

- 1 4. On July 26, 2004, the Director of the Department of Consumer and Business Services issued an
2 order assessing a civil penalty of \$1000 in case 2004-0215, finding Respondent failed to obtain
3 a permit prior to making a plumbing installation. Respondent paid \$250 and signed a Consent
4 Order agreeing not to violate any provision of the specialty codes for the period of July 26,
5 2004, to July 26, 2007. In exchange, the Director agreed to stay \$750 in civil penalties. The
6 actions in the Findings of Fact above occurred within the period of July 26, 2004, to July 26,
7 2007. Accordingly, the previously stayed \$750 is now due and payable under ORS 455.450(1).

CONCLUSIONS OF LAW

- 8 1. Installing a Laars boiler, as outlined in the Findings of Fact, is a boiler installation under ORS
9 480.515(2).
10 2. By engaging in the business of making a boiler installation, without a valid Oregon boiler/
11 pressure vessel business license, as outlined in the Findings of Fact, Respondent violated ORS
12 480.630(1).
13 3. By engaging in the business of making a boiler installation, without a valid Oregon boiler/
14 pressure vessel without a valid installation permit, as outlined in the Findings of Fact,
15 Respondent violated ORS 480.630(6).
16 4. By making a boiler installation, without a valid Oregon boiler/ pressure vessel that did not meet
17 minimum safety standards, as outlined in the Findings of Fact, Respondent violated ORS
18 480.555(1)(a).
19 5. By violating a previously signed Consent Order, as outlined in the Finding of Fact, Respondent
20 violated ORS 455.450(1).

ORDER

21 The Board and Director, acting pursuant to ORS 455.775(2) hereby ORDERS that the Respondent shall:
22 CEASE AND DESIST from further violations of the Oregon Building Codes, statutes, administrative
23 rules, specialty codes, or any Order issued by a State Building Codes Advisory Board.

24 Pursuant to ORS 455.895(1)(c) and OAR 918-001-0036, Respondent is assessed a \$2000 civil penalty
25 for violation of ORS 480.630(6).

Pursuant to ORS 455.895(1)(c) and OAR 918-001-0036, Respondent is assessed a \$3000 civil penalty
for violation of ORS 480.630(1).

Pursuant to ORS 455.895(1)(c) and OAR 918-001-0036, Respondent is assessed a \$3000 civil penalty
for violation of ORS 480.555(1)(a).

Pursuant to ORS 455.895(2) and OAR 918-001-0036, Respondent is assessed a \$750 civil penalty for
violation of ORS 455.450(1).

The Board and Director further ORDERS the imposition of \$1,000.00 of the \$8,750.00 total civil penalty
be stayed for the period of three years from the date of this Order, under the following terms and

1 conditions:

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

4 The Board further ORDERS that the \$7,250 civil penalty is due and payable on or before 5:00 P.M.
5 November 28, 2005. Failure to submit payment by the due date indicated will result in your account
6 being forwarded to the Department's Business Administration Division for 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 \$1,000.00 stayed civil penalty shall
8 be waived at the end of the three-year period and shall no longer be imposed. If the Board and Director
9 finds that the Respondent has violated any of the terms and conditions stated herein during the three-year
10 period from the date of this Order, the Board by and through Director of the Department of Consumer
and Business Services may impose the \$1,000.00 stayed civil penalty. Further, this Order does not limit
the Board and Director from other actions to enforce other violations of the Oregon Building Codes
statute, administrative rules, and specialty codes.

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Dated this 15th day of _____, _____.

BOARD OF BOILER RULES OF THE STATE OF OREGON

by Chairman, Board of Boiler Rules

DIRECTOR OF THE DEPARTMENT OF CONSUMER AND
BUSINESS SERVICES OF THE STATE OF OREGON

Director of the
Department of Consumer and Business Services

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CONSENT TO ENTRY OF ORDER

I, RICHARD P CARD on behalf of CARD PLUMBING & HEATING CO, state that I am, or represent the Respondent herein; that I have read the foregoing Order, and that I know and fully understand its contents; that I consent to the entry of this Order, and admit the allegations contained in the Findings of Fact therein; that I have been advised of my right to a contested case hearing, and to be represented by legal counsel in this matter; that I freely and voluntarily consent to the entry of this Order without further hearing and without any force or duress, expressly waiving any right to a hearing in this matter. I understand that the Board and Director may take further actions to enforce this Order or upon discovery of other conduct in violation of the Oregon Building Codes statutes, administrative rules, and specialty codes. I further state that I will fully comply with the terms and conditions stated therein. I further assure the Board and Director that I will not perform work or conduct business in Oregon unless such activities are in full compliance with Oregon Building Codes statutes, administrative rules, and specialty codes. I understand that this Consent Order is a public document.

DATED this 9th day of Nov, 2005



Signature of Respondent