

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

2)
3 **IN THE MATTER OF:**)

4 **LYUBOMIR B. BRUNETS, AN INDIVIDUAL,**)

5 **RESPONDENT.**)

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

BCD CASE C2014-0174

FINAL ORDER

As of: February 10, 2015

6
7 Under Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules (OAR)
8 918-001-0036, the Oregon Electrical and Elevator Board (Board) proposes disciplinary action against
9 Respondent in the form of civil penalties totaling \$2,000 because Respondent violated Building Codes
10 Division statutes and rules as follows:

11 **FINDINGS OF FACT**

- 12 1. At all relevant times, Respondent was an employee of Portland Electric LLC, a domestic
- 13 limited liability company that holds Oregon electrical contractor license C760.
- 14 2. Respondent holds Oregon limited residential electrical license 875LR, which he has held since
- 15 December 30, 2011.
- 16 3. On or about July 18, 2014, Building Code Division enforcement officer Tom Nicolai observed
- 17 Respondent with electrical wires in his hands and was working on connecting and terminating
- 18 wires into an electrical panel on the second floor of a four- floor, above grade, multi-family
- 19 dwelling under construction at 8150 SE 23rd Avenue, Portland, Oregon.
- 20 4. At all relevant times, Respondent did not hold a supervising or journeyman electrician license
- 21 in the State of Oregon.

22 **APPLICABLE LAW**

- 23 1. ORS 479.530(10) defines an electrical installation as the construction or installation of
- 24 electrical wiring and the permanent attachment or installation of electrical products.

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- 1 2. Under ORS 479.630(14) and OAR 918-282-0180(1)(a), a person licensed with a limited
2 residential electric license shall perform the electrical work allowed by the license only on
3 single and multifamily dwelling units not exceeding three floors above grade.
- 4 3. Under ORS 479.620(3), except as provided in subsection (5)¹ of this section, a person may not
5 make any electrical installation without a supervising or journeyman electrician license.

6 **CONCLUSIONS OF LAW**

- 7 1. Connecting and terminated wires into an electrical panel is an electrical installation as defined
8 by ORS 479.530(10).
- 9 2. Making an electrical installation as described in Conclusion of Law paragraph 1 requires a
10 supervising or general journeyman electrician license.
- 11 3. By making an electrical installation in a four-floor, above grade building while holding only a
12 limited residential electrician license, Respondent was working outside the scope of ORS
13 479.620(5), 479.630(14) and OAR 918-282-0180(1)(a).
- 14 4. By making an electrical installation beyond the scope of ORS 479.620(5), 479.630(14) and
15 OAR 918-282-0180(1)(a) without a valid supervising or journeyman electrician license,
16 Respondent violated ORS 479.620(3).

17 **ORDER**

18 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses Respondent with a
19 \$2,000 civil penalty for violating ORS 479.620(3).

20 **NOTICE OF RIGHT TO HEARING**

21 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
22 Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and
23 filed with the Building Codes Division. The postmarked date on the request for hearing must be no
24 later than 20 days from the date the Notice of Proposed Action (Notice) was served on Respondent. If

25 ¹ According to ORS 479.620(5), a person may not make any electrical installation on a single or multifamily dwelling unit
not exceeding three floors above grade, as provided in ORS 479.630(14), without a limited residential electrician's license.

1 this Notice was served to Respondent in person, the service date is the date Respondent received this
2 Notice. If this Notice was served through the mail, the service date is the day the Notice was mailed,
3 not the day Respondent received it.

4 If a request for hearing is not received within 20 days, Respondent's right to a hearing is
5 considered waived. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box
6 14470, Salem, Oregon, 97309.

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

11 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

17 **NOTICE OF FINAL ORDER**

18 If Respondent does not request a hearing within 20 days, withdraws a hearing request, notifies
19 the Building Codes Division (Division) or the administrative law judge that they will not appear, or
20 fails to appear at a scheduled hearing, the Division will issue a Final Order by Default. If the Division
21 issues a Final Order by Default, it designates the file, including any materials submitted by Respondent
22 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.

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10 Dated this 5 day of January, 2015

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12 Andrea Simmons for
13 Chair
14 Electrical and Elevator Board
15 State of Oregon
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