

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

3 **IN THE MATTER OF:**)
4 **ACCOLADE TECHNOLOGIES, INC., AN**) **NOTICE OF PROPOSED ASSESSMENT**
5 **OREGON CORPORATION**) **OF A CIVIL PENALTY AND FINAL**
6 **RESPONDENT**) **ORDER ON DEFAULT**
7) **CASE NO. 2006-0363**
8)

9 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator
10 Board proposes to impose a civil penalty against you in the amount of \$3,000.

11 **FINDINGS OF FACT**

- 12 1. On or about September 27 2006, at 14811 NE Airport Way, Portland, Oregon,
13 Respondent engaged in the business of installing electrical data cable wiring, for the
14 account of another, without first obtaining a valid electrical permit.
- 15 2. On or about September 27, 2006, at 14811 NE Airport Way, Portland, Oregon,
16 Respondent engaged in the business of installing electrical data cable wiring, for the
17 account of another, without an Oregon electrical contractor's license.
- 18 3. On or about September 27 2006, at 14811 NE Airport Way, Portland, Oregon,
19 Respondent allowed Ian Nachtigall to make electrical installations for which a license
20 was required. Nachtigall, on behalf of Respondent, installed electrical data cable wiring
21 without an Oregon supervising or journeyman electrician's license as required by ORS
22 479.620.

23 **CONCLUSIONS OF LAW**

- 24 1. Installing electrical data cable wiring, as outlined in the Findings of Fact, is an electrical
25 installation under ORS 479.530(10).
2. By engaging in the business of making an electrical installation without first obtaining a
valid electrical permit, as outlined in the Findings of Fact, Respondent violated ORS
479.550(1).
3. By engaging in the business of making an electrical installation without an Oregon
electrical contractor's license, as outlined in the Findings of Fact, Respondent violated
ORS 479.620(1).

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2 4. By allowing an unlicensed individual to perform an electrical installation, as outlined in
3 the Findings of Fact, Respondent violated OAR 918-282-0120(1).

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5 **ORDER**

6 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator
7 Board finds Respondent violated ORS 479.550(1) 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
9 Board finds Respondent violated ORS 479.620(1) and is assessed a \$1,000 civil penalty.

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

12 **NOTICE OF RIGHT TO HEARING**

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

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

25 **NOTICE OF FINAL ORDER**

If you do not request a hearing within 20 days, this citation will become a final order, effective
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 _____, 2006

BY
Mathew S Brady, Enforcement Officer
Enforcement and Licensing Section
Building Codes Division
PO Box 14470
Salem, Oregon 97309-0404
PHONE: (503) 373-1367
FAX: (503) 378-2322