

FINAL ORDER

As of: June 4, 2014

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

MARK GRABIL, AN INDIVIDUAL

RESPONDENT

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

)
) CASE NO. C2014-0049
)

Under Oregon Revised Statutes (ORS) 455.895(1)(b) and Oregon Administrative Rules (OAR) 918-001-0036, the Oregon Electrical and Elevator Board (Board) proposes disciplinary action against Respondent in the form of civil penalties totaling \$2,000 because Respondent violated Building Codes Division statutes and rules as follows:

FINDINGS OF FACT

1. On or about January 10, 2014, at 1585 Scandia Street, Eugene, Oregon, Respondent connected electrical wiring from the disconnect of the house to an outdoor compressor unit of a newly installed heat pump for the account of another.
2. At no relevant time did Respondent have an active Oregon general supervising electrician or journeyman electrician license.

APPLICABLE LAW

1. ORS 479.530(10) defines an electrical installation as the construction or installation of electrical wiring and the permanent attachment or installation of electrical products.
2. Under ORS 479.620(3), a person may not make any electrical installation without a supervising or journeyman electrician's license.

CONCLUSIONS OF LAW

1. Connecting electrical wiring from the disconnect of the house to an outdoor compressor unit of a newly installed heat pump are electrical installations as defined by ORS 479.530(10).
2. By making electrical installations without a valid supervising or journeyman electrician license,

1 Respondent violated ORS 479.620(3).

2 **ORDER**

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

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

5 The assessed civil penalties total \$2,000.

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8 **NOTICE OF RIGHT TO HEARING**

9 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
10 Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing and
11 filed with the Building Codes Division. The postmarked date on the request for hearing must be no
12 later than 20 days from the date the Notice of Proposed Action (Notice) was served on Respondent. If
13 this Notice was served to Respondent in person, the service date is the date Respondent received this
14 Notice. If this Notice was served through the mail, the service date is the day the Notice was mailed,
15 not the day Respondent received it. Mail hearing requests to Building Codes Division, Enforcement
16 Section, P.O. Box 14470, Salem, Oregon, 97309.

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

21 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

1 **NOTICE OF FINAL ORDER**

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

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

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16 Dated this 14th day of May, 2014

17 Roseanne Nelson for
18 Chair
19 Electrical and Elevator Board
20 State of Oregon