

BEFORE THE BOARD OF BOILER RULES OF THE STATE OF OREGON

CONSENT ORDER

IN THE MATTER OF:

**CASCADE PLUMBING CO, AN OREGON
CORPORATION, AND GARY LONG, PRESIDENT**

**CASE NO. 2005-
0451**

RESPONDENT

8 WHEREAS the BOARD OF BOILER RULES of the State of Oregon, acting pursuant to its authority as set
forth in Oregon Revised Statutes Chapter 455, has conducted an investigation of the Respondent and has
10 determined that the Respondent violated certain provisions of the Oregon Building Codes statutes,
administrative rules, and specialty codes:

WHEREAS the Board and Respondent wish to settle this matter informally. Respondent agrees to conduct
all future business in compliance with the applicable statutes, administrative rules, and specialty codes:

14 NOW THEREFORE, as evidenced by the authorized signature subscribed on this Order, Respondent
hereby consents to the entry of this Order:

FINDINGS OF FACT

- 16 1. On or about November 7, 2005, Respondent did not have a valid Oregon boiler business
license. At 23033 NE Townsend Ave in Fairview, Oregon, (the Knight Transportation job)
Respondent engaged in the business of installing an air compressor and an Abingham Virginia
18 storage tank (NB#405553 & 98833) and their related compressed-air piping, for the account of
another.
- 19 2. On or about November 7, 2005, at 23033 NE Townsend Ave in Fairview, Oregon, (the Knight
Transportation job) Respondent engaged in the business of installing an air compressor and an
20 Abingham Virginia storage tank (NB#405553 & 98833) and their related compressed-air piping, for
the account of another, without first obtaining an installation permit.

Respondent later arranged for a properly licensed contractor to pull a permit and complete the
installation.

- 24 3. On or about November 7, 2005, Respondent employed Joe Mageske, who did not have a valid
Oregon certificate of competency under OAR 918-225-0691. At 23033 NE Townsend Ave in
Fairview, Oregon, (the Knight Transportation job) Mr. Mageske, acting as the employee of
Respondent, installed an air compressor and an Abingham Virginia storage tank (NB#405553 &
98833) and their related compressed-air piping, for the account of another.

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LUSIONS OF LAW**

1. An air compressor and an Abingham Virginia storage tank are "pressure vessels" under ORS 480.515(10).
2. By engaging in the business of making a pressure vessel installation without a valid Oregon boiler business license, as outlined in Findings of Fact, Respondent violated ORS 480.630(1).
3. By employing an unlicensed individual to make a pressure vessel installation, as outlined in Findings of Fact, Respondent violated ORS 480.632.
4. By engaging in the business of making a pressure vessel installation without having first obtained an installation permit, as outlined in Findings of Fact, Respondent violated ORS 480.630(5).

ORDER

The Board, acting pursuant to ORS 455.775(2) hereby ORDERS that the Respondent shall: CEASE AND DESIST from further violations of the Oregon Building Codes, statutes, administrative rules, specialty codes, or any Order issued by a State Building Codes Advisory Board.

Pursuant to ORS 455.895(1)(c) and OAR 918-001-0036, Respondent is assessed a \$1000 civil penalty for violation of ORS 480.630(1).

Pursuant to ORS 455.895(1)(c) and OAR 918-001-0036, Respondent is assessed a \$1000 civil penalty for violation of ORS 480.630(6).

Pursuant to ORS 455.895(1)(c) and OAR 918-001-0036, Respondent is assessed a \$1000 civil penalty for violation of ORS 480.632.

The Board further ORDERS the imposition of \$750.00 of the \$3,000.00 total civil penalty be stayed for the period of three years from the date of this Order, under the following terms and conditions:

The Respondent shall not violate any provision of Oregon Building Codes Statutes, administrative rules, specialty codes, or any Order issued by a State Building Codes Advisory Board.

The remaining \$2,250 civil penalty is due and payable on or before 5:00 P.M. May 1, 2006. Failure to submit payment by the due date indicated will result in your account being forwarded to the Department's Business Administration Division for collection. The Department will pursue collection of unpaid civil penalties by filing a lien against your real estate holdings, by tax refund offsets through the Department of Revenue, or through an outside collection agent.

FAILURE TO PAY THE ASSESSED CIVIL PENALTY, OR, SHOULD ANOTHER VIOLATION OCCUR, THE BUILDING CODES DIVISION MAY SEEK SUSPENSION OF YOUR BUSINESS LICENSE(S) PURSUANT TO ORS 455.129. THE DIVISION WILL AGGRESSIVELY PURSUE ANY FUTURE COMPLAINTS WITHOUT EXCEPTION.

If Respondent fully complies with all conditions imposed herein, the \$750.00 stayed civil penalty shall be waived at the end of the three-year period and shall no longer be imposed. If the Board finds that the

Respondent has violated any of the terms and conditions stated herein during the three-year period from

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the date of this Order, the Board by and through Director of the Department of Consumer and Business Services may impose the \$750.00 stayed civil penalty. Further, this Order does not limit the Board from other actions to enforce other violations of the Oregon Building Codes statute, administrative rules, and specialty codes.

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Dated this _____ day of _____.

BOARD OF BOILER RULES OF THE STATE OF OREGON

by Chairman, Board of Boiler Rules _____

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CONSENT TO ENTRY OF ORDER

I, GARY LONG on behalf of CASCADE PLUMBING CO, state that I am, or represent the Respondent herein; that I have read the foregoing Order, and that I know and fully understand its contents; that I consent to the entry of this Order, and admit the allegations contained in the Findings of Fact therein; that I have been advised of my right to a contested case hearing, and to be represented by legal counsel in this matter; that I freely and voluntarily consent to the entry of this Order without further hearing and without any force or duress, expressly waiving all rights to a contested case hearing, judicial review or any further appeal in this matter. I understand that the Board may take further actions to enforce this Order or upon discovery of other conduct in violation of the Oregon Building Codes statutes, administrative rules, and specialty codes. I further state that I will fully comply with the terms and conditions stated therein. I further assure the Board that I will not perform work or conduct business in Oregon unless such activities are in full compliance with Oregon Building Codes statutes, administrative rules, and specialty codes. I understand that this Consent Order is a public document.

DATED this _____ day of _____,

Signature of Respondent

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