

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

3 **IN THE MATTER OF:**

4 **MIGUEL ANGEL CHAVEZ-HERNANDEZ, AN**
5 **INDIVIDUAL**

6 **RESPONDENT**
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) **NOTICE OF PROPOSED ASSESSMENT**
) **OF A CIVIL PENALTY AND FINAL**
) **ORDER ON DEFAULT**
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) **CASE NO. 2007-0288**
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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 Respondent Miguel Angel Chavez-Hernandez in the
11 amount of \$4,500.

12 **FINDINGS OF FACT**

13 1. During or about the period, May 1, 2006 through October 1, 2007, Respondent was hired
14 by Sentry Security Systems, Inc., a South Carolina based company, to install electric security
15 fences that included an alarm system and a photovoltaic charging system, at the following
16 locations in Oregon:

- 17 1. 1625 Prairie Road, Eugene – Installed on or about November 10, 2006
- 18 2. 23585 NE Sandy Boulevard, Portland – Installed on or about July 11, 2006
- 19 3. 5838 SE 111th Street, Portland – Installed on or about October 1, 2006
- 20 4. 3001 SW Ferry Street, Albany – Installed on or about September 7, 2007
- 21 5. 6241 111th Avenue, Portland – Installed on or about May 1, 2006
- 22 6. 3871 Boone Road SE, Salem – Installed on or about June 28, 2006
- 23 7. 19510 SE Sunnyside Road, Boring – Installed on or about July 13, 2006
- 24 8. 10355 SE Foster Road, Portland - Installed on or about October 25, 2006
- 25 9. 19135 SW Pacific Hwy 99W, Sherwood - Installed on or about October 27, 2006
- 10 10. 2510 Turner Road SE, Salem – Installed on or about January 18, 2007
- 11 11. 2885 National Way, Woodburn - Installed on or about January 16, 2007
- 12 12. 2727 SW 13th Street, Redmond – Installed on or about November 4, 2006
- 13 13. 1810 SW Highway 97, Madras – Installed on or about May 3, 2007
- 14 14. 26180 SW Highway 212, Boring - Installed on or about August 28, 2007
- 15 15. 9026 NE 13th Avenue, Portland - Installed on or about March 9, 2007
- 16 16. 13126 NE Whitaker Way, Portland – Installed on or about June 18, 2006
- 17 17. 11315 SE Foster, Portland - Installed on or about September 28, 2007

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18. 80551 Highway 99 South, Creswell - Installed on or about March 16, 2007
19. 101 Industrial Way, Lebanon - Installed on or about August 16, 2007
20. 30545 Highway 212, Boring - Installed on or about September 25, 2007
21. 1600 Old Salem Road NE, Albany - Installed on or about September 28, 2007
22. 3500 West 1st Street, Eugene – Installed on or about July 6, 2007
23. 23838 Highway 99 East, Harrisburg - Installed on or about September 5, 2007

2. Respondent and his crew performed all work associated with the installations and was compensated by Sentry Security Systems, LLC upon completion.

3. Respondent does not possess an Oregon electrical contractor’s license.

4. Respondent does not possess an Oregon supervising or journeyman electrician’s license.

5. At the locations and on the dates listed in Finding of Fact (1), Respondent installed electric security fences that included an alarm system and a photovoltaic charging system, for the account of another, without first obtaining valid electrical permits.

CONCLUSIONS OF LAW

1. The installation of electric security fences that included an alarm system and a photovoltaic charging system, as outlined in the Findings of Fact, is an electrical installation pursuant to ORS 479.530(10).

2. By contracting with Sentry Security Systems, LLC to make electrical installations without an Oregon electrical contractor’s license, as outlined in the Findings of Fact, Respondent violated ORS 479.620(1).

3. By making electrical installations without an Oregon supervising or journeyman electrician’s license, as outlined in the Findings of Fact, Respondent violated ORS 479.620(3).

4. By making electrical installations without first obtaining a permit, as outlined in the Findings of Fact, Respondent violated ORS 479.550(1).

ORDER

Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board finds Respondent violated ORS 479.620(1) and ORS 479.550(1) is assessed a \$2,500 civil penalty; and

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 is assessed a \$2,000 civil penalty;

The total civil penalty is \$4,500.

1 **NOTICE OF RIGHT TO HEARING**

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

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

15 **NOTICE OF FINAL ORDER**

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

22 Dated this ____ day of _____, 2008.

23 _____
24 Chairman
25 Electrical and Elevator Board
State of Oregon