



Oregon

State Board of Examiners for
Engineering & Land Surveying
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BEFORE THE OREGON STATE BOARD OF EXAMINERS

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FOR ENGINEERING AND LAND SURVEYING

6 In the Matter of:

Case No. 2887

7 COMFORT FLOW HEATING, CO.

FINAL ORDER BY DEFAULT

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On or about December 29, 2016, the Oregon State Board of Examiners for Engineering

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and Land Surveying (Board) properly served a Notice of Intent to Assess a Civil Penalty

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(Notice) against Comfort Flow Heating, Co. (Respondent). Respondent did not request a hearing

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and paid the full civil penalty amount of \$1,000.00. The Notice designated the Board file on this

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matter as the record for purposes of establishing a *prima facie* case upon default. Therefore,

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upon consideration of the facts and law, the Board enters the following Order:

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

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At no relevant time did Respondent employ or have a corporate officer or manager

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registered to practice professional engineering in the State of Oregon.

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On or about October 3, 2013, Respondent submitted a proposal to provide Heating

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Ventilation and Air Conditioning (HVAC) system services to the first floor event center at the

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Wheelhouse, a mixed-use commercial office building in Albany Oregon, to David Johnson

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1 (Johnson) of Ohanamula, LLC. In the proposal, Respondent performed its own calculations for
2 system performance and made its own equipment selections.

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4 In those calculations and equipment selections, Respondent provided a re-engineered
5 solution that was different from a previously-engineered solution to the same problem.
6 Respondent departed from the application of prescriptive methods in the codes and calculated
7 their own system performance to meet non-standard conditions based on a performance outcome
8 outside the code prescriptions and the originally engineered system design. This conduct is the
9 practice of engineering under ORS 672.005(1)(a) and (b). By submitting this proposal to
10 Johnson, Respondent offered to perform professional engineering services. ORS 672.007(1)(c).

11 4.

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13 The conduct described above is in violation of OAR 820-010-0720(1) (*see also* OAR
14 820-010-0720(3)), offering to practice or practicing engineering without an Oregon registered
15 professional engineer as a full-time manager, officer or employee.

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17 **FINAL ORDER**

18 Based on the foregoing and pursuant to ORS 183.745, 672.200, and 672.325, it is
19 HEREBY ORDERED that and a civil penalty is imposed on Comfort Flow Heating, Co.
20 (Respondent) in the amount of \$1,000 for the violation of ORS 672.020(1), 672.045(2) and

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1 OAR 820-010-0720(1). The civil penalty is due and payable 70 days after the date of this order,
2 unless the penalty has already been paid.

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Jason Kent
Jason Kent, PE
Board President
Oregon State Board of Examiners for
Engineering and Land Surveying

3/14/2017
Date

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APPEAL RIGHTS

10 You are entitled to judicial review of this order in accordance with ORS Chapter 183.482. You
11 may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon
within 60 days from the date of service of this order.

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