

1 **WHAT THE LAW SAYS**

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

7 (2) Under ORS 479.620(3), a person shall not make any new electrical installation
8 without a supervising or journeyman electrician's license.

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

11 **ORDER**

12 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Board assesses the
13 following sanction:

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

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

18 **STIPULATED AGREEMENT**

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

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

24 (2) The Board agrees to suspend \$3,750 of the \$6,000 in civil penalties for a
25 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.

¹ 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.

- 1 (b) You agree to pay the remaining \$2,250 of the civil penalties.
- 2 (c) If you are able to submit a payment of \$1,750 by the due date indicated
- 3 on the invoice generated for collection of the penalties, the remaining
- 4 \$500 will be added to the suspended amount. (The invoice will be mailed
- 5 after execution of this order)
- 6 (d) If you fail to make a payment within the time period stated on the Final
- 7 Demand, collection of the entire civil penalties, including any suspended
- 8 amount will be initiated.

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

- 12 (e) You understand and agree that any violation of the terms of this
- 13 Settlement Agreement and Consent Order will result in further
- 14 enforcement action.
- 15 (f) You understand and agree that any violations of Building Code
- 16 Division's statutes and/or rules not alleged in the Findings of Fact
- 17 above, whether committed before or after the execution of this
- 18 Settlement Agreement and Consent Order, shall be basis for further
- 19 enforcement action.
- 20 (g) You understand that the suspended civil penalty will be waived five
- 21 Years after the execution of this Settlement Agreement and Consent
- 22 Order, provided you comply with its terms and do not
- 23 commit any further violations of Building Codes Division's statutes
- 24 and/or rules.
- 25 (h) You have read and fully understand the terms of this Consent Order.
- You freely and voluntarily consent to the entry of this Order without
- further hearing, without any force or duress, and expressly waive all
- rights to a hearing or appeal in this matter.

//

//

//

//

//

1 //

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

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

9 **FOR THE RESPONDENT**

10 Keith Jones
11 Keith Jones

Date: 5-5-11

14 **FOR THE BOARD**

15 Elizabeth Bond for
16 Chairman
17 Electrical and Elevator Board
18 State of Oregon

Date: 5-13-11

2011 MAY 12 A 9:07

RECEIVED
BUILDING CODES

25