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2 business of making electrical installations, including advertising or otherwise purporting to be a
3 business that makes electrical installations.¹

- 4 4. Under ORS 447.040(1), a person must have a plumbing contractor license to engage in the
5 business of making plumbing installations, including advertising or otherwise purporting to be
6 a business that makes plumbing installations.
- 7 5. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
8 permit has not been issued.
- 9 6. Under OAR 918-785-0200(1)(a), a person may engage in the business of making a plumbing
10 installation without first obtaining a plumbing permit and paying the appropriate fees to the
11 authorized permit issuing agency.

12 **CONCLUSIONS OF LAW**

- 13 1. Installing a vanity light fixture is an electrical installation as defined by ORS 479.530(10).
- 14 2. Installing a lavatory sink is a plumbing installation as defined by ORS 447.010(6).
- 15 3. By engaging in the business of making the electrical installations listed above without an
16 electrical contractor license, Respondent violated ORS 479.620(1).
- 17 4. By engaging in the business of making the plumbing installations listed above without a
18 plumbing contractor license, Respondent violated ORS 447.040(1).
- 19 5. By working on new electrical installations for which permits had not been issued, Respondent
20 violated ORS 479.550(1).
- 21 6. By engaging in the business of making a plumbing installations without first obtaining a
22 plumbing permit and paying the appropriate fees to the authorized issuing agency, Respondent
23 violated OAR 918-785-0200(1)(a).

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¹ Pursuant to OAR 918-030-0010(8), for purposes of ORS 447.040, 479.620, 480.630 and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform, work for which a license or permit is required under Oregon law, including but not limited to a single instance.

1 **ORDER**

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

- 3 1. a \$3,000 civil penalty for violating ORS 479.620(1);
4 2. a \$3,000 civil penalty for violating ORS 447.040(1);
5 3. a \$1,000 civil penalty for violating ORS 479.550(1); and,
6 4. a \$1,000 civil penalty for violating OAR 918-785-0200(1)(a).

7 The assessed civil penalties total \$8,000.

8 **NOTICE OF RIGHT TO HEARING**

9 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
10 Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and
11 filed with the Building Codes Division. The postmarked date on the request for hearing must be no
12 later than 20 days from the date the Notice of Proposed Action (Notice) was served on Respondent. If
13 this Notice was served to Respondent in person, the service date is the date Respondent received this
14 Notice. If this Notice was served through the mail, the service date is the day the Notice was mailed,
15 not the day Respondent received it. Mail hearing requests to Building Codes Division, Enforcement
16 Section, P.O. Box 14470, Salem, Oregon, 97309.

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

21 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

22 Active duty service members have a right to stay proceedings under the federal
23 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon
24 Military Department at 800-452-7500 for more information. If Respondent needs help finding legal
25 assistance, visit the United States Armed Forces Legal Assistance Legal 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, notifies
3 the Building Codes Division (Division) or the administrative law judge that they will not appear, or
4 fails to appear at a scheduled hearing, the Division will issue a Final Order by Default. If the Division
5 issues a Final Order by Default, it designates the file, including any materials submitted by Respondent
6 that relate to this matter, as the record for purpose of proving a prima facie case.

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

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15 Roseanne Nelson for
16 Chair
17 Electrical and Elevator Board
18 State of Oregon

Dated this 10th day of July, 2014

19 Roseanne Nelson for
20 Chair
21 State Plumbing Board
22 State of Oregon

Dated this 10th day of July, 2014