

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

2
3 **IN THE MATTER OF:**) **NOTICE OF PROPOSED**
4 **THOMAS MAHLER,**) **ASSESSMENT OF A CIVIL PENALTY**
5 **AN INDIVIDUAL**) **AND FINAL ORDER UPON DEFAULT**
6 **RESPONDENT**) **CASE NO. 2008-0245**

7 Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, the Electrical and Elevator Board
8 proposes to impose a civil penalty against Respondent, Thomas Mahler, in the amount of
9 \$2,000.

10 **FINDINGS OF FACT**

- 11 1. On or about June 19, 2008, at 95 SE 5th Avenue, Ontario, Oregon, Respondent
12 installed a 120-volt branch circuit and limited energy wiring for a computer station,
13 for the account of Western Stockman Warehouse, without an Oregon supervising
14 or journeyman electrician’s license.

14 **CONCLUSIONS OF LAW**

- 15 1. The installation of a 120-volt branch circuit and limited energy wiring for a
16 computer station, as outlined in the Findings of Fact, are electrical installations as
17 defined in ORS 479.530(10).
18 2. By making an electrical installation without a valid Oregon supervising or
19 journeyman electrician’s license, as set forth in the Findings of Fact, Respondent
20 violated ORS 479.620(3).

20 **ORDER**

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

23 The Board further **ORDERS** the imposition of \$500 of the \$2000 total civil penalty be
24 stayed for the period of three years from the date of this Order, under the following terms
25 and conditions.

1 The Respondent shall not violate any provision of Oregon Building Codes Statutes,
2 administrative rules, specialty codes, or any Order issued by the State Building Codes
Advisory Board.

3 The remaining \$1,500 civil penalty is due and payable within 30 days of the date this order
4 is signed by the Board. Failure to submit payment by the due date indicated with result in
5 your account being forwarded to the Department's Business Administration Division for
6 collection. The Department will pursue collection of unpaid civil penalties by filing a lien
against your real estate holdings, by tax refund offsets through the Department of
Revenue, or through an outside collection agent.

7 If Respondent fully complies with all conditions imposed herein, the \$500 stayed civil
8 penalty shall be waived at the end of the three-year period and shall no longer be imposed.
9 If the Board finds that the Respondent has violated any of the terms and conditions stated
10 herein during the three-year period from the date of this Order, the Board by and through
11 Director of the Department of Consumer and Business Services may impose the \$500
stayed civil penalty. Further, this Order does not limit the Board from other actions to
enforce other violations of the Oregon Building Codes statute, administrative rules, and
specialty codes.

12 **NOTICE OF HEARING**

13 Respondent is entitled to a hearing as provided by the Administrative Procedures Act,
14 Oregon Revised Statutes, Chapter 183. If Respondent wishes to receive a hearing
Respondent must file a written request for a hearing with the Board no later than 20 days
15 from the date of service of this notice. If a request for hearing is not received within the 20-
16 day period Respondent's right to a hearing shall be considered waived unless the failure to
request a hearing was beyond Respondent's reasonable control. Hearing requests shall
17 be mailed to Building Codes Division, Enforcement and Licensing Section, PO Box 14470,
Salem, Oregon, 97309.

18 Respondent has the right to be represented by legal counsel. ORS 183.457 provides a
19 corporation may be represented by an authorized representative at the hearing. If
Respondent requests a hearing the Board and Director will notify Respondent of the time
20 and place of the hearing. The Board and Director will give Respondent information on the
21 procedures, right of representation and other rights of parties relating to the conduct of the
hearing before commencement of the hearing.

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1 **NOTICE OF FINAL ORDER**

2 If Respondent does not request a hearing within 20 days, this citation will become a final
3 order, effective 21 days after it was served on Respondent. If Respondent does not
4 request a hearing or fails to appear at a scheduled hearing, the Division's file on the matter
5 becomes record. Respondent is entitled to judicial review of this order. Judicial review
6 may be obtained by filing for review within 81 days from the date this order was served.
7 Judicial review is pursuant to the provisions of ORS 183.482 to the Court of Appeals.

8 Dated this _____ day of _____, 2008

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11 _____
12 Chairman
13 Electrical and Elevator Board
14 State of Oregon
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