

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

2  
3 **IN THE MATTER OF:** )

4 **TERRY STEWART, AN INDIVIDUAL** )

5 **RESPONDENT** )

) **NOTICE OF PROPOSED ASSESSMENT**  
) **OF A CIVIL PENALTY AND FINAL**  
) **ORDER ON DEFAULT**

) **CASE NO. 2006-0215**  
)  
7 )

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

10 **FINDINGS OF FACT**

11  
12 On or about the period of December 2005 through March 4, 2006, at 4700 SW Research Way,  
13 Corvallis, Oregon (Nypro Incorporated), Respondent was employed by the Ingersoll Rand  
14 Company. Acting as an employee of Ingersoll Rand, Respondent installed a pressure vessel by  
15 connecting an air compressor to the air receiver tank for the account of Nypro Incorporated. At  
16 the time, Respondent did not have a valid Oregon certificate of competency under OAR 918-  
17 225-0691.

18 **CONCLUSIONS OF LAW**

- 19 1. Connecting an air compressor to the air receiver tank, as outlined in the Findings of Fact,  
20 is a pressure vessel installation under ORS 480.515(10).  
21 2. By making a pressure vessel installation without a certificate of competency, as outlined  
22 in the Findings of Fact, Respondent violated ORS 480.630(2).

23 **ORDER**

24 Pursuant to ORS 455.895(1)(c) and OAR 918-001-0036, Respondent is assessed a \$1,000 civil  
25 penalty for violation of ORS 480.630(2).

1 **NOTICE OF RIGHT TO HEARING**

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

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

14 **NOTICE OF FINAL ORDER**

15 If you do not request a hearing within 20 days, this citation will become a final order, effective  
16 21 days after it was served on you. If you do not request a hearing or fail to appear at a  
17 scheduled hearing, the Division's file on the matter becomes record. You are entitled to judicial  
18 review of this order. Judicial review may be obtained by filing for review within 81 days from  
19 the date this order was served. Judicial review is pursuant to the provisions of ORS 183.482 to  
20 the Court of Appeals.

21 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006

22 BY \_\_\_\_\_  
23 TONY GUIDONE  
24 Enforcement Officer  
25 Enforcement and Licensing Section  
Building Codes Division  
PO Box 14470  
Salem, Oregon 97309-0404  
(503) 378-3702  
FAX: (503) 378-2322