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2 **ORDER**

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

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

6 The civil penalties assessed total \$4,000.

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

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

11 (2) The Board agrees to suspend \$3,000 of the \$4,000 in civil penalties for a period of five years under the following terms:

- 12 (a) Respondent agrees not to commit further violations of Building Codes
13 Division's statutes and/or rules.
- 14 (b) Respondent agrees to pay the remaining \$1,000 of the civil penalties *or \$750*
15 *if full payment is submitted within 30 days of the date this Settlement*
16 *Agreement is signed. The remaining \$250 will be added to the suspended*
17 *amount.*
- 18 (c) If Respondent fails to make a payment within the time period stated on a Final
19 Demand, collection of the entire civil penalties, including any suspended
20 amount, will be initiated.

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

- 24 (d) Respondent understands and agrees any violation of the terms of this
25 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.
- (f) Respondent understands the suspended civil penalty will be waived five years

1 after the execution of this Settlement Agreement and Consent Order, provided
2 Respondent complies with its terms and has not committed any further
violations of Building Codes Division's statutes and/or rules.

3 (g) Respondent states it has carefully read this Settlement Agreement and Consent
4 Order and understands the intent and content of the document, and signs
5 below under free will. Respondent waives any and all rights to appeal or
challenge of this Settlement Agreement and Consent Order.

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

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

10 It is so stipulated.

11 **FOR THE RESPONDENT**

12
13 Forest Scott Fletcher Date: 12/15/10
14 Forest Scott Fletcher, President
15 Scott's Heating and Air Conditioning Service, Inc.
16

17 **FOR THE BOARD**

18
19 [Signature] for Date: 12-29-10
20 Chairman
21 Board of Boiler Rules
22 State of Oregon
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