

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

2  
3   **IN THE MATTER OF:**

)  
)   **CONSENT ORDER**

4   **CRF METAL WORKS, LLC, A LIMITED**  
5   **LIABILITY CORPORATION**

)  
)  
)   **CASE NO. 2010-0179**

6                                   **RESPONDENT**  
7                                   )

8   The Boiler Board of the State of Oregon (Board) has conducted an investigation of Respondent  
9   and determined that Respondent violated certain provisions of the Oregon Building Codes  
10   statutes, administrative rules, and specialty codes. The Board and Respondent wish to settle this  
11   matter informally. Respondent agrees to conduct all future business in compliance with the  
12   applicable statutes, administrative rules, and specialty codes. As evidenced by the authorized  
13   signatures on this Order, Respondent hereby consents to the entry of this Order and its following  
14   terms:

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

16           (1) On or about April 15, 2010, at 600 Columbia Blvd., Boardman, Oregon, Respondent  
17   replaced steam pressure piping for a wash down system, for the account of another, without first  
18   obtaining permit, in violation of ORS 480.630(5).

19           (2) On or about April 15, 2010, at 600 Columbia Blvd., Boardman, Oregon, Respondent  
20   replaced steam pressure piping for a wash down system, for the account of another, without an  
21   Oregon boiler contractor license, in violation of ORS 480.630(1).

22           (3) On or about April 15, 2010, at 600 Columbia Blvd., Boardman, Oregon, Respondent  
23   employed two unlicensed individuals to replace steam pressure piping for a wash down system,  
24   for the account of another, in violation of ORS 480.632.

25           (4) Steam pressure piping for a wash down system is a "boiler related appurtenance" as  
26   defined in ORS 480.515(3)(b).

27                                   **WHAT THE LAW SAYS**

28           (1) Under ORS 480.630(5), except as exempted in ORS 480.630(6), a person may not  
29   install, alter or repair any boiler or pressure vessel for which a permit has not been obtained.

30           (2) Under ORS 480.630(1), a person may not engage in the business of working on  
31   boilers or pressure vessels without an Oregon boiler contractor license.

1 (3) Under ORS 480.632, except as exempted in ORS 480.634, a person may not employ  
2 any person to work on boilers or pressure vessels for which the person is not licensed.

3  
4 **ORDER**

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

- 6 (1) A \$1,000 civil penalty for violation of ORS 480.630(5).  
7 (2) A \$3,000 civil penalty for violation of ORS 480.630(1).  
8 (3) A \$2,000 civil penalty for violating ORS 480.632.

9 The civil penalties assessed total \$6,000.

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

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

15 2. The Board agrees to suspend \$3,750 of the \$6,000 civil penalty for a period of five years  
16 under the following terms:

17 (a) Respondent agrees not to commit further violations of Building Codes Division's  
18 statutes and/or rules.

19 (b) Respondent agrees to pay the remaining \$2,250 of the civil penalties *or \$1,750 if full  
20 payment is submitted within 30 days of the date this Settlement Agreement is signed.*

21 (c) If Respondent fails to make a payment within the time period stated on a Final Demand,  
22 collection of the entire civil penalties, including any suspended amount, will be initiated.

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

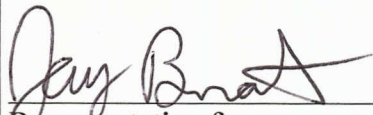
(d) Respondent understands and agrees any violation of the terms of this Settlement  
Agreement and Consent Order will result in further enforcement action.

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

- 1 (f) Respondent understands the suspended civil penalty will be waived five years after the  
2 execution of this Settlement Agreement and Consent Order, provided Respondent  
3 complies with its terms and has not committed any further violations of Building Codes  
4 Division's statutes and/or rules.
- 5 (g) Respondent has read and fully understands the terms of this Consent Order, freely and  
6 voluntarily consents to the entry of this Order without further hearing, without any force  
7 or duress, and expressly waives all rights to hearing or appeal in this matter.
- 8 (h) Respondent understands that, upon signature of all parties, this Settlement Agreement  
9 and Consent Order will be a FINAL ORDER.
- 10 (i) Respondent understands once this Settlement Agreement and Consent Order become a  
11 FINAL ORDER it becomes a public document.

12 It is so stipulated.

13 **SIGNATURE FOR THE RESPONDENT**

14 

15 Representative for company (name)

16 owner

17 Title

18 Date: 2-7-11

19 **FOR THE BOARD**

20  for

21 Chairman  
22 Board of Boiler Rules  
23 State of Oregon

24 Date: 2-14-11

25