refusal to renew the same; for the suspension, revocation, or conditioning of a license,

1 certificate, or registration issued by the Division or other state agencies; and/or for any other
2 reason provided for in law.

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

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

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

9
10  It is so agreed this 31 day of July, 2023.
11 Dimitri Thevenin

12
13 _____ for It is so agreed this ____ day of _____, 2023.
14 Chair
15 Electrical and Elevator Board
16 State of Oregon
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BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**GARY HUNTER,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2023-0043

INTRODUCTION

The Building Codes Division (“Division”) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (“Board”) and determined that Gary Hunter (“Respondent”)¹ violated certain provisions of the Division’s statutes and administrative rules as identified below.

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

FINDINGS OF FACT

1. At all relevant times Respondent held Oregon electrical inspector number 5708EI.
2. At all relevant times Respondent held Oregon inspector certification number OIC4162.
3. At all relevant times, Respondent held Oregon journeyman electrician license number 28318J.
4. On or about February 9, 2023, Respondent, without the supervision of a general supervising electrician, replaced two electrical panels in a residence located at 6425 SE Yamhill Street,

¹ See related Division case C2023-0102 against Respondent.

1 Portland OR (“Yamhill property”).

2 5. In or around March 2023, Respondent, without the supervision of a general supervising
3 electrician, installed circuits, lighting outlet boxes, and electric wall heaters at a residence
4 located at 4125 NE Ainsworth Street, Portland, OR (“Ainsworth property”).

5 6. At no relevant time has Respondent held an Oregon electrical contractor license.

6 7. At no relevant time did Respondent obtain electrical permits prior to performing the
7 electrical work at the Yamhill property or the Ainsworth property.²

8 **APPLICABLE LAW**

9 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
10 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule (“OAR”) 918-001-0005,
11 OAR 918-030-0010, and OAR 918-251-0090.

12 2. Under ORS 479.530(10), “electrical installations” means the construction or installation of
13 electrical wiring and the permanent attachment or installation of electrical products in or on
14 any structure that is not itself an electrical product. “Electrical installation” also means the
15 maintenance or repair of installed electrical wiring and permanently attached electrical
16 products.

17 3. Under ORS 479.530(11), “electrical product” means any electrical equipment, material,
18 device or apparatus that, except as provided in ORS 479.540, requires a license or permit to
19 install and either conveys or is operated by electrical current.

20 4. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
21 permit has not been issued.

22 5. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not
23 engage in the business of making electrical installations, advertise as or otherwise purport to
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² Respondent was not allowed to work under the homeowner permit that was obtained by the homeowner.

1 be licensed to make electrical installations or purport to be acting as a business that makes
2 electrical installations.

- 3 6. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
4 other license regulated by ORS chapter 455, “engaging in the business” means to advertise
5 or solicit, contract or agree to perform, or to perform work for which a license or permit is
6 required under Oregon law, including but not limited to a single instance.
- 7 7. Under ORS 479.620(2), a person may not direct, supervise, or control the making of an
8 electrical installation without a supervising electrician’s license.
- 9 8. Under OAR 918-282-0170(1)(b), a general journeyman electrician shall work under the
10 supervision, direction, and control of a general supervising electrician unless doing the type
11 of work that may be supervised, directed, or controlled by a person holding a specific
12 limited supervising electrician license, or the type of work requiring no supervision.
- 13 9. Under ORS 455.127(2)(a), the Board may disqualify a person from obtaining or renewing a
14 license, registration, certificate, or certification if the person is subject to civil penalties,
15 revocation, cancellation or suspension of a license, registration, certificate or certification or
16 other sanction by the director, department or an advisory board.
- 17 10. Under ORS 455.127(3), a disqualification under subsection (2) of this section shall be for a
18 period determined by the director, department or appropriate advisory board by rule, not to
19 exceed five years. If a person applies for reinstatement of a revoked license, registration,
20 certificate or certification after the period of disqualification, the person must meet the
21 qualifications for initial issuance of the license, registration, certificate or certification.
- 22 11. Under OAR 918-001-0034(1), disqualification under ORS 455.127(2) shall be for a period
23 of five years except as provided in subsection (2) of this rule.
24
25

1 12. Under OAR 918-001-0034(2), the Board may, in its discretion, order a disqualification
2 fewer than five years. In doing so, the Board may, but is not required to, consider any
3 mitigating factors.

4 13. Under ORS 455.129(2)(a), the Board may deny a license, certificate, registration, or
5 application or may suspend, revoke, condition, or refuse to renew a license, certificate, or
6 registration if the regulatory body finds that the licensee, certificate holder, registrant, or
7 applicant has failed to comply with the laws administered by the regulatory body or with the
8 rules adopted by the regulatory body.

9 14. Under ORS 455.129(2)(d), the Board may deny a license, certificate, registration, or
10 application or may suspend, revoke, condition, or refuse to renew a license, certificate, or
11 registration if the regulatory body finds that the licensee, certificate holder, registrant, or
12 applicant performed work without appropriate licensing, certification or registration or has
13 employed individuals to perform work without appropriate licensing, certification or
14 registration.

15 15. Under ORS 455.129(2)(g), the Board may deny a license, certificate, registration, or
16 application or may suspend, revoke, condition, or refuse to renew a license, certificate, or
17 registration if the regulatory body finds that the licensee, certificate holder, registrant, or
18 applicant engaged in business as a specialty code contractor without holding a valid
19 specialty code contractor license, certificate or registration required for business.

20 16. Under ORS 455.129(3)(b), the Board may deny a license, certificate, registration, or
21 application or may suspend, revoke, condition, or refuse to renew a license, certificate, or
22 registration for those reasons enumerated in ORS 455.129(2).

23 CONCLUSIONS OF LAW

- 24 1. The following constitute electrical products under ORS 479.530(11):
25 a. Circuits;

- b. Electric wall heaters;
 - c. Lighting outlet boxes; and
 - d. Electrical panels.
2. The following constitute electrical installations under ORS 479.530(10):
 - a. Installing circuits;
 - b. Installing electric wall heaters;
 - c. Installing lighting outlet boxes; and
 - d. Replacing electrical panels.
3. By agreeing to perform and by performing the foregoing electrical installations at the Yamhill property and the Ainsworth property Respondent engaged in the business of an electrical contractor as defined in OAR 918-030-0010(8) two times.
4. By engaging in the business of electrical contractor at the Yamhill property and the Ainsworth property, without a valid Oregon electrical contractor's license, Respondent violated ORS 479.620(1) two times.
5. By performing the aforementioned electrical installations at the Yamhill property and the Ainsworth property, without the supervision, direction, and control of a general supervising electrician, Respondent violated OAR 918-282-0170(1)(b) two times.
6. By performing the aforementioned electrical installations at the Yamhill property and the Ainsworth property without a valid electrical permit, Respondent violated ORS 479.550(1) two times.
7. By violating ORS 479.620(1), OAR 918-282-0170(1)(b), and ORS 479.550(1), Respondent has failed to comply with the rules administered and adopted by the Board, and therefore, the Board may suspend Respondent's journeyman electrician license number 28318J under ORS 455.129(2)(a) and (3)(b).

1 8. By performing the aforementioned electrical installations at Yamhill property and the
2 Ainsworth property without a valid Oregon electrical contractor's license, Respondent has
3 performed electrical installations without appropriate licensing, and therefore, the Board
4 may suspend Respondent's journeyman electrician license number 28318J under ORS
5 455.129(2)(d), (2)(g), and (3)(b).

6 9. Because Respondent is subject to civil penalties and suspension of journeyman electrician
7 license number 28318J, for violating ORS 479.620(1), OAR 918-282-0170(1)(b), and ORS
8 479.550(1), the Board may disqualify Respondent from obtaining any Oregon electrical
9 license under ORS 455.127(2)(a) and (3) for a period not to exceed five (5) years

10 **ORDER**

11 1. The Board hereby assesses a total civil penalty of \$12,000.00 against Respondent for
12 violating ORS 479.620(1), OAR 918-282-0170(1)(b), and ORS 479.550(1) as follows:

13 a. \$9,000.00 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 \$3,000.00 of the civil penalty. Respondent
16 will make six (6) consecutive monthly payments that must be received no later than
17 the 25th day of each month in the amount of \$500.00 per month. Respondent's first
18 payment shall be received **no later than the 25th day of the month following the**
19 **month in which this Consent Order is signed by both parties.** *(An invoice may be*
20 *provided to Respondent after this Consent Order is signed by both parties.*

21 *Respondent understands timely payments must be made even if no invoice is ever*
22 *received.)* Checks should be made out to the Department of Consumer and Business
23 Services. **Payments shall be mailed to Department of Consumer and Business**
24 **Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For**
25 **payment questions and credit card payments, call cashiering at 503-947-7891.**

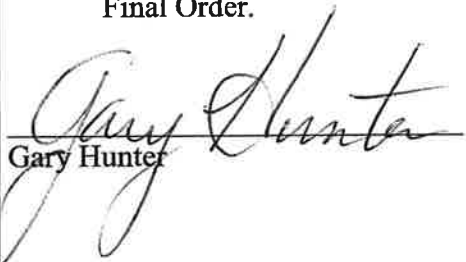
NOTE: If you fail to make timely payments as stated in this signed Consent Order,

1 ***the payment agreement becomes void. In addition, this account may be assigned to***
2 ***the Department of Justice, Department of Revenue, or a private collection agency.***
3 ***You will be responsible for any court costs, attorney fees, any other necessary fees***
4 ***related to the collection of this debt, and any interest accrued. This debt may also***
5 ***appear on future credit reports.***

- 6 c. Respondent understands the suspended civil penalty (\$9,000.00) will be considered
7 satisfied five years after this Consent Order becomes a final order, provided
8 Respondent complies with its terms and has not committed any further violations of
9 the Division's statutes and rules within that five-year period. Respondent
10 understands and agrees that upon a showing that Respondent has not complied with
11 the terms of this Consent Order or that Respondent has committed any further
12 violations of the Division's statutes or rules within the five-year period, the entire
13 civil penalty, including any suspended amount, will become due and payable. Failure
14 to comply with this Consent Order includes, but is not limited to, failure to pay the
15 civil penalty amount due by the due date.
- 16 2. Respondent's journeyman electrician license number license 28318J shall be suspended for
17 a period of six (6) months, commencing on the date that this Consent Order is executed by
18 all parties.
- 19 3. Respondent shall send in Respondent's journeyman electrician license number license
20 28318J to the Division within fourteen (14) calendar days of the consent order being signed
21 by both parties. Respondent will send his license to Building Codes Division, Enforcement
22 Section, P.O. Box 14470, Oregon, 97309.
- 23 4. This order does not disqualify Respondent from obtaining any additional Oregon electrical
24 license.
- 25 5. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
 that rely on the facts underlying this case. Cooperation may include, but may not be limited
 to, making sworn statements or testifying in administrative hearings.
6. Respondent understands that further enforcement action may be taken for any violation of

the Division's statutes or rules not alleged in this Consent Order, whether committed before or after the execution of this Consent Order, and for any violation of the terms of this Consent Order.

7. Respondent understands that failure to comply with this Consent Order may be used as a basis for the denial of future license, certificate, registration, or other applications, or for the refusal to renew the same; for the suspension, revocation, or conditioning of a license, certificate, or registration issued by the Division or other state agencies; and/or for any other reason provided for in law.
8. Respondent understands that this Consent Order is a public record.
9. Respondent has read and fully understands the terms of this Consent Order, freely and voluntarily consents to the entry of this Consent Order without any force or duress, and expressly waives all rights to hearing or judicial review in this matter.
10. Respondent understands that, upon signature of all parties, this Consent Order will be a Final Order.

 It is so agreed this 30th day of August, 2023.
Gary Hunter

_____ for It is so agreed this ____ day of _____, 2023.
Chair
Electrical and Elevator Board
State of Oregon

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **SYRETT BUILDING SOLUTIONS LLC,**
5 **A DOMESTIC LIMITED LIABILITY**
6 **COMPANY,**

7 **RESPONDENT.**

BCD CASE C2022-0102

8 **INTRODUCTION**

9
10 The Building Codes Division ("Division") conducted an investigation on behalf of the
11 Electrical and Elevator Board of the State of Oregon ("Board") and determined that Syrett Building
12 Solutions LLC ("Respondent") violated certain provisions of the Division's statutes and
13 administrative rules as identified below.

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

18 **FINDINGS OF FACT**

- 19 1. On or about October 6, 2021, Respondent registered with the Oregon Secretary of State
20 ("SOS") as a domestic limited liability company.
- 21 2. At all relevant times, Jonathan Syrett ("Syrett")¹ was listed as the manager and registered
22 agent of Respondent on the SOS website.
- 23 3. At all relevant times, Respondent held Oregon Construction Contractors Board ("CCB")
24 license number 238429.
- 25 4. At all relevant times, Syrett was listed as Respondent's responsible managing individual and

¹ See related Division case C2023-0071 against Syrett.

owner on the CCB website.

5. Sometime in or around July 2022, Respondent advertised to perform electrical services on Facebook. The advertisement stated in part, "Syrett Building Solutions LLC here for all your electrical needs" and included contact information for free estimates.
6. At no relevant time has Respondent held a valid Oregon electrical contractor license.

APPLICABLE LAW

1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule ("OAR") 918-001-0005, OAR 918-030-0010, and OAR 918-251-0090.
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. "Electrical installation" also means the maintenance or repair of installed electrical wiring and permanently attached electrical products.
3. Under ORS 479.530(11), "electrical product" means any electrical equipment, material, device or apparatus that, except as provided in ORS 479.540, requires a license or permit to install and either conveys or is operated by electrical current.
4. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not 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.
5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform work for which a license or permit is required under Oregon law, including but not limited to a single instance.

CONCLUSIONS OF LAW

1. By advertising to perform electrical services on Facebook, Respondent engaged in the business of an electrical contractor as defined in OAR 918-030-0010(8).
2. By engaging in the business of an electrical contractor, without a valid Oregon electrical contractor license, Respondent violated ORS 479.620(1).

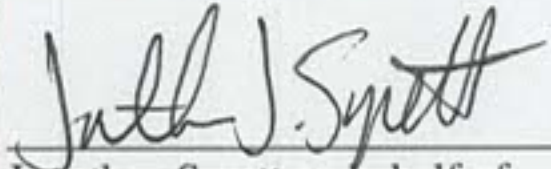
ORDER

1. The Board hereby assesses a total civil penalty of \$3,000.00 against Respondent for violating ORS 479.620(1) as follows:
 - a. \$2,400.00 of the total civil penalty will be suspended for a period of five years if there is compliance with all other terms of this Consent Order.
 - b. Respondent agrees to pay the remaining \$600.00 of the civil penalty. Respondent will make six consecutive monthly payments that must be received no later than the 25th day of each month in the amount of \$100.00 per month. Respondent's first payment shall be received **no later than the 25th day of the month following the month in which this Consent Order is signed by both parties.** (*An invoice may be provided to Respondent after this Consent Order is signed by both parties. Respondent understands timely payments must be made even if no invoice is ever received.*) Checks should be made out to the Department of Consumer and Business Services. **Payments shall be mailed to Department of Consumer and Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For payment questions and credit card payments, call cashiering at 503-947-7891.**
NOTE: If you fail to make timely payments as stated in this signed Consent Order, the payment agreement becomes void. In addition, this account may be assigned to the Department of Justice, Department of Revenue, or a private collection agency. You will be responsible for any court costs, attorney fees, any other necessary fees related to the collection of this debt, and any interest accrued. This debt may also appear on future credit reports.
 - c. Respondent understands the suspended civil penalty (\$2,400.00) will be considered

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

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

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

3 
4 Jonathan Syrett on behalf of
5 Syrett Building Solutions LLC

It is so agreed this 30 day of AUGUST, 2023.

6 _____ for
7 Chair
8 Electrical and Elevator Board
9 State of Oregon

It is so agreed this _____ day of _____, 2023.

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

2
3 **IN THE MATTER OF:**

CONSENT ORDER

4 **JONATHAN SYRETT,**
5 **AN INDIVIDUAL,**

6
7 **RESPONDENT.**

BCD CASE C2023-0071

8
9 **INTRODUCTION**

10 The Building Codes Division ("Division") conducted an investigation on behalf of the
11 Electrical and Elevator Board of the State of Oregon ("Board") and determined that Jonathan Syrett
12 ("Respondent") violated certain provisions of the Division's statutes and administrative rules as
13 identified below.

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

18 **FINDINGS OF FACT**

- 19 1. On or about October 6, 2021, Syrett Building Solutions LLC ("Syrett Building")¹ registered
20 with the Oregon Secretary of State ("SOS") as a domestic limited liability company.
- 21 2. At all relevant times, Respondent was listed as the manager and registered agent of Syrett
22 Building on the SOS website.
- 23 3. At all relevant times, Respondent and Syrett Building held Oregon Construction Contractors
24 Board ("CCB") license number 238429.
- 25 4. At all relevant times, Respondent was listed as Syrett Building's responsible managing

¹ See related Division case C2022-0102 against Syrett Building.

individual and owner on the CCB website.

5. On or about February 16, 2023, Respondent installed an overhead service consisting of a meter-main, riser, service conductors, weatherhead, grounding electrode system, and bonding conductors as part of an addition to a residential property ("the property") located at 1030 North 11th Street in Cottage Grove, Oregon. This electrical work included the installation of electrical metallic tubing to a junction box located near an existing panel. The tubing also contained multiple THHN conductors.
6. At no relevant time has Respondent held a valid Oregon supervising electrician's license, journeyman electrician's license, or limited residential electrician's ("LRE") license.
7. At no relevant time has Respondent held a valid Oregon electrical contractor license.
8. At no relevant time was a permit obtained for the aforementioned electrical work.²

APPLICABLE LAW

1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule ("OAR") 918-001-0005, OAR 918-030-0010, and OAR 918-251-0090.
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. "Electrical installation" also means the maintenance or repair of installed electrical wiring and permanently attached electrical products.
3. Under ORS 479.530(11), "electrical product" means any electrical equipment, material, device or apparatus that, except as provided in ORS 479.540, requires a license or permit to install and either conveys or is operated by electrical current.

² The owner of the property obtained an electrical permit (199-22-000416-ELEC-01) however, the owner was listed as the licensed professional on the permit application and therefore the permit does not apply to the electrical work performed by Respondent.

- f. Bonding conductors;
 - g. Electrical metallic tubing;
 - h. Junction boxes; and
 - i. THHN conductors.
2. Installing a service consisting of the aforementioned electrical products is considered an electrical installation under ORS 479.530(10).
3. By agreeing to perform and then by performing the foregoing electrical installation at the property, Respondent engaged in the business of an electrical contractor as defined in OAR 918-030-0010(8).
4. By engaging in the business of an electrical contractor without a valid Oregon electrical contractor license, Respondent violated ORS 479.620(1).
5. By performing the foregoing electrical installation at the property without holding a valid Oregon supervising electrician's license, journeyman electrician's license, or LRE license, Respondent violated ORS 479.620(3) and ORS 479.620(5).
6. By performing the foregoing electrical installation at the property without first obtaining a valid electrical permit, Respondent violated ORS 479.550(1).

ORDER

1. The Board hereby assesses a total civil penalty of \$6,000.00 against Respondent for violating ORS 479.620(1), ORS 479.620(3), ORS 479.620(5) and ORS 479.550(1) as follows:
 - a. \$5,100.00 of the total civil penalty will be suspended for a period of five years if there is compliance with all other terms of this Consent Order.
 - b. Respondent agrees to pay the remaining \$900.00 of the civil penalty. Respondent will make six consecutive monthly payments that must be received no later than the 25th day of each month in the amount of \$150.00 per month. Respondent's first

1 payment shall be received no later than the 25th day of the month following the
2 month in which this Consent Order is signed by both parties. (An invoice may be
3 provided to Respondent after this Consent Order is signed by both parties.

4 Respondent understands timely payments must be made even if no invoice is ever
5 received.) Checks should be made out to the Department of Consumer and Business
6 Services. Payments shall be mailed to Department of Consumer and Business
7 Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-0445. For
8 payment questions and credit card payments, call cashiering at 503-947-7891.

9 **NOTE:** If you fail to make timely payments as stated in this signed Consent Order,
10 the payment agreement becomes void. In addition, this account may be assigned to
11 the Department of Justice, Department of Revenue, or a private collection agency.
12 You will be responsible for any court costs, attorney fees, any other necessary fees
related to the collection of this debt, and any interest accrued. This debt may also
appear on future credit reports.

- 13 c. Respondent understands the suspended civil penalty (\$5,100.00) will be considered
14 satisfied five years after this Consent Order becomes a final order, provided
15 Respondent complies with its terms and has not committed any further violations of
16 the Division's statutes and rules within that five-year period. Respondent
17 understands and agrees that upon a showing that Respondent has not complied with
18 the terms of this Consent Order or that Respondent has committed any further
19 violations of the Division's statutes or rules within the five-year period, the entire
20 civil penalty, including any suspended amount, will become due and payable. Failure
21 to comply with this Consent Order includes, but is not limited to, failure to pay the
22 civil penalty amount due by the due date.
- 23 2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
24 that rely on the facts underlying this case. Cooperation may include, but may not be limited
25 to, making sworn statements or testifying in administrative hearings.
3. Respondent understands that further enforcement action may be taken for any violation of

1 the Division's statutes or rules not alleged in this Consent Order, whether committed before
2 or after the execution of this Consent Order, and for any violation of the terms of this
3 Consent Order.

- 4 4. Respondent understands that failure to comply with this Consent Order may be used as a
5 basis for the denial of future license, certificate, registration, or other applications, or for the
6 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
7 certificate, or registration issued by the Division or other state agencies; and/or for any other
8 reason provided for in law.
- 9 5. Respondent understands that this Consent Order is a public record.
- 10 6. Respondent has read and fully understands the terms of this Consent Order, freely and
11 voluntarily consents to the entry of this Consent Order without any force or duress, and
12 expressly waives all rights to hearing or judicial review in this matter.
- 13 7. Respondent understands that, upon signature of all parties, this Consent Order will be a
14 Final Order.

15 
16 Jonathan Syrett

It is so agreed this 30 day of AUGUST, 2023.

17
18
19 _____ for
Chair
Electrical and Elevator Board
20 State of Oregon

It is so agreed this ____ day of _____, 2023.

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**BRYAN SUCHANSKI,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2023-0074

INTRODUCTION

The Building Codes Division (“Division”) conducted an investigation on behalf of the Electrical and Elevator Board of the State of Oregon (“Board”) and determined that Bryan Suchanski (“Respondent”) violated certain provisions of the Division’s statutes and administrative rules as identified below.

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

FINDINGS OF FACT

1. On or about January 20, 2018, Bryan’s Renovation and Repairs, LLC (“Bryan’s Renovation”)¹ registered with the Oregon Secretary of State (“SOS”) as a domestic limited liability company.
2. At all relevant times, Respondent was listed as the member and registered agent of Bryan’s Renovation on the SOS website.
3. At no relevant time did Bryan’s Renovation register with the Oregon Construction Contractors Board (“CCB”).

¹ See related Division case C2023-0116 against Bryan’s Renovation.

1 4. From on or around November 7, 2021 to on or around December 5, 2021, Respondent, on
2 behalf of Bryan's Renovation, performed the following electrical work as part of an
3 extensive home remodel at 5797 Perrin Street, in West Linn, Oregon ("the property"):

- 4 a. Relocated and installed eight (8) electrical boxes;
- 5 b. Installed seven (7) light switches;
- 6 c. Installed one electrical receptacle;
- 7 d. Installed approximately fifteen (15) feet of new Nonmetallic ("NM") cable; and
- 8 e. Relocated NM wire for a ceiling fan.

9 5. At no relevant time did Respondent hold a valid Oregon signing supervisor electrician's
10 license, journeyman electrician's license, or limited residential electrician's ("LRE") license.

11 **APPLICABLE LAW**

12 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
13 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule ("OAR") 918-001-0005,
14 and OAR 918-030-0010, OAR 918-251-0090.

15 2. Under ORS 479.530(10), "electrical installations" means the construction or installation of
16 electrical wiring and the permanent attachment or installation of electrical products in or on
17 any structure that is not itself an electrical product. "Electrical installation" also means the
18 maintenance or repair of installed electrical wiring and permanently attached electrical
19 products.

20 3. Under ORS 479.530(11), "electrical product" means any electrical equipment, material,
21 device or apparatus that, except as provided in ORS 479.540, requires a license or permit to
22 install and either conveys or is operated by electrical current.

23 4. Under ORS 479.620(3), except as provided in ORS 479.620(5), a person may not make any
24 electrical installation without a supervising or journeyman electrician's license.

- 1 5. Under ORS 479.620(5), a person may not make any electrical installation on a single or
2 multifamily dwelling unit not exceeding three floors above grade, as provided in ORS
3 479.630(14), without a limited residential electrician's ("LRE") license.

4 **CONCLUSIONS OF LAW**

- 5 1. The following constitutes electrical products under ORS 479.530(11):
6 a. Electrical boxes;
7 b. Electrical switches;
8 c. Electrical receptacles; and
9 d. NM cable.
10 2. The following constitutes electrical installations under ORS 479.530(10):
11 a. Installing and relocating electrical boxes;
12 b. Installing electrical switches;
13 c. Installing electrical receptacles;
14 d. Installing and relocating NM cable;
15 3. By performing the foregoing electrical installation at the property without holding a valid
16 Oregon supervising electrician's license, journeyman electrician's license, or LRE license,
17 Respondent violated ORS 479.620(3) and ORS 479.620(5).

18 **ORDER**

- 19 1. The Board hereby assesses a total civil penalty of \$2,000.00 against Respondent for
20 violating ORS 479.620 (3) and (5) as follows:
21 a. \$1,500.00 of the total civil penalty will be suspended for a period of five years if
22 there is compliance with all other terms of this Consent Order.
23 b. Respondent agrees to pay the remaining \$500.00 of the civil penalty in a lump sum
24 payment. Respondent's payment must be received no later than the 25th day of the
25 month following the month in which this Consent Order is signed by both parties(*An*


1 invoice may be provided to Respondent after this Consent Order is signed by both
2 parties. Respondent understands timely payments must be made even if no invoice is
3 ever received.) Checks should be made out to the Department of Consumer and
4 Business Services. **Payment shall be mailed to Department of Consumer and
5 Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-
6 0445. For payment questions and credit card payments call 971-375-7087.**

7 ***NOTE: If you fail to make your lump sum payment as stated in this signed
8 Consent Order, this account may be assigned to the Department of Justice,
9 Department of Revenue, or a private collection agency. You will be responsible
10 for any court costs, attorney fees, any other necessary fees related to the collection
11 of this debt, and any interest or penalties accrued. This debt may also appear on
12 future credit reports.***

- 11 c. Respondent understands the suspended civil penalty (\$1,500.00) will be considered
12 satisfied five years after this Consent Order becomes a final order, provided
13 Respondent complies with its terms and has not committed any further violations of
14 the Division's statutes and rules within that five-year period. Respondent
15 understands and agrees that upon a showing that Respondent has not complied with
16 the terms of this Consent Order or that Respondent has committed any further
17 violations of the Division's statutes or rules within the five-year period, the entire
18 civil penalty, including any suspended amount, will become due and payable. Failure
19 to comply with this Consent Order includes, but is not limited to, failure to pay the
20 civil penalty amount due by the due date.
- 21 2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
22 that rely on the facts underlying this case. Cooperation may include, but may not be limited
23 to, making sworn statements or testifying in administrative hearings.
- 24 3. Respondent understands that further enforcement action may be taken for any violation of
25 the Division's statutes or rules not alleged in this Consent Order, whether committed before
or after the execution of this Consent Order, and for any violation of the terms of this

Consent Order.

4. Respondent understands that failure to comply with this Consent Order may be used as a basis for the denial of future license, certificate, registration, or other applications, or for the refusal to renew the same; for the suspension, revocation, or conditioning of a license, certificate, or registration issued by the Division or other state agencies; and/or for any other reason provided for in law.
5. Respondent understands that this Consent Order is a public record.
6. Respondent has read and fully understands the terms of this Consent Order, freely and voluntarily consents to the entry of this Consent Order without any force or duress, and expressly waives all rights to hearing or judicial review in this matter.
7. Respondent understands that, upon signature of all parties, this Consent Order will be a Final Order.

 It is so agreed this 28 day of Aug, 2023.

_____ for It is so agreed this ____ day of _____, 2023.
Chair
Electrical and Elevator Board
State of Oregon

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3 **BRYAN’S RENOVATION AND REPAIRS,**
4 **LLC,**
5 **A DOMESTIC LIMITED LIABILITY**
6 **COMPANY,**

7 **RESPONDENT.**

BCD CASE C2023-0116

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 Bryan’s
11 Renovation and Repairs, LLC (“Respondent”) violated certain provisions of the Division’s statutes
12 and administrative 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
16 a hearing and any judicial review therefrom by the signing of this Consent Order.

17 **FINDINGS OF FACT**

- 18 1. On or about January 20, 2018, Respondent registered with the Oregon Secretary of State
19 (“SOS”) as a domestic limited liability company.
- 20 2. At all relevant times, Bryan Suchanski (“Suchanski”)¹ was listed as the member and
21 registered agent of Respondent on the SOS website.
- 22 3. At no relevant time did Respondent register with the Oregon Construction Contractors
23 Board (“CCB”).
- 24 4. From on or around November 7, 2021 to on or around December 5, 2021, Suchanski, on
25

¹ See related Division case C2023-0074 against Suchanski.

behalf of Respondent, performed the following electrical work as part of an extensive home remodel at 5797 Perrin Street, in West Linn, Oregon (“the property”):

- a. Relocated and installed eight (8) electrical boxes;
- b. Installed seven (7) light switches;
- c. Installed one electrical receptacle;
- d. Installed approximately fifteen (15) feet of new Nonmetallic (“NM”) cable; and
- e. Relocated NM wire for a ceiling fan.

5. At no relevant time has Respondent held a valid Oregon electrical contractor's license.

6. At no relevant time did Suchanski hold a valid Oregon signing supervisor electrician's license, journeyman electrician's license, or limited residential electrician's ("LRE") license.

7. At no relevant time did Respondent obtain an electrical permit prior to performing the electrical work at the property.

APPLICABLE LAW

1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule (“OAR”) 918-001-0005, and OAR 918-030-0010, OAR 918-251-0090.

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

3. Under ORS 479.530(11), “electrical product” means any electrical equipment, material, device or apparatus that, except as provided in ORS 479.540, requires a license or permit to install and either conveys or is operated by electrical current.

- 1 4. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not
2 engage in the business of making electrical installations, advertise as or otherwise purport to
3 be licensed to make electrical installations or purport to be acting as a business that makes
4 electrical installations.
- 5 5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
6 other license regulated by ORS chapter 455, “engaging in the business” means to advertise
7 or solicit, contract or agree to perform, or to perform work for which a license or permit is
8 required under Oregon law, including but not limited to a single instance.
- 9 6. Under ORS 479.620(3), except as provided in ORS 479.620(5), a person may not make any
10 electrical installation without a supervising or journeyman electrician’s license.
- 11 7. Under ORS 479.620(5), a person may not make any electrical installation on a single or
12 multifamily dwelling unit not exceeding three floors above grade, as provided in ORS
13 479.630(14), without a limited residential electrician’s (“LRE”) license.
- 14 8. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform
15 electrical work for which the individual is not properly registered or licensed.
- 16 9. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
17 permit has not been issued.

18 **CONCLUSIONS OF LAW**

- 19 1. The following constitutes electrical products under ORS 479.530(11):
 - 20 a. Electrical boxes;
 - 21 b. Electrical switches;
 - 22 c. Electrical receptacles; and
 - 23 d. NM cable.
- 24 2. The following constitutes electrical installations under ORS 479.530(10):
 - 25 a. Installing and relocating electrical boxes;

- b. Installing electrical switches;
 - c. Installing electrical receptacles;
 - d. Installing and relocating NM cable;
3. By agreeing and contracting to perform, and then by permitting Suchanski to perform the foregoing electrical installation, Respondent engaged in the business of an electrical contractor, as defined under OAR 918-030-0010(8).
 4. By engaging in the business of an electrical contractor without holding a valid Oregon electrical contractor's license, Respondent violated ORS 479.620(1).
 5. By performing the foregoing electrical installations at the property without holding a valid Oregon supervising electrician's license, journeyman electrician's license, or LRE license, Suchanski violated ORS 479.620(3) and ORS 479.620(5).
 6. By allowing Suchanski to perform the foregoing electrical installation at the property for which they were not properly licensed, Respondent violated OAR 918-282-0120(1).
 7. By allowing the foregoing electrical installation at the property without first obtaining an valid electrical permit, Respondent violated ORS 479.550(1).

ORDER

1. The Board hereby assesses a total civil penalty of \$6,000.00 against Respondent for violating ORS 479.620(1), OAR 918-282-0120(1) and ORS 479.550(1) as follows:
 - a. \$4,500.00 of the total civil penalty will be suspended for a period of five years if there is compliance with all other terms of this Consent Order.
 - b. Respondent agrees to pay the remaining \$1,500.00 of the civil penalty in a lump sum payment. Respondent's payment must be received no later than the 25th day of the month following the month in which this Consent Order is signed by both parties(*An invoice may be provided to Respondent after this Consent Order is signed by both parties. Respondent understands timely payments must be made even if no invoice is*

1 ever received.) Checks should be made out to the Department of Consumer and
2 Business Services. **Payment shall be mailed to Department of Consumer and**
3 **Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-**
4 **0445. For payment questions and credit card payments call 971-375-7087.**

5 ***NOTE: If you fail to make your lump sum payment as stated in this signed***
6 ***Consent Order, this account may be assigned to the Department of Justice,***
7 ***Department of Revenue, or a private collection agency. You will be responsible***
8 ***for any court costs, attorney fees, any other necessary fees related to the collection***
9 ***of this debt, and any interest or penalties accrued. This debt may also appear on***
10 ***future credit reports.***

11 c. Respondent understands the suspended civil penalty (\$4,500.00) will be considered
12 satisfied five years after this Consent Order becomes a final order, provided
13 Respondent complies with its terms and has not committed any further violations of
14 the Division's statutes and rules within that five-year period. Respondent
15 understands and agrees that upon a showing that Respondent has not complied with
16 the terms of this Consent Order or that Respondent has committed any further
17 violations of the Division's statutes or rules within the five-year period, the entire
18 civil penalty, including any suspended amount, will become due and payable. Failure
19 to comply with this Consent Order includes, but is not limited to, failure to pay the
20 civil penalty amount due by the due date.

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

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

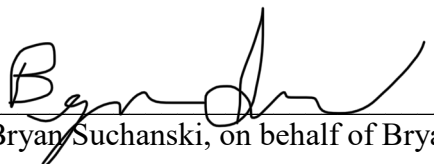
4. Respondent understands that failure to comply with this Consent Order may be used as a

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

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

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

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

11  It is so agreed this 28 day of Oct, 2023.
12 Bryan Suchanski, on behalf of Bryan's Renovation and Repairs, LLC
13

14 _____ for It is so agreed this ____ day of _____, 2023.
15 Chair
16 Electrical and Elevator Board
17 State of Oregon
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1 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **SERDEN GROUP LLC,
A FOREIGN LIMITED LIABILITY
5 COMPANY**

6 **RESPONDENT.**

BCD CASE C2023-0047

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 Serden Group
11 LLC ("Respondent") violated certain provisions of the Division's statutes and administrative rules
12 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
16 a hearing and any judicial review therefrom by the signing of this Consent Order.

17 **FINDINGS OF FACT**

- 18 1. On or about July 27, 2021, Respondent registered with the Oregon Secretary of State
19 ("SOS") as a foreign limited liability company.
- 20 2. At all relevant times, David Bejan ("Bejan") was listed as a member of Respondent on the
21 SOS website.
- 22 3. On or about March 28, 2022, Respondent registered with the Oregon Construction
23 Contractor's Board ("CCB").
- 24 4. At all relevant times, Bejan was listed as a member and responsible managing individual of
25 Respondent on the CCB website.

- 1 5. Sometime in or around January 2023, Nikolay Sergeev (“Sergeev”)¹ was subcontracted by
2 Respondent to assist with electrical work as part of a kitchen remodel at a residence located
3 at 17742 Southwest Janell Court in Beaverton, Oregon (“the property”).
- 4 6. From on or about January 16, 2023, until on or about January 22, 2023, Sergeev, on
5 Respondent’s behalf, performed the following electrical work at the property:
- 6 a. Installed three recessed lighting fixtures;
7 b. Installed Romex wiring;
8 c. Installed two GFCI receptacles; and
9 d. Installed three non-GFCI receptacles.
- 10 7. At no relevant time has Sergeev held a valid Oregon supervising electrician’s license,
11 journeyman electrician’s license, or limited residential electrician’s (“LRE”) license.

12 **APPLICABLE LAW**

- 13 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
14 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule (“OAR”) 918-001-0005,
15 OAR 918-030-0010, and OAR 918-251-0090.
- 16 2. Under ORS 479.530(10), “electrical installations” means the construction or installation of
17 electrical wiring and the permanent attachment or installation of electrical products in or on
18 any structure that is not itself an electrical product. “Electrical installation” also means the
19 maintenance or repair of installed electrical wiring and permanently attached electrical
20 products.
- 21 3. Under ORS 479.530(11), “electrical product” means any electrical equipment, material,
22 device or apparatus that, except as provided in ORS 479.540, requires a license or permit to
23 install and either conveys or is operated by electrical current.
- 24 4. Under ORS 479.620(3), except as provided in ORS 479.620(5), a person may not make any
25 electrical installation without a supervising or journeyman electrician’s license.

¹ See related Division case C2023-0046 against Sergeev.

- 1 5. Under ORS 479.620(5), a person may not make any electrical installation on a single or
2 multifamily dwelling unit not exceeding three floors above grade, as provided in ORS
3 479.630(14), without a limited residential electrician's license.
- 4 6. Under ORS 455.450(2), a person may not engage in, or procure or assist any other person to
5 engage in, any conduct or activity for which a permit, label, license, certificate, registration,
6 or other formal authorization is required by any specialty code, any provision of ORS
7 479.510 to 479.945, or any rule adopted or order issued for the administration and
8 enforcement of those provisions, without first having obtained such permit, label, license,
9 certificate, registration, or other formal authorization.

10 **CONCLUSIONS OF LAW**

- 11 1. The following constitute electrical products under ORS 479.530(11):
- 12 a. Lighting fixtures;
- 13 b. Romex wiring;
- 14 c. GFCI receptacles; and
- 15 d. Non-GFCI receptacles.
- 16 2. The following constitutes electrical installations under ORS 479.530(10):
- 17 a. Installing lighting fixtures;
- 18 b. Installing Romex wiring;
- 19 c. Installing GFCI receptacles; and
- 20 d. Installing non-GFCI receptacles.
- 21 3. By performing the foregoing electrical work at the property without a valid Oregon
22 supervising electrician's license, journeyman electrician's license, or limited residential
23 electrician's ("LRE") license, Sergeev violated ORS 479.620(3) and ORS 479.620(5).
24
25

- 1 4. By procuring Sergeev to perform the foregoing electrical work without a valid Oregon
2 supervising electrician's license, journeyman electrician's license, or limited residential
3 electrician's ("LRE") license, Respondent violated ORS 455.450(2).

4 **ORDER**

- 5 1. The Board hereby assesses a total civil penalty of \$2,000.00 against Respondent for
6 violating ORS 455.450(2) as follows:

- 7 a. \$1,250.00 of the total civil penalty will be suspended for a period of five years if
8 there is compliance with all other terms of this Consent Order.
- 9 b. Respondent agrees to pay the remaining \$750.00 of the civil penalty in a lump sum
10 payment. Respondent's payment must be received no later than the 25th day of the
11 month following the month in which this Consent Order is signed by both parties(*An*
12 *invoice may be provided to Respondent after this Consent Order is signed by both*
13 *parties. Respondent understands timely payments must be made even if no invoice is*
14 *ever received.*) Checks should be made out to the Department of Consumer and
15 Business Services. **Payment shall be mailed to Department of Consumer and**
16 **Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-**
17 **0445. For payment questions and credit card payments call 971-375-7087.**

18 ***NOTE: If you fail to make your lump sum payment as stated in this signed***
19 ***Consent Order, this account may be assigned to the Department of Justice,***
20 ***Department of Revenue, or a private collection agency. You will be responsible for***
21 ***any court costs, attorney fees, any other necessary fees related to the collection of***
22 ***this debt, and any interest or penalties accrued. This debt may also appear on***
23 ***future credit reports.***

- 24 c. Respondent understands the suspended civil penalty (\$1,250.00) will be considered
25 satisfied five years after this Consent Order becomes a final order, provided
Respondent complies with its terms and has not committed any further violations of
the Division's statutes and rules within that five-year period. Respondent
understands and agrees that upon a showing that Respondent has not complied with

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

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

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

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

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

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


22 ///

23 ///

24 ///

25 ///

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

3  It is so agreed this 19 day of September, 2023.
4 David Bejan
5 On behalf of Serden Group LLC

6 _____ for It is so agreed this ____ day of _____, 2023.
7 Chair
8 Electrical and Elevator Board
9 State of Oregon
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Electrical and Elevator Board Enforcement Report for September 28, 2023

Summary Report - Cases Previously Resolved by Division						
Case #	Name	Violation	Location	Date of Violation	Penalty Assessed	Other Comments
C2022-0106	Glacier Electric	Installation of electrical receptacles and light switches by unsupervised apprentices • Allowing unlicensed electrical work	The Dalles	July 2022	\$2,000	
C2023-0100	Richard Lee	Installation of electrical receptacles and light switches by unsupervised apprentices • Permitting unlicensed electrical work	The Dalles	July 2022	\$3,000	
C2021-0122	Devin Hooper	Installation of electrical wiring, a combiner panel, and a disconnect switch • Performing unlicensed electrical work	Hillsboro	July 2021	\$2,000	
C2021-0123	Eco Electric NW	Agreed to install and installed conduit and electrical wiring in connection to a solar panel installation • Engaging in the business of an electrical contractor • No permit	Hillsboro	July 2021	\$4,000	
C2022-0108	Mark Stanko	Pulling electrical wire into an electrical breaker box and installing electrical flexible wiring • Permitting unlicensed electrical work	Portland	June 2022	\$3,000	
C2022-0126	Abran Perea	Installation of an electrical panel, canned lights, electrical wiring, and an electrical circuit • Performing unlicensed electrical work	Medford	June – Aug. 2021	\$2,000	
C2022-0173	Seagull Beachfront Inn LLC	Installing electrical outlet boxes and receptacles, light switches, light fixtures, and breakers; and connecting electrical wiring to heating units • Procuring unlicensed electrical work	Lincoln City	February - March 2022	\$2,000	

**Enrolled
Senate Bill 582**

Sponsored by Senators WAGNER, LIEBER; Senator TAYLOR, Representatives FAHEY, GAMBA,
HUDSON (Presession filed.)

CHAPTER

AN ACT

Relating to the Electric Vehicle Infrastructure Training Program.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) “Electric vehicle charging system” means an electrical system or device used solely for the delivery of electrical current for the purpose of charging one or more electric vehicles.

(b) “Equivalent training program” means a registered apprenticeship or continuing education electrician program for the installation of an electric vehicle charging system that is developed in accordance with a national guideline standard approved by the United States Department of Labor, in consultation with the United States Department of Transportation, and approved by the Electrical and Elevator Board.

(c) “State agency” means any state office, department, division, bureau, board or commission or any other state agency.

(2) A state agency that authorizes or funds, in whole or in part, the installation of an electric vehicle charging system to be located on the customer’s side of the meter shall require as a condition of the authorization or funding that:

(a) The electric vehicle charging system be installed by a contractor or contractors who hold all licenses legally required to perform the electrical installation work;

(b) The electric vehicle charging system be installed by a contractor or contractors who hold an Electric Vehicle Infrastructure Training Program or equivalent training program certification; and

(c) One or more electricians who hold an Electric Vehicle Infrastructure Training Program or equivalent training program certification supervise or participate in the installation work for the periods during which electrical installation work is being performed.

(3) The requirements under this section do not apply to the installation of an electric vehicle charging system for a single-family dwelling, townhouse or multifamily residential building with four or fewer residential units.

SECTION 2. Section 1 of this 2023 Act is amended to read:

Sec. 1. (1) As used in this section:

(a) “Electric vehicle charging system” means an electrical system or device used solely for the delivery of electrical current for the purpose of charging one or more electric vehicles.

(b) “Equivalent training program” means a registered apprenticeship or continuing education electrician program for the installation of an electric vehicle charging system that is developed in

accordance with a national guideline standard approved by the United States Department of Labor, in consultation with the United States Department of Transportation, and approved by the Electrical and Elevator Board.

(c) “State agency” means any state office, department, division, bureau, board or commission or any other state agency.

(2)(a) A state agency that authorizes or funds, in whole or in part, the installation of an electric vehicle charging system to be located on the customer’s side of the meter shall require as a condition of the authorization or funding that:

[(a)] (A) The electric vehicle charging system be installed by a contractor or contractors who hold all licenses legally required to perform the electrical installation work;

[(b)] (B) The electric vehicle charging system be installed by a contractor or contractors who hold an Electric Vehicle Infrastructure Training Program or equivalent training program certification; and

[(c)] (C) One or more electricians who hold an Electric Vehicle Infrastructure Training Program or equivalent training program certification supervise or participate in the installation work for the periods during which electrical installation work is being performed.

(b) In addition to the requirements under paragraph (a) of this subsection, when the installation is for an electric vehicle charging system to be located on the customer’s side of the meter that will supply 25 or more kilowatts to an electric vehicle, the state agency shall require that at least 25 percent of electricians who are present and working on the installation hold Electric Vehicle Infrastructure Training Program or equivalent training program certifications.

(3) The requirements under this section do not apply to the installation of an electric vehicle charging system for a single-family dwelling, townhouse or multifamily residential building with four or fewer residential units.

SECTION 3. (1) As used in this section, “equivalent training program” has the meaning given that term in section 1 of this 2023 Act.

(2) The Electrical and Elevator Board shall approve the Electric Vehicle Infrastructure Training Program (EVITP), and review equivalent training programs for consideration, as a continuing education program that meets the continuing education standards established by the board under ORS 479.680 (1).

(3) The board shall, on an annual basis, request from the EVITP provider information on the number of electricians who have signed up for the course, completed the course and passed the certification exam.

(4) The board may audit the EVITP to ensure that the EVITP includes the most current national electrical codes and best practices for the installation of electrical vehicle charging systems.

SECTION 4. (1) As used in this section, “equivalent training program” has the meaning given that term in section 1 of this 2023 Act.

(2) The amendments to section 1 of this 2023 Act by section 2 of this 2023 Act become operative on the day after the date the Electrical and Elevator Board certifies that 500 individuals in the state have completed:

(a) The Electric Vehicle Infrastructure Training Program (EVITP) and passed the EVITP certification exam; or

(b) An equivalent training program and passed the equivalent training program certification exam.

(3) The board shall notify the appropriate committees of the Legislative Assembly related to consumer and business services upon certifying that 500 individuals in the state have completed:

(a) The EVITP and passed the EVITP certification exam; or

(b) An equivalent training program and passed the equivalent training program certification exam.

Passed by Senate June 20, 2023

.....
Lori L. Bocker, Secretary of Senate

.....
Rob Wagner, President of Senate

Passed by House June 22, 2023

.....
Dan Rayfield, Speaker of House

Received by Governor:

.....M.,....., 2023

Approved:

.....M.,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Secretary of State

State of Oregon

Board memo

Building Codes Division

September 28, 2023

To: Electrical and Elevator Board

From: Ian Paik, policy analyst, Policy and Technical Services

Subject: 2024 Oregon Elevator Specialty Code Review Committee's Recommendation & Next Steps for Adoption

Action requested:

The board review and approve the provisions of the 2024 Oregon Elevator Specialty Code and recommend the Administrator proceed with rulemaking

Background:

Under ORS 460.085 the division, with the approval of the Electrical & Elevator Board, adopts rules setting minimum safety standards for workmanship and materials in various classifications of elevator installations, known as the 2024 Oregon Elevator Specialty Code. The division is planning on adopting the 2024 Oregon Elevator Specialty Code with an effective date of January 1, 2024.

At its May 25, 2023, board meeting, the Electrical & Elevator Board established that a code committee would be formed, and recommended myriad ASME standards for the 2024 Oregon Elevator Specialty Code. The solicitation period for the code review committee members was open from June 5, 2023 to June 18, 2023. The public proposal period was open to submissions on proposed code changes from June 1, 2023 to July 20, 2023. At its July 27, 2023, board meeting, the Electrical & Elevator Board announced the members of the code review committee and selected a chair for the committee.

The Oregon Elevator Specialty Code review committee met and completed an analysis of the proposed 2024 Oregon Elevator Specialty Code and proposed ASME standards on September 6, 2023. The electronic board packet includes the 2024 Oregon Elevator Specialty Code review committee matrix highlighting the draft changes to the amendments, the proposed ASME standards, and the code review committee's recommendations. The electronic board packet also includes the proposed rule language for the 2024 Oregon Elevator Specialty Code.

Options:

- Approve the proposed code language and forward to the Administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.
- Amend and approve the proposed code language and forward to the Administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.
- Disapprove the committee's recommendation regarding the proposed code language, which would continue use of the 2012 Oregon Elevator Specialty Code.

**Draft
Electrical & Elevator Board
Mtg Sept 28, 2023
2024 Oregon Elevator Specialty Code Adoption**

OAR 918-400-0455

Adopted Oregon Elevator Specialty Code

(1) Effective ~~January 1, 2012~~ **January 1, 2024**, the ~~2011~~ **2024** Oregon Elevator Specialty Code is comprised of

~~(a) The Oregon Specialty Lift Code, 2005 edition; and~~

~~(b) Four~~ **eight** national model codes published by the American Society of Mechanical Engineers (ASME), as amended by the Building Codes Division in OAR 918-400-0458, which are the:

~~(A) (a)~~ **Safety Code for Elevators and Escalators, ASME A17.1-2010-2019;**

~~(B) (b)~~ **Guide for Inspection of Elevators, Escalators and Moving Walks, ASME A17.2-2010-2020;**

~~(C) (c) Standard for Elevator Suspension, Compensation, and Governor Systems, ASME 17.6-2010~~ **Safety Code for existing Elevators and Escalators, ASME A17.3 2020;**

~~(D) (d) Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1-2008; and~~ **Guide for Emergency Personnel, ASME A17.4 2015;**

~~(E) (e) Safety Standard for Belt Manlifts, ASME A90.1-2009 Standard for Elevator Suspension, Compensation, and Governor Systems, ASME 17.6-2010-2022;~~

(f) Performance Based Code, ASME A17.7 2007 (R2012).

(g) Safety Standard for Platform Lifts and Stairway Chairlifts, ASME A18.1-2020; and

(h) Safety Standard for Belt Manlifts, ASME A90.1-2015.

(2)~~(a)~~ Referenced standards referred to within adopted national model codes shall recognize the latest Oregon adopted edition unless otherwise specified in this rule.

~~(3)(b)~~ Notwithstanding any licensing or certification provisions contained in the model codes adopted in subsection (1) of this section for inclusion in the Oregon Elevator Specialty Code, the standards and requirements applicable to elevator business and trade licenses, as well as inspector certifications, issued by the Building Codes Division are established in ORS chapters 455, 460, and 479, and OAR chapter 918, divisions 30, 90, and 282.

918-400-0458

Amendments to the Oregon Elevator Specialty Code

(1) The Oregon Elevator Specialty Code, adopted at OAR 918-400-0455, is amended pursuant to OAR chapter 918, division 8. Amendments to the Oregon Elevator Specialty Code are provided in this rule, along with the title of the amended code and a descriptive caption of the amendment.

(2) Effective January 1, ~~2011~~ **2024**, the Safety Code for Elevators and Escalators, ASME A17.1-~~2010~~ **2019**, is amended by the adoption of Oregon specific amendments. The Oregon specific amendments are published in their entirety at Table 2-L.

918-400-0465

Elevator Maintenance Requirements

(1) The governing code for the repair and maintenance of existing elevators and for placing elevators back in service shall be the Oregon Elevator Specialty Code for Existing Elevators and Escalators in the ~~2002~~ **2020** Edition of ASME A17.3 published by the American Society of Mechanical Engineers, as amended by the Building Codes Division.

(2) Exceptions

(a) Where ASME A17.3 fails to clearly define or govern a specific device or type of conveyance, the code under which the unit was installed, or the latest alteration code, if applicable, shall be used

(b) The 1937 code applies to devices installed prior to March 1937.

(3) When elevator signal fixtures are altered, all elevator signal fixtures, car handrail(s), and two-way communication device(s) shall be brought into compliance with the applicable disability regulations in the Oregon Structural Specialty Code.

(4) All requirements for periodic safety tests, repair of existing devices and maintenance shall be brought into compliance within the time period required in the periodic inspection report.

(5) Except as provided in section (4) of this rule, the maximum time allowed to comply with new maintenance standards for existing elevators shall not be more than 24 months from date of periodic inspection except:

(a) The replacement of hand line control as required by ASME A17.3, ~~Item~~ **Section** 3.10.1 shall be allowed a maximum of 36 months to comply.

(b) All existing elevator hoistway gates or doors required to comply with ASME A17.3, ~~Item~~ **Section** 2.6.1 and car doors or gates required to comply with ~~Item~~ **Section** 3.4.2(a) shall meet the minimum 72-inch (1828.8 mm) height requirement within 60 months from the date of the periodic safety inspection following effective date of this rule, or when the gate requires complete replacement, whichever comes first.

(c) All elevators required by ASME A17.3, ~~Item~~ **Section** 3.11.3 to have fire fighters' service shall comply with this rule within 60 months from date of the periodic safety inspection.

(d) All passenger elevators and freight elevators allowed to carry passengers permitted after January 1, 1993, shall comply with ASME A17.3, ~~Item~~ **Section** 3.11.1. Elevators not in compliance with the applicable chapter of the Oregon Structural Specialty Code for elevator communication devices as of January 1, 1993, shall have 24 months from date of periodic inspection to install the proper communicating device.

(e) Compliance extensions beyond the limits set in this section may be granted where, because of material shortages or extent of required changes, the additional time is necessary to achieve compliance.

Table 2-L
Oregon Amendments
American Society of Mechanical Engineers (ASME) A17.1

Table 2-L shows the adopted amendments to the 2019 ASME A17.1 as referenced in OAR 918-400-0455(1)(a).

The amendments are denoted as follows:

- Added language to the 2019 ASME A17.1 is shown in underline
- Deleted language to the 2019 ASME A17.1 is shown in strikethrough.

In draft form:

Blue/underline = new oregon amendment adding 2019 ASME A17.1 language

~~Red-strikethrough~~ = new oregon amendment deleting 2019 ASME A17.1 language

ASME A17.1 Section	Amendment language
Section 2.1.1	Hoistway enclosures shall conform to 2.1.1.1, 2.1.1.2, or 2.1.1.3. <u>The interior surface of all hoistway enclosures shall be substantially smooth, without sharp edges or protrusions (e.g., screws, nails, sheet metal edges, and open framework). Drywall screws or similar fastenings that penetrate the inside hoistway wall to maintain structural integrity shall be guarded in such a manner as to prevent personal injury. In all other cases, the screws or similar fastenings shall be flush with the interior surface of the hoistway enclosure.</u>
Section 2.1.4	When required by the building code, hoistways shall be provided with means to prevent the accumulation of smoke and hot gases. Where hoistway pressurization is provided, it shall be designed, installed, and maintained so as not to impede elevator operation. NOTE (2.1.4): Excessive pressurization could prevent doors, complying with 2.13.4, from closing. Air introduced into the hoistway could cause erratic operation by impingement of traveling cables, selector tapes, governor ropes, compensating ropes, and other components sensitive to excessive movement or deflection. <u>Where smoke-doors are installed directly in front of hoistway entrance they shall not:</u> <u>(a) Be mechanically fastened to the entrance frames; or</u> <u>(b) Prevent egress from or access to the elevator car.</u>
Section 2.2.3.1	Where there is a difference in level between the floors of <u>an</u> adjacent pits, a metal guard, unperforated or perforated with openings that will reject a ball 50 mm (2 in.) in diameter, shall be installed for separating such pits. Guards shall extend not less than 2 000 mm (79 in.) above the level of the higher pit floor, and a self-closing access door shall be permitted.
Section 2.7.2.1	A clear path of not less than 450 mm (18 in.) <u>600 mm (24 in.)</u> shall be provided to all components that require maintenance.
Section 2.7.2.3	A clearance of not less than 450 mm (18 in.) <u>600 mm (24 in.)</u> shall be provided in the direction required for maintenance access.
Section 2.7.3.2.2	Where the passage is over a roof having a slope exceeding 15 deg from the horizontal, or over a roof where there is no parapet or guardrail at least 1070 mm (42 in.) high around the roof or passageway, a permanent, unobstructed, and substantial walkway not less than 600 mm (24 in.) wide, equipped on each side with a railing conforming to 2.10.2, shall be provided from the building exit door at the roof level to the means of access. <u>Access routes shall be adequately illuminated so as to clearly indicate the access route to the machine room, machinery space, control room, or control space.</u>
Section 2.7.3.3	The means of access to the following shall conform to 2.7.3.3.1 through 2.7.3.3.6: (a) <i>through (c) remain unchanged.</i> <u>(d) Means of access need to comply with Oregon OSHA standards. See Appendix A.</u>
Section 2.7.3.3.7	<u>Exceptions to Stairways. Vertical ladders with handgrips may be used in lieu of stairs under the following conditions:</u> <u>(a) Access to an overhead machinery space is less than 2440 mm (96 in.) from floor level and access to the overhead machinery space is from within the machine room; or</u> <u>(b) In existing buildings where installation of a stair would require alterations to structural elements or the stair would obstruct an egress corridor. Fixed ladders, when installed, shall be provided with a means for safely transporting tools and maintenance materials to and from the upper machinery level. The means shall be operable from the top and bottom of the ladder. Where the access door or panel is through the side of the machinery space, the ladder shall terminate at a landing conforming to Oregon OSHA standards for fixed ladders.</u>

ASME A17.1 Section	Amendment language
Section 2.7.3.4.8	<p><u>Machine Room Door Sign.</u> Each elevator machine room, machinery space, control room, or control space not located within the machine room shall have a sign posted on the outside of the access door. The sign shall read:</p> <p style="text-align: center;"><u>AUTHORIZED PERSONNEL ONLY</u> <u>STORAGE OR INSTALLATION OF EQUIPMENT NOT PERTAINING TO THE ELEVATOR IS</u> <u>PROHIBITED.</u></p> <p>Signs, frame mountings, and window inserts, if provided, shall be of a durable, non-breakable material.</p>
Section 2.7.9.1.1	<p><u>The illumination shall be reasonably distributed over the entire floor area where access to equipment is required.</u></p>
Section 2.8.1	<p>Only machinery and equipment used directly in connection with the elevator shall be permitted in elevator hoistways, machinery spaces, machine rooms, control spaces, and control rooms, <u>unless approved by the Building Codes Division.</u></p> <p><u>2.8.1.1</u> <u>Drains shall not be installed in elevator machine rooms, machinery spaces, control rooms or control spaces.</u></p> <p><u>2.8.1.2</u> <u>Security interface panels and relays used only in conjunction with elevator control may be installed in elevator machine rooms, machine spaces, control rooms or control spaces. No other part of the security system is permitted to be installed in these spaces.</u></p>
Section 2.14.7.1.4	<p>...The light switch shall be accessible from the landing when accessing the car top. <u>Where portable work lights are provided, an additional stationary light fixture shall be provided.</u></p>
Section 2.27.1.1.3	<p>The communications means within the car shall comply with the following requirements:...</p> <p><i>(a) and (b) remain unchanged.</i></p> <p><i>(c)</i> On the same panel as the phone push button, a message shall<u>may</u> be displayed that is activated by authorized personnel to acknowledge that communications are established. The message shall<u>may</u> be permitted to be extinguished where necessary to display a new message [see (d) and (e)] or when the communication link are terminated.</p> <p><i>(d)</i> On the same panel as the phone push button, messages shall<u>may</u> be displayed that permit authorized personnel to communicate with and obtain responses from a trapped passenger(s), including a passenger(s) who cannot verbally communicate or hear.</p> <p><i>(e)</i> On the same panel as the phone push button, a message shall<u>may</u> be displayed that is activated by the authorized personnel to indicate when help is on the way. The message shall continue to be displayed until a new message is displayed [see 2.27.1.1.4(c)] or the communications are terminated.</p> <p><i>(f) through (j) remain unchanged.</i></p> <p><i>(k)</i> A means to display video to observe passengers at any location on the car floor, to authorized personnel for entrapment assessment, shall<u>may</u> be provided.</p> <p><u><i>(l)</i> Telephone lines, where provided, are not required to be dedicated. However, the failure or use of any single device, including other elevator communication devices, connected to the same telephone line shall not render any remaining elevator telephone inoperative.</u></p>
Section 2.27.3.2.1	<p>In jurisdictions not enforcing the NBCC, smoke detectors or other automatic fire detectors in environments not suitable for smoke detectors (fire alarm initiating devices) used to initiate Phase I Emergency Recall Operation shall be installed in conformance with the requirements of NFPA 72 and shall be located</p> <p><i>(a)</i> at each elevator lobby served by the elevator, <u>except as provided in Section 2.27.3.2.8 (Oregon amendment);</u></p> <p><i>(b)</i> in the associated elevator machine room, a machinery space containing a motor controller or driving machine, a control space, or a control room; <u>and</u></p> <p><i>(c)</i> in the elevator hoistway, when sprinklers are located in those hoistways</p>

ASME A17.1 Section	Amendment language
Section 2.27.3.2.8	<p><u>(a) Fire alarm initiating devices are not required in elevator lobbies exposed directly to the outside atmosphere. Where provided, they must operate as required by 2.27.3.</u></p> <p><u>(b) Where an elevator has fire alarm initiating devices located only in the elevator machine room, hoistway, or both locations, and the building is not provided with a fire alarm control panel, the fire alarm control unit shall be permitted to be omitted, providing the elevator operation defaults to Phase I Emergency Recall Operation if either fire alarm initiating device or its related circuit fails.</u></p> <p><u>(c) Fire alarm panels, annunciators and associated wiring shall not be installed in elevator machine rooms or control spaces. Only panels and relays necessary to directly interface with the elevator control shall be permitted to be installed in elevator machine rooms or control spaces, unless approved by the Building Codes Division.</u></p> <p><u>(d) In existing buildings with an existing fire alarm control system that is not capable of supervising detectors used for elevator recall, fire alarm initiating devices specific to elevator recall shall be permitted to be connected to a separate control unit.</u></p> <p><u>(e) Annunciator panels used to supervise fire alarm initiating devices used for elevator recall are required to be located in an area of the building where the panel can be readily seen and heard.</u></p>
Section 3.19.4.1 Rescinded	<p>...provided that it is accessible from outside the hoistway to elevator personnel only (see 8.1). Notwithstanding the seismic valve required by 8.4.11.2, an additional supply line shutoff valve is required in the elevator pit.</p>
Section 4.3	Section 4.3, Hand Elevators, in its entirety is not adopted
Section 5.2	This Section applies to <u>only</u> limited-use/limited-application elevators <u>in churches, fraternal organizations, and in restricted school settings</u> (see Section 1.3).
Section 5.3.3	<p><u>Private Residence Elevators- Machine and Control Rooms.</u></p> <p><u>5.3.3.1</u> <u>Separate machine rooms are not required for residential elevator installations. Where provided, they shall comply with the following:</u></p> <p><u>(a) The enclosure shall be large enough to provide electrical and working clearances as required by the Oregon Electrical Specialty Code.</u></p> <p><u>(b) Permanent electrical lighting shall be provided in the room to clearly illuminate all equipment within the room.</u></p> <p><u>(c) The room shall be provided with a door that is capable of being locked when the room is not occupied.</u></p> <p><u>5.3.3.2</u> <u>Elevator machines and controllers installed in hoistways shall comply with the following, unless otherwise approved by the Building Codes Division:</u></p> <p><u>(a) A means of access from outside the hoistway shall be provided for maintenance and repairs.</u></p> <p><u>(b) The size and location of the access panel(s) shall be sufficient to permit maintenance and repairs to the equipment without requiring complete bodily entry into the hoistway.</u></p> <p><u>(c) Access panels shall not be located in the ceiling of the hoistway.</u></p> <p><u>(d) The access panel(s) shall be provided with an electric contact that prevents operation of the elevator unless all panels are closed and locked.</u></p>
Section 5.4.16	<p><u>Private Residence Inclined Elevators—Machine and Control Rooms.</u></p> <p><u>Machine and control rooms and machinery and control spaces shall comply with 5.3.3 (Oregon amendment), as applicable.</u></p>
Section 5.9	Section 5.9, Mine Elevators, in its entirety is not adopted.
Section 5.11	Section 5.11, Wind Turbine Tower Elevators, in its entirety is not adopted.
Section 5.13 Section 5.13.1	<p><u>Correction Facility Elevators.</u></p> <p><u>Scope.</u></p> <p><u>Elevators governed under this section of the code are intended to be used in correctional facilities for the transport of inmates. These elevators are under sole control by the correctional facility staff and as such, are allowed to modify certain requirements where security and personnel safety are necessary. These minimum safety standards must be approved by the Building Codes Division before implementation. Correctional facility elevators shall comply with the applicable requirements of ASME A17.1 except as modified herein.</u></p>

ASME A17.1 Section	Amendment language
Section 5.13.2	<p><u>Operation and Control.</u></p> <p><u>5.13.2.1</u> In-car emergency stop switches as required by 2.26.2 may be omitted when the elevator car is:</p> <p>(a) <u>Continually monitored by audio-visual equipment; and</u></p> <p>(b) <u>Remotely controlled from a single location.</u></p> <p><u>5.13.2.2 Emergency Signaling Devices.</u> <u>Emergency signaling devices are not required where the elevator complies with 5.13.2.</u></p> <p><u>5.13.2.3 Fire Service Operation.</u> <u>Except as modified by Section 5.13, fire service operation shall be provided as required by 2.27.3.</u></p> <p>(a) <u>Phase I Emergency Recall Operation shall comply with 2.27.3.1.</u></p> <p>(b) <u>Phase II Emergency In-Car Operation may be controlled from a remote location provided that the elevator complies with 5.13.2.1. In all other aspects the elevator shall operate as required by 2.27.3.3.</u></p>
Section 5.13.3	<p><u>Pit and Machinery Space Access.</u></p> <p>(a) <u>Pit access shall comply with 2.2.4, except that:</u></p> <p>(1) <u>Access to pits and machinery spaces shall be provided with a positive key-locking device on the pit door;</u></p> <p>(2) <u>The locking device must be designed so the door cannot be closed from the inside if the lock is engaged;</u></p> <p>(3) <u>The pit doors shall be kept closed and locked when not in use; and</u></p> <p>(4) <u>Pits shall only be accessible by elevator personnel.</u></p> <p>(b) <u>Where pits are only accessible from the lowest landing, pit access shall comply with 2.2.4.</u></p>
Section 5.13.4	<p><u>Hoistway Access.</u></p> <p><u>Hoistway doors are not required to allow manual opening from inside the elevator car at the landing if:</u></p> <p>(a) <u>The door operation is controlled at a single location; and</u></p> <p>(b) <u>The elevator car position is indicated at the monitoring station.</u></p>
Section 5.13.5	<p><u>Emergency Door.</u></p> <p><u>Notwithstanding 2.11.6, emergency doors are not required if the elevator is located in a high security area.</u></p>
Section 7.1.7.4	<p>Requirement 2.7.3.1 does not apply. A means of access to dumbwaiter machine rooms and overhead machinery spaces shall be provided, from outside the hoist way, for elevator personnel. <u>A permanent stair or ladder is required when the machinery is located within the hoist way and the uppermost part of the access panel is located 2440 mm (96 in.) or more above a landing. Design and installation of fixed ladders shall comply with Oregon OSHA standards for fixed ladders. Where provided, stairs shall comply with 2.7.3.3.4.</u></p>
Section 8.6	<p>Requirement 8.6 applies to maintenance, repairs, replacements and testing.</p> <p>NOTES:</p> <p>(1) See 8.7 for alteration requirements.</p> <p>(2) See General in Preface for assignment of responsibilities.</p> <p>(3) <u>It is the intent of this section to ensure that the original design and safe operation of the equipment are preserved through a regimen of periodic maintenance, testing and repair. Where equipment indicates a deviation from the original design or operation, corrections shall be made to restore the equipment to comply with the applicable safety standards at the time of installation or alteration.</u></p>
Section 8.6.1.2.4	<p><u>Unless otherwise specified in this code, all areas governed by this rule shall be kept clean.</u></p>
Section 8.6.14.3	<p><u>Safety Test Logs.</u> <u>All maintenance and test logs shall be posted in plain view in the elevator machine room. Logs shall indicate the individual or licensed elevator contractor performing the tests and the most recent month and year of such tests.</u></p>

ASME A17.1 Section	Amendment language
Section 8.6.1.6.2	<p>Lubrication. All parts of the machinery and equipment requiring lubrication shall be lubricated with lubricants equivalent to the type and grade recommended by the manufacturer.</p> <p>Alternative lubricants shall be permitted when intended lubrication effects are achieved.</p> <p>All excess lubricant shall be cleaned from the equipment. Containers used to catch leakage shall not be allowed to overflow.</p> <p><u>Rags or other materials not specifically designed for oil absorption shall not be left in or under gear-reduction-unit drip pans, machines, pits, or other areas where oil may potentially accumulate.</u></p> <p><u>Once saturated, materials specifically designed for oil absorption shall be properly discarded and shall be permitted to be renewed as necessary.</u></p>
Section 8.6.1.6.3	<p>Controllers and Wiring.</p> <p>(a) through (e) remain unchanged.</p> <p><u>(f) Disconnected wires shall be properly insulated from any point of electrical contact and identified by their previous controller connection designation. Wires or control components not intended for future use or rendered unnecessary due to circuit modifications shall be completely removed from the control circuit.</u></p>
Section 8.6.3.1.1	<p><u>Replacements Necessitated by Obsolescence.</u> <u>Repairs of existing equipment requiring materials or parts of a different design, due to obsolescence of direct replacement parts, shall not be considered an alteration unless the repair involves a change of an entire certified, listed, or structural assembly (e.g., controller, machine and drive motor, door and door frame, car or counterweight frame). New electrical parts must be properly listed or certified as required by ASME A17.1 and related codes.</u></p>
Section 8.6.4.19.11	<p>Ascending Car Overspeed Protection and Unintended Car Movement Devices, and Emergency Brake</p> <p>(a) through (c) remain unchanged.</p> <p><u>(d) Rope Brakes.</u> Rope brakes shall be tested annually and tagged by the licensed elevator contractor performing the test. The tag shall indicate the name of the contractor or qualified technician performing the test and the most recent month and year of the test. Rope brakes shall be tested using the manufacturer's instructions as the minimum requirements.</p>
Section 8.6.5.8	<p>Safety Bulk. Hydraulic cylinders installed below ground shall conform to 3.18.3.4, or the elevator shall conform to 8.6.5.8(a), or 8.6.5.8(b), or (c):</p> <p>(a) the elevator shall be provided with car safeties conforming to 3.17.1 and guide rails, guide-rail supports, and fastenings conforming to 3.23.1; or</p> <p>(b) the elevator shall be provided with a plunger gripper conforming to 3.17.3. The plunger gripper shall grip the plunger when the applicable maximum governor tripping speed in Table 2.18.2.1 is achieved; <u>or</u></p> <p><u>(c) the elevator's jack assembly shall be replaced upon upgrade; until that time, monthly monitoring of oil loss is required.</u></p>
Section 8.6.5.13.1	<p><u>Seismic Valves.</u> <u>Seismic valves shall be re-tested and sealed whenever the seal has been removed or broken. Seismic valves shall have the adjusting means sealed and tagged. The tag shall indicate the date of the most recent test and the licensed elevator contractor performing such tests. Any readjustment shall cause the seal to break or will give visual indication that the adjustment has been altered.</u></p>
Section 8.6.5.17	<p><u>Additional Requirements—Drip Pans.</u> Hydraulic machine drip pans shall be kept clean and dry. Minor accumulation is allowed between regularly scheduled maintenance visits but in no case shall the drip pan be allowed to overflow.</p>
Section 8.6.8.13	<p>Cleaning. The interior of escalators, <u>moving walks</u>, and their components shall be cleaned to prevent an accumulation of oil, grease, lint, dirt, and refuse. The frequency of the cleanings will depend on service and conditions, but an examination to determine if cleaning is necessary shall be required at least once a year Internal cleanings shall occur at least once every two years. The maintenance contractor must provide the area inspector with one week's advance notice to allow the inspector to schedule an internal inspection that coincides with the cleaning.</p>
Section 8.7.2.14.6	<p><u>Car Operating Fixtures.</u> Where an alteration involving fire service operation is performed and the car operating fixtures are not altered, 2.27.3.3.7 and 2.27.3.3.8 are not required. All other fire service operation requirements must comply with the Section 2.27.3.</p>

ASME A17.1 Section	Amendment language
Section 8.7.2.29	<u>Emergency Responder Communication Coverage (ERCC) Equipment Inside Hoistways and Cars.</u> <u>8.7.2.29.1 The alteration or addition of Emergency Responder Communication Coverage (ERCC) equipment inside the hoistway is an alteration and must meet the requirements of 2.8.7.</u> <u>8.7.2.29.2 The alteration or addition of Emergency Responder Communication Coverage (ERCC) equipment inside the car is an alteration and must meet the requirements of 2.7.12.</u>
Section 8.7.3.23.1	Hydraulic Jack. Where a hydraulic jack is installed, altered, or replaced, it shall conform to 3.18 and 8.4.11.9.
Section 8.7.3.23.8	Installation of New Hydraulic Power Unit. Where the alteration involves the installation of a new hydraulic power unit, it shall also conform to the requirements of 8.4.11.2, 8.4.11.3, and 8.4.11.6.
Section 8.7.3.31.14	<u>Emergency Responder Communication Coverage (ERCC) Equipment Inside Hoistways and Cars.</u> <u>(a) The alteration or addition of Emergency Responder Communication Coverage (ERCC) equipment inside the hoistway is an alteration and must meet the requirements of 2.8.7.</u> <u>(b) The alteration or addition of Emergency Responder Communication Coverage (ERCC) equipment inside the car is an alteration and must meet the requirements of 2.7.12.</u>
Section 8.10.1.8	Test Weights. Unless otherwise specified in this code, all tests for new or altered equipment shall require the use of test weights to verify design lifting capacity, pressure relief settings, capabilities of car safety mechanisms, and structural integrity.
Section 8.11.1.1.2	Periodic Tests. (a) Periodic tests as required in Section 8.6 shall be performed by elevator personnel that are qualified to perform such tests. These tests shall be witnessed by an inspector, when deemed necessary (see 8.11.1.1) employed by the authority having jurisdiction or by persons authorized by the authority having jurisdiction. (b) <i>remains unchanged</i>
Section 8.11.2.1.2	Machine Rooms, Machinery Spaces, and Control Rooms/Spaces. (a) <i>through (oo) remain unchanged.</i> <u>(pp) Seismic Devices. The following shall be tested a minimum of once in each 12 months from date of installation and shall not exceed manufacturer's instructions:</u> <u>(1) Seismic switch;</u> <u>(2) Counterweight Derailment switch;</u> <u>(3) Elevator operation in response to the activation of a seismic sensing device as required by 8.4.10.1.1. The results of tests shall be kept in a log located in the elevator machine room and posted in plain view. The log shall show, as a minimum, the most recent date the test was performed and name of the licensed elevator contractor or qualified individual performing the tests.</u>
Section 8.11.2.1.6	Firefighters' Emergency. Items 6.3 through 6.5, as applicable. <u>Firefighters' emergency operation shall be tested at least once each calendar quarter (i.e., once every three months). Fire alarm initiating devices associated with Phase I Emergency Recall Operation shall be tested at least once each calendar year in conjunction with one of the quarterly tests.</u> <u>The quarterly test shall include response to the Phase I key operation and at least a one floor run to determine if Phase II is operating properly. Fire alarm initiating device testing shall be performed to determine if the elevator(s) will still properly respond to a detector activation. A record of findings shall be available to elevator personnel and the authority having jurisdiction.</u>
Appendix A	<u>Appendix A-See Oregon Administrative Rules chapter 437, division 2:</u> <u>http://www.sos.state.or.us/archives/rules/OARS_437/437_tofc.html</u> <u>For additional Oregon OSHA requirements: http://www.cbs.state.or.us/osh</u>

State of Oregon

Board memo

Building Codes Division

September 28, 2023

To: Electrical and Elevator Board

From: Ian Paik, policy analyst, Policy and Technical Services

Subject: Continuing Education Applications

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 requirements for all electrical licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. The board sets standards for approval of courses and instructors in order to have a sufficient number and variety of continuing education courses available to licensees.

The board's continuing education committee has been evaluating courses and instructors on the board's behalf. In September, the committee reviewed 146 applications from 24 organizations:

- 74 courses were recommended for approval.
- 8 courses were not recommended for approval
- 64 instructors were recommended for approval.

See attached summary for more information.

In addition to the Oregon Rule and Law criteria, the committee uses 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 recommendations for approval or denial of courses or instructors.
- Disapprove the committee's recommendations for approval or denial of courses or instructors.

Electrical and Elevator Board
Committee on Continuing Education Course and Instructor Review
September 28, 2023

Correction made to course 76

Courses

	Applicant	Course Name	Committee Recommendation	Board Action
1	ABM Franchising Group (TEGG) Katie Simpson	NFPA 70B – National Standard on Electrical Maintenance 8 hours, CR	Disapproved for the 2023 code cycle	
2	Adaptability for Life LLC Deb Marinos	2023 Rule and Law for electricians 4 hours, ORL	Approved for the 2023 code cycle	
3	Adaptability for Life LLC Deb Marinos	2023 Code Change 2HR for Limited Electrician 2 hours, CC:MC	Approved for the 2023 code cycle	
4	Adaptability for Life LLC Deb Marinos	2023 Limited Electrician Code Discussion 2 hours, CR	Approved for the 2023 code cycle	
5	Adaptability for Life LLC Deb Marinos	32 HR Limited Energy – B 4 hours, CC:MC / Other	Approved as an LE “B” Course for the 202 2 3 code cycle but is not approved for any CE credit	
6	Adaptability for Life LLC Deb Marinos	2023 Code Changes 8HR 8 hours, CC:MC & CC:MC + ORL	Approved for the 2023 code cycle	
7	Adaptability for Life LLC Deb Marinos	2023 Code Change for Limited Electricians Chapters 1-4 4 hours, CC:MC	Approved for the 2023 code cycle	
8	Adaptability for Life LLC Deb Marinos	2023 Code Change for Limited Electricians Chapters 5-8 4 hours, CC:MC	Approved for the 2023 code cycle	
9	Adaptability for Life LLC Deb Marinos	2023 Supervisor Electrician Calc Test Practice: Office Bank 2 hours, CR	Approved for the 2023 code cycle	

10	Adaptability for Life LLC Deb Marinos	2023 Wiring Methods 4 hours, CR	Approved for the 2023 code cycle	
11	PELLCO CEU Mike Pellham	2023 NEC Code Changes and Definitions 12 hours, CC:MC	Approved for the 2023 code cycle	
12	PELLCO CEU Mike Pellham	NFPA 70E Chapters 1,2, and 3 4 hours, CR	Approved for the 2023 code cycle	
13	PELLCO CEU Mike Pellham	NFPA 70E Definitions 4 hours, CR	Approved for the 2023 code cycle	
14	PELLCO CEU Mike Pellham	Article 250 Grounding & Bonding 4 hours, CR	Approved for the 2023 code cycle	
15	PELLCO CEU Mike Pellham	Article 517 Health Care Facilities 4 hours, CR	Approved for the 2023 code cycle	
16	PELLCO CEU Mike Pellham	Article 680/682 Pools and Bodies of Water 4 hours, CR	Approved for the 2023 code cycle	
17	PELLCO CEU Mike Pellham	Article 690/691 Photovoltaic Systems 4 hours, CR	Approved for the 2023 code cycle	
18	PELLCO CEU Mike Pellham	2023 NEC Code Changes 8 hours, CC:MC	Approved for the 2023 code cycle	
19	PELLCO CEU Mike Pellham	2023 NEC Code Change Definitions 4 hours, CC:MC	Approved for the 2023 code cycle	
20	PELLCO CEU Mike Pellham	2023 Oregon Rule and Laws 4 hours, ORL	Approved for the 2023 code cycle	
21	Applied Electrical Training Co. David Marinos	2023 Rule and Law for Electricians 4 hours, ORL	Approved for the 2023 code cycle	
22	Applied Electrical Training Co. David Marinos	2023 NEC Change – MC Only 8 hours, CC:MC + ORL	Approved for the 2023 code cycle	

23	Applied Electrical Training Co. David Marinos	2023 Code Change for Limited Electricians Chapters 1-4 4 hours, CC:MC	Approved for the 2023 code cycle	
24	Applied Electrical Training Co. David Marinos	2023 Code Change for Limited Electricians Chapters 5-8 4 hours, CC:MC	Approved for the 2023 code cycle	
25	Applied Electrical Training Co. David Marinos	2023 Ltd. Electrician Code Discussion Wiring Method 4 hours, CR	Approved for the 2023 code cycle	
26	At Your Pace Online Michelle Tamburo	Installation Checklists (2023 NEC) 4 hours, CR	Approved for the 2023 code cycle	
27	Cochran Inc. Ilene Ferrell	First-Aid / CPR / AED for Adults 4 hours, CR	Approved for the 2023 code cycle	
28	Cochran Inc. Ilene Ferrell	NFPA 70E 4 hours, CR	Approved for the 2023 code cycle	
29	Electricallicenser renewal.com Mike Miller	Oregon Rules & Laws – Electrical 4 hours, ORL	Approved for the 2023 code cycle	
30	Electricallicenser renewal.com Mike Miller	Passing the Inspection 4 hours, CR	Disapproved for the 2023 code cycle	
31	Electricallicenser renewal.com Mike Miller	NEC 2023 Code Changes Update – 4 hours 4 hours, CC:MC	Disapproved for the 2023 code cycle	
32	Electricallicenser renewal.com Mike Miller	NEC 2023 Code Changes Update – 12 hours 12 hours, CC:MC	Disapproved for the 2023 code cycle	
33	Hanford Mission Integration Solutions (HMIS) Dave Dey	DOE-0359 Hanford Site Electrical Safety Program 4 hours, CR	Disapproved for the 2023 code cycle	
34	Hanford Mission Integration Solutions (HMIS) Dave Dey	National Electric Code Update 8 hours, CC:MC	Approved for the 2023 code cycle	

35	Hanford Mission Integration Solutions (HMIS) Dave Dey	NFPA 70E 8 hours, CR	Approved for the 2023 code cycle	
36	Imlah Electrical Consulting James Imlah	2023 Oregon Rule and Law 4 hours, ORL	Approved for the 2023 code cycle	
37	JADE Learning Michelle Tamburo	Installation Checklists (2023 NEC) 4 hours, CR	Approved for the 2023 code cycle	
38	Jake's Electrical Safety & Training Inc. Jake Taylor	OR Signing Supervisor / WA Master Electrician Prep Course 40 hours, CR	Approved for 24 hours CR for the 2023 code cycle	
39	Mike Holt Enterprises Marissa Fontes	Field Applications for Bonding and Grounding, 2023 NEC 4 hours, CR	Approved for the 2023 code cycle	
40	Mike Holt Enterprises Marissa Fontes	General Requirements for Bonding and Grounding, 2023 NEC 4 hours, CR	Approved for the 2023 code cycle	
41	Mike Holt Enterprises Marissa Fontes	Bonding and Grounding Review, 2023 NEC 8 hours, CR	Approved for the 2023 code cycle	
42	National Technology Transfer Aaron Jason	2023 National Electric Code Analysis of Changes 16 hours, CC:MC	Approved for the 2023 code cycle	
43	National Technology Transfer Aaron Jason	2023 National Electric Code 24 hours, CC:MC	Disapproved for the 2023 code cycle	
44	National Technology Transfer Aaron Jason	Electrical Safety: 2024 NFPA 70E Awareness 2 hours, CR	Approved for the 2023 code cycle	
45	National Technology Transfer Aaron Jason	Electrical Safety: 2024 NFPA 70E Overview 4 hours, CR	Approved for the 2023 code cycle	
46	National Technology Transfer Aaron Jason	Arc Flash Electrical Safety [Based on 2024 NFPA 70E] 16 hours, CR	Approved for 8 CR for the 2023 code cycle	

47	Olsson Industrial Electric Matt Statton	2024 Standard NFPA 70E Arc Flash & Electrical Safety 4 hours, CR	Disapproved for the 2023 code cycle	
48	Oregon Electric Test Prep Shawn Haggin	Supervisor Test Prep 40 hours, CC:MC +ORL, CR, ORL	Disapproved for the online course for the 2023 code cycle Approved for 24 CC:MC+ORL, CR, ORL hours for the in-person course for the 2023 code cycle	
49	Pacific Inside Electrical JATC Eric Sherman	2023 Intro to PLC Programming 8 hours, CR	Disapproved for the 2023 code cycle	
50	Pacific Inside Electrical JATC Eric Sherman	2023 Oregon Rule & Law 4 hours, ORL	Approved for the 2023 code cycle	
51	Southwestern Idaho Electrical JATC Nicholas J. Baumann	Basic First Aid 4 hours, CR	Approved for the 2023 code cycle	
52	Southwestern Idaho Electrical JATC Nicholas J. Baumann	Basic Life Support 4 hours, CR	Approved for the 2023 code cycle	
53	Southwestern Idaho Electrical JATC Nicholas J. Baumann	NFPA 70E 8 hours, CR	Approved for the 2023 code cycle	
54	Southwestern Idaho Electrical JATC Nicholas J. Baumann	Oregon Rule & Law 4 hours, ORL	Approved for the 2023 code cycle	
55	Southwestern Idaho Electrical JATC Nicholas J. Baumann	OSHA 10 10 hours, CR	Approved for 4 hours of CR for the 2023 code cycle	
56	Southwestern Idaho Electrical JATC Nicholas J. Baumann	OSHA 30 20 hours, CR	Approved for 16 hours of CR for the 2023 code cycle	
57	Touchstone Consulting LLC. Elias Campbell	2023 NEC Code Changes Part 1 4 hours, CC:MC	Approved for the 2023 code cycle	
58	Touchstone Consulting LLC. Elias Campbell	2023 NEC Code Changes Part 2 4 hours, CC:MC	Approved for the 2023 code cycle	

59	Touchstone Consulting LLC. Elias Campbell	2023 NEC Code Changes Part I & II 8 hours, CC:MC	Approved for the 2023 code cycle	
60	Tradesmen Electric Tim Linge	Code Change Part 1 8 hours, CC:MC	Approved for the 2023 code cycle	
61	Tradesmen Electric Tim Linge	Code Change Part 2 8 hours, CC:MC	Approved for the 2023 code cycle	
62	Tradesmen Electric Tim Linge	Electrical Calculations 8 hours, CR	Approved for the 2023 code cycle	
63	Tradesmen Electric Tim Linge	Grounding & Bonding 8 hours, CR	Approved for the 2023 code cycle	
64	Tradesmen Electric Tim Linge	ORL 4 hours, ORL	Approved for the 2023 code cycle	
65	Olsson Industrial Electric Matt Statton	American Red Cross First Aid / CPR / AED 4 hours, CR	Approved for the 2023 code cycle	
66	American Electrical Institute Mike Pellham	2023 NEC Code Changes and Definitions 12 hours, CC:MC	Approved for the 2023 code cycle	
67	American Electrical Institute Mike Pellham	NFPA 70E Chapters 1, 2, and 3 4 hours, CR	Approved for the 2023 code cycle	
68	American Electrical Institute Mike Pellham	NFPA 70E Definitions 4 hours, CR	Approved for the 2023 code cycle	
69	American Electrical Institute Mike Pellham	Article 250 Grounding & Bonding 4 hours, CR	Approved for the 2023 code cycle	
70	American Electrical Institute Mike Pellham	Article 517 Health Care Facilities 4 hours, CR	Approved for the 2023 code cycle	
71	American Electrical Institute Mike Pellham	Article 680/682 Pools and Bodies of Water 4 hours, CR	Approved for the 2023 code cycle	

72	American Electrical Institute Mike Pellham	Article 690/691 Photovoltaic Systems 4 hours, CR	Approved for the 2023 code cycle	
73	American Electrical Institute Mike Pellham	2023 NEC Code Changes 8 hours, CC:MC	Approved for the 2023 code cycle	
74	American Electrical Institute Mike Pellham	2023 NEC Code Change Definitions 4 hours, CC:MC	Approved for the 2023 code cycle	
75	American Electrical Institute Mike Pellham	2023 Oregon Rule and Laws 4 hours, ORL	Approved for the 2023 code cycle	
76	Electrical Training NW John Powell	2023 Supervising Electrician Preparation Course 24 hours, (12 CC:MC+ORL, 8 CR, 4 ORL)	Approved for the 2023 code cycle	
77	NECA-IBEW Topher Edwards / Iliana Ortega	Oregon Rule and Law 4 hours, ORL	Approved for the 2023 code cycle	
78	NECA-IBEW Topher Edwards / Iliana Ortega	EVITP – Electric Vehicle Infrastructure Training Program 8 hours, CR	Approved for the 2021 code cycle	
79	ABM Franchising Group Katie Simpson	NFPA 70E Electrical Safety in the Workplace 8 hours, CR	Approved for the 2021 code cycle	
80	ABM Franchising Group Katie Simpson	NFPA 70E Safety Related Maintenance	Approved for the 2021 code cycle	
81	IEC of Oregon Jeff Hooper	OSHA 30 16 hours, CR	Approved for the 2021 code cycle	
82	IEC of Oregon Jeff Hooper	OSHA 10 10 hours, CR	Approved for 4 hours of CR for the 2021 code cycle	

Instructors

	Applicant	Committee Recommendation	Board Action
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1	PELLCO CEU Mike Pellham	Approved for the 2023 code cycle	
2	Applied Electrical Training Co. David Marinos	Approved for the 2023 code cycle	
3	Cochran Inc. Ilene Ferrell	Approved for the 2023 code cycle	
4	Electricallicenserenewal.com Jeff Simpson	Approved for the 2023 code cycle	
5	Electrical Training NW John Powell	Approved for the 2023 code cycle	
6	Jake's Electrical Safety & Training Inc. Jake Taylor	Approved for the 2023 code cycle	
7	NECA-IBEW David Albritton	Approved for the 2023 code cycle	
8	NECA-IBEW Laura Benedict	Approved for the 2023 code cycle	
9	NECA-IBEW Luke Bogue	Approved for the 2023 code cycle	
10	NECA-IBEW Mark Boyer	Approved for the 2023 code cycle	
11	NECA-IBEW Nick Bryant	Approved for the 2023 code cycle	
12	NECA-IBEW Alan Davidson	Approved for the 2023 code cycle	
13	NECA-IBEW Shona Dudley	Approved for the 2023 code cycle	
14	NECA-IBEW Carolyn Ebbert	Approved for the 2023 code cycle	
15	NECA-IBEW Christopher "Topher" Edwards	Approved for the 2023 code cycle	

16	NECA-IBEW Keri Fenton-Mazenko	Approved for the 2023 code cycle	
17	NECA-IBEW Emily Fera	Approved for the 2023 code cycle	
18	NECA-IBEW Jason Jenkins	Approved for the 2023 code cycle Disapproved for First Aid course for the 2023 code cycle	
19	NECA-IBEW Christian Jorgensen	Approved for the 2023 code cycle	
20	NECA-IBEW John Kim	Approved for the 2023 code cycle	
21	NECA-IBEW Kara Leonard	Approved for the 2023 code cycle	
22	NECA-IBEW Enrique Maldonado	Approved for the 2023 code cycle	
23	NECA-IBEW John McCamish	Approved for the 2023 code cycle	
24	NECA-IBEW Aaron McElligott	Approved for the 2023 code cycle	
25	NECA-IBEW Martin McMurdo	Approved for the 2023 code cycle	
26	NECA-IBEW Barry Moreland	Approved for the 2023 code cycle	
27	NECA-IBEW Nathan Morris	Approved for the 2023 code cycle	
28	NECA-IBEW Neil Nelson	Approved for the 2023 code cycle	
29	NECA-IBEW Jordan Potter	Approved for the 2023 code cycle	
30	NECA-IBEW Bridget Quinn	Approved for the 2023 code cycle	

31	NECA-IBEW Amy Reynolds	Approved for the 2023 code cycle	
32	NECA-IBEW John Scharosch	Approved for the 2023 code cycle	
33	NECA-IBEW Curtis Sheppard	Approved for the 2023 code cycle	
34	NECA-IBEW Richard Sweet	Approved for the 2023 code cycle	
35	NECA-IBEW Wayne Vo	Approved for the 2023 code cycle	
36	NECA-IBEW Kennitha Wade	Approved for the 2023 code cycle	
37	NECA-IBEW Brent West	Approved for the 2023 code cycle	
38	NECA-IBEW Steven Worsley	Approved for the 2023 code cycle	
39	Olsson Industrial Electric Martin Stoddard	Approved for the 2023 code cycle	
40	Pacific Inside Electrical JATC Eric Sherman	Approved for the 2023 code cycle	
41	PCC David Albritton	Approved for the 2023 code cycle	
42	Southwestern Idaho Electrical JATC Jeffrey Fleschsing	Approved for the 2023 code cycle	
43	Southwestern Idaho Electrical JATC Keri Gibbs	Approved for the 2023 code cycle	
44	Southwestern Idaho Electrical JATC Joel Hopkins	Approved for the 2023 code cycle	

45	Southwestern Idaho Electrical JATC Gary Lindstrom	Approved for the 2023 code cycle	
46	Southwestern Idaho Electrical JATC Ed Loughney	Approved for the 2023 code cycle	
47	Touchstone Consulting LLC. Elias Campbell	Approved for the 2023 code cycle	
48	Tradesmen Electric Andy Gillette	Approved for the 2023 code cycle	
49	Tradesmen Electric Jack Homola	Approved for the 2023 code cycle	
50	Tradesmen Electric Tanner Linge	Approved for the 2023 code cycle	
51	Tradesmen Electric Tim Linge	Approved for the 2023 code cycle	
52	Tradesmen Electric Rene Martinez Tinoco	Approved for the 2023 code cycle	
53	Tradesmen Electric Shan Massie	Approved for the 2023 code cycle	
54	Tradesmen Electric Steven Niemi	Approved for the 2023 code cycle	
55	Tradesmen Electric Dana Raisanen	Approved for the 2023 code cycle	
56	Tradesmen Electric Pat Tanninen	Approved for the 2023 code cycle	
57	Olsson Industrial Electric Sam Gulliford	Approved for the 2023 code cycle	
58	Olsson Industrial Electric Kyle Hergert	Approved for the 2023 code cycle	
59	Olsson Industrial Electric Timothy Jacobs	Approved for the 2023 code cycle	

60	American Electrical Institute Mike Pellham	Approved for the 2023 code cycle	
61	ABM Franchising Group Joseph DeMonte	Approved for the 2021 code cycle	
62	ABM Franchising Group Joseph Gierlach	Approved for the 2021 code cycle	
63	IEC of Oregon David Couch	Approved for the 2021 code cycle	
64	IEC of Oregon Nancy Shantel	Approved for the 2021 code cycle	

16021 NE AIRPORT WAY
PORTLAND, OR
97230



P:503-262-9991
F:503-262-9920
www.nietc.org

**Agenda
Item
IV.C.**

August 11, 2023

Dear Members of the Board,

We are seeking approval to retroactively report Continuing Education credit for Electrical License holders who have completed the EVITP course (Electric Vehicle Infrastructure Training Program) at NECA/IBEW Electrical Training Center. This course was recently approved by the Board on July 27, 2023, course ID 20803923.

We respectfully request that credit be granted to licensees who have taken the course since January 25th, 2022. We can ensure that the course has been taught with the same outline and material as originally submitted.

Enclosed you will find a list of 54 licensees that have successfully completed EVITP along with their license numbers.

Please let us know if you need anything further from us to proceed. We look forward to hearing your response.

Sincerely,

Topher Edwards
NIETC Training Director

TE:io
opeiu11

Name			License#	License#
Akabueze	Nnamdi	Nnaemeka	31297J	
Albritton	David		4569PJ	29822J
Berengard	Yuliy	B	20971J	
Bledsoe	Logan	B	25073J	6364S
Brinkman	Travis	W	14605J	5776S
Brooks	Mark	A	9019J	
Brunney	Thomas	F	28739J	
Buttolph	Thomas	J	32484J	
Cheadle	Joe		5115PJ	
Coleman	Justin	Joseph	26638J	
Collins	Michael		31092J	
Craig	Joshua	O	30739J	
Edwards	William	T	25981J	
Frank	Joseph	H	30045J	
Garrison	Nathaniel	Lewis	31993J	
Garvin	Drew	A	18561J	
Gilmore	Benjamin		31099J	
Goodrich	Riley	R	28507J	
Grigsby	Cameron		31782J	
Grogan	Mike		21475J	6277S
Hambelton	Charles		28227J	
Henderson	Scott		5061S	
Herring	Micheal	J	25937J	
Hill	Jessica	D	28580J	
Hinkle	William	JR	25790J	
Johnson	Joeseeph	S	21550J	
Juntunen	Jakob	L	24827J	

Name			License #	License#
Knoll	Alexander	B	27642J	
Kovalenko	Vladimir	N	28264J	
Leija	Fidencio		26965J	
Liang	Vic		32009J	
Lowry	Scott	W	30459J	
Madsen	Valerie	J	27650J	
Matheis	Isaac	A	25011J	
Mueller	Michael	G	26594J	
Nelson	Dustin		31546J	
Nierman	Benjamin	E	27456J	
Oerther	Kenneth	R	23856J	6359S
Peters	Benjamin	R	29375J	
Phillips	Paul	D	13738J	
Poczynek	Jennifer	S	28032J	
Ravens	Alexandra		31797J	
Robbins	Kyle	C	21699J	
Smallbeck	Tyler	M	27245J	
Smith	Bradley	D.	23991J	
Smith	Chris	K	22467J	
Strickland	Paul		24432J	6030S
Suffin	David	R	27785J	
Sullivan	Traci		21669J	6703S
Thompson	Brian	David	30870J	
Timmen	Bryce	F	26911J	
Wayman	Smith	Tara	27144J	
Wittmayer	Christopher		32031J	
Yauney	Kevin	Michael	31250J	



**Agenda
Item
VIII.D.**

Electrical and Elevator Board
1535 Edgewater Street NW
Salem, OR 97304

RE: Retroactive Attendance Credit

I am requesting the board to retroactively approve those licensed electricians that attended the NFPA 70E LV Qualified Person training presented by myself. The 8-hour course was presented in Boardman Oregon on May 3rd to Hanley Energy Electrical. The course was taught with the same outline and materials as what has been presented to the Board for approval.

Those in attendance included:

Dusting Baker License #29775j	Matt Laub License # 24038J	Shane Theel License #32404J	Devin Johnston H&S Professional
John Beloit License # 28429J	Kevin Norrish License # 25294J	John Orcutt License #29178J	Gary Wyllie LV Tech
Brian Cothorn License # 28987J	Kurt Savage License # 5174S	Patrick Curtis License #12320J	Jose Roman LV Tech
Donnovan Green License # 25495J	Dan Webb License # 21033J		Quinton Guerrero LV Tech
Jason Guin License # 25969J	Matt Perry License # 29585J		

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric P. Campbell".

Eric P. Campbell, PE, CESCO (owner)

05/04/23

Current Date