

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

2 **IN THE MATTER OF:**

3 **T.L. ELECTRICAL, LLC.,**
4 **AN INACTIVE DOMESTIC LIMITED**
5 **LIABILITY COMPANY**

6 **RESPONDENT**

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

) **CASE NO. 2013-0001**
)
)

FINAL ORDER

As of: Oct. 15, 2013

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

12 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

13 (1) During all relevant times, Respondent held electrical contractors license no. C579.

14 (2) On or about July 13, 2012, at 405 N. 1st Street, Suite-103, Hermiston, Oregon,
15 Respondent installed electrical conduit and wiring to a new rooftop Heating, Ventilation and Air-
16 Conditioning HVAC unit without first obtaining an electrical permit, in violation of ORS
17 479.550(1).

18 (3) During or about December 7, 2012 to December 10, 2012, at 850 (832 corrected) S. Hwy
19 395, Hermiston, Oregon, Respondent engaged in the business of an electrical contractor, without
20 the direct supervision or control of a full-time continuously employed general supervising
21 electrician, in violation of OAR 918-282-0015.

22 (4) During or about December 7, 2012 to December 10, 2012, 832 S. Hwy 395, Hermiston,
23 Oregon, Respondent installed electrical conduit, wiring and receptacles without first obtaining an
24 electrical permit, in violation of ORS 479.550(1).

25 (5) On or about December 31, 2012, at the City of Hermiston, Respondent provided
incorrect information to the jurisdiction by using a signature application to obtain an electrical
permit for 832 S. Hwy 395, Hermiston, Oregon under the name and license of a signing supervising
electrician no employed by Respondent, in violation of OAR 918-309-0000(1).

(6) During or about December 19, 2012, December 30, 2012 and January 23, 2013 at 1619
N. First Street, Hermiston, Oregon, Respondent engaged in the business of an electrical contractor,
without the direct supervision or control of a full-time continuously employed general supervising
electrician, in violation of OAR 918-282-0015.

(7) During or about December 19, 2012 through December 30, 2012 at 1619 N. First Street,

1 Hermiston, Oregon Respondent installed electrical branch circuit wiring, switches, relays and
2 receptacles, for the account of another, without first having obtained an electrical permit, in
3 violation of ORS 479.550(1).

4 (8) On or about December 31, 2012, at the City of Hermiston, Respondent provided
5 incorrect information to the jurisdiction by using a signature on an application to obtain an electrical
6 permit for 1619 N. First Street, Hermiston, Oregon, under the name and license of a signing
7 supervising electrician no employed by Respondent, in violation of OAR 918-309-0000(1).

8 (9) The installations of electrical conduit, branch circuit wiring, switches, relays and
9 receptacles as outlined above are electrical installations, as defined in ORS 479.530(10).

10 **WHAT THE LAW SAYS**

11 (1) Under ORS 479.550(1), except as allowed by ORS 479.540, no person may make any
12 new electrical installation without first having obtained a valid electrical permit.

13 (2) Under OAR 918-282-0015, except as allowed by OAR 918-282-0000(3), a person may
14 not engage in the business of an electrical contractor without the direct supervision or control of a
15 continuously employed, full-time signing supervising electrician, acting within the scope of their
16 license.

17 (3) Under OAR 918-309-0000(1), the signature of a signing supervising electrician or
18 limited supervising electrician shall be required on each permit to aid in inspections by the division
19 and indicate responsibility under ORS 479.710. Any person providing false or incorrect
20 information or false or an incorrect signature to obtain a permit may be subject to compliance action
21 by the board.

22 **ORDER**

23 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board assess
24 the following:

- 25 (1) three \$1,000 civil penalties, totaling \$3,000 for violating ORS 479.550(1) on three
separate occasions.
- (2) two \$2,000 civil penalties, totaling \$4,000 for violating OAR 918-282-0015 on two
separate occasions.
- (3) two \$1,000 civil penalties, totaling \$2,000 for violating OAR 918-309-0000(1) on two
separate occasions.

The total civil penalties to be collected is \$9,000.

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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 Division. The postmarked date on the request for hearing must be no later than 20 days from the date the Notice of Intended Action (Notice) was served on Respondent. If this Notice was served to you in person, the service date is the date you received this Notice. If this Notice was served through the mail, the service date is the day the Notice was mailed, not the day Respondent received it.

If a request for hearing is not received with a postmark dated within 20 days, Respondents right to a hearing is considered waived unless the failure to request a hearing was beyond your reasonable control. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

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

NOTICE TO ACTIVE DUTY SERVICE MEMBERS

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

NOTICE OF FINAL ORDER

If Respondent does not timely request a hearing, withdraw a hearing request, notify the Board or the administrative law judge that Respondent will not appear, or fail to appear at a scheduled hearing, the Board will issue a Final Order by Default. If the Board issues a Final Order by Default, it designates the file, including any materials submitted by Respondent that relate to this matter, as the record for purpose of proving a prima facie case.

Respondent is entitled to judicial review of any final order issued in the matter of this Notice of a Proposed Civil Penalty. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If the Order was served in person, the service date is the date Respondent received the Order. If the Order was served through the mail, the service date is the day the Order was mailed, not the day it was received by Respondent. If Respondent does not file a petition for judicial review within 60 days,

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Respondent will lose the right to appeal. The informational phone number for the Oregon Court of Appeals is (503) 986-5555.

Dated this 23 day of September, 2013

Andrea Simmons for
Chairman
Electrical and Elevator Board
State of Oregon