

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

3 **IN THE MATTER OF:**

4 **ELIAS MINAISE, DBA SIGNCRAFT OF**
5 **ROSEBURG, AN INDIVIDUAL**

6 **RESPONDENT (You)**

) **CONSENT ORDER**

) **CASE NO. 2011-0038**

8 The Electrical and Elevator Board of the State of Oregon (Electrical Board) has conducted an
9 investigation and determined that you violated certain provisions of the Oregon Building Codes
10 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
14 following terms.

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

14 (1) On or about February 10, 2011, at 2082 Diamond Lake Blvd, Roseburg, Oregon,
15 you engaged in the business of installing neon lights in an electrical sign, for the account of
16 another, without an Oregon electrical contractor's license, in violation of ORS 479.620(1).

17 (2) On or about February 10, 2011, at 2082 Diamond Lake Blvd, Roseburg, Oregon,
18 you allowed Bruce Minaise to install a neon light in an electrical sign, in violation of OAR 918-
19 282-0120(1). At the time, Mr. Minaise was not a supervising or journeyman electrician, as
20 required by ORS 479.620(3).

21 (3) On or about February 10, 2011, at 2082 Diamond Lake Blvd, Roseburg, Oregon,
22 you installed neon lights in an electrical sign, for the account of another, without having first
23 obtained an electrical permit, in violation of 479.550(1).

24 (4) The installation of neon lights in sign are electrical installations under ORS
25 479.530(10).

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1 **WHAT THE LAW SAYS**

2 (1) Under ORS 479.620(1), a person may not, without an electrical contractor's license,
3 engage in the business of making electrical installations, advertise as or otherwise purport to be
4 licensed to make electrical installations or purport to be acting as a business that makes electrical
installations.¹

5 (2) Under OAR 918-282-0120(1), no person or entity shall allow any individual to
6 perform electrical work for which the individual is not properly registered or licensed.

7 (3) Under ORS 479.550(1), no person shall work on any new electrical installation for
8 which a permit has not been issued.

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

10 **ORDER**

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

- 13 (1) a \$3,000 civil penalty for violating ORS 479.620(1)
- 14 (2) a \$2,000 civil penalty for violating OAR 918-282-0120(1)
- 15 (3) a \$1,000 civil penalty for violating ORS 479.550(1)

16 The civil penalties assessed total \$6,000.

17 **STIPULATED AGREEMENT**

18 You and the Board agree to resolve this matter without hearing according to the
19 following terms:

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

23 (2) The Board agrees to suspend \$3,750 of the \$6,000 in civil penalties for a period of
24 five years under the following terms:

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

¹ Pursuant to OAR 918-030-0010(8), for purposes of ORS 447.040, 479.620, 480.630 and any
other license regulated by ORS chapter 455, "engaging in the business" means to advertise or
solicit, contract or agree to perform, or to perform, work for which a license or permit is required
under Oregon law, including but not limited to a single instance.

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2 (b) You agree to pay the remaining \$2,250 of the civil penalty.

3 (c) *If you are able to submit a full payment of \$1,750, an additional \$500 will be*
4 *suspended. The \$1,750 must be paid by the due date found on the invoice. The*
5 *invoice will be included with your copy of the Final Order after it is signed by*
6 *the Board.*

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

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

14 (e) You understand and agree any violation of the terms of this Settlement
15 Agreement and Consent Order will result in further enforcement action.

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

20 (g) You understand the suspended civil penalty will be waived five years after the
21 execution of this Settlement Agreement and Consent Order, provided you
22 comply with its terms and have not committed any further violations of
23 Building Codes Division's statutes and/or rules.

24 (h) You have read and fully understand the terms of this Consent Order, freely
25 and voluntarily consent to the entry of this Order without further hearing,
without any force or duress, and expressly waives all rights to hearing or
appeal in this matter.

- 1 (i) You understand that, upon signature of all parties, this Settlement Agreement
2 and Consent Order will be a FINAL ORDER.
- 3 (j) You understand once this Settlement Agreement and Consent Order become a
4 FINAL ORDER it becomes a public document.
- 5 (k) You further agree by signing this Settlement Agreement and Consent Order
6 that he is the respondent and/or authorized representative for the respondent in
7 this matter.

8 **FOR THE RESPONDENT**

9 Elias Minaise
10 Elias Minaise

Date: May 24, 2016

11 **FOR THE BOARD**

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13 Elizabeth Brumley for
14 Chairman
15 Electrical and Elevator Board
16 State of Oregon

Date: 6-1-11

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