

# FINAL ORDER

As of: February 27, 2015

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON  
BEFORE THE DIRECTOR OF THE OREGON DEPARTMENT OF CONSUMER AND  
BUSINESS SERVICES

IN THE MATTER OF:

ANATOLIY G. BOGOSLAVETS, AN  
INDIVIDUAL,

RESPONDENT.

)  
) NOTICE OF PROPOSED REVOCATION  
) OF JOURNEYMAN ELECTRICIAN  
) LICENSE 18612J AND  
) FINAL ORDER ON DEFAULT

)  
) ORDER TO CEASE AND DESIST

)  
) BCD CASE C2014-0273

The Electrical and Elevator Board of the State of Oregon (Board), acting pursuant to Oregon Revised Statutes (ORS) 455.125(2)(a) and 455.129(2)(b), hereby proposes the revocation of Respondent's journeyman electrician license 18612J based on the Findings of Fact and Conclusions of Law that follow. Respondent has engaged in a pattern of violations of the state building code and related licensing laws and orders from the Electrical and Elevator Board of the State of Oregon (Board) and the Director of the Oregon Department of Consumer and Business Services (Director) in 15 Building Codes Division cases: 2000-0319, 2000-0377, 2001-0849, 2002-1029, 2002-1030, 2003-0032, 2004-0279, 2006-0126, 2007-0214, 2008-0229, 2008-0286, 2010-0169, 2010-0189, 2011-0240, and 2012-0201.

The Director, acting pursuant to Oregon Revised Statutes (ORS) 455.775(2), finds there is reason to believe that Respondent has been engaged in, is engaging in, or is about to engage in violations of ORS chapter 455 and the rules adopted thereunder. Therefore, the Director issues the following Order to Respondent to immediately CEASE AND DESIST any and all violations of ORS chapter 455, 479, and the rules adopted thereunder.

## FINDINGS OF FACT

1. Respondent has held Oregon general journeyman electrician license 18612J since September 28, 1999.

- 1 2. Respondent's journeyman electrician license 18612J was suspended on August 10, 2010,  
2 for non-payment of civil penalties in case number 2008-0229 and was later reinstated on  
3 September 14, 2010.
- 4 3. Respondent's journeyman electrician license 18612J was again suspended on May 10,  
5 2012, for non-payment of civil penalties in case number 2008-0229.
- 6 4. According to a Stipulated Agreement in case number 2012-0201, Respondent's license was  
7 conditionally renewed on October 8, 2012. Among other terms, the renewal was  
8 conditioned on Respondent's compliance with all Oregon specialty codes, and that if  
9 Respondent commits any violation of ORS chapter 455, 446, 447, 460, 479 or 480, OAR  
10 division 918, the state building code, or violates any term of the Stipulated Order within  
11 three years from the date of the Stipulated Order, the Board may revoke Respondent's  
12 journeyman electrician license.
- 13 5. Respondent is a member of Protech Electric LLC (Protech Electric), which Respondent  
14 owns and operates as an electrical contractor that holds license number C897.
- 15 6. On June 19, 2014, Clackamas County Electrical Inspector Douglas Rudisel went to 10452  
16 SW Denmark, Wilsonville, Oregon, and observed Miroslav Boychuk (Boychuk) and  
17 Ruslan Borisovich (later identified as Ruslan Tkachenko (Tkachenko)) installing electrical  
18 wiring for the account of another in a single--family dwelling under construction, while  
19 working as Protech Electric's employees.
- 20 7. Boychuk held Oregon electrician apprentice license 92605 based on reciprocity with a  
21 Washington apprentice program until Washington terminated him from the program on  
22 January 9, 2014, for failure to attend related training and failure to submit progress reports.  
23 Based upon Washington's termination, Oregon similarly terminated Boychuk from the  
24 Oregon electrical apprentice program, effective January 9, 2014.

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1 8. At all times, Boychuk and Tkachenko did not possess Oregon supervising or journeyman  
2 electrician licenses.

3 **APPLICABLE LAW**

- 4 1. Under ORS 479.530(10), electrical installations include the construction or installation of  
5 electrical wiring and the permanent attachment or installation of electrical products in or on  
6 any structure that is not itself an electrical product.
- 7 2. Under ORS 479.620(3), a person may not make any electrical installation without a  
8 supervising or journeyman electrician's license.
- 9 3. Under OAR 918-282-0120(1), no person or entity shall allow any individual to perform  
10 electrical work for which the individual is not properly registered or licensed.
- 11 4. Under ORS 455.125(2)(a), the Director or an appropriate advisory board may deny,  
12 suspend, condition or revoke a license of a person to perform work or conduct business  
13 issued under laws administered by the Department of Consumer and Business Services if  
14 the person fails to comply with a provision of ORS 479.510 to 479.945 or this chapter or  
15 with any rule adopted under those statutes.
- 16 5. Under ORS 455.129(2)(b), a regulatory body listed in subsection (3) of this section may  
17 revoke a license if the regulatory body finds that the licensee has failed to comply with an  
18 order of the regulatory body or the Director.
- 19 6. According to ORS 455.129(3)(b), subsection (2) of this section applies to the Electrical and  
20 Elevator Board for purposes of licenses issued under ORS 479.510 to 479.945.
- 21 7. Under ORS 455.775(2), if the Director has reason to believe that any person has been  
22 engaged, or is engaging, or is about to engage in any violation of the state building code, or  
23 ORS 479.510 to 479.945, 479.950 or any rule adopted under those statutes, the Director  
24 may issue an order, subject to ORS 183.413 to 183.497, directed to the person to cease and  
25 desist from the violation or threatened violation.

1 **CONCLUSIONS OF LAW**

- 2 1. The installation of electrical wiring in a single-family residential home is an electrical  
3 installation under ORS 479.530(10).
- 4 2. The electrical installation described in conclusions of law paragraph 1 above requires an  
5 individual to hold a supervising or journeyman electrician’s license under ORS 479.620(3).
- 6 3. When Boychuk and Tkachenko made electrical installations (described in conclusions of  
7 law paragraph 1 above) without holding supervising or journeyman electrician licenses,  
8 Boychuk and Tkachenko violated ORS 479.620(3).
- 9 4. By allowing Boychuk and Tkachenko to make the electrical installations without licenses,  
10 Respondent violated OAR 918-282-0120(1) twice.
- 11 5. By violating OAR 918-282-0120(1), Respondent failed to comply with a provision of the  
12 rules adopted under the Electrical Safety Law (ORS 479.510 to 479.945, etc.), in violation  
13 of ORS 455.125(2)(a). The Board may therefore revoke Respondent’s general journeyman  
14 electrician license 18612J.
- 15 6. By violating OAR 918-282-0120-0120(1) and ORS 455.125(2)(a), Respondent failed to  
16 comply with the Stipulated Order in case number 2012-0201. By failing to comply with the  
17 Stipulated Order, Respondent violated ORS 455.129(2)(b), and the Board may therefore  
18 revoke Respondent’s general journeyman electrician license 18612J.
- 19 7. Because the Director has reason to believe that Respondent has and may continue to:
- 20 a. employ unlicensed individuals to perform electrical installations; and
- 21 b. has been engaged in, are engaging in, or are about to engage in violations of ORS
- 22 chapters 455 and 479 and the rules adopted thereunder,
- 23 the Director may issue an order against Respondent to cease and desist from the violations.

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1 **ORDER**

2 Pursuant to ORS 455.125(2)(a) and 455.129(2)(b), the Board revokes Respondent's general  
3 journeyman electrician license 18612J for failing to comply with provisions of OAR 918-282-  
4 0120(1) and for failing to comply with the Stipulated Order in case number 2012-0201.

5 Pursuant to ORS 455.775(2), the Director ORDERS, effective immediately, that  
6 Respondent CEASE AND DESIST from employing, contracting with and conducting business  
7 with uncertified individuals while engaging in the business of electrical contracting, and CEASE  
8 AND DESIST from any and all violations of ORS Chapter 455 and the rules adopted thereunder.

9 **NOTICE OF RIGHT TO HEARING**

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

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

23 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

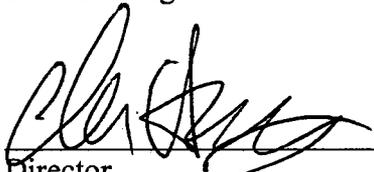
1 Military Department at 800-452-7500 for more information. If Respondent needs help finding  
2 legal assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator  
3 website at <http://legalassistance.law.af.mil/content/locator.php>

4 **NOTICE OF FINAL ORDER**

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

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

18  for Dated this 6 day of February, 2015.  
19  
20 Chair  
21 Electrical and Elevator Board  
22 State of Oregon

23  for Dated this 6 day of February, 2015.  
24 Director  
25 Department of Consumer and Business Services  
State of Oregon