

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

3 **IN THE MATTER OF:**

4 **MITCHELL D. CHAMBERLIN, AN**
5 **INDIVIDUAL,**

6 **RESPONDENT**

)
) **NOTICE OF PROPOSED ASSESSMENT**
) **OF A CIVIL PENALTY AND FINAL**
) **ORDER ON DEFAULT**
)
) **CASE No. 2005-0252**
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9 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board
proposes to impose a civil penalty against you in the amount of \$2,000.

10 **FINDINGS OF FACT**

- 11 1. On or about June 1, 2005, Andrew Gonzalez, an electrical apprentice, was employed by
12 Sharp Design, Inc., dba Sharp Electric. On or about the same date, at an Appleton
13 Properties complex on Capital Highway in Beaverton, Oregon, Mr. Gonzalez replaced
14 two ground fault interrupter (GFI) outlets without a journeyman electrician on the same
15 job and shift. An electrical apprentice must assist a journeyman electrician on the same
16 job and same shift to be properly licensed to perform electrical work per OAR 918-282-
17 0270(1)(c).
- 18 2. On or about June 1, 2005, Respondent was employed by Sharp Design, Inc., dba Sharp
19 Electric, as a general supervising electrician, holding license number 4401S. As a
20 requirement of the general supervising electrical license Respondent holds, Respondent
21 was responsible for ensuring that all individuals were properly licensed to perform
electrical work.
- 22 3. On or about June 1, 2005, at an Appleton Properties complex on Capital Highway in
23 Beaverton, Oregon, Respondent, who is the general supervising electrician for Sharp
24 Design, Inc., dba Sharp Electric, failed to ensure a valid electrical permit was obtained
25 prior to the installation of the two GFI outlets.

CONCLUSIONS OF LAW

1. The installation of two GFI outlets, as outlined in the Findings of Fact, is an electrical
installation under ORS 479.530(10).
2. By failing to ensure that all electricians had proper licenses for the work performed, as
outlined in the Findings of Fact, Respondent violated OAR 918-282-0140(2)(f).

1 3. By failing to ensure that a valid electrical permit was obtained prior to the
2 commencement of an electrical installation, as outlined in the Findings of Fact,
Respondent violated OAR 918-282-0140(2)(e).

3 **ORDER**

4 1. Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator
5 Board finds Respondent violated OAR 918-282-0140(2)(f) and is assessed a \$1,000 civil
penalty.

6 2. Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator
7 Board finds Respondent violated OAR 918-282-0140(2)(f) and is assessed a \$1,000 civil
penalty.

8 **NOTICE OF RIGHT TO HEARING**

9 You are entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised
10 Statutes, Chapter 183. If you wish to receive a hearing you must file a written request for a
11 hearing with the Board no later than 20 days from the date of service of this notice. If a request
12 for hearing is not received within the 20-day period your right to a hearing shall be considered
13 waived unless the failure to request a hearing was beyond your reasonable control. Hearing
requests shall be mailed to Building Codes Division, Enforcement and Licensing Section, PO
Box 14470, Salem, Oregon, 97309.

14 You have the right to be represented by legal counsel. ORS 183.457 provides a corporation may
15 be represented by an authorized representative at the hearing. If you request a hearing the Board
16 and Director will notify you of the time and place of the hearing. The Board and Director will
give you information on the procedures, right of representation and other rights of parties
relating to the conduct of the hearing before commencement of the hearing.

17 **NOTICE OF FINAL ORDER**

18 If you do not request a hearing within 20 days, this citation will become a final order, effective
19 21 days after it was served on you. If you do not request a hearing or fail to appear at a
20 scheduled hearing, the Division's file on the matter becomes record. You are entitled to judicial
21 review of this order. Judicial review may be obtained by filing for review within 81 days from
the date this order was served. Judicial review is pursuant to the provisions of ORS 183.482 to
the Court of Appeals.

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4 Dated this ____ day of _____, 2005

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BY

7 BRENT A. GRIFFITHS, Enforcement Officer

8 Enforcement and Licensing Section

9 Building Codes Division

10 PO Box 14470

11 Salem, Oregon 97309-0404

12 PHONE: (503) 378-8190

13 FAX: (503) 378-2322

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