

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

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

4 **IN THE MATTER OF:**

5 **JAMES W. HORD,**
6 **AN INDIVIDUAL,**

7
8 **RESPONDENT.**

NOTICE OF PROPOSED ASSESSMENT
OF A CIVIL PENALTY

WITHDRAWAL OF CITATION

NOTICE OF FINAL ORDER ON DEFAULT

BCD CASE C2015-0080

9 **IF YOU DO NOT REQUEST A HEARING IN WRITING WITHIN 20 DAYS**
10 **OF THE POSTMARK DATE OF THIS NOTICE,**
11 **THIS NOTICE WILL BECOME A FINAL ORDER.**

12 More information about this Notice and how to request a hearing is included below.

13 Pursuant to Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules
14 (OAR) 918-001-0036, the Electrical and Elevator Board of the State of Oregon (Board) proposes to
15 assess a civil penalty totaling \$2,000 against James W. Hord (Respondent) because Respondent
16 violated Building Codes Division (Division) statutes and rules as identified below.

17 **FINDINGS OF FACT**

- 18 1. Respondent is an employee of AISG Security Services, LLC (AISG).¹
- 19 2. On or about April 3, 2015, Respondent, working on behalf of AISG, installed a security
20 system at Bluemercury at 1037 NW Couch Street in Portland, Oregon. During the
21 installation of the security system, Respondent terminated cables into a power supply and
22 installed a BNC connector and a pigtail connector on the cables.
- 23 3. On or about April 3, 2015, a city of Portland electrical inspector issued Respondent a
24 citation, number 15646, for performing electrical installations without a valid electrical
25 contractor license or a valid supervising or journeyman electrician license.

¹ See related BCD Case C2015-0082.

FINAL ORDER

As of: August 25, 2015

1 4. At no relevant time has Respondent held a supervising, journeyman, or other electrician
2 license in Oregon.

3 **APPLICABLE LAW**

- 4 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
5 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
6 0010(1)-(11), and OAR 918-251-0090(1)-(43).
- 7 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
8 electrical wiring and the permanent attachment or installation of electrical products in or on
9 any structure that is not itself an electrical product.
- 10 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
11 permit has not been issued.
- 12 4. Under ORS 479.620(3), a person may not make any electrical installation without a
13 supervising or journeyman electrician's license.

14 **CONCLUSIONS OF LAW**

- 15 1. Terminating cables into a power supply and installing a BNC connector and a pigtail
16 connector on cables are electrical installations under ORS 479.530(10).
- 17 2. Making the electrical installations described above requires a supervising or journeyman
18 electrician license under ORS 479.620(3).
- 19 3. Respondent violated ORS 479.620(3) by making electrical installations described above
20 without holding a supervising or journeyman electrician license.

21 **ORDER**

- 22 1. The Director of the Department of Consumer and Business Services hereby withdraws
23 citation number 15646 that was issued to Respondent on April 3, 2015.
- 24 2. Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses a total civil
25 penalty of \$2,000 for violating ORS 479.620(3).

1 **NOTICE OF RIGHT TO HEARING**

2 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, ORS
3 chapter 183. If Respondent requests a hearing, the request must be in writing and postmarked no
4 later than 20 days from the date of service of this Notice. If the Notice was served on Respondent in
5 person, the date of service is the date Respondent received the Notice. If the Notice was served
6 through the mail, the date of service is the day the Notice was mailed, not the day it was received by
7 the Respondent. If a request for hearing is not received within the 20-day period, Respondent's right
8 to a hearing shall be considered waived. Mail hearing requests to Building Codes Division,
9 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

10 Respondent may be represented by legal counsel. Pursuant to ORS 183.457 and OAR 918-
11 001-0030, a corporate Respondent may be represented by an authorized representative at the
12 hearing. If Respondent requests a hearing, Respondent will be notified of the time and place of the
13 hearing. The Division will give Respondent information on the procedures, right of representation,
14 and other rights of parties relating to the conduct of the hearing before the commencement of the
15 hearing.

16 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS**

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

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24 **NOTICE OF FINAL ORDER**

1 This Notice will become a final order by default if Respondent does any of the following:
2 fails to request a hearing in writing within 20 days from the date of service of this Notice;
3 withdraws a hearing request; notifies the Building Codes Division or the administrative law judge
4 that Respondent will not appear at a scheduled hearing; or fails to appear at a scheduled hearing. If
5 this Notice becomes a final order by default, the Division's file on the matter, including all
6 materials submitted by Respondent, becomes the record for the purpose of establishing a prima
7 facie case.

8 **RIGHT TO JUDICIAL REVIEW**

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

17 **FOR THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS**
18 **SERVICES**

19 Roseanne Nelson for Date: 8-3-15
20 Director,
21 Department of Consumer and Business Services
22 State of Oregon

23 **FOR THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

24 Roseanne Nelson for Date: 8-3-15
25 Chair,
Electrical and Elevator Board
State of Oregon