

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

2  
3 **IN THE MATTER OF:**

4 **TYLER MILNE, AN INDIVIDUAL**

5                   **RESPONDENT (You)**

)  
) **CONSENT ORDER**

)  
)  
)  
) **CASE NO. 2010-0300**

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

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

12           (1) On or about October 5, 2010, at 4999 Depot Court, Salem, Oregon, you installed two  
13 120 gallon air receiver tanks, National Board [NB] numbers 59375 and 44935 (hereinafter "the  
14 tanks"), for the account of another, without an employee or agent license issued by the  
15 Department of Consumer and Business Services (DCBS), in violation of ORS 480.630(2).

16           (2) The tanks are pressure vessels as defined in ORS 480.515(12).

17                   **WHAT THE LAW SAYS**

18           Under ORS 480.630(2), a person who installs, repairs or alters boilers as the employee or  
19 agent of a business engaged in the installations, repair or alteration of boilers or pressure vessels  
20 must possess an employee or agent license issued by the Department of Consumer and Business  
21 Services.

22                   **ORDER**

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

25           (1) a \$2,000 civil penalty for violating ORS 480.630(2).

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

          (1) You admit to committing the violations as alleged in the Findings of Fact and  
Conclusions of Law and agree the Board will issue an order imposing the proposed civil

1 penalties for such violations in order to resolve this matter.

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

- 4 (a) You agree not to commit further violations of Building Codes Division's  
5 statutes and/or rules.
- 6 (b) You agree to pay the remaining \$1,000 of the civil penalties *or \$500 if full*  
7 *payment is submitted within 30 days of the date this Settlement Agreement is*  
8 *signed.*
- 9 (c) If you fail to make a payment within the time period stated on a Final Demand  
10 collection of the entire civil penalties, including any suspended amount will be  
11 initiated.

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

- 15 (d) You understand and agree any violation of the terms of this Settlement  
16 Agreement and Consent Order will result in further enforcement action.
- 17 (e) You understand and agree that any violations of Building Code Division's  
18 statutes and/or rules not alleged in the Findings of Fact above, whether  
19 committed before or after the execution of this Settlement Agreement and  
20 Consent Order, shall be the basis for further enforcement action.
- 21 (f) You understand the suspended civil penalty will be waived five years after the  
22 execution of this Settlement Agreement and Consent Order, provided you  
23 comply with its terms and have not committed any further violations of  
24 Building Codes Division's statutes and/or rules.
- 25 (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.

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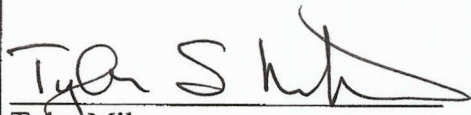
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(h) You understand that, upon signature of all parties, this Settlement Agreement and Consent Order will be a FINAL ORDER.

(i) You understand once this Settlement Agreement and Consent Order become a FINAL ORDER it becomes a public document.

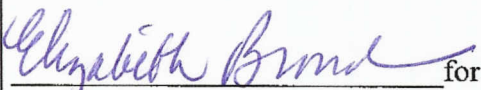
It is so stipulated.

**FOR THE RESPONDENT**

  
Tyler Milne

Date: 2-1-11

**FOR THE BOARD**

 for  
Chairman  
Board of Boiler Rules  
State of Oregon

Date: 3-1-11