

1 pressure, either internal or external. -This pressure may be obtained from an external source or
2 by the application of heating from a director indirect source, or any combination thereof.

- 3 3. Under ORS 480.630(2), a person who installs, repairs or alters boilers or pressure vessels as the
4 employee or agent of a business engaged in the installation, repair or alteration of boilers or
5 pressure vessels must possess an employee or agent license issued by the department.

6 **CONCLUSIONS OF LAW**

- 7 1. A 1000 MBH boiler and a 2000 MBH boiler are boilers as defined by ORS 480.515(3).
8 2. An air separator is a pressure vessel as defined by ORS 480.515(12).
9 3. By installing and altering three boilers and a pressure vessel without a valid license,
10 Respondent violated ORS 480.630(2).

11 **ORDER**

12 Under ORS 455.895(1)(b) and OAR 918-001-0036, the Board assesses a \$2,000 civil penalty
13 for violating ORS 480.630(2).

14 **NOTICE OF RIGHT TO HEARING**

15 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
16 Revised Statutes, chapter 183. If Respondent requests a hearing, the request must be in writing and
17 filed with the Building Codes Division. The postmarked date on the request for hearing must be no
18 later than 20 days from the date the Notice of Proposed Action (Notice) was served on Respondent. If
19 this Notice was served to Respondent in person, the service date is the date Respondent received this
20 Notice. If this Notice was served through the mail, the service date is the day the Notice was mailed,
21 not the day Respondent received it. Mail hearing requests to Building Codes Division, Enforcement
22 Section, P.O. Box 14470, Salem, Oregon, 97309.

23 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
24 corporation may be represented by an authorized representative at the hearing. If Respondent requests
25 a hearing, Respondent will be notified of the time and place of the hearing and be given information on

1 procedures, right of representation, and other rights of parties relating to the hearing before it begins.

2 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

3 Active duty service members have a right to stay proceedings under the federal
4 Servicemembers Civil Relief Act. Contact the Oregon State Bar at 800-452-8260 or the Oregon
5 Military Department at 800-452-7500 for more information. If Respondent needs help finding legal
6 assistance, visit the United States Armed Forces Legal Assistance Legal Services Locator website at
7 <http://legalassistance.law.af.mil/content/locator.php>.

8 **NOTICE OF FINAL ORDER**

9 If Respondent does not request a hearing within 20 days, withdraws a hearing request, notifies
10 the Building Codes Division (Division) or the administrative law judge that they will not appear, or
11 fails to appear at a scheduled hearing, the Division will issue a Final Order by Default. If the Division
12 issues a Final Order by Default, it designates the file, including any materials submitted by Respondent
13 that relate to this matter, as the record for purpose of proving a prima facie case.

14 Respondent is entitled to judicial review of any final order issued in the matter of this Notice of
15 Proposed Assessment of a Civil Penalty. Judicial review may be obtained by filing a petition for
16 review with the Oregon Court of Appeals within 60 days after the Final Order is served. See ORS
17 183.482. If the Order was served in person, the service date is the date Respondent received the Order.
18 If the Order was served through the mail, the service date is the day the Order was mailed, not the day
19 it was received by Respondent. If Respondent does not file a petition for judicial review within 60
20 days, Respondent will lose the right to appeal. The phone number for the Oregon Court of Appeals is
21 503-986-5555.

22 Dated this 26th day of May, 2014

23 
24 _____ for
25 Chair
Board of Boiler Rules
State of Oregon