

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

2 IN THE MATTER OF:

CONSENT ORDER

3 MIROSLAV BOYCHUK, AN INDIVIDUAL,

4 RESPONDENT.

BCD CASE C2014-0129

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6 The Building Codes Division, acting on behalf of the Electrical and Elevator Board
7 (Board) of the State of Oregon, conducted an investigation and determined that Miroslav Boychuk
8 (Respondent) violated certain provisions of the Oregon Building Codes statutes, administrative
9 rules, and specialty codes.

10 The parties agree to settle this matter informally. Respondent understands that Respondent
11 has the right to a hearing under the Administrative Procedures Act (chapter 183), Oregon Revised
12 Statutes (ORS), and fully and finally waives the right to a contested case hearing and any appeal
13 therefrom by the signing and entry of this Consent Order in the Board's records. Respondent agrees
14 to conduct all future business in compliance with the applicable statutes, Oregon Administrative
15 Rules (OAR), and specialty codes. Respondent understands that this order is a public record.

16 **FINDINGS OF FACT**

- 17 1. Respondent held Oregon electrician apprentice license 92605 based on reciprocity with a
18 Washington apprentice program until Washington terminated him from the program on
19 January 9, 2014, for failure to attend related training and failure to submit progress reports.
20 Based upon Washington's termination, Oregon similarly terminated Respondent from the
21 Oregon electrical apprentice program, effective January 9, 2014.
- 22 2. On June 19, 2014, Clackamas County Electrical Inspector Douglas Rudisel went to 10452
23 SW Denmark, Wilsonville, Oregon, and observed Respondent installing electrical wiring for
24 the account of another in a single-family dwelling under construction, while working for
25 Protech Electric LLC, which holds electrical contractor license C897.

- 1 3. At all times, Respondent did not possess an Oregon supervising or journeyman electrician
2 license.

3 **APPLICABLE LAW**

- 4 1. ORS 479.530(10) defines an electrical installation as the construction or installation of
5 electrical wiring and the permanent attachment or installation of electrical products.
6 2. Under ORS 479.620(3), a person may not make any electrical installation without a
7 supervising or journeyman electrician license.

8 **CONCLUSIONS OF LAW**

- 9 1. Installing electrical wiring for the account of another in a single-family dwelling under
10 construction is an electrical installation as defined by ORS 479.530(10).
11 2. Making the electrical installation described in Conclusion of Law paragraph 1 requires a
12 supervising or journeyman electrician license under ORS 479.620(3).
13 3. By making the electrical installations described in Conclusion of Law paragraph 1 without a
14 valid supervising or journeyman electrician license, Respondent violated ORS 479.620(3).

15 **CONSENT ORDER TERMS**

16 Respondent and the Board agree to resolve this matter without a hearing according to the
17 following terms:

- 18 1. The Board hereby assesses a \$2,000 total civil penalty for violating ORS 479.620(3), of
19 which \$1,500 will be suspended for a period of five years under the following terms:
20 1.1. Respondent agrees to pay the remaining \$500 of the civil penalty. Respondent's
21 payment shall be postmarked no later than July 25, 2015. *(An invoice will be included*
22 *with Respondent's copy of the Final Order after the Board signs it.)*
23 2. Respondent understands the suspended civil penalty (\$1,500) will be considered satisfied
24 five years after this Consent Order becomes a final order, provided Respondent complies
25 with its terms and has not committed any further violations of the Board's or Division's

1 statutes and rules within that five-year period. Respondent understands that if Respondent
2 does not comply with the terms of this Consent Order or if Respondent commits any further
3 violations of the Division's statutes or rules within the five-year period, then the entire civil
4 penalty, including any suspended amount, will become immediately due and payable.

5 Failure to comply with this Consent Order includes, but is not limited to, failure to pay the
6 civil penalty amount due by the due date.

7 3. Respondent agrees not to commit further violations of the Building Codes Division's
8 statutes and rules.

9 4. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases
10 that rely on the facts underlying this case. Cooperation may include, but is not limited to,
11 making sworn statements or testifying at administrative hearings.

12 5. Respondent understands that further enforcement action may be taken for any violation of
13 the Division's statutes or rules not alleged in this Consent Order, whether committed before
14 or after the execution of this Consent Order, and/or for any violation of the terms of this
15 Consent Order.

16 6. Respondent understands that failure to comply with this settlement agreement may result in
17 the denial of future licensing, certificate, registration, or other applications, or for the refusal
18 to renew the same; for the suspension, revocation, or conditioning of a license, certificate, or
19 registration issued by the Division or other state agencies, and/or for any other reason
20 provided for in law.

21 7. Respondent has read and fully understands the terms of this Consent Order, freely and
22 voluntarily consents to the entry of this order without further hearing, without any force or
23 duress, and expressly waives all rights to hearing or appeal in this matter.

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8. Respondent understands that, upon signature of all parties, this Consent Order will be a final order.

FOR THE RESPONDENT

Miroslav Boychuk
Miroslav Boychuk

Date: 6/29/15

FOR THE ELECTRICAL AND ELEVATOR BOARD

Andrea Simmons for
Chair,
Electrical and Elevator Board
State of Oregon

Date: 6/30/15