

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

2)	
3	IN THE MATTER OF:)	NOTICE OF PROPOSED
4	BRUCE M. GRIFFIN, AN INDIVIDUAL)	ASSESSMENT OF A CIVIL PENALTY
5	RESPONDENT)	AND FINAL ORDER ON DEFAULT
6)	CASE NO. C2014-0095

7 Under Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules
8 (OAR) 918-001-0036, the Oregon Electrical and Elevator Board (Board) proposes disciplinary
9 action against Respondent in the form of civil penalties totaling \$3,000 because Respondent
10 violated Building Codes Division statutes and rules as follows:

11 **FINDINGS OF FACT**

- 12 1. On or about January 17, 2014, at 398 NW 4th Street, Prineville, Oregon, Respondent failed
13 to ensure that Jacob Bennett, an unlicensed individual, was properly licensed to install
14 wiring during the installation of rooftop heating systems, for the account of another.
- 15 2. A check of the Building Codes Division's license database listed the signing supervisor for
16 KA CO Electric, LLC on January 17, 2014 as Bruce M. Griffin, general supervising
17 electrician license number 4680S.

18 **APPLICABLE LAW**

- 19 1. Under OAR 918-282-0140(2)(f), a general signing supervising electrician must ensure
20 electricians have proper licenses for the work performed, and may not permit either by
21 assent or by failure to prevent, an individual to perform work for which they are not properly
22 licensed.
- 23 2. Under ORS 479.530(10), electrical installations include the construction or installation of
24 electrical wiring and the permanent attachment or installation of electrical products in or on
25 any structure that is not itself an electrical product.

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FINAL ORDER

As of: May 29, 2014

1 **CONCLUSIONS OF LAW**

- 2 1. Installing wiring as part of the installation of electric heating systems, as described above, is
3 an electrical installation as defined by ORS 479.530(10).
4 2. On or about January 17, 2014, at 398 NW 4th Street, Prineville, Oregon, Respondent failed
5 to ensure that Jacob Bennett had the proper license to make electrical installations for the
6 account of another.

7 **ORDER**

8 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses Respondent with a
9 \$3,000 civil penalty for violating OAR 918-282-0140(2)(f).

10 **NOTICE OF RIGHT TO HEARING**

11 Respondent is entitled to a hearing as provided by the Administrative Procedures Act,
12 Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in
13 writing and filed with the Building Codes Division. The postmarked date on the request for hearing
14 must be no later than 20 days from the date the Notice of Proposed Action (Notice) was served on
15 Respondent. If this Notice was served to Respondent in person, the service date is the date
16 Respondent received this Notice. If this Notice was served through the mail, the service date is the
17 day the Notice was mailed, not the day Respondent received it. 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 provides that a
20 corporation may be represented by an authorized representative at the hearing. If Respondent
21 requests a hearing, Respondent will be notified of the time and place of the hearing and be given
22 information on procedures, right of representation, and other rights of parties relating to the hearing
23 before it begins.

24 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

25 Active duty service members have a right to stay proceedings under the federal
26 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon

1 Military Department at 800-452-7500 for more information. If Respondent needs help finding legal
2 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website at
3 <http://legalassistance.law.af.mil/content/locator.php>.

4 **NOTICE OF FINAL ORDER**

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

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

20
21 Dated this 8th day of May, 2014

22 Roseanne Nelson for
23 Chair
24 Electrical and Elevator Board
25 State of Oregon
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