



- 1 5. Under ORS 479.905(4), limited energy electrical activity means installation, alteration,  
2 maintenance, replacement or repair of electrical wiring and electrical products that do not  
3 exceed 100 volt-amperes in Class 2 and Class 3 installations.

### 4 CONCLUSIONS OF LAW

- 5 1. Voice and data systems are limited energy systems, as defined by ORS 479.905(4).  
6 2. When Respondent installed voice and data cabling, for the account of another,  
7 Respondent made electrical installations, as defined by ORS 479.530(10).  
8 3. By making electrical installations as described in Findings of Fact (1), without an Oregon  
9 electrical contractor's license, Respondent violated ORS 479.620(1).  
10 4. By making electrical installations, without first obtaining a valid electrical permit,  
11 Respondent violated ORS 479.550(1).  
12 5. By making electrical installations, without an electrician's license, Respondent violated  
13 ORS 479.620(3).

### 14 ORDER

15 Under ORS 455.995 and 455.895(1)(b), and OAR 918-001-0036, the Electrical and  
16 Elevator Board assesses the following:

- 17 1. a \$3,000 civil penalty for violating ORS 479.620(1)  
18 2. a \$1,000 civil penalty for violating ORS 479.550(1)  
19 3. a \$2,000 civil penalty for violating ORS 479.620(3)

20 The civil penalties assessed total \$6,000.

### 21 NOTICE OF RIGHT TO HEARING

22 Respondent is entitled to a hearing as provided by the Administrative Procedures Act,  
23 Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in  
24 writing and filed with the Building Codes Division no later than 20 days from the service date.  
25 If this Notice was served to Respondent in person, the service date is the date Respondent  
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 within 20 days, Respondent's right to a hearing is  
considered waived. 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

1 hearing before it begins.

2 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

8 **NOTICE OF FINAL ORDER**

9 If Respondent does not request a hearing within 20 days, withdraws a hearing request,  
10 notifies the Board or the administrative law judge that they will not appear, or fails to appear at a  
11 scheduled hearing, the Board will issue a Final Order by Default. If the Board issues a Final  
12 Order by Default, it designates the file, including any materials submitted by Respondent that  
13 relate to this matter, as the record for purpose of proving a prima facie case.

14 Respondent is entitled to judicial review of any final order issued in the matter of this  
15 Notice of Proposed Assessment of a Civil Penalty. Judicial review may be obtained by filing a  
16 petition for review with the Oregon Court of Appeals within 60 days after the Final Order is  
17 served. See ORS 183.482. If the Order was served in person, the service date is the date  
18 Respondent received the Order. If the Order was served through the mail, the service date is the  
19 day the Order was mailed, not the day it was received by Respondent. If Respondent does not  
20 file a petition for judicial review within 60 days, Respondent will lose the right to appeal. The  
21 phone number for the Oregon Court of Appeals is 503-986-5555.

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26 Dated this 20<sup>th</sup> day of May, 2014

27 Roseanne Nelson for

28 Chair  
29 Electrical and Elevator Board  
30 State of Oregon