

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

2 )  
3 **IN THE MATTER OF:** )

4 **DOHNALD L. HARTMAN, AN INDIVIDUAL** )

5 **RESPONDENT(You)** )

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

) **CASE NO. 2011-0147**

6 )  
7 **FINAL ORDER**

*As of November 1, 2011*

8 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Oregon Electrical and Elevator  
9 Board (Board) proposes to take disciplinary action against you in the form of a civil penalties,  
10 totaling \$6,000, 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 20, 2011, at 15209 NW Twinflower Drive, Portland, Oregon, you  
13 engaged in the business of installing two ceiling fans, for the account of another, without an Oregon  
14 electrical contractor's license, in violation of ORS 479.620(1).

15 (2) On or about January 20, 2011, at 15209 NW Twinflower Drive, Portland, Oregon, you  
16 installed two ceiling fans, for the account of another, without a supervising or journeyman  
17 electrician's license, in violation of ORS 479.620(3).

18 (3) On or about January 20, 2011, at 15209 NW Twinflower Drive, Portland, Oregon, you  
19 installed two ceiling fans, for the account of another, without first obtaining an electrical permit, in  
20 violation of ORS 479.550(1).

21 (4) Installing a ceiling fan is an electrical installation as defined in ORS 479.530(10).

22 **WHAT THE LAW SAYS**

23 (1) Under ORS 479.620(1), except as exempted in ORS 479.540, a person may not engage  
24 in the business of an electrical contractor without an electrical contractor's license.<sup>1</sup>

25 (2) Under ORS 479.620(3), except as exempted in ORS 479.540, a person may not make  
any electrical installation without a supervising or journeyman electrician's license.

<sup>1</sup> OAR 918-030-0010(8) states that for purposes of ORS 447.040, 479.620, 480.630 and any other 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) Under 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.<sup>2</sup>

3 **ORDER**

4 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses the following  
5 sanctions:

6 (1) \$4,000 civil penalty for violating ORS 479.620(1)

7 (2) \$2,500 civil penalty for violating ORS 479.620(3)

8 (3) \$2,000 civil penalty for violating ORS 479.550(1)

9 The civil penalties assessed total \$8,500.

10 **NOTICE OF RIGHT TO HEARING**

11 You are entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised  
12 Statutes, Chapter 183. If you request a hearing, the request must be in writing and filed with the  
13 Division no later than 20 days from the date of service. If the Notice was served on you in person,  
the date of service is the date you received the Notice. If the Notice was served through the mail,  
14 the date of service is the day the Notice was mailed, not the day it was received by you. If a request  
for hearing is not received within the 20-day period, your right to a hearing shall be considered  
15 waived unless the failure to request a hearing was beyond your reasonable control. Hearing  
requests shall be mailed to Building Codes Division, Enforcement Section, P.O. Box 14470, Salem,  
Oregon, 97309.

16 You have the right to be represented by legal counsel. ORS 183.457 provides that a corporation  
17 may be represented by an authorized representative at the hearing. If you request a hearing the  
Board and the Director of the Department of Consumer and Business Services (Director) will notify  
18 you of the time and place of the hearing. The Board and Director will give you information on the  
procedures, right of representation and other rights of parties relating to the conduct of the hearing  
19 before commencement of the hearing.

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<sup>2</sup> 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 **NOTICE OF FINAL ORDER**

2 If you do not request a hearing within 20 days, this citation will become a final order, effective 21  
3 days after it was served on you. If you do not request a hearing or fail to appear at a scheduled  
4 hearing, the Division's file on the matter becomes record.

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

12 Dated this 12 day of October, 2011

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14 Chairman  
15 Electrical and Elevator Board  
16 State of Oregon  
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