

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

3 **IN THE MATTER OF:**)
4) **CONSENT ORDER**
5 **THOMAS E. BONNIE, AN INDIVIDUAL**)
6)
7 **RESPONDENT**) **CASE NO. 2006-0105**
8)

9 WHEREAS the ELECTRICAL AND ELEVATOR BOARD of the State of Oregon, acting
10 pursuant to its authority as set forth in Oregon Revised Statutes Chapter 455, has conducted an
11 investigation of Respondent and determined that Respondent violated certain provisions of the
12 Oregon Building Codes statutes, administrative rules, and specialty codes:

13 WHEREAS the Board and Respondent wish to settle this matter informally. Respondent agrees
14 to conduct all future business in compliance with the applicable statutes, administrative rules,
15 and specialty codes:

16 NOW THEREFORE, as evidenced by the authorized signature subscribed on this Order,
17 Respondent hereby consents to the entry of this Order:

18 **FINDINGS OF FACT**

- 19 1. During the month of October 2005, at 2681 NW Havre Ct., Bend, Oregon, Respondent
20 installed circuit breakers and electrical wiring without connecting the final product or
21 otherwise making the end of the wiring safe. This created a shock hazard that could
22 result in injury.
- 23 2. On April 1, 2005, a statewide interpretation, prepared by John Powell, Chief Electrical
24 Inspector, was re-issued by the Building Codes Division.¹ The interpretation in part
25 reads as follows: "Landing a phase conductor [connecting the electrical wiring]
on a circuit breaker prior to attaching the final device or otherwise ensuring the
installation is left in a safe condition is a violation of the Oregon Electrical Safety Law
(ORS 479.710)."²

¹ Letter of Advice dated Nov. 1, 1988 to Kaye C. Robinette from Attorney General (OP-6270)

² http://www.bcd.oregon.gov/programs/electrical/interps/05/energizing_before_completion.pdf

1 **CONCLUSIONS OF LAW**

2 1. Installing circuit breakers and electrical wiring, as outlined in the Findings of Fact above,
3 is an electrical installation under ORS 479.530(10).

4 2. By making an electrical installation that did not meet minimum safety standards, as
5 outlined in the Findings of Fact above, Respondent violated ORS 479.710(1).

6 **ORDER**

7 The Board, acting pursuant to ORS 455.775(2) hereby ORDERS Respondent to CEASE AND
8 DESIST from further violations of the Oregon Building Codes, statutes, administrative rules,
9 specialty codes, or any Order issued by a State Building Codes Advisory Board.

10 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board finds
11 Respondent violated ORS 479.710(1) and is assessed a \$1,000 civil penalty.

12 The \$1,000 civil penalty is due and payable within 30 days of the date this order is signed by the
13 Board. Failure to submit payment by the due date indicated will result in your account being
14 forwarded to the Department's Business Administration Division for collection. The Department
15 will pursue collection of unpaid civil penalties by filing a lien against your real estate holdings,
16 by tax refund offsets through the Department of Revenue, or through an outside collection agent.
17 Further, this Order does not limit the Board from other actions to enforce other violations of the
18 Oregon Building Codes statute, administrative rules, and specialty codes.

19 Failure to pay the assessed civil penalty, or, should another violation occur, the department may
20 seek suspension of your license pursuant to ORS 455.129. The department will aggressively
21 pursue any future complaints without exception.
22 .

23 Dated this _____ day of _____, 2006

24 **ELECTRICAL AND ELEVATOR BOARD**

25 _____
Chairman of the Board

1 **CONSENT TO ENTRY OF ORDER**

2 I, Thomas Bonnie, state that I represent Respondent in this matter. I have read the foregoing
3 Order and by my signature attest that Respondent knows and fully understand its contents; that
4 Respondent consents to the entry of this Order and admits the allegations contained in the
5 Findings of Fact; that Respondent has been advised of its right to a contested case hearing, and to
6 be represented by legal counsel in this matter; that Respondent freely and voluntarily consents to
7 the entry of this Order without further hearing, without any force or duress, and expressly waives
8 any right to a hearing in this matter.

9 I understand that the Board may take further actions to enforce this Order or upon discovery of
10 other conduct in violation of the Oregon Building Codes statutes, administrative rules, and
11 specialty codes. I further state that Respondent will fully comply with the terms and conditions
12 stated in this Order. I further assure the Board that Respondent will not perform work or conduct
13 business in Oregon unless such activities are in full compliance with Oregon Building Codes
14 statutes, administrative rules, and specialty codes.

15 I understand that this Consent Order is a public document.

16 DATED this _____ day of _____, 2006

17 _____
18 Signature for Respondent