

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

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

**CONSENT ORDER**

4 **ROBERT G. DAVIS & ASSOCIATES, INC., AN** )  
5 **OREGON CORPORATION** )

6 **RESPONDENT** )  
7 )

**CASE NO. 2010-0210**

8 The Board of Boiler Rules of the State of Oregon (Board) acting according to authority set forth  
9 in Oregon Revised Statutes Chapter 455, has determined that Respondent violated provisions of  
10 the Oregon Building Code's statutes, administrative rules, and specialty codes.

11 **FINDINGS OF FACT and CONCLUSIONS OF LAW**

12 (1) On or about July 30, 2010, at 9079 SE McLoughlin Boulevard, Milwaukie, Oregon,  
13 Respondent installed a Morganton air tank/air dryer National Board (NB) # 33896, for the  
14 account of another, without first obtaining a valid permit, in violation of ORS 480.630(5).

15 (2) A Morganton air tank/air dryer NB #33896 is a pressure vessel as defined in ORS  
16 480.515(12).

17 **WHAT THE LAW SAYS**

18 Under ORS 480.630(5), a person required to be licensed under this section may not  
19 install, alter or repair a boiler or pressure vessel unless an installation permit is first secured from  
20 the department. The department shall issue permits only to persons possessing a valid boiler  
21 contractor license or as provided by the department by rule.

22 **ORDER**

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

25 (1) a \$1,000 civil penalty for violating ORS 480.630(5).

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

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

1 (2) The Board agrees to suspend \$750 of the \$1,000 in civil penalties for a period of five  
2 years under the following terms:

- 3 (a) Respondent agrees not to commit further violations of Building Codes  
4 Division's statutes and/or rules.
- 5 (b) Respondent agrees to pay the remaining \$250 of the civil penalties.
- 6 (c) If Respondent fails to make a payment within the time period stated on a Final  
7 Demand collection of the entire civil penalties, including any suspended  
8 amount will be initiated.

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

- 12 (d) Respondent understands and agrees any violation of the terms of this  
13 Settlement Agreement and Consent Order will result in further enforcement  
14 action.
- 15 (e) Respondent understands and agrees that any violations of Building Code  
16 Division's statutes and/or rules not alleged in the Findings of Fact above,  
17 whether committed before or after the execution of this Settlement Agreement  
18 and Consent Order, shall be the basis for further enforcement action.
- 19 (f) Respondent understands the suspended civil penalty will be waived five years  
20 after the execution of this Settlement Agreement and Consent Order, provided  
21 Respondent complies with its terms and has not committed any further  
22 violations of Building Codes Division's statutes and/or rules.
- 23 (g) Respondent states Respondent has carefully read this Settlement Agreement  
24 and Consent Order and understands the intent and content of the document,  
25 and signs below of under free will. Respondent waives any and all rights to  
appeal or challenge of this Settlement Agreement and Consent Order.
- (h) Respondent understands that, upon signature of all parties, this Settlement  
Agreement and Consent Order will be a FINAL ORDER.
- (i) Respondent understands once this Settlement Agreement and Consent Order  
become a FINAL ORDER it becomes a public document.

It is so stipulated.

1 **FOR THE RESPONDENT**

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3 Hammy Nelson, Treasurer Date: 1-12-2011

4 Robert G. Davis  
President

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7 **FOR THE BOARD**

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9 Gloria Bono for Date: 1-13-11

10 Chairman  
Board of Boiler Rules  
11 State of Oregon

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