

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

2
3 **IN THE MATTER OF:**

4 **HENDRICKSON PLUMBING, LLC., A**
5 **FOREIGN CORPORATION**

6 **RESPONDENT**

)
) **CONSENT ORDER**

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) **CASE NO. 2010-0088**
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8 The Board of Boiler Rules of the State of Oregon (Board) has conducted an investigation of
9 Respondent and determined Respondent violated certain provisions of the Oregon Building
10 Codes statutes, administrative rules, and specialty codes. The Board and Respondent wish to
11 settle this matter informally.

12 Respondent agrees to conduct all future business in compliance with the applicable statutes,
13 administrative rules, and specialty codes. As evidenced by the authorized by the signatures on
14 this Order, Respondent hereby consents to the entry of this Order and its following terms:

15 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

16 (1) During or about December 2008, at 915 NE Schuyler Street, Portland, Oregon,
17 Respondent engaged in the business of installing three (3) AO Smith domestic hot water boilers
18 (National Board [NB] #s 128234, 128235, and 128232, and one AO Smith water storage tank
19 NB # 122775 (hereinafter "the regulated vessels") for the account of another, without an Oregon
20 boiler/pressure vessel contractor's license, in violation of ORS 480.630(1).

21 (2) During or about December 2008, at 915 NE Schuyler Street, Portland, Oregon,
22 Respondent installed the regulated vessels, for the account of another, without first obtaining
23 valid permits, in violation of ORS 480.630(5).

24 (3) Domestic hot water boilers are boilers as defined in ORS 480.515(3).

25 (4) Water storage tanks are pressure vessels as defined in ORS 480.515(12).

WHAT THE LAW SAYS

 (1) Under ORS 480.630(1), a person engaging in the business of installing, repairing or
altering boilers or pressure vessels must possess a boiler contractor license issued by the
Department of Consumer and Business Services.

 (2) Under ORS 480.630(5), a person required to be licensed under this section may not
install, alter or repair a boiler or pressure vessel unless an install, alter or repair permit is first
secured from the Department of Consumer and Business Services.

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ORDER

Under ORS 455.895(1)(c) and OAR 918-001-0036, the Board assesses the following sanctions:

- (1) a \$3,000 civil penalty for violating ORS 480.630(1)
- (2) a \$1,000 civil penalty for violating ORS 480.630(5)

The civil penalties assessed total \$4,000.

STIPULATED AGREEMENT

Respondent and the Board agrees to resolve this matter without hearing according to the following terms:

(1) Respondent admits to committing the violations as alleged in the Findings of Fact and Conclusions of Law and agree the Board will issue an order imposing the proposed civil penalties for such violations in order to resolve this matter.

(2) The Board agrees to suspend \$2,500 of the \$4,000 in civil penalties for a period of five years under the following terms:

- (a) Respondent agrees not to commit further violations of Building Codes Division's statutes and/or rules.
- (b) Respondent agrees to pay the remaining \$1,500 of the civil penalties *or \$1,000 if full payment is submitted by the due date on the invoice received with your copy of the order signed by the board. The additional \$500 will then be added to the suspended amount.*
- (c) If Respondent fails to make a payment within the time period stated on a Final Demand collection of the entire civil penalties, including any suspended amount will be initiated.

pd MLD 3/10/2010

Payments are to be made to: DCBS Fiscal Services
P.O. Box 14610
Salem, OR 97309-0445

- (d) Respondent understands and agrees any violation of the terms of this Settlement Agreement and Consent Order will result in further enforcement action.
- (e) Respondent understands and agrees that any violations of Building Code Division's statutes and/or rules not alleged in the Findings of Fact above, whether committed before or after the execution of this Settlement Agreement

1 and Consent Order, shall be the basis for further enforcement action.


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3 (f) Respondent understands the suspended civil penalty will be waived five years
4 after the execution of this Settlement Agreement and Consent Order, provided
5 Respondent complies with its terms and has not committed any further
6 violations of Building Codes Division's statutes and/or rules.

7 (g) Respondent has read and fully understand the terms of this Consent Order,
8 freely and voluntarily consent to the entry of this Order without further
9 hearing, without any force or duress, and expressly waives all rights to hearing
10 or appeal in this matter.

11 (h) Respondent understands that, upon signature of all parties, this Settlement
12 Agreement and Consent Order will be a FINAL ORDER.

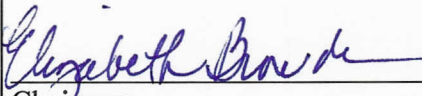
13 (i) Respondent understands once this Settlement Agreement and Consent Order
14 become a FINAL ORDER it becomes a public document.

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16 **FOR THE RESPONDENT**

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18 _____
19 Jami Hendrickson
20 Owner

21 Date: March 9, 2011

22 **FOR THE BOARD**

23 
24 _____ for
25 Chairman
Board of Boiler Rules
State of Oregon

26 Date: 3-14-11