

### Civil Penalties

(1) Amendments to OAR ~~581-715~~-045-0001 through ~~581-715~~-045-0210 must be implemented by the schools within 90 days after the effective date of the amendments. Failure to implement rule changes within 90 days shall subject a school to civil penalties ~~under ORS 345.995 and this rule.~~

~~(2)(a) The commission may assess a civil penalty of \$500 per violation of ORS 345.010 to 345.450, or any administrative rules adopted pursuant to ORS 345.010 to 345.450. Except as provided in section (5) of this rule, any licensee under the provisions of ORS Chapter 345 that violates the provisions of, or the rules pertaining to, ORS Chapter 345, is subject to a penalty under — 345.992 or 345.995. Any person who violates — 345.030 by operating a career school in this state without obtaining a license under — 345.010 to 345.450 is subject to penalty under — 345.992. Penalties imposed under this section shall not exceed the amounts in the following schedule:~~

~~(a) First violation — \$300;~~

~~(b) Second violation — \$400;~~

~~(c) Third violation — \$500; and~~

~~(d) Each additional violation — \$500.~~

Before imposing a civil penalty under this subsection, the commission shall consider the factors established in ORS 345.995.

~~(3) Penalties listed in subsections (2)(a) (d) of this rule may be assessed for each violation of statutes or rules for which a school is charged in writing by the Superintendent. In the event a school is cited for violation of a specific statute or rule on the first occasion, the "first violation" penalty amount will be assessed. Subsequent or repetitive violations of the same statute or rule will cause second, third, and additional penalty amounts to be assessed respectively.~~

~~(4) Each ~~commission of an~~ act in violation of ORS 345.010 to 345.450, or any administrative rules adopted pursuant to ORS 345.010 to 345.450 ~~a regulation~~ shall constitute a separate violation. The imposition of penalties under ~~OAR 581-045-0001 through 581-045-0210~~ this section shall be in addition to, and does not preclude the imposition of, any other penalties for the same act or conduct pursuant to any other provision of law.~~

~~(5) Penalties of \$25 per day, up to a maximum of \$500, may be imposed for each calendar day after a license renewal is due under OAR 581-045-0062 or after payment to the Tuition Protection Fund is due under 581-045-0029.~~

~~(6) Failure to pay civil penalties within 30 days of the service of a final order imposing penalties, unless stayed pending appeal by subsequent order of the Superintendent Executive Director or a court of competent jurisdiction, may result in revocation of license to operate a school.~~

(5) The commission may retain reasonable costs related to the investigation and assessment of a civil penalty from civil penalties imposed under ORS 345.995 and this section. In support of its decision to retain civil penalties, the commission shall provide an accounting of the costs incurred during its investigation and the assessment of civil penalties, including but not limited to staff time, mailing costs, and attorney fees.

Stat. Auth.: ORS 345.992 & 345.995

Stats. Implemented: ORS 345.995

Hist.: EB 13-1996, f. & cert. ef. 7-26-96; ODE 32-2000, f. 12-11-00 cert. ef. 1-1-01; ODE 21-2002, f. 9-26-02 cert. ef. 10-1-02; ODE 7-2009, f. & cert. ef. 6-29-09