

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

2 **IN THE MATTER OF:**

3
4 **PAVEL BULUBENCHI,**
5 **ABN WHISHON CO.,**
6 **AN INDIVIDUAL,**

7 **RESPONDENT.**

**NOTICE OF PROPOSED ASSESSMENT
OF CIVIL PENALTIES**

NOTICE OF FINAL ORDER ON DEFAULT

FINAL ORDER

As of: February 25, 2016

BCD CASE C2015-0139

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9 **IF YOU DO NOT REQUEST A HEARING IN WRITING WITHIN 20 DAYS**
10 **OF THE POSTMARK DATE OF THIS NOTICE,**
11 **THIS NOTICE WILL BECOME A FINAL ORDER.**

12 **More information about this Notice and how to request a hearing is included below.**

13 Pursuant to Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules
14 (OAR) 918-001-0036, the Electrical and Elevator Board of the State of Oregon (Board) proposes to
15 assess civil penalties totaling \$6,000 against Pavel Bulubenchki, abn Whishon Co. (Respondent)
16 because Respondent violated Building Codes Division (Division) statutes and rules as identified
17 below.

18 **FINDINGS OF FACT**

- 19 1. During or about May through June 2015, Respondent performed the following work at 1304
20 Thompson Road in Woodburn, Oregon:
- 21 a. The installation of two new ceiling light fixtures in the kitchen, including the hard-
22 wiring of such light fixtures using existing wiring;
 - 23 b. The installation of new electrical receptacles throughout the kitchen, including the
24 hard-wiring of such receptacles using existing wiring;
 - 25 c. The installation of a kitchen island with an electrical receptacle, including the hard-
wiring of such receptacle using new wiring;

- 1 d. The installation of a new ceiling light fixture in the dining room, including the hard-
2 wiring of such fixtures using existing wiring; and
3 e. The installation of two new ceiling light fixtures in two bedrooms (one in each
4 room), including the hard-wiring of such fixtures using existing wiring.

- 5 2. At no relevant time has Respondent held an electrical contractor license.
6 3. At no relevant time has Respondent held a supervising or journeyman electrician license.
7 4. Respondent did not obtain an electrical permit prior to performing the foregoing work.

8 **APPLICABLE LAW**

- 9 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
10 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
11 0010(1)-(11), and OAR 918-251-0090(1)-(43).
12 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
13 electrical wiring and the permanent attachment or installation of electrical products in or on
14 any structure that is not itself an electrical product.
15 3. Under ORS 479.550(1), no person shall work on any new electrical installation for which a
16 permit has not been issued.
17 4. Under ORS 479.620(1), a person who does not hold an electrical contractor license may not
18 engage in the business of making electrical installations, advertise as or otherwise purport to
19 be licensed to make electrical installations or purport to be acting as a business that makes
20 electrical installations.
21 5. OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630, and any
22 other license regulated by ORS chapter 455, "engaging in the business" means to advertise
23 or solicit, contract or agree to perform, or to perform work for which a license or permit is
24 required under Oregon law, including but not limited to a single instance.

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1 6. Under ORS 479.620(3), a person may not make any electrical installation without a
2 supervising or journeyman electrician's license.

3 **CONCLUSIONS OF LAW**

- 4 1. The installation of ceiling light fixtures and the installation of electrical receptacles,
5 including the hard-wiring of those light fixtures and receptacles, constitute electrical
6 installations under ORS 479.530(10).
7 2. By making the foregoing electrical installations for which a permit was not issued,
8 Respondent violated ORS 479.550(1).
9 3. By making the foregoing electrical installations without holding a supervising or
10 journeyman electrician license, Respondent violated ORS 479.620(3).
11 4. By contracting or agreeing to perform and performing the foregoing electrical installations,
12 Respondent engaged in the business of making electrical installations under OAR 918-030-
13 0010(8).
14 5. By engaging in the business of making electrical installations without holding an electrical
15 contractor license, Respondent violated ORS 479.620(1).

16 **ORDER**

17 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses a total of
18 \$6,000 in civil penalties as follows:

- 19 1. \$3,000 for violating ORS 479.620(1);
20 2. \$2,000 for violating ORS 479.620(3); and
21 3. \$1,000 for violating ORS 479.550(1).

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23 **NOTICE OF RIGHT TO HEARING**

24 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, ORS
25 chapter 183. If Respondent requests a hearing, the request must be in writing and postmarked no

1 later than 20 days from the date of service of this Notice. If the Notice was served on Respondent in
2 person, the date of service is the date Respondent received the Notice. If the Notice was served
3 through the mail, the date of service is the day the Notice was mailed, not the day it was received by
4 the Respondent. If a request for hearing is not received within the 20-day period, Respondent's right
5 to a hearing shall be considered waived. Mail hearing requests to Building Codes Division,
6 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

7 Respondent may be represented by legal counsel. Pursuant to ORS 183.457 and OAR 918-
8 001-0030, a corporate Respondent may be represented by an authorized representative at the
9 hearing. If Respondent requests a hearing, Respondent will be notified of the time and place of the
10 hearing. The Division will give Respondent information on the procedures, right of representation,
11 and other rights of parties relating to the conduct of the hearing before the commencement of the
12 hearing.

13 NOTICE TO ACTIVE DUTY SERVICEMEMBERS

14 Active duty servicemembers have a right to stay proceedings under the Federal
15 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon
16 Military Department at 800-452-7500 for more information. If Respondent needs help finding legal
17 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website at
18 <http://legalassistance.law.af.mil/content/locator.php>.

19 NOTICE OF FINAL ORDER

20 This Notice will become a final order by default if Respondent does any of the following:
21 fails to request a hearing in writing within 20 days from the date of service of this Notice;
22 withdraws a hearing request; notifies the Building Codes Division or the administrative law judge
23 that Respondent will not appear at a scheduled hearing; or fails to appear at a scheduled hearing. If
24 this Notice becomes a final order by default, the Division's file on the matter, including all
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1 materials submitted by Respondent, becomes the record for the purpose of establishing a prima
2 facie case.

3 **RIGHT TO JUDICIAL REVIEW**

4 Respondent is entitled to judicial review of a final order in this matter. Judicial review may
5 be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after a
6 final order is served upon Respondent. See ORS 183.482. If a final order is served on Respondent in
7 person, the date of service is the date Respondent receives the order. If a final order is served
8 through the mail, the date of service is the day the order is mailed, not the day it is received by the
9 Respondent. If Respondent does not file a petition for judicial review within the 60-day time
10 period, Respondent will lose the right to appeal. The phone number for the Oregon Court of
11 Appeals is 503-986-5555.

12 **FOR THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON**

13 Andrea Sumner for Date: 2/3/16
14 Chair
15 Electrical and Elevator Board
16 State of Oregon
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