

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

2 **IN THE MATTER OF:**

3 **DANIEL R THOMAS and EUGENE B GABRIEL,**
4 **dba TRADE WEST TILE AND DESIGN**

5 **RESPONDENT**

) **NOTICE OF PROPOSED ASSESSMENT**
) **OF A CIVIL PENALTY AND FINAL**
) **ORDER ON DEFAULT**

) **CASE NO. C2013-0224**

FINAL ORDER

As of: May 21, 2014

7 Under Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules
8 (OAR) 918-001-0036, the Oregon Electrical and Elevator Board (Board) proposes to take
9 disciplinary action against Respondent in the form of a \$6,000 civil penalty for violating Building
Codes Division statutes as follows:

10 **FINDINGS OF FACT**

- 11 (1) During or about the period from May 7, 2012 through September 7, 2012, at 18969
12 Highway 395 North, Lakeview, Oregon, Respondent installed a light fixture and a ground
fault circuit interrupter receptacle without an electrical permit.
- 13 (2) During or about the period from May 7, 2012 through September 7, 2012, at 18969
14 Highway 395 North, Lakeview, Oregon, Respondent installed a light fixture and a ground
fault circuit interrupter receptacle without a supervising or journeyman electrician's license.
- 15 (3) During or about the period from May 7, 2012 through September 7, 2012, at 18969
16 Highway 395 North, Lakeview, Oregon, Respondent installed a light fixture and a ground
fault circuit interrupter receptacle, for the account of another, without an electrical
contractor's license.

17 **WHAT THE LAW SAYS**

- 18 1. Under ORS 479.530(10), electrical installations include the construction or installation of
19 electrical wiring and the permanent attachment or installation of electrical products in or on
any structure that is not itself an electrical product.
- 20 2. Under ORS 479.550(1), a person may not work on any new electrical installation for which
21 a permit has not been obtained.¹
- 22 3. Under ORS 479.620(3), a person may not make any electrical installations without a
supervising or journeyman electrician's license.
- 23 4. Under ORS 479.620(1), a person may not engage in the business of an electrical contractor

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25 ¹ OAR 918-309-0000(5) establishes a permit issued to one person or firm is not transferable and shall not permit any
other person or firm to perform any electrical work thereunder.

without an electrical contractor's license.²

CONCLUSIONS OF LAW

- (1) Installing a light fixture and a ground fault circuit interrupter receptacle is an electrical installation as defined by ORS 479.530(10).
- (2) Installing a light fixture and a ground fault circuit interrupter receptacle, without an electrical permit, is in violation of ORS 479.550(1).
- (3) Installing a light fixture and a ground fault circuit interrupter receptacle, without a supervising or journeyman electrician's license is in violation of ORS 479.620(3).
- (4) Making an electrical installation, for the account of another, without an electrical contractor's license, is in violation of ORS 479.620(1).

ORDER

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

- (1) a \$1,000 civil penalty for violating ORS 479.550(1)
- (2) a \$2,000 civil penalty for violating ORS 479.620(3)
- (3) a \$3,000 civil penalty for violating ORS 479.620(1)

The assessed penalties total \$6,000.

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 date of service. If the Notice was served on Respondent in person, the date of service is the date Respondent received the Notice. If the Notice was served through the mail, the date of service is the day the Notice was mailed, not the day it was received by the Respondent. If a request for hearing is not received within the 20-day period, Respondent's right to a hearing shall be considered waived. Hearing requests shall be mailed 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 the Board will notify Respondent of the time and place of the hearing. The Board will give Respondent information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing before commencement of the hearing.

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² OAR 918-030-0010(8) states that 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 a single instance.

