

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

3  
4 **IN THE MATTER OF:**

5 **MICHAEL J. ATKINS, AN INDIVIDUAL**

6  
7 **RESPONDENT (YOU)**  
8

)  
) **CONSENT ORDER**  
)  
)

) **CASE NO. 2011-0023**  
)  
)

9 The Electrical and Elevator Board (Board) of the State of Oregon has conducted an investigation  
10 and determined that you violated certain provisions of the Oregon Building Codes statutes,  
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  
13 by the authorized signatures on this Order, you hereby consent to the entry of this Order and its  
following terms:

14  
15 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

16 (1) On or about January 26, 2011, at 295 N.E. Boardman Avenue, Apartment #1,  
17 Boardman, Oregon, you installed electrical wiring from an existing interior electrical wall outlet  
box to a new exterior disconnect box location, in violation of ORS 479.620(3).

18 (2) The installation of electrical wiring from an existing interior electrical wall outlet box  
19 to a new exterior disconnect box location is an electrical installation as defined in ORS  
20 479.530(10).

21 **WHAT THE LAW SAYS**

22  
23 (1) Under ORS 479.620(3), except as allowed by ORS 479.540 and ORS 479.940, a  
24 person may not make any electrical installation without a supervising or journeyman electrician's  
license.  
25

1 **ORDER**

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

- 4 (1) A \$2,000 civil penalty for violating ORS 479.620(3).  
5  
6

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  
12 penalties for such violations in order to resolve this matter.
2. The Board agrees to suspend \$750 of the \$2,000 civil penalty for a period of five years  
under the following terms:

- 13 (a) You agree not to commit further violations of Building Codes Division's statutes and/or  
14 rules.
- 15 (b) You agree to pay the remaining \$1,250 of the civil penalties.
- 16 (c) If you are able to submit a full payment of \$750, an additional \$500 will be suspended.  
17 The \$750 must be paid by the due date found on the invoice. The invoice will be included  
with your copy of the Final Order after it has been signed by the Board.
- 18 (d) If you fail to make a payment within the time period stated on a Final Demand, collection  
19 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 Agreement and  
Consent Order will result in further enforcement action.
- 23 (e) You understand and agree that any violations of Building Code Division's statutes and/or  
24 rules not alleged in the Findings of Fact above, whether committed before or after the  
25 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 execution  
2 of this Settlement Agreement and Consent Order, provided you comply with its terms and  
3 have not committed any further violations of Building Codes Division's statutes and/or  
4 rules.


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

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

8 (i) You understand once this Settlement Agreement and Consent Order become a FINAL  
9 ORDER it becomes a public document.


9 It is so stipulated.

10  
11  
12 **SIGNATURE FOR THE RESPONDENT (YOU)**

13  
14   
15 \_\_\_\_\_  
16 Michael J. Atkins

Date: 6/23/11

17 **FOR THE BOARD**

18  
19  for  
20 Chairman  
21 Electrical and Elevator Board  
22 State of Oregon

Date: 6-29-11