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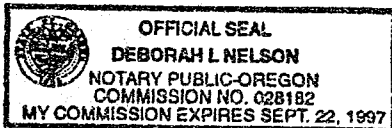
) AFFIDAVIT SUPPORTING ENTRY
) OF ORS 656.735 and 205.125
) MONEY JUDGMENT AND LIEN

—

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 \$8,100.00 plus interest thereon at the rate of nine percent per annum from July 30, 1994, until paid, plus the costs of recording the Order.

 9/12/96
John Carter Date
Collection Manager
Business Administration Division

Deborah Y Nelson
NOTARY PUBLIC FOR OREGON
My Commission Expires: 9/12/96



johnston.SAM

OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION
COMPLIANCE/NONCOMPLYING EMPLOYER PROGRAM
LABOR & INDUSTRIES BUILDING
SALEM, OREGON 97310
(503) 945-7888

29178

In the Matter of the Noncompliance of)	
Arnold Johnston & Marcy Johnston)	PROPOSED AND FINAL ORDER
a Partnership)	DECLARING NONCOMPLIANCE AND
dba NIBBLEY'S CREAM & BEAN CO)	ASSESSING A CIVIL PENALTY
OF KLAMATH COUNTY)	
Employer. (WCD Employer No. 7662075))	Order No. 20787-AB

To: Arnold Johnston & Marcy Johnston
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 Consumer and Business Services 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 Consumer and Business Services 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 Consumer and Business Services 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)).

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FINDINGS

1. The Department issued Order No. 20567-TAB on July 27, 1993, declaring Arnold Johnston & Marcy Johnston to be noncomplying for the period from November 18, 1992 to July 26, 1993. Order No. 20567-TAB became final August 18, 1993.
2. Arnold Johnston & Marcy Johnston was the employer of one or more subject workers in Oregon during the period from July 26, 1993 to June 16, 1994.
3. Arnold Johnston & Marcy Johnston was not qualified as a self-insured employer with the Department during the period from July 26, 1993 to June 16, 1994.
4. Arnold Johnston & Marcy Johnston did not cause a guaranty contract to be filed with the Department covering any part of the period from July 26, 1993 to June 16, 1994.

CONCLUSION

Arnold Johnston & Marcy Johnston continued to violate ORS 656.052(1) during the period from July 26, 1993 to June 16, 1994, 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 Consumer and Business Services through the Compliance Section of its Workers' Compensation Division proposes to order that Arnold Johnston & Marcy Johnston be declared a noncomplying employer during the period from July 26, 1993 to June 16, 1994, and to further order that Arnold Johnston & Marcy Johnston pay a civil penalty in the amount of \$8,100 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/NCE Program 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/NCE Program within 20 days after you receive this Order. If a request for hearing is not received by the Compliance/NCE Program 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.

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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/NCE Program at (503) 945-7888.

Dated this 27th day of June 1994.

DEPARTMENT OF CONSUMER AND BUSINESS
SERVICES
WORKERS' COMPENSATION DIVISION

By *Ann L. Randall* for
Ann L. Randall, Compliance Section

16899-WCDCOM/JTN

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of State Of Oregon the 16th day
of September A.D., 19 96 at 1:41 o'clock P.M., and duly recorded in Vol. M96
of County Lien Docket on Page 29177

FEE \$20.00

Bernetha G Letsch, County Clerk

By *Ann L. Randall*

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