

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

2 **IN THE MATTER OF:**

**NOTICE OF PROPOSED ASSESSMENT
OF A CIVIL PENALTY**

3
4 **NATHANEAL M. ICENOGLA,
AN INDIVIDUAL,**

NOTICE OF FINAL ORDER ON DEFAULT

5
6 **RESPONDENT.**

BCD CASE C2015-0135

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

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

11 Pursuant to Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules
12 (OAR) 918-001-0036, the Electrical and Elevator Board of the State of Oregon (Board) proposes to
13 assess civil penalties totaling \$2,000 against Nathaneal M. Icenogle (Respondent) because
14 Respondent violated Building Codes Division (Division) statutes and rules as identified below.

15 **FINDINGS OF FACT**

- 16 1. On or about March 3, 2015, Respondent was employed by Joseph F. Cain, dba Prompt
17 Electric,¹ to perform rough-in electrical work, including stripping non-metallic cable
18 sheathing within a wall-mounted receptacle for a light box switch, as part of a new
19 residential construction project at 919 SW 14th Place in Hermiston, Oregon.
20 2. At no relevant time did Respondent possess a supervising or journeyman electrician license.

21 **APPLICABLE LAW**

- 22 1. The terms used in this Notice may be defined in ORS 183.310(1)-(10), ORS 455.010(1)-
23 (10), ORS 479.530(1)-(23), ORS 479.905(1)-(5), OAR 918-001-0005(1)-(4), OAR 918-030-
24 0010(1)-(11), and OAR 918-251-0090(1)-(43).

25
¹ See related BCD case C2015-0134.

FINAL ORDER
As of: January 4, 2016

- 1 2. Under ORS 479.530(10), "Electrical installations" means the construction or installation of
2 electrical wiring and the permanent attachment or installation of electrical products in or on
3 any structure that is not itself an electrical product.
- 4 3. Under ORS 479.620(3), a person may not make any electrical installation without a
5 supervising or journeyman electrician's license.

6 **CONCLUSIONS OF LAW**

- 7 1. Performing rough-in electrical work, including stripping non-metallic cable sheathing within
8 a wall-mounted receptacle for a light box switch, as part of a new residential construction
9 project, constitutes an electrical installation under ORS 479.530(10).
- 10 2. Making the foregoing electrical installation requires a supervising or journeyman electrician
11 license under ORS 479.620(3).
- 12 3. By making the foregoing electrical installation without holding a supervising or journeyman
13 electrician license, Respondent violated ORS 479.620(3).

14 **ORDER**

15 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses a total of
16 \$2,000 in civil penalties for violating ORS 479.620(3).

17 **NOTICE OF RIGHT TO HEARING**

18 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, ORS
19 chapter 183. If Respondent requests a hearing, the request must be in writing and postmarked no
20 later than 20 days from the date of service of this Notice. If the Notice was served on Respondent in
21 person, the date of service is the date Respondent received the Notice. If the Notice was served
22 through the mail, the date of service is the day the Notice was mailed, not the day it was received by
23 the Respondent. If a request for hearing is not received within the 20-day period, Respondent's right
24 to a hearing shall be considered waived. Mail hearing requests to Building Codes Division,
25 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

1 Respondent may be represented by legal counsel. Pursuant to ORS 183.457 and OAR 918-
2 001-0030, a corporate Respondent may be represented by an authorized representative at the
3 hearing. If Respondent requests a hearing, Respondent will be notified of the time and place of the
4 hearing. The Division will give Respondent information on the procedures, right of representation,
5 and other rights of parties relating to the conduct of the hearing before the commencement of the
6 hearing.

7 NOTICE TO ACTIVE DUTY SERVICEMEMBERS

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

13 NOTICE OF FINAL ORDER

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

21 RIGHT TO JUDICIAL REVIEW

22 Respondent is entitled to judicial review of a final order in this matter. Judicial review may
23 be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days after a
24 final order is served upon Respondent. See ORS 183.482. If a final order is served on Respondent in
25 person, the date of service is the date Respondent receives the order. If a final order is served

1 through the mail, the date of service is the day the order is mailed, not the day it is received by the
2 Respondent. If Respondent does not file a petition for judicial review within the 60-day time
3 period, Respondent will lose the right to appeal. The phone number for the Oregon Court of
4 Appeals is 503-986-5555.

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

6 Rosanne Nelson for Date: 12-10-15
7 Chair

8 Electrical and Elevator Board
9 State of Oregon

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