Electrical and Elevator Board
Meeting agenda to include deliberation Out of Public Meeting
Thursday, July 27, 2017, 9:30 a.m.
Conference Room A
Board meetings are broadcast live via the Internet at
http://www.oregon.gov/bcd
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I. Board business
A. Call to order
B. Roll call
C. Approval of agenda and order of business
D. Approval of the draft board meeting minutes May 25, 2017
E. Date of the next regularly scheduled meeting: September 28, 2017

II. Public comment
This time is available for individuals wanting to address the board on non-agenda items only. The board will not take action on non-agenda items raised under public comment at this meeting. Testimony on agenda items will be heard when the item is called. (See "Issues to remember when addressing board" at the end of this agenda).

III. Reports/Deliberation Out of Public Meeting
(Break to clear audience from room for board deliberation Out of Public Meeting)
A. Out of Public Meeting to deliberate on a Proposed Order for Joseph L. Schirle, BCD Case No. C2016-0359, pursuant to ORS 192.690(1)

(Break to allow audience back in room to be seated)
Board review and provide a recommendation for Joseph L. Schirle, BCD Case No. C2016-0359
B. Board review and provide a recommendation for Christopher Schoeffel, BCD Case No. C2017-0008
C. Summary of enforcement actions previously taken by the division outlined on the enforcement board report (No board action required)
D. Revocations and conditioned licenses previously taken by the division outlined on the enforcement board report (No board action required)
E. Elevator program update
F. Electrical program update

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None
VII. New business
Review and approve committee recommendations for new continuing education course and instructor applications

VIII. Announcements - None

IX. Adjournment

Issues to remember when addressing the board:

- All public participation is subject to the discretion of the board chair for order of testimony, length and relevance.
- Speakers are generally limited to five minutes.
- Please register on the attendance registration form and on the public testimony registration form, listing the appropriate agenda item.
- The board chair will call you to the front testimony table.
- Please state your name and the organization you represent (if any).
- Always address your comments through the chair.
- If written material is included, please provide 20 three-hole-punched copies of all information to the boards administrator prior to the start of the meeting and, when possible, staff respectfully requests an electronic copy of materials 24 hours prior to the meeting.

Interpreter services or auxiliary aids for persons with disabilities are available upon advance request. Persons making presentations including the use of video, DVD, PowerPoint, or overhead projection equipment are asked to contact boards coordinator 24 hours prior to the meeting. For assistance, please contact Debi Barnes-Woods at 503-378-6787.

Please do not park vehicles with "E" plates in "customer only" spaces.

Note: For information regarding re-appointments or board vacancies, please visit the Governor's website.
Members present: Michael Weaver, electrical contractor, Chair  
Heather Miller, journeyman electrician, Vice-chair  
Thomas Faires, elevator manufacturing  
Timothy Frew, journeyman electrician  
Scott Hall, electrical equipment supplier  
Vern Palmrose, power and light industry  
Robert Pyne, journeyman elevator installer  
Joseph Pugh, public member  
Randy Smith, electrical inspector  
James Totten, owner or manager of a commercial office building

Members absent: Steven Trapp, electrical contractor  
Vacant, building official  
Vacant, commercial underwriter  
Vacant, electrical equipment manufacturing rep  
Vacant, industrial plant employing electricians

Staff present: Brett Salmon, manager, Policy and Technical Services  
Keith Anderson, electrical program chief, Policy and Technical Services  
Alana Cox, senior policy advisor, Policy and Technical Services  
Warren Hartung, elevator program chief, Statewide Services  
Andrea Simmons, manager, Enforcement Services  
Anthony Estrada, contested case representative, Enforcement Services  
Shannon Flowers, contested case representative, Enforcement Services  
Tyler Larson, policy analyst, Policy and Technical Services  
Todd Smith, policy analyst, Policy and Technical Services  
Richard Baumann, policy analyst, Policy and Technical Services  
Debi Barnes-Woods, boards administrator, Policy and Technical Services

Guests present: Nathan Philips, NECA  
James Imlah, IAEI  
Randy Carmony, Local 23  
Jon Jensen, IBEW Local 48  
Dave Baker, Central Electrical Training Center  
Jose with Eugene Water and Electric Board

I. Board business
   A. Call to order  
   Chairman Michael Weaver called the Electrical and Elevator Board meeting of May 25, 2017, to order at 9:33 a.m. The meeting was held at the Building Codes Division in Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

   B. Roll call  
   Thomas Faires, Robert Pyne, and Steven Trapp were all excused. Scott Hall and James Totten were connected by teleconference.
The Electrical and Elevator Board has the following four vacancies: Building official, commercial underwriter, electrical equipment mfr. representative, and industrial plant representative.

C. Approval of the agenda and order of business
Agenda Item VII.B. was removed from the agenda as requested by the original requestor.

Chair Weaver RULED the amended agenda and order of business approved.

D. Approval of the board meeting draft minutes of March 23, 2017
Chair Weaver RULED the board meeting draft minutes of March 23, 2017, final.

E. Date of the next regularly scheduled meeting: July 27, 2017.

II. Public comment - None

III. Reports
A. Electrical program update
Keith Anderson, electrical program chief, said that Residential and Manufactured Structures Board reviewed and accepted the low-rise residential electrical provisions at its May 10, 2017, meeting. He reminded the board of additional time for public input during the June 20, 2017, public hearing for the adoption of the 2017 Oregon Electrical Specialty Code, which includes low-rise residential electrical provisions.

All code proposals, agendas, minutes and videos are posted on the division website.

Chair Weaver discussed two unresolved items from the previous meeting:

- OESC 17-13, Electric Vehicle-Ready Parking Facilities – This item is being sent to Public Hearing June 20, 2017. Anticipated effective date of the proposed rule is October 1, 2017. (OAR 918-020-0380)
- Use of occupancy sensors to control egress lighting in 700.23 – This item is still under discussion

B. Elevator program update
Warren Hartung, elevator program chief, Statewide Services, reported on the March and April 2017 overdues and accidents.

Chair Weaver asked that future stats be sent out to board members the day before board meetings for proper review.

Before enforcement items were discussed, Anthony Estrada, contested case representative, Enforcement Services, introduced Rick Grisel, the newest member to Enforcement Services.

C. Consideration of a Final Order In the Matter of Grigoriy Bogoslavets
Mr. Estrada explained that Mr. Bogoslavets was denied renewal of his license. Mr. Bogoslavets had been ordered to pay damages under judgment related to construction and had become final by operation of law and that the conduct
supporting those judgments demonstrated that Mr. Bogoslavets was unfit to hold a limited residential electrician license.

**Motion by Tim Frew** to adopt the Proposed Order issuing the Final Order with no changes.

*Motion carried unanimously.*

D. **Summary of enforcement actions previously taken by the division outlined on the enforcement board report.** *(No board action required)*

Mr. Estrada was available for questions.

E. **License suspension previously taken by the division outlined on the enforcement board report.** *(No board action required)*

Mr. Estrada was available for questions.

IV. **Communications** - None

V. **Appeals** - None

VI. **Unfinished business** - None

VII. **New business**

A. **Board review and provide a recommendation to the Administrator for an additional amendment to the 2017 Oregon Electrical Specialty Code**

Nathan Philips, NECA, member of the code committee, said that after the March 23, 2017, Electrical and Elevator Board meeting, the code committee discovered that a proposed change discussed during the code committee process regarding multiple feeders in one- or two-family dwellings was not included in the 2017 National Electrical Code.

**Motion by Heather Miller, vice-chair,** to approve the committee’s recommendation to adopt the proposed language and forward to the Administrator for rulemaking and subsequent adoption, with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources. In addition, recommend that the Residential and Manufactured Structures Board approve the proposed language where it relates to low-rise residential electrical provisions.

*Motion carried unanimously.*

*This item was withdrawn by the original requestor*

B. **Request from Central Electrical Training Center to amend OAR 918-282-0270(5) regarding indirect supervision licenses of apprentice electricians**

C. **Request from Eugene Water & Electric Board (EWEB) to allow electric utilities to install UL-approved meterbase equipment (Generlink) between meter and customer-owned meterbase on overhead (OH) electric service**

EWEB asked the board for ruling to allow electric utilities to install UL-approved meterbase equipment between meter and customer-owned meterbase on overhead electric services.
Nathan Philips reviewed the board’s authority:

- Ask the division to form a committee to review the matter to prepare for rulemaking
- Ask that EWEB gather more information and then bring it back to the board
- Disapprove the request

Although the board took no action, they all agreed that more information was needed.

D. **Review and approve committee recommendations for new continuing education course and instructor applications**

Richard Baumann, policy analyst, Policy and Technical Services, said courses may now be submitted for 2017 OESC code change and Oregon Rule and Law continuing education courses because the Public Hearing Notice was filed May 15, 2017, which satisfied the requirement in administrative rule.

He also brought the board up-to-date on the Class B Limited Energy Technician 32-hour training programs discussed at a prior meeting. Letters have been sent to the instructors notifying them of the October 1, 2017, deadline date to resubmit their courses if the providers intend to continue to offer them.

Chair Weaver asked that committee member names be listed on future board memos regarding continuing education committee actions.

**Motion by vice-chair Heather Miller** to approve the committee recommendations.
**Motion carried unanimously.**

E. **Request received from Southwestern Idaho Electrical JATC for retroactive approval**

**Motion by vice-chair Miller** to approve the retroactive request from Southwestern Idaho Electrical JATC.
**Motion carried unanimously.**

F. **Request received from BlueVolt for retroactive approval**

**Motion by vice-chair Miller** to approve the request for retroactive approval.
**Motion carried unanimously.**

G. **Board review and approve update of Limited Maintenance Specialty Contractor license clarification**

A license clarification was updated and posted to the [division website](#) to clarify questions regarding the scope of a limited maintenance specialty contractor license.

**Motion by Tim Frew** to approve the changes made to the Limited Maintenance Specialty Contractor scope of work for license clarification.
**Motion carried unanimously.**
IX. **Announcements** - None

X. **Adjournment**
Chair Weaver adjourned the meeting at 10:40 a.m.

Respectfully submitted by Debi Barnes-Woods, boards administrator/coordinator.
State of Oregon  

Building Codes Division  

To: The Electrical and Elevator Board  

From: Anthony Estrada, contested case representative, Enforcement Services  

Subject: Final Order for Case No. C2016-0359, In the Matter of Joseph L. Schirle  

Action requested:  
To consider the adoption of a Second Amended Proposed Order and issue a Final Order.  

Background:  
On May 20, 2016, the Building Codes Division (Division), acting on behalf of the Electrical and Elevator Board (Board), issued a Notice of Application Denial (Notice) to Joseph L. Schirle (Respondent) in response to Respondent’s application for a limited residential electrician’s license. The Notice alleged that Respondent had not satisfied the requirements for that license as set forth in Oregon Administrative Rules (OAR) 918-030-0030 and OAR 918-282-0180. On July 8, 2016, Respondent requested a hearing.  

On September 13, 2016, the Division issued an Amended Notice of Proposed Denial of Application for Limited Residential Electrician License. On December 13, 2016, the Division issued a Second Amended Notice of Proposed Denial of Application for Limited Residential Electrician License (Second Amended Notice). The Second Amended Notice re-asserted the bases for denial set forth in the Notice and clarified its position that Respondent had not satisfied the experience requirements for a limited residential electrician’s license for the following primary reasons:  

a) Respondent did not submit proof of successful completion of the related training classes for a limited residential electrician’s license and could only qualify by submitting verification of twice the amount of equivalent work experience required for that license.1  

1 Under OAR 918-030-0030(2) and OAR 918-282-0180(2)(a), the doubled work experience required for a limited residential electrician license is as follows:  
   a. Stock room and material handling, 200 hours;  
   b. New Residential Wiring, 4,000 hours;  
   c. Intercommunication, Signal and Control System, 100 hours;  
   d. Underground Installation, 200 hours;  
   e. Trouble shooting, 400 hours;  
   f. Remodeling, 1,000 hours; and  
   g. Finishing and Fixture Hanging, 400 hours.
b) When accounting for (a), Respondent fell far short of the experience requirements for a limited residential electrician’s license.

A hearing was held on February 17, 2017. Administrative Law Judge (ALJ) Marni Davis presided over the hearing. The evidentiary record closed at the conclusion of the hearing. On March 31, 2017, ALJ Davis issued a Proposed Order finding that Respondent did not submit persuasive evidence he had successfully completed the related training classes for a limited residential electrician’s license and, therefore, he could only qualify for licensure by submitting verification of twice the amount of equivalent work experience required for that license. ALJ Davis concluded that Respondent had earned twice the amount of equivalent work experience and therefore met the requirements to obtain a limited residential electrician license as set forth in OAR 918-282-0180 and OAR 918-030-0030.

In determining Respondent’s eligible experience, ALJ Davis made the following findings:

   a) Between April 20, 2012 and 2015, Respondent worked for Electric Company as an apprentice electrician in Utah. He performed 500 hours of stockroom and material handling work, 2,500 hours of new residential wiring work, 500 hours of intercommunication work, 600 hours of underground work, 700 hours of troubleshooting work, 1,000 hours of remodeling work, and 500 hours of finishing work, for a total of 6,300 hours of eligible electrical experience.

   b) Between April 28, 2013 and February 19, 2016, Respondent worked for Premier as an apprentice electrician in Utah. He performed 128 hours of residential wiring work for Premier.

   c) Between February 2016 and July 21, 2016, Respondent performed 100 hours of stock room work, 1,453 hours of new residential work, 1,072 hours of intercommunication work, 107 hours of underground work, 369 hours of troubleshooting work, and 102 hours of finishing work, for a total of 3,203 hours of eligible electrical experience, for Zap Electric as an apprentice electrician in Oregon.

   d) Respondent had a total of 8,252 hours of eligible work experience, including 4,081 hours of eligible residential wiring work.

ALJ Davis concluded that Respondent’s eligible electrical experience qualified him for a limited residential electrician’s license under OAR 918-030-0030(2), pursuant to OAR 918-282-0180(2)(a) and (c), and proposed that Respondent’s application for a limited residential electrician’s license be approved.

On April 19, 2017, the Division filed exceptions to the Proposed Order. The Division took exception with ALJ Davis’s determination of eligible work experience Respondent earned pursuant to his employment with Zap Electric, and argued that ALJ Davis erroneously credited Respondent with more work experience than the record supported. Consequently, the Division

Under OAR 918-030-0030(2) and OAR 918-282-0180(2)(b), the doubled total electrical work experience required for a limited residential electrician license is at least 8,000 hours.
took exception with ALJ Davis’s conclusion that Respondent had sufficient work experience to qualify for a limited residential electrician’s license.

On May 12, 2017, ALJ Davis issued an Amended Proposed Order finding that Respondent did not meet the requirements to obtain a limited residential electrician license as set forth in OAR 918-282-0180 and OAR 918-030-0030. In particular, ALJ Davis revised her findings regarding the electrical work Respondent performed for Zap Electric between February 2016 and July 21, 2016. In the Amended Proposed Order, ALJ Davis found that Respondent performed 0 hours of stock room work, 328 hours of new residential work, 72 hours of intercommunication work, 7 hours of underground work, 119 hours of troubleshooting work, and 52 hours of finishing work for Zap Electric during that time period. Given these revised calculations, ALJ Davis concluded that Respondent had earned a total of 6,727 hours of relevant work experience, which is short of the 8,000 hours requirement under OAR 918-030-0030(2), pursuant to OAR 918-282-0180(2)(a) and (c).

On June 2, 2017, Respondent filed exceptions to the Amended Proposed Order. Respondent took exception with:

a) ALJ Davis’s determination that “Utah does not have reciprocity with Oregon to license Respondent as a limited residential electrician in Oregon”; and

b) ALJ Davis’s conclusion that “Respondent does not meet the requirements to obtain a limited residential electrician license as set forth in OAR 918-282-0180”

In support of his exceptions to the Amended Proposed Order, Respondent submitted an exhibit labeled “Agreement”, which consisted of a 2004 reciprocity agreement between Utah and Oregon pertaining to journeyman and supervising electrician licenses.

The Second Amended Proposed Order adopts the ALJs findings and conclusions from the Amended Proposed Order, while excluding the “Reciprocity Agreement” submitted by Respondent in support of his exceptions because the record was closed and therefore additional evidence is prohibited under OAR 137-003-0655(5). The Second Amended Proposed Order also notes that neither the rejected Agreement nor the argument contained in Respondent’s exceptions alters the conclusions of law reached by the Division and ALJ Davis in this matter.
HISTORY OF THE CASE

On May 20, 2016, the Electrical and Elevator Board (Board) of the Building Codes Division (Division) issued a notice of application denial to Joseph L. Schirle (Respondent). On July 8, 2016, Respondent requested a hearing.

On September 13, 2016, the Division referred the hearing request to the Office of Administrative Hearings (OAH). Administrative Law Judge (ALJ) M. Davis was assigned to preside at hearing. On September 29, 2016, the Board issued an amended notice of proposed denial of application for limited residential electrician license. A prehearing conference was convened on December 12, 2016. Respondent appeared and was represented by attorney Kevin Swanson. Anthony Estrada, Andrea Simmons, and Shawn Haggin appeared on behalf of the Division. On December 13, 2016, the Board issued a second amended notice of proposed denial of application for limited residential electrician license.

A telephone hearing was held on February 17, 2017. Respondent appeared and was represented by Mr. Swanson. The Building Codes Division was represented by Mr. Estrada. Mr. Haggin testified on behalf of the Division. The record closed at the conclusion of the hearing.

ISSUE

Whether Respondent meets the requirements to obtain a journeyman electrician’s license, as set forth in OAR 918-282-0180 and OAR 918-030-0030.

EVIDENTIARY RULINGS

Exhibits A1 and A2, offered by the Division, were admitted into the record without objection. Exhibit A3, offered by the Division, was withdrawn. Exhibit A4, offered by the Division, was admitted into the record over Respondent’s relevancy objection. Exhibits R1 through R6, offered by Respondent, were admitted into the record without objection.
FINDINGS OF FACT

1. On October 7, 2009, Respondent received his GED. (Ex. R1.)

2. In 2010, Respondent began working for Electric Company (Electric) as a stock room worker. He also organized parts and swept floors. He did not perform any electrical work. (Test of Respondent.)

3. In 2011, 2012, 2013, and 2015, Respondent was enrolled in school at Salt Lake Community College. He completed 289 course hours in the electricians program. (Ex. R2.)

4. On April 20, 2012, Respondent became a licensed apprentice electrician with the State of Utah. At that time, Respondent began working for Electric as an apprentice electrician. Utah does not have reciprocity with Oregon to license Respondent as a limited residential electrician in Oregon. (Exs. A2 at 14-15, R2, R3; test. of Haggin, Respondent.)

5. Between April 20, 2012 and 2015, Respondent worked for Electric as an apprentice electrician. He performed 500 hours of stockroom and material handling work, 2,500 hours of new residential wiring work, 500 hours of intercommunication work, 600 hours of underground work, 700 hours of troubleshooting work, 1,000 hours of remodeling work, and 500 hours of finishing work. Respondent did not receive a certificate of completion for his work as an apprentice electrician with Electric. (Ex. A2; test. of Haggin, Respondent.)

6. Between April 28, 2013 and February 19, 2016, claimant worked for The Premier Group (Premier) as an apprentice electrician. He performed 128 hours of residential wiring work for Premier, a Colorado-based company. He only performed work for Premier in Utah. Respondent did not receive a certificate of completion for his work as an apprentice electrician with Premier. (Ex. R4; test. of Respondent.)

7. In approximately February 2016, Respondent began working for Zap Electric, LLC (Zap Electric) in Oregon. By April 14, 2016, Respondent had performed 240 hours of residential work for Zap Electric. (Ex. A2 at 3.)

8. On April 14, 2016, Respondent applied for a limited residential electrician license in Oregon. (Ex. A1.)

9. By July 21, 2016, Respondent had performed 100 hours of stock room work, 1,453 hours of new residential work, 1,072 hours of intercommunication work, 107 hours of underground work, 369 hours of troubleshooting work, and 102 hours of finishing work for Zap Electric. (Ex. R6.) He has not received a certificate of completion of apprenticeship program from Zap Electric. (Test. of Respondent.)

10. Respondent has not received a certificate of completion from any registered apprenticeship program. (Test. of Respondent.)
CONCLUSION OF LAW

Respondent meets the requirements to obtain a limited residential electrician license as set forth in OAR 918-282-0180 and OAR 918-030-0030.

OPINION

The Division denied Respondent’s application for a limited residential electrician license on the ground that he does not meet the requirements for licensure. Respondent, however, contends that he meets the licensing requirements. As the proponent of that position, Respondent has the burden to establish, by a preponderance of the evidence, that he meets the applicable requirements. ORS 183.450(2) (“The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position”); Harris v. SAIF, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of the fact or position); Metcalf v. AFSD, 65 Or App 761, 765 (1983) (in the absence of legislation specifying a different standard, the standard of proof in an administrative hearing is preponderance of the evidence). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely than not true. Riley Hill General Contractor v. Tandy Corp., 303 Or 390, 402 (1987).

OAR 918-030-0030 provides, in part:

All applicants must submit proof of qualifying criteria as required by the appropriate rules and in the manner established by this rule.

(1) Submit to training and experience verification as follows:

(a) A certificate of completion from a registered apprenticeship program, or a referral letter from either the registered training committee or a board approved training program stating the applicant is qualified to take the examination. The division will accept completion from an apprenticeship program that is not registered only if it meets the Oregon standard for apprenticeship training.

(b) A copy of a valid license from a reciprocal jurisdiction or a letter from the reciprocal jurisdiction stating that the applicant is currently licensed. Only reciprocal jurisdiction licenses obtained through examination meet this requirement; or

(c) Other verification of equivalent training and experience submitted in the manner established in OAR 918-030-0040 and 918-030-0050.

(2) Electrical license applicants who are required to submit proof of related training classes may alternatively submit verification of twice the amount of equivalent work experience required for the license.
(3) Applicants required to take an examination must submit proof of a high school diploma, GED or international equivalent. A college degree will substitute for the requirements of this section.

(4) For purposes of qualifying for a license, the division will consider no more than 2,000 hours of experience per year.

* * * * *

OAR 918-282-0180(2) provides, in relevant part:

License and Equivalency Requirements.

(a) Applicants for acceptance under equivalent requirements shall show proof of the following work categories and minimum hours of on-the-job training or experience:

(A) Stock room and material handling, 100 hours:

* * * * *

(B) Residential Wiring, 2,000 hours:

* * * * *

(C) Intercommunication, Signal and Control System, 50 hours

* * * * *

(D) Underground Installation, 100 hours:

* * * * *

(E) Troubleshooting, 200 hours:

* * * * *

(F) Remodeling, 500 hours:

* * * * *

(G) Finishing and Fixture Hanging, 200 hours:

* * * * * (check on this)

(c) Total Hours Required. Total electrical work experience shall be at least 4,000 hours. No more than 300 percent credit shall be allowed for subjects (A) through (G) for any one subject[.]

(d) Related Training Classes. Applicants shall submit transcripts with passing grades of “C” or better in graded classes and a “pass” in non-graded classes in the following related electrical training classes:

(A) Electrical mathematics;
(B) Safety and accident prevention;
(C) Care and use of hand and power tools;
(D) Blueprint reading and electrical symbols;
(E) Introduction to National Electrical Code;
(F) Electrical fundamentals and basic theory, including AC and DC;
(G) Electric measuring devices;
(H) Wiring methods;
(I) Low voltage distribution and limited energy circuits;
(J) Residential calculations;
(K) Basics of motors, generators and transformers;
(L) Practical circuit sketching;
(M) Lighting circuits;
(N) Fundamentals of electronics;
(O) High voltage distribution and equipment.

At hearing, Respondent asserted that he qualified for a limited residential electrician license as a result of his related training classes and, alternatively, as a result of the training and experience that he obtained while working for Electric, Zap Electric, and Premier. Under OAR 918-282-0180(2)(d), an applicant may qualify for a residential electrician’s license if he or she submits transcripts with passing grades of “C” or better in various classes. While Respondent provided transcripts of the courses he enrolled in at Salt Lake City Community College, the course descriptions did not provide enough information to establish that Respondent received passing grades in all the subject areas listed (A) through (O). Thus, the evidence is not persuasive that Respondent qualifies for licensure as a result of his related training classes.

The remaining issue is whether Respondent qualifies for a limited residential electrician’s license under OAR 918-030-0030(2), as a result of his training and experience with Electric, Zap Electric, and Premier. Under that rule, electrical license applicants who are required to submit proof of related training classes may alternatively submit verification of twice the amount of equivalent work experience required for the license, which is 8,000 hours. However, under the “300 percent rule” of OAR 918-282-0180(2)(b), the maximum number of hours the Board may accept from Respondent from each electrical category set forth in OAR 918-282-0180(2)(a) to determine his qualification for a limited residential license are as follows:

- Stock room and material handling: 600 hours
- Residential Wiring: 12,000 hours
- Intercommunication, Signal and Control System: 300 hours
- Underground Installation: 600 hours
- Troubleshooting: 1,200 hours
- Remodeling: 3,000 hours
- Finishing and Fixture Hanging: 1,200 hours

Under these rules, Respondent’s total hours of experience that do not exceed the “300% rule” are as follows:

- Stock room and material handling: 600 hours
- Residential Wiring: 4,081 hours
- Intercommunication, Signal and Control System: 300 hours
- Underground Installation: 600 hours
- Troubleshooting: 1,069 hours
Remodeling: 1,000 hours  
Finishing and Fixture Hanging: 602 hours  

Respondent has a total of 8,252 hours of experience, which qualifies him for a limited residential electrician’s license, under OAR 918-030-0030(2), pursuant to OAR 918-282-0180(2)(a) and (c). However, the Division asserted at hearing that none of the hours of experience Respondent obtained should be credited to him because he did not receive a certificate of completion from a registered apprenticeship program upon obtaining those hours of experience. Mr. Haggin, assistant electrical program chief of the Board, testified that the Board has a policy that hours of experience will not count toward an applicant’s experience for licensure purposes if those hours do not result in a certificate of completion. While the Board’s customary practice may be to require a certificate of completion under those circumstances, there is nothing in the Division’s administrative rules to support such policy. Respondent’s hours of experience should be counted to qualify him for a limited residential electrician’s license.

Respondent has established that he is eligible for a limited residential electrician’s license, as set forth in OAR 918-030-0030 and OAR 918-282-0180.

ORDER

I propose the Building Codes Division issue the following order:

Joseph L. Schirle’s application for a limited residential electrician’s license is approved.

Marni J. Davis  
Administrative Law Judge  
Office of Administrative Hearings

APPEAL PROCEDURE

This is the Administrative Law Judge’s Proposed Order. You have the right to file written exceptions and argument to be considered per OAR 137-003-0650. Your exceptions and argument must be received within 20 calendar days after the service date of this Proposed Order. Send them to:

Building Codes Division  
Manager, Enforcement and Licensing  
PO Box 14470  
Salem, OR 97309-0404
CERTIFICATE OF MAILING

On March 31, 2017 I mailed the foregoing PROPOSED ORDER issued on this date in OAH Case No. 2016-ABC-00079.

By: First Class Mail

Joseph L. Schirle
527 NW Cypress St
Mcminnville OR 97128

Kevin K. Swanson
Kevin K Swanson LLC
2711 12 St. SE
Salem OR 97302

By: Electronic Mail

Anthony J. Estrada, Agency Representative
Building Codes Division
PO Box 14470
Salem OR 97309

Lucila Marquez for Alesia K Vella
Hearing Coordinator
BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

IN THE MATTER OF: ) ) DIVISION EXCEPTIONS ) ) OAH CASE NO. 2016-ABC-00079 ) ) BCD CASE NO. C2016-0359

JOSEPH L. SCHIRLE, ) Respondent

The Division files the following exceptions to the Proposed Order issued by Administrative Law Judge (ALJ) Marni Davis in the above-referenced matter. Exceptions to the findings in the Proposed Order are based upon the record submitted. OAR 137-003-0650 allows for exceptions to be filed by an agency in the event of an adverse decision. The rule also allows agency staff to comment on a proposed order issued by an ALJ. The agency may request that the ALJ review and provide a written response to the exceptions to be made a part of the record, or revise the Proposed Order as appropriate.

EXCEPTIONS

1) The Division finds exception with the ALJ’s determination of eligible work experience Respondent earned pursuant to his employment with Zap Electric, LLC (Zap Electric).

2) The Division finds exception with the ALJ’s conclusion that Respondent has sufficient work experience to qualify for a limited residential electrician’s license.

ARGUMENT

A. **ALJ Davis erroneously credited Respondent with more work experience than he actually earned.**

ALJ Davis found that Respondent began working for Zap Electric in approximately February 2016. (Proposed Order; Ex. A2 at 3). She also found that, by July 21, 2016, Respondent had performed the following for Zap Electric:

a. Stock room and material handling, 100 hours;
b. New Residential Wiring, 1,453 hours;

c. Intercommunication, Signal and Control System, 1,072 hours;

d. Underground Installation, 107 hours;

e. Trouble shooting, 369 hours; and

f. Finishing and Fixture Hanging, 102 hours.

(Proposed Order; Ex. R6).

In other words, ALJ Davis found that Respondent had performed 3,203 hours of electrical work in approximately five to six months. Roughly speaking, this would amount to 500 to 600 hours of electrical work performed each month (approximately 115 to 140 hours each week).

1. ALJ Davis double-counted experience Respondent had earned prior to his employment with Zap Electric.

ALJ relied upon Respondent’s Exhibit 6 in determining how much eligible electrical work Respondent performed for Zap Electric. (Proposed Order). Respondent’s Exhibit 6 was created by the Apprenticeship Department of the Independent Electrical Contractors (IEC) of Oregon. (test. of Haggin; test. of Respondent). Prior to relocating to Oregon, Respondent was enrolled in an IEC apprenticeship program in Utah. (test. of Respondent). When he moved to Oregon, Respondent transferred his apprenticeship to IEC of Oregon. (test. of Respondent).

Pursuant to the transfer of his apprenticeship, Respondent was credited with over 5,000 hours of electrical experience from his time in Utah. (test. of Respondent). This time is reflected in Respondent’s Exhibit 6, which contains the following summary of on-the-job (OJT) training:

a. 1/16 – 5010 hours

b. 2/16 – 65 hours

c. 3/16 – 180 hours

d. 4/16 – 166 hours

e. 5/16 – 176 hours
f. 6/16 – 176 hours
(R6 at 1).

The foregoing hours total 5,773 overall hours. Respondent is credited with 65 hours for the month of February – this is when he began working for Zap Electric, presumably sometime towards the middle or end of the month. The subsequent months reflect a consistent range of hours Respondent worked for Zap Electric at an average of 40 to 50 hours per week.

Respondent’s Exhibit 6 also contains a breakdown of Respondent’s OJT by electrical category. Those hours are identified as follows:

a. Stock room and material handling, 100 hours;

b. New Residential Wiring, 1,453 hours;

c. Intercommunication, Signal and Control System, 1,072 hours;

d. Underground Installation, 107 hours;

e. Trouble shooting, 369 hours; and

f. Finishing and Fixture Hanging, 102 hours.¹

(R6 at 1).

The foregoing hours total 5,773 overall hours, the same as in the OJT summary. It seems clear that these hours reflect all of the OJT the IEC of Oregon credited to Respondent, with the vast majority of such experience coming from Respondent’s work in Utah (and not from work performed for Zap Electric). Yet ALJ Davis credited Respondent with having performed all the work documented in (a) through (f) above exclusively for Zap Electric.

In determining Respondent’s eligible work experience, ALJ Davis credited Respondent with having worked 6,300 hours for The Electric Company and 128 hours for The Premier Group, both in Utah. (Proposed Order; Ex. A2; test. of Haggin; test. of Respondent). In determining

¹ The breakdown also contains Respondent’s commercial installation and industrial installation work experience. Neither category of work is applicable to qualifying for a limited residential electrician license, nor were those hours included in the 3,203 hours ALJ Davis credited to Respondent.
Respondent’s total eligible work experience, ALJ Davis considered Respondent’s Utah work experience in addition to the 3,203 hours she credited to Respondent’s employment with Zap Electric. In so doing, ALJ Davis double-counted many of Respondent’s Utah OJT hours.

Respondent’s actual work experience for Zap Electric is documented in Respondent’s Exhibit 6, page 2, where Respondent’s OJT for Zap Electrical, through July 21, 2016, is categorized as follows:

a. Stock room and material handling, 0 hours;²
b. New Residential Wiring, 328 hours;
c. Intercommunication, Signal and Control System, 72 hours;
d. Underground Installation, 7 hours;
e. Trouble shooting, 119 hours;
f. Finishing and Fixture Hanging, 52 hours.³

(R6 at 2).

The foregoing hours total 578 hours, which reflects a vastly more reasonable account of the OJT Respondent could have realistically accrued in the five to six months he had worked for Zap Electric at that time. Furthermore, the foregoing sums are consistent with the categorical breakdown of OJT in Respondent’s Exhibit 6, page 1. For example, Respondent is required to attain 250 hours in troubleshooting OJT pursuant to his apprenticeship. (R6 at 1). As of July 21, 2016, he was credited with 369 troubleshooting hours. (R6 at 1). This sum reflects the 250 hours he was credited with upon his transfer to the Oregon program⁴, in addition to the 119 hours he had earned for Zap Electric to that point. (R6 at 2). Similar correlations exist in the

² The electrical categories are identified by letters which correspond to the letter categories in Respondent’s Exhibit 6, page 1. For example, stock room and material handling is category (E) in R6-1 and Row (E) in R6-2.
³ Respondent also performed 96 hours of commercial installation work and 32 hours of industrial installation work for Zap Electric during this time. Neither category of work is applicable to qualifying for a limited residential electrician license.
⁴ It appears that IEC of Oregon did not credit Respondent’s Utah OJT beyond the requirement threshold of a particular category. For troubleshooting, that requirement was 250 hours.
intercommunication, underground, stock room and finish categories. (R6).

The record shows that Respondent attained 578 hours of relevant electrical experience pursuant to his employment with Zap Electric. ALJ Davis credited Respondent with 2,625 more hours of OJT with Zap Electric than the record supports.

2. The OJT that ALJ Davis credited Respondent with performing for Zap Electric in a five-month period significantly exceeds the annual limit on qualifying experience.

Under OAR 918-030-0030(4), for purposes of qualifying for a license, the Division will consider no more than 2,000 hours of experience per year.

As noted, ALJ Davis credited Respondent with 3,203 hours of work experience from February through July 21, 2016. Pursuant to OAR 918-030-0030(4), the Division could consider no more than 2,000 hours of that experience in determining Respondent's qualifications for a limited residential electrician license. Therefore, at the very least 1,203 hours of the work experience ALJ Davis credited Respondent with performing are ineligible for the purpose of qualifying Respondent to hold a limited residential electrician's license.5

In addition, this rule further illustrates the unlikelihood that Respondent actually performed 3,203 hours of electrical work for Zap Electric in a five to six month period.

B. **The record does not support the conclusion that Respondent has satisfied the work experience requirements to qualify for a limited residential electrician license.**

1. **Respondent has not satisfied the "total hours" requirement.**

Under OAR 918-282-0180(2)(a), applicants for a limited residential electrician license seeking acceptance under equivalent requirements shall show proof of the following work categories and minimum hours of on-the-job training or experience:

   a. Stock room and material handling, 100 hours;

   b. New Residential Wiring, 2,000 hours;

---

5 As already noted, the Division's position is that Respondent should only be credited with 578 hours of relevant electrical experience pursuant to his employment with Zap Electric.
c. Intercommunication, Signal and Control System, 50 hours;

d. Underground Installation, 100 hours;

e. Trouble shooting, 200 hours;

f. Remodeling, 500 hours;

g. Finishing and Fixture Hanging, 200 hours.

Under OAR 918-282-0180(2)(b), total electrical work experience required of applicants for a limited residential electrician license shall be at least 4,000 hours. No more than 300 percent credit shall be allowed for subjects (A) through (G) for any one subject.

Under OAR 918-030-0030(2), electrical license applicants who are required to submit proof of related training classes may alternatively submit verification of twice the amount of equivalent work experience required for the license.

ALJ Davis determined that Respondent did not qualify for licensure as a result of his related training classes, but could still qualify by submitting verification of twice the amount of equivalent work experience required for the limited residential electrician’s license. (Proposed Order). ALJ Davis determined that Respondent had to submit 8,000 total hours of equivalent work experience to qualify for the limited residential electrician’s license. (Proposed Order). ALJ Davis determined that Respondent had earned a total of 8,252 hours of eligible work experience and thereby qualified for a limited residential electrician’s license. (Proposed Order).

ALJ Davis determined that Respondent had the following eligible work experience pursuant to his employment with The Electric Company:

a. Stock room and material handling, 500 hours;

b. New Residential Wiring, 2,500 hours;

c. Intercommunication, Signal and Control System, 500 hours;

d. Underground Installation, 600 hours;

e. Trouble shooting, 700 hours;
f. Remodeling, 1,000 hours;

g. Finishing and Fixture Hanging, 500 hours.

(Proposed Order; Ex. A2; test. of Haggin; test. of Respondent).

The foregoing work experience totals 6,300 hours. ALJ Davis also determined that Respondent performed 128 hours of residential wiring for The Premier Group (Proposed Order; Ex. R4; test. of Respondent).

As noted, ALJ Davis credited Respondent with performing 3,203 hours of eligible electrical work for Zap Electric in 2016. (Proposed Order). As noted, Respondent’s actual work experience for Zap Electric through July 21, 2016, as documented in Respondent’s Exhibit 6, page 2, is categorized as follows:

a. Stock room and material handling, 0 hours;

b. New Residential Wiring, 328 hours;

c. Intercommunication, Signal and Control System, 72 hours;

d. Underground Installation, 7 hours;

e. Trouble shooting, 119 hours;

f. Finishing and Fixture Hanging, 52 hours.

(R6 at 2).

The foregoing work experience totals 578 hours. When combined with Respondent’s eligible Utah experience, the total eligible work experience submitted by Respondent to qualify for a limited residential electrician license is categorized as follows:

a. Stock room and material handling, 500 hours;

b. New Residential Wiring, 2,956 hours;

c. Intercommunication, Signal and Control System, 300 hours\(^6\);

d. Underground Installation, 600 hours\(^7\);

\(^6\) This is the maximum amount of experience with which Respondent can be credited in this category.

\(^7\) This is the maximum amount of experience with which Respondent can be credited in this category.
The foregoing eligible work experience totals 6,727 hours, which falls short of the 8,000 total hours of equivalent work experience required to qualify for the limited residential electrician’s license. Therefore, the record does not support the conclusion that Respondent has satisfied the "total hours" experience requirement to qualify for the limited residential electrician’s license.

2. **Respondent has not satisfied the “residential wiring” requirement**

As noted, ALJ Davis determined that Respondent did not qualify for licensure as a result of his related training classes, but could still qualify by submitting verification of twice the amount of equivalent work experience required for the limited residential electrician’s license. (Proposed Order). Applicants seeking qualification through this method must submit verification of twice the amount of equivalent work experience of total hours and hours required in each applicable electrical category. (Test. of Haggin).

As noted, ALJ Davis determined that Respondent had to submit 8,000 total hours of equivalent work experience to qualify for the limited residential electrician’s license. (Proposed Order). Twice the amount of equivalent work experience in each electrical category for a limited residential electrician’s license would amount to:

a. Stock room and material handling, 200 hours;

b. New Residential Wiring, 4,000 hours;

c. Intercommunication, Signal and Control System, 100 hours;

d. Underground Installation, 200 hours;

e. Trouble shooting, 400 hours;

f. Remodeling, 1,000 hours;
g. Finishing and Fixture Hanging, 400 hours.

Under the "300 percent rule" an applicant can receive credit for up to 300% of the work experience in each electrical category. ALJ Davis held that, under this rule, the maximum number of hours for which Respondent could receive credit towards limited residential electrician licensure were as follows:

a. Stock room and material handling, 600 hours;

b. New Residential Wiring, 12,000 hours;

c. Intercommunication, Signal and Control System, 300 hours;

d. Underground Installation, 600 hours;

e. Trouble shooting, 1,200 hours;

f. Remodeling, 3,000 hours;

g. Finishing and Fixture Hanging, 1,200 hours.

(Proposed Order).

ALJ Davis notably used *twice* the amount of equivalent work experience in each electrical category as the baseline for determining Respondent’s limitations under the “300 percent rule.” This suggests that ALJ Davis concluded that, under OAR 918-030-0030(2), Respondent was required to submit not only twice the amount of total equivalent work experience but also twice the amount in each electrical category.

Twice the amount of residential wiring experience required to qualify for a limited residential electrician’s license is 4,000 hours. As noted, ALJ Davis credited Respondent with performing 1,453 hours of eligible residential wiring for Zap Electric in 2016, and 4,081 total hours of eligible residential wiring. (Proposed Order). Respondent actually performed 328 hours of eligible residential wiring for Zap Electric in 2016, for a total of only 2,956 hours of eligible residential wiring. (R6 at 2).

Respondent has submitted 2,956 hours of eligible residential wiring experience. Therefore,
the record does not support the conclusion that Respondent has satisfied the “residential wiring”
experience requirement to qualify for the limited residential electrician’s license.

CONCLUSION

Applicants seeking electrical licensure by submitting verification of twice the amount of
equivalent work experience must submit verification of twice the amount of equivalent work
experience of total hours and hours required in each applicable electrical category. ALJ Davis
erroneously credited Respondent with more eligible work experience than he actually earned. In
applying Respondent’s actual eligible work experience towards the requirements for a limited
residential electrician’s license, Respondent fails to satisfy both the “total hours” and “residential
wiring” requirements. Respondent’s application for a limited residential electrician’s license
should be denied.

RELIEF REQUESTED

The Division requests that the ALJ review the exceptions so that they may be made part of
the record, and revise the proposed order as appropriate.

Dated this 18th day of April, 2017.

Anthony Estrada, Contested Case Representative
Building Codes Division
CERTIFICATE OF SERVICE

On April 19, 2017, Exceptions for BCD case C2016-0359 was served as follows on:

Respondent
Joseph Schirle
527 NW Cypress St
McMinnville OR 97128

☐ Certified Mail  ☒ Regular Mail  ☐ Facsimile  ☐ Interdepartmental
Mail

Respondent’s Atty
Joseph Schirle
c/o Kevin Swanson
2711 Twelfth St SE
Salem OR 97302

☐ Certified Mail  ☐ Regular Mail  ☐ Facsimile  ☐ Interdepartmental Mail

by mailing a true copy, return receipt requested for certified mail, with postage prepaid, and
depositing it in the United States Mail at 1535 Edgewater St NW, Salem, Oregon.

BUILDING CODES DIVISION

Juliet Wiersma, Manager's Assistant
Enforcement Section
503-378-3278

** Uploaded to OAH
mailed to AJ Davis.**
BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
BUILDING CODES DIVISION

IN THE MATTER OF: ) AMENDED PROPOSED ORDER
JOSEPH L. SCHIRLE ) OAH Case No. 2016-ABC-00079
 ) Former OAH Case No. 1604724
 ) Agency Case No. C2016-0359

HISTORY OF THE CASE

On May 20, 2016, the Electrical and Elevator Board (Board) of the Building Codes Division (Division) issued a notice of application denial to Joseph L. Schirle (Respondent). On July 8, 2016, Respondent requested a hearing.

On September 13, 2016, the Division referred the hearing request to the Office of Administrative Hearings (OAH). Administrative Law Judge (ALJ) Davis was assigned to preside at hearing. On September 29, 2016, the Board issued an amended notice of proposed denial of application for limited residential electrician license. A prehearing conference was convened on December 12, 2016. Respondent appeared and was represented by attorney Kevin Swanson. Anthony Estrada represented the Division. Andrea Simmons and Shawn Haggin also appeared on behalf of the Division. On December 13, 2016, the Board issued a second amended notice of proposed denial of application for limited residential electrician license.

ALJ Davis held a telephone hearing on February 17, 2017. Respondent appeared and was represented by Mr. Swanson. The Building Codes Division was represented by Mr. Estrada. Mr. Haggin testified on behalf of the Division. The record closed at the conclusion of the hearing.

On March 31, 2017, ALJ Davis issued a Proposed Order approving Respondent’s application for a limited residential electrician’s license. On April 19, 2017, the Division filed Exceptions to the Proposed Order. After considering the Division’s exceptions and reviewing the record, this Amended Proposed Order is issued.

ISSUE

Whether Respondent meets the requirements to obtain a limited residential electrician license, as set forth in OAR 918-282-0180 and OAR 918-030-0030.

1 See OAR 137-003-0650(3) and (4).
EVIDENTIARY RULINGS

Exhibits A1 and A2, offered by the Division, were admitted into the record without objection. Exhibit A3, offered by the Division, was withdrawn. Exhibit A4, offered by the Division, was admitted into the record over Respondent’s relevancy objection. Exhibits R1 through R6, offered by Respondent, were admitted into the record without objection.

FINDINGS OF FACT

1. On October 7, 2009, Respondent received his GED. (Ex. R1.)

2. In 2010, Respondent began working for Electric Company (Electric) as a stock room worker. He also organized parts and swept floors. He did not perform any electrical work. (Test. of Respondent.)

3. In 2011, 2012, 2013, and 2015, Respondent was enrolled in school at Salt Lake Community College. He completed 289 course hours in the electricians program. (Ex. R2.)

4. On April 20, 2012, Respondent became a licensed apprentice electrician in the State of Utah. At that time, Respondent began working for Electric as an apprentice electrician. Utah does not have reciprocity with Oregon to license Respondent as a limited residential electrician in Oregon. (Exs. A2 at 14-15, R2, R3; test. of Haggin, Respondent.)

5. Between April 20, 2012 and 2015, Respondent worked for Electric as an apprentice electrician. He performed 500 hours of stockroom and material handling work, 2,500 hours of new residential wiring work, 500 hours of intercommunication work, 600 hours of underground work, 700 hours of troubleshooting work, 1,000 hours of remodeling work, and 500 hours of finishing work. Respondent did not receive a certificate of completion for his work as an apprentice electrician with Electric. (Ex. A2; test. of Haggin, Respondent.)

6. Between April 28, 2013 and February 19, 2016, Respondent worked for The Premier Group (Premier), a Colorado-based company, as an apprentice electrician. He performed 128 hours of residential wiring work for Premier. He only performed work for Premier in Utah. Respondent did not receive a certificate of completion for his work as an apprentice electrician with Premier. (Ex. R4; test. of Respondent.)

7. In approximately February 2016, Respondent began working for Zap Electric, LLC (Zap Electric) in Oregon. By April 14, 2016, Respondent had performed 240 hours of new residential work for Zap Electric. (Ex. A2 at 3.)

8. On April 14, 2016, Respondent applied for a limited residential electrician license in Oregon. (Ex. A1.)

9. By July 21, 2016, Respondent had performed 0 hours of stock room work, 328 hours of new residential work, 72 hours of intercommunication work, 7 hours of underground work, 119 hours of troubleshooting work, and 52 hours of finishing work for Zap Electric. (Ex. R6 at
2.) He has not received a certificate of completion of apprenticeship program from Zap Electric. (Test. of Respondent.)

10. Respondent has not received a certificate of completion from any registered apprenticeship program. (Test. of Respondent.)

CONCLUSION OF LAW

Respondent does not meet the requirements to obtain a limited residential electrician license as set forth in OAR 918-282-0180 and OAR 918-030-0030.

OPINION

The Division denied Respondent’s application for a limited residential electrician license on the ground that he does not meet the requirements for licensure. Respondent, however, contends that he meets the licensing requirements. Because Respondent is applying for a license, he bears the burden to establish his eligibility by a preponderance of the evidence. Sobel v. Board of Pharmacy, 130 Or App 374, 380 (1994), rev den 320 Or 588 (1995) (“In an application proceeding, it is the applicant who has the burden of establishing eligibility, qualifications, and fitness”). ORS 183.450(2) (“The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position”); Harris v. SAIF, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of the fact or position); Metcalf v. AFSD, 65 Or App 761, 765 (1983) (in the absence of legislation specifying a different standard, the standard of proof in an administrative hearing is preponderance of the evidence). Proof by a preponderance of the evidence means that the fact finder is convinced that the facts asserted are more likely true than false. Riley Hill General Contractor v. Tandy Corp., 303 Or 390, 402 (1987).

OAR 918-030-0030 provides, in part:

All applicants must submit proof of qualifying criteria as required by the appropriate rules and in the manner established by this rule.

(1) Submit to training and experience verification as follows:

(a) A certificate of completion from a registered apprenticeship program, or a referral letter from either the registered training committee or a board approved training program stating the applicant is qualified to take the examination. The division will accept completion from an apprenticeship program that is not registered only if it meets the Oregon standard for apprenticeship training.

(b) A copy of a valid license from a reciprocal jurisdiction or a letter from the reciprocal jurisdiction stating that the applicant is currently licensed. Only reciprocal jurisdiction licenses obtained through examination meet this requirement; or
(c) Other verification of equivalent training and experience submitted in the manner established in OAR 918-030-0040 and 918-030-0050.

(2) Electrical license applicants who are required to submit proof of related training classes may alternatively submit verification of twice the amount of equivalent work experience required for the license.

(3) Applicants required to take an examination must submit proof of a high school diploma, GED or international equivalent. A college degree will substitute for the requirements of this section.

(4) For purposes of qualifying for a license, the division will consider no more than 2,000 hours of experience per year.

* * * * *

OAR 918-282-0180(2) provides, in relevant part:

License and Equivalency Requirements.

(a) Applicants for acceptance under equivalent requirements shall show proof of the following work categories and minimum hours of on-the-job training or experience:

(A) Stock room and material handling, 100 hours:

* * * * *

(B) Residential Wiring, 2,000 hours:

* * * * *

(C) Intercommunication, Signal and Control System, 50 hours

* * * * *

(D) Underground Installation, 100 hours:

* * * * *

(E) Troubleshooting, 200 hours:

* * * * *

(F) Remodeling, 500 hours:

* * * * *

(G) Finishing and Fixture Hanging, 200 hours:

* * * * *

(c) Total Hours Required. Total electrical work experience shall be at least 4,000 hours. No more than 300 percent credit shall be allowed for subjects (A) through (G) for any one subject;
(d) Related Training Classes. Applicants shall submit transcripts with passing grades of “C” or better in graded classes and a “pass” in non-graded classes in the following related electrical training classes:

(A) Electrical mathematics;
(B) Safety and accident prevention;
(C) Care and use of hand and power tools;
(D) Blueprint reading and electrical symbols;
(E) Introduction to National Electrical Code;
(F) Electrical fundamentals and basic theory, including AC and DC;
(G) Electric measuring devices;
(H) Wiring methods;
(I) Low voltage distribution and limited energy circuits;
(J) Residential calculations;
(K) Basics of motors, generators and transformers;
(L) Practical circuit sketching;
(M) Lighting circuits;
(N) Fundamentals of electronics;
(O) High voltage distribution and equipment.

At hearing, Respondent asserted that he qualified for a limited residential electrician license as a result of his related training classes and, alternatively, as a result of the training and experience that he obtained while working for Electric, Zap Electric, and Premier. Under OAR 918-282-0180(2)(d), an applicant may qualify for a residential electrician’s license if he or she submits transcripts with passing grades of “C” or better in various classes. While Respondent provided transcripts of the courses he enrolled in at Salt Lake City Community College, the course descriptions do not provide enough information to establish that Respondent received passing grades in all the subject areas listed OAR 918-282-0180(2)(d)(A) through (O). Thus, the evidence is not persuasive that Respondent qualifies for licensure as a result of his related training classes.

The remaining issue is whether Respondent qualifies for a limited residential electrician’s license under OAR 918-030-0030(2), as a result of his training and experience with Electric, Zap Electric, and Premier. Under that rule, electrical license applicants who are required to submit proof of related training classes may alternatively submit verification of twice the amount of equivalent work experience required for the license, which is 8,000 hours. However, under the “300 percent rule” of OAR 918-282-0180(2)(c), the maximum number of hours the Board may accept from Respondent from each electrical category set forth in OAR 918-282-0180(2)(a) (A) through (G) to determine his qualification for a limited residential license are as follows:

Stock room and material handling: 600 hours
Residential Wiring: 12,000 hours
Intercommunication, Signal and Control System: 300 hours
Underground Installation: 600 hours
Troubleshooting: 1,200 hours
Remodeling: 3,000 hours
Finishing and Fixture Hanging: 1,200 hours

Under these rules, Respondent’s total hours of experience that do not exceed the “300% rule” are as follows:

Stock room and material handling: 500 hours
Residential Wiring: 2,956 hours
Intercommunication, Signal and Control System: 300 hours
Underground Installation: 600 hours
Troubleshooting: 819 hours
Remodeling: 1,000 hours
Finishing and Fixture Hanging: 552 hours

Respondent has a total of 6,727 hours of experience, which does not meet the 8,000 hour requirement under OAR 918-030-0030(2), pursuant to OAR 918-282-0180(2)(a) and (c). Respondent has not obtained enough hours of experience to qualify him for a limited residential electrician’s license.

For these reasons, Respondent has not established that he is eligible for a limited residential electrician’s license, as set forth in OAR 918-030-0030 and OAR 918-282-0180.

ORDER

I propose the Building Codes Division issue the following order:

Joseph L. Schirle’s application for a limited residential electrician’s license is denied.

Marni J. Davis
Administrative Law Judge
Office of Administrative Hearings

APPEAL PROCEDURE

This is the Administrative Law Judge’s Proposed Order. You have the right to file written exceptions and argument to be considered per OAR 137-003-0650. Your exceptions and argument must be received within 20 calendar days after the service date of this Proposed Order. Send them to:

Building Codes Division
Manager, Enforcement and Licensing
PO Box 14470
Salem, OR 97309-0404
CERTIFICATE OF MAILING

On May 12, 2017, I mailed the foregoing Amended Proposed Order issued on this date in OAH Case No. 2016-ABC-00079.

By: First Class Mail

Joseph L Schirle
527 NW Cypress St
Mcminnville OR 97128

Kevin K Swanson
Kevin K Swanson LLC
2711 12 St. Se
Salem OR 97302

By: Electronic Mail

Anthony J Estrada, Agency Representative
Building Codes Division
PO Box 14470
Salem OR 97309

Lucy Garcia for Alesia K Vella
Hearing Coordinator
BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
BUILDING CODES DIVISION

IN THE MATTER OF: ) SECOND AMENDED PROPOSED
JOSEPH L. SCHIRLE ) ORDER
 )
 ) OAH Case No. 2016-ABC-00079
 ) Former OAH Case No. 1604724
 ) Agency Case No. C2016-0359

HISTORY OF THE CASE

On May 20, 2016, the Electrical and Elevator Board (Board) of the Building Codes Division (Division) issued a notice of application denial to Joseph L. Schirle (Respondent). On July 8, 2016, Respondent requested a hearing.

On September 13, 2016, the Division referred the hearing request to the Office of Administrative Hearings (OAH). Administrative Law Judge (ALJ) Davis was assigned to preside at hearing. On September 29, 2016, the Board issued an amended notice of proposed denial of application for limited residential electrician license. A prehearing conference was convened on December 12, 2016. Respondent appeared and was represented by attorney Kevin Swanson. Anthony Estrada represented the Division. Andrea Simmons and Shawn Haggin also appeared on behalf of the Division. On December 13, 2016, the Board issued a second amended notice of proposed denial of application for limited residential electrician license.

ALJ Davis held a telephone hearing on February 17, 2017. Respondent appeared and was represented by Mr. Swanson. The Building Codes Division was represented by Mr. Estrada. Mr. Haggin testified on behalf of the Division. The record closed at the conclusion of the hearing.

On March 31, 2017, ALJ Davis issued a Proposed Order approving Respondent’s application for a limited residential electrician’s license. On April 19, 2017, the Division filed Exceptions to the Proposed Order. After considering the Division’s exceptions and reviewing the record, this an Amended Proposed Order is was issued.\(^1\) On June 1, 2017, Respondent filed Exceptions to the Amended Proposed Order. The Division now amends the Amended Proposed Order for submission to the Board for consideration.\(^2\)

ISSUE

Whether Respondent meets the requirements to obtain a limited residential electrician license, as set forth in OAR 918-282-0180 and OAR 918-030-0030.

\(^1\) See OAR 137-003-0650(3) and (4).

\(^2\) Additions are in bold typeface and underlined; deletions are stricken through.
EVIDENTIARY RULINGS

Exhibits A1 and A2, offered by the Division, were admitted into the record without objection. Exhibit A3, offered by the Division, was withdrawn. Exhibit A4, offered by the Division, was admitted into the record over Respondent’s relevancy objection. Exhibits R1 through R6, offered by Respondent, were admitted into the record without objection.

Respondent, in support of his Exceptions to the Amended Proposed Order, submitted an exhibit labeled “Agreement.” The “Agreement” is not admitted into the evidentiary record, which was closed at the conclusion of the February 17, 2017 hearing.

FINDINGS OF fact

1. On October 7, 2009, Respondent received his GED. (Ex. R1.)

2. In 2010, Respondent began working for Electric Company (Electric) as a stock room worker. He also organized parts and swept floors. He did not perform any electrical work. (Test. of Respondent.)

3. In 2011, 2012, 2013, and 2015, Respondent was enrolled in school at Salt Lake Community College. He completed 289 course hours in the electricians program. (Ex. R2.)

4. On April 20, 2012, Respondent became a licensed apprentice electrician in the State of Utah. At that time, Respondent began working for Electric as an apprentice electrician. Utah does not have reciprocity with Oregon to license Respondent as a limited residential electrician in Oregon. (Exs. A2 at 14-15, R2, R3; test. of Haggin, Respondent.)

5. Between April 20, 2012 and 2015, Respondent worked for Electric as an apprentice electrician. He performed 500 hours of stockroom and material handling work, 2,500 hours of new residential wiring work, 500 hours of intercommunication work, 600 hours of underground work, 700 hours of troubleshooting work, 1,000 hours of remodeling work, and 500 hours of finishing work. Respondent did not receive a certificate of completion for his work as an apprentice electrician with Electric. (Ex. A2; test. of Haggin, Respondent.)

6. Between April 28, 2013 and February 19, 2016, Respondent worked for The Premier Group (Premier), a Colorado-based company, as an apprentice electrician. He performed 128 hours of residential wiring work for Premier. He only performed work for Premier in Utah. Respondent did not receive a certificate of completion for his work as an apprentice electrician with Premier. (Ex. R4; test. of Respondent.)

7. In approximately February 2016, Respondent began working for Zap Electric, LLC (Zap Electric) in Oregon. By April 14, 2016, Respondent had performed 240 hours of new residential work for Zap Electric. (Ex. A2 at 3.)

8. On April 14, 2016, Respondent applied for a limited residential electrician license in Oregon. (Ex. A1.)
9. By July 21, 2016, Respondent had performed 0 hours of stock room work, 328 hours of new residential work, 72 hours of intercommunication work, 7 hours of underground work, 119 hours of troubleshooting work, and 52 hours of finishing work for Zap Electric. (Ex. R6 at 2.) He has not received a certificate of completion of apprenticeship program from Zap Electric. (Test. of Respondent.)

10. Respondent has not received a certificate of completion from any registered apprenticeship program. (Test. of Respondent.)

CONCLUSION OF LAW

Respondent does not meet the requirements to obtain a limited residential electrician license as set forth in OAR 918-282-0180 and OAR 918-030-0030.

OPINION

The Division denied Respondent’s application for a limited residential electrician license on the ground that he does not meet the requirements for licensure. Respondent, however, contends that he meets the licensing requirements. Because Respondent is applying for a license, he bears the burden to establish his eligibility by a preponderance of the evidence. Sobel v. Board of Pharmacy, 130 Or App 374, 380 (1994), rev den 320 Or 588 (1995) (“In an application proceeding, it is the applicant who has the burden of establishing eligibility, qualifications, and fitness”). ORS 183.450(2) (“The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position”); Harris v. SAIF, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of the fact or position); Metcalf v. AFSD, 65 Or App 761, 765 (1983) (in the absence of legislation specifying a different standard, the standard of proof in an administrative hearing is preponderance of the evidence). Proof by a preponderance of the evidence means that the fact finder is convinced that the facts asserted are more likely true than false. Riley Hill General Contractor v. Tandy Corp., 303 Or 390, 402 (1987).

OAR 918-030-0030 provides, in part:

All applicants must submit proof of qualifying criteria as required by the appropriate rules and in the manner established by this rule.

(1) Submit to training and experience verification as follows:

(a) A certificate of completion from a registered apprenticeship program, or a referral letter from either the registered training committee or a board approved training program stating the applicant is qualified to take the examination. The division will accept completion from an apprenticeship program that is not registered only if it meets the Oregon standard for apprenticeship training.
(b) A copy of a valid license from a reciprocal jurisdiction or a letter from the reciprocal jurisdiction stating that the applicant is currently licensed. Only reciprocal jurisdiction licenses obtained through examination meet this requirement; or

(c) Other verification of equivalent training and experience submitted in the manner established in OAR 918-030-0040 and 918-030-0050.

(2) Electrical license applicants who are required to submit proof of related training classes may alternatively submit verification of twice the amount of equivalent work experience required for the license.

(3) Applicants required to take an examination must submit proof of a high school diploma, GED or international equivalent. A college degree will substitute for the requirements of this section.

(4) For purposes of qualifying for a license, the division will consider no more than 2,000 hours of experience per year.

* * * * *

OAR 918-282-0180(2) provides, in relevant part:

License and Equivalency Requirements.

(a) Applicants for acceptance under equivalent requirements shall show proof of the following work categories and minimum hours of on-the-job training or experience:

(A) Stock room and material handling, 100 hours:

* * * * *

(B) Residential Wiring, 2,000 hours:

* * * * *

(C) Intercommunication, Signal and Control System, 50 hours

* * * * *

(D) Underground Installation, 100 hours:

* * * * *

(E) Troubleshooting, 200 hours:

* * * * *

(F) Remodeling, 500 hours:

* * * * *

(G) Finishing and Fixture Hanging, 200 hours:

* * * * *
(c) Total Hours Required. Total electrical work experience shall be at least 4,000 hours. No more than 300 percent credit shall be allowed for subjects (A) through (G) for any one subject;

(d) Related Training Classes. Applicants shall submit transcripts with passing grades of “C” or better in graded classes and a “pass” in non-graded classes in the following related electrical training classes:

   (A) Electrical mathematics;
   (B) Safety and accident prevention;
   (C) Care and use of hand and power tools;
   (D) Blueprint reading and electrical symbols;
   (E) Introduction to National Electrical Code;
   (F) Electrical fundamentals and basic theory, including AC and DC;
   (G) Electric measuring devices;
   (H) Wiring methods;
   (I) Low voltage distribution and limited energy circuits;
   (J) Residential calculations;
   (K) Basics of motors, generators and transformers;
   (L) Practical circuit sketching;
   (M) Lighting circuits;
   (N) Fundamentals of electronics;
   (O) High voltage distribution and equipment.

At hearing, Respondent asserted that he qualified for a limited residential electrician license as a result of his related training classes and, alternatively, as a result of the training and experience that he obtained while working for Electric, Zap Electric, and Premier. Under OAR 918-282-0180(2)(d), an applicant may qualify for a residential electrician’s license if he or she submits transcripts with passing grades of “C” or better in various classes. While Respondent provided transcripts of the courses he enrolled in at Salt Lake City Community College, the course descriptions do not provide enough information to establish that Respondent received passing grades in all the subject areas listed OAR 918-282-0180(2)(d)(A) through (O). Thus, the evidence is not persuasive that Respondent qualifies for licensure as a result of his related training classes.

The remaining issue is whether Respondent qualifies for a limited residential electrician’s license under OAR 918-030-0030(2), as a result of his training and experience with Electric, Zap Electric, and Premier. Under that rule, electrical license applicants who are required to submit proof of related training classes may alternatively submit verification of twice the amount of equivalent work experience required for the license, which is 8,000 hours. However, under the “300 percent rule” of OAR 918-282-0180(2)(c), the maximum number of hours the Board may accept from Respondent from each electrical category set forth in OAR 918-282-0180(2)(a) (A) through (G) to determine his qualification for a limited residential license are as follows:

Stock room and material handling: 600 hours
Residential Wiring: 12,000 hours
Under these rules, Respondent’s total hours of experience that do not exceed the “300% rule” are as follows:

- Stock room and material handling: 500 hours
- Residential Wiring: 2,956 hours
- Intercommunication, Signal and Control System: 300 hours
- Underground Installation: 600 hours
- Troubleshooting: 819 hours
- Remodeling: 1,000 hours
- Finishing and Fixture Hanging: 552 hours

Respondent has a total of 6,727 hours of experience, which does not meet the 8,000 hour requirement under OAR 918-030-0030(2), pursuant to OAR 918-282-0180(2)(a) and (c). Respondent has not obtained enough hours of experience to qualify him for a limited residential electrician’s license.

For these reasons, Respondent has not established that he is eligible for a limited residential electrician’s license, as set forth in OAR 918-030-0030 and OAR 918-282-0180.

OAR 137-003-0655(5) provides, in relevant part, that the Agency or, if authorized to issue a final order, administrative law judge shall consider any timely exceptions and argument before issuing a final order. If exceptions are received, the agency or the administrative law judge may not consider new or additional evidence unless the agency requests the administrative law judge to conduct further hearings under section (1) of this rule.

The Agreement submitted by Respondent in support of his Exceptions is new and additional evidence, and shall not be considered in relation to this case.  

---

3 Neither the rejected Agreement nor the argument contained in Respondent’s Exceptions alter the conclusions of law in this case.
ORDER

I propose the Building Codes Division issue the following order:

Joseph L. Schirle’s application for a limited residential electrician’s license is denied.

Marni J. Davis
Administrative Law Judge
Office of Administrative Hearings

Chair
Electrical and Elevator Board
State of Oregon

APPEAL PROCEDURE

This is the Administrative Law Judge’s Proposed Order. You have the right to file written exceptions and argument to be considered per OAR 137-003-0650. Your exceptions and argument must be received within 20 calendar days after the service date of this Proposed Order. Send them to:

Building Codes Division
Manager, Enforcement and Licensing
PO Box 14470
Salem, OR 97309-0404

NOTICE OF OPPORTUNITY FOR JUDICIAL REVIEW
(OREGON COURT OF APPEALS)

Respondent is entitled to judicial review of this Final Order pursuant to ORS 183.482. Judicial review may be initiated by filing a petition for review with the Oregon Court of Appeals within sixty (60) days from the date this Final Order was served to Respondent.
CERTIFICATE OF MAILING

On May 12, 2017, I mailed the foregoing Amended Proposed Order issued on this date in OAH Case No. 2016-ABC-00079.

By: First Class Mail

Joseph L. Schirle
527 NW Cypress St
Mcminnville OR 97128

Kevin K. Swanson
Kevin K. Swanson LLC
2711-12 St. Se
Salem OR 97302

By: Electronic Mail

Anthony J. Estrada, Agency Representative
Building Codes Division
PO Box 14470
Salem OR 97309

Lucy Garcia for Alesia K. Vella
Hearing Coordinator
To: The Electrical and Elevator Board

From: Shannon Flowers, contested case representative, Enforcement Services

Subject: Final Order for Case No. C2017-0008, In the Matter of Christopher Schoeffel

Action requested:
To consider the adoption of a Proposed Order and issue a Final Order.

Background:
On November 17, 2016, the Building Codes Division (Division), acting on behalf of the Electrical and Elevator Board (Board), issued a Notice of Application Denial (Notice) to Christopher Schoeffel (Respondent) in response to Respondent’s application for a limited journeyman manufacturing plant electrician’s license. The Notice alleged that Respondent had not satisfied the requirements for that license as set forth in Oregon Administrative Rules (OAR) 918-030-0030 and OAR 918-282-0190. On December 10, 2016, Respondent requested a hearing.

The Notice asserted that Respondent had not satisfied the experience requirements for a limited journeyman manufacturing plant electrician’s license for the following primary reasons:

   a) Respondent did not submit proof of successful completion of a registered apprenticeship program or its equivalent in classroom training for a limited journeyman manufacturing plant electrician’s license and could only qualify by submitting verification of twice the amount of equivalent work experience required for that license.

   b) Respondent did not submit proof of a high school diploma, GED or international equivalent as required under OAR 918-030-0030(3).

   c) When accounting for (a), Respondent fell far short of the experience requirements for a limited residential electrician’s license.

A hearing was held on April 26, 2017. Administrative Law Judge (ALJ) Joseph Allen presided over the hearing. The evidentiary record closed at the conclusion of the hearing.

On June 13, 2017, ALJ Allen issued a Proposed Order finding that Respondent did not successfully complete an apprenticeship program or its equivalent in classroom training for a limited journeyman manufacturing plant electrician’s license and, therefore, he could only qualify for licensure by submitting verification of twice the amount of equivalent work experience required for that license.
ALJ Allen concluded that Respondent had not earned twice the amount of equivalent work experience and therefore did not meet the requirements to obtain a limited journeyman manufacturing plant electrician’s license as set forth in OAR 918-282-0190 and OAR 918-030-0030. In determining Respondent’s eligible work experience, ALJ Allen made the following findings:

1. OAR 918-030-0030(3) requires applicants to submit proof of a high school diploma, GED, or international equivalent. In the alternative, a college degree will substitute for this requirement. ALJ Allen found that Respondent failed to submit adequate proof to satisfy this requirement. Therefore, he failed to meet the basic requirements of the rules for licensure and the Board is entitled to deny his application.

2. Even if it was assumed that Respondent had complied with the high school verification requirements in OAR 918-030-0030(3) by submitting partial college transcripts, he also failed to demonstrate he had completed the basic experience hours of journeyman level work required for licensure pursuant to OAR 918-282-0190(2)(b) as follows:
   a. Respondent submitted documentation of 5,199 hours from Deer Ridge Correctional Institution (DRCI). Those work hours were verified by Rick Agee, a Signing Supervising Electrician holding license number 5575S.
   b. Respondent submitted documentation of 3,291 hours from Gunderson, LLC. This work experience was verified by William Weaver, a co-worker at Gunderson, LLC. Under the relevant rules, work experience must be verified by an employer or supervisor unless documents showing the employer cannot be located are submitted. No such documentation was submitted.
   c. At best, Respondent submitted proof that he completed 5,199 hours of properly verified work experience hours through DRCI. This is at least 2,801 hours short of the required 8,000 hours, and 10,801 hours short if Respondent seeks to qualify solely based on work experience under OAR 918-030-0030(2).

ALJ Allen concluded that Respondent’s electrical experience did not qualify him for a limited journeyman manufacturing plant electrician’s license under OAR 918-030-0030(2), pursuant to OAR 918-282-0190(2)(a) and (c), and proposed that Respondent’s application for a limited residential electrician’s license be denied.
BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
BUILDING CODES DIVISION

IN THE MATTER OF: ) PROPOSED ORDER
) OAH Case No. 2017-ABC-00280
) Agency Case No. C2017-0008

CHRISTOPHER B. SCHOEFFEL

HISTORY OF THE CASE

On November 17, 2016, the Building Codes Division (BCD or Division) issued a Notice of Application Denial (Notice) to Christopher B. Schoeffel (Appellant). On December 14, 2016, Appellant requested a hearing to contest the denial.

On January 26, 2017, the Division referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Senior Administrative Law Judge (ALJ) Joe L. Allen to preside at hearing.

A telephone hearing was held on April 26, 2017. Appellant appeared pro se and testified on his own behalf. The Division was represented by Shannon Flowers. William Anderson, Chief Electrical Inspector for the Division, testified at the hearing. The record closed at the conclusion of the hearing.

ISSUE

Whether the BCD properly denied Appellant’s application for a Limited Journeyman Manufacturing Plant Electrician license. ORS 479.630; OAR 918-030-0030 and OAR 918-030-0040.

EVIDENTIARY RULING

Exhibits A1 through A4, offered by the BCD, were admitted into the record without objection. Appellant did not offer any exhibits at hearing.

FINDINGS OF FACT

1. Appellant holds Limited Maintenance Electrician (LME) license number 7301LME issued by the Division. (Exs. A1 at 1 and A3 at 1; test. of Anderson.) Appellant does not hold any other electrical licenses in Oregon or in a reciprocal jurisdiction. (Test. of Schoeffel.)
2. Appellant submitted an application for a Limited Journeyman Manufacturing Plant Electrician license on November 8, 2016. (Test. of Anderson; Ex. A1.)

3. Appellant has not completed a registered apprenticeship program. (Test. of Anderson and Schoeffel.)

4. Appellant did not submit proof of a high school diploma, GED, or international equivalent to the Division with his application or any time up to the date of hearing. (Test. of Anderson.)

5. In order to demonstrate qualification for licensure, Appellant submitted work verification forms to the BCD from two employers, the State of Oregon (Deer Ridge Correctional Institution or DRCI) and Gunderson, LLC. (Test. of Anderson; Exs. A1 at 4 and 5 and A2.)

6. The total number of qualifying work experience hours submitted from DRCI was 5,199. Those work hours were verified by Rick Agee, a Signing Supervising Electrician holding license number 5575S. (Test. of Anderson; Ex. A1 at 4 and 5.)

7. The total number of hours submitted from Gunderson, LLC was 3,291. Appellant’s work experience form from Gunderson, LLC was signed by William Weaver, a co-worker at Gunderson, LLC. Mr. Weaver holds an LME license but does not hold either a journeyman electrician or a signing supervisor license in Oregon. (Test. of Anderson; Ex. A2 at 1.)

8. Along with his application, Appellant submitted educational transcripts from incomplete degree programs through Rochester Institute of Technology and Penn Foster. (Ex. A3 at 2 through 8.)

CONCLUSION OF LAW

BCD properly denied Appellant’s application for a Limited Journeyman Manufacturing Plant Electrician license.

OPINION

BCD asserts Appellant’s application for a Limited Journeyman Manufacturing Plant Electrician license should be denied because Appellant failed to establish he meet the minimum qualifications. As the applicant for licensure, Appellant bears the burden of proving, by a preponderance of the evidence, that he meets the minimum qualifications established by statute or rule. Sobel v. Board of Pharmacy, 130 Or App 374, 380 (1994), rev den 320 Or 588 (1995) (in an application proceeding, it is the applicant who has the burden of establishing eligibility, qualifications and fitness). As the proponent of his own qualifications for licensure, Appellant bears the burden of presenting evidence. ORS 183.450(2); Harris v. SAIF, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of the fact or position); see also, Cook v. Employment Div., 47 Or App 437 (1980) (in the
absence of legislation adopting a different standard, the standard of proof in administrative hearings is a preponderance of the evidence). Proof by a preponderance of the evidence means the fact finder is persuaded that the facts asserted are more likely true than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

ORS 479.630 sets forth requirements for obtaining licenses for electrical professionals and provides, in part:

If the person pays the applicable application fee required under ORS 479.840 and complies with ORS 479.510 to 479.945 and the rules adopted under ORS 455.117 and 479.510 to 479.945, the Department of Consumer and Business Services shall issue:

* * * * *

(5) A limited journeyman electrician’s license to a person who qualifies under this subsection. A person licensed under this subsection is authorized to perform the class of electrical work included in the branch of the electrical trade for which the person has passed the examination administered by the department. A person qualifies under this subsection if the person:

(a) Passes a written examination prepared by the board and administered by the department; and

(b)(A) Except as provided in subparagraph (B) of this paragraph, submits proof satisfactory to the board that the person has had at least four years of specialized experience as an apprentice or its equivalent, as determined by the board by rule, in a recognized branch of the electrical trade; or

(B) If applying for licensing as a limited journeyman sign electrician or limited journeyman stage electrician, submits proof satisfactory to the board that the person has had at least two years of specialized experience as an apprentice or its equivalent, as determined by the board by rule, in the sign or stage branch of the electrical trade.

ORS 455.117 grants the Division the authority to adopt administrative rules governing licensing, certification, or registration, and provides, in relevant part:

(1) Except as provided in subsection (3) of this section, a regulatory body listed in subsection (2) of this section may adopt rules to administer the licensing, certification or registration of persons regulated by the body. The rules adopted under this section may include, but need not be limited to:

(a) The form and content of an application for issuance or renewal of a license, certificate or registration;
(b) Training and continuing education requirements to maintain a license, certificate or registration;

(c) The form and content of and the process for preparing and administering examinations and examination reviews;

(d) The term of a license, certificate or registration[.]

* * * * *

(2) Subsection (1) of this section applies to the following:

* * * * *

(d) Subject to ORS 479.510 to 479.945, the Electrical and Elevator Board for purposes of licenses issued under ORS 446.210 or 479.510 to 479.945.

Pursuant to the authority set forth in ORS 455.117, the Division adopted OAR 918-030-0030, which sets forth qualifying criteria for various classes of electrical licensure in Oregon and provides, in pertinent part:

All applicants must submit proof of qualifying criteria as required by the appropriate rules and in the manner established by this rule.

(1) Submit training and experience verification as follows:

(a) A certificate of completion from a registered apprenticeship program, or a referral letter from either the registered training committee or a board approved training program stating the applicant is qualified to take the examination. The division will accept completion from an apprenticeship program that is not registered only if it meets the Oregon standard for apprenticeship training.

(b) A copy of a valid license from a reciprocal jurisdiction or a letter from the reciprocal jurisdiction stating that the applicant is currently licensed. Only reciprocal jurisdiction licenses obtained through examination meet this requirement; or

(c) Other verification of equivalent training and experience submitted in the manner established in OAR 918-030-0040 and 918-030-0050.

(2) Electrical license applicants who are required to submit proof of related training classes may alternatively submit verification of twice the amount of equivalent work experience required for the license.

(3) Applicants required to take an examination must submit proof of a high school diploma, GED or international equivalent. A college degree will substitute for the
requirements of this section.

(4) For purposes of qualifying for a license, the division will consider no more than 2,000 hours of experience per year.

(5) Only lawful work experience is accepted. The appropriate board or division determines whether an applicant’s work experience is lawful. If an applicant disagrees with the determination, the applicant must provide evidence clearly demonstrating that, at the time the disputed work was performed, the work experience was lawful under the laws of the jurisdiction in which work was performed.

(Emphasis added.)

In addition, the Division has promulgated OAR 918-030-0040, which identifies acceptable forms of “other verification” identified in OAR 918-030-0030(1)(c) and provides, in part:

(1) Applicants submitting other verification of equivalent training and experience under OAR 918-030-0030(1)(c), must provide verification from the following persons:

(a) Verification from a current or previous employer actively involved with the applicant’s work; or

(b) If the current or previous employer is no longer in business, is deceased or otherwise cannot be located, verification from the individual that supervised the work; or

(c) Only if both the employer and the supervisor cannot be located, verification from a co-worker that was directly involved in the work performed. Co-worker verification must be accompanied by supporting documentation, such as employment records, showing that the verifier worked with the applicant and has knowledge of the work performed.

(2) The appropriate board may approve alternate verification of training and experience on a case-by-case basis.

(Emphasis added.)

OAR 918-282-0190(2) sets for the required number of experience hours for a Limited Journeyman Manufacturing Plant Electrician license and provides, in part:

(2) License and Equivalent Requirements.

(a) Applicants for acceptance under equivalent requirements shall show proof of
the following work categories and minimum hours of on-the-job training or experience:

(A) Installation of electrical circuits, 1,000 hours;

(B) Motors and generators, 500 hours:

* * * * *

(C) Manual and automatic controls, including magnetic and solid state, 1,000 hours;

(D) Trouble Shooting, 500 hours:

* * * * *

(E) Power distribution, 1,000 hours:

* * * * *

(b) Total Hours Required. Total experience shall be at least 8,000 hours. No more than 300 percent credit shall be allowed for subjects (A) through (E) for any one subject.

* * * * *

(d) Related Training Classes. Applicants shall submit transcripts with passing grades of “C” or better in graded classes and a “pass” in non-graded classes * *

[.]

Appellant applied for a Limited Journeyman Manufacturing Plant Electrician license. It is undisputed that Appellant has not completed a registered apprenticeship program. In addition, there is no evidence in the record indicating Appellant submitted a referral letter from either the registered training committee or a board approved training program stating Appellant is qualified to take the examination for the license he seeks. Further, at hearing, Appellant stipulated that he does not hold an electrical license of any class in a reciprocal jurisdiction. Therefore, in order to qualify for examination and licensure, Appellant was required to submit proof of related other verification of equivalent training and experience acceptable to the Division under OAR 918-030-0030(1)(c). In the alternative, Appellant could qualify for licensure by submitting verification of twice the amount of equivalent work experience required for the license under OAR 918-282-0190(2)(a) and (b), or a total or 16,000 hours in the designated areas of electrical work.1 As discussed below, Appellant failed to submit the minimum require proof to

---

1 At hearing, there was a dispute between the parties as to whether OAR 918-030-0030(1)(c) permitted Appellant to qualify for licensure based on a combination of educational credits and work experience, in lieu of completing a registered apprenticeship program. Appellant asserted that the BCD should have considered his education and work experience together to determine whether he was qualified for
demonstrate he is qualified for a Limited Journeyman Manufacturing Plant Electrician license.

As an initial point, OAR 918-030-0030(3) requires applicants to submit proof of a high school diploma, GED, or international equivalent. In the alternative, a college degree will substitute for this requirement. It is undisputed that Appellant failed to submit any proof to satisfy this requirement. Therefore, Appellant’s failed to meet the basic requirements of the rule for licensure and BCD is entitled to deny his application.

Nonetheless, assuming Appellant has complied with the educational verification requirements in OAR 918-030-0030(3), he also failed to demonstrate he has completed the basic experience hours of journeyman level work required for licensure pursuant to OAR 918-282-0190(2)(b). Rather, at most, Appellant submitted proof that he has completed 5,199 work experience hours, at the journeyman level, through DRCI. This is at least 2,801 hours short of the required 8,000 hours and 10,801 hours short if Appellant seeks to qualify solely based on work experience under OAR 918-030-0030(2).

At hearing, Appellant argued that his work experience at Gunderson, LLC, combined with that from DRCI, exceed the 8,000 hours required for licensure. BCD argued that, under the relevant rules, Appellant’s journeyman level work experience must be verified by a supervisor who holds either a journeyman level electrician’s license or a signing supervisor license. This argument is supported by the requirements of OAR 918-030-0040(1)(a) through (c), which permit verification from a co-worker only if both the employer and the supervisor cannot be located. OAR 918-030-0040(1)(c). Appellant’s work experience at Gunderson, LLC was verified by a co-worker holding a similar classification of license as Appellant. An LME may not supervise journeyman level work. Further, Appellant failed to demonstrate at hearing that either the employer or his supervisor were unavailable to complete the verification forms. To the contrary, at hearing, Appellant argued that Gunderson, LLC continuously employed a Signing Supervising Electrician. Finally, even assuming Appellant was unable to locate either the employer or supervisor, under the rules, co-worker verification must be accompanied by supporting documentation, such as employment records, showing that the verifier worked with the applicant and has knowledge of the work performed by Appellant. OAR 918-030-0040(1)(c). The record is devoid of any such documentation.

Appellant failed to demonstrate that he meets the minimum qualifications for a Limited Journeyman Manufacturing Plant Electrician license. As such, BCD may deny his application for licensure.

licensure. The BCD argued that it does not consider incomplete academic programs and, therefore, Appellant was required to submit proof of completion of at least 16,000 hours of qualifying work experience. Because this order determines Appellant failed to satisfy the basic application requirements, it is unnecessary to resolve this dispute. Under either scenario presented, Appellant has failed to establish he is qualified for licensure.
ORDER

I propose the Building Codes Division issue the following order:

The Notice issued January 26, 2017 is AFFIRMED. Appellant’s application for a Limited Journeyman Manufacturing Plant Electrician license is DENIED.

Joe L. Allen
Senior Administrative Law Judge
Office of Administrative Hearings

APPEAL PROCEDURE

This is the Administrative Law Judge’s Proposed Order. You have the right to file written exceptions and argument to be considered per OAR 137-003-0650. Your exceptions and argument must be received within 20 calendar days after the service date of this Proposed Order. Send them to:

Building Codes Division
Attn: Licensing Manager
PO Box 14470
Salem, OR 97309-0404
CERTIFICATE OF MAILING

On June 13, 2017 I mailed the foregoing Proposed Order issued on this date in OAH Case No. 2017-ABC-00280.

By: First Class Mail

Christopher B. Schoeffel
8414 NE Russell St
Portland OR 97220

By: Electronic Mail

Shannon M. Flowers, Agency Representative
Building Codes Division
PO Box 14470
Salem OR 97309-0404

Lucy M Garcia
Hearing Coordinator
### Summary Report - Cases Previously Resolved by Division

<table>
<thead>
<tr>
<th>Case #</th>
<th>Name</th>
<th>Violation</th>
<th>Location of Violation</th>
<th>Date of Violation</th>
<th>Penalty Assessed</th>
<th>Penalty to Pay</th>
<th>Other Comments</th>
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<td>C2016-0499 Dan</td>
<td>Gomez, Chris</td>
<td>Installation of electrical wiring in an electrical outlet connecting wiring to light fixture. • No journeyman electrician license • No electrical permit</td>
<td>Madras</td>
<td>August 2016</td>
<td>$6,000</td>
<td>$6,000</td>
<td>Default Order Complaint submitted by Jefferson County BO</td>
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<td>C2017-0046 Chris</td>
<td>Penselin, Henry</td>
<td>Installation of electrical outlets, light switches, and wiring. • Signing Supervisor allowing unlicensed individuals to perform electrical work</td>
<td>Portland</td>
<td>November 2016</td>
<td>$3,000</td>
<td>$1,000</td>
<td>Consent Order Complaint submitted by license enforcement person</td>
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<td>C2017-0120 Dan</td>
<td>ZZ Electric, LLC</td>
<td>Installation of electrical circuits, fixtures, outlets, romex electrical wiring and ten 120-volt circuits. • Allowing unlicensed individuals to perform electrical work</td>
<td>Medford</td>
<td>January 2016 to October 2016</td>
<td>$3,000</td>
<td>$3,000</td>
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<td>C2017-0003 Dan</td>
<td>Mtek Kiosk, Inc.</td>
<td>Installation of rough-in electrical work, including pulling low-voltage cabling. • Allowing unlicensed individuals to perform electrical work • No electrical permit</td>
<td>Portland</td>
<td>April 2016</td>
<td>$3,000</td>
<td>$750</td>
<td>Consent Order Complaint submitted by City of Portland electrical inspector</td>
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*Total civil penalty assessed for more than one program*
## Summary Report - Cases Previously Resolved by Division

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<th>Penalty to Pay</th>
<th>Other Comments</th>
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- No electrical contractor license  
- Allowing unlicensed individuals to perform electrical work  
- No electrical permit | Medford | October 2016 to November 2016 | $6,000 | $1,750 | Consent Order  
Complaint submitted by license enforcement person |
| C2016-0370 Russ | Grishko, Viktor I. | Various electrical installations  
- Journeyman electrician working without a signing supervisor | Throughout Oregon | 2014 to November 2016 | $4,000 | $2,000 | Consent Order  
Complaint submitted by BCD field investigator |
| C2016-0468 Dan | Zakowski, Tom | Installation of electrical circuits, fixtures and outlets.  
- No journeyman electrician license | Medford | August 2016 to October 2016 | $2,000 | $2,000 | Default Order  
Complaint submitted by license enforcement person |
| C2016-0465 Dan | Ross, Andrew dba Sunriver Electrical | Installation of electrical wiring and receptacles.  
- No electrical contractor license | Bend | March 2016 | $3,000 | $250 | Consent Order  
Complaint submitted by Deschutes County BO |
| C2017-0023 Dan | Reams, James L. dba James Reams Construction | Installation of 4 ceiling fans.  
- No electrical contractor license  
- Allowing unlicensed individual to perform electrical installation  
- No electrical permit | Corvallis | November 2016 to January 2017 | $6,000 | $1,500 | Consent Order  
Complaint submitted by BCD field investigator |
| C2017-0031 Russ | McCammon, David | Installation of electrical receptacles, new circuits, electrical panels, lights and wire.  
- No journeyman electrician license | Salem | October 2015 to February 2017 | $2,000 | $500 | Consent Order  
Complaint submitted by BCD field investigator |

*aTotal civil penalty assessed for more than one program*
### Summary Report - Cases Previously Resolved by Division

<table>
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<tr>
<th>Case #</th>
<th>Name</th>
<th>Violation</th>
<th>Location of Violation</th>
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<th>Penalty Assessed</th>
<th>Penalty to Pay</th>
<th>Other Comments</th>
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<tbody>
<tr>
<td>C2017-0032</td>
<td>Weems, Steve A.</td>
<td>Installation of electrical receptacles, new circuits, electrical panels,</td>
<td>Salem</td>
<td>October 2015 to February 2017</td>
<td>$3,000</td>
<td>$800</td>
<td>Consent Order  Complaint submitted by BCD field investigator</td>
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<tr>
<td></td>
<td></td>
<td>lights and wire. • Signing Supervisor allowing unlicensed individual to</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>perform electrical work</td>
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<tr>
<td>C2017-0012</td>
<td>All Systems Electric LLC</td>
<td>Installation of electrical receptacles and Romex wiring through walls and ceilings. • Allowing unlicensed individual to perform electrical work</td>
<td>Bend</td>
<td>January 2017</td>
<td>$4,000</td>
<td>$1,000</td>
<td>Consent Order  Complaint submitted by CCB field investigator</td>
</tr>
<tr>
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<tr>
<td>C2017-0013</td>
<td>Ralston, Jake T.</td>
<td>Installation of electrical receptacles and Romex wiring through walls and ceilings. • Allowing unlicensed individual to perform electrical work • No supervising electrician license</td>
<td>Bend</td>
<td>January 2017</td>
<td>$5,000</td>
<td>$1,000</td>
<td>Consent Order  Complaint submitted by CCB field investigator</td>
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<tr>
<td>C2017-0020</td>
<td>Gray, Robert L. dba Grayco Electric</td>
<td>Installation of 6 Cadet heaters, electrical wiring for washer and dryer, 2 canister lights; relocated numerous electrical outlets and light fixtures; repair/replace electrical panel. • No electrical contractor license • No electrical permit</td>
<td>Turner</td>
<td>December 2016 through February 2017</td>
<td>$6,000</td>
<td>$7,000</td>
<td>Default Order  Complaint submitted by BCD field investigator</td>
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<tr>
<td>C2016-0495</td>
<td>Balanced Energy Solutions, LLC</td>
<td>Installation of approximately 100' of metal-clad electrical wiring. • No electrical contractor license • No electrical permit</td>
<td>Sandy</td>
<td>March 2016</td>
<td>$4,000</td>
<td>$750</td>
<td>Consent Order  Complaint submitted by Clackamas electrical inspector</td>
</tr>
<tr>
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<tr>
<td>C2016-0496</td>
<td>Robinson, Gregory</td>
<td>Installation of approximately 100' of metal-clad electrical wiring. • No journeyman electrician license</td>
<td>Sandy</td>
<td>March 2016</td>
<td>$2,000</td>
<td>$250</td>
<td>Consent Order  Complaint submitted by Clackamas electrical inspector</td>
</tr>
</tbody>
</table>

*Total civil penalty assessed for more than one program
## Electrical and Elevator Board Enforcement Report for July 27, 2017

### Summary Report - Cases Previously Resolved by Division

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<tr>
<th>Case #</th>
<th>Name</th>
<th>Violation</th>
<th>Location of Violation</th>
<th>Date of Violation</th>
<th>Penalty Assessed</th>
<th>Penalty to Pay</th>
<th>Other Comments</th>
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<tbody>
<tr>
<td>C2016-0483</td>
<td>Kodiak Electric of Washington, Inc.</td>
<td>Installation of electrical outlets and switches; installation of electrical wire. • Allowing unlicensed individuals to perform electrical work</td>
<td>Portland</td>
<td>November 2016 to February 2017</td>
<td>$4,000</td>
<td>$1,500</td>
<td>Consent Order Complaint submitted by license enforcement person</td>
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<tr>
<td></td>
<td>Chris</td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>C2016-0366</td>
<td>Jireh Semiconductor, Inc.</td>
<td>Installation of electrical wiring from a junction box to a light fixture and installation of new light fixtures. • Allowing unlicensed individuals to perform electrical work • No permit</td>
<td>Hillsboro</td>
<td>September 2015 to November 2015</td>
<td>$3,000</td>
<td>$750</td>
<td>Consent Order Complaint submitted by an employee</td>
</tr>
<tr>
<td></td>
<td>Russ</td>
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<td></td>
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<tr>
<td>C2017-0075</td>
<td>Moates, James R. dba Moates Electrical</td>
<td>Installation of new 3-way wall switch, approximately 30' of 14-gauge Romex wiring, new electrical receptacle, new half-inch copper ground rod; connected 2 light fixtures; and replaced ballast unit on a florescent light fixture. • No electrical contractors license • No journeyman electrician license • No electrical permit</td>
<td>West Linn</td>
<td>November 2016 to February 2017</td>
<td>$6,000</td>
<td>$2,000</td>
<td>Consent Order Complaint submitted by public</td>
</tr>
<tr>
<td></td>
<td>Russ</td>
<td></td>
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</tr>
</tbody>
</table>

*Total civil penalty assessed for more than one program*
### Summary Report - Cases Previously Resolved by Division

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<tr>
<th>Case #</th>
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<th>Penalty to Pay</th>
<th>Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>C2016-0477</td>
<td>Eric Hall</td>
<td>Installation of Romex wiring between junction boxes and making connections to power and electrical outlets. &lt;ul&gt;&lt;li&gt;No journeyman electrician license&lt;/li&gt;&lt;li&gt;No electrical permit&lt;/li&gt;&lt;/ul&gt;</td>
<td>Eugene</td>
<td>July 2016</td>
<td>$3,000</td>
<td>$500</td>
<td>Consent Order Complaint submitted by industry</td>
</tr>
<tr>
<td>C2017-0125</td>
<td>Chris Progressive Communications, Inc.</td>
<td>Installation of electrical wiring for telemetry monitoring system. &lt;ul&gt;&lt;li&gt;Allowing unlicensed individuals to perform electrical work&lt;/li&gt;&lt;li&gt;No electrical contractor license&lt;/li&gt;&lt;li&gt;No electrical permit&lt;/li&gt;&lt;/ul&gt;</td>
<td>Springfield</td>
<td>March 2017</td>
<td>$6,000</td>
<td>$750</td>
<td>Consent Order Complaint submitted by BCD field investigator</td>
</tr>
<tr>
<td>C2017-0126</td>
<td>Nicholas R. Magallanes</td>
<td>Installation of electrical wiring for telemetry monitoring system. &lt;ul&gt;&lt;li&gt;No journeyman electrician license&lt;/li&gt;&lt;/ul&gt;</td>
<td>Springfield</td>
<td>March 2017</td>
<td>$2,000</td>
<td>$250</td>
<td>Consent Order Complaint submitted by BCD field investigator</td>
</tr>
<tr>
<td>C2017-0127</td>
<td>Nicholas B. Billadeaux</td>
<td>Installation of electrical wiring for telemetry monitoring system. &lt;ul&gt;&lt;li&gt;No journeyman electrician license&lt;/li&gt;&lt;/ul&gt;</td>
<td>Springfield</td>
<td>March 2017</td>
<td>$2,000</td>
<td>$250</td>
<td>Consent Order Complaint submitted by BCD field investigator</td>
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<tr>
<td>C2016-0395</td>
<td>Christopher S. Burch</td>
<td>Installation of 2 electrical receptacle boxes and Romex electrical wiring. &lt;ul&gt;&lt;li&gt;No journeyman electrician license&lt;/li&gt;&lt;li&gt;No electrical permit&lt;/li&gt;&lt;/ul&gt;</td>
<td>Clackamas</td>
<td>September 2015</td>
<td>$6,000*</td>
<td>$2,000</td>
<td>Consent Order Complaint submitted by Clackamas electrical inspector</td>
</tr>
<tr>
<td>C2016-0490</td>
<td>Jody L. Jensen</td>
<td>Installation of ballast in a light fixture. &lt;ul&gt;&lt;li&gt;No journeyman electrician license&lt;/li&gt;&lt;/ul&gt;</td>
<td>Hillsboro</td>
<td>September 2015</td>
<td>$2,000</td>
<td>$250</td>
<td>Consent Order Complaint submitted by Employee of Jireh Semiconductor</td>
</tr>
</tbody>
</table>

*Total civil penalty assessed for more than one program
## License Suspensions, Revocations and Conditioned

<table>
<thead>
<tr>
<th>Case #</th>
<th>Name</th>
<th>Suspension/Revocation/Conditioned Information</th>
<th>Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>C2017-0032</td>
<td>Weems, Steve A.</td>
<td>Respondent's supervising electrician license is conditioned for 6 months.</td>
<td>Consent Order</td>
</tr>
<tr>
<td>Russ</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C2017-0021</td>
<td>Bates Industries, Inc. dba G</td>
<td>Respondent's LMS license is revoked for non-payment of civil penalties.</td>
<td>Default Order</td>
</tr>
<tr>
<td>Shannon</td>
<td>E Electric, Inc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C2017-0012</td>
<td>All Systems Electric LLC</td>
<td>Respondent's electrical contractor license has been conditioned for 6 months.</td>
<td>Consent Order</td>
</tr>
<tr>
<td>Russ</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C2017-0013</td>
<td>Ralston, Jake T.</td>
<td>Respondent's supervising electrician license has been conditioned for 6 months.</td>
<td>Consent Order</td>
</tr>
<tr>
<td>Russ</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C2017-0020</td>
<td>Gray, Robert L. dba Grayco</td>
<td>Respondent's supervising electrician license is revoked. Respondent's application for electrical contractor license is denied and he is disqualified for 5 years from obtaining an electrical contractor license</td>
<td>Default Order</td>
</tr>
<tr>
<td>Dan</td>
<td>Electric</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C2017-0046</td>
<td>Penselin, Henry</td>
<td>Respondent's supervising electrician license has been conditioned for 6 months.</td>
<td>Consent Order</td>
</tr>
<tr>
<td>Russ</td>
<td></td>
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</tr>
</tbody>
</table>
State of Oregon

Building Codes Division

July 27, 2017

To: The Electrical and Elevator Board

From: Richard Baumann, policy analyst, Policy and Technical Services

Subject: Continuing Education Applications

Action requested:
Electrical and Elevator Board consideration of the Continuing Education Committee’s recommendations regarding continuing education courses and instructors.

Background:
The Electrical and Elevator Board establishes continuing education requirements for all electrical licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. They set standards for approval of courses and instructors in order to have a sufficient number and variety of continuing education courses available to licensees. The board’s continuing education committee met to evaluate courses and instructors on the board’s behalf. The committee met on June 13, 2017, to review continuing education course and instructor applications. Craig Perkins and Cindy Regier attended this meeting. The committee reviewed 150 applications from 17 organizations:

- 72 courses were recommended for approval.
- 1 course was recommended for denial.
- 59 instructors were recommended for approval.
- No instructors were recommended for denial.
- 18 applications are pending waiting for additional information from the provider.

See attached summary for more information.

In addition to the Oregon Rule and Law criteria, the committee is using the following when reviewing applications:

- NFPA 70E courses are eligible for a maximum of eight hours code-related credits.
- OSHA 10 courses are eligible for a maximum of four hours code-related credits.
- OSHA 30 courses are eligible for a maximum of sixteen hours code-related credits.
First Aid/CPR courses are eligible for a maximum of four hours code-related credits (two hours for each course).

For correspondence courses – Provider must submit complete course.

For online courses – Provider must submit a log-on or screen shots of course content.

Options:

- Approve the committee’s recommendations for approval or denial of courses or instructors.
- Amend and approve the committee’s recommendation for approval or denial of courses or instructors.
- Disapprove the committee’s recommendation for approval or denial of courses or instructors.
<table>
<thead>
<tr>
<th>Application</th>
<th>Course Name</th>
<th>Committee Recommendation</th>
<th>Board Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Star Training, Inc.</td>
<td>2017 NEC Code Changes Part 2 (2 hours CC)</td>
<td>Approve – 2017 code cycle. Provider has an approved instructor.</td>
<td></td>
</tr>
<tr>
<td>All Star Training, Inc.</td>
<td>2017 NEC Code Changes Part 3 (2 hours CC)</td>
<td>Approve – 2017 code cycle. Provider has an approved instructor.</td>
<td></td>
</tr>
<tr>
<td>All Star Training, Inc.</td>
<td>2017 NEC Code Changes Part 5 (2 hours CC)</td>
<td>Approve – 2017 code cycle. Provider has an approved instructor.</td>
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<tr>
<td>All Star Training, Inc.</td>
<td>2017 NEC Code Changes Part 6 (2 hours CC)</td>
<td>Approve – 2017 code cycle. Provider has an approved instructor.</td>
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<tr>
<td>All Star Training, Inc.</td>
<td>2017 NEC Code Changes Part 7 (2 hours CC)</td>
<td>Approve – 2017 code cycle. Provider has an approved instructor.</td>
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<tr>
<td>All Star Training, Inc.</td>
<td>2017 NEC Code Changes Part 8 (2 hours CC)</td>
<td>Approve – 2017 code cycle. Provider has an approved instructor.</td>
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<tr>
<td>IBEW Local Union #46</td>
<td>AC Motor Calculations (4 hours CR)</td>
<td>Approve – 2017 code cycle</td>
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<td>IBEW Local Union #46</td>
<td>AHA First Aid/CPR/AED (4 hours CR)</td>
<td>Approve – 2017 code cycle</td>
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<td>IBEW Local Union #46</td>
<td>Box &amp; Raceway Fill Calculations (4 hours CR)</td>
<td>Approve – 2017 code cycle</td>
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<td>IBEW Local Union #46</td>
<td>General Requirements for Conductors (8 hours CR)</td>
<td>Approve – 2017 code cycle</td>
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<td>IBEW Local Union #46</td>
<td>Hazardous Location Basics (8 hours CR)</td>
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<tr>
<td>IBEW Local Union #46</td>
<td>How to Navigate the NEC – Part 1 (8 hours CR)</td>
<td>Approve – 2017 code cycle</td>
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<td>IBEW Local Union #46</td>
<td>How to Navigate the NEC – Part 2 (8 hours CR)</td>
<td>Approve – 2017 code cycle</td>
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<tr>
<td>No.</td>
<td>Provider</td>
<td>Course Description</td>
<td>Approval Cycle</td>
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<td>IBEW Local Union #46</td>
<td>Illustrated Introduction to the NEC – Part 1 (8 hours CR)</td>
<td>2017 code cycle</td>
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<td>Illustrated Introduction to the NEC – Part 2 (8 hours CR)</td>
<td>2017 code cycle</td>
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<td>IBEW Local Union #46</td>
<td>Illustrated Introduction to the NEC – Part 3 (8 hours CR)</td>
<td>2017 code cycle</td>
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<td>NEC for Limited Energy (8 hours CR)</td>
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<td>IBEW Local Union #46</td>
<td>NFPA 70E (4 hours CR)</td>
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<td>IBEW Local Union #46</td>
<td>Oregon Rules &amp; Laws (4 hours ORL)</td>
<td>2017 code cycle</td>
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<td>IBEW Local Union #46</td>
<td>OSHA 10 (4 hours CR)</td>
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<td>IBEW Local Union #46</td>
<td>OSHA 30 (16 hours CR)</td>
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<td>IBEW Local Union #46</td>
<td>Raceway &amp; Box Fill Calculations (8 hours CR)</td>
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<td>IBEW Local Union #46</td>
<td>Residential Load Calculations (12 hours CR)</td>
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<td>IBEW Local Union #46</td>
<td>Residential NEC Requirements (8 hours CR)</td>
<td>2017 code cycle</td>
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<td>27</td>
<td>IBEW Local Union #46</td>
<td>Residential Wiring (8 hours CR)</td>
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<td>IBEW Local Union #46</td>
<td>Transformer Installations (8 hours CR)</td>
<td>2017 code cycle</td>
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<td>Imlah Electrical Consulting</td>
<td>2017 Oregon Rule &amp; Law with OESC Amendments (4 hours ORL)</td>
<td>2017 code cycle</td>
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<td>Independent Electrical Contractors of Oregon</td>
<td>High Voltage Cable Splicing and Termination with 2017 NEC (8 hours CR)</td>
<td>2017 code cycle</td>
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<td>34</td>
<td>Independent Electrical Contractors of Oregon</td>
<td>2017 Code Update for Limited Energy Technician (8 hours CC)</td>
<td>2017 code cycle</td>
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<td>35</td>
<td>Eastern Idaho Electrical JATC</td>
<td>2017 NEC Significant Changes (16 hours CC)</td>
<td>2017 code cycle</td>
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<td>Eastern Idaho Electrical JATC</td>
<td>2017 NEC Significant Changes Correspondence (16 hours CC)</td>
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<td>SW WA Electrical JATC</td>
<td>NEC Code Changes 2017 (8 hours CC)</td>
<td>2017 code cycle</td>
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<td>38</td>
<td>Rob Cochran</td>
<td>2017 Code Change with Oregon Amendment (12 hours CC/OESC)</td>
<td>2017 code cycle. Provider has an approved instructor.</td>
</tr>
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<td>39</td>
<td>MacDonald-Miller Facility Solutions</td>
<td>2017 NEC Code Update Part 1 (2 hours CC)</td>
<td>2017 code cycle. Provider has an approved instructor.</td>
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<td>Course ID</td>
<td>Institution</td>
<td>Course Title</td>
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<td>40</td>
<td>MacDonald-Miller Facility Solutions</td>
<td>Basic Electrical Part 1</td>
<td>4 hours CR</td>
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<td>Southwestern Idaho Electrical JATC</td>
<td>Code Calculations</td>
<td>8 hours CR</td>
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<td>Southwestern Idaho Electrical JATC</td>
<td>Photovoltaic Systems Course</td>
<td>2 hours CR</td>
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<td>Southwestern Idaho Electrical JATC</td>
<td>Electrical Safety-Related Work Practices 70E</td>
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<td>Southwestern Idaho Electrical JATC</td>
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<td>2 hours CR</td>
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<td>Southwestern Idaho Electrical JATC</td>
<td>Basic First Aid</td>
<td>2 hours CR</td>
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<tr>
<td>46</td>
<td>Southwestern Idaho Electrical JATC</td>
<td>Fiber Optic Cable Design and Installation</td>
<td>2 hours CR</td>
</tr>
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<td>47</td>
<td>Advanced Power Solutions</td>
<td>2017 NEC Changes 12 with Amendments</td>
<td>12 hours CC/OESC</td>
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<td>Advanced Power Solutions</td>
<td>2017 NEC Changes 8 with Amendments</td>
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<td>Central Electrical JATC Basic Calculations (4 hours CR)</td>
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<td>NW WA Electrical JATC Introduction to Fire Alarms (4 hours CR)</td>
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<td>68</td>
<td>NW WA Electrical JATC First Aid/CPR (4 hours CR)</td>
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<td>RedVector.com, LLC 2017 NEC Changes: Overcurrent Protection, Grounding &amp; Bonding, and Enclosure Boxes (RV-PGM149) (2 hours CC)</td>
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<td>71</td>
<td>RedVector.com, LLC 2017 NEC Changes: Hazardous Locations and Special Occupancies (RV-PGM 150) (2 hours CC)</td>
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### Instructors

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<tr>
<td>1</td>
<td>David D. Gilson</td>
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<td>Gary Woods</td>
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<td>Jared Scow</td>
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<td>Leola Duke</td>
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<td>Chris Lochridge</td>
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<td>Tony Lewis</td>
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<td>7</td>
<td>Steve Thompson</td>
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<td>8</td>
<td>Paul Fisher</td>
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<td>9</td>
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<td>Barry Blackburn</td>
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<td>11</td>
<td>Ray Lince</td>
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Page 5 of 11
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<tr>
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<tr>
<td>12</td>
<td>Mike Martin</td>
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<td>13</td>
<td>Cody Smith</td>
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<td>Douglas Simpson</td>
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<td>Pete Peters</td>
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<td>18</td>
<td>Earl Lathrop</td>
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<td>19</td>
<td>Ryan Bradt</td>
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<td>Stacy Bosman</td>
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<td>21</td>
<td>Vincent Della Croce</td>
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<td>Ryan Jackson</td>
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<td>Kevin Taulbee</td>
<td>e-Hazard Management</td>
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<td>Daniel Brian House</td>
<td>Mike Holt Enterprises</td>
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<td>27</td>
<td>Travis Shell</td>
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<td>Elaine Rene’ Ford</td>
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<td>36</td>
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<td>43</td>
<td>Damon Barnett</td>
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<td>Maggie Ely</td>
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<td>Matthew Fink</td>
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<td>Joseph Kraft</td>
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<td>Robert Matson</td>
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<td>Bruce McBride</td>
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Applications Pending

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<td>1  1st Choice CE</td>
<td>2017 NEC Ch. 1 (2 hours CR)</td>
<td>This online course is just a reprint of the NEC with a short quiz. No special emphasis is indicated to show changes or to point out specifics. No information provided regarding successful passage of this course. This ends up being a very short correspondence course.</td>
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<td>2  1st Choice CE</td>
<td>2017 NEC Ch. 2 (2 hours CR)</td>
<td>This online course is just a reprint of the NEC with a short quiz. No special emphasis is indicated to show changes or to point out specifics. No information provided regarding successful passage of this course. This ends up being a very short correspondence course.</td>
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<tr>
<td>3  1st Choice CE</td>
<td>2017 NEC (4 hours CR)</td>
<td>This online course is just a reprint of the NEC with a short quiz. No special emphasis is indicated to show changes or to point out specifics. No information provided regarding successful passage of this course. This ends up being a very short correspondence course.</td>
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<td>4  1st Choice CE</td>
<td>Oregon Laws and Rules (4 hours ORL)</td>
<td>This online course does a good job regarding how to navigate BCD’s website. The course does not meet the intent of a Rule and Law course. The course references Table 1-E for the 2014 code-cycle.</td>
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<tr>
<td>5  Juan C. Hernandez Dr.</td>
<td>Instructor</td>
<td>Courses submitted for this instructor were not recommended for approval at this time.</td>
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<td>6  Village Electric Co. Inc.</td>
<td>2014 Oregon Rule and Law for Electricians (4 hours ORL)</td>
<td>This correspondence course. It does not meet the criteria established in the board approved syllabus for an Oregon Rule and Law course. The course does not contain sufficient content regarding Oregon specific code amendments. The committee previously requested that the provider submit a information regarding successful passage of this course.</td>
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<td>2014 NEC Article 250 – Grounding and Bonding (8 hours CR)</td>
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<td>Intro to Photovoltaics (4 hours CR)</td>
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<td>Copper Voice and Data Design and Installation (4 hours CR)</td>
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