

**AGENDA  
ITEM  
III.A.**

**STATE OF OREGON**

**MEMORANDUM**

**BUILDING CODES DIVISION**

**SEPTEMBER 14, 2004**

**TO:** BOARD OF BOILER RULES

**FROM:** LAURIE A SKILLMAN  
MANAGER, ENFORCEMENT AND LICENSING

**SUBJECT:** ENFORCEMENT CASES

The enforcement cases for the September 14, 2004, Board of Boiler Rules meeting is in two parts this month.

Part I is a proposed streamlined version of the documents you normally receive and includes a chart of cases which has all of the essential information on the 10 cases Enforcement is presenting to the Board.

Part I includes a chart of enforcement cases:

- A. Repeat Violators, copy of orders attached
- B. Summary of cases on first time violators previously resolved by the Division

Part II includes all the documents that are normally included in your board packet.

The purpose the new format is that it enables the Division to streamline and simplify its processes and reduces the amount of paper generated without reducing the critical information necessary for you to make your decisions. This new format also provides a clear summary of all cases to simplify the board's review of material and make the processes more efficient.

I will ask for your feedback on the new version of enforcement cases at the board meeting on September 14, 2004. This streamlined version has 11 page compared to 26 pages we would normally generate for the board.

I am confident this streamlined process will provide the essential information necessary for the Board to take action on the respective enforcement cases.

# **PART ONE**

## **NEW PROPOSED STREAMLINED VERSION**

**BOARD OF BOILER RULES 9/14/2004**

<b>CASE #</b>	<b>NAME</b>	<b>VIOLATION - ACTION</b>	<b>DATE OF VIOLATION</b>	<b>PENALTY ASSESSED</b>	<b>PENALTY TO PAY</b>	<b>OTHER COMMENTS</b>
<b>REPEAT VIOLATORS</b>						
2003-0764	Severson Plumbing & Mechanical, Inc.	No installation permit, 5 violations	9/1/2003 to 9/23/2003	\$10,000.00	\$5,000.00	Violated a previous consent order will pay \$500 stayed penalty plus \$5,000
2003-0893	Gerald Ripley, dba Air Guy	No installation permit	9/1/2003 to 9/30/2003	\$2,000.00	\$1,000.00	Violated a previous consent order will pay \$1,750 stayed penalty plus \$1,000

**BOARD OF BOILER RULES 9/14/2004**

<b>CASE #</b>	<b>NAME</b>	<b>VIOLATION - ACTION</b>	<b>DATE OF VIOLATION</b>	<b>PENALTY ASSESSED</b>	<b>PENALTY TO PAY</b>	<b>OTHER COMMENTS</b>
<b>SUMMARY REPORT - CASES PREVIOUSLY RESOLVED BY DIVISION ON FIRST TIME VIOLATORS</b>						
2002-1020	H2O Technologies, Ltd	No operating permit, no installation permit, unsafe installation	1/1/2001 through 12/16/2002	\$2,000.00	\$2,000.00	Signed Consent Order
2004-0035	Mascott Equipment Company, Inc.	No business license, no installation permit	11/20/2003	\$2,000.00	\$1,250.00	Signed Consent Order
2004-0083	Ingersoll-Rand Company	No business license, no installation permit 3 violations	4/30/2003 & 11/26/2003 to 12/31/2003	\$4,000.00	\$2,500.00	Signed Consent Order
2003-0741	Curtius-Huntley Plumbing, Inc.	No business license, no installation permit	7/1/2003 to 10/31/2003	\$2,000.00	\$1,250.00	Signed Consent Order
2004-0270	Cascade Fire Safety, Inc.	No installation permit	5/13/2004	\$1,000.00	\$250.00	Signed Consent Order
2004-0217	McKinstry Co	No installation permit	12/10/2003	\$1,000.00	\$250.00	Signed Consent Order
2003-0886	Bristol Equities, Inc.	No operating permit	12/13/2003	\$1,000.00	\$250.00	Signed Consent Order
2004-0091	Alliant Systems, LLC	No installation permit	2/1/2004	\$1,000.00	\$250.00	Signed Consent Order

**PART TWO**

**PREVIOUS FORMAT**

**Building Codes Division  
Board of Boiler Rules Compliance Report  
Compliance Actions**

**As of 8/19/04**

2003-0764

Boiler/Pressure 10,000.00

Director of the Department of Consumer and Business Services \$500.00

**Respondent:**

Severson Plumbing & Mechanical, Inc.

David Severson

Bend

OR

Complaint Source: Jerry Klug Building Codes Division

Final Action: Consent Order

Compliance Achieved: No

Type of Violator: Repeat violator

**Alleged Violations:**

On or about the period of September 1 to 23, 2003, at the Touchmark Retirement Center, located at 19855 SW Touchmark Way, Bend, Oregon, Respondent engaged in the business of installing a Delta boiler, National Board Number 205854, for the account of another, without first having obtained a valid installation permit, in violation of ORS 480.630(6).

On or about the period of September 1 to 23, 2003, at the Touchmark Retirement Center, located at 19855 SW Touchmark Way, Bend, Oregon, Respondent engaged in the business of installing a Delta boiler, National Board Number 205853, for the account of another, without first having obtained a valid installation permit, in violation of ORS 480.630(6).

On or about the period of September 1 to 23, 2003, at the Touchmark Retirement Center, located at 19855 SW Touchmark Way, Bend, Oregon, Respondent engaged in the business of installing a Taco pressure vessel, National Board Number 184161, for the account of another, without first having obtained a valid installation permit, in violation of ORS 480.630(6).

On or about the period of September 1, to 23, 2003, at the Touchmark Retirement Center, located at 19855 SW Touchmark Way, Bend, Oregon, Respondent engaged in the business of installing a Taco pressure vessel, National Board Number 184162, for the account of another, without first having obtained a valid installation permit, in violation of ORS 480.630(6).

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On or about the period of September 1 to 23, 2003, at the Touchmark Retirement Center, located at 19855 SW Touchmark Way, Bend, Oregon, Respondent engaged in the business of installing a hot water storage tank, National Board Number 75635, for the account of another, without first having obtained a valid installation permit, in violation of ORS 480.630(6).

On June 15, 2001, the Plumbing Board for the State of Oregon found Respondent in case number 2001-0048 in violation of ORS 447.040, for engaging in the business of making a plumbing installation without a valid Oregon Plumbing Business Certificate of Registration. On that same date, the Plumbing Board found Respondent in violation of ORS 693.030(2)(a), for permitting an uncertified individual to make a plumbing installation. The Plumbing Board assessed a \$500 civil penalty for each violation, for a total of \$1,000. The Plumbing Board stayed \$500 of the civil penalty provided there were no further violations in a three year period. The current violations are a violation of the previous order and the \$500 stayed civil penalty is now due and payable.

On June 19, 2000, the Board of Boiler Rules for the State of Oregon, found Respondent in case number 2000-0113 in violation of ORS 480.630(6), for engaging in the business of making a boiler installation, without first having obtained a valid installation permit. The Plumbing Board assessed a \$500 civil penalty for each violation, for a total of \$1,000. The Board of Boiler Rules entered into a Consent Order with Respondent and stayed the \$1,000 civil penalty.

On October 20, 2003, valid installation permits were issued to Respondent.

**Other Comments:**

End

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Board of Boiler Rules Compliance Report  
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As of 8/19/04

2003-0893

Boiler/Pressure \$2,000.00

Director of the Department of Consumer and Business Services \$1,750.00

**Respondent:**

Gerald Ripley

Portland

OR

Complaint Source: Jim Park Building Codes Division

Final Action: Consent Order

Compliance Achieved: Yes

Type of Violator: Repeat violator

**Alleged Violations:**

On or about September 2003, at 20752 SW 120th, Tualatin, Oregon, Respondent installed a Manchester pressure vessel, National Board #164698, for the account of another, without first having obtained a valid pressure vessel installation permit, in violation of ORS 480.630(6).

On or about May 30, 2002, the Board of Boiler Rules approved a Consent Order in case 2002-0155, finding the Respondent installed two pressure vessels for the account of another, without first having obtained valid pressure vessel installation permits, in violation of ORS 480.630(6), and assessed a \$2,000.00 civil penalty. The Consent Order stayed \$1,750.00 of the civil penalty 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 \$1,750.00 is now due and payable.

On or about March 29, 2004, a pressure vessel installation permit, #04-25517, was issued by the Division, and the installation of a Manchester pressure vessel, National Board #164698, located at 20752 SW 120th, Tualatin, Oregon, was inspected and approved.

**Other Comments:**

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

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**As of 8/19/04**

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\$3,750.00 civil penalty. The Respondent will pay \$2,750.00, and the \$1,000.00 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 December 29, 2003.

End

**Building Codes Division  
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**As of 8/19/04**

2002-1020

Boiler/Pressure \$2,000.00

**Respondent:**

H2O Technologies, Ltd

T. Herring

West Caldwell

NJ

Complaint Source: Clayton Rhodes Building Codes Division

Final Action: Consent Order

Compliance Achieved: Yes

Type of Violator: 1st time violator

**Alleged Violations:**

On or about the period of January 2001 through December 16, 2002, at 4011 S.E. International Way, Milwaukie, Oregon, Respondent operated an 80 gallon Wellmate HP-18 fiberglass tank, creating a pressure vessel as defined by ORS 480.515(10), without first having obtained a valid boiler/pressure vessel operating permit, in violation of ORS 480.585(3).

On or about the period of January 2001 through December 16, 2002, at 4011 S.E. International Way, Milwaukie, Oregon, Respondent installed an 80 gallon Wellmate HP-18 fiberglass tank, creating a pressure vessel as defined by ORS 480.515(10), without first having obtained a valid boiler/pressure vessel installation permit, in violation of ORS 480.630(6).

On or about the period of January 2001 through December 16, 2002, at 4011 S.E. International Way, Milwaukie, Oregon, Respondent installed an 80 gallon Wellmate HP-18 fiberglass tank, creating a pressure vessel as defined by ORS 480.515(10), which did not meet minimum safety standards, and resulted in an explosion and death of an employee, in violation of ORS 480.555(1)(a).

**Other Comments:**

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 \$3,000.00 civil penalty of which the Respondent will pay \$2,000.00. Since the violation occurred the company is no longer in business.

End

**Building Codes Division  
Board of Boiler Rules Compliance Report  
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**As of 8/19/04**

2004-0035

Boiler/Pressure \$2,000.00

**Respondent:**

Mascott Equipment Company Inc

W Mascott III

Portland

OR

Complaint Source: Clay Rhodes Building Codes Division

Final Action: Consent Order

Compliance Achieved: Yes

Type of Violator: 1st time violator

**Alleged Violations:**

On or about November 20, 2003, at 440 NE Weidler, Portland, Oregon, Respondent engaged in the business of installing a Steel Fab pressure vessel, National Board #339944, in conjunction with the installation of a new air compressor, for the account of another, without having a valid Oregon Boiler/Pressure Vessel Business License, in violation of ORS 480.630(1), a \$1,000.00 civil penalty.

On or about November 20, 2003, at 440 NE Weidler, Portland, Oregon, Respondent engaged in the business of installing a Steel Fab pressure vessel, National Board #339944, in conjunction with the installation of a new air compressor, for the account of another, without first having obtained a valid pressure vessel installation permit, in violation of ORS 480.630(6), a \$1,000.00 civil penalty.

On or about March 4, 2004, a pressure vessel installation permit, #IO4-19043, was issued by the Division to a licensed Boiler/Pressure Vessel Business, and the pressure vessel installation was inspected and approved.

**Other Comments:**

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 \$2,000.00 civil penalty. The Respondent will pay \$1,250.00, and the \$750.00 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.

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Case was received by the Division on January 22, 2004.

End

**Building Codes Division  
Board of Boiler Rules Compliance Report  
Compliance Actions**

As of 8/19/04

2004-0083

Boiler/Pressure \$4,000.00

**Respondent:**

Ingersoll-Rand Company  
Herbert Henkel  
Auburn

WA

Complaint Source: F. Ray Andrus Building Codes Division

Final Action: Consent Order

Compliance Achieved: Yes

Type of Violator: 1st time violator

**Alleged Violations:**

On or about April 30, 2003, at 20789 SW 115th Avenue, Tualatin, Oregon, Respondent installed a new air tank, receiver and air compressor, NB #315351, in a commercial building, for the account of another, without first having obtained a valid pressure vessel installation permit, in violation of ORS 480.630(6), a \$1,000.00 civil penalty.

On or about April 30, 2003, at 20789 SW 115th Avenue, Tualatin, Oregon, Respondent engaged in the business of installing a new air tank, receiver and air compressor, NB #315351, in a commercial building, for the account of another, without having a valid Oregon Boiler/Pressure Vessel Business license, in violation of ORS 480.630(1), a \$1,000.00 civil penalty.

On or about the period of November 26 to December 31, 2003, at 135 American Bridge Way, Reedsport, Oregon, Respondent installed a new air compressor receiver tank, NB #342445, in a commercial building, for the account of another, without first having obtained a valid pressure vessel installation permit, in violation of ORS 480.630(6), a \$1,000.00 civil penalty.

On or about the period of November 26 to December 31, 2003, at 135 American Bridge Way, Reedsport, Oregon, Respondent installed a new air compressor receiver tank, NB #342445, in a commercial building, for the account of another, without having a valid Oregon Boiler/Pressure Vessel Business license, in violation of ORS 480.630(1), a \$1,000.00 civil penalty.

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Board of Boiler Rules Compliance Report  
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On or about January 16, 2004, a boiler/pressure vessel installation permit, # IO4-24496, was issued to a licensed boiler/ pressure vessel contractor for the installation of the new air compressor receiver tank, NB #342445, and the installation was inspected and approved.

On or about February 2, 2004, a boiler/pressure vessel installation permit, # IO4-25402, was issued to a licensed boiler/ pressure vessel contractor for the installation of the new air compressor receiver tank, NB ##315351, and the installation was inspected and approved.

**Other Comments:**

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 \$4,000.00 civil penalty. The Respondent has paid \$2,500.00, and the \$1,500.00 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.

Permits were obtained using a licensed Boiler/ Pressure vessel business and the installation inspected and approved. Respondent is now licensed with the Division as a Boiler/Pressure Vessel Business.

Case was received by the Division on February 18, 2004.

End

**Building Codes Division  
Board of Boiler Rules Compliance Report  
Compliance Actions**

**As of 8/19/04**

2003-0741

Boiler/Pressure \$2,000.00

**Respondent:**

Curtius-Huntley Plumbing Inc.  
Edward Curtius Jr  
Medford

OR

Complaint Source: Gerald Klug Building Codes Division

Final Action: Consent Order

Compliance Achieved: Yes

Type of Violator: 1st time violator

**Alleged Violations:**

On or about the period of July through October 2003, at 477 Reese Creek Road, Eagle Point, Oregon, Respondent engaged in the business of installing and connecting a new pressure tank and two new boilers, for the account of the Eagle Point School District, without having a valid Oregon Boiler/ Pressure Vessel Business license, in violation of ORS 480.630(1).

On or about the period of July through October 2003, at 477 Reese Creek Road, Eagle Point, Oregon, Respondent installed and connected for operation a new pressure tank and two new boilers, for the account of the Eagle Point School District, without first having obtained a valid boiler/ pressure vessel installation permit, in violation of ORS 480.630(6).

On or about September 8, 2003, boiler and pressure vessel installation permit were obtained, using a licensed boiler/ pressure vessel business. The installation has been inspected and approved by the Division.

**Other Comments:**

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 \$2000.00 civil penalty. The Respondent will pay \$1,250.00, and the \$750.00 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.

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Board of Boiler Rules Compliance Report  
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Case was received by the Division on October 14, 2003.

End

**Building Codes Division  
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Compliance Actions**

As of 8/19/04

2004-0270

Boiler/Pressure \$1,000.00

**Respondent:**

Cascade Fire Safety Inc  
Lyle Evanson  
Vancouver

WA

Complaint Source: Clay Rhodes Building Codes Division

Final Action: Consent Order

Compliance Achieved: Yes

Type of Violator: 1st time violator

**Alleged Violations:**

On or about May 13, 2004, at 404 SW Washington, Portland, Oregon, Respondent installed or arranged for the installation of a CO2 pressure vessel, National Board number 107465, without first having obtained a valid installation permit, in violation of ORS 480.630(6).

On May 14, 2004, a valid installation permit was issued.

**Other Comments:**

By signing the Consent Order, Respondent has committed to future compliance. Respondent was assessed a \$1,000 civil penalty. Respondent will pay \$250 of the civil penalty and the balance will be stayed for a period of three years according to the terms of the order.

End

**Building Codes Division  
Board of Boiler Rules Compliance Report  
Compliance Actions**

As of 8/19/04

2004-0217

Boiler/Pressure \$1,000.00

**Respondent:**

McKinstry Co  
Dean Allen  
Seattle

WA

Complaint Source: James Park Building Codes Division

Final Action: Consent Order

Compliance Achieved: Yes

Type of Violator: 1st time violator

**Alleged Violations:**

During all relevant times, Respondent held a valid Oregon Boiler/Pressure Vessel Business License, number B99-2212.

On or about December 10, 2003, at One SW Columbia Street, Portland, Oregon, Respondent engaged in the business of installing or arranging for the installation of a York Millennium Chiller, National Board number 35132, for the account of another, without first having obtained a valid installation permit, in violation of ORS 480.630(6).

On December 23, 2003, a valid installation permit was issued for the vessel.

**Other Comments:**

By signing the Consent Order, Respondent has committed to future compliance. Respondent was assessed a \$1,000 civil penalty. Respondent will pay \$250 of the civil penalty and the balance will be stayed for a period of three years according to the terms of the order.

End

**Building Codes Division  
Board of Boiler Rules Compliance Report  
Compliance Actions**

As of 8/19/04

2003-0886

Boiler/Pressure \$1,000.00

**Respondent:**

Bristol Equities, Inc.

Steve Rose

Portland

OR

Complaint Source: Mike Graham Building Codes Division

Final Action: Consent Order

Compliance Achieved: Yes

Type of Violator: 1st time violator

**Alleged Violations:**

On or about December 13, 2003, at 635 NE 23rd Avenue, Portland, Oregon, Respondent permitted the operation of an American Standard (cast iron) boiler, State Identification #5507-76, without first having obtained a valid operating permit, in violation of ORS 480.585(3).

On or about December 19, 2003, a boiler permit #IO-21618 was issued by the Division to a registered Boiler/ Pressure Vessel contractor.

On or about March 8, 2004, the Division verified the original boiler was no longer in operation, and the boiler installed to serve as replacement was inspected and approved.

**Other Comments:**

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 \$1,000.00 civil penalty. The Respondent will pay \$250.00, and the \$750.00 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 December 19, 2003.

End

**Building Codes Division  
Board of Boiler Rules Compliance Report  
Compliance Actions**

As of 8/19/04

2004-0091

Boiler/Pressure \$1,000.00

**Respondent:**

Alliant Systems LLC

John Rozell

Beaverton

OR

Complaint Source: Nick Limin Building Codes Division

Final Action: Consent Order

Compliance Achieved: Yes

Type of Violator: 1st time violator

**Alleged Violations:**

On or about the period of February 2004, at 210 SW Morrison Street, Portland, Oregon, Respondent engaged in the business of installing a Lockinvar boiler, National Board number 00151498, for the account of another, without first having obtained a valid installation permit, in violation of ORS 480.630(6).

On May 10, 2004, a valid permit was issued for the installation of the boiler.

**Other Comments:**

By signing the Consent Order, Respondent has committed to future compliance. Respondent was assessed a \$1,000 civil penalty. Respondent will pay \$250 of the civil penalty and the balance will be stayed for a period of three years according to the terms of the order.

End