

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

IN THE MATTER OF THE COMPLIANCE OF)
Cascade Security & Investigations, Employer)

STATE OF OREGON, Acting by and through)
Kerry Barnett, Director, Department of)
Consumer and Business Services)
Plaintiff v.)

Jerome Wenzl, Individually,)
dba Cascade Security & Investigations)
Defendant,)

STATE OF OREGON)
County of Klamath)

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

I, C. L. Hamm, being first duly sworn, say: I am the Collection Manager of 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 23470-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 2, 1997, 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 defendants jointly and severally a civil penalty in the amount of \$4,574.00 plus interest thereon at the rate of nine percent per annum from May 12, 1997, until paid, plus the costs of recording the Order.

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 Debtors: Jerome Wenzl, Individually, dba Cascade Security & Investigations
- 4) Principal Amount of Judgment: \$4,574.00
- 5) Prejudgment Simple Interest: None.
- 6) Attorney Fees: None.
- 7) Costs: \$20.00
- 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 12, 1997.

C. L. Hamm 10/20/97
C. L. Hamm Date
Collection Manager, Business Administration Division

Subscribed and sworn to before me this 20th day of October, 1997.

Deborah L. Nelson
NOTARY PUBLIC FOR OREGON
My Commission Expires: 9/22/01



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

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OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
 WORKERS' COMPENSATION DIVISION
 EMPLOYER COMPLIANCE PROGRAM
 350 WINTER ST NE.
 SALEM, OREGON 97310
 (503) 945-7888

In the Matter of the Noncompliance of)	
JEROME WENCL)	PROPOSED AND FINAL ORDER
)	DECLARING NONCOMPLIANCE AND
Employer. (MCD Employer No. 7953664))	ASSESSING A CIVIL PENALTY
)	Order No. 23470-AB

To: JEROME WENCL

CERTIFIED TRUE COPY

BASIS FOR ORDER

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

Every subject employer must provide workers' compensation coverage for its subject workers, as required by ORS 656.017 (ORS 656.052(1)).

Every subject employer must maintain assurance with the Department of Consumer and Business Services that it has provided coverage for its subject workers (ORS 656.017(1)). In order to do this, it must qualify as a self-insured employer or cause a guaranty contract from its insurer to be filed with the Department (ORS 656.407(1)).

If the Department has reason to believe 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 twice the unpaid premium, but not less than \$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 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)).

FINDINGS

1. JEROME WENCL was the employer of one or more subject workers in Oregon during the period from January 1, 1997 to February 13, 1997.
2. JEROME WENCL was not qualified as a self-insured employer with the Department during the period from January 1, 1997 to February 13, 1997.
3. JEROME WENCL did not cause a guaranty contract to be filed with the Department covering any part of the period from January 1, 1997 to February 13, 1997.

CONCLUSION

JEROME WENCL violated ORS 656.052(1) during the period from January 1, 1997 to February 13, 1997, by engaging as a subject employer without qualifying as a carrier-insured or self-insured employer as required by ORS 656.017.

ORDER

The Department of Consumer and Business Services through the Compliance Section of its Workers' Compensation Division proposes to order that JEROME WENCL be declared a noncomplying employer during the period from January 1, 1997 to February 13, 1997, and to further order that JEROME WENCL pay a civil penalty in the amount of \$4,574.00 for violation of ORS 656.052(1).

NOTICE

CERTIFIED TRUE COPY

If you disagree with this Order, you may request a hearing. Your request for hearing must be in writing, delivered to the Employer Compliance Program at the address on the top of this document. Your request for hearing must state the reasons why you disagree with the Order and must be mailed or delivered to the Employer Compliance Program within 20 days after this Order is served. If a request for hearing is not sent to the Employer Compliance Program within the time limit above, this Order will become final by operation of ORS 656.740(3) and will not be subject to review by any agency or court.

If 105% of the workers' compensation premium that would have been due for the period stated above 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 the date this Order is served, you have sent us ALL of the following:

1. A signed, written agreement that you are not contesting 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 Employer Compliance Program at 945-7888.

Dated April 9, 1997.

DEPARTMENT OF CONSUMER & BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION

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

003297-WCDOUTNG/SUP
39210/0500

cc: CASCADE SECURITY INVESTIGATION file

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Oregon Department of Consumer Services the 24th day
of October A.D., 19 97 at 10:24 o'clock AM, and duly recorded in Vol. M97
of County Lien Docket on Page 34969

FEE \$15.00

By Bernetha G. Letsch
Bernetha G. Letsch, County Clerk