

**STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS COMPENSATION DIVISION**

**IN THE MATTER OF THE COMPLIANCE OF
Thad Chesnut, Employer,**

**STATE OF OREGON, Acting by and through
Kerry Barnett, Director, Department of
Consumer and Business Services**

Plaintiff v.

Thad Chesnut

Defendant,

STATE OF OREGON
County of Klamath

) AFFIDAVIT SUPPORTING ENTRY
) OF ORS 656.735 and 205.125
) MONEY JUDGMENT AND LIEN

I, John Carter, being first duly sworn, say: I am the Collection Manager for the Business Administration Division for the plaintiff and custodian of plaintiff's Workers' Compensation Division Accounts Receivable records. Plaintiff's records show that "Proposed and Final Order Declaring Noncompliance and Assessing a Civil Penalty", Number 18305-AB was issued to defendant. A certified true copy of the Order is attached.

More than 20 days have elapsed since the defendant received the Order and the defendant has not requested a hearing to contest any matter therein. The penalty proposed in the Order became final on May 14, 1991 by operation of ORS 656.740(1).

Pursuant to ORS 656.735(5) and 82.010, there is now due and owing to the plaintiff by the defendant a civil penalty in the amount of \$6,175.00 plus interest thereon at the rate of nine percent per annum from May 24, 1991, until paid, plus the costs of recording the Order.

MONEY JUDGMENT

- MONEY JUDGMENT**
- 1) Judgment Creditor: State of Oregon, acting by and through Kerry Barnett, Director, Department of Consumer and Business Services.
 - 2) Judgment Creditor's Attorney: None.
 - 3) Judgment Debtor: Thad Chesnut.
 - 4) Principal Amount of Judgment: \$6,175.00.
 - 5) Prejudgment Simple Interest: None.
 - 6) Attorney Fees: None.
 - 7) Costs: \$25.00.
 - 8) Postjudgment Simple Interest at the rate of 9% per annum on the principal amount of the judgment which consists of Item 4 from May 24, 1991.

John Carter

Collection Manager

Business Administration Division

Date _____

Subscribed and sworn to before me this 27th day of March, 1996.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 4/22/97



OFFICIAL SEAL

DEBORAH L NELSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 028182

COMMISSION NO. 028182
MY COMMISSION EXPIRES SEPT. 22, 1997

RETURN TO: DCBS, Business Admin.- NCE , 350 Winter St. NE, Room 300, Salem, OR 97310

chestnut.SAM

96 APR -3 A9:26

OREGON DEPARTMENT OF INSURANCE AND FINANCE
 WORKERS' COMPENSATION DIVISION
 COMPLIANCE/REGISTRATION UNIT
 LABOR & INDUSTRIES BUILDING
 SALEM, OREGON 97310
 (503) 373-7434

In the Matter of the Noncompliance of)	
)	PROPOSED AND FINAL ORDER
Thad Chesnut,)	DECLARING NONCOMPLIANCE AND
a Sole Proprietorship,)	ASSESSING A CIVIL PENALTY
dba BIG T TIRES,)	
Employer. (WCD Employer No. 757033 6))	Order No. 18305-AB

5/25/91

To: Thad Chesnut

BASIS FOR ORDER

Every employer of one or more subject workers in Oregon is a subject employer (ORS 656.023).

Every subject employer is required to provide workers' compensation coverage for its subject workers, in conformity with ORS 656.017 (ORS 656.052(1)).

Every subject employer shall maintain assurance with the Department of Insurance and Finance that it has provided coverage for its subject workers (ORS 656.017(1)). It shall do so by qualifying as a self-insured employer or by causing a guaranty contract from its insurer to be filed with the Department (ORS 656.407(1)).

If there is reason to believe that an employer has failed to provide workers' compensation coverage for its subject workers, the Department of Insurance and Finance shall serve the employer with an order declaring the employer to be noncomplying and assessing a civil penalty (ORS 656.052(2)).

A civil penalty of \$1,000 shall be assessed against any subject employer who does not provide workers' compensation coverage for its subject workers and maintain assurance of the coverage with the Department by qualifying as a self-insured employer or by causing a guaranty contract from its insurer to be filed with the Department (ORS 656.735(1), OAR 436-80-040(1)).

If an order declaring an employer to be noncomplying has become final and that employer continues to violate ORS 656.052(1), the Department of Insurance and Finance shall serve the employer with another order declaring the employer to be noncomplying for the additional period and assessing a civil penalty in the amount of \$25 per day for each calendar day the violation has continued (ORS 656.052(2), ORS 656.735(2), OAR 436-80-040(3)).

If there is a compensable claim arising from an injury to a subject employee of a noncomplying employer, the noncomplying employer is liable for payment of all costs related to the claim and for an additional civil penalty (ORS 656.054(3), ORS 656.735(3)).

RECEIVED
 25 APR 91
 D.I.F. FISCAL SECTION

CERTIFIED TRUE COPY

FINDINGS

1. The Department of Insurance and Finance issued Order No. 15621-A on June 28, 1990, declaring Thad Chesnut to be noncomplying for the period from May 24, 1990 to June 11, 1990. Order No. 15621-A became final June 21, 1990.
2. Thad Chesnut was the employer of one or more subject workers in Oregon during the period from June 11, 1990 to February 13, 1991.
3. Thad Chesnut was not qualified as a self-insured employer with the Department during the period from June 11, 1990 to February 13, 1991.
4. Thad Chesnut did not cause a guaranty contract to be filed with the Department covering any part of the period from June 11, 1990 to February 13, 1991.

CONCLUSION

Thad Chesnut continued to violate ORS 656.052(1) during the period from June 11, 1990 to February 13, 1991, by engaging as a subject employer without qualifying as a carrier-insured or self-insured employer in conformity with ORS 656.017.

ORDER

The Department of Insurance and Finance through the Compliance Section of its Workers' Compensation Division proposes to order that Thad Chesnut be declared a noncomplying employer during the period from June 11, 1990 to February 13, 1991, and to further order that Thad Chesnut pay a civil penalty in the amount of \$6,175.00 for continuing to violate ORS 656.052(1).

NOTICE

If you disagree with this Order, you may request a hearing. Your request for hearing must be in writing, delivered to the Compliance/Registration Unit at the address at the top of this document. Your request for hearing must state your grounds for disagreement and must be received by the Compliance/Registration Unit within 20 days after this Order is first served on the corporation identified as "Employer" in the heading of the Order. If a request for hearing is not received by the Compliance/Registration Unit within the time specified above, this Order will become final by operation of ORS 656.740(3) and thereafter shall not be subject to review by any agency or court.

CERTIFIED TRUE COPY

Proposed and Final Order No. 18305-AB
Page 3

NOTICE (continued)

If the total of the amount of premium which you would have paid for workers' compensation coverage for the period stated above plus \$250 is less than the amount of the civil penalty stated above, we may agree to reduce the amount of the civil penalty due if within 20 days of service of this Order we have received all of the following from you:

1. Your agreement in writing that you will not contest this Order; and
2. Satisfactory evidence that you now have workers' compensation coverage in effect OR satisfactory evidence that you are no longer a subject employer; and
3. Sufficient payroll information for us to calculate the amount of premium you would have paid had you had coverage in effect during the period stated above; and
4. An arrangement satisfactory to us for your payment of the reduced civil penalty.

If you do not understand this Order, you should contact your attorney at once or call the Compliance/Registration Unit at 373-7434.

Dated this 19th day of April, 1991.

DEPARTMENT OF INSURANCE AND FINANCE
WORKERS' COMPENSATION DIVISION

By

Warren J. Hearle, Compliance Section

2687c/mag

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of State Of Oregon the 3rd day
of April A.D., 19 96 at 9:26 o'clock A.M., and duly recorded in Vol. M96,
of County Lien Docket on Page 9328.
Bernetha G. Letsch, County Clerk

FEE \$20.00

By

CERTIFIED TRUE COPY