

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

2 BEFORE THE PLUMBING BOARD OF THE STATE OF OREGON

3 IN THE MATTER OF:

4 LUIS E. CANDAMO, AN INDIVIDUAL

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RESPONDENT

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

) CASE NO. 2013-0121

**FINAL ORDER**

As of: August 27, 2013

Under ORS 455.895(1)(b) and OAR 918-001-0036, the Oregon Electrical and Elevator Board (Electrical Board) proposes disciplinary action against you in the form of a \$3,000 civil penalty; and under ORS 455.895(1)(a) and OAR 918-001-0036, the Oregon Plumbing Board (Plumbing Board) proposes disciplinary action against you in the form of a \$3,000 civil penalty, because you violated Building Codes Division statutes and or rules as follows:

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

13 (1) On or about April 11, 2013, you advertised to install water heaters, dishwashers and  
14 garbage disposals in Oregon, without an Oregon plumbing contractor's license, in violation of ORS  
447.040(1).

15 (2) Installing water heaters, dishwashers and garbage disposals, as described above, is  
16 plumbing under ORS 447.010(6).

17 (3) On or about April 11, 2013, you advertised to install or repair electrical circuit  
18 breakers, switches, and outlets in Oregon, without an Oregon electrical contractor's license, in  
violation of ORS 479.620(1).

19 (4) The installations or repair of electrical circuit breakers, switches, and outlets, as  
20 described above, are electrical installations under ORS 479.530(10).

21 **WHAT THE LAW SAYS**

22 (1) Under ORS 479.620(1), a person may not engage in the business of an electrical  
23 contractor without an electrical contractor's license.<sup>1</sup>

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25 <sup>1</sup> Under OAR 918-030-0010(8), for purposes of ORS 447.040, 479.620, 480.630 and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform, work for which a license or permit is required under Oregon law, including but not limited to a single instance.

1 (2) Under ORS 447.040(1), a person may not engage in the business of a plumbing  
2 contractor without a plumbing contractor license. (See footnote 1)

3 **ORDER**

4 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical Board assesses the  
5 following:

6 (1) a \$3,000 civil penalty for violation of ORS 479.620(1)

7 Under ORS 455.895(1)(a) and OAR 918-001-0036, the Plumbing Board assesses the  
8 following:

9 (2) a \$3,000 civil penalty for violation of ORS 447.040(1)

10 The total aggregate civil penalty is \$6,000.

11 **NOTICE OF RIGHT TO HEARING**

12 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon  
13 Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing and  
14 filed with the Division. The postmarked date on the request for hearing must be no later than 20  
15 days from the date the Notice of Intended Action (Notice) is served on the Respondent. If this  
16 Notice was served to Respondent in person, the service date is the date Respondent received this  
17 Notice. If this Notice was served through the mail, the service date is the day the Notice was  
18 mailed, not the day Respondent received it.

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

23 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a  
24 corporation may be represented by an authorized representative at the hearing. If Respondent  
25 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 Servicemembers  
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>.

1 **NOTICE OF FINAL ORDER**

2 If Respondent does not timely request a hearing, withdraws a hearing request, notifies the Board or  
3 the administrative law judge that they will not appear, or fails to appear at a scheduled hearing, the  
4 Board will issue a Final Order by Default. If the Board issues a Final Order by Default, it designates  
5 the file, including any materials submitted by Respondent that relate to this matter, as the record for  
6 purpose of proving a prima facie case.

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

15 Dated this 8 day of August, 2013

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18 Andrea Simmons for  
19 Chairman  
20 Electrical and Elevator Board  
21 State of Oregon

22 Dated this 8 day of August, 2013

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25 Andrea Simmons for  
Chairman  
Plumbing Board  
State of Oregon