

Building Codes Division
Board of Boiler Rules Compliance Report
Compliance Actions
As of 5/25/04

2003-0445

Boiler/Pressure 36,000.00

Director of the Department of Consumer and Business Services \$9,750.00

Respondent:

Wescold, Inc.

Portland

OR

Complaint Source: Bob Hostetler BCD Boiler Inspector

Final Action: Consent Order

Compliance Achieved: Yes

Type of Violator: Repeat violator

Alleged Violations:

On or about the period of November 2002, through April 15, 2003, at 9810 SE Mangan Drive, Clackamas Oregon, Respondent engaged in the business of installing, repairing or altering pressure vessels related to a refrigeration system, as a contractor, without having a valid Oregon Boiler/ Pressure Vessel Business license, in violation of ORS 480.630(1). This violation is identified as an egregious act by a second time violator subject to a civil penalty of \$3,000.00 under OAR 918-001-0036(2)(B).

On or about the period of November 2002, through April 15, 2003, at 9810 SE Mangan Drive, Clackamas Oregon, Respondent installed 14 separate pressure vessels and associated piping, without first having obtained a valid boiler/pressure vessel installation permit, in violation of ORS 480.630(6).

On or about the period of March 1, 2003, to April 15, 2003, at 623 SW Bay Blvd., Newport, Oregon, Respondent engaged in the business of installing, altering, or repairing pressure vessels by installing, or altering ammonia piping as a contractor, without having a valid Oregon Boiler/Pressure Vessel Business License, in violation of ORS 480.630(1). This violation is identified as an egregious act by a second time violator subject to a civil penalty of \$3,000.00 under OAR 918-001-0036(2)(B).

On or about the period of March 1, 2003, to April 15, 2003, at 623 SW Bay Blvd., Newport, Oregon, Respondent installed, altered, or repaired pressure vessels by altering or installing ammonia piping, without first having obtained a valid boiler/pressure vessel installation permit, in violation of ORS 480.630(6).

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On December 13, 2001, The Director of the Department of Consumer and Business Services issued a Consent Order in case 2001-0742 finding the Respondent installed pressure vessels, without first having obtained valid pressure vessel installation permits, on twenty counts, in violation of ORS 480.630(6) and assessed \$10,000.00 in civil penalties. The Consent Order stayed \$9,750.00 of the civil penalties for three years from the date of the Order, provided the Respondent did not violate any provisions of the Oregon Building Codes, Statutes, Administrative Rules, Specialty Codes, or any Order issued by a State Building Codes Advisory Board. The \$9,750.00 civil penalties is now due and payable based on the above violations.

Other Comments:

The Consent Order presented to the Board for approval combines the violations of Division Case 2003-0344 and 2003-0445.

Respondent was not responsible for the completion of the work and was replaced by a licensed Boiler Contractor whom purchased the required permits. Work performed by the Respondent was replaced by the new contractor and all work was inspected and approved by the Division.

Respondent admitted the violation occurred and agreed to the entry of a Consent Order acknowledging a commitment to comply with the Oregon Specialty Codes. Compliance has been achieved in the matter. The Respondent was assessed a \$45,750.00 civil penalty. The Respondent will pay \$30,750.00, and the \$15,000.00 balance of the civil penalty will be stayed for a period of three years. The stayed civil penalty will be discharged at the end of the three-year period, provided there are no subsequent violations during the three-year period.

Case was received by the Division on May 22, 2003.

End