

1 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS**
2 **SERVICES OF THE STATE OF OREGON**

3 **IN THE MATTER OF:**

4 **SCOTT D WALTON, AN INDIVIDUAL**

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6 **RESPONDENT**

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) **NOTICE OF PROPOSED REVOCATION**
) **OF PROVISIONAL GENERAL**
) **JOURNEYMAN ELECTRICAL LICENSE**
) **NO. 215WPJ**

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) **CASE NO. C2014-0088**
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9 Pursuant to Oregon Revised Statutes (ORS) 455.129(2)(a), the Director of the
10 Department of Consumer and Business Services (Director) proposes revocation of Respondent's
11 provisional general journeyman electrical license number 215WPJ, because Respondent violated
12 Building Codes Division (BCD) statutes or rules as follows:

11 **FINDINGS OF FACT**

- 12 (1) Respondent was issued provisional general journeyman electrical license number
13 215WPJ pursuant to temporary Oregon Administrative Rules (OAR) 918-282-0450
14 through 918-282-0460.
15 (2) At the time of application, Respondent submitted a check for \$100 which is the license
16 application fee.
17 (3) On April 21, 2014, the Department was notified by US Bank that the Respondent's \$100
18 check could not be paid.

17 **APPLICABLE LAW**

- 18 1. Under OAR 918-282-0455, an applicant for provisional electrical licensure must include
19 with their application the appropriate application fees.
20 2. Under ORS 455.129(2)(a), the Director may revoke a license if the licensee fails to
21 comply with the rules adopted by the department.

21 **CONCLUSIONS OF LAW**

- 22 1. By not providing sufficient funds for the licensure application fee, Respondent violated
23 OAR 918-282-0455.
24 2. By failing to comply with rules adopted by the department, the Director may revoke
25 Respondent's provisional general journeyman electrical license number 215WPJ.

FINAL ORDER

As of: June 4, 2014

ORDER

Under ORS 455.129(2)(a), the Director revokes Respondent's provisional general journeyman electrical license number 215WPJ for failing to comply with the provisions of OAR 918-282-0455.

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 writing and filed with the division no later than 20 days from the service date. If this 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.

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

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

NOTICE TO ACTIVE DUTY SERVICE MEMBERS

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

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NOTICE OF FINAL ORDER

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

Respondent is entitled to judicial review of any final order issued in the matter of this Notice of a Proposed Revocation of Provisional Journeyman Electrical License Number 215WPJ. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If the Order was served in person, the service date is the date Respondent received the Order. If the Order was served through the mail, the service date is the day the Order was mailed, not the day it was received by Respondent. If Respondent does not file a petition for judicial review within 60 days, Respondent will lose the right to appeal. The phone number for the Oregon Court of Appeals is 503-986-5555.

Dated this 12 day of May, 2014

  for

Director
Department of Consumer and Business Services
State of Oregon