

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

3 **OREGON BUILDING CODES DIVISION**

4 **IN THE MATTER OF:**

6 **JOHN C. ALLARD,**

7 **AN INDIVIDUAL**

9 **RESPONDENT**

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

)
) **NOTICE OF INTENT TO SUSPEND**
) **RESPONDENT'S JOURNEYMAN**
) **ELECTRICIAN'S LICENSE #10522J**

) **CASE NO. 2009-0278**
)
)

11 Pursuant to ORS 455.895(2) and OAR 918-001-0036, the Director of the Department of Consumer
12 and Business Services (Director) proposes to impose civil penalties totaling \$12,000 against
Respondent John C. Allard.

13 Pursuant to ORS 455.129, the Director proposes to suspend Respondent's journeyman electrician's
14 license #10522J for a period of two (2) years.

15 **FINDINGS OF FACT**

16 1. During all relevant times, Respondent was licensed as an Oregon general journeyman
electrician, holding license #10522J.

17 2. During or about the month of June 2009, at 5835 N. Omaha Avenue, Portland, Oregon,
18 Respondent engaged in the business of installing an electrical service, for the account of Brint
Riggs, without an Oregon electrical contractor's license.

19 3. During or about the month of June 2009, at 5835 N. Omaha Avenue, Portland, Oregon,
20 Respondent installed an electrical service, for the account of Brint Riggs, while not under the direct
supervision of a supervising electrician.

21 4. During or about the month of June 2009, at 5835 N. Omaha Avenue, Portland, Oregon,
22 Respondent installed an electrical service, for the account of Brint Riggs, without first obtaining a
valid electrical permit.

23 5. During or about the month of August 2009, at 21260 S.E. Stark Street, Gresham, Oregon,
24 Respondent engaged in the business of installing an electrical service and two branch circuits, for
25 the account of Tom Phelps, without an Oregon electrical contractor's license.

1 6. During or about the month of August 2009, at 21260 S.E. Stark Street, Gresham, Oregon,
2 Respondent installed an electrical service and two branch circuits, for the account of Tom Phelps,
while not under the direct supervision of a supervising electrician.

3 7. During or about the month of August 2009, at 21260 S.E. Stark Street, Gresham, Oregon,
4 Respondent installed an electrical service and two branch circuits, for the account of Tom Phelps,
without first obtaining a valid electrical permit.

5 8. During or about the month of August 2009, Respondent provided false or incorrect
6 information to obtain an electrical permit for electrical work at 21260 S.E. Stark Street, Gresham,
7 Oregon.

8 **LAW**

9 1. Pursuant to ORS 479.620(1), a person may not, without an electrical contractor's license,
10 engage in the business of making electrical installations, advertise as or otherwise purport to be
licensed to make electrical installations or purport to be acting as a business that makes electrical
installations.

11 2. Pursuant to OAR 918-282-0170(1)(b), a journeyman electrician may not make electrical
installations without being under the supervision of an Oregon supervising electrician.

12 3. Pursuant to ORS 479.550(1), except as provided in ORS 479.540, no person shall work on
13 any new electrical installation for which a valid permit has not been issued.

14 4. Pursuant to OAR 918-309-0000(1), a person is subject to compliance action for providing
15 false or incorrect information or a false or incorrect signature to obtain an electrical permit.

16 **CONCLUSIONS OF LAW**

17 1. The installations of an electrical service and electrical branch circuits, as set forth in the
Findings of Fact, are electrical installations as defined in ORS 479.530(10).

18 2. By engaging in the business of making electrical installations without a valid Oregon
19 electrical contractor's license, as set forth in the Findings of Fact, Respondent violated ORS
20 479.620(1) on two occasions.

21 3. By making electrical installations without being under the supervision of an Oregon
22 electrical supervising electrician, as set forth in the Findings of Fact, Respondent violated OAR
918-282-0170(1)(b) on two occasions.

23 4. By making electrical installations without first having obtained a valid electrical permit, as
set forth in the Findings of Fact, Respondent violated ORS 479.550(1) on two occasions.

24 5. By providing false or incorrect information to obtain an electrical permit, as outlined in the
25 Findings of Fact, violated OAR 918-3009-0000(1).

1 **ORDER**

2 Pursuant to ORS 455.895(2) and OAR 918-001-0036, Respondent is assessed a \$ 3,000 civil
3 penalty for violating ORS 479.620(1) on the first occasion.

4 Pursuant to ORS 455.895(2) and OAR 918-001-0036, Respondent is assessed a \$ 3,000 civil
5 penalty for violating ORS 479.620(1) on the second occasion.

6 Pursuant to ORS 455.895(2) and OAR 918-001-0036, Respondent is assessed a \$2,500 civil penalty
7 for violating OAR 918-282-0170(1)(b) and ORS 479.550(1) on the first occasion.

8 Pursuant to ORS 455.895(2) and OAR 918-001-0036, Respondent is assessed a \$2,500 civil penalty
9 for violating OAR 918-282-0170(1)(b) and ORS 479.550(1) on the second occasion.

10 Pursuant to ORS 455.895(2) and OAR 918-001-0036, Respondent is assessed a \$1,000 civil penalty
11 for violating OAR 918-309-0000(1).

12 The civil penalties total \$12,000.

13 **LICENSE SUSPENSION**

14 Pursuant to ORS 455.129, Respondent’s journeyman electrician’s license #10522J is suspended for
15 a period of two years from the date this order becomes final.

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 requests a hearing, the request must be in writing and
19 filed with the Division no later than 20 days from the date of service. If the Notice was served on
20 Respondent in person, the date of service is the date Respondent received the Notice. If the Notice
21 was served through the mail, the date of service is the day the Notice was mailed, not the day it was
22 received by the Respondent. If a request for hearing is not received within the 20-day period,
23 Respondent’s right to a hearing shall be considered waived unless the failure to request a hearing
24 was beyond Respondent’s reasonable control. Hearing requests shall be mailed to Building Codes
25 Division, Enforcement Section, P.O. Box 14470, Salem, Oregon, 97309.

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

//

//

//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NOTICE OF FINAL ORDER

If Respondent does not request a hearing within 20 days, this citation will become a final order, 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.

Respondent is entitled to judicial review of this Order. Judicial review may be obtained by filing 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, 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 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 Oregon Court of Appeals is (503) 986-5555.

Dated this _____ day of _____, 2009

Director
Department of Consumer and Business Services
State of Oregon