

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

JEFFREY T. HAMLING, AN INDIVIDUAL

RESPONDENT

) NOTICE OF PROPOSED ASSESSMENT  
) OF A CIVIL PENALTY AND FINAL  
) ORDER ON DEFAULT

**FINAL ORDER**

CASE NO. 2013-0176

AS of: May 5, 2014

Under Oregon Revised Statutes (ORS) 455.895(1) (b) and Oregon Administrative Rules (OAR) 918-001-0036, the Oregon Electrical and Elevator Board -(Board) proposes disciplinary action against Respondent in the form of civil penalties totaling \$2,000 for violations of Building Codes Division statutes or rules as follows:

**FINDINGS OF FACT**

- (1) During or about the period of 2011 through 2012, at 1849 SW Salmon Street, Portland, Oregon, Respondent, under the direction of the Multnomah Athletic Club, installed light ballasts, and hardwired a rubber cord to an electrical panel from a dishwasher and an ice machine, without a supervising or journeyman electrician's license.
- (2) Multnomah Athletic Club is the respondent in related case 2013-0059 (permitting or suffering Respondent's actions).

**WHAT THE LAW SAYS**

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

**CONCLUSIONS OF LAW**

- 1. Installing light ballasts and hard wiring a rubber cord to an electrical panel from a dishwasher and an ice machine are electrical installations as defined in ORS 479.530(10).
- 2. When Respondent made electrical installations during or about the period of 2011 through 2012, at 1849 SW Salmon Street, Portland, Oregon, without a supervising or journeyman electrician license, Respondent violated ORS 479.620(3).

**ORDER**

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

- (1) a \$2,000 civil penalty for violating ORS 479.620(3)

**NOTICE OF RIGHT TO HEARING**

Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in

1 writing and filed with the Division no later than 20 days from the service date. If this Notice was  
2 served to Respondent in person, the service date is the date Respondent received this Notice. If  
3 this Notice was served through the mail, the service date is the day the Notice was mailed, not  
4 the day Respondent received it.

5 If a request for hearing is not received within 20 days, Respondent's right to a hearing is  
6 considered waived. Mail hearing requests to Building Codes Division, Enforcement Section,  
7 P.O. Box 14470, Salem, Oregon, 97309.

8 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that  
9 a corporation may be represented by an authorized representative at the hearing. If Respondent  
10 requests a hearing, Respondent will be notified of the time and place of the hearing and be given  
11 information on procedures, right of representation and other rights of parties relating to the  
12 hearing before it begins.

### 8 NOTICE TO ACTIVE DUTY SERVICE MEMBERS

9 Active duty service members have a right to stay proceedings under the federal  
10 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon  
11 Military Department at 800-452-7500 for more information. If you need help finding legal  
12 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator  
13 website at <http://legalassistance.law.af.mil/content/locator.php>.

### 12 NOTICE OF FINAL ORDER

13 If Respondent does not request a hearing within 20 days, withdraws a hearing request,  
14 notifies the Board or the administrative law judge that they will not appear, or fails to appear at a  
15 scheduled hearing, the Board will issue a Final Order by Default. If the Board issues a Final  
16 Order by Default, it designates the file, including any materials submitted by Respondent that  
17 relate to this matter, as the record for purpose of proving a prima facie case.

18 Respondent is entitled to judicial review of any final order issued in the matter of this  
19 Notice of a Proposed Civil Penalty. Judicial review may be obtained by filing a petition for  
20 review with the Oregon Court of Appeals within 60 days after the Final Order is served. See  
21 ORS 183.482. If the Order was served in person, the service date is the date Respondent  
22 received the Order. If the Order was served through the mail, the service date is the day the  
23 Order was mailed, not the day it was received by Respondent. If Respondent does not file a  
24 petition for judicial review within 60 days, Respondent will lose the right to appeal. The phone  
25 number for the Oregon Court of Appeals is 503-986-5555.

21  
22 Dated this 14<sup>th</sup> day of April, 2014  
23 Rosanne Nelson for  
24 Chair  
25 Electrical and Elevator Board  
State of Oregon