



Oregon

Tina Kotek, Governor



Department of Consumer
and Business Services

September 12, 2024

To: Electrical and Elevator Board and interested parties

Re: **Public comment update for the Electrical and Elevator Board meeting**

The Electrical and Elevator Board meeting scheduled for September 26, 2024 will be accepting public comment only virtually via Zoom or in writing. There will be no public in-person attendance for this board meeting.

Please contact Debi Barnes-Woods, boards coordinator, at debra.j.woods@dcbs.oregon.gov to register to provide public comment.

For all board information, please visit the Electrical and Elevator Board page on the Building Codes Division website: <https://www.oregon.gov/bcd/boards/Pages/elec-elev.aspx>



1535 Edgewater St. NW
P.O. Box 14470
Salem, OR 97304



503-378-4133



bcd.info@dcbs.oregon.gov



[oregon.gov/bcd](https://www.oregon.gov/bcd)



Oregon

Tina Kotek, Governor



Building
Codes
Division

Department of Consumer
and Business Services

Electrical and Elevator Board

Meeting agenda

Meeting date: Thursday, Sept. 26, 2024

Time: 9:30 a.m.

Virtual attendance only: Please refer to the memo attached to this board packet for further information

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

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 25, 2024](#)
- E. Date of the next scheduled meeting: Nov. 21, 2024 (*Holiday schedule*)

II. Public comment

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

III. Reports and updates

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

IV. Communications

Statewide Code [Interpretation No. 24-02](#); Receptacle Outlets Below Countertops in a Residential Kitchen (*No board action required*)

V. Appeals

There are no appeals for this meeting agenda.

VI. Unfinished business

There is no unfinished business for this meeting.



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VII. New business

- A. Review and approval of [electrical chief's recommendations](#) for new continuing education course and instructor applications
- B. Review of [retroactive approval](#) from NECA-IBEW Training Center for applicants who took the CE course Fundamentals of Instrumentation taught July 25, 2024
- C. [Second request](#) received [from Caleb Low](#) for hardship or illness extension under [OAR 918-030-0240](#) *This item was removed from the agenda at the request of Mr. Low*

VIII. Announcements

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

IX. Adjournment

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



**State of Oregon
Electrical and Elevator Board
Virtual meeting minutes of July 25, 2024**

Members: Thomas Kyle, electrical contractor, Chair
Jon Flegel, journeyman electrician, Vice-chair
David Albritton, industrial plant employing electricians
Elizabeth Bunga, building official
Robert Larzalere, journeyman elevator installer
Robert McNeill, elevator-manufacturing representative
Ryan Richards, electrical contractor
Al Schacher, electrical equipment supplier
Ken Spencer, power & light industry
Frank Sonnabend, electrical inspector
Sara Young, journeyman electrician

Members absent: William Barlow, electrical equipment mfr. industry
Richard Rudder, owner/manager of a commercial office building
Vacant, commercial underwriter
Vacant, public member

Staff: Todd Smith, manager, Policy and Technical Services (PTS)
Dawn Bass, deputy administrator, Building Codes Division
Richard Rogers, chief building official, PTS
Warren Jackson, manager, Statewide Services
Warren Hartung, elevator program chief, Statewide Services
Brian Crise, electrical program chief, PTS
Damon Jensen, assistant electrical program chief, PTS
Andy Boulton, senior policy advisor, Housing and Building Safety Services
Richard Donovan, senior policy advisor, PTS
Brady Hickman, assistant building official, Building Codes Division
Ian Paik, policy analyst, PTS
Andrea Simmons, temporary manager, Enforcement Services
Michael Mayorga-Hamilton, contested case representative (CCR) Enforcement Services
Emily Roque, CCR, Enforcement Services
Kathy Rowell, CCR, Enforcement Services
Graham Roney, assistant licensing manager, Statewide Services
Kaydi Milton, policy development coordinator, PTS
Debi Barnes-Woods, boards administrator/coordinator, PTS

Guests: Wendell Whistler, CE instructor
Sheldon Stevens, guest
Robert Greenway, guest
James Imlah, Imlah Electric Consulting
Nathan Philips, NECA
Tiffany Kriesel, Clackamas Community College (Item VII.B.)
Tyler Boston, guest

RocketCert, Inc., ZOOM connected
Cory Ottre, guest
Elizabeth Torske, guest
Cindy Regier, guest

I. Board business

A. Call to order

The Hybrid Electrical and Elevator Board meeting of July 25, 2024, was called to order at 9:30 a.m., by Chair Thomas Kyle, present in Conference Room A.

B. Roll call

Members in the Board Room; Chair Thomas Kyle; Vice-chair Jon Flegel; Ryan Richards; Ken Spencer; and Frank Sonnabend.

Virtual attendance; David Albritton; Elizabeth Bunga; Robert Larzalere; Robert McNeill; Al Schacher and Sara Young

Members excused: William Barlow, and Richard Rudder.

C. Approval of the amended agenda and the order of business

Chair Kyle further amended the agenda with the correction to Agenda Item VII.A., CE Course No. 35, Clackamas Community College. Approved and verified hours of CE from 10 to eight hours by Electrical Program Chief Brian Crise.

With the additional amendment to the board packet, Chair Kyle ruled the agenda and the order of business approved.

D. Approval of the board meeting draft minutes

Chair Kyle ruled the draft meeting minutes of May 23, 2024, final.

E. Date of the next regularly scheduled meeting

Sept. 26, 2024.

F. Welcome new Board Member David Albritton

Chair Kyle read a prepared script about term dates for new member David Albritton then welcomed him to the board.

David Albritton, filling the vacant position of a representative of industrial plants, said he has been in the industry for years. Member Albritton said he is looking forward to working with the Electrical and Elevator Board and its members.

II. Public comment

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

Robert Greenway, present in Conference Room A, said that although he has past experience with mechanical pump installations, the reason for his presence today had nothing to do with electrical. He said he is being given the run-around by the division.

Policy Analyst Ian Paik left additional time open for anyone else who did not register in advance, for those who were in-person, or for those connected virtually to discuss general public comment. There were no other comments.

III. Reports and updates

A. Electrical program update

Brian Crise, electrical program chief, Policy and Technical Services, updated the board and the audience on the electrical program:

- Live sessions facilitated by Oregon Building Official Association (OBOA) were held for Q&A time about the Oregon Electrical Specialty Code Table 1-E amendments. The sessions were well attended and received positive feedback.
- Chief Crise said a Statewide Code Interpretation for Receptacle Outlets below Countertops in a Residential Kitchen is expected to be presented to the September board meeting as communications.
- There is an anticipated effective date for the first of January 2025 for minor non-substantive changes to Table 1-E that will have a scheduled hearing. To receive updates on this and all issues with Building Codes Division, sign-up here for [email updates](#).
- Chief Crise took this time to remind licensees that the renewal for General Journeyman Electrician licenses and for the Limited Residential Electrician licenses expire October 1. All division-issued licenses are eligible for online renewal within 45 days of the expiration date. The expiration date is listed on the front of the license. Renewal notices are mailed to the licensee's address on file 45 days prior to expiration.

▪

B. Elevator program update

Warren Hartung, elevator program chief, Statewide Services, said he was available for any questions or concerns about the current elevator stats provided to members.

C. 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 said that this agenda item contains a late submission for Case No. C2020-0122 Firlle Dean Estep.

Before CCR Rowell began her discussion concerning the eight cases, she shared with the board and the audience recent enforcement activities in southern Oregon. The enforcement team met with local electricians and conducted license checks with local CCB investigators for two days. The team visited 56 job sites talking to approximately 80 individuals that resulted in three open investigations.

Because there were no questions or concerns pertaining to the enforcement activity in southern Oregon, CCR Rowell summarized each of the eight consent orders while at the testimony table in Conference Room A.

Motion by Member Ryan Richards to approve all eight consent orders as written and issue final orders as presented by CCR Rowell.

Roll call vote taken:

Yea: Sara Young; Frank Sonnabend; Ken Spencer; Al Schacher; Ryan Richards; Robert McNeill; Robert Larzalere; Elizabeth Bunga; David Albritton; Vice-chair Jon Flegel; and Chair Thomas Kyle.

Nay: None.

Motion carried unanimously.

- D. Summary of enforcement cases previously resolved by the division as outlined in the enforcement board report. *(No board action required)***
CCR Rowell remained at the testimony table and reviewed the four previously resolved default orders as requested by the board.

IV. Communications – None

V. Appeals - None

VI. Unfinished business

No unfinished business was presented during this meeting.

VII. New business

(Correction was made to this item to course 35)

A. Board review and approval of electrical program chief's recommendations regarding new continuing education course and instructor applications

Ian Paik, policy analyst, reported that the electrical program chief reviewed 70 applications from 17 organizations. The chief recommended 42 courses and 16 instructor applications for approval. The chief recommended 11 courses for denial and one instructor for denial. Details of all the information was included in the attached matrix for this Agenda Item.

Analyst Paik explained that a motion is needed to include the correction made to Live course No. 35, Clackamas Community College. The course was originally approved in error for 10 hours when it should have been approved for eight hours of code related.

Motion by Member Ryan Richards to amend and approve the electrical program chief's recommendations for approval or denial of courses or instructors by amending live course No. 35, Clackamas Community College for eight hours of CR and not 10 hours.

Roll call vote taken:

Yea: Sara Young; Frank Sonnabend; Ken Spencer; Al Schacher; Ryan Richards; Robert McNeill; Robert Larzalere; Elizabeth Bunga; David Albritton; Vice-chair Jon Flegel; and Chair Thomas Kyle.

Nay: None.

Motion carried unanimously.

B. Request from Clackamas Community College for retroactive credit or participants of Course ID 6401003 June 22, 2024

Analyst Paik explained that this request was posted in the packet as a late submission and was included in the matrix of approved courses in the previous agenda item that was reviewed by the electrical program chief. Analyst Paik added that Clackamas Community College had a representative connected through ZOOM available to answer any questions.

Tiffany Kriesel, Clackamas Community College, was connected through ZOOM available to answer questions the board or the audience may have had.

Motion by Member Ryan Richards to approve the request from Clackamas Community College for retroactive credit for participants of Course ID No. 6401003 given June 22, 2024

Roll call vote taken:

Yea: Sara Young; Frank Sonnabend; Ken Spencer; Al Schacher; Ryan Richards; Robert McNeill; Robert Larzalere; Elizabeth Bunga; David Albritton; Vice-chair Jon Flegel; and Chair Thomas Kyle.

Nay: None.

Motion carried unanimously.

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 10:00 a.m. by Chair Thomas Kyle.

Draft meeting minutes of July 25, 2024, was respectfully written and submitted by Debi Woods, division boards administrator/coordinator.

State of Oregon

Board memo

Building Codes Division

September 26, 2024

To: Electrical and Elevator Board

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

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

Action requested:

For the Board to consider the adoption of recent consent orders negotiated by the Division on their behalf and to issue final orders.

Background:

The Board, through Division staff, implemented a civil penalty matrix for electrical violations, which establishes civil penalties based upon the type and number of violations committed by a company or individual. 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 without having to go to hearing.

The Enforcement Section, acting on behalf of the Board, has entered into consent agreements in six (6) cases since the Board's July 25, 2024, meeting. In these cases, the penalty amounts assessed, amounts suspended, and amounts due and payable are consistent with the Board's penalty matrix. A copy of the consent orders and a chart with a summary of the six cases for Board approval has been included for your review in your board packet.

The consent orders contain the following standard conditions:

- 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.

All cases involve first time violators, unless otherwise noted in the chart. Please let me know if you have any questions.

Electrical and Elevator Board Enforcement Report for September 26, 2024

Summary Report - Consent Orders

Case #	Name	Violation relating to Electrical and Elevator Board	Location	Date of Violation	Civil Penalty		Other
C2020-0120	Ben Bazer	<p>Installation of electrical wiring, wall heaters, light fixtures, electrical panels, switches, receptacles, NM cable, baseboard heater, fan, and a twenty-amp circuit.</p> <ul style="list-style-type: none"> ● Shall not permit or suffer any person to perform unlicensed electrical installations. 	Springfield	2018 and 2019	Assessed: Imposed: Suspended:	\$4,000 \$750 \$3,250	
C2023-0032	Ben Heller	<p>Installation of an electrical panel, electrical boxes, circuits, and receptacles and replacement of light fixtures.</p> <ul style="list-style-type: none"> ● No electrical contractor's license. ● No supervising electrician license, journeyman electrician license, or limited residential electrician license. ● No electrical permit. 	Portland	March and December 2022	Assessed: Imposed: Suspended:	\$12,000 \$3,000 \$9,000	
C2023-0075	Sergio Mena-Hernandez	<p>Installation of electrical wiring, receptacles, and electrical boxes.</p> <ul style="list-style-type: none"> ● No electrical contractor's license. ● No supervising electrician license, journeyman electrician license, or limited residential electrician license. 	Albany	February and March 2023	Assessed: Imposed: Suspended:	\$5,000 \$2,000 \$3,000	
C2023-0149	Joshua Davis	<p>Installation of electrical wiring and conduit.</p> <ul style="list-style-type: none"> ● Providing false information to obtain a permit. ● Failing to perform the duties of a signing supervising electrician. 	Salem	July and August 2023	Assessed: Imposed: Suspended:	\$6,000 \$1,500 \$4,500	Six-month suspension of supervising electrician license (6033S).

Case #	Name	Violation relating to Electrical and Elevator Board	Location	Date of Violation	Civil Penalty		Other
C2024-0084	Tactical Electric Incorporated	Installation of electrical wiring and conduit. <ul style="list-style-type: none"> ● Providing false information to obtain a permit. 	Salem	July and August 2023	Assessed: Imposed: Suspended:	\$3,000 \$1,500 \$1,500	
C2023-0189	Brendan Charles Ridge	Installation of two lights on the exterior of a garage. <ul style="list-style-type: none"> ● No electrical contractor's license. ● No supervising electrician license, journeyman electrician license, or limited residential electrician license. ● No electrical permit. 	Central Point	October 2023	Assessed: Imposed: Suspended:	\$6,000 \$750 \$5,250	

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **BEN BAZER,**
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

BCD CASE C2020-0120

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 Ben Bazer
11 (“Respondent”) violated certain provisions of the Division’s statutes and administrative rules as
12 identified below.

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

17 **FINDINGS OF FACT**

- 18 1. On or about October 27, 2014, Bazer Custom Homes, LLC (“Bazer Custom Homes”)¹
- 19 registered with the Oregon Secretary of State (“SOS”) as a domestic limited liability
- 20 company.
- 21 2. At all relevant times, Respondent was registered with the SOS as Bazer Custom Homes’s
- 22 manager, registered agent, and organizer.
- 23 3. Bazer Custom Homes held Oregon Construction Contractors Board (“CCB”), license
- 24 number 215495, from on or about August 14, 2017, through on or about its expiration date

25 ¹ See related Division cases C2020-0120 (electrical) and C2024-0009 (plumbing) against Bazer Custom Homes.

1 of August 14, 2021.

2 4. At all relevant times, Respondent was registered with the CCB as Bazer Custom Homes's
3 responsible managing individual owner and member.

4 5. At all relevant times, the following persons worked for Bazer Custom Homes on residential
5 renovation projects owned by the limited liability companies Respondent managed:

6 a. Adam Johnston ("Johnston")² worked for Bazer Custom Homes from approximately
7 June 2017 through June 2020.

8 i. At all relevant times, Johnston was responsible for performing Bazer Custom
9 Homes's carpentry work and electrical installations.

10 ii. At no relevant time did Johnston hold a valid Oregon supervising electrician
11 license, journeyman electrician license, or limited residential electrician
12 ("LRE") license.

13 b. Firlle Dean Estep ("Estep")³ worked for Bazer Custom Homes from approximately
14 July 2018 to through approximately March 2019.

15 i. At all relevant times, Estep worked for Bazer Custom Homes as a laborer.

16 ii. At no relevant time did Estep hold a valid Oregon supervising electrician
17 license, journeyman electrician license, or LRE license.

18 6. At all relevant times, Respondent, concurrent with his position at Bazer Custom Homes,
19 served as the manager of 2663 31st Street, LLC and LH Fund 3; LLC.⁴

20 a. On or about July 21, 2017, LH Fund 3, LLC purchased a residential property located
21 at 2480 F Street, Springfield, Oregon ("F street property"), and sold it on or about
22 May 21, 2018.

23 b. On or about February 28, 2018, 2663 31st Street, LLC purchased a residential
24

25 ² See Division related case C2020-0071 against Johnston.

³ See Division related case C2020-0122 against Estep.

⁴ Respondent contends 2663 31st Street, LLC and LH Fund 3; LLC are single member owned LLCs owned by Red Cedar Capital Partners, LLC ("Red Cedar"). Respondent is registered with the Oregon SOS as manager of Red Cedar.

1 property located at 2663 31st Street, Springfield, Oregon (“31st street property”), and
2 sold it on or about December 30, 2019.

3 7. On or about September 17, 2017, Johnston and Estep, acting on behalf of Bazer Custom
4 Homes and Respondent, performed the following electrical installations at the F street
5 property:

6 a. Johnston installed a “power drop,” which consisted of installing and connecting new
7 electrical wiring into the walls of the home.

8 b. Estep installed electric Cadet wall heaters, assisted with the electrical installation of a
9 new hot water heater, and installed new electrical wiring into the wall and ceilings of
10 the home.

11 8. In or around 2018 and 2019, Johnston and Estep, acting on behalf of Bazer Custom Homes
12 and Respondent, performed electrical work at the 31st street property.

13 a. Johnston performed the following electrical installations:

14 i. Installed new electrical wiring;

15 ii. Installed new electric Cadet wall heaters with the assistance of Estep;

16 iii. Installed new overhead lighting fixtures;

17 iv. Installed new electrical panels;

18 v. Installed wall switches, electrical receptacles;

19 vi. Installed new non-metallic (“NM”) cable;

20 vii. Installed a baseboard-heating unit;

21 viii. Installed a fan; and

22 ix. Installed twenty-amp circuits for light switches.

23 b. Estep performed the following electrical installations:

24 i. Installed new electrical wiring;

25 ii. Installed lighting fixtures;

1 or replacement of parts of electrical installations as necessary for maintenance of the
2 existing electrical installations on that property, but does not exempt new electrical
3 installations or substantial alterations to existing electrical installations on that property. As
4 used in this paragraph, “new electrical installations or substantial alterations” does not
5 include the replacement of an existing garbage disposal, dishwasher or electric hot water
6 heater with a similar appliance of 30 amps or less, single phase, by a landlord, landlord’s
7 agent or employee of the landlord or landlord’s agent.⁵

- 8 7. Under OAR 918-261-0040(1), for the purposes of ORS 479.540(1), the owner of property to
9 which this exemption applies shall be a natural person and not a business entity such as a
10 corporation or partnership.
- 11 8. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not
12 engage in the business of making electrical installations, advertise as or otherwise purport to
13 be licensed to make electrical installations or purport to be acting as a business that makes
14 electrical installations.
- 15 9. Under ORS 479.620(3), except as provided in ORS 479.620(5), a person may not make any
16 electrical installation without a supervising or journeyman electrician’s license.
- 17 10. Under ORS 479.620(5), a person may not make any electrical installation on a single or
18 multifamily dwelling unit not exceeding three floors above grade, as provided in ORS
19 479.630(14), without a limited residential electrician’s license.
- 20 11. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
21 other license regulated by ORS chapter 455, “engaging in the business” means to advertise
22 or solicit, contract or agree to perform, or to perform work for which a license or permit is
23 required under Oregon law, including but not limited to a single instance.
- 24
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⁵ See Residential Property Owner Scope of Work, attached as Exhibit A.

1 12. Under ORS 479.620(6), a person may not permit or suffer any electrical installation on
2 property that the person owns, controls, manages or supervises to be made by a person not
3 licensed to make such an installation.

4 **CONCLUSIONS OF LAW**

- 5 1. Electrical wiring, wall heaters, lighting fixtures, electrical panels, switches, receptacles, NM
6 cable, baseboard heater, fan, and a twenty amp circuit constitute electrical products under
7 ORS 479.530(11).
- 8 2. Installing electrical wiring, wall heaters, lighting fixtures, switches, receptacles, NM cable,
9 baseboard heater, fan, and a twenty amp circuit all constitute electrical installations under
10 ORS 479.530(10).
- 11 3. By performing the foregoing electrical installations at the 31st street property and the F street
12 property, without a supervising electrician license, journeyman electrician license, or LRE
13 license, Johnston and Estep violated ORS 479.620(3) and (5).
- 14 4. By permitting Johnston and Estep to perform the foregoing electrical installations at the 31st
15 street property and the F street property, on behalf of Bazer Custom Homes, Bazer Custom
16 Homes engaged in the business of an electrical contractor as defined in OAR 918-030-
17 0010(8).
- 18 5. By engaging in the business of electrical contractor at the F street property and 31st street
19 property without a valid Oregon electrical contractor's license, Bazer Custom Homes
20 violated ORS 479.620(1).
- 21 6. As the manager of the aforementioned entities that owned the 31st street property and the F
22 street property, Respondent was not allowed to permit or suffer any person to perform
23 unlicensed electrical installations under ORS 479.620(6).
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1 7. Because Respondent permitted or suffered Bazer Custom Homes, Johnston, and Estep to
2 perform unlicensed electrical installations at the 31st street property and the F street
3 property, Respondent violated ORS 479.620(6).

4 **ORDER**

5 1. The Board hereby assesses a total civil penalty of \$4,000.00 against Respondent for
6 violating ORS 479.620(6) two times (\$2,000.00 per violation) as follows:

7 a. \$3,250.00 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
21 for any court costs, attorney fees, any other necessary fees related to the collection
22 of 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 (\$3,250.00) 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.

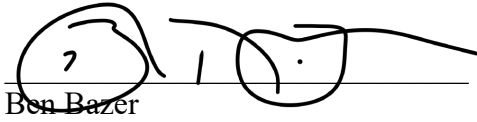
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1 7. Respondent understands that, upon signature of all parties, this Consent Order will be a
2 Final Order.

3  It is so agreed this 18 day of July, 2024.
4 Ben Bazer

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6 _____ for It is so agreed this _____ day of _____, 2024.
7 Chair
8 Electrical and Elevator Board
9 State of Oregon
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BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**BEN HELLER,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2023-0032

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 Ben Heller (“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. In or around 2022, Respondent advertised his electrical services on the Nextdoor neighborhood social networking site for the Portland area.
2. On or about February 24, 2022, Leslie Zagelow (“Zagelow”)¹ and Rian Zagelow purchased a residential rental property located at 1650 Southwest Filmont Avenue., in Portland, Oregon (“Filmont property”).
3. In or around February 2022, Zagelow hired Respondent to perform the following electrical work at the Filmont property:

¹ See Division related case C2024-0005 against Zagelow.

- a. Install a new electrical panel;
- b. Relocate electrical boxes; and
- c. Replace outdoor light fixtures.

4. In or around March 2022, Heller installed a new electrical panel, relocated electrical boxes, and replaced outdoor light fixtures at the Filmont property for Zagelow.

5. On or about March 11, 2022, Zagelow paid Respondent \$3,500.00 via PayPal for the electrical work he performed at the Filmont property.

6. In or around the end of March 2022, Carol Routh (“Routh”) began renting the Filmont property from Zagelow.

7. Routh met Respondent while he was performing electrical work for Zagelow at the Filmont property.

8. Routh paid Respondent \$300.00 in cash to perform the following additional electrical work at the Filmont property:

- a. Install a new 120-volt, 20-ampere circuit for an electric vehicle charger in the garage; and
- b. Install new electrical circuits powering two 20-ampere wall outlets with receptacles in the garage to be used for kiln and related equipment.

9. In or around December 2022, Rajeev Garg hired Respondent to perform electric work at his home located at 13421 Northwest Keeton Park Lane, in Portland Oregon (“Park lane property”) after Respondent’s services were recommended on Nextdoor.

10. In or around December 2022, Respondent installed a new NEMA 14-50, 220-volt electrical receptacle for an electric vehicle charging station at the Park lane property.

11. At no relevant time did Respondent hold a valid Oregon electrical contractor’s license.

12. At no relevant time did Respondent hold a valid Oregon supervising electrician license, journeyman electrician license, or limited residential electrician (“LRE”) license.

1 13. At no relevant time did Respondent obtain electrical permits for the electrical work
2 performed at the Filmont property or the Park lane property.

3 **APPLICABLE LAW**

- 4 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
5 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule (“OAR”) 918-001-0005,
6 OAR 918-030-0010, and OAR 918-251-0090.
- 7 2. Under ORS 479.530(10), “electrical installations” means the construction or installation of
8 electrical wiring and the permanent attachment or installation of electrical products in or on
9 any structure that is not itself an electrical product. “Electrical installation” also means the
10 maintenance or repair of installed electrical wiring and permanently attached electrical
11 products.
- 12 3. Under ORS 479.530(11), “electrical product” means any electrical equipment, material,
13 device or apparatus that, except as provided in ORS 479.540, requires a license or permit to
14 install and either conveys or is operated by electrical current.
- 15 4. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
16 permit has not been issued.
- 17 5. 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 6. 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 7. 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 8. 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 **CONCLUSIONS OF LAW**

7 1. The following constitutes electrical products under ORS 479.530(11):

- 8 a. Electrical panels;
- 9 b. Electrical boxes;
- 10 c. Light fixtures;
- 11 d. Electrical circuits; and
- 12 e. Electrical outlets and receptacles.

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

- 14 a. Installing a new electrical panel;
- 15 b. Installing electrical boxes;
- 16 c. Replace light fixtures;
- 17 d. Installing new electrical circuits; and
- 18 e. Installing new electrical outlets and receptacles.

19 3. By advertising to perform electrical installations on Nextdoor.com, and by performing the
20 foregoing electrical installations at the Filmont property and the Park lane property,
21 Respondent engaged in the business of an electrical contractor as defined in OAR 918-030-
22 0010(8).

23 4. By engaging in the business of an electrical contractor at the Filmont property and the Park
24 lane property, without a valid Oregon electrical contractor license, Respondent violated ORS
25 479.620(1) two times.

1 5. By performing the foregoing electrical installations at the Filmont property and the Park lane
2 property, without a supervising electrician license, journeyman electrician license, or LRE
3 license, Respondent violated ORS 479.620(3) and (5) two times.

4 6. By performing the foregoing electrical installations at the Filmont property and the Park lane
5 property without obtaining electrical permits, Respondent violated ORS 479.550(1) two
6 times.

7 **ORDER**

8 1. The Board hereby assesses a total civil penalty of \$12,000.00 against Respondent for
9 violating ORS 479.550(1) two times, ORS 479.620(1) two times, ORS 479.620(3) and (5)
10 two times as follows:

11 a. \$9,000.00 of the total civil penalty will be suspended for a period of five years if
12 there is compliance with all other terms of this Consent Order.

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

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

24 c. ***NOTE: If you fail to make timely payments as stated in this signed Consent Order,***
25 ***the payment agreement becomes void. In addition, this account may be assigned to***

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

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

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

18 3. Respondent has removed advertisements stating that he is an electrician, including but not
19 limited to, all posts on social media websites such as Facebook and Nextdoor.

20 4. 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 5. Respondent understands that failure to comply with this Consent Order may be used as a
25 basis for the denial of future license, certificate, registration, or other applications, or for the

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

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

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

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

10 

11 Ben Heller

11 It is so agreed this 22 day of August, 2024.

12
13 _____ for
14 Chair
15 Electrical and Elevator Board
16 State of Oregon

13 It is so agreed this ____ day of _____, 2024.

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **SERGIO MENA-HERNANDEZ,**
5 **AN INDIVIDUAL,**

6 **RESPONDENT.**

BCD CASE C2023-0075

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 Sergio Mena-
11 Hernandez (“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. On or about January 5, 2023, Respondent purchased a residential property located at 2840
- 19 Salem Avenue SE, in Albany, Oregon (“property”) for \$154,00.00.
- 20 2. On or about February 17, 2023, Respondent submitted an application to the City of Albany
- 21 for a homeowner’s electrical permit.
- 22 3. On or about February 17, 2023, the City of Albany issued Respondent a homeowner’s
- 23 electrical permit for re-wiring the entire home located on the property.
- 24 4. In or around February or March 2023, Respondent re-wired the entire home located on the
- 25 property.

- 1 5. On or about February 21, 2023, Philip Godsey (“Godsey”), City of Albany Electrical
2 Inspector, approved the rough-in electrical installations at the property, which included but
3 was not limited to new installations of the following:
 - 4 a. Non-metallic (“NM”) cable in the bedrooms, bathroom, kitchen, living/dining room,
5 garage, and laundry room on the back of the garage;
 - 6 b. Electrical boxes; and
 - 7 c. Receptacles.
- 8 6. On or about April 11, 2023, Godsey performed a final electrical inspection at the property,
9 and required corrections be made to some of the installations before the permit could be
10 finalized.
- 11 7. On or about April 13, 2023, Godsey performed a second final electrical inspection at the
12 property, and approved the permit to be finalized.
- 13 8. On or about April 28, 2023, the property was advertised as being for sale.
- 14 9. On or about May 17, 2023, Respondent sold the property for approximately \$289,000.
- 15 10. At no relevant time did Respondent hold a valid Oregon electrical contractor license.
- 16 11. At no relevant time did Respondent hold a valid supervising electrician license, journeyman
17 electrician license, or limited residential electrician license (“LRE”).

18 **APPLICABLE LAW**

- 19 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
20 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule (“OAR”) 918-001-0005,
21 OAR 918-030-0010, and OAR 918-251-0090.
- 22 2. Under ORS 479.530(10), “electrical installations” means the construction or installation of
23 electrical wiring and the permanent attachment or installation of electrical products in or on
24 any structure that is not itself an electrical product. “Electrical installation” also means the
25

1 maintenance or repair of installed electrical wiring and permanently attached electrical
2 products.

- 3 3. Under ORS 479.530(11), “electrical product” means any electrical equipment, material,
4 device or apparatus that, except as provided in ORS 479.540, requires a license or permit to
5 install and either conveys or is operated by electrical current.
- 6 4. Under OAR 918-252-0090(26), “maintain” means to preserve electrical equipment in good
7 sound condition.
- 8 5. Under OAR 918-252-0090(27) “maintenance” compare with repair, replacement, and
9 maintain for definition.
- 10 6. Under OAR 918-252-0090(37) “repair” means to restore worn or damaged parts to a good,
11 sound condition by means other than replacement.
- 12 7. Under OAR 918-252-0090(38), “replacement” means substitution of complete units of
13 damaged or worn equipment with similar new or used equipment of a size and rating that
14 does not exceed the design capacity of the existing product.
- 15 8. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not
16 engage in the business of making electrical installations, advertise as or otherwise purport to
17 be licensed to make electrical installations or purport to be acting as a business that makes
18 electrical installations.
- 19 9. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
20 other license regulated by ORS chapter 455, “engaging in the business” means to advertise
21 or solicit, contract or agree to perform, or to perform work for which a license or permit is
22 required under Oregon law, including but not limited to a single instance.
- 23 10. Under ORS 479.540(1), except as otherwise provided in this subsection, a person is not
24 required to obtain a license to make an electrical installation on residential or farm property
25

1 that is owned by the person or a member of the person’s immediate family if the property is
2 not intended for sale, exchange, lease or rent.

3 11. Under ORS 479.540(1)(a), the exemption established for a person under this subsection does
4 not exempt the work performed by the person from having to comply with the requirements
5 for such work under ORS chapter 455 or this chapter and rules adopted thereunder.

6 12. Under ORS 479.540(1)(b), if the property is a building used as a residence and is for rent,
7 lease, sale or exchange, this subsection establishes an exemption for work on, alterations to
8 or replacement of parts of electrical installations as necessary for maintenance of the
9 existing electrical installations on that property, but does not exempt new electrical
10 installations or substantial alterations to existing electrical installations on that property. As
11 used in this paragraph, “new electrical installations or substantial alterations” does not
12 include the replacement of an existing garbage disposal, dishwasher or electric hot water
13 heater with a similar appliance of 30 amps or less, single phase, by a landlord, landlord’s
14 agent or employee of the landlord or landlord’s agent.

15 13. Under ORS 479.620(3), except as provided in ORS 479.620(5), a person may not make any
16 electrical installation without a supervising or journeyman electrician’s license.

17 14. Under ORS 479.620(5), a person may not make any electrical installation on a single or
18 multifamily dwelling unit not exceeding three floors above grade, as provided in ORS
19 479.630(14), without a limited residential electrician’s license.

20 **CONCLUSIONS OF LAW**

21 1. Electrical wiring, receptacles, and electrical boxes constitute electrical products under
22 479.530(11).

23 2. Installing electrical wiring, receptacles, and electrical boxes throughout an entire house
24 constitutes an electrical installation under ORS 479.530(10).

- 1 3. Installing electrical wiring throughout an entire house constitutes a substantial electrical
2 installation and is not subject to the exemptions listed in ORS 479.540(1)(b).
- 3 4. By performing the foregoing electrical installations at the property, Respondent engaged in
4 the business of an electrical contractor as defined in OAR 918-030-0010(8).
- 5 5. By engaging in the business of an electrical contractor at the property, without a valid
6 Oregon electrical contractor's license, Respondent violated ORS 479.620(1).
- 7 6. By performing the foregoing electrical installation at the property without a valid Oregon
8 supervising electrician license, journeyman electrician's license, or LRE license,
9 Respondent violated ORS 479.620(3) and (5).

10 **ORDER**

- 11 1. The Board hereby assesses a total civil penalty of \$5,000.00 against Respondent for
12 violating ORS 479.620(1) and ORS 479.620(3) and (5) as follows:
 - 13 a. \$3,000.00 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 \$2,000.00 of the civil penalty in a lump sum
16 payment. Respondent's payment must be received no later than the 25th day of the
17 month following the month in which this Consent Order is signed by both parties(*An
18 invoice may be provided to Respondent after this Consent Order is signed by both
19 parties. Respondent understands timely payments must be made even if no invoice is
20 ever received.*) Checks should be made out to the Department of Consumer and
21 Business Services. **Payment shall be mailed to Department of Consumer and
22 Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-
23 0445. For payment questions and credit card payments call 971-375-7087.**


24 ***NOTE: If you fail to make your lump sum payment as stated in this signed
25 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***

1 *of this debt, and any interest or penalties accrued. This debt may also appear on*
2 *future credit reports.*

- 3 c. Respondent understands the suspended civil penalty (\$3,000.00) will be considered
4 satisfied five years after this Consent Order becomes a final order, provided
5 Respondent complies with its terms and has not committed any further violations of
6 the Division's statutes and rules within that five-year period. Respondent
7 understands and agrees that upon a showing that Respondent has not complied with
8 the terms of this Consent Order or that Respondent has committed any further
9 violations of the Division's statutes or rules within the five-year period, the entire
10 civil penalty, including any suspended amount, will become due and payable. Failure
11 to comply with this Consent Order includes, but is not limited to, failure to pay the
12 civil penalty amount due by the due date.
- 13 2. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
14 that rely on the facts underlying this case. Cooperation may include, but may not be limited
15 to, making sworn statements or testifying in administrative hearings.
- 16 3. Respondent understands that further enforcement action may be taken for any violation of
17 the Division's statutes or rules not alleged in this Consent Order, whether committed before
18 or after the execution of this Consent Order, and for any violation of the terms of this
19 Consent Order.
- 20 4. Respondent understands that failure to comply with this Consent Order may be used as a
21 basis for the denial of future license, certificate, registration, or other applications, or for the
22 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
23 certificate, or registration issued by the Division or other state agencies; and/or for any other
24 reason provided for in law.
- 25 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

1 voluntarily consents to the entry of this Consent Order without any force or duress, and
2 expressly waives all rights to hearing or judicial review in this matter.

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

5 
6 _____ It is so agreed this 22 day of August, 2024.
7 Sergio Mena-Hernandez

8 _____ for It is so agreed this ____ day of _____, 2024.
9 Chair
10 Electrical and Elevator Board
11 State of Oregon

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

JOSHUA DAVIS,
AN INDIVIDUAL,

RESPONDENT.

BCD CASE C2023-0149

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 Joshua Davis ("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 October 20, 2014, Fermium IT, LLC ("Fermium")¹ registered with the Washington Secretary of State ("WA SOS") as a limited liability company. At all relevant times, Jason Joel Lamb ("Lamb")² was listed as the governor of Fermium on the WA SOS website.
2. On or about November 30, 2017, Tactical Electric Incorporated registered with the Oregon Secretary of State ("OR SOS") as a domestic business corporation. Later, on or about

¹ See related Division case C2023-0193 against Fermium.

² See related Division case C2023-0148 against Lamb.

1 February 22, 2018, GMD Electric registered with OR SOS as the assumed business name of
2 Tactical Electric Incorporated. Hereinafter, Tactical Electric Incorporated and GMD Electric
3 will be collectively referred to as Tactical Electric.³

4 3. At all relevant times, Respondent was listed as the President of Tactical Electric on the OR
5 SOS website.

6 4. On or about January 1, 2018, Tactical Electric registered with the Oregon Construction
7 Contractors Board ("CCB"). At all relevant times, Respondent was listed as the responsible
8 managing individual of Tactical Electric on the CCB website.

9 5. At all relevant times Tactical Electric has held Oregon electrical contractor license number
10 C1363 with the Division.

11 6. At all relevant times, Respondent has held Oregon supervising electrician license number
12 6033S with the Division.

13 7. At all relevant times, Respondent has been registered with the Division as Tactical Electric's
14 signing supervising electrician.

15 8. In or around July 2023, Fermium agreed to install category 6 low-voltage electrical wiring
16 and conduit at a commercial property located at 4668 Truax Drive Southeast, Salem, Oregon
17 ("property").

18 9. On or about July 17, 2023, Fermium contracted with Tactical Electric to obtain an electrical
19 permit for the work Fermium agreed to perform at the property.

20 10. On or about July 20, 2023, Tactical Electric obtained an electrical permit ("electrical
21 permit") for the property in its own name, and Respondent was listed as the supervising
22 electrician.

23 11. On or about August 18, 2023, Tactical Electric sent an invoice totaling \$709.47 to Fermium
24 for the following:

25 a. Provide low voltage permit (\$500.00);

³ See related Division case C2024-0084 against Tactical Electric.

1 b. Permit #23-114845-00-E (\$67.25) cost; and

2 c. Permit #23-049501-000-00-ET (\$142.22) cost.⁴

3 12. At all relevant times Brandon Blumental (“Blumental”)⁵ was employed by Fermium.

4 13. On or about August 23, 2023, Blumental, on behalf of Fermium and as directed by Lamb,
5 installed category 6 low-voltage electrical wiring and conduit at the property.

6 14. At no relevant time did Blumental hold a valid Oregon supervising electrician license,
7 journeyman electrician license, or Class B limited energy technician license.

8 15. At no time did the Respondent direct, supervise or control the electrical installations at the
9 property.

10 16. At no time did Respondent ensure that the work being done at the property was being
11 performed by licensed individuals.

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
25 ⁴ Fermium initially provided Tactical Electric an incorrect address, which resulted in Tactical Electric obtaining electrical permits at two separate locations.

⁵ See related Division case C2023-0150 against Blumental.

1 4. Under ORS 479.905(2), "Class B limited energy technician" means a person licensed to
2 install, alter and repair all limited energy systems that do not include protective signaling,
3 including but not limited to:

- 4 a. HVAC;
- 5 b. Medical;
- 6 c. Boiler Controls;
- 7 d. Intercom and paging systems;
- 8 e. Clock systems;
- 9 f. Data telecommunication installations; and,
- 10 g. Instrumentation.

11 5. Under OAR 918-309-0000(5), an electrical permit, other than a restricted energy electrical
12 permit as provided in OAR 918-309-0400, issued to one person or firm is not transferable
13 and shall not permit any other person or firm to perform any electrical work thereunder.

14 6. Under OAR 918-309-0000(1), any person providing false or incorrect information or false
15 or an incorrect signature to obtain a permit may be subject to compliance action by the
16 board.

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

19 8. Under ORS 479.620(5), a person may not make any electrical installation on a single or
20 multifamily dwelling unit not exceeding three floors above grade, as provided in ORS
21 479.630(14), without a limited residential electrician's license.

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

1 10. Under OAR 918-282-0140(1)(a), a general signing supervising electrician when working for
2 or as an electrical contractor must direct, supervise, make, or control the making of electrical
3 installations.

4 11. Under ORS 455.129(2)(a), a regulatory body 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 12. Under ORS 455.129(3)(b), 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 for those reasons enumerated in ORS 455.129(2).

12 **CONCLUSIONS OF LAW**

13 13. Category six electrical wiring and conduit constitute electrical products under ORS
14 479.530(11).

15 14. Installing category six electrical wiring and conduit constitutes electrical installations under
16 ORS 479.530(10).

17 15. Under ORS 479.620(3), in order to perform the aforementioned electrical installations at the
18 property, Blumental was required to hold either a valid Oregon supervising electrician
19 license or journeyman electrician license, unless Blumental held a Class B limited energy
20 technician license issued under ORS 479.905(2).

21 16. By performing the aforementioned electrical installations at the property, on Fermium's
22 behalf and as directed by Lamb, without any of the aforementioned electrical licenses,
23 Blumental violated ORS 479.620(3).

24 17. By falsely or incorrectly submitting Tactical Electric's electrical contractor information and
25 Respondent's signing supervisor information to obtain a permit for electrical work Fermium

1 agreed to do and intended to perform at the property, Respondent violated OAR 918-309-
2 0000(1).

3 18. By obtaining the electrical permit as the signing supervisor and not directing, supervising,
4 making, or controlling the making of the electrical installations, Respondent failed to
5 perform the duties of signing supervising electrician in violation of OAR 918-282-
6 0140(1)(a) at the property.

7 19. By obtaining the electrical permit as the signing supervisor and not ensuring the work was
8 performed by licensed individuals, Respondent failed to perform the duties of signing
9 supervising electrician, in violation of OAR 918-282-0140(2)(f), at the property.

10 20. Pursuant to ORS 455.129(3)(b), the Board may suspend Respondent's general supervising
11 electrician license number 6033S for a period of one year for those reasons enumerated in
12 ORS 455.129(2)(a) and ORS 455.129(3)(b).

13 ORDER

14 1. The Board hereby assesses a total civil penalty of \$6,000.00 against Respondent for
15 violating OAR 918-309-0000(1), OAR 918-282-0140(1)(a), and OAR 918-282-0140(2)(f)
16 as follows:

17 a. \$4,500.00 of the total civil penalty will be suspended for a period of five years if
18 there is compliance with all other terms of this Consent Order.

19 b. Respondent agrees to pay the remaining \$1,500.00 of the civil penalty in a lump sum
20 payment. Respondent's payment must be received no later than the 25th day of the
21 month following the month in which this Consent Order is signed by both parties (*An
22 invoice may be provided to Respondent after this Consent Order is signed by both
23 parties. Respondent understands timely payments must be made even if no invoice is
24 ever received.*) Checks should be made out to the Department of Consumer and
25 Business Services. **Payment shall be mailed to Department of Consumer and**

1 Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-

2 0445. For payment questions and credit card payments call 971-375-7087.

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

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

19 2. Respondent's supervising electrician license number 6033S shall be suspended for a period
20 of six months, commencing on the date that this Consent Order is executed by all parties.

21 a. Respondent shall send in his general supervising electrician license (6033S) to the
22 Division within fourteen (14) calendar days of the consent order being signed by
23 both parties. Respondent will send his license to Building Codes Division,
24 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

25 b. Respondent understands he is responsible for completing any required continuing
education to maintain his general supervising electrician license number 6033S
during the suspension period.

- 1 c. Following the six month suspension period, the Division shall return Respondent's
2 general supervising electrician license number 6033S to Respondent, provided that
3 Respondent has complied with all terms of this Consent Order.
- 4 3. Respondent may obtain a conditional Oregon journeyman electrician license for the time
5 that his general supervising electrician number 6033S is suspended, provided Respondent
6 has complied with all other terms of this Consent Order. Respondent must make a written
7 request to the Division to obtain a conditional journeyman electrician license within five (5)
8 calendar days from the date this agreement is signed by both parties. This conditional
9 journeyman electrician license shall expire on the date the suspension of Respondent's
10 general supervising electrician license number 6033S ends, which is six (6) months from the
11 date this Consent Order is signed by both parties.
- 12 4. Respondent shall notify the Division in writing who Tactical Electric's signing supervising
13 electrician(s) is within five (5) calendar days from the date that this Consent Order is
14 executed by all parties.
- 15 5. The notifications described in the two paragraphs above shall be submitted by regular or
16 electronic mail. If mailed, it shall be sent to Building Codes Division, Enforcement Section,
17 P.O. Box 14470, Salem, Oregon, 97309. If e-mailed, the notification shall be emailed to
18 BCD.Complaint@dcbs.oregon.gov.
- 19 6. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
20 that rely on the facts underlying this case. Cooperation may include, but may not be limited
21 to, making sworn statements or testifying in administrative hearings.
- 22 7. Respondent understands that further enforcement action may be taken for any violation of
23 the Division's statutes or rules not alleged in this Consent Order, whether committed before
24 or after the execution of this Consent Order, and for any violation of the terms of this
25 Consent Order.

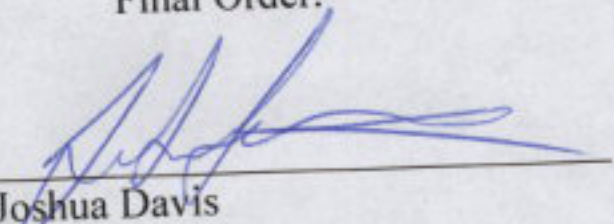
1 8. Respondent understands that failure to comply with this Consent Order may be used as a
2 basis for the denial of future license, certificate, registration, or other applications, or for the
3 refusal to renew the same; for the suspension, revocation, or conditioning of a license,
4 certificate,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

6 9. Respondent understands that this Consent Order is a public record.

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

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

11 Final Order.

12  It is so agreed this 5 day of August, 2024.
13 Joshua Davis

14
15 _____ for It is so agreed this _____ day of _____, 2024.
16 Chair
17 Electrical and Elevator Board
18 State of Oregon
19
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25

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

2 **IN THE MATTER OF:**

CONSENT ORDER

3
4 **TACTICAL ELECTRIC INCORPORATED**
5 **A DOMESTIC BUSINESS CORPORATION,**

6 **RESPONDENT.**

BCD CASE C2024-0084

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 Tactical
11 Electric Incorporated (“Respondent”) violated certain provisions of the Division’s statutes and
12 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 November 30, 2017, Respondent registered with the Oregon Secretary of State
19 (“OR SOS”) as a domestic business corporation. Later, on or about February 22, 2018,
20 GMD Electric registered with OR SOS as the assumed business name of Respondent.
21 Hereinafter, Respondent and GMD Electric will be collectively referred to as Respondent.
- 22 2. At all relevant times, Joshua Davis (“Davis”)¹ was listed as the president of Respondent on
23 the OR SOS website.
- 24 3. On or about January 1, 2018, Respondent registered with the Oregon Construction
25

¹ See related Division case C2023-0149 against Davis.

1 Contractors Board (“CCB”). At all relevant times, Davis was listed as the responsible
2 managing individual of Respondent on the CCB website.

3 4. At all relevant times Respondent has held Oregon electrical contractor license number
4 C1363 with the Division.

5 5. At all relevant times, Davis has held Oregon supervising electrician license number 6033S
6 with the Division.

7 6. At all relevant times, Davis has been registered with the Division as Respondent’s signing
8 supervising electrician.

9 7. On or about October 20, 2014, Fermium IT, LLC (“Fermium”)² registered with the
10 Washington Secretary of State (“WA SOS”) as a limited liability company. At all relevant
11 times, Jason Joel Lamb (“Lamb”)³ was listed as the governor of Fermium on the WA SOS
12 website.

13 8. In or around July 2023, Fermium agreed to install category 6 low-voltage electrical wiring
14 and conduit at a commercial property located at 4668 Truax Drive Southeast, Salem, Oregon
15 (“property”).

16 9. On or about July 17, 2023, Fermium contracted with Respondent to obtain an electrical
17 permit in its name and list Davis as the supervising electrician, for electrical work that
18 Fermium had agreed to perform at the property.

19 10. On or about July 20, 2023, Respondent obtained an electrical permit for the property in its
20 own name and listed Davis as the supervising electrician.

21 11. On or about August 18, 2023, Respondent sent an invoice totaling \$709.47 to Fermium for
22 the following:

23 a. Provide low voltage permit (\$500.00);

24 b. Permit #23-114845-00-E (\$67.25) cost; and

25 ² See related Division case C2023-0193 against Fermium.

³ See related Division case C2023-0148 against Lamb.

1 c. Permit #23-049501-000-00-ET (\$142.22) cost.⁴

2 12. At all relevant times Brandon Blumental (“Blumental”)⁵ was employed by Fermium.

3 13. On or about August 23, 2023, Blumental, on behalf of Fermium and as directed by Lamb,
4 installed category 6 low-voltage electrical wiring and conduit at the property.

5 14. At no relevant time did Blumental hold a valid Oregon supervising electrician license,
6 journeyman electrician license, or Class B limited energy technician license.

7 15. At no relevant time did Respondent or Davis have any affiliation with the aforementioned
8 electrical work performed at the property, other than obtaining the permit for Fermium.

9 **APPLICABLE LAW**

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

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

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

21 4. Under OAR 918-309-0000(5), an electrical permit, other than a restricted energy electrical
22 permit as provided in OAR 918-309-0400, issued to one person or firm is not transferable
23 and shall not permit any other person or firm to perform any electrical work thereunder.

24 _____
25 ⁴ Fermium initially provided Respondent an incorrect address, which resulted in Respondent obtaining electrical permits at two separate locations.

⁵ See related Division case C2023-0150 against Blumental.

- 1 5. Under OAR 918-309-0000(1), any person providing false or incorrect information or false
2 or an incorrect signature to obtain a permit may be subject to compliance action by the
3 board.
- 4 6. Under ORS 479.620(3), except as provided in ORS 479.620(5), a person may not make any
5 electrical installation without a supervising or journeyman electrician's license.
- 6 7. Under ORS 479.620(5), a person may not make any electrical installation on a single or
7 multifamily dwelling unit not exceeding three floors above grade, as provided in ORS
8 479.630(14), without a limited residential electrician's license.
- 9 8. Under ORS 479.905(2), "Class B limited energy technician" means a person licensed to
10 install, alter and repair all limited energy systems that do not include protective signaling,
11 including but not limited to:
 - 12 a. HVAC;
 - 13 b. Medical;
 - 14 c. Boiler Controls;
 - 15 d. Intercom and paging systems;
 - 16 e. Clock systems;
 - 17 f. Data telecommunication installations; and,
 - 18 g. Instrumentation.

19 CONCLUSIONS OF LAW

- 20 1. Category six electrical wiring and conduit constitute electrical products under ORS
21 479.530(11).
- 22 2. Installing category six electrical wiring and conduit constitutes electrical installations under
23 ORS 479.530(10).
- 24 3. Under ORS 479.620(3), in order to perform the aforementioned electrical installations at the
25 property, Blumental was required to hold either a valid Oregon supervising electrician

1 license or journeyman electrician license, unless Blumental held a Class B limited energy
2 technician license issued under ORS 479.905(2).

- 3 4. By performing the aforementioned electrical installations at the property, on Fermium's
4 behalf and as directed by Lamb, without any of the aforementioned electrical licenses,
5 Blumental violated ORS 479.620(3).
- 6 5. By falsely or incorrectly submitting Respondent's electrical contractor information and
7 Davis's signing supervisor information to obtain a permit for electrical work Fermium
8 agreed to do and intended to perform at the property, Respondent violated OAR 918-309-
9 0000(1).

10 ORDER

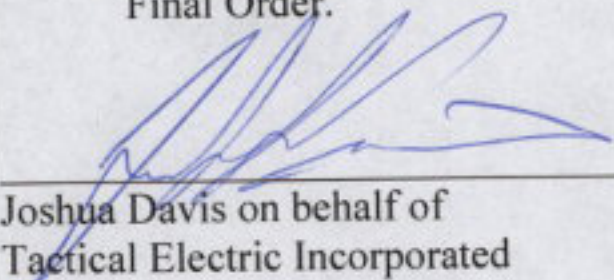
- 11 1. The Board hereby assesses a total civil penalty of \$3,000.00 against Respondent for
12 violating OAR 918-309-0000(1) and as follows:
- 13 a. \$1,500.00 of the total civil penalty will be suspended for a period of five years if
14 there is compliance with all other terms of this Consent Order.
- 15 b. Respondent agrees to pay the remaining \$1,500.00 of the civil penalty in a lump sum
16 payment. Respondent's payment must be received no later than the 25th day of the
17 month following the month in which this Consent Order is signed by both parties (*An
18 invoice may be provided to Respondent after this Consent Order is signed by both
19 parties. Respondent understands timely payments must be made even if no invoice is
20 ever received.*) Checks should be made out to the Department of Consumer and
21 Business Services. **Payment shall be mailed to Department of Consumer and
22 Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-
23 0445. For payment questions and credit card payments call 971-375-7087.**
- 24 ***NOTE: If you fail to make your lump sum payment as stated in this signed
25 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***

1 *of this debt, and any interest or penalties accrued. This debt may also appear on*
2 *future credit reports.*

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

1 voluntarily consents to the entry of this Consent Order without any force or duress, and
2 expressly waives all rights to hearing or judicial review in this matter.

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

5  It is so agreed this 5 day of August, 2024.
6 Joshua Davis on behalf of
7 Tactical Electric Incorporated

8 _____ for It is so agreed this _____ day of _____, 2024.
9 Chair
10 Electrical and Elevator Board
11 State of Oregon

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

CONSENT ORDER

**BRENDAN CHARLES RIDGE,
AN INDIVIDUAL,**

RESPONDENT.

BCD CASE C2023-0189

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 Brendan Charles Ridge (“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. In or around October 2023, Oregon House Hunters LLC¹ subcontracted the installation of two garage lights on the exterior of a residence located at residence at 1848 Northwood Drive, in Central Point, Oregon (“property”) to Respondent.
2. On or about October 17, 2023, Respondent installed two lights on the exterior of the garage at the property.
3. At no relevant time did Respondent hold an Oregon electrical contractor license.
4. At no relevant time did Respondent hold an Oregon supervising electrician license,

¹ See Division related case C2023-0190 against Oregon House Hunters LLC.

1 journeyman electrician license, or limited residential electrician license (“LRE”).

- 2 5. At no relevant time did Respondent obtain a permit for the electrical work Respondent
3 performed at the property.

4 **APPLICABLE LAW**

- 5 1. Definitions for terms used in this Consent Order may be found in ORS 183.310, ORS
6 455.010, ORS 479.530, ORS 479.905, Oregon Administrative Rule (“OAR”) 918-001-0005,
7 OAR 918-030-0010, and OAR 918-251-0090.
- 8 2. Under ORS 479.530(10), “electrical installations” means the construction or installation of
9 electrical wiring and the permanent attachment or installation of electrical products in or on
10 any structure that is not itself an electrical product. “Electrical installation” also means the
11 maintenance or repair of installed electrical wiring and permanently attached electrical
12 products.
- 13 3. Under ORS 479.530(11), “electrical product” means any electrical equipment, material,
14 device or apparatus that, except as provided in ORS 479.540, requires a license or permit to
15 install and either conveys or is operated by electrical current.
- 16 4. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
17 permit has not been issued.
- 18 5. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not
19 engage in the business of making electrical installations, advertise as or otherwise purport to
20 be licensed to make electrical installations or purport to be acting as a business that makes
21 electrical installations.
- 22 6. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
23 other license regulated by ORS chapter 455, “engaging in the business” means to advertise
24 or solicit, contract or agree to perform, or to perform work for which a license or permit is
25 required under Oregon law, including but not limited to a single instance

1 7. 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 8. 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 **CONCLUSIONS OF LAW**

7 1. Light fixtures constitute electrical products under ORS 479.530(11).

8 2. Installing a light fixture constitutes an electrical installation under ORS 479.530(10).

9 3. By agreeing to perform and by performing the foregoing electrical installations, at the
10 property, Respondent engaged in the business of an electrical contractor as defined in OAR
11 918-030-0010(8).

12 4. By engaging in the business of an electrical contractor at the property without holding a
13 valid electrical contractor license, Respondent violated ORS 479.620(1).

14 5. By performing the foregoing electrical installations at the property without holding a valid
15 Oregon supervising electrician license, journeyman electrician license, or LRE license,
16 Respondent violated ORS 479.620(3) and (5).

17 6. By performing the foregoing electrical installations at the property without obtaining an
18 electrical permit, Respondent violated ORS 479.550(1).

19 **ORDER**

20 1. The Board hereby assesses a total civil penalty of \$6,000.00 against Respondent for
21 violating ORS 479.620(1), ORS 479.620(3) and (5), and ORS 479.550(1) as follows:

22 a. \$5,250.00 of the total civil penalty will be suspended for a period of five years if
23 there is compliance with all other terms of this Consent Order.

24 b. Respondent agrees to pay the remaining \$750.00 of the civil penalty in a lump sum
25 payment. Respondent's payment must be received no later than the 25th day of the

1 month following the month in which this Consent Order is signed by both parties(*An*
2 *invoice may be provided to Respondent after this Consent Order is signed by both*
3 *parties. Respondent understands timely payments must be made even if no invoice is*
4 *ever received.*) Checks should be made out to the Department of Consumer and
5 Business Services. **Payment shall be mailed to Department of Consumer and**
6 **Business Services, Fiscal Services Section, P.O. Box 14610, Salem, OR 97309-**
7 **0445. For payment questions and credit card payments call 971-375-7087.**

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

- 14 c. Respondent understands the suspended civil penalty (\$5,250.00) will be considered
15 satisfied five years after this Consent Order becomes a final order, provided
16 Respondent complies with its terms and has not committed any further violations of
17 the Division’s statutes and rules within that five-year period. Respondent
18 understands and agrees that upon a showing that Respondent has not complied with
19 the terms of this Consent Order or that Respondent has committed any further
20 violations of the Division’s statutes or rules within the five-year period, the entire
21 civil penalty, including any suspended amount, will become due and payable. Failure
22 to comply with this Consent Order includes, but is not limited to, failure to pay the
23 civil penalty amount due by the due date.
- 24 2. Respondent agrees to fully cooperate with the Division’s enforcement efforts in other cases
25 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


1 or after the execution of this Consent Order, and for any violation of the terms of this
2 Consent Order.

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

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

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

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

14 
15 _____ It is so agreed this 29 day of July, 2024.
16 **Brendan Charles Ridge**

17 _____ for It is so agreed this ____ day of _____, 2024.
18 **Chair**
19 **Electrical and Elevator Board**
20 **State of Oregon**

Receptacle Outlets Below Countertops in a Residential Kitchen

**Agenda
Item
IV.**

In accordance with OAR 918-008-0110, the information contained in this statewide code interpretation is legally binding on any party involved in activities regulated by applicable Oregon law, applicable Oregon regulations or the state building code. If the information contained in this statewide code interpretation is cited as a basis for a civil infraction, a representative of the jurisdiction must cite the interpretation number found in this document.

Code reference: 2023 Oregon Electrical Specialty Code (OESC)—Section 210.52(C)
Date: Aug. 1, 2024
Subject: Receptacle outlets installed below the countertop in a residential kitchen

Background:

The Oregon Electrical Specialty Code (OESC) requirements found in Section 210.52(C) for the installation of receptacle outlets intended to serve countertops has changed over the past few code cycles. The changes to this section in the 2023 edition of the National Electrical Code (NEC) were in response to a Consumer Product Safety Council (CPSC) report detailing injuries and fatalities from cooking appliances on countertops with the power supply cord draped over the edge of the countertop. The 2023 NEC was changed to limit the locations a receptacle outlet can be installed to serve the countertop. NEC Section 210.52(C)(3) limits the locations for outlets intended to serve the countertop to locations that are in, on, or above the countertop.

Questions:

1. Does the installation of a receptacle outlet on the side of a cabinet below a kitchen countertop serve the countertop?
2. Can I install a receptacle outlet on the side of a cabinet for a kitchen countertop that doesn't serve the countertop as a convenience outlet or required outlet per Section 210.52(A)(2)(3)?
3. What are the provisions for a future receptacle outlet and where does it need to be located?
4. Is this interpretation limited to island and peninsular countertops or does it apply to all kitchen countertops? Does it apply to all countertops in the dwelling unit?
5. How does this affect accessibility and ADA requirements?

Answers:

1. No. All receptacle outlets serving a kitchen countertop shall be installed in accordance with Section 210.52(C)(3). No receptacle outlets shall be installed less than or equal to 24 inches below the countertop. The 24-inch measurement was chosen because it is used to determine countertop wall space in Section 210.52(C)(1) and is a common cord length for portable kitchen appliances.

2. Yes. Receptacle outlets installed below the countertop shall be installed more than 24 inches below the countertop. Receptacle outlets installed more than 24 inches below the countertop are not considered to be serving the countertop and would not need to comply with Section 210.52(C)(3). Convenience outlets and outlets required by Section 210.52(A)(2)(3) are allowed as long as they are installed more than 24 inches below the countertop.
3. Approved wiring methods found in Chapter 3 of the OESC shall be used for the provisions and can vary depending on the construction methods used to build the building and other factors. The provisions shall be installed at an accessible location at the island or peninsular space.. The provisions shall be capable of being supplied by a 20 amp small-appliance branch circuit. The provisions that use a raceway or conduit shall have a pull string installed. The provisions that use a cable assembly, or a raceway with conductors shall comply with OESC Section 300.15, which requires a box for conductor termination points.
4. OESC Section 210.52(C) requires receptacle outlets installed in kitchens and similar areas to comply with the requirements in Sections 210.52(C)(1) through (C)(3). Countertops and work surfaces found in kitchens, pantries, breakfast rooms, dining rooms, and similar areas where food prep and portable kitchen appliances are used shall comply with this interpretation. See Section 210.52(D) for bathroom countertops.
5. Reach and height requirements are not affected by this interpretation. See Informational note No. 2 of OESC Section 210.52(C)(3).

Analysis:

Kitchen appliances with power supply cords draped over the countertop edge connected to receptacle outlets installed on the side of the countertop have contributed to burn injuries and fatalities when the person uses the cord to pull the appliance and its hot contents off of the countertop and onto them or someone around them. Eliminating the location of receptacle outlets installed below the countertop will help prevent these types of accidents from happening in the State of Oregon.

Provisions is not a defined term in the OESC and the installer can choose a code compliant wiring method or raceway that works best for the installation. Examples of provisions range from PVC conduit embedded in a concrete slab to NM cable connected from a kitchen wall receptacle outlet box and ran to the island or peninsular space. The code requirement is to provide them at an accessible location, at the island or peninsular space.

The effective date of this statewide code interpretation is Aug. 1, 2024. Work performed on electrical permits issued after this date are subject to the requirements of this interpretation.

Contact: Visit the division website to [contact a building code specialist](#).

State of Oregon

Board memo

Building Codes Division

September 26, 2024

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 electrical program chief'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 electrical program chief has been evaluating courses and instructors on the board's behalf. In August, the Electrical Program Chief reviewed seven applications from four organizations:

- Five courses were recommended for approval.
- Two 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 electrical program chief's recommendations for approval or denial of courses or instructors.
- Amend and approve the electrical program chief's recommendations for approval or denial of courses or instructors.
- Disapprove the electrical program chief's recommendations for approval or denial of courses or instructors.

Electrical and Elevator Board
Electrical Program Chief on Continuing Education Course and Instructor Review
September 26, 2024

Courses

	Applicant	Course Name	Electrical Program Chief Recommendation	Board Action
1	Jade Learning	Overcurrent Protection 2023 NEC 4 CR, Online	Approve for 2023 code cycle	
2	EC Electric	HSI First Aid / CPR / AED / BBP 4 CR, Live	Approve for 2023 code cycle	
3	Eastern Idaho JATC	NFPA 70E 8 CR, Correspondence	Approve for 2023 code cycle	
4	Eastern Idaho JATC	NFPA 70E 8 CR, Live	Approve for 2023 code cycle	
5	NECA IBEW	Fundamentals of Instrumentation 8 CR, Live	Approve for 2023 code cycle	

Instructors

	Applicant	Electrical Program Chief Recommendation	Board Action
1	Scott Peabody EC Electric	Approve for 2023 code cycle	
2	Jeff McKinlay Eastern Idaho JATC	Approve for 2023 code cycle	

**Agenda
Item
VII.B.**

To: Electrical and Elevator Board

Sept. 26, 2024

From: NECA-IBEW Training Center

Request for retroactive credit for the following license holders.

Please retroactively record CEU credit dated back to 7/25/2024 for the following licensee holder - the training is **Fundamentals of Instrumentation (CR)**

Name	License #
Akins, Adam	26939J
Andres, Luke	32476J
Brady, Oliver	32481J
Caballero, Nydia	31772J
Czech, Joshua	30904J
Ergle, Steven	31991J
Hieserich, Christopher	29243J
Ingram Gallegly, Jacob	29469J
Jury, Daniel	29466J
Luscher, Josiah	26166J
McElligott, Shawn	33228J
Nelson, Robert	32293J
Stewart, Anthony	21454J 5743S
Sullivan IV, John	33238J
Teeny, Parry	27307J

NECA-IBEW Electrical Training Center

16021 NE Airport Way

Portland, OR 97230

503.501.5060



To the Oregon Electrical Board:

I, Caleb Low, am writing to respectfully request an exception regarding the renewal of my General Journeyman Electrical License #24546J. I am asking the board to consider allowing my continuing education (CE) hours to be counted and my license renewed without the need for retesting. While I completed my CE requirements, they were reported to the state on 10.10.22, which was unfortunately 10 days past the due date. This delay occurred due to a misunderstanding—I mistakenly believed that the renewal deadline was tied to the issue date of my license, which was on the 15th.

The primary reason for my delay in completing the CE hours stems from significant and unforeseen family health issues. My mother-in-law was diagnosed with a terminal illness, and my wife and I became her primary caregivers during her final year of life. She moved into our home, where she required constant, around-the-clock care. Her condition rapidly deteriorated, necessitating continuous support, even at all hours of the night. We were responsible for assisting with every aspect of her daily life, including feeding, bathing, and administering medications.

In addition to the daily caregiving tasks, her condition required frequent medical interventions. We had to take her to multiple doctor appointments each week, and she underwent regular dialysis treatments, which were both time-consuming and physically demanding. These sessions often lasted several hours, during which time I needed to be present to support her. We also had to monitor her condition closely between visits, often taking her to emergency appointments for unexpected complications. This included regular blood work, which was critical for managing her treatment but added another layer of responsibility to our caregiving duties.

After my mother-in-law passed away in April 2022, my focus shifted to supporting my wife, who has been struggling with her own health issues exacerbated by the stress and grief of losing her mother. We have been traveling to various states to seek specialized medical care for her condition, which requires frequent appointments with different medical professionals. This ongoing process has demanded a significant amount of my time, energy, and emotional resources, leaving little room for anything else, including my professional responsibilities.

When I realized that my license had expired, I took immediate action to complete my CE hours as quickly as possible. During this time of medical needs, I was working off and on as a remote Project Manager, not utilizing my license. However, I have been a licensed General Journeyman Electrician in Oregon for nearly 16 years, maintaining my license in good standing throughout that time with no complaints or disciplinary actions. I am deeply committed to my profession and fully intend to continue practicing for many years to come. In fact, I plan to obtain my Signing Supervisor license and expand my business into Oregon, further contributing to the

industry in the state. I have learned a valuable lesson from this experience, and I assure the board that I will never miss a renewal deadline again.

I kindly ask the board to consider my request for an exception with the understanding that these were extraordinary circumstances that impacted my ability to meet the renewal deadline. I would greatly appreciate the opportunity to continue my career without the additional burden of retesting, which would further delay my ability to return to work and support my family.

Thank you for your time and consideration.

Sincerely,
Caleb A. Low
License #24546J

Sincerely,
Caleb A Low
License #24546J

P.S. This is my second letter to the board, the first letter was mailed in September for the November committee meeting. Address: Building Codes Division PO Box 14470 Salem, OR 97309 ATTN Oregon Electrical Board. Unfortunately this letter was lost in the mail room at the state and never made its way to the board.