

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

3 **IN THE MATTER OF:**

4 **ACCORD ELECTRIC LLC,**
5 **AN OREGON LIMITED LIABILITY**
6 **CORPORATION**

7 **RESPONDENT**

)
) **AMENDED NOTICE OF PROPOSED**
) **ASSESSMENT OF A CIVIL PENALTY**
) **AND FINAL ORDER ON DEFAULT**
)
) **CASE NO. 2006-0126**
)
)
)
)

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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 April 10, 2006, at 26310 SW Labrousse Rd., Sherwood, Oregon, Respondent
12 allowed Peter I. Yarmelenko to make an electrical installation for which he was not licensed to
13 do. Yarmelenko, on behalf of Respondent and for the account of another, installed a can light
14 fixture for which an Oregon supervising or journeyman electrician's license is required pursuant
15 to ORS 479.620.
- 16 2. On or about April 10, 2006, at 26310 SW Labrousse Rd., Sherwood, Oregon, Respondent
installed can light fixtures, electrical wiring and electrical junction boxes, for the account of
another, without first obtaining a valid electrical permit.

17 **CONCLUSIONS OF LAW**

- 18 1. Installing can light fixtures, electrical wiring and electrical junction boxes, as outlined in
the Findings of Fact, are electrical installations under ORS 479.530(10).
- 19 2. By allowing Peter I. Yarmelenko to make an electrical installation without an Oregon
20 supervising or journeyman electrician's license, as outlined in Finding of Fact (1), Respondent
21 violated OAR 918-282-0120(1).
- 22 3. By making an electrical installation without first obtaining a valid electrical permit, as
outlined in Finding of Fact (2), Respondent violated Ors 479.550(1).

23 **ORDER**

24 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board finds
25 Respondent violated OAR 918-282-0120(1) and is assessed a \$1,000 civil penalty.

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

3 **NOTICE OF RIGHT TO HEARING**

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

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

16 **NOTICE OF FINAL ORDER**

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

23 Dated this ____ day of _____, 2006

24 BY _____
25 BRENT A. GRIFFITHS, Enforcement Officer
Enforcement and Licensing Section
Building Codes Division
PO Box 14470
Salem, Oregon 97309-0404
PHONE: (503) 378-8190
FAX: (503) 378-2322