

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

3 **IN THE MATTER OF:**

4 **CURTIS S. SWANSON, AN INDIVIDUAL,**

5 **AND**

6 **DELTA ELECTRIC SERVICE, LLC**

)  
) **FINAL ORDER**

) **OAH CASE NO. 700297**

) **BCD CASE NO. 2007-0302**

**OAH CASE NO. 700298**

**BCD CASE NO. 2007-0247**

7 **RESPONDENTS**  
8 \_\_\_\_\_

9 The ELECTRICAL AND ELEVATOR BOARD of the State of Oregon adopts and incorporates  
10 by reference the attached proposed order, Exhibit F1, dated January 22, 2008. The proposed  
11 order is adopted in its entirety.

11 **PROCEDURAL BACKGROUND**

12 On October 18, 2007, the Building Codes Division (Division) of the Electrical and  
13 Elevator Board of the State of Oregon sent a Notice of Proposed Assessment of a Civil Penalty  
14 and Final Order on Default to Delta Electric Service, LLC (Respondent), alleging Delta Electric  
15 Service, LLC, allowed an unlicensed individual, Mr. Cavallo, to make an electrical installation  
16 on July 11, 2007, in violation of OAR 918-282-0120(1). The Division proposed a civil penalty  
17 of \$1,000 for the alleged violation.

18 On November 5, 2007, the Division sent a Notice of Proposed Assessment of a Civil  
19 Penalty and Final Order on Default to Curtis S. Swanson (Respondent), alleging that Mr.  
20 Swanson, as the general signing supervising electrician, failed to ensure that Mr. Cavallo was  
21 properly licensed before allowing him to perform electrical work on July 11, 2007, in violation  
22 of OAR 918-282-0140(2)(f). The Division proposed a civil penalty of \$1,000 for the alleged  
23 violation.

24 Respondents timely requested a hearing. The Division referred the requests for hearing  
25 to the Office of Administrative Hearings (OAH) on November 7, 2007. The cases were assigned  
to Administrative Law Judge (ALJ) Charlotte B. Rutherford. A consolidated contested case  
hearing was held in OAH offices in Salem, Oregon, on January 14, 2008, before ALJ Rutherford.  
Curtis Swanson was the authorized representative for Delta Electric Service, LLC, pursuant to  
OAR 918-001-0030(1) and (4)(a)(C). Paul V. Persson presented the case for the Division.

On January 22, 2008, the administrative law judge (ALJ) affirmed the actions of the  
Board on all counts in attached Exhibit F1. On February 7, 2008, Respondent submitted  
exceptions to the judge's proposed order in attached Exhibit F2.

For the reasons specified herein, the Board adopts Exhibit F1 in its entirety.



1 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

2 The attached Proposed Order (Exhibit F1), dated January 22, 2008, is adopted in its entirety.

3 **FINAL ORDER**

4 Having read and reviewed the January 22, 2008, Proposed Order Assessing Civil Penalty, the  
5 ELECTRICAL AND ELEVATOR BOARD hereby issues the following Final Order:

6 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board finds  
7 Respondent Delta Electric, LLC, violated OAR 918-282-0120(1) and shall be assessed a \$1,000  
civil penalty.

8 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board finds  
9 Respondent Curtis S. Swanson violated OAR 918-282-0140(2)(f) and shall be assessed a \$1,000  
civil penalty.

10 IT IS HEREBY ORDERED that the \$2,000 civil penalty is due and payable 70 days after this  
11 document becomes a Final Order. Failure to submit payment will result in Respondent's account  
12 being forwarded to the Department's Fiscal and Business Services Division for collection. The  
13 Department will pursue collection of unpaid civil penalties by filing a lien against Respondent's  
14 real estate holdings, by tax refund offsets through the Department of Revenue, or through an  
outside collection agent. Failure to pay the assessed civil penalty, or, should another violation  
occur, the department may seek suspension of your license pursuant to ORS 455.129. The  
department will aggressively pursue any future complaints without exception.

15 IT IS HEREBY ORDERED, pursuant to ORS 455.775(2), that Respondent shall CEASE AND  
16 DESIST from further violations of the Oregon Building Codes, statutes, administrative rules,  
specialty codes, or any Order issued by a State Building Codes Advisory Board.

17 **NOTICE OF OPPORTUNITY FOR JUDICIAL REVIEW (COURT OF APPEALS)**

18 Respondent is entitled to judicial review of this Order pursuant to ORS 183.482. Judicial  
19 Review may be initiated by filing a petition for review with the Oregon Court of Appeals within  
20 60 days from the date this Order was mailed to Respondent.

21 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008

22  
23 \_\_\_\_\_  
24 CHAIRMAN  
25 ELECTRICAL AND ELEVATOR BOARD  
STATE OF OREGON