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Vol. M18 Page 20826 '98 JUN 17 P1:21

FILED '98 JUNIZTEOFOREGON CHE ORE DEPARTMENT OF CONSUMER AND BUSINESS COURT WORKERS COMPENSATION DIVISION 98 16 AM 8: 25

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.

AFFIDAVIT SUPPORTING ENTRY

OF ORS 656.735 and 205.125 MONEY JUDGMENT AND LIEN

David G. Clelland

Defendant.

STATE OF OREGON County of Klamath

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) Judament Debtors: David G. Clelland
- 4) Principal Amount of Judgment: \$22,840.00
- 5) Prejudgment Simple Interest: None,
- 6) Attorney Fees: None.
- 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.

- <u>6/10</u>/98 Dato

C. L. Hamin Collection Manager, Business Administration Division

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

OFFICIAL BEAL KRISTI HART NOTARY PUBLIC FOR OREGON My Commission Expires:_ WY

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



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HORKERS' COMPENSATION DIVISION OF OREGON ENPLOYER COMPLIANCE PROGRAM CIRCUIT COURT

SALEM, OREGON 97318 JUN LA AH 8: 26

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In the Matter of the Noncompliance of 23020)

DAVID G CLELLAND

PROPOSED AND FINAL ORDER Hollose considuration and doore sooks a parassessing a civit penality

CEmployer (HCD) Employer No. (8903224) org scient Order No. (23834 AB contensed a narrows for analoger during the period from June 1, 1993 to June 17, TO: DAVID G CLELLAND of #32.640.00 for visibility to REAL STATES (1).

BASIS FOR ORDER NOTICE

Every employer of one or more subject workers in Oregon is a subject employer (ORS 656.023). vou the preservin this Order, you may request a heating. Your request to Every subject employer must provide workers? compensation coverage for its subject workers, as required by ORS 656.017 (ORS 656.052(1)); mutob aint to got ent no each ha weather with you disagree with the Order and must be ma

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)). ACC3 280 to store or

.∄uao ⊰a v 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 massessing a civil penalty (ORS 656.052(2)). avoid 05 million of one vitament avoid and

effeit sie hat 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)). I deutamolai llersen ter server one provide hours halved and ground tellest many the period and nor over

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 of for an additional civil penalty (ORS 656.054(3); ORS 656.735(3)). brasterebra, tog ob voy it Etrobyet, Compliance Program at 947-7816.

2002VASS 30242808 8 MOMUSMOD 30 THERE FINDINGS HORE AS TOOMPENSATION DIVISIO

- DAVID G CLELLAND was the employer of one or more subject workers in 1. 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.
 - 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,

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Page 2 CETATINE SETURINE REPORT ON TRANSPORT PLANE proposed and Final Order No: 23834-AB 75805

DAVID G CLELLAND violated ORS: 0563052((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. to some i groupon and to reduct als a

The Department of Consumer and Business Services through the Compliance Section 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).

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NOTICE NOTICE If you disagree with this Order, you may request a he If you disagree with this Order, you may request a he begins must be in writing delivered to the Employer	aring. Your request for
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CC: CLELLAND INCOMMENTED SS. STATE OF OREGON: COUNTY OF KLAMATH : 55.	inc M98
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Filed for record at request of	on Page 20826 Bernetha G, Letsch, County Clerk
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