

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF
OREGON

FINAL ORDER

As of: 9/20/13

IN THE MATTER OF:

JACOB J. BLESSING, AN INDIVIDUAL

RESPONDENT(YOU)

)
) NOTICE OF PROPOSED ASSESSMENT
) OF A CIVIL PENALTY AND FINAL
) ORDER ON DEFAULT
)
)
) CASE NO. 2013-0070
)
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Under ORS 455.895(1)(b) and OAR 918-001-0036, the Oregon Electrical and Elevator Board (Board) proposes disciplinary action against you in the form of a \$3,000 civil penalty, because you violated Building Codes Division statutes and or rules as follows:

FINDINGS OF FACT and CONCLUSIONS OF LAW

(1) On or about April 11, 2013, on www.craigslist.com you advertised to perform electrical work in Oregon for the account of another, specifically interior-exterior lighting, outlets, breakers and panel-work, without an Oregon electrical contractor's license, in violation of ORS 479.620(1).

WHAT THE LAW SAYS

(1) Under ORS 479.620(1) except as allowed by ORS 479.540 and ORS 479.940, a person may not engage in the business of an electrical contractor without and electrical contractors license.¹

ORDER

Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board assess the following:

(1) a \$3,000 civil penalty for violation of ORS 479.620(1).

¹ Under OAR 918-030-0010(8), for purposes of ORS 447.040, 479.620, 480.630 and any other license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract or agree to perform, or to perform, work for which a license or permit is required under Oregon law, including but not limited to a single instance.
BCD 2013-0070

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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 filed with the Division. The postmarked date on the request for hearing must be no later than 20 days from the date the Notice of Intended Action (Notice) was served on Respondent. If this Notice was served to you in person, the service date is the date you 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.

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If a request for hearing is not received with a postmark dated within 20 days, Respondents right to a hearing is considered waived unless the failure to request a hearing was beyond your reasonable control. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

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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.

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NOTICE TO ACTIVE DUTY SERVICE MEMBERS

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Active duty service members have a right to stay proceedings under the federal Service members 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

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If Respondent does not timely request a hearing, withdraw a hearing request, notify the Board or the administrative law judge that Respondent will not appear, or fail to appear at a scheduled hearing, the Board will issue a Final Order by Default. If the Board 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.

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Respondent is entitled to judicial review of any final order issued in the matter of this Notice of a Proposed Civil Penalty. 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 Order was served in person, the service date is the date Respondent received the Order. If the 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

1 60 days, Respondent will lose the right to appeal. The informational phone number for the
2 Oregon Court of Appeals is (503) 986-5555.

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4 Dated this 28th day of August, 2013

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6 Andrea Simmons for
7 Chairman
8 Electrical and Elevator Board
9 State of Oregon
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