

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

3 **IN THE MATTER OF:**)
4 **JAMES B. CATES SR.,**) **NOTICE OF PROPOSED ASSESSMENT**
5 **AN INDIVIDUAL,**) **OF A CIVIL PENALTY AND FINAL**
6) **ORDER UPON DEFAULT**
7) **CASE NO. 2006-0300**
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 the Respondent in the amount of \$3,000.

11 **BACKGROUND**

12 On July 25, 2005, a Notice of Proposed Civil Penalty and Final Order on Default was issued by
13 the Electrical and Elevator Board against Respondent in case 2005-0213. In case 2005-0213 the
14 Respondent was assessed civil penalties for two violations of ORS 479.620(3), because
15 Respondent installed electrical wiring for two fire alarm systems, for the account of another,
16 without a valid Oregon journeyman electrician's license. The Respondent defaulted and the
17 Final Order on Default, issued on August 18, 2005, assessed civil penalties totaling \$2,000.

18 **FINDINGS OF FACT**

- 19 1. On June 23, 2006 at 1995 Hawkins Lane, Eugene, Oregon, Respondent wired a security
20 and fire alarm system, for the account of another, without a valid Oregon journeyman
21 electrician's license.

22 **CONCLUSIONS OF LAW**

- 23 1. The wiring of a security and fire alarm system, as outlined in the Findings of Fact above,
24 is an electrical installation under ORS 479.530(10).
25 2. By making an electrical installation without a valid Oregon journeyman electrician's
license, as set forth in the Findings of Fact, Respondent violated ORS 479.620(3).

ORDER

1. Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator
Board finds Respondent violated ORS 479.620(3) and, as a repeat violator of the

1 electrical safety laws, is assessed a \$3,000 civil penalty.

2
3 **NOTICE OF RIGHT TO HEARING**

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

11 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
12 corporation may be represented by an authorized representative at the hearing. If there is a
13 request for a hearing the Board and Director will notify Respondent of the time and place for the
14 hearing. The Board and Director will provide information on the procedures, right of
15 representation and other rights of parties relating to the conduct of the hearing before
16 commencement of a scheduled hearing.

17 **NOTICE OF FINAL ORDER**

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

24 Dated this ____ day of _____, 2007

25

26 BY
27 HEATH M. LAWSON, Enforcement Officer
28 Enforcement and Licensing Section / Building Codes Division
29 PO Box 14470
30 Salem, Oregon 97309-0404
31 PHONE: (503) 378-3102 FAX: (503) 378-2322