

1 (2) Under ORS 580.630(2), a person who installs, repairs or alters boilers as the
2 employee or agent of a business engaged in the installations, repair or alteration of boilers or
3 pressure vessels must possess an employee or agent license issued by DCBS.

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

7 ORDER

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

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

13 The penalties assessed total \$6,000.

14 You and the Board agree to resolve this matter without hearing according to the
15 following terms:

16 (1) You admit to committing the violations as alleged in the Findings of Fact and
17 Conclusions of Law and agree the Board will issue an order imposing the proposed civil penalty
18 for such violation in order to resolve this matter.

19 (2) The Board agrees to suspend \$3,750 of the \$6,000 civil penalty for a period of five
20 years under the following terms:

21 (a) You agree not to commit further violations of Building Codes Division's
22 statutes and/or rules.

23 (b) You agree to pay the remaining \$2,250 of the civil penalty *or \$1,750 if full
24 payment is submitted within 30 days of the date this Settlement Agreement is
25 signed by all parties. The remaining \$500 will be added to the suspended
amount.*

(c) If you fail 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.

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

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- (d) You understand and agree any violation of the terms of this Settlement Agreement and Consent Order will result in further enforcement action.
- (e) You understand and agree 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) You understand the suspended civil penalty will be waived five years after the execution of this Settlement Agreement and Consent Order, provided you comply with its terms and have not committed any further violations of Building Codes Division's statutes and/or rules.
- (g) You state you have carefully read this Settlement Agreement and Consent Order and understand the intent and content of the document, and sign below of your own free will. You waive any and all rights to appeal or challenge of this Settlement Agreement and Consent Order.
- (h) You understand that, upon signature of all parties, this Settlement Agreement and Consent Order will be a FINAL ORDER.
- (i) You understand once this Settlement Agreement and Consent Order become a FINAL ORDER it becomes a public document.

It is so stipulated.


FOR THE RESPONDENT



 Newton H. Loken

Date: 1-13-11

FOR THE BOARD


 _____ for
 Chairman
 Board of Boiler Rules
 State of Oregon

Date: 2-2-11

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