

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

3 **IN THE MATTER OF:**) **NOTICE OF PROPOSED**
4) **ASSESSMENT OF CIVIL PENALTY**
5 **JAMES A. MARTIN,**) **AND FINAL ORDER ON DEFAULT**
6 **AN INDIVIDUAL,**)
7)
8 **RESPONDENT**) **CASE NO. 2008-0012**

9 **AUTHORITY**

10 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board proposes
11 to impose a civil penalty against Respondent, James A. Martin in the amount of \$8,000.

12 **FINDINGS OF FACT**

- 13
- 14 1. During or about the period of October 25 2007, through December 4, 2007, at 260 SE
15 Darrell, Winston, Oregon, Respondent engaged in the business of an electrical contractor by
16 verbally contracting and receiving payment to install electrical wiring, electrical switches, an
17 electrical panel, a junction box, and two heaters, for the account of Edmond Carroll, without
18 an Oregon electrical contractor's license.
 - 19 2. During or about the period of October 25 2007, through December 4, 2007, at 260 SE
20 Darrell, Winston, Oregon, Respondent installed electrical wiring, electrical switches, an
21 electrical panel, a junction box, and two heaters, for the account of Edmond Carroll, without
22 an Oregon supervising or journeyman electrician's license.
 - 23 3. During or about the period of October 25 2007, through December 4, 2007, at 260 SE
24 Darrell, Winston, Oregon, Respondent installed electrical wiring, electrical switches, an
25 electrical panel, a junction box, and two heaters, for the account of Edmond Carroll, without
first obtaining an electrical permit.
 4. During or about the period of October 25 2007, through December 4, 2007, at 264 SE
Darrell, Winston, Oregon, Respondent engaged in the business of an electrical contractor by
verbally contracting and receiving payment to install electrical wiring, electrical switches, an
electrical panel, a junction box, and two heaters, for the account of Edmond Carroll, without
an Oregon electrical contractor's license.
 5. During or about the period of October 25 2007, through December 4, 2007, at 264 SE
Darrell, Winston, Oregon, Respondent installed electrical wiring, electrical switches, an

1 electrical panel, a junction box, and two heaters, for the account of Edmond Carroll, without
2 an Oregon supervising or journeyman electrician's license.

3 6. During or about the period of October 25 2007, though December 4, 2007, at 264 SE
4 Darrell, Winston, Oregon, Respondent installed electrical wiring, electrical wiring, an
5 electrical panel, a junction box, and two heaters, for the account of Edmond Carroll, without
6 first obtaining an electrical permit.

7 7. During or about the period of December 2006 through July 2007, at 142 Deady Crossing,
8 Sutherlin, Oregon, Respondent installed a 220 volt extension cord directly into an electrical
9 panel, for the account of Roseburg Tractor and Machinery, without an Oregon supervising
10 or journeyman electrician's license.

11 8. During or about the period of December 2006 through July 2007, at 142 Deady Crossing,
12 Sutherlin, OR Respondent made an electrical installation, for the account of Roseburg
13 Tractor and Machinery, Inc., that did not meet minimum safety standards. Specifically,
14 Respondent wired a 220 volt electrical extension cord into an electrical panel, which is not
15 an acceptable wiring method. See National Electric Code (NEC) 2005 articles, 445.12,
16 705.30, 445.18, 445.10, 700.9, 700.6, 702.8(B), and 702.6, as adopted by OAR 918-305-
17 0100.

18 CONCLUSIONS OF LAW

19 1. Installing electrical wiring, electrical switches, an electrical panel, a junction box, two
20 heaters, and a 220 volt extension cord directly into an electrical panel, as set forth in the
21 Findings of Fact, are electrical installations as defined in ORS 479.530(10).

22 2. By making electrical installations without an Oregon electrical contractor's license, as
23 outlined in Findings of Fact #1 and #4, Respondent violated ORS 479.620(1).

24 3. By making an electrical installation without an Oregon supervising or journeyman
25 electrician's license, as outlined in Findings of Fact #2, #5, and 7, Respondent violated ORS
479.620(3).

4. By making an electrical installation without first obtaining a valid electrical permit, as
outlined in Findings of Fact #3 and #6, Respondent violated ORS 479.550(1).

5. By wiring a 220 volt electrical extension cord into an electrical panel, Respondent made an
electrical installation that violated the NEC and did not meet minimum safety standards, as
outlined in the Finding of Fact, Respondent violated ORS 479.710(1).

6. Relevant definitions for the above violations may be found in ORS 455.010, ORS 479.530,
OAR 918-030-0030, and OAR 918-251-0090.

ORDER

Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, Respondent is assessed a \$2,000 civil penalty for violation of ORS 479.620(1) on two occasions.

Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, Respondent is assessed a \$3,000 civil penalty for violation of ORS 479.620(3) on three occasions.

Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, Respondent is assessed a \$2,000 civil penalty for violation of ORS 479.550(1) on two occasions.

Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, Respondent is assessed a \$1,000 civil penalty for violation of ORS 479.710(1).

The total civil penalty is \$8,000.00.

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. If Respondent intends to request a hearing Respondent must file a
4 written request for a hearing with the Board no later than 20 days from the date of service of this
5 notice. If a request for hearing is not received within the 20-day period Respondent's right to a
6 hearing shall be considered waived unless the failure to request a hearing was beyond Respondent's
7 reasonable 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. If Respondent cannot afford council, a
10 legal aid organization may provide assistance. ORS 183.457 provides a corporation may be
11 represented by an authorized representative at the hearing. If Respondent requests a hearing the
12 Board and Director will notify Respondent of the time and place of the hearing. The Board and
13 Director will give Respondent information on the procedures, right of representation and other
14 rights of parties relating to the conduct of the hearing before commencement of the hearing.

15 **NOTICE OF FINAL ORDER ON DEFAULT**

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

22 Dated this _____ day of _____, 2008

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