

1 (2) Under ORS 480.630(5), a person required to be licensed under this section may not
2 install, alter or repair a boiler or pressure vessel unless an installation permit is first secured from
DCBS.

3 (3) Under ORS 480.632, a person licensed, or required to be licensed, under ORS
4 480.630 to engage in the business of installing, repairing or altering boilers or pressure vessels
5 may not employ any person to work on a boiler or pressure vessel unless the employed person
has a valid license issued under ORS 480.630.

6 **ORDER**

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

- 9 (1) a \$3,000 civil penalty for violating ORS 480.630(1)
10 (2) a \$1,000 civil penalty for violating ORS 480.630(5)
11 (3) a \$2,000 civil penalty for violating ORS 480.632

12 The penalties assessed total \$6,000.

13 **NOTICE OF RIGHT TO HEARING**

14 Respondent is entitled to a hearing as provided by the Administrative Procedures Act, Oregon
15 Revised Statutes, Chapter 183. If Respondent requests a hearing, the request must be in writing
16 and filed with the Division no later than 20 days from the service date. If this Notice was served
to Respondent in person, the service date is the date Respondent received this Notice. If this
Notice was served through the mail, the service date is the day the Notice was mailed, not the
day Respondent received it.

17 If a request for hearing is not received within 20 days, Respondent's right to a hearing is
18 considered waived unless the failure to request a hearing was beyond Respondent's reasonable
19 control. Mail hearing requests to Building Codes Division, Enforcement Section, P.O. Box
14470, Salem, Oregon, 97309.

20 Respondent has the right to be represented by legal counsel. ORS 183.457 provides that a
21 corporation may be represented by an authorized representative at the hearing. If Respondent
22 requests a hearing, Respondent will be notified of the time and place of the hearing and be given
information on procedures, right of representation and other rights of parties relating to the
hearing before it begins.

23 **NOTICE OF FINAL ORDER**

24 If Respondent does not request a hearing within 20 days, withdraws a hearing request, notifies
25 the Board or the administrative law judge that they will not appear, or fails to appear at a
scheduled hearing, the Board will issue a Final Order by Default. If the Board issues a Final

1 Order by Default, it designates the file, including any materials submitted by Respondent that
2 relate to this matter, as the record for purpose of proving a prima facie case.

3 Respondent is entitled to judicial review of any final order issued in the matter of this Notice of a
4 Proposed Civil Penalty. Judicial review may be obtained by filing a petition for review with the
5 Oregon Court of Appeals within 60 days after the Final Order is served. See ORS 183.482. If
6 the Order was served in person, the service date is the date Respondent received the Order. If the
7 Order was served through the mail, the service date is the day the Order was mailed, not the day
8 it was received by Respondent. If Respondent does not file a petition for judicial review within
9 60 days, Respondent will lose the right to appeal. The informational phone number for the
10 Oregon Court of Appeals is (503) 986-5555.

11 Dated this 20th day of December, 2010

12 Elizabeth Brown for
13 Chairman
14 Board of Boiler Rules
15 State of Oregon
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