

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

3 **IN THE MATTER OF:** )  
4 **MARK AKUTAGAWA, AN INDIVIDUAL,** ) **NOTICE OF PROPOSED ASSESSMENT**  
5 ) **OF A CIVIL PENALTY AND FINAL**  
6 **RESPONDENT** ) **ORDER ON DEFAULT**  
7 ) **CASE NO. 2005-0407**  
8 )

9 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board  
10 proposes to impose a civil penalty against you in the amount of \$2,000.

11 **FINDINGS OF FACT**

- 12 1. On or about the period March 2004 through May 2004, at 2403 SE Monroe St., Portland,  
13 Oregon, Respondent installed magnetic starters, electrical wiring, electrical disconnect switches  
14 and fuse holders, for the account of another, without an Oregon supervising or journeyman  
15 electrician's license.  
16 2. On or about the period March 2004 through May 2004, at 2403 SE Monroe St., Portland,  
17 Oregon, Respondent made electrical installations that did not meet minimum safety standards by  
18 installing exposed fuse holders and undersized electrical conductors, relocating the air  
19 conditioning unit disconnect switches and not maintaining their appropriate grouping, and by  
20 incorrectly wiring an electrical disconnect switch. *See* National Electric Code (NEC) 110.27,  
21 NEC 310.16 and 310.15(B)(2)(a), NEC 430.102, 430.104, 430.107, NEC 110.3(b) as adopted by  
22 OAR 918-305-0100.

23 **CONCLUSIONS OF LAW**

- 24 1. The installation of magnetic starters, electrical wiring, electrical disconnect switches and  
25 fuse holders, as outlined in the Findings of Fact, is an electrical installation as defined in ORS  
479.530(10).  
2. By making an electrical installation without a valid Oregon supervising or journeyman  
electrician's license, as outlined in the Findings of Fact, Respondent violated ORS 479.620(3).  
3. By making an electrical installation that did not meet minimum safety standards, as  
outlined in the Findings of Fact, Respondent violated ORS 479.710(1).

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2 **ORDER**

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

5 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator  
6 Board finds Respondent violated ORS 479.710(1) and is assessed a \$1,000 civil penalty.

7 **NOTICE OF RIGHT TO HEARING**

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

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

20 **NOTICE OF FINAL ORDER**

21 If you do not request a hearing within 20 days, this citation will become a final order, effective  
22 21 days after it was served on you. If you do not request a hearing or fail to appear at a  
23 scheduled hearing, the Division's file on the matter becomes record. You are entitled to judicial  
24 review of this order. Judicial review may be obtained by filing for review within 81 days from  
25 the date this order was served. Judicial review is pursuant to the provisions of ORS 183.482 to  
the Court of Appeals.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2006

22 BY \_\_\_\_\_  
23 BRENT A. GRIFFITHS, Enforcement Officer  
24 Enforcement and Licensing Section  
25 Building Codes Division  
PO Box 14470  
Salem, Oregon 97309-0404  
PHONE: (503) 378-8190