

FARMWORKER CAMPS -- TABLE OF CONTENTS

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PROHIBITED ACTIVITIES (ORGANIZED BY STATUTE

**4.0 PROHIBITED ACTIVITIES (ORGANIZED BY
STATUTE NUMBER)**

**4.1 --- Operating a Farmworker Camp
Without a Farm Labor Contractor's
License (ORS 658.715(1)(a))**

□ When respondent operated three farmworker camps without being licensed, the commissioner found three violations of ORS 658.715(1)(a) and imposed civil penalties. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*

□ When respondent operated two farmworker camps without being licensed, the commissioner found two violations of ORS 658.715(1)(a) and assessed civil penalties. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 122, 127 (1992).*

□ When a contractor operated at least five farmworker camps without a license, the commissioner found five separate violations of ORS 658.715(1)(a) and assessed civil penalties. ---- *In the Matter of Xavier Carbajal, 8 BOLI 206, 224 (1990).*

**4.2 --- Operating a Farmworker Camp
Without an Indorsement (ORS
658.715(1)(a))**

**4.3 --- Failing to Post the Indorsement
(ORS 658.730(2))**

□ When respondent failed to post a farmworker camp indorsement at each of three camps operated by him, the commissioner found three separate violations of ORS 658.715(1)(a) and imposed civil penalties. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*

**4.4 --- Failing to Maintain a Bond and
Security (ORS 658.735)**

□ When respondent operated three farmworker camps and failed to maintain a surety bond or cash deposit required of a person operating a farmworker camp, the commissioner found one violation of ORS 658.735 and assessed civil penalties. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*

□ When respondent operated two farmworker camps and failed to maintain a surety bond or cash deposit required of a person operating a farmworker camp, the commissioner found two violations of ORS 658.735 and assessed civil penalties. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 127 (1992).*

**4.5 --- Failing to Post a Notice Regarding
Bond (ORS 658.735(8))**

□ When respondent failed to post a notice of a surety bond or cash deposit in each of three farmworker camps, the commissioner found three violations of ORS 658.735(8) and assessed civil penalties. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*

□ When respondent failed to post a notice of a surety bond or cash deposit in a farmworker camp, the commissioner found one violation of ORS 658.735(8) and assessed civil penalties. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 127 (1992).*

4.6 --- Failing to Register Each

Farmworker Camp (ORS 658.750)

□ When respondent provided food and lodging to farmworkers in his employ in Oregon and operated a farmworker camp without registering it with the commissioner, the commissioner found one violation of ORS 658.750(1) and assessed civil penalties. ---- *In the Matter of Odon Salinas, 16 BOLI 42, 49-50 (1997).*

□ When a farm owner and her son operated an unregistered farmworker camp for two months in connection with the harvesting of farm crops, the commissioner found one violation of ORS 658.750 and assessed civil penalties. ---- *In the Matter of Gregory Lisoff, 14 BOLI 127, 131 (1995).*

□ In a farmworker camp case, the forum granted the agency's motion for summary judgment when the agency's evidence showed that respondents housed more than five farmworkers in two separate dwellings located on respondents' property, that respondents employed these farmworkers in harvesting respondents' crops, and that respondents failed to register their camp with the agency as required by ORS 658.750(1). ---- *In the Matter of Anastas Sharabarin, 14 BOLI 48, 52 (1995).*

□ When respondent failed to register three farmworker camps with the agency, the commissioner found three violations of ORS 658.750(1) and assessed civil penalties. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*

□ When respondent failed to register two farmworker camps with the agency, the commissioner found two violations of ORS 658.750(1) and 658.755(3)(a) and assessed civil penalties. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 122, 127 (1992).*

**4.7 --- Failing to Comply with ORS 658.405
to 658.485 (ORS 658.755(1)(a))**

**4.8 --- Failing to Comply with ORS Ch. 654
and Rules (ORS 658.755(1)(b))**

**4.9 --- Failing to Comply with Building,
Health, Safety Codes (ORS
658.755(1)(c))**

□ When respondent failed to comply with applicable building codes and health and safety laws, the commissioner found a violation of ORS 658.755(1)(c) and assessed civil penalties. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 127 (1992).*

□ When respondent was acting as a farmworker camp operator, the commissioner denied respondent's motion to strike the agency's use of his conviction for violating a city occupancy ordinance as evidence of his failure to comply with the local code. It was not double jeopardy. Respondent may incur a civil penalty for the same act for which he was convicted of violating a local ordinance, even if the latter was a crime. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 111, 126 (1992).*

**4.10 --- Failing to Comply with ORS 659.280
to 659.295 (ORS 658.755(1)(d))**

**4.11 --- Failing to Pay Promptly (ORS
658.755(1)(e))**

- 4.12 --- **Failing to Comply with Contracts/Agreements (ORS 658.755(1)(f))**
- 4.13 --- **Failing to Post an Informational Notice (ORS 658.755(1)(g))**
 - When respondent failed to post the informational notice required by ORS 658.755(1) and (2) at each of the three camps he operated, the commissioner found three violations and assessed civil penalties. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*
- 4.14 --- **Making Any Material Misrepresentation in an Application for Indorsement (ORS 658.755(3)(b))**
- 4.15 --- **Making Any Material Misrepresentation in an Application for Registration of Camp (ORS 658.755(3)(b))**
- 4.16 --- **Willfully Making False, Fraudulent, or Misleading Statement re: Occupancy in Farmworker Camp (ORS 658.755(3)(c))**
- 4.17 --- **Knowingly Publishing Misleading Information re: Housing (ORS 658.755(3)(d))**
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- 4.19 --- **Assisting a Person Not Entitled to Operate a Farmworker Camp to Act in Violation of Law (ORS 658.755(3)(e))**
 - When respondent assisted a person not entitled to operate a farmworker camp to operate three such camps, the commissioner found three violations of ORS 658.755(3)(e) and assessed civil penalties. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*
- 4.20 --- **Inducing by Force an Occupant of Camp to Give Up Compensation (ORS 658.755(3)(f))**
- 4.21 --- **Restraining by Force Any Person From Leaving Camp (ORS 658.755(3)(g))**
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7.0 CIVIL PENALTIES

7.1 --- In General

7.2 --- Amount

- When respondent provided food and lodging to farmworkers in his employ in Oregon and operated a farmworker camp without registering it with the commissioner, the commissioner found one violation of ORS 658.750(1) and assessed a \$2,000 civil penalty. --- *In the Matter of Odon Salinas, 16 BOLI 42, 49-50 (1997).*
- When a farm owner and her son operated an unregistered farmworker camp for two months in connection with the harvesting of farm crops, the commissioner found one violation of ORS 658.750 and assessed a \$500 civil penalty for a first offense. ---- *In the Matter of Gregory Lisoff, 14 BOLI 127, 131 (1995).*
- In a farmworker camp case, the commissioner assessed a stipulated \$1,000 civil penalty when the agency was granted summary judgment based on evidence showing that respondents housed more than five farmworkers in two separate dwellings located on respondents' property, that respondents employed these farmworkers in harvesting respondents' crops, and that respondents failed to register their camp with the agency as required by ORS 658.750(1). ---- *In the Matter of Anastas Sharabarin, 14 BOLI 48, 52 (1995).*
- When respondent failed to post the informational notice required by ORS 658.755(1) and (2) at each of three camps that he operated and no aggravating circumstances were alleged, the commissioner assessed a \$500 civil penalty for each of three violations. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*
- When respondent failed to register three farmworker camps with the agency in violation of ORS 658.750(1) and 658.755(3)(a), the commissioner imposed a \$500 civil penalty for the first camp, a \$1,000 civil penalty for the second camp (as a second violation), and \$2,000 for the third camp (as a third violation). ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*
- When respondent operated three farmworker camps without being licensed in violation of ORS 658.715(1)(a), the commissioner imposed a \$500 civil penalty for the first camp, a \$1,000 civil penalty for the second camp (as a second violation), and \$2,000 for the third camp (as a third violation). ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*
- When respondent failed to post a farmworker camp indorsement at each of three camps he operated, the commissioner imposed a civil penalty of \$500 for each of respondent's three violations of ORS 658.730(2). ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*
- When respondent violated ORS 658.735(1) by failing to maintain the surety bond or cash deposit required of a person operating a farmworker camp, the forum found that the violations were aggravated by their repetition and seriousness and imposed a civil penalty in the amount of \$2,000 due to the magnitude and seriousness of the violation, given the potential liability

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posed by the operation of multiple camps. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113-14 (1994).*

□ When respondent assisted a person not entitled to operate a farmworker camp to operate three such camps, the commissioner found that the violations were aggravated by their repetition and seriousness and imposed a \$500 civil penalty for the first violation, \$1,000 for the second violation, and \$2,000 for the third violation. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 111-12 (1994).*

□ When respondent failed to post a notice of a surety bond or cash deposit in each of three farmworker camps, in violation of ORS 658.735(8), and no aggravating factors were alleged, the commissioner imposed a civil penalty of \$500 for each of the three violations. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113 (1994).*

□ When respondent failed to register two farmworker camps with the agency, the commissioner found two violations of ORS 658.750(1) and 658.755(3)(a) and assessed civil penalties of \$500 for the first violation and \$1,000 for the second violation. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 122, 127 (1992).*

□ When respondent failed to post a notice of a surety bond or cash deposit in a farmworker camp in violation of ORS 658.735(8), the commissioner imposed a civil penalty of \$500. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 127 (1992).*

□ When respondent operated two farmworker camps without being licensed in violation of ORS 658.715(1)(a), and the first camp involved aggravating factors that included OSHA violations and using an unlicensed person as a recruiter, the commissioner imposed a \$500 civil penalty for the first camp and a \$1,000 civil penalty for the second camp, as a second violation. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 127 (1992).*

□ When respondent failed to maintain the surety bond or cash deposit required of a person operating a farmworker camp, in violation of ORS 658.735(1), the commissioner imposed a civil penalty of \$2,000 due to the repetitious nature of the offenses. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 127 (1992).*

□ When respondent failed to comply with applicable building codes and health and safety laws in violation of ORS 658.755(1)(c), the commissioner imposed a civil penalty of \$1,000. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 120, 126 (1992).*

□ When a contractor operated at least five farmworker camps without a license, the commissioner assessed a civil penalty of \$500 for the first offense, \$1,000 for the second offense, and \$2,000 for each of the third, fourth, and fifth offenses that were proven. ---- *In the Matter of Xavier Carbajal, 8 BOLI 206, 224 (1990).*

7.3 --- Aggravating Circumstances

□ When respondents operated an unregistered farmworker camp in violation of ORS 658.750(1), the violation was aggravated because one respondent knowingly operated the camp in violation of the statute and failed to take all necessary measures to prevent the

violation by failing to submit registration forms previously sent to him by the agency. The violation was serious because it frustrated the commissioner's ability to implement and enforce the statutes. ---- *In the Matter of Gregory Lisoff, 14 BOLI 127, 131 (1995).*

□ When respondent violated ORS 658.735(1) by failing to maintain the surety bond or cash deposit required of a person operating a farmworker camp, the forum found that the violations were aggravated by their repetition, magnitude, and seriousness, given the potential liability posed by the operation of multiple camps. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 113-14 (1994).*

□ When respondent assisted a person not entitled to operate a farmworker camp to operate three such camps, the commissioner found that the violations were aggravated by their repetition and seriousness. ---- *In the Matter of Javier Garcia, 13 BOLI 93, 111-12 (1994).*

□ When respondent operated two farmworker camps without being licensed, in violation of ORS 658.715(1)(a), and the first camp involved aggravating factors including OSHA violations and using an unlicensed person as a recruiter, the commissioner imposed a \$500 civil penalty for the first camp and a \$1,000 civil penalty for the second camp, as a second violation. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 127 (1992).*

□ When respondent failed to maintain a surety bond or cash deposit required of a person operating a farmworker camp, in violation of ORS 658.735(1), the commissioner imposed a civil penalty of \$2,000 due to the repetitious nature of the offenses. ---- *In the Matter of Jose Rodriguez, 11 BOLI 110, 127 (1992).*

7.4 --- Mitigating Circumstances

□ When respondents operated an unregistered farmworker camp in violation of ORS 658.750(1), the violation was mitigated by the death of the husband and father, respectively, of the respondents the month before the camp was operated. The respondent wife was not involved in the late husband's farm business before his death, which mitigated what she knew or should have known before the camp was operated. The respondent wife did not speak English, which was relevant to her understanding of camp registration forms sent to her late husband. There was no history of respondents failing to take preventative action, since the late husband had run the farm before his death. The respondent son was overburdened following the father's death and gave up on operating the camp, but the respondent wife allowed workers to stay in a shop, in three trailers, and in vehicles on the farm. Respondents had no previous violations and were taking actions to avoid other violations. ---- *In the Matter of Gregory Lisoff, 14 BOLI 127, 132-33 (1995).*

8.0 LIABILITY