

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

3 **IN THE MATTER OF:**

) **CONSENT ORDER**

4 **ERIK J. BORING, AN INDIVIDUAL**

5 )  
6 )  
7 ) **RESPONDENT (YOU)**

) **CASE NO. 2011-0029**

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RECEIVED  
BUILDING CODES

8 The Electrical and Elevator Board of the State of Oregon (Board) has conducted an investigation  
9 of Respondent and determined that Respondent violated certain provisions of the Oregon  
10 Building Codes statutes, administrative rules, and specialty codes. The Board and Respondent  
11 wish to settle this matter informally. Respondent agrees 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, Respondent hereby consents to the entry of this Order  
14 and its following terms.

13                   **FINDINGS OF FACT and CONCLUSIONS OF LAW**

14 (1) On or about December 28, 2010, at 1374 Arata Way, Ontario, Oregon, you connected  
15 electrical wiring to a water heating appliance, for the account of another, without an Oregon  
16 supervising or journeyman electrician's license, in violation of ORS 479.620(3).

17 (2) The connection of electrical wiring to a water heating appliance is an electrical  
18 installation as defined in ORS 479.530(10).

19                   **WHAT THE LAW SAYS**

20 (1) Under ORS 479.620(3), except as exempted in OAR 479.540 and ORS 479.940, a  
21 person may not make any electrical installation without a supervising or journeyman electrician's  
22 license.

23                   **ORDER**

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

25 (1) A \$2,000 civil penalty for violating ORS 479.620(3).

1 **STIPULATED AGREEMENT**

2 You and the Board agree to resolve this matter without hearing, according to the following  
3 terms:

4 1. You admit to committing the violation as alleged in the Findings of Fact and Conclusions  
5 of Law and agree the Board will issue an order imposing the proposed civil penalty for such  
6 violations in order to resolve this matter.

7 2. The Board agrees to suspend \$750 of the \$2,000 civil penalty for a period of five years  
8 under the following terms:

9 (a) You agree not to commit further violations of Building Codes Division's statutes and/or  
10 rules.

11 (b) You agree to pay the remaining \$1,250 of the civil penalty or \$750 if full payment is  
12 submitted by the due date on the invoice received with the Order signed by the Board.  
13 The additional \$500 will then be added to the suspended amount.

14 (c) If you fail to make a payment within the time period stated on a Final Demand, collection  
15 of the entire civil penalties, including any suspended amount, will be initiated.

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

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

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

25 (f) You understand 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  
have not committed any further violations of Building Codes Division's statutes and/or  
rules.

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

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

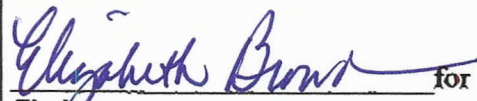
3 It is so stipulated.  
4  
5

6 **SIGNATURE FOR THE RESPONDENT (YOU)**  
7

8  
9   
Erik J. Boring

Date: 4/19/11

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12 **FOR THE BOARD**  
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14   
15 Elizabeth Brown for  
16 Chairman  
17 Electrical and Elevator Board  
18 State of Oregon  
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Date: 4-26-11

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