

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

IN THE MATTER OF THE COMPLIANCE OF
Basin Beef and Beverage, Inc., Employer

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

**Basin Beef and Beverage, Inc., and
Richard F. Concannon, Charlene Concannon, and
Albert L. Garcia, Individually
Defendants.**

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 21803-AB was issued to defendants. A certified true copy of the Order is attached.

More than 20 days have elapsed since the defendants received the Order and the defendants have not requested a hearing to contest any matter therein. The penalty proposed in the Order became final on November 14, 1994, 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 \$1,000.00 plus interest thereon at the rate of nine percent per annum from November 24, 1994, 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 Debtors: Basin Beef and Beverage, Inc., and Richard F. Concannon, Charlene Concannon, and Albert L. Garcia, Individually
 - 4) Principal Amount of Judgment: \$1,000.00
 - 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 November 24, 1994.

C. L. Hamm Date
Collection Manager, Business Administration Division

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

NOTARY PUBLIC FOR OREGON
My Commission Expires: 9/21/11

My Commission Expires: 4/23/81



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

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

In the Matter of the Noncompliance of)
)
 BASIN BEEF & BEVERAGE, INC) PROPOSED AND FINAL ORDER
 an Oregon corporation) DECLARING NONCOMPLIANCE AND
) ASSESSING A CIVIL PENALTY
 Employer.) Order No. 21803-AB

To: Richard F Concannon, Registered Agent, Basin Beef & Beverage, Inc

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, in conformity with 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 with the Department as self-insured or must cause a guaranty contract from its workers' compensation insurer to be filed with the Department (ORS 656.407(1)).

If the Department has reason to believe that an employer has failed to provide workers' compensation coverage for its subject workers, the Department 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)).

Corporate officers and directors are jointly and severally liable for payment of this civil penalty (ORS 656.735(4)).

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)). Corporate officers and directors are jointly and severally liable for payment of the claim costs and the additional civil penalty (ORS 656.735(4)).

FINDINGS

1. Basin Beef & Beverage, Inc employed one or more subject workers in Oregon during the period from December 19, 1993 to October 10, 1994.
2. Basin Beef & Beverage, Inc did not qualify with the Department as a self-insured employer with the Department during the period from December 19, 1993 to October 10, 1994.
3. Basin Beef & Beverage, Inc did not cause a guaranty contract to be filed with the Department covering any part of the period from December 19, 1993 to October 10, 1994.

CONCLUSION

Basin Beef & Beverage, Inc violated ORS 656.052(1) during the period from December 19, 1993 to October 10, 1994, by failing to qualify with the Department as carrier-insured or self-insured as required in ORS 656.017.

ORDER

The Department of Consumer and Business Services through the Compliance Section of its Workers' Compensation Division proposes to order that Basin Beef & Beverage, Inc be declared a noncomplying employer during the period from December 19, 1993 to October 10, 1994, and to further order that Basin Beef & Beverage, Inc and its officers and directors, including but not limited to Richard F Concannon, President, Albert L Garcia, Vice President, and Charlene Concannon, Secretary, pay a civil penalty in the amount of \$1,000 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 Compliance/NCE 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 received by the Compliance/NCE Program within 20 days after this Order is served. If a request for hearing is not received by the Compliance/NCE 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 the amount of premium which you would have paid for workers' compensation coverage 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 service of this Order we have received all of the following from you:

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 Compliance/NCE Program at (503) 945-7888.

Dated October 21, 1994.

DEPARTMENT OF CONSUMER
AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION

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

19632-WCD/COM/KLM

cc: Richard F Concannon, President
Charlene Concannon, Secretary

Albert L Garcia, Vice President
NCE File: BASIN BEEF & BEVERAGE, INC

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Oregon Dept. of Consumer Services the 24th day
of October A.D., 19 97 at 10:24 o'clock A. M., and duly recorded in Vol. M97
of County Lien Docket on Page 34972

FEE \$15.00

By Bernetha G. Letsch, County Clerk