

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

) **CONSENT ORDER**

**LEE TOMCZAK, AN INDIVIDIAL
dba SUNRISE INSTALLATIONS**

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)
)

RESPONDENT (You)

) **CASE NO. 2010-0253**
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The Electrical and Elevator Board of the State of Oregon (Board) acting according to authority set forth in Oregon Revised Statutes Chapter 455, has 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) During or about October 2010, at 1163 Valley River Drive, Eugene, Oregon, you installed two electrical circuits and one Category 5 Cable (CAT 5) communication wiring, for the account of another, without an electrical permit, in violation of ORS 479.550(1).

(2) During or about October 2010, at 1163 Valley River Drive, Eugene, Oregon, you allowed employees, without a supervising or journeyman electrician's license, to install two electrical circuits and one Category 5 Cable (CAT 5) communication wiring, in violation of OAR 918-282-0120(1).

(3) During or about October 2010, at 1163 Valley River Drive, Eugene, Oregon, you engaged in the business of installing two electrical circuits and one Category 5 Cable (CAT 5) communication wiring, for the account of another, without an electrical contractor's license, in violation of ORS 479.620(1).

(4) Installing two electrical circuits and one Category 5 Cable (CAT 5) communication wiring, as set forth in the Findings of Fact, is an electrical installation as defined in ORS 479.530(10).

WHAT THE LAW SAYS

(1) Under ORS 479.550(1), except as provided in ORS 479.540, no person shall work on any new electrical installation for which a permit has not been issued.

(2) Under OAR 918-282-0120(1), No person or entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.

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

4 (4) Under OAR 918-030-0010(8) "engaging in the business" means to advertise or solicit,
5 contract or agree to perform, or to perform, work for which a license or permit is required Under
6 Oregon law, including but not limited to a single instance.

6 ORDER

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

8 (1) \$1,000 civil penalty for violating ORS 479.550(1).

9 (2) \$2,000 civil penalty for violating OAR 918-282-0120(1).

10 (3) \$3,000 civil penalty for violating ORS 479.620(1).

11 The civil penalties assessed total \$6,000

12 You and the Board agree to resolve this matter without hearing according to the following
13 terms:

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

17 (2) The Board agrees to suspend \$3,500 of the \$6,000 in civil penalties for a period of
18 five years under the following terms:

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

20 (b) You agree to pay the remaining \$2,500 of the civil penalties *or \$2000 if full*
21 *payment is submitted within 30 days of the date this Settlement Agreement is*
22 *signed. The remaining \$500 will be added to the suspended amount.*

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

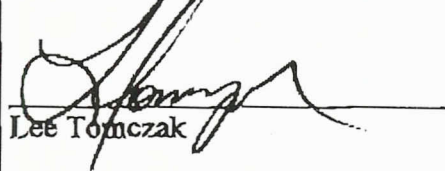
24 Payments are to be made to: DCBS Fiscal Services
25 P.O. Box 14610
Salem, OR 97309-0445

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- (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 state you have carefully read this Settlement Agreement and Consent Order and understand the intent and content of the document, and sign below of your own free will. You waive any and all rights to appeal or challenge of this Settlement Agreement and Consent Order.
- (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.

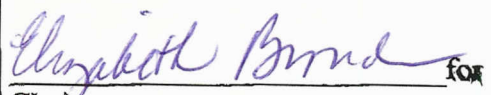
FOR THE RESPONDENT



 Lee Tomczak

Date: 1-31-11

FOR THE BOARD


 _____ for
 Chairman
 Electrical and Elevator Board
 State of Oregon

Date: 1-31-11