

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

3 **IN THE MATTER OF:**

4 **BRIAN C BLACKWELL, AN INDIVIDUAL**

5 **RESPONDENT**

)
) **NOTICE OF PROPOSED ASSESSMENT**
) **OF A CIVIL PENALTY AND FINAL**
) **ORDER ON DEFAULT**
)
) **CASE NO. 2005-0278**
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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 \$3,000.

10 **FINDINGS OF FACT**

- 11 1. On or about the period May 28, 2005 through June 11, 2005, at 3315 Edgewater Drive,
12 Medford, Oregon, Respondent engaged in the business of installing electrical wiring and
13 a disconnect switch for a hot tub, for the account of another, without an Oregon electrical
contractor's license.
- 14 2. On or about the period May 28, 2005 through June 11, 2005, at 3315 Edgewater Drive,
15 Medford, Oregon, Respondent installed electrical wiring and a disconnect switch for a
16 hot tub, for the account of another, without an Oregon supervising or journeyman
electrician's license.
- 17 3. On or about the period May 28, 2005 through June 11, 2005, at 3315 Edgewater Drive,
18 Medford, Oregon, Respondent engaged in the business of installing electrical wiring and
a disconnect switch for a hot tub, for the account of another, without first obtaining a
19 valid electrical permit.

20 **CONCLUSIONS OF LAW**

- 21 1. The installation of electrical wiring and a disconnect switch for a hot tub, as set forth in
the Findings of Fact, is an electrical installation under ORS 479.530(10).
- 22 2. By engaging in the business of making an electrical installation without an Oregon
23 electrical contractor's license, as set forth in the Findings of Fact, Respondent violated
ORS 479.620(1).
- 24 3. By making an electrical installation without an Oregon supervising or journeyman
25 electrician's license, as set forth in the Findings of Fact, Respondent violated ORS
479.620(3).

1 4. By engaging in the business of making an electrical installation without first obtaining a
2 valid electrical permit, as set forth in the Findings of Fact, Respondent violated ORS
3 479.550(1).

3 **ORDER**

4 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board finds
5 Respondent violated ORS 479.620(1) and is assessed a \$1,000 civil penalty.

6 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board finds
7 Respondent violated ORS 479.620(3) and is assessed a \$1,000 civil penalty.

8 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board finds
9 Respondent violated ORS 479.550(1) and is assessed a \$1,000 civil penalty.

9 The total civil penalty is \$3,000.

10 **NOTICE OF RIGHT TO HEARING**

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

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

23 **NOTICE OF FINAL ORDER**

24 If you do not request a hearing within 20 days, this citation will become a final order, effective
25 21 days after it was served on you. If you do not request a hearing or fail to appear at a
scheduled hearing, the Division's file on the matter becomes record. You are entitled to judicial
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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Dated this ____ day of _____, 2005

BY
BRENT A. GRIFFITHS, Enforcement Officer
Enforcement and Licensing Section
Building Codes Division
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