

1 **BEFORE THE DIRECTOR OF THE DEPARTMENT OF CONSUMER AND BUSINESS**
2 **SERVICES OF THE STATE OF OREGON**

3 **IN THE MATTER OF:**)
4 **CUONG HUY PHAM, aka JEFF PHAM, AN**) **NOTICE OF PROPOSED ASSESSMENT**
5 **INDIVIDUAL,**) **OF A CIVIL PENALTY AND FINAL**
6 **RESPONDENT**) **ORDER ON DEFAULT**
7) **CASE NO. 2008-0252**
8)

9 Pursuant to ORS 455.895(2) and OAR 918-001-0036, the Director of the Department of
10 Consumer and Business Services of the State of Oregon proposes to impose a civil penalty
11 against Respondent, Cuong Huy Pham, aka Jeff Pham, in the amount of \$7,000.

12 **FINDINGS OF FACT**

- 13 1. At all relevant times Respondent was not licensed to perform any electrical installations
14 in Oregon.
- 15 2. On or about March 17, 2008, at 2601 25th Street SE, Salem, Oregon, Respondent
16 installed two CAT-V data cables, for which an Oregon journeyman or supervising electrician's
17 license is required.
- 18 3. On or about April 9, 2008, at 12889 NW Cornell Road, Portland, Oregon, Respondent
19 installed three CAT-V data cables, for which an Oregon journeyman or supervising electrician's
20 license is required.
- 21 4. On or about May 9, 2008, at 1730 Chambers Street, Eugene, Oregon, Respondent
22 installed three CAT-V data cables, for which an Oregon journeyman or supervising electrician's
23 license is required.
- 24 5. On or about May 10, 2008, at 1855 10th Ave SE, Albany, Oregon, Respondent installed a
25 CAT-V data cable, for which an Oregon journeyman or supervising electrician's license is
required.
6. On or about June 12, 2008, at 1705 22nd Drive, Florence, Oregon, Respondent installed
five CAT-V data cables, for which an Oregon journeyman or supervising electrician's license is
required.
7. On or about June 26, 2008, at 516 SE Morrison Street, Portland, Oregon, Respondent
installed five CAT-V data cables, for which an Oregon journeyman or supervising electrician's
license is required.

1 8. On or about July 7, 2008, at 580 SW Twin Oaks Circle, Corvallis, Oregon, Respondent
2 installed four CAT-V data cables, for which an Oregon journeyman or supervising electrician's
3 license is required.

4 **CONCLUSIONS OF LAW**

5 1. The installation of CAT-V data cable, as outlined in the Findings of Fact, is an electrical
6 installation under ORS 479.530(10).

7 2. Pursuant to ORS 479.620(3), a person may not make any electrical installation without a
8 supervising or journeyman electrician's license.

9 3. By making an electrical installation without an Oregon journeyman or supervising
10 electrician's license, as outlined in the Findings of Fact, Respondent violated ORS 479.620(3) on
11 seven occasions.

12 **ORDER**

13 Pursuant to ORS 455.895(2) and OAR 918-001-0036, the Director of the Department of
14 Consumer and Business Services of the State of Oregon finds Respondent violated ORS
15 479.620(3) on seven occasions, and is assessed a \$7,000 civil penalty.

16 **NOTICE OF RIGHT TO HEARING**

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

24 Respondent has the right to be represented by legal counsel. ORS 183.457 provides a
25 corporation may be represented by an authorized representative at the hearing. If Respondent
requests a hearing the Board and Director will notify Respondent of the time and place of the
hearing. The Board and Director will give Respondent information on the procedures, right of
representation and other rights of parties relating to the conduct of the hearing before
commencement of the hearing.

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1 **NOTICE OF FINAL ORDER**

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

8 Dated this ____ day of _____, 2008

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10 Director
11 Department of Consumer and Business Services
12 State of Oregon
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