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

98 JUN 16 AM 8:26

CLERK OF COURT

BY Arro

IN THE MATTER OF THE COMPLIANCE OF
David G. Clelland, Employer

STATE OF OREGON, Acting by and through
Debbie Lincoln, Acting Director, Department of
Consumer and Business Services
Plaintiff v.

David G. Clelland

Defendant,

STATE OF OREGON
County of Klamath

~~98024360~~
) 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 23834-AB was issued to defendant. A certified true copy of the Order is attached.

The defendant timely requested a hearing, and the request for hearing was later dismissed. The penalty proposed in the order became final on December 8, 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 \$22,840 plus interest thereon at the rate of nine percent per annum from December 18, 1997, until paid, plus the costs of recording the Order.

MONEY JUDGMENT

- 1) Judgment Creditor: State of Oregon, acting by and through Debbie Lincoln, Acting Director, Department of Consumer and Business Services.
- 2) Judgment Creditor's Attorney: None.
- 3) Judgment Debtors: David G. Clelland
- 4) Principal Amount of Judgment: \$22,840.00
- 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 December 18, 1997.

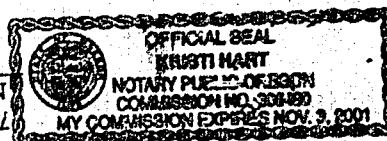
C. L. Hamm

Date

Collection Manager, Business Administration Division

Subscribed and sworn to before me this 10 day of June, 1998.

NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/3/01



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

call
15-

88805

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OREGON DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION OF OREGON
EMPLOYER COMPLIANCE PROGRAM

350 WINTER ST NE
SALEM, OREGON 97310

(503) 947-7815

JUN 16 AM 8:26

CLERK OF COURT

In the Matter of the Noncompliance of)
()

DAVID G CLELLAND

PROPOSED AND FINAL ORDER
DECLARING NONCOMPLIANCE AND
ASSESSING A CIVIL PENALTY

Employer (NCD Employer No. 8903224)

Order No. 23834-AB

To: DAVID G CLELLAND

020243600

BASIS FOR ORDER
NOTION

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. DAVID G CLELLAND was the employer of one or more subject workers in Oregon during the period from June 1, 1996 to June 17, 1997.
2. DAVID G CLELLAND was not qualified as a self-insured employer with the Department during the period from June 1, 1996 to June 17, 1997.
3. DAVID G CLELLAND did not cause a guaranty contract to be filed with the Department covering any part of the period from June 1, 1996 to June 17, 1997.

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Proposed and Final Order No. 23834-AB
Page 2

DAVID G CLELLAND violated ORS 656.052(1) during the period from June 1, 1996 to June 17, 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 DAVID G CLELLAND be declared a noncomplying employer during the period from June 1, 1996 to June 17, 1997, and to further order that DAVID G CLELLAND pay a civil penalty in the amount of \$22,840.00 for violation of 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 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
3. Satisfactory evidence that you are no longer a subject employer; and
4. 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
5. 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 947-7815.

Dated July 7, 1997.

DEPARTMENT OF CONSUMER & BUSINESS SERVICES
WORKERS' COMPENSATION DIVISION

003568-WCDOUTNC/SUP
39210/0500

cc: CLELLAND TRUCKING file

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ DCBS _____ the _____ day
of JUNE A.D. 19 98 at 1:21 o'clock PM., and duly recorded in Vol. M98
on Page 20826
CO. LIEN DOCKET
By Bernetha G. Letsch, County Clerk

FEE \$15.00