

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

3                   )  
4 **IN THE MATTER OF:**                   ) **CONSENT ORDER**

5                   )  
6 **BEST CUSTOM CONSTRUCTION, INC.**                   )  
7 **AN OREGON CORPORATION**                   )

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9                   ) **CASE NO. 2011-0032**  
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**RESPONDENT**

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

Respondent and the Board wish to settle this matter informally. Respondent agrees to conduct all future business in compliance with the applicable statutes, administrative rules, and specialty codes. As evidenced by the authorized signatures on this Order, Respondent hereby consents to the entry of this Order and its following terms:

**FINDINGS OF FACT and CONCLUSIONS OF LAW**

(1) During or about December, 2010, at 700 Sunset Drive, Suite-B, La Grande, Oregon, Respondent engaged in the business of installing electrical data and phone telecommunication lines, for the account of another without an Oregon electrical contractor's license, in violation of ORS 479.620(1).

(2) During or about December, 2010, at 700 Sunset Drive, Suite-B, La Grande, Oregon, Respondent installed electrical data and phone telecommunication lines, for the account of another without first having obtained a valid electrical permit, in violation of ORS 479.550(1).

(3) The installation of data and phone telecommunication lines is an electrical installation as defined in ORS 479.530(10).

**WHAT THE LAW SAYS**

(1) Under ORS 479.620(1), except as exempted by ORS 479.540 and ORS 479.940 a person may not, without an Oregon electrical contractor's license, engage in the business of making electrical installations or purport to be acting as a business that makes electrical installations.

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

3  
4 **ORDER**

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

- 7 (1) A \$3,000 civil penalty for violating ORS 479.620(1).  
8 (2) A \$1,000 civil penalty for violating ORS 479.550(1).

9 The civil penalties assessed total \$4,000.

10 **STIPULATED AGREEMENT**

11 Respondent and the Board agrees to resolve this matter without hearing, according to the  
12 following terms:

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

16 2. The Board agrees to suspend \$2,750 of the \$4,000 civil penalty for a period of five years  
17 under the following terms:

18 (a) Respondent agrees not to commit further violations of Building Codes Division's  
19 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 full payment of \$750, an additional \$500 will be  
22 suspended. The \$750 must be paid by the due date found on the invoice. The invoice will  
23 be included with your copy of the Final Order after it has been signed by the Board.

24 (d) If Respondent fails to make a payment within the time period stated on a Final Demand,  
25 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

(d) Respondent understands and agrees any violation of the terms of this Settlement

1 Agreement and Consent Order will result in further enforcement action.

2 (e) Respondent understands and agrees that any violations of Building Code Division's  
3 statutes and/or rules not alleged in the Findings of Fact above, whether committed before  
4 or after the execution of this Settlement Agreement and Consent Order, shall be the basis  
5 for further enforcement action.

6 (f) Respondent understands the suspended civil penalty will be waived five years after the  
7 execution of this Settlement Agreement and Consent Order, provided Respondent  
8 complies with its terms and has not committed any further violations of Building Codes  
9 Division's statutes and/or rules.

10 (g) Respondent has read and fully understand the terms of this Consent Order, freely and  
11 voluntarily consent to the entry of this Order without further hearing, without any force  
12 or duress, and expressly waive all rights to hearing or appeal in this matter.

13 (h) Respondent understands that, upon signature of all parties, this Settlement Agreement  
14 and Consent Order will be a FINAL ORDER.

15 (i) Respondent understands once this Settlement Agreement and Consent Order become a  
16 FINAL ORDER it becomes a public document.

17 It is so stipulated.

18 **SIGNATURE FOR THE RESPONDENT (YOU)**


19 

20 Date: 8-3-11

21 Larry A. Moser, President

22 **TOTAL PAYMENTS FOR ALL VIOLATIONS ASSOCIATED**  
23 **\$1,250.00 (TOTAL)**

24 **FOR THE BOARD**

25 

for

Date: 8-9-11

Chairman  
Electrical and Elevator Board  
State of Oregon