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BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:)
) **CONSENT ORDER**
LARRY W. FRENCH, AN INDIVIDUAL)
)
)
)
RESPONDENT (You)) **CASE NO. 2010-0246**
)
)
)

The Electrical and Elevator Board of the State of Oregon (Board) has conducted an investigation of you and determined you violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes. The Board and you wish to settle this matter informally. You agree to conduct all future business in compliance with the applicable statutes, administrative rules, and specialty codes. As evidenced by the authorized signatures on this Order, you hereby consent to the entry of this Order and its following terms:

FINDINGS OF FACT and CONCLUSIONS OF LAW

(1) On or about October 12, 2010, at 705 Washington Street, Oregon City, Oregon, you engaged in the business of installing electrical light-emitting diode (LED) lights in electric signs, and an electrical outlet, for the account of another, without an Oregon electrical contractor's license, in violation of ORS 479.620(1).

(2) On or about October 12, 2010, at 705 Washington Street, Oregon City, Oregon, you installed electrical LED lights in electric signs, and an electrical outlet, for the account of another, without an Oregon supervising or journeyman electrician license, in violation of ORS 479.620(3).

(3) On or about October 12, 2010, at 705 Washington Street, Oregon City, Oregon, you installed electrical LED lights in electric signs, and an electrical outlet, for the account of another, without first obtaining a valid electrical permit, in violation of ORS 479.550(1).

(4) The installation of electrical LED lights in electric signs, and electrical outlets, are electrical installations under ORS 479.530(10).

WHAT THE LAW SAYS

(1) Under ORS 479.620(1), a person may not, without an electrical contractor's license, engage in the business of making electrical installations, advertise as or otherwise purport to be

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

3 (2) Under 479.620(3), a person may not, make any electrical installation without a
4 supervising or journeyman electrician license.

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

7 ORDER

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

- 10 (1) a \$3,000 civil penalty for violating ORS 479.620(1)
- 11 (2) a \$2,000 civil penalty for violating ORS 479.620(3)
- 12 (3) a \$1,000 civil penalty for violating ORS 479.550(1)

13 The civil penalties assessed total \$6,000.

14 STIPULATED AGREEMENT

15 You and the Board agree to resolve this matter without hearing according to the
16 following terms:

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

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

- 22 (a) You agree not to commit further violations of Building Codes Division's
23 statutes and/or rules.
- 24 (b) You agree to pay the remaining \$2,250 of the civil penalties *or \$1,750 if full
25 payment is submitted by the due date on the invoice received with your copy of
the order signed by the board. The additional \$500 will then be added to the
suspended amount.*

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¹ Pursuant to OAR 918-030-0010(8), for purposes of ORS 447.040, 479.620, 480.630 and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform, work for which a license or permit is required under Oregon law, including but not limited to a single instance.

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(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.

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

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

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

(f) You understand the suspended civil penalty will be waived five years after the execution 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 read and fully understand the terms of this Consent Order, freely and voluntarily consent to the entry of this Order without further hearing, without any force or duress, and expressly waives all rights to hearing or appeal in this matter.

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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.

FOR THE RESPONDENT

Larry W. French
LARRY W. FRENCH

Date: 3-7-11

FOR THE BOARD

Elizabeth Broad for
Chairman
Electrical and Elevator Board
State of Oregon

Date: 3-10-11