

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

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3                   **IN THE MATTER OF:**

)  
)                   **CONSENT ORDER**

4                   **DOUG BURNETT, AN INDIVIDUAL**

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6                   **RESPONDENT (YOU)**

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)                   **CASE NO. 2010-0306**

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8                   The Boiler Board of the State of Oregon (Board) has conducted an investigation of Respondent  
9                   and determined that Respondent violated certain provisions of the Oregon Building Codes  
10                  statutes, administrative rules, and specialty codes. The Board and Respondent wish to settle this  
11                  matter informally. Respondent agrees to conduct all future business in compliance with the  
12                  applicable statutes, administrative rules, and specialty codes. As evidenced by the authorized  
13                  signatures on this Order, Respondent hereby consents to the entry of this Order and its following  
14                  terms:

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16                                   **FINDINGS OF FACT and CONCLUSIONS OF LAW**

17                   (1) On or about April 15, 2010, at 600 Columbia Blvd., Boardman, Oregon, you installed  
18                   or assisted in the repair of steam pressure piping for a wash down system, for the account of  
19                   another, without an Oregon employee or agent license, in violation of ORS 480.630(2).

20                   (2) Steam pressure piping for a wash down system is a "boiler related appurtenance" as  
21                   defined in ORS 480.515(3)(b).

22                                   **WHAT THE LAW SAYS**

23                   (1) Under ORS 480.630(2), except as exempted in ORS 480.634(1), a person who installs  
24                   repairs or alters boilers or pressure vessels as an employee or agent of a business engaged in the  
25                   installation, repair or alteration of boilers or pressure vessels must possess an employee or agent  
                    license issued by the department.

**ORDER**

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

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

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

5 1. You admit to committing the violations as alleged in the Findings of Fact and  
6 Conclusions of Law and agree the Board will issue an order imposing the proposed civil  
penalties for such violations in order to resolve this matter.

7 2. The Board agrees to suspend \$1,000 of the \$2,000 civil penalty for a period of five years  
8 under the following terms:

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

10 (b) You agree to pay the remaining \$1,000 of the civil penalties *or \$500 if full payment is*  
11 *submitted within 30 days of the date this Settlement Agreement is signed.*

12 (c) If you fail to make a payment within the time period stated on a Final Demand, collection  
13 of the entire civil penalties, including any suspended amount, will be initiated.

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

16 (d) You understand and agree any violation of the terms of this Settlement Agreement and  
Consent Order will result in further enforcement action.

17 (e) You understand and agree that any violation of Building Code Division's statutes and/or  
18 rules not alleged in the Findings of Fact above, whether committed before or after the  
19 execution of this Settlement Agreement and Consent Order, shall be the basis for further  
enforcement action.

20 (f) You understand the suspended civil penalty will be waived five years after the execution  
21 of this Settlement Agreement and Consent Order, provided you comply with its terms and  
22 have not committed any further violations of Building Codes Division's statutes and/or  
rules.

23 (g) You have read and fully understand the terms of this Consent Order, freely and  
24 voluntarily consent to the entry of this Order without further hearing, without any force  
or duress, and expressly waives all rights to hearing or appeal in this matter.

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

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

It is so stipulated.

**SIGNATURE FOR THE RESPONDENT**



Date: 2/7/11

Doug Burnett

**FOR THE BOARD**



for

Date: 2-14-11

Chairman  
Board of Boiler Rules  
State of Oregon