BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:	**CONSENT ORDER**
OLEG BOYCHENKO, AN INDIVIDUAL,	
RESPONDENT.	**BCD CASE C2014-0160**

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

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

FINDINGS OF FACT

1. At all relevant times, Respondent held Oregon electrical apprentice license 197722 and was employed by Portland Electric LLC, Oregon electrical contractor license C760. At no relevant time has Respondent held an indirect supervision electrical apprentice license and at no relevant time has Respondent held a supervising or journeyman electrician license.
2. On or about July 8, 2014, at lot 145, 11984 SW Barber St, Wilsonville, Oregon, Respondent installed line voltage electrical cables for the account of another, without a general supervising or journeyman electrician present.

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APPLICABLE LAW

1. ORS 479.530(10) defines an electrical installation as the construction or installation of electrical wiring and the permanent attachment or installation of electrical products.
2. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician license.
3. Under OAR 918-282-0270(5), an apprentice must be a final period electrical apprentice to hold an indirect supervision electrical apprentice license and that is the only license that would allow an electrical apprentice to work unsupervised.

CONCLUSIONS OF LAW

1. Installing line voltage electrical cables is an electrical installation as defined by ORS 479.530(10).
2. Making the electrical installation described in Conclusion of Law paragraph 1 requires a supervising or journeyman electrician license under ORS 479.620(3).
3. By making the electrical installation described in Conclusion of Law paragraph 1without a valid supervising or journeyman electrician license, Respondent violated ORS 479.620(3).

CONSENT ORDER TERMS

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

1. The Board hereby assesses a $2,000 total civil penalty for violating ORS 479.620(3), of which $1,750 will be suspended for a period of five years under the following terms:
   1.1. Respondent agrees to pay the remaining $250 of the civil penalty. Respondent's payment shall be postmarked no later than July 25, 2015. ***(An invoice will be included with Respondent's copy of the Final Order after the Board signs it.)***
2. Respondent understands the suspended civil penalty ($1,750) will be considered satisfied five years after this Consent Order becomes a final order, provided Respondent complies

with its terms and has not committed any further violations of the Board's or Division's statutes and rules within that five-year period. Respondent understands that if Respondent does not comply with the terms of this Consent Order or if Respondent commits any further violations of the Division's statutes or rules within the five-year period, then the entire civil penalty, including any suspended amount, will become immediately due and payable. Failure to comply with this Consent Order includes, but is not limited to, failure to pay the civil penalty amount due by the due date.

3. Respondent agrees not to commit further violations of the Building Codes Division's statutes and rules.
4. Respondent agrees to fully cooperate with the Division's enforcement efforts in other cases that rely on the facts underlying this case. Cooperation may include, but is not limited to, making sworn statements or testifying in administrative hearings.
5. Respondent understands that further enforcement action may be taken for any violation of the Division's statutes or rules not alleged in this Consent Order, whether committed before or after the execution of this Consent Order, and/or for any violation of the terms of this Consent Order.
6. Respondent understands that failure to comply with this settlement agreement may result in the denial of future licensing, certificate, registration, or other applications, or for the refusal to renew the same; for the suspension, revocation, or conditioning of a license, certificate, or registration issued by the Division or other state agencies, and/or for any other reason provided for in law.
7. Respondent has read and fully understands the terms of this Consent Order, freely and voluntarily consents to the entry of this order without further hearing, without any force or 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.

9. Respondent understands that this Consent Order is a public record.

FOR THE RESPONDENT

_____ Date: 06.28.15
Oleg Boychenko

FOR THE ELECTRICAL AND ELEVATOR BOARD

Andrea Simmons for Date: July 2, 2015
Chair,
Electrical and Elevator Board
State of Oregon