

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

2 **IN THE MATTER OF:**

3 **STEVEN D. HERYFORD, AN INDIVIDUAL**

4 **RESPONDENT**

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

) **CASE NO. 2013-0144**

) **FINAL ORDER**

) **As of November 13, 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 to take disciplinary action against you in the form of a 3,000 civil penalty,
because you violated Building Codes Division statutes or rules as follows:

10 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

11 (1) During all relevant time you were licensed as a general supervising electrician and
12 registered as Synergy Utility Services LLC sole signing supervising electrician.

13 (2) On or about July 24, 2013, at 11703 Crossbill Drive, Klamath Falls, Oregon, you failed
14 to ensure Nick Stork, a first period electrical apprentice, had the proper license to install eight
15 electrical boxes, two bathroom lights, and fan and heater combinations by himself, without a
journeyman electrician's supervision, in violation of OAR 918-282-0140(2)(f).

16 (3) The installation of electrical boxes, bathroom lights, fan and heater combinations, as
described above, are electrical installations as defined in ORS 479.530(10).

17 **WHAT THE LAW SAYS**

18 (1) Under to OAR 918-282-0140(2)(f), a general signing supervising electrician must ensure
19 electricians have proper licenses for the work performed, and may not permit either by assent or by
20 failure to prevent, an individual to perform work for which they are not properly licensed.

21 **ORDER**

22 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses the following
sanction:

23 (1) a \$3,000 civil penalty for violating OAR 918-282-0140(2)(f)

1 **NOTICE OF RIGHT TO HEARING**

2 You are entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised
3 Statutes, Chapter 183. If you request a hearing, the request must be in writing and postmarked no
4 later than 20 days from the date of service. If the Notice was served on you in person, the date of
5 service is the date you received the Notice. If the Notice was served through the mail, the date of
6 service is the day the Notice was mailed, not the day you received it. If a request for hearing is not
7 received within the 20-day period, your right to a hearing shall be considered waived unless the
8 failure to request a hearing was beyond your reasonable control. Hearing requests shall be mailed
9 to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

10 You have the right to be represented by legal counsel. ORS 183.457 provides that a corporation
11 may be represented by an authorized representative at the hearing. If you request a hearing the
12 Board and Director will notify you of the time and place of the hearing. The Board and Director
13 will give you information on the procedures, right of representation and other rights of parties
14 relating to the conduct of the hearing before commencement of the hearing.

15 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

21 **NOTICE OF FINAL ORDER**

22 If you do not request a hearing within 20 days, this Notice will become a final order, effective 21
23 days after you were served. If you do not request a hearing or fails to appear at a scheduled hearing,
24 the Division's file on the matter becomes record.

25 You are entitled to judicial review of this Order. 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
upon you. See ORS 183.482. If the Order was served on you in person, the date of service is the
date you received the Order. If the Order was served through the mail, the date of service is the day
the Order was mailed, not the day it was received. If you do not file a petition for judicial review
within the 60 day time period, you will lose the right to appeal. The informational phone number
for the Oregon Court of Appeals is (503) 986-5555.

Dated this 21st day of October, 2013.

Andrea Simmons
Chairman
Electrical and Elevator Board
State of Oregon