

1 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS**
2 **SERVICES OF THE STATE OF OREGON**

3 **IN THE MATTER OF:**

4 **PRO STAT SERVICES, LLC,**
5 **A LIMITED LIABILITY COMPANY**

6 **RESPONDENT**

) **CONSENT ORDER**

) **CASE NO. 2011-0028**

7 _____)
8)
9 The Director of the Department of Consumer and Business Services of the State of
10 Oregon (Director) has conducted an investigation of Respondent and determined that
11 Respondent violated certain provisions of the Oregon Building Codes statutes,
12 administrative rules, and specialty codes. The Director and the Respondent wish to
13 settle this matter informally.

14 Respondent agrees to conduct all future business in compliance with the applicable
15 statutes, administrative rules, and specialty codes. As evidenced by the authorized
16 signatures on this Order, Respondent hereby consents to the entry of this Order and its
17 following terms.

18 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

19 (1) During or about the period March 22, 2011 through April 25, 2011,
20 Respondent failed to assure that all electrical work was made by, or under the direct
21 supervision or control of, a continuously employed full-time signing supervising
22 electrician acting within the scope of their license, in violation of OAR 918-282-0150.

23 **WHAT THE LAW SAYS**

24 (1) Under OAR 918-282-0010(1), an electrical contractor shall continuously
25 employ at least one full-time general supervising electrician.¹

26 _____
27 ¹ "Continuously Employ" means a person, including a person leased from a worker leasing company
28 licensed under ORS 656.850, during time periods when electrical work for which they are responsible is
29 performed, devotes their entire time of employment to tasks of supervising, designing, laying out,
30 planning, controlling, and making electrical installations for the electrical contractor for which the
31 supervisor is registered as signing supervisor.

1 (2) Under OAR 918-282-0015, electrical contractors engaged in the business of
2 making electrical installations that require a signing supervising electrician shall assure
3 that all electrical work is made by, or under the direct supervision or control of, a
4 continuously employed full-time signing supervising electrician acting within the scope
5 of their license.

6 ORDER

7 Under ORS 455.895(2) and OAR 918-001-0036, the Director assesses the
8 following sanction:

- 9 (1) a \$2,000 civil penalty for violating OAR 918-282-0150.

10 STIPULATED AGREEMENT

11 The Respondent and the Director agrees to resolve this matter without a hearing
12 according to the following terms:

13 (1) Respondent admits to committing the violations as alleged in the Findings of
14 Fact and Conclusions of Law and agrees the Director will issue an order imposing the
15 proposed civil penalties for such violations in order to resolve this matter.

16 (2) The Director agrees to suspend \$750 of the \$2,000 in civil penalties for a
17 period of five years under the following terms:


- 18 (a) Respondent agrees not to commit further violations of Building Codes
19 Division's statutes and/or rules.
- 20 (b) Respondent agrees to pay the remaining \$1,250 of the civil penalties.
- 21 (c) If Respondent is able to submit a payment of \$750 by the due date
22 indicated on the invoice generated for collection of the penalties, the
23 remaining \$500 will be added to the suspended amount. (The invoice will
24 be mailed to you after the execution of this order)
- 25 (d) If Respondent fails to make a payment within the time period stated on
the Final Demand, collection of the entire civil penalties, including any
suspended amount will be initiated.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- (e) Respondent understands and agrees that any violation of the terms of this Settlement Agreement and Consent Order will result in further enforcement action.
- (f) Respondent understands and agrees 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 basis for further enforcement action.
- (g) Respondent understands that 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 do not commit any further violations of Building Codes Division's statutes and/or rules.
- (h) Respondent has read and fully understands the terms of this Consent Order. Respondent freely and voluntarily consents 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.
- (i) Respondent understands that, upon signature of all parties, this Settlement Agreement and Consent Order will be a FINAL ORDER.
- (j) Respondent understands once this Settlement Agreement and Consent Order becomes a FINAL ORDER it becomes a public document.

FOR THE RESPONDENT


 _____ Date: 8/22/11
 Dale Krueger
 Brandon Krueger

FOR THE DIRECTOR


 _____ for Date: 8-30-11
 Director
 Department of Consumer and Business Services
 State of Oregon

RECEIVED
 BUILDING CODES
 2011 AUG 30 A 9:47