

1 **BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

2 )  
3 **IN THE MATTER OF:** )

**CONSENT ORDER**

4 **PAUL D. TAPP, AN INDIVIDUAL** )

5 **RESPONDENT (You)** )

**CASE NO. 2011-0011**

6 )  
7 )  
8 The Electrical and Elevator Board of the State of Oregon (Board) has conducted an investigation  
9 and determined that you violated certain provisions of the Oregon Building Codes statutes,  
10 administrative rules, and specialty codes.

11 The parties wish to settle this matter informally. You agree to conduct all future business in  
12 compliance with the applicable statutes, administrative rules, and specialty codes. As evidenced by  
13 the authorized signatures on this Order, you hereby consent to the entry of this Order and its  
14 following terms.

15 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

16 (1) On or about January 6, 2011, at 112 Avenue E, Seaside, Oregon, you installed an  
17 electric wall heater, without an electrical permit, in violation of ORS 479.550(1).

18 (2) On or about January 6, 2011, at 112 Avenue E, Seaside, Oregon, you installed an  
19 electric wall heater, without a supervising or journeyman electrician's license, in violation of ORS  
20 479.620(3).

21 (3) Installing an electric wall heater, as set forth in the Findings of Fact, is an electrical  
22 installation as defined in ORS 479.530(10).

23 **WHAT THE LAW SAYS**

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

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

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1 **ORDER**

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

4 (1) \$1,000 civil penalty for violating ORS 479.550(1).

5 (2) \$2,000 civil penalty for violating ORS 479.620(3).

6 The civil penalties total \$3,000.

7 **STIPULATED AGREEMENT**

8 You and the Board agree to resolve this matter without hearing according to the following  
9 terms:

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

12 (2) The Board agrees to suspend \$1,500 of the \$3,000 in civil penalties for a period of five  
13 years under the following terms:

- 14 (a) You agree not to commit further violations of Building Codes Division's statutes  
and/or rules.
- 15 (b) You agree to pay the remaining \$1,500 of the civil penalties *or \$1,000 if full*  
16 *payment is submitted by the due date on the invoice received with the Order*  
17 *signed by the Board. The additional \$500 will then be added to the suspended*  
*amount.*
- 18 (c) If you fail to make a payment within the time period stated on a Final Demand  
19 collection of the entire civil penalties, including any suspended amount will be  
initiated.

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

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

24 (e) You understand and agree that any violations of Building Code Division's  
25 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.


- 1 (f) You understand the suspended civil penalty will be waived five years after the  
2 execution of this Settlement Agreement and Consent Order, provided you  
3 comply with its terms and have not committed any further violations of Building  
4 Codes Division's statutes and/or rules.
- 5 (g) You have read and fully understand the terms of this Consent Order, freely and  
6 voluntarily consent to the entry of this Order without further hearing, without any  
7 force or duress, and expressly waives all rights to hearing or appeal in this  
8 matter.
- 9 (h) You understand that, upon signature of all parties, this Settlement Agreement and  
10 Consent Order will be a FINAL ORDER.
- 11 (i) You understand once this Settlement Agreement and Consent Order becomes a  
12 FINAL ORDER it becomes a public document.
- 13 (j) You further agree by signing this Settlement Agreement and Consent Order that  
14 he is the respondent and/or authorized representative for the respondent in this  
15 matter.

16 **FOR THE RESPONDENT**

17   
18 Paul D. Tapp

19 Date: 3/10/11

20 **FOR THE BOARD**

21   
22 Elizabeth Bond for  
23 Chairman  
24 Electrical and Elevator Board  
25 State of Oregon

Date: 3/23/11