

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

2
3 **IN THE MATTER OF:**

4 **RUSLAN TKACHENKO, AN INDIVIDUAL,**

5 **RESPONDENT.**

)
) **NOTICE OF PROPOSED**
) **ASSESSMENT OF A CIVIL PENALTY**
) **AND FINAL ORDER ON DEFAULT**
)
) **BCD CASE C2014-0130**
)

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7 Under Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules (OAR)
8 918-001-0036, the Oregon Electrical and Elevator Board (Board) proposes disciplinary action against
9 Respondent in the form of civil penalties totaling \$2,000 because Respondent violated Building Codes
10 Division statutes and rules as follows:

11 **FINDINGS OF FACT**

- 12 1. On June 19, 2014, Clackamas County Electrical Inspector Douglas Rudisel went to 10452 SW
13 Denmark, Wilsonville, Oregon, and observed Respondent installing electrical wiring for the
14 account of another in a single-family dwelling under construction, while working for Protech
15 Electric LLC.
16 2. At all times, Respondent did not possess an Oregon supervising or journeyman electrician
17 license.

18 **APPLICABLE LAW**

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

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FINAL ORDER

As of: March 3, 2015

1 **CONCLUSIONS OF LAW**

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

8 **ORDER**

9 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses Respondent a \$2,000
10 civil penalty for violating ORS 479.620(3).

11 **NOTICE OF RIGHT TO HEARING**

12 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
13 Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and
14 filed with the Building Codes Division. The postmarked date on the request for hearing must be no
15 later than 20 days from the date the Notice of Proposed Action (Notice) was served on Respondent. If
16 this Notice was served to Respondent in person, the service date is the date Respondent received this
17 Notice. If this Notice was served through the mail, the service date is the day the Notice was mailed,
18 not the day Respondent received it. Mail hearing requests to Building Codes Division, Enforcement
19 Section, P.O. Box 14470, Salem, Oregon, 97309.

20 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
21 corporation may be represented by an authorized representative at the hearing. If Respondent requests
22 a hearing, Respondent will be notified of the time and place of the hearing and be given information on
23 procedures, right of representation, and other rights of parties relating to the hearing before it begins.

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1 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

7 **NOTICE OF FINAL ORDER**

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

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

21 Dated this 9th day of February, 2015

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23 Andrea Simmons for
24 Chair
25 Electrical and Elevator Board
State of Oregon