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BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

EDWIN W. SHAVER, AN INDIVIDUAL

RESPONDENT (YOU)

CONSENT ORDER

CASE NO. 2011-0068

The Electrical and Elevator Board of the State of Oregon (Board) has conducted an investigation and determined that you violated certain provisions of the Oregon Building Codes statutes, administrative rules, and specialty codes. The parties wish to settle this matter informally.

You agree 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, you hereby consent to the entry of this Order and its following terms.

FINDINGS OF FACT and CONCLUSIONS OF LAW

(1) During all relevant times, you were designated as signing supervising electrician for David Byrum Electric, Inc.

(2) During or about the period February 15, 2011 through February 23, 2011, at 434 Riverfront St., Bend, Oregon, you failed to ensure all electrical labels and permits required to perform electrical work were used and signed, in violation of OAR 918-282-0140(2)(e).

WHAT THE LAW SAYS

(1) Under OAR 918-282-0140(2)(e), the general signing supervising electrician must ensure all electrical labels and permits required to perform electrical work are used and signed.

ORDER

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

(1) a \$3,000 civil penalty for violating OAR 918-282-0140(2)(e)

The civil penalties assessed total \$3,000.

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STIPULATED AGREEMENT

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

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

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

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

12 (b) You agree to pay the remaining \$1,000 of the civil penalties.

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

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

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

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

(f) You understand and agree 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) You understand 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.

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- (h) You have read and fully understand the terms of this Consent Order. You freely and voluntarily consent 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) You understand that, upon signature of all parties, this Settlement Agreement and Consent Order will be a FINAL ORDER.
- (j) You understand once this Settlement Agreement and Consent Order becomes a FINAL ORDER it becomes a public document.

FOR THE RESPONDENT

Edwin W. Shaver
Edwin W. Shaver

Date: 6/10/11

FOR THE BOARD

Elizabeth Brunde for
Chairman
Electrical and Elevator Board
State of Oregon

Date: 6-13-11