

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

2
3 **IN THE MATTER OF:**

4 **DAVID D. KILLION, AN INDIVIDUAL**

5
6 **RESPONDENT**

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

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) **CASE NO. C2013-0209**
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9 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Oregon Electrical and
10 Elevator Board (Board) proposes disciplinary action against Respondent in the form of civil
11 penalties totaling \$3,000 for violations of Building Codes Division statutes or rules as
12 follows:

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

14 (1) Prior to August 2012, at 92351 Clover Road, Astoria, Oregon, Respondent
15 installed and connected electrical conduit and feeder wiring to the existing service meter
16 main, without having an Oregon supervising or journeyman electrician's license, violating
17 ORS 479.620(3).

18 (2) Prior to August 2012, at 92351 Clover Road, Astoria, Oregon, Respondent
19 installed and connected electrical conduit and feeder wiring to the existing service meter
20 main, without first obtaining an electrical permit, violating ORS 479.550(1).

21 (3) Installing and connecting electrical conduit and feeder wiring to the existing
22 service meter main, as described above, is an electrical installation as defined by ORS
23 479.530(10).

24 **WHAT THE LAW SAYS**

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

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

FINAL ORDER

As of: February 24, 2014

1 **ORDER**

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

- 4 (1) a \$2,000 civil penalty for violating ORS 479.620(3)
5 (2) a \$1,000 civil penalty for violating ORS 479.550(1)

6 Civil penalties assessed total \$3,000.

7 **NOTICE OF RIGHT TO HEARING**

8 Respondent is entitled to a hearing as provided by the Administrative Procedures Act,
9 Oregon Revised Statutes, Chapter 183. If Respondent requests a hearing, the request
10 must be in writing and postmarked no later than 20 days from the service date. If this
11 Notice was served to Respondent in person, the service date is the date Respondent
received this Notice. If this Notice was served through the mail, the service date is the day
the Notice was mailed, not the day Respondent received it.

12 If a request for hearing is not received within 20 days, Respondent's right to a hearing is
13 considered waived unless the failure to request a hearing was beyond Respondent's
14 reasonable control. Mail hearing requests to Building Codes Division, Enforcement
Section, P.O. Box 14470, Salem, Oregon, 97309.

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

19 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

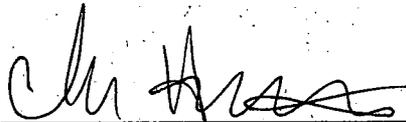
20 Active duty service members have a right to stay proceedings under the federal Service
21 Members Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon
22 Military Department at 800-452-7500 for more information. If Respondent needs help
23 finding legal assistance, visit the United States Armed Forces Legal Assistance Legal
24 Services Locator website at <http://legalassistance.law.af.mil/content/locator.php>.

1 **NOTICE OF FINAL ORDER**

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

8 Respondent is entitled to judicial review of any final order issued in the matter of this
9 Notice of a Proposed Civil Penalty. Judicial review may be obtained by filing a petition for
10 review with the Oregon Court of Appeals within 60 days after the Final Order is served.
11 See ORS 183.482. If the Order was served in person, the service date is the date
12 Respondent received the Order. If the Order was served through the mail, the service
13 date is the day the Order was mailed, not the day it was received by Respondent. If
14 Respondent does not file a petition for judicial review within 60 days, Respondent will lose
15 the right to appeal. The informational phone number for the Oregon Court of Appeals is
16 503-986-5555.

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Dated this 31 day of January, 2014

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Chairman
Electrical and Elevator Board
State of Oregon