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

3 **IN THE MATTER OF:**
4 **DOUGLAS TERRILL, AN INDIVIDUAL**

7 **RESPONDENT**

)
) **NOTICE OF PROPOSED ASSESSMENT**
) **OF A CIVIL PENALTY AND FINAL**
) **ORDER ON DEFAULT**

6) **CASE NO. 2010-0075**

) **FINAL ORDER**

) **As of: December 8, 2010**

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9 Pursuant to ORS 455.895(2) and OAR 918-001-0036, the Director of the Department of
10 Consumer and Business Services (Director) proposes to impose a civil penalty against
Respondent, Douglas Terrill, in the amount of \$3,000.

11 **FINDINGS OF FACT**

- 12 1. During or about the period of November 17, 2009 through March 18, 2009, at 163 Pioneer
13 Street, Ashland, Oregon, Respondent installed new electrical wiring without first obtaining a
valid electrical permit.
- 14 2. During or about the period of November 17, 2009 through March 18, 2009, at 163 Pioneer
15 Street, Ashland, Oregon, Respondent installed new electrical wiring without an Oregon
supervising or journeyman electrician's license.
- 16 3. During or about the period of November 17, 2009 through March 18, 2009, at 163 Pioneer
17 Street, Ashland, Oregon, Respondent installed drain pipe and potable water lines without having
first obtained a valid plumbing permit.
- 18 4. During or about the period of November 17, 2009 through March 18, 2009, at 163 Pioneer
19 Street, Ashland, Oregon, Respondent installed drain pipe and potable water lines without an
Oregon journeyman plumber's license.

20 **APPLICABLE LAW**

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22 1. Pursuant to ORS 479.550(1), no person shall work on any new electrical installation for which
a permit has not been issued.
- 23 2. Pursuant to ORS 479.620(3), a person may not make any electrical installation without a
24 supervising or journeyman electrician's license.

1 3. Pursuant to OAR 918-785-0200(1)(a), no person, firm, or corporation shall do plumbing or
2 effective October 1, 2001, medical gas systems work in the State of Oregon without first
3 obtaining a plumbing permit or minor label when required and paying the appropriate fees to the
4 authorized permit issuing agency.

4 4. Pursuant to ORS 693.030(1), a person may not engage in the trade of journeyman plumber
5 without a journeyman plumber's license.

6 **CONCLUSIONS OF LAW**

6 1. The installation of electrical wiring, as set forth in the Findings of Facts, is an electrical
7 installation under ORS 479.530(10).

8 2. By making an electrical installation without having first obtained a valid electrical permit, as
9 set forth in the Findings of Fact, Respondent violated ORS 479.550(1).

10 3. By making an electrical installation without a valid Oregon supervising or journeyman
11 electrician's license, as set forth in the Findings of Fact, Respondent violated ORS 479.620(3).

12 4. The installation of drain pipe and potable water lines, as set forth in the Findings of Fact, are
13 plumbing installations as defined in ORS 447.010(6).

14 5. By making a plumbing installation without having first obtained a valid plumbing permit, as
15 set forth in the Findings of Fact, Respondent violated OAR 918-785-0200(1)(a).

16 6. By making a plumbing installation without a valid Oregon journeyman plumber's license, as
17 set forth in the Findings of Fact, Respondent violated ORS 693.030(1).

16 **ORDER**

17 Pursuant to ORS 455.895(2) and OAR 918-001-0036, Respondent is assessed a \$1,000
18 civil penalty for violation of ORS 479.550(1) and OAR 918-785-0200(1)(a).

19 Pursuant to ORS 455.895(2) and OAR 918-001-0036, Respondent is assessed a \$2,000
20 civil penalty for violation of ORS 479.620(1) and ORS 693.030(1).

21 The civil penalties assessed total \$3,000.

22 **NOTICE OF RIGHT TO HEARING**

23 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
24 Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing
25 and filed with the Division no later than 20 days from the date of service. If the Notice was
served on Respondent in person, the date of service is the date Respondent received the Notice.
If the Notice was served through the mail, the date of service is the day the Notice was mailed,
not the day it was received by the Respondent. If a request for hearing is not received within the

1 20-day period, Respondent's right to a hearing shall be considered waived unless the failure to
2 request a hearing was beyond Respondent's reasonable control. Hearing requests shall be mailed
to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

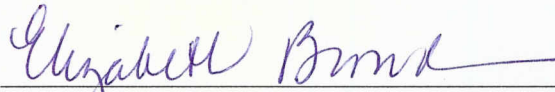

3 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
4 corporation may be represented by an authorized representative at the hearing. If Respondent
5 requests a hearing the Board and Director will notify Respondent of the time and place of the
6 hearing. The Board 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.

7 **NOTICE OF FINAL ORDER**

8 If Respondent does not request a hearing within 20 days, this citation will become a final order,
9 effective 21 days after it was served on Respondent. If Respondent does not request a hearing or
fails to appear at a scheduled hearing, the Division's file on the matter becomes record.

10 Respondent is entitled to judicial review of this Order. Judicial review may be obtained by filing
11 a petition for review with the Oregon Court of Appeals within 60 days after the final order is
served upon Respondent. See ORS 183.482. If the Order was served on Respondent in person,
12 the date of service is the date Respondent received the Order. If the Order was served through
the mail, the date of service is the day the Order was mailed, not the day it was received by the
13 Respondent. If Respondent does not file a petition for judicial review within the 60 day time
period, Respondent will lose the right to appeal. The informational phone number for the
14 Oregon Court of Appeals is (503) 986-5555.

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16 Dated this 11 day of July, 2010

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19 Director 
20 Department of Consumer and Business Services
21 State of Oregon
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