

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

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3 **IN THE MATTER OF:**

)  
) **CONSENT ORDER**

4 **PROGRESSIVE DESIGN BUILDERS, INC., AN**  
5 **OREGON CORPORATION**

)  
)  
)

) **CASE NO. 2011-0102**

6 **RESPONDENT**

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

10 The parties wish to settle this matter informally. Respondent agrees to conduct all future business in  
11 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.

12 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

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14 (1) On or about May 17, 2011, at 1357 Cedar Street, Philomath, Oregon, Respondent  
15 engaged in the business of installing electrical wires and boxes, for the account of another, without  
an electrical contractor's license, in violation of ORS 479.620(1).

16 (2) On or about May 17, 2011, at 1357 Cedar Street, Philomath, Oregon, Respondent  
17 installed electrical wires and boxes, for the account of another, without an electrical permit, in  
violation of ORS 479.550(1).

18 (3) Installing electrical wires and boxes, as set forth in the Findings of Fact, is an  
19 electrical installation as defined in ORS 479.530(10).

20 **WHAT THE LAW SAYS**

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

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

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1 (3) Under OAR 918-030-0010(8) "engaging in the business" means to advertise or solicit,  
2 contract or agree to perform, or to perform, work for which a license or permit is required Under  
3 Oregon law, including but not limited to a single instance.<sup>1</sup>

4 **ORDER**

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

6 (1) \$3,000 civil penalty for violating ORS 479.620(1).

7 (2) \$1,000 civil penalty for violating ORS 479.550(1).

8 The civil penalties assessed total \$4,000

9 **STIPULATED AGREEMENT**

10 Respondent and the Board agree to resolve this matter without hearing according to the  
11 following terms:

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

15 (2) The Board agrees to suspend \$1,250 of the \$4,000 in civil penalties for a period of  
16 five years under the following terms:

17 (a) Respondent agrees not to commit further violations of Building Codes Division's  
18 statutes and/or rules.

19 (b) Respondent agrees to pay the remaining \$2,750 of the civil penalty.

20 (c) If Respondent is able to submit a full payment of \$2,250, an additional \$500 will  
21 be suspended. The \$2,250 must be paid by the due date found on the invoice. The  
22 invoice will be included with the Respondent's copy of the Final Order after it is  
23 signed by the Board.

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

<sup>1</sup> OAR 918-030-0010(8) states that 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.

