

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

4 **IN THE MATTER OF:**

5 **JACK ENSIGN, AN INDIVIDUAL**

6 **RESPONDENT (You)**

)  
)  
) **CONSENT ORDER**  
)  
)  
)

) **CASE NO. 2010-0282**  
)  
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8 The Electrical and Elevator Board of the State of Oregon (Electrical Board) and the Plumbing  
9 Board of the State of Oregon (Plumbing Board) acting according to authority set forth in Oregon  
10 Revised Statutes Chapter 455, determined that you violated provisions of the Oregon Building  
Code's statutes, administrative rules, and specialty codes.

11 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

12 (1) On or about November 10, 2010, at 17919 Robert Lane, Beaverton, Oregon, you  
13 advertised to perform electrical work and agreed to move 220V electrical wiring for a washer and  
14 dryer, from one room to another, for the account of another, without an electrical contractor's  
license in violation of ORS 479.620(1).

15 (2) On or about November 10, 2010, at 17919 Robert Lane, Beaverton, Oregon, you  
16 advertised to perform plumbing work and agreed to move water line pipes for a washer and dryer,  
17 from one room to another, for the account of another, without a plumbing contractor's license in  
18 violation of ORS 447.040(1).

19 (3) Moving 220V electrical wiring outlet and wires from one room to another is an electrical  
20 installation under ORS 479.530(10).

21 (4) Moving water line pipes from one room to another is a plumbing installation under ORS  
22 447.010(6).

23 **WHAT THE LAW SAYS**

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

(2) Under ORS 447.040(1), a person may not work as a plumbing contractor, or advertise or  
purport to be a plumbing contractor, and a member or employee of a firm, partnership or  
corporation may not engage in the layout or superintending of plumbing installations, without  
having obtained the plumbing contractor license required.

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

3 **ORDER**

4 (1) Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, Respondent is found in  
5 violation of ORS 479.620(1) and assessed a \$3,000 civil penalty.

6 (2) Pursuant to ORS 455.895(1)(a) and OAR 918-001-0036, Respondent is found in  
7 violation of ORS 447.040(1) and assessed a \$3,000 civil penalty.

8 The civil penalties assessed total \$6,000

9 **STIPULATED AGREEMENT**

10 You and the Boards agree to resolve this matter without hearing according to the following  
11 terms:

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

15 (2) The Board agrees to suspend \$5,500 of the \$6,000 in civil penalties for a period of five  
16 years under the following terms:

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

19 (b) **You agree to pay the remaining \$500 of the civil penalties.**

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

23 Payments are to be made to: DCBS Fiscal Services  
24 P.O. Box 14610  
25 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.

TO: TONY GUIDONE  
CASE # 2010 - 0282

- (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.

DATED this 17 day of Dec, 2010

Jack Guidone  
Signature of Respondent

**FOR THE BOARD**

DATED this 21st day of December, 2010

Elizabeth Bowde jd  
Chairman  
Electrical and Elevator Board  
State of Oregon

Elizabeth Bowde jd  
Chairman  
State Plumbing Board  
State of Oregon

AS TALKED ON THE PHONE, JACK HAD  
BRAIN SURGERY - NO INCOME, NO SAVINGS