

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

3 **IN THE MATTER OF:**

4 **THOMAS W. NICHOLS, AN INDIVIDUAL**

5
6 **RESPONDENT (YOU)**

)
) **CONSENT ORDER**
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) **CASE NO. 2010-0034**
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10 The Electrical and Elevator Board of the State of Oregon (Board) acting according to authority
11 set forth in Oregon Revised Statutes Chapter 455, has determined that Respondent violated
12 provisions of the Oregon Building Code's statutes, administrative rules, and specialty codes.

13 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

- 14 1. On or about January 14, 2010, at 61720 Gibson Drive, Bend, Oregon, you installed an
15 electrical junction box and receptacle, for the account of another, without an Oregon supervising
16 or journeyman electrician's license, in violation of ORS 479.620(3)
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18 2. Installing an electrical junction box and receptacle is an electrical installation as defined
19 in ORS 479.530(10).

20 **WHAT THE LAW SAYS**

- 21 1. Under ORS 479.620(3), except as exempted in ORS 479.540, a person may not make an
22 electrical installation without a supervising or journeyman electrician's license.

23 **ORDER**

24 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses the following:

25 A \$2,000 civil penalty, for violation of ORS 479.620(3).

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2 You and the Board agree to resolve this matter without hearing, according to the following
3 terms:

4 1. You admit to committing the violation as alleged in the Findings of Fact and Conclusions
5 of Law and agree the Board will issue an order imposing the proposed civil penalty for such
6 violation in order to resolve this matter.

7 2. The Board agrees to suspend \$750 of the \$2,000 civil penalty for a period of five years
8 under the following terms:

9 (a) You agree not to commit further violations of Building Codes Division's statutes and/or
10 rules.

11 (b) You agree to pay the remaining \$1,250 of the civil penalties *or \$750 if full payment is*
12 *submitted within 30 days of the date this Settlement Agreement is signed.*

13 (c) If you fail to make a payment within the time period stated on a Final Demand, collection
14 of the entire civil penalties, including any suspended amount, will be initiated.

15 Payments are to be made to: DCBS Fiscal Services
16 P.O. Box 14610
17 Salem, OR 97309-0445

18 (d) You understand and agree any violation of the terms of this Settlement Agreement and
19 Consent Order will result in further enforcement action.

20 (e) You understand and agree that any violations of Building Code Division's statutes and/or
21 rules not alleged in the Findings of Fact above, whether committed before or after the
22 execution of this Settlement Agreement and Consent Order, shall be the basis for further
23 enforcement action.

24 (f) You understand the suspended civil penalty will be waived five years after the execution
25 of this Settlement Agreement and Consent Order, provided you comply with its terms and
have not committed any further violations of Building Codes Division's statutes and/or
rules.

(g) You have carefully read this Settlement Agreement and Consent Order and understand
the intent and content of the document, and sign below under free will. You waive any
and all right to appeal or challenge of this Settlement Agreement and Consent Order.

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(h) You understand that, upon signature of all parties, this Settlement Agreement and Consent Order will be a FINAL ORDER.

(i) You understand once this Settlement Agreement and Consent Order become a FINAL ORDER it becomes a public document.

It is so stipulated.


FOR THE RESPONDENT (YOU)



Thomas W. Nichols

Date: 1/6/2011

FOR THE BOARD

 for

Chairman
Electrical and Elevator Board
State of Oregon

Date: 1-12-11