



1  
2  
3  
4  
5  
6  
7  
8  
9  
10

**APPLICABLE LAW**

- 11
1. Under Oregon Administrative Rules (OAR) 918-282-0010(1), an electrical contractor shall continuously employ<sup>3</sup> at least one full-time general supervising electrician except as otherwise exempted.
  2. Under ORS 455.125(2)(a), an appropriate advisory board may deny, suspend, condition or revoke a license or other authority of a person to perform work or conduct business issued under laws administered by the advisory board if the person fails to comply with a provision of ORS 479.510 to 479.945, or chapter 455 or with any rule adopted under those statutes.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**CONCLUSIONS OF LAW**

1. When Kimbro terminated his status as registered signing supervising electrician for Respondent, Respondent no longer employed a registered signing supervising electrician.
2. By not having a registered signing supervising electrician, Respondent failed to continuously employ at least one full-time general supervising electrician as a signing supervisor and remains noncompliant with this requirement, in violation of OAR 918-282-0010(1).
3. OAR 918-282-0010(1) is a rule adopted under ORS 479.730.
4. By failing to comply with OAR 918-282-0010(1), the Board may deny, suspend, condition or revoke Respondent's electrical contractor license C1051.

24 ///

25 ///

///

---

<sup>3</sup> Per OAR 918-251-0090(8), "continuously employ" means a person, including a person leased from a worker leasing company licensed under ORS 656.850, during time periods when electrical work for which they are responsible is performed, devotes their entire time of employment to tasks of supervising, designing, laying out, planning, controlling, and making electrical installations for the electrical contractor for which the supervisor is registered as signing supervisor.

1 **ORDER**

2 Under ORS 455.125(2)(a), the Board suspends Respondent's electrical contractor license  
3 C1051 until Respondent employs a registered signing supervising electrician, not to exceed one  
4 year.

5 **NOTICE OF RIGHT TO HEARING**

6 Respondent is entitled to a hearing as provided by the Administrative Procedures Act,  
7 Oregon Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in  
8 writing and filed with the Building Codes Division no later than 20 days from the date the Notice  
9 of Proposed Assessment of a Civil Penalty was served. If this Notice was served to Respondent in  
10 person, the service date is the date Respondent received this Notice. If this Notice was served  
11 through the mail, the service date is the day the Notice was mailed, not the day Respondent  
12 received it. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box  
13 14470, Salem, Oregon, 97309.

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

19 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

25 ///

1 **NOTICE OF FINAL ORDER**

2 If Respondent does not request a hearing within 20 days, withdraws a hearing request,  
3 notifies the Building Codes Division or the administrative law judge that Respondent will not  
4 appear, or fail to appear at a scheduled hearing, the Division will issue a Final Order by Default,  
5 effective 21 days after the Notice was served on Respondent. If the Division issues a Final Order  
6 by Default, it designates the file, including any materials submitted by Respondent that relate to  
7 this matter, as the record, for purpose of proving a prima facie case.

8 Respondent is entitled to judicial review of any final order issued in the matter of this  
9 Notice of Proposed Suspension of Electrical Contractor License C1051. Judicial review may be  
10 obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after the  
11 Final Order is served. See ORS 183.482. If the Order was served on Respondent in person, the  
12 date of service is the date Respondent received the Order. If the Order was served through the  
13 mail, the date of service is the day the Order was mailed, not the day Respondent received it. If  
14 Respondent does not file a petition for judicial review within the 60-day time period, Respondent  
15 will lose the right to appeal. The phone number for the Oregon Court of Appeals is 503-986-5555.

16  
17 Dated this 3 day of March, 2015.

18 Andrea Simmons for  
19 Chair  
20 Electrical and Elevator Board  
21 State of Oregon  
22  
23  
24  
25