

# FINAL ORDER

As of: May 1, 2015

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

IVAN A. KOZLOV, AN INDIVIDUAL,

RESPONDENT.

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

)  
) BCD CASE C2014-0281

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

## FINDINGS OF FACT

1. At all relevant times, Respondent held Washington CITC electrical apprentice agreement 174408.
2. An Oregon apprentice license was issued to Respondent on May 20, 2014.
3. At all relevant times Respondent was a first-term apprentice employed by Portland Electric LLC, which holds Oregon electrical contractor license C760.
4. At no relevant time has Respondent held an indirect supervision electrical apprentice license and at no relevant time has Respondent held a supervising or journeyman electrician license.<sup>1</sup>
5. On or about November 7, 2014, 104810 SW Denmark St, Wilsonville, Oregon, Clackamas County electrical inspector Douglas Rudisel (Rudisel) observed Respondent installing an electrical receptacle for the account of another, without a supervising or journeyman electrician present.

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<sup>1</sup> Respondent received a warning letter from BCD regarding his involvement with a complaint (in November 2012) concerning unlicensed electrical work in BCD case 2012-0229.

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**APPLICABLE LAW**

1. ORS 479.530(10) defines an electrical installation as the construction or installation of electrical wiring and the permanent attachment or installation of electrical products.
2. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician license.
3. Under OAR 918-282-0270(5), an apprentice must be a final period electrical apprentice to be eligible to hold an indirect supervision electrical apprentice license which would allow the electrical apprentice to work under indirect supervision.

**CONCLUSIONS OF LAW**

1. Installing an electrical receptacle is an electrical installation as defined by ORS 479.530(10).
2. Making the electrical installation described in Conclusion of Law paragraph 1 requires a supervising or journeyman electrician license under ORS 479.620(3).
3. By making the electrical installation described in Conclusion of Law paragraph 1 without a valid supervising or journeyman electrician license and without supervision, Respondent violated ORS 479.620(3).

**ORDER**

Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses a \$2,000 civil penalty for violating ORS 479.620(3).

**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 Building Codes Division within 20 days. The postmarked date on the request for hearing must be no later than 20 days from the date the Notice of Proposed Action (Notice) was served on Respondent. 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

1 was mailed, not the day Respondent received it. Mail hearing requests to Building Codes Division,  
2 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

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

7 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

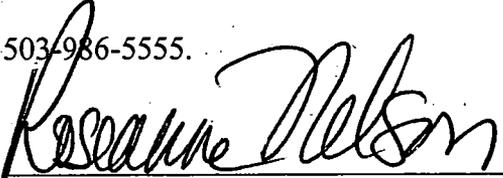
8 Active duty service members have a right to stay proceedings under the federal  
9 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon  
10 Military Department at 800-452-7500 for more information. If Respondent needs help finding legal  
11 assistance, visit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

13 **NOTICE OF FINAL ORDER**

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

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1 Respondent is entitled to judicial review of any final order issued in the matter of this Notice of  
2 Proposed Assessment of a Civil Penalty. Judicial review may be obtained by filing a petition for  
3 review with the Oregon Court of Appeals within 60 days after the Final Order is served. See ORS  
4 183.482. If the Order was served in person, the service date is the date Respondent received the Order.  
5 If the Order was served through the mail, the service date is the day the Order was mailed, not the day  
6 it was received by Respondent. If Respondent does not file a petition for judicial review within 60  
7 days, Respondent will lose the right to appeal. The phone number for the Oregon Court of Appeals is  
8 503-986-5555.

9  for  
10 Chair,  
11 Electrical and Elevator Board  
12 State of Oregon

Dated this 8<sup>th</sup> day of April, 2015.

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