

BEFORE THE ELECTRICAL AND ELEVATOR BOARD OF THE STATE OF OREGON

CONSENT ORDER

IN THE MATTER OF:

**BOILER AND COMBUSTION SERVICE INC,
AN OREGON CORPORATION, AND JOHN F
WARREN, PRESIDENT**

**CASE NO. 2006-
0379**

RESPONDENT

8 WHEREAS the ELECTRICAL AND ELEVATOR BOARD 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. During all relevant times, Respondent was licensed as a limited maintenance specialty
contractor, holding license #271LHR. Pursuant to OAR 918-282-0040, Respondent was
prohibited from installing new electrical wiring beyond 100 volt-ampere or less thermostat or
associated control wiring. Respondent's employee, Kevin Williamson, who was licensed as a
Class B limited energy technician, holding license #1737LEB, was prohibited from installing
electrical wiring beyond 100 volt-amperes pursuant to OAR 918-282-0365.
- 19 2. On or about October 3, 2006, at 9030 SE Cooper St., Portland, Oregon, Respondent engaged in
the business of installing electrical wiring beyond 100 volt-amperes, for the account of the
Portland 1J school district, without first obtaining a valid electrical permit.
- 20 3. On or about October 3, 2006, at 9030 SE Cooper St., Portland, Oregon, Respondent installed
electrical wiring beyond 100 volt-amperes, for the account of the Portland 1J school district,
without being properly licensed.
- 24 4. On or about October 3, 2006, at 9030 SE Cooper St., Portland, Oregon, Respondent allowed its
employee, Kevin Williamson, to make an electrical installation for which he was not properly
licensed. Williamson, on behalf of Respondent, installed electrical wiring beyond 100 volt-
amperes for which an Oregon supervising or journeyman electrician's license was required
pursuant to ORS 479.620.

CONCLUSIONS OF LAW

1. Installing electrical wiring beyond 100 volt-amperes, as outlined in the Findings of Fact, is an electrical installation under ORS 479.530(10).
2. By engaging in the business of making an electrical installation without first obtaining a valid electrical permit, as outlined in the Findings of Fact, Respondent violated ORS 479.550(1).
3. By making an electrical installation without being properly licensed, as outlined in the Findings of Fact, Respondent violated OAR 918-282-0010(2).
4. By allowing Kevin Williamson, who was without an Oregon supervising or journeyman electrician's license, to make an electrical installation as outlined in the Findings of Fact, Respondent violated OAR 918-282-0120(1).

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)(b) and OAR 918-001-0036, Respondent is assessed a \$1000 civil penalty for violation of ORS 479.550(1).

Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, Respondent is assessed a \$1000 civil penalty for violation of OAR 918-282-0010(2).

Pursuant to ORS 455.895(1)(b) and OAR 918-001-0036, Respondent is assessed a \$1000 civil penalty for violation of OAR 918-282-0120(1).

The Board further ORDERS the imposition of \$750.00 of the \$3,000.00 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 \$2,250 civil penalty is due and payable within 30 days of the date this order is signed by the Board. 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.

Failure to pay the assessed civil penalty, or, should another violation occur, the department may seek suspension of your license pursuant to ORS 455.129. The department will aggressively pursue any future complaints without exception.

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If Respondent fully complies with all conditions imposed herein, the \$150.00 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.

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Dated this _____ day of _____ , _____ .

ELECTRICAL AND ELEVATOR BOARD

by Chairman, Electrical and Elevator Board

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CONSENT TO ENTRY OF ORDER

I, JOHN F WARREN on behalf of BOILER AND COMBUSTION SERVICE 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.

DATED this _____ day of _____ ,

Signature of Respondent

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