

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

2
3 **IN THE MATTER OF:**

4 **MICHEAL S. WHEATLEY**
5 **DBA REDLINE WELDING AND**
6 **CONSTRUCTION,**

7 **AN INDIVIDUAL**

8 **RESPONDENT**

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

) **CASE NO. 2007-0089**
)
)

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

12 **FINDINGS OF FACT**

13
14 On or about August 2005, at Pier 2, #49 at the Port of Astoria, Oregon (West Bay
15 Marketing) Respondent welded and installed 4 pressure vessels (NB# 17842, 18099, 17843,
16 18098) to their associated pressure piping as part of the installation of a flash refrigeration
17 system for the account of Raincountry Refrigeration Inc. At the time, Respondent did not have a
18 valid Oregon license under ORS 480.630 and OAR 918-225-0691.

19 **CONCLUSIONS OF LAW**

20
21 Welding pressure vessels to their associated piping, as outlined in the Findings of Fact, is
22 a pressure vessel installation under ORS 480.515(10).

23
24 By making a pressure vessel installation without the appropriate license, as outlined in
25 the Findings of Fact, Respondent violated ORS 480.630(2).

ORDER

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NOTICE OF RIGHT TO HEARING

You are entitled to a hearing as provided by the Administrative Procedures Act, Oregon Revised Statutes, Chapter 183. If you wish to receive a hearing you must file a written request for a hearing with the Board no later than 20 days from the date of service of this notice. If a request 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.

You have the right to be represented by legal counsel. ORS 183.457 provides a corporation may be represented by an authorized representative at the hearing. If you request a hearing the Board and Director will notify you of the time and place of the hearing. The Board and Director will 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.

NOTICE OF FINAL ORDER

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

Dated this _____ day of _____, 2007

BY
PHILIP A. JOHNSON, II, Enforcement Officer
Enforcement and Licensing Section
Building Codes Division
PO Box 14470
Salem, Oregon 97309-0404
(503) 378-4379
FAX: (503) 378-2322