

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

3 **IN THE MATTER OF:**

4 **GRAY BAILEY, AN INDIVIDUAL**

5
6 **RESPONDENT**

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

)
) **CASE NO. 2010-0108**

FINAL ORDER

As of: Aug. 13, 2010

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9 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Oregon Electrical and Elevator
10 Board (Board) proposes to impose civil penalties against Respondent, Gray Bailey, totaling
11 \$6,000.

11 **FINDINGS OF FACT**

- 12 1. During or about the month of April 2010, at 2690 Yokum Road, Riddle, Oregon,
13 Respondent engaged in the business of installing electrical wiring, electrical switches, electrical
14 lights, and electrical outlets, for the account of another, without an Oregon electrical contractor's
15 license.
16 2. During or about the month of April 2010, at 2690 Yokum Road, Riddle, Oregon,
17 Respondent installed electrical wiring, electrical switches, electrical lights, and electrical outlets,
18 for the account of another, without an Oregon supervising or journeyman electrician license.
19 3. During or about the month of April 2010, at 2690 Yokum Road, Riddle, Oregon,
20 Respondent installed electrical wiring, electrical switches, electrical lights, and electrical outlets,
21 for the account of another, without first obtaining a valid electrical permit.

19 **APPLICABLE LAW**

- 20 1. Pursuant to ORS 479.620(1), except as exempted in ORS 479.540, a person may not
21 engage in the business of an electrical contractor without an electrical contractor's license.¹
22 2. Pursuant to ORS 479.620(3), except as exempted in ORS 479.540, a person may not
23 make an electrical installation without an Oregon supervising or journeyman electrician's
24 license.

24 ¹ OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630 and any other
25 license regulated by ORS chapter 455, "engaging in the business" means to advertise or solicit, contract
or agree to perform, or to perform, work for which a license or permit is required under Oregon law,
including but not limited to a single instance.

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2 3. Pursuant to ORS 479.550(1), except as exempted in ORS 479.540, a person may not
work on any new electrical installation for which a permit has not been obtained.²

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4 **CONCLUSIONS OF LAW**

5 1. The installations of electrical wiring, electrical switches, electrical lights, and electrical
outlets, as outlined in the Findings of Fact, are electrical installations under ORS 479.530(10).

6 2. By engaging in the business of making electrical installations without an Oregon
7 electrical contractor's license, as outlined in the Findings of Fact, Respondent violated ORS
479.620(1).

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

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

11 **ORDER**

12 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, Board finds Respondent
13 violated ORS 479.620(1) and is assessed a \$3,000 civil penalty.

14 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, Board finds Respondent
violated ORS 479.620(3) and is assessed a \$2,000 civil penalty.

15 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, Board finds Respondent
16 violated ORS 479.550(1) and is assessed a \$1,000 civil penalty.

17 The civil penalties assessed total \$6,000.

18 **NOTICE OF RIGHT TO HEARING**

19 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
20 Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing
and filed with the Division no later than 20 days from the date of service. If the Notice was
21 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,
22 not the day it was received by the Respondent. If a request for hearing is not received within the
20-day period, Respondent's right to a hearing shall be considered waived unless the failure to
23 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.

24 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
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² OAR 918-309-0000(5) establishes a permit issued to one person or firm is not transferable and shall not
permit another other person or firm to perform any electrical work thereunder.

1 corporation may be represented by an authorized representative at the hearing. If Respondent
2 requests a hearing the Board and the Director of the Department of Consumer and Business
3 Services (Director) will notify Respondent of the time and place of the hearing. The Board and
4 Director will give Respondent information on the procedures, right of representation and other
5 rights of parties relating to the conduct of the hearing before commencement of the hearing.

6 NOTICE OF FINAL ORDER

7 If Respondent does not request a hearing within 20 days, this citation will become a final order,
8 effective 21 days after it was served on Respondent. If Respondent does not request a hearing or
9 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
12 served upon Respondent. See ORS 183.482. If the Order was served on Respondent in person,
13 the date of service is the date Respondent received the Order. If the Order was served through
14 the mail, the date of service is the day the Order was mailed, not the day it was received by the
15 Respondent. If Respondent does not file a petition for judicial review within the 60 day time
16 period, Respondent will lose the right to appeal. The informational phone number for the
17 Oregon Court of Appeals is (503) 986-5555.

18 Dated this 21st day of July, 2010

19 Elizabeth Bruden per
20 Chairman
21 Electrical and Elevator Board
22 State of Oregon
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