

1 **BEFORE THE BOARD OF BOILER RULES OF THE STATE OF OREGON**

2)	AMENDED
3	IN THE MATTER OF:)	NOTICE OF PROPOSED ASSESSMENT
4	ALLEN WALIEZER, AN INDIVIDUAL,)	OF A CIVIL PENALTY
5)	
6	RESPONDENT)	CASE NO. 2005-0328
7)	

8 Pursuant to ORS 455.895(1)(c), ORS 480.670, and OAR 918-001-0036, the Board of Boiler
9 Rules proposes to impose a civil penalty against you in the amount of \$2,000 for the following
10 violation(s):

11 **FINDINGS OF FACT**

- 12 1. On or about July 25, 2005, at 7463 SW Bridgeport Road, Tigard, Oregon, Respondent
13 installed a Laars boiler, national board number 154488; which is a hot water heater with
14 an "H" stamp, designed to heat up to 250° Fahrenheit, and a Roy E. Hanson pressure
15 vessel national board number 189610; which is a hot water tank with a "U" stamp, for
16 the account of another, without a valid Oregon boiler/pressure vessel certification.

17 **CONCLUSIONS OF LAW**

- 18 1. Installing a Laars boiler, as outlined in the Findings of Fact, is a boiler installation under
19 ORS 480.515(2). See also Oregon Boiler and Pressure Vessel Code section H2E, and the
20 Oregon Plumbing Specialty Code, section 502.3,4, ORS 480.525(1)(b).
- 21 2. Installing a pressure vessel, as outlined in the Findings of Fact, is a pressure vessel
22 installation under ORS 480.515(10). See also Oregon Boiler and Pressure Vessel Code
23 section U2S.
- 24 3. By making a boiler installation without a valid Oregon boiler/pressure vessel
25 certification, as outlined in the Findings of Fact, Respondent violated ORS 480.630(2).
- 26 4. By making a pressure vessel installation without a valid Oregon boiler/pressure vessel
27 certification, as outlined in the Findings of Fact, Respondent violated ORS 480.630(2).

28 Definitions relevant to this notice are contained in ORS 480.515 and OAR 918-225-0240.

29 **ORDER**

30 Pursuant to ORS 455.895(1)(c) and OAR 918-001-0036, Respondent is found in violation of
31 ORS 480.630(2) for installing a boiler and a pressure vessel and shall be assessed a \$1,000 civil
32 penalty for each violation.

1

2

NOTICE OF RIGHT TO HEARING

3 You are entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised
4 Statutes, Chapter 183. If you wish to receive a hearing you must file a written request for a
5 hearing with the Board no later than 20 days from the date of service of this notice. If a request
6 for hearing is not received within the 20-day period your right to a hearing shall be considered
waived unless the failure to request a hearing was beyond your reasonable control. Hearing
requests shall be mailed to Building Codes Division, Enforcement and Licensing Section, PO
Box 14470, Salem, Oregon, 97309.

7 You have the right to be represented by legal counsel. ORS 183.457 provides a corporation may
8 be represented by an authorized representative at the hearing. If you request a hearing the Board
9 and Director will notify you of the time and place of the hearing. The Board and Director will
10 give you information on the procedures, right of representation and other rights of parties
relating to the conduct of the hearing before commencement of the hearing.

11 Dated this _____ day of _____, 2005

12 _____

13 BY
14 HEATH M. LAWSON, Enforcement Officer
15 Enforcement and Licensing Section
16 Building Codes Division
17 PO Box 14470
Salem, Oregon 97309-0404
(503) 378-3102
FAX: (503) 378-2322