

**BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND
BUSINESS SERVICES OF THE STATE OF OREGON**

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3 **IN THE MATTER OF:**

4 **KA-CO ELECTRIC LLC, A DOMESTIC
LIMITED LIABILITY COMPANY**

5 **RESPONDENT**
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) **NOTICE OF PROPOSED REVOCATION OF
ELECTRICAL CONTRACTOR LICENSE
C211 AND FINAL ORDER ON DEFAULT**

) **CASE NO. C2014-0291**
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7 Under Oregon Revised Statutes (ORS) 455.129(2)(b), the Director of the Department of
8 Consumer and Business Services (Director) proposes to revoke Respondent's electrical contractor
9 license number C211 for violation of an order of the Director and the Electrical and Elevator Board
of the State of Oregon as follows:

10 **FINDINGS OF FACT**

- 11 1. On April 10, 2014, the Building Codes Division (division), working on behalf of the
12 Electrical and Elevator Board, issued an Amended Notice of Proposed Assessment of a Civil
13 Penalty against Respondent (case number C2014-0017) proposing \$5,000 in penalties for
14 violating Oregon Administrative Rules (OAR) 918-282-0010(1) (engaging in the business of
15 making electrical installations for the account of another without employing a full-time
16 signing supervisor) and for violating OAR 918-282-0120(1) (allowing an unlicensed
17 individual to make electrical installations, for the account of another, without having an
18 Oregon supervising or journeyman electrician's license).
- 19 2. On June 24, 2014, Respondent signed a Consent Order that became a Final Order on June 30,
20 2014.
- 21 3. Respondent failed to comply with the terms of the Final Order by failing to make payments of
22 \$250 per month, with the first payment due July 25, 2014. The division has not received any
23 payment to date.
- 24 4. On August 13, 2014, the division, on behalf of the Board, sent a Notice of Unpaid Civil
25 Penalties to Respondent requiring Respondent to contact the division to make payment
arrangements by September 12, 2014.
5. The division did not receive a response from Respondent following the mailing of the Notice
of Unpaid Civil Penalties and the notice was not returned undeliverable.
6. On October 20, 2014, a notice of proposed suspension of electrical contractor license C211
became a final order against the respondent (case number C2014-0225).

WHAT THE LAW SAYS

1. Under ORS 455.129(2)(b), a regulatory body listed in ORS 455.129(3) may revoke a license if the regulatory body finds that the license, certificate holder, registrant or applicant has failed to comply with an order of the regulatory body or the Director of the Department of Consumer and Business Services, including failure to pay a civil penalty.
2. Under ORS 455.129(3)(d), subsection (2) of ORS 455.129 applies to the department for the purposes of licenses issued under this chapter.

CONCLUSION OF LAW

By failing to comply with the Final Order in BCD case C2014-0017, Respondent's electrical contractor license number C211 may be revoked under ORS 455.129(2)(b).

ORDER

Under ORS 455.129(2)(b), the Director of the Department of Consumer and Business Services revokes Respondent's electrical contractor license number C211, and the total \$5,000 civil penalty is now due and payable for violating the Final Order in case number C2014-0017.

NOTICE OF RIGHT TO HEARING

Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and postmarked no later than 20 days from the service date. 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 by the Building Codes Division (division) with a postmark dated within 20 days, Respondent's rights 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 hearing before it begins.

NOTICE TO ACTIVE DUTY SERVICE MEMBERS

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

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NOTICE OF FINAL ORDER

If Respondent does not timely request a hearing, withdraws a hearing request, does not notify the Building Codes Division or the administrative law judge that Respondent will not appear, or fails to appear at a scheduled hearing, the division will issue a Final Order by Default. If the division issues a Final Order by Default, it designates the file, including any materials submitted by Respondent that relate to this matter, as the record for purpose of proving a prima facie case.

Respondent is entitled to judicial review of any final order issued in the matter of this Notice of Proposed Revocation of General Supervising Electrician License Number 4596S. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If the Final Order was served in person, the service date is the date Respondent received the order. If the Final Order was served through the mail, the service date is the day the order was mailed, not the day it was received by Respondent. If Respondent does not file a petition for judicial review within 60 days, Respondent will lose the right to appeal. The phone number for the Oregon Court of Appeals is 503-986-5555.

Dated this 12th day of December, 2014

Andrea Simmons for
Director
Department of Consumer and Business Services
State of Oregon