

FARM/FOREST LABOR CONTRACTOR (F/FLC)

TABLE OF CONTENTS

- 1.0 AUTHORITY OF THE COMMISSIONER (see also Ch. I, sec. 2.1)**
- 2.0 DEFINITIONS**
 - 2.1 --- Character
 - 2.2 --- Competence
 - 2.3 --- Crew Leader
 - 2.4 --- False
 - 2.5 --- False Statement
 - 2.6 --- Farm Labor Contractor
 - 2.7 --- Financially Interested
 - 2.8 --- Forest Labor Contractor
 - 2.9 --- Forestation or Reforestation Activity
 - 2.10 --- Fraudulent
 - 2.11 --- Misconduct
 - 2.12 --- Misleading
 - 2.13 --- Misrepresentation
 - 2.14 --- Recruit (see also 2.18)
 - 2.15 --- Reliability
 - 2.16 --- Repeat
 - 2.17 --- Sham or Subterfuge
 - 2.18 --- Solicit (see also 2.14)
 - 2.19 --- Willful Concealment
 - 2.20 --- Willful, Willfully
 - 2.21 --- Work Agreement
 - 2.22 --- Worker
- 3.0 LICENSE**
 - 3.1 --- In General
 - 3.2 --- Licensees (see also 6.0)
 - 3.3 --- Application (see also 3.6)
 - 3.4 --- Temporary Permit
 - 3.5 --- Exemptions
 - 3.6 --- Denial (see also 3.3)
 - 3.7 --- Refusal to Renew
 - 3.8 --- Suspension
 - 3.9 --- Revocation
 - 3.10 --- Character, Competence, Reliability
- 4.0 PROHIBITED ACTIVITIES (ORGANIZED BY STATUTE NUMBER) (see also 5.2)**
 - 4.1 --- Acting as a Contractor Without a License (ORS 658.410(1) and 658.415(1))
 - 4.2 --- Failure to Disclose Applicant's Name and Addresses on the License (ORS 658.415(1)(a))
 - 4.3 --- Failure to Disclose Information on All Motor Vehicles (ORS 658.415(1)(b))

FARM/FOREST LABOR CONTRACTOR (F/FLC)

- 4.4 --- Failure to Disclose Previous License Denials (ORS 658.415(1)(c))
- 4.5 --- Failure to Disclose the Names and Addresses of All Financially Interested Persons (ORS 658.415(1)(d))
- 4.6 --- Failure to Furnish Bond, Post Notice of Bond (ORS 658.415(3) and (15))
- 4.7 --- Failure to Obtain Special Indorsement for Forest Labor Contractor (ORS 658.417(1))
- 4.8 --- Failure to Provide BOLI with Certified Payroll Records (ORS 658.417(3))
- 4.9 --- Failure to Provide Workers' Compensation Insurance (ORS 658.417(4))
- 4.10 --- Using a Contractor Without Examining and Retaining Copy of License (ORS 658.437(2))
- 4.11 --- Failure to Carry and Exhibit License (ORS 658.440(1)(a))
- 4.12 --- Failure to Notify BOLI and Post Office of Address Change (ORS 658.440(1)(b))
- 4.13 --- Failure to Pay Promptly (ORS 658.440(1)(c))
- 4.14 --- Failure to Comply with Agreement/Contracts (ORS 658.440(1)(d))
- 4.15 --- Failure to File Information with BOLI (ORS 658.440(1)(e))
- 4.16 --- Failure to Furnish Workers with Statement of Rights, Failure to Execute Written Agreement (ORS 658.440(1)(f) and (g))
- 4.17 --- Failure to Furnish Workers with Statement of Earnings (ORS 658.440(1)(h))
- 4.18 --- Failure to Supply Worker Lodging and Food (ORS 658.440(2)(c))
- 4.19 --- Make Misrepresentations on License Application (ORS 658.440(3)(a))
- 4.20 --- Make Willful Misrepresentations Concerning Terms or Conditions of Employment (ORS 658.440(3)(b))
- 4.21 --- Solicit/Induce the Violation of a Contract of Employment (ORS 658.440(3)(c))
- 4.22 --- Knowingly Employ Illegal Alien (ORS 658.440(3)(d))
- 4.23 --- Assist an Unlicensed Contractor (ORS 658.440(3)(e))
- 4.24 --- Force Worker or Subcontractor to Give Up Compensation (ORS 658.440(3)(f))
- 4.25 --- Induce Worker to Travel for Work Not Available For 30 Days (ORS 658.440(3)(g))
- 4.26 --- Discriminate Against Employee (ORS 658.452)

5.0 CIVIL PENALTIES

- 5.1 --- Generally
- 5.2 --- Amount (*see also* 5.3, 5.4, 5.5)
- 5.3 --- Separate Violations
- 5.4 --- Aggravating Circumstances
- 5.5 --- Mitigating Circumstances
- 5.6 --- Effect of Bankruptcy

6.0 LIABILITY (*see also* 3.2, 6.0)

7.0 AFFIRMATIVE DEFENSES

8.0 FINAL ORDER ON INFORMAL DISPOSITION

9.0 ADMINISTRATIVE RULE INTERPRETATION

10.0 CONSTITUTIONALITY

1.0 AUTHORITY OF THE COMMISSIONER (*see also* Ch. I, sec. 2.1)

FARM/FOREST LABOR CONTRACTOR (F/FLC)

2.0 DEFINITIONS

- 2.1 --- Character
- 2.2 --- Competence
- 2.3 --- Crew Leader
- 2.4 --- False
- 2.5 --- False Statement
- 2.6 --- Farm Labor Contractor
- 2.7 --- Financially Interested
- 2.8 --- Forest Labor Contractor
- 2.9 --- Forestation or Reforestation Activity
- 2.10 --- Fraudulent
- 2.11 --- Misconduct
- 2.12 --- Misleading
- 2.13 --- Misrepresentation
- 2.14 --- Recruit (see *also* 2.18)
- 2.15 --- Reliability
- 2.16 --- Repeat
- 2.17 --- Sham or Subterfuge
- 2.18 --- Solicit (see *also* 2.14)
- 2.19 --- Willful Concealment
- 2.20 --- Willful, Willfully
- 2.21 --- Work/Employment Agreement
- 2.22 --- Worker

3.0 LICENSE

- 3.1 --- In General
- 3.2 --- Licensees (see *also* 6.0)
- 3.3 --- Application (see *also* 3.6)
- 3.4 --- Temporary Permit
- 3.5 --- Exemptions
- 3.6 --- Denial (see *also* 3.3)
- 3.7 --- Refusal to Renew
- 3.8 --- Suspension
- 3.9 --- Revocation

When respondents had not paid a judgment against them which was entered six months earlier in October 2015 resulting from Final Order on Informal Disposition issued after respondents signed an settlement agreement with BOLI that acknowledged that payment of civil penalties was due September 30, 2015, respondents' payment of the civil penalties in March 2016 did not "promptly satisfy" the judgment levied against them and the forum found that respondents were unfit to act as farm labor contractors and revoked their license. --- ***In the Matter of Erick Espinoza Farm Labor Contractor, 35 BOLI 2, 7 (2016).***

3.10 --- Character, Competence, Reliability

When respondents had not paid a judgment against them which was entered six months earlier in October 2015 resulting from Final Order on Informal Disposition issued after respondents signed an settlement agreement with BOLI that acknowledged that payment of civil

FARM/FOREST LABOR CONTRACTOR (F/FLC)

penalties was due September 30, 2015, respondents' payment of the civil penalties in March 2016 did not "promptly satisfy" the judgment levied against them and the forum found that respondents were unfit to act as farm labor contractors and revoked their license. ---- *In the Matter of Erick Espinoza Farm Labor Contractor, 35 BOLI 2, 7 (2016).*

4.0 PROHIBITED ACTIVITIES (ORGANIZED BY STATUTE NUMBER) (see also 5.2)

- 4.1 --- Acting as a Contractor Without a License (ORS 658.410(1) and 658.415(1))**
- 4.2 --- Failure to Disclose the Applicant's Name and Addresses on the License (ORS 658.415(1)(a))**
- 4.3 --- Failure to Disclose Information on All Motor Vehicles (ORS 658.415(1)(b))**
- 4.4 --- Failure to Disclose Previous License Denials (ORS 658.415(1)(c))**
- 4.5 --- Failure to Disclose the Names and Addresses of All Financially Interested Persons (ORS 658.415(1)(d))**
- 4.6 --- Failure to Furnish Bond, Post Notice of Bond (ORS 658.415(3) and (15))**
- 4.7 --- Failure to Obtain Special Indorsement for Forest Labor Contractor (ORS 658.417(1))**
- 4.8 --- Failure to Provide BOLI with Certified Payroll Records (ORS 658.417(3))**
- 4.9 --- Failure to Provide Workers' Compensation Insurance (ORS 658.417(4))**
- 4.10 --- Using a Contractor Without Examining and Retaining Copy of License (ORS 658.437(2))**
- 4.11 --- Failure to Carry and Exhibit License (ORS 658.440(1)(a))**
- 4.12 --- Failure to Notify BOLI and Post Office of Address Change (ORS 658.440(1)(b))**
- 4.13 --- Failure to Pay Promptly (ORS 658.440(1)(c))**
- 4.14 --- Failure to Comply with Agreement/Contracts (ORS 658.440(1)(d))**
- 4.15 --- Failure to File Information with BOLI (ORS 658.440(1)(e))**
- 4.16 --- Failure to Furnish Workers with Statement of Rights, Failure to Execute Written Agreement (ORS 658.440(1)(f) and (g))**
- 4.17 --- Failure to Furnish Workers with Statement of Earnings (ORS 658.440(1)(h))**
- 4.18 --- Failure to Supply Worker Lodging and Food (ORS 658.440(2)(c))**
- 4.19 --- Make Misrepresentations on License Application (ORS 658.440(3)(a))**
- 4.10 --- Make Willful Misrepresentations Concerning Terms or Conditions of Employment (ORS 658.440(3)(b))**
- 4.21 --- Solicit/Induce the Violation of a Contract of Employment (ORS 658.440(3)(c))**
- 4.22 --- Knowingly Employ Illegal Alien (ORS 658.440(3)(d))**
- 4.23 --- Assist an Unlicensed Contractor (ORS 658.440(3)(e))**
- 4.24 --- Force Worker or Subcontractor to Give Up Compensation (ORS 658.440(3)(f))**
- 4.25 --- Induce Worker to Travel for Work Not Available For 30 Days (ORS 658.440(3)(g))**
- 4.26 --- Discriminate Against Employee (ORS 658.452)**

5.0 CIVIL PENALTIES

- 5.1 --- Generally**
- 5.2 --- Amount (see also 5.3, 5.4, 5.5)**
- 5.3 --- Separate Violations**
- 5.4 --- Aggravating Circumstances**
- 5.5 --- Mitigating Circumstances**
- 5.6 --- Effect of Bankruptcy**

FARM/FOREST LABOR CONTRACTOR (F/FLC)

- 6.0** **LIABILITY** (*see also 3.2*)
- 7.0** **AFFIRMATIVE DEFENSES**
- 8.0** **FINAL ORDER ON INFORMAL DISPOSITION**
- 9.0** **ADMINISTRATIVE RULE INTERPRETATION**
- 10.0** **CONSTITUTIONALITY**