

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

MARK RAILTON, AN INDIVIDUAL

RESPONDENT (You)

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) **CONSENT ORDER**
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) **CASE NO. 2010-0076**
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The Electrical and Elevator Board of the State of Oregon (Electrical Board) acting according to authority set forth in Oregon Revised Statutes Chapter 455, determined that you violated provisions of the Oregon Building Code's statutes, administrative rules, and specialty codes.

FINDINGS OF FACT and CONCLUSIONS OF LAW

1. On or about March 22, 2010, at 24542 Redwood Hwy, space# 25, Kerby, Oregon, Respondent installed an electrical service panel and meter, wiring, mast and pole, for the account of another, without first obtaining a valid electrical permit, in violation of ORS 479.550(1).
2. On or about March 22, 2010, at 24542 Redwood Hwy, space# 25, Kerby, Oregon, Respondent installed an electrical service panel and meter, wiring, mast and pole, for the account of another, without an Oregon supervising or journeyman electrician's license, in violation of ORS 479.620(3).
3. On or about March 22, 2010, at 24542 Redwood Hwy, space# 25, Kerby, Oregon, Respondent engaged in the business of installing an electrical service panel and meter, wiring, mast and pole, for the account of another, without an Oregon electrical contractor's license, in violation of ORS 479.620(1).

WHAT THE LAW SAYS

1. Under ORS 479.550(1), no person shall work on any new electrical installation for which a permit has not been issued.
2. Under OAR 918-309-0000(5), an electrical permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any electrical work thereunder.
3. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.

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2 4. Under ORS 479.620(1), a person may not, without an electrical contractor's license, engage in
3 the business of making electrical installations, advertise as or otherwise purport to be licensed to
4 make electrical installations or purport to be acting as a business that makes electrical
5 installations.

6 5. Under OAR 918-030-0010(8), for purposes of ORS 447.040, 479.620, 480.630 and any other
7 license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit,
8 contract or agree to perform, or to perform, work for which a license or permit is required under
9 Oregon law, including but not limited to a single instance.

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11 **ORDER**

12 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board assesses
13 the following sanctions against you:

- 14 (1) a \$1,000 civil penalty for violating ORS 479.550(1)
15 (2) a \$2,000 civil penalty for violating ORS 479.620(3)
16 (3) a \$3,000 civil penalty for violating ORS 479.620(1)

17 Civil penalties assessed total \$6,000.

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19 **STIPULATED AGREEMENT**

20 You and the Board agree to resolve this matter without hearing according to the
21 following terms:

22 (1) You admit to committing the violations as alleged in the Findings of Fact and
23 Conclusions of Law and agree the Board will issue an order imposing the proposed civil
24 penalties for such violations in order to resolve this matter.

25 (2) The Board agrees to suspend \$3,750 of the \$6,000 in civil penalties for a period of
five years under the following terms:

- (a) You agree not to commit further violations of Building Codes Division's
statutes and/or rules.
(b) You agree to pay the remaining \$2,250 of the civil penalties *or \$1,750 if full
payment is submitted within 30 days of the date this Settlement Agreement is
signed.*
(c) If you fail to make a payment within the time period stated on a Final Demand
collection of the entire civil penalties, including any suspended amount will be
initiated.

