

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF:

KA-CO ELECTRIC, LLC, A DOMESTIC
LIMITED LIABILITY COMPANY

RESPONDENT

)
) NOTICE OF PROPOSED SUSPENSION
) OF ELECTRICAL CONTRACTOR
) LICENSE C211 AND FINAL ORDER ON
) DEFAULT
)
) BCD CASE C2014-0225
)

Under Oregon Revised Statutes (ORS) 455.129(2)(b), the Electrical and Elevator Board of the State of Oregon (Board) proposes to suspend Respondent's electrical contractor license number C211 for violation of an order of the Board as follows:

FINDINGS OF FACT

1. On April 10, 2014, an amended notice of proposed assessment of a civil penalty was issued against Respondent (case number C2014-0017) proposing \$5,000 in penalties for violating Oregon Administrative Rules (OAR) 918-282-0010(1) (engaging in the business of making electrical installations for the account of another without employing a full-time signing supervisor) and for violating OAR 918-282-0120(1) (allowing an unlicensed individual to make electrical installations, for the account of another, without having an Oregon supervising or journeyman electrician's license).
2. On June 24, 2014, respondent executed a Consent Order that became a Final Order on June 30, 2014, which included the requirement that respondent begin making payments of \$250 per month for six months, with the first payment due July 25, 2014.
3. No payment was received from Respondent for the first payment due July 25, 2014.
4. On August 13, 2014, the Building Code Division (division), on behalf of the Board, sent a Notice of Unpaid Civil Penalties to Respondent requiring Respondent to contact the division to make payment arrangements by September 12, 2014. The Notice warned that if Respondent did not take the requested action, the case would be turned over to the collections department and license C211 would be suspended.

FINAL ORDER

As of: October 20, 2014

- 1 5. The division did not receive a response from Respondent following the mailing of the Notice
2 of Unpaid Civil Penalties and the notice was not returned as undeliverable.
- 3 6. Respondent failed to comply with the terms of the Consent Order by failing to make the first
4 two payments for July 2014 and August 2014.

5 **APPLICABLE LAW**

- 6 1. Under ORS 455.129(2)(b), a regulatory body listed in ORS 455.129(3) may revoke a license
7 if the regulatory body finds that the licensee has failed to comply with an order of the
8 regulatory body.
- 9 2. Under ORS 455.129(3)(b), subsection (2) of ORS 455.129 applies to the Electrical and
10 Elevator Board for purposes of licenses issued under ORS 479.510 to ORS 479.945.

11 **CONCLUSION OF LAW**

12 By failing to comply with the Final Order in BCD case C2014-0017, Respondent's electrical
13 contractor license number C211 may be suspended under ORS 455.129(2)(b). By failing to comply
14 with the Consent Order, Respondent may now be assessed the \$3,500 of civil penalties that were
15 previously suspended under the terms of the Consent Order.

16 **ORDER**

17 Under ORS 455.129(2)(b), the Electrical and Elevator Board suspends Respondent's
18 electrical contractor license C211 for violating the Final Order in case number C2014-0017.
19 Electrical contractor license C211 will remain suspended until Respondent becomes current with the
20 civil penalties due in BCD case C2014-0017.

21 Due to Respondent's violation of the terms of the Consent Order, Respondent is now assessed
22 the remaining \$3,500 previously suspended in BCD case C2014-0017.

23 **NOTICE OF RIGHT TO HEARING**

24 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
25 Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and

1 filed with the Division no later than 20 days from the date of service. If the Notice was served on
2 Respondent in person, the date of service is the date Respondent received the Notice. If the Notice
3 was served through the mail, the date of service is the day the Notice was mailed, not the day it was
4 received by the Respondent. Hearing requests shall be mailed to Building Codes Division,
5 Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309. Respondent has the right to be
6 represented by legal counsel. ORS 183.457 provides that a corporation may be represented by an
7 authorized representative at the hearing. If Respondent requests a hearing the Board will notify
8 Respondent of the time and place of the hearing. The Board will give Respondent information on the
9 procedures, right of representation and other rights of parties relating to the conduct of the hearing
10 before commencement of the hearing.

11 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

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

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