

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

2
3 **IN THE MATTER OF:**

4 **INNOVATIVE AIR, INC.**
5 **AN OREGON CORPORATION,**

6 **RESPONDENT**

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

)
) **CASE NO. C2014-0005**

FINAL ORDER

As of: *April 8, 2014*

7
8 Under Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative
9 Rules (OAR) 918-001-0036, the Oregon Electrical and Elevator Board (Board) proposes
10 disciplinary action against Respondent in the form of civil penalties, totaling \$2,000,
11 because Respondent violated Building Codes Division statutes or rules as follows:

12 **FINDINGS OF FACT**

13 (1) On or about January 9, 2014, at 1585 Scandia Street, Eugene, Oregon,
14 Respondent allowed Mark Grabil to install and connect electrical wiring from an outside
15 disconnect to a new heat pump, without the employee having a supervising or journeyman
16 electrician's license, violating OAR 918-282-0120(1).

17
18 **WHAT THE LAW SAYS**

19 Under OAR 918-282-0120(1), no person or entity shall allow any individual to
20 perform electrical work for which the individual is not properly registered or licensed.

21
22 **CONCLUSIONS OF LAW**

23 Installing and connecting electrical wiring from an outside disconnect to a new heat
24 pump, as described above, is an electrical installation as defined by ORS 479.530(10).

1
2 **ORDER**

3 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Elevator and Electrical
4 Board assesses a \$2,000 civil penalty for violating OAR 918-282-0120(1).
5

6 **NOTICE OF RIGHT TO HEARING**

7 Respondent is entitled to a hearing as provided by the Administrative Procedures
8 Act, Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request
9 must be in writing and filed with the Building Codes Division. The postmarked date on the
10 request for hearing must be no later than 20 days from the date the Notice of Intended
11 Action (Notice) was served on Respondent. If this Notice was served to Respondent in
12 person, the service date is the date Respondent received this Notice. If this Notice was
13 served through the mail, the service date is the day the Notice was mailed, not the day
14 Respondent received it.

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

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

24 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

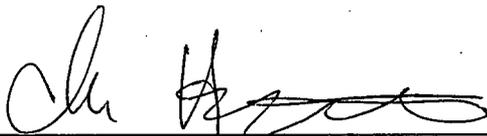
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5 **NOTICE OF FINAL ORDER**

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

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

20
21 Dated this 17 day of March, 2014

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23 

24 _____ for
25 Chairman
Electrical and Elevator Board
State of Oregon