

BEFORE THE BOARD OF BOILER RULES OF THE STATE OF OREGON

CONSENT ORDER

IN THE MATTER OF:

**RJW INC, AN OREGON CORPORATION, DBA
WHITE'S HEATING AND SHEET METAL, AND
ROBERT J WHITE, PRESIDENT**

**CASE NO. 2005-
0336**

RESPONDENT

8 WHEREAS the BOARD OF BOILER RULES of the State of Oregon, acting pursuant to its authority as set
forth in Oregon Revised Statutes Chapter 455, has conducted an investigation of the Respondent and has
determined that the Respondent violated certain provisions of the Oregon Building Codes statutes,
administrative rules, and specialty codes:

10 WHEREAS the Board and Respondent wish to settle this matter informally. Respondent agrees to conduct
all future business in compliance with the applicable statutes, administrative rules, and specialty codes:

NOW THEREFORE, as evidenced by the authorized signature subscribed on this Order, Respondent
hereby consents to the entry of this Order:

14 **FINDINGS OF FACT**

- 16 1. On or about June 13, 2005, at 716 Oak Street, Cannon Beach, Oregon, Respondent
engaged in the business of installing a Weil McLean Cast Iron Sectional Boiler without a valid
Oregon boiler/ pressure vessel business license.
- 18 2. On or about June 13, 2005, at 716 Oak Street, Cannon Beach, Oregon, Respondent engaged in
the business of installing a Weil McLean Cast Iron Sectional Boiler without a valid installation
permit approved and posted prior to commencing installation.

19
20 The following installations were turned in by the Respondent in an effort to cooperate with the
Division. All installations are now in compliance.

- 24 3. On or about August 2004, at 89720 Surfsand Rd., Warrenton, Oregon, Respondent engaged in
the business of installing a Boiler without a valid installation permit approved and posted prior to
commencing installation.
4. On or about November 2004, at 80199 Pacific, Arch Cape, Oregon, Respondent engaged in
the business of installing a Boiler without a valid installation permit approved and posted prior
to commencing installation.

5. On or about December 2004, at 200 N. Prom, Seaside, Oregon, Respondent engaged in the business of installing a Boiler without a valid installation permit approved and posted prior to commencing installation.
6. On or about March 2005, at 340 N. Slope Way, Rockaway, Oregon, Respondent engaged in the business of installing a Boiler without a valid installation permit approved and posted prior to commencing installation.
7. On or about March 2005, at 396 31st Street, Astoria, Oregon, Respondent engaged in the business of installing a Boiler without a valid installation permit approved and posted prior to commencing installation.
8. On or about April 2005, at 382610 James Rd, Arch Cape, Oregon, Respondent engaged in the business of installing a Boiler without a valid installation permit approved and posted prior to commencing installation.
9. On or about May 2005, at 37517 Hwy 26, Seaside, Oregon, Respondent engaged in the business of installing a Boiler without a valid installation permit approved and posted prior to commencing installation.
10. On or about July 2005, at 159 Center St., Cannon Beach, Oregon, Respondent engaged in the business of installing a Boiler without a valid installation permit approved and posted prior to commencing installation.
11. On or about August 2005, at 8885 Ocean Crest, Manzanita, Oregon, Respondent engaged in the business of installing a Boiler without a valid installation permit approved and posted prior to commencing installation.

CONCLUSIONS OF LAW

1. Installing a Weil McLean Cast Iron Sectional Boiler, as outlined in the Findings of Fact, is a boiler installation under ORS 480.5 15(2).
2. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel business license, as outlined in the Findings of Fact, Respondent violated ORS 480.630(1).
3. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel without a valid installation permit, as outlined in the Findings of Fact, Respondent violated ORS 480.630(6).
4. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel without a valid installation permit, as outlined in the Findings of Fact, Respondent violated ORS 480.630(6).
5. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel without a valid installation permit, as outlined in the Findings of Fact, Respondent violated ORS 480.630(6).

- 6. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel without a valid installation permit, as outlined in the Findings of Fact, Respondent violated ORS 480.630(6).
- 7. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel without a valid installation permit, as outlined in the Findings of Fact, Respondent violated ORS 480.630(6).
- 8. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel without a valid installation permit, as outlined in the Findings of Fact, Respondent violated ORS 480.630(6).
- 9. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel without a valid installation permit, as outlined in the Findings of Fact, Respondent violated ORS 480.630(6).
- 10. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel without a valid installation permit, as outlined in the Findings of Fact, Respondent violated ORS 480.630(6).
- 11. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel without a valid installation permit, as outlined in the Findings of Fact, Respondent violated ORS 480.630(6).
- 12. By engaging in the business of making a boiler installation, without a valid Oregon boiler/pressure vessel without a valid installation permit, as outlined in the Findings of Fact, Respondent violated ORS 480.630(6).

ORDER

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

Pursuant to ORS 455.895(1)(c) and OAR 918-001-0036, Respondent is assessed a \$1000 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 \$1000 civil penalty for violation of ORS 480.630(6).

The Board further ORDERS the imposition of \$750.00 of the \$2,000.00 total civil penalty be stayed for the period of three years from the date of this Order, under the following terms and conditions:

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

The remaining \$1,250 civil penalty is due and payable on or before 5:00 P.M. February 27, 2006. Failure to submit payment by the due date indicated will result in your account 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.

If Respondent fully complies with all conditions imposed herein, the \$750.00 stayed civil penalty shall be waived at the end of the three-year period and shall no longer be imposed. If the Board finds that the Respondent has violated any of the terms and conditions stated herein during the three-year period from the date of this Order, the Board by and through Director of the Department of Consumer and Business Services may impose the \$750.00 stayed civil penalty. Further, this Order does not limit the Board from other actions to enforce other violations of the Oregon Building Codes statute, administrative rules, and specialty codes.

8

10

14

16

18

19

20

Dated this _____ day of _____.

BOARD OF BOILER RULES OF THE STATE OF OREGON

by Chairman, Board of Boiler Rules _____

8

10

14

16

18

19

20

24

I, ROBERT J WHITE on behalf of RJW INC, 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 all rights to a contested case hearing, judicial review or any further appeal in this matter. I understand that the Board 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 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.

8

10

Signature of Respondent

14

16

18

19

20

24

Page 6 of 6