

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

IN THE MATTER OF: ) **FINAL ORDER**  
 )  
**PROTECH ELECTRIC LLC, A** ) OAH Case No.: 1404000  
**DOMESTIC LIMITED LIABILITY** ) Agency Case No.: C2014-0127  
**COMPANY**

**HISTORY OF THE CASE**

On December 10, 2014, the **Director of the Department of Consumer and Business Services (Director)** and Electrical and Elevator Board (Board), Building Codes Division (**collectively, Division**) issued a Notice of Proposed Assessment of Civil Penalties and Proposed Revocation of Electrical Contractor License C897, Final Order on Default and Order to Cease and Desist to Protech Electric LLC, a Domestic Limited Liability Company (Respondent). On December 22, 2014, Respondent requested a hearing.

On December 30, 2014, the Division referred the hearing request to the Office of Administrative Hearings. Administrative Law Judge (ALJ) Marni J. Davis was assigned to preside at hearing.

ALJ Davis held a contested case telephone hearing on March 31, 2015. Respondent appeared and was represented by Anatoliy Bogoslavets. **Assistant Attorney General Tyler Anderson** represented the Division. Tania Close, Doug Rudisel, Shawn Haggin and Andrea Simmons testified on behalf of the Division. The record closed at the conclusion of the hearing.

**On May 11, 2015, ALJ Davis issued a Proposed Order upholding the Division's Notice of Proposed Assessment of Civil Penalties, revocation of electrical contractor license C897, and Order to Cease and Desist. The Director of the Department of Consumer and Business Services and the Electrical and Elevator Board now adopt the Proposed Order with a citation correction and other scrivener's errors.<sup>1</sup> No substantive changes have been made to the content of the Proposed Order.**

**ISSUES**

1. Whether Respondent allowed an individual to perform electrical work for which the individual was not properly registered or licensed, in violation of OAR 918-282-0120(1).

///

---

<sup>1</sup> **Additions are made in bold typeface; deletions are stricken-through.**

2. Whether the Division may impose a civil penalty of \$4,000 against Respondent. ORS 455.895(1) and OAR 918-001-0036.

3. Whether the Division may revoke Respondent's electrical contractor license C897. ORS 455.125(2)(a) and ORS 455.129(2)(r)(B).

4. Whether the Division may order Respondent to cease and desist from engaging in any violation of the state building code. ORS 455.775(2).

### **EVIDENTIARY RULINGS**

Exhibits A1 through A30, offered by the Division, were admitted into the record without objection. Exhibits R1, R3 and R4, offered by Respondent, were admitted into the record without objection. Exhibit R2, offered by Respondent, was not admitted into the record because it was not relevant.

### **FINDINGS OF FACT**

1. Anatoliy Bogoslavets is the owner of Protech Electric LLC (Respondent). Respondent holds electrical contractor license C897. (Ex. A17; test. of Bogoslavets.)

2. Mr. Bogoslavets was the registered agent and manager of Accord Electric, LLC (Accord). Taras Bogoslavets is Anatoliy Bogoslavets' brother and was authorized to negotiate with general contractors and collect payments on behalf of Accord. (Ex. A18, R3; test. of Bogoslavets.)

3. On July 15, 2008, Accord filed Articles of Dissolution with the Oregon Secretary of State Corporation Division to dissolve Accord. Between September 2008 and November 2008, Accord submitted permit applications for electrical work to be performed at six different locations. When submitting these permit applications, Accord specified that it would be the company performing the electrical work. (Ex. A18.)

4. On December 15, 2008, the Division suspended Accord's electrical contractor license and assessed Accord civil penalties totaling \$26,000 by final order on default in Division case 2008-0229. Accord did not perform any work after 2008 and its electrical contractor license expired on July 1, 2011. (Ex. A18; test. of Bogoslavets.)

5. On June 19, 2014, Miroslave Boychuck and Ruslan Borisovich<sup>2</sup>, two employees of Respondent, installed high-voltage wire at a residence located at 10452 SW Denmark in Wilsonville, Oregon. Mr. Boychuck and Mr. Borisovich are not licensed journeyman electricians in Oregon. Respondent was aware that they were not licensed journeyman electricians. (Ex. A16; test. of Bogoslavets, Rudisel.)

---

<sup>2</sup> **Ruslan Borisovich is also known as Ruslan Tkachenko.**

6. Installing high-voltage wire constitutes “making an electrical installation,” as defined in ORS 479.530(10). (Ex. A2; test. of Haggin.)

7. On February 6, 2015, the Board issued a Notice of Proposed Revocation of Journeyman Electrician License 18612J, Final Order on Default and Order to Cease and Desist to Mr. Bogoslavets. Mr. Bogoslavets did not timely appeal that Notice and it became final on February 27, 2015. (Ex. A30.)

8. The Board based the proposed penalties in this case on the factors set forth in the Division’s penalty matrix. (Exs. A28, R1; test. of Simmons.)

### CONCLUSIONS OF LAW

1. Respondent allowed individuals to perform electrical work for which the individuals were not properly registered or licensed, in violation of OAR 918-282-0120(1).
2. The Division may impose a civil penalty of \$4,000 against Respondent.
3. The Division may revoke Respondent’s electrical contractor’s license C897.
4. The Division may order Respondent to cease and desist from engaging in any violation of the state building code.

### OPINION

The Division contends that Respondent allowed individuals to perform electrical work for which the individuals were not properly registered or licensed. The Division also contends that Respondent should be assessed a \$4,000 civil penalty for the violations, that its electrical contractor license should be revoked and that it should be ordered to cease and desist from engaging in further violation of the state building code. The Division has the burden to show, by a preponderance of the evidence, that Respondent committed the alleged violations and that the proposed civil penalty, the license revocation and the order to cease and desist are appropriate. *See* ORS 183.450(2), *Harris v. SAIF*, 292 Or 683, 690 (1982). Proof by a preponderance of evidence means that the fact finder is persuaded that the facts asserted are more likely true than not true. *Riley Hill General Contractor, Inc. v. Tandy Corp.*, 303 Or. 390 (1987).

*Allowing an Individual to Perform Electrical Work without Proper Licensure:*

OAR 918-282-0120(1) provides:

No person or entity shall allow any individual to perform electrical work for which the individual is not properly registered or licensed.

ORS 479.530(10) provides, in relevant part:

“Electrical installations” means the construction or installation of electrical wiring and the permanent attachment or installation of electrical products in or on any

structure that is not itself an electrical product. "Electrical installation" also means the maintenance or repair of installed electrical wiring and permanently attached electrical products.

Electrical work is not defined by rule or statute. However, it is reasonable that electrical work would be included in the definition of an "electrical installation." On June 19, 2014, Mr. Boychuck and Mr. Borisovich, two employees of Respondent, installed high-voltage wire at a residence located at 10452 SW Denmark in Wilsonville, Oregon. They are not licensed journeyman electricians in Oregon. Mr. Bogoslavets was aware that these individuals were not licensed journeyman electricians. Installing high-voltage wire constitutes electrical installations under ORS 479.530(10). Because Respondent hired Mr. Boychuck and Mr. Borisovich, they performed this electrical work and they were not properly licensed, Respondent violated OAR 918-282-0120(1).

### *Civil Penalties*

The Division has adopted administrative rules to administer and enforce ORS 479. OAR 918-001-0036(6) provides that the Director may, subject to approval of the Boards, develop a penalty matrix to use as a guideline for assessing civil penalties.

The Division's penalty matrix provides for a civil penalty of \$2,000 for each violation of OAR 918-282-0120(1). Therefore, the \$4,000 civil penalty proposed by the Division is appropriate.

### *Revocation of Respondent's Electrical Contractor License C897:*

ORS 455.125(2) provides in relevant part:

In addition to any other sanction, remedy or penalty provided by law, the Director of the Department of Consumer and Business Services or an appropriate advisory board may \* \* \* revoke \* \* \* a license \* \* \* if the person:

(a) Fails to comply with a provision of ORS \* \* \* 479.510 to 479.945 \* \* \* [.]

ORS 455.129(2) provides in relevant part:

Subject to ORS chapter 183, a regulatory body listed in subsection (3) of this section may \* \* \* revoke \* \* \* a license \* \* \* if the regulatory body finds that the licensee\* \* \*[:]

(r) Is a business, the owner or an officer of which was an owner or officer in another business at the time:

\* \* \* \* \*

(B) An act or failure to act by any owner or officer of the other business resulted in action being taken against the license, certificate or registration of the other business by the department, the director or any advisory board.

Mr. Bogoslavets is the owner of Protech Electric, LLC. In 2008, he was the registered agent and manager of Accord. The Division suspended Accord's **electrical contractor** license in 2008 because Accord filed permit applications to perform electrical work after the company was dissolved. The Division also assessed Accord civil penalties totaling \$26,000. While Mr. Bogoslavets testified at hearing that he was not aware that his brother filed permit applications on behalf of Accord, such knowledge is not required under the applicable statute. As the registered agent and manager of Accord, Mr. Bogoslavets failed to ensure that permit applications were not filed for Accord after the company dissolved on July 15, 2008.

Additionally, Respondent allowed individuals to perform electrical installations without proper licensure, in violation of OAR 918-282-0120(1) and the Electrical Safety Laws, ORS 479.510 through 479.945. Thus, pursuant to ORS 455.125(2) and 455.129(2) the Division may revoke Respondent's electrical contractor's license.

*Order to Cease and Desist:*

ORS 455.755(2) 455.775(2) provides:

If the director has reason to believe that any person has been engaged, or is engaging, or is about to engage in any violation of the state building code, \* \* \*, the director may issue an order, subject to ORS 183.413 to 183.497, directed to the person to cease and desist from the violation or threatened violation.

The Division contends that Respondent has been or is violating state building code law. While there appears to be only one incident where Respondent violated state and building code law, its owner, Mr. Bogoslavets, has had numerous violations with other business entities and his own journeyman electrician's license was revoked in February 2015. Thus, the Division's belief that Respondent previously violated the state building code or that it is currently engaging in or is about to engage in any further violations of the state building code is reasonable. The Division has established grounds to issue an Order to Cease and Desist.

///

///

///

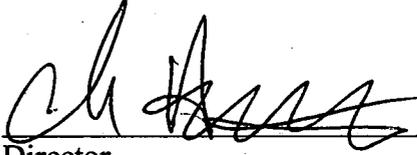
///

///

///

**ORDER**

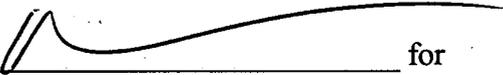
Protech Electric, LLC shall pay a \$4,000 civil penalty and have electrical contractor license C897 revoked. It shall also cease and desist from further violations of ORS chapters 479 and 455 and the rules adopted thereunder.



for

Date: 7/28/15

Director,  
Department of Consumer and Business Services  
State of Oregon



for

Date: 7-23-15

Chair,  
Electrical and Elevator Board  
State of Oregon

**NOTICE OF OPPORTUNITY FOR JUDICIAL REVIEW  
(OREGON COURT OF APPEALS)**

Respondent is entitled to judicial review of this Final Order pursuant to ORS 183.482. Judicial review may be initiated by filing a petition for review with the Oregon Court of Appeals within sixty (60) days from the date this Final Order was mailed to Respondent.