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

3 **IN THE MATTER OF:**

4 **JOSHUA YATES, AN INDIVIDUAL**

5  
6 **RESPONDENT (You)**

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

) **CASE NO. 2011-0051**

) **FINAL ORDER**

) **As of: May 19, 2011**

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9 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board (Board)  
10 proposes to take disciplinary action against you in the form of civil penalties, totaling \$2,000,  
because you violated Building Codes Division statutes and/or rules as follows:

11 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

12 (1) On or about January 26, 2011, at 1213 West Main Street, Medford, Oregon, you  
13 installed electrical wiring and conduit, for the account of another, without a supervising or  
journeyman electrician, in violation of ORS 479.620(3).

14 (2) The installation of electrical wiring and conduit are electrical installations under  
15 ORS 479.530(10).

16 **WHAT THE LAW SAYS**

17 Under ORS 479.620(3), a person may not make any electrical installation without a  
supervising or journeyman electrician's license.

18 **ORDER**

19 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board  
20 assesses the following sanctions:

21 (1) a \$2,000 civil penalty for violating ORS 479.620(3)

22 The civil penalties assessed total \$2,000.  
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1 **NOTICE OF RIGHT TO HEARING**

2 You are entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised  
3 Statutes, Chapter 183. If you request a hearing, the request must be in writing and filed with the  
4 Division no later than 20 days from the date of service. If the Notice was served on you in  
5 person, the date of service is the date you received the Notice. If the Notice was served through  
6 the mail, the date of service is the day the Notice was mailed, not the day you received it.

7 If a request for hearing is not received within the 20-day period, your right to a hearing shall be  
8 considered waived unless the failure to request a hearing was beyond your reasonable control.  
9 Hearing requests shall be mailed to Building Codes Division, Enforcement Section, P.O. Box  
10 14470, Salem, Oregon, 97309.

11 You have the right to be represented by legal counsel. ORS 183.457 provides that a corporation  
12 may be represented by an authorized representative at the hearing. If you request a hearing you  
13 will be notified of the time and place of the hearing and be provided with information on the  
14 procedures, right of representation, and other rights of parties relating to the hearing before it  
15 begins.

16 **NOTICE OF FINAL ORDER**

17 If you do not request a hearing within 20 days, withdraw a hearing request, notify the Board or  
18 the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, the  
19 Board will issue a Final Order by Default. If the Board issues a Final Order by Default, it  
20 designates the file, including any materials submitted by you that relate to this matter, as the  
21 record, for purpose of proving a prima facie case.

22 You are entitled to judicial review of any final order issued in the matter of this Notice of  
23 Proposed Civil Penalty. Judicial review may be obtained by filing a petition for review with the  
24 Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If  
25 the Order was served on you in person, the date of service is the date you 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 you received it. If you do not file a petition for judicial review within the 60 day time  
period, you will lose the right to appeal. The informational phone number for the Oregon Court  
of Appeals is (503) 986-5555.

26 Dated this 29<sup>th</sup> day of April, 2011

27 Elizabeth Bond for  
28 Chairman  
29 Electrical and Elevator Board  
30 State of Oregon