



1 **WHAT THE LAW SAYS**

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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.<sup>1</sup>

7 (2) Under OAR 918-282-0170(1)(b), a general journeyman electrician shall work  
8 under the supervision, direction and control of a general supervising electrician.

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 OAR 918-282-0170(1)(b)  
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 \$3,500 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.

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<sup>1</sup> 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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2 (b) You agree to pay the remaining \$2,500 of the civil penalties or \$2,000 if  
3 *full payment is submitted by the due date on the invoice included with*  
4 *your copy of the Order signed by the Board. The additional \$500 will*  
5 *then be added to the suspended amount.*

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

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

19 (f) You understand the suspended civil penalty will be waived five years  
20 after the execution of this Settlement Agreement and Consent Order,  
21 provided you comply with its terms and have not committed any  
22 further violations of Building Codes Division's statutes and/or rules.

23 (g) You have read and fully understand the terms of this Consent Order.  
24 You freely and voluntarily consent to the entry of this Order without  
25 further hearing, without any force or duress, and expressly waive all  
rights to a hearing or appeal in this matter.

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

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3 (i) You understand once this Settlement Agreement and Consent Order  
4 become a FINAL ORDER it becomes a public document.  
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6 **FOR THE RESPONDENT**

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8 \_\_\_\_\_  
9 Dale R. Schenck

Date: 03/12/11

10 **FOR THE BOARD**

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12 \_\_\_\_\_ for  
13 Chairman  
14 Electrical and Elevator Board  
15 State of Oregon

Date: 3-21-11

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