Administrative Rule 103-001 Finance Civil Penalty Matrixes and Instructions

Adopted: 11/26/18

103-001-010 Purpose.

These administrative rules establish a matrixes to determine the amount of a civil penalty imposed by the City of Salem. The matrixes are based on the criteria set forth in Salem Revised Code 20J.150. The matrixes and its associated definitions will allow enforcement officers to impose civil penalties using a clear, defined and consistent methodology.

103-001-020 Definitions.

Unless the context otherwise specifically requires, as used in these administrative rules, the following terms mean:
   a) **Administrator** means the Finance Officer or his/her designee.
   b) **Accidental** means arising from extrinsic causes or happening without intent.
   c) **Code** means the "Salem Revised Code."
   d) **Intentional** means that a person acts with a conscious objective to cause the result or to engage in the conduct so described.
   e) **Knowing** means that a person acts with an awareness of that the conduct of the person is of a nature so described or that a circumstance so described exists.
   f) **Major violation** means any violation were the tax or fees owed to the City are greater than $5,000.00.
   g) **Minor violation** means any violation were the tax or fee owed to the City is Less than $1,000.00.
   h) **Moderate violation** means any violation were the tax or fee owed to the City is between $1,000.00 and $4,999.99.
   i) **Negligent** means the failure of a person to exercise the care that a reasonable person would exercise under the circumstances.

103-001-030 Application Standards.

(a) In order to calculate the amount of a civil penalty for a single violation, the enforcement officer shall use the definitions found in 103-001-020 and the matrixes found in 103-001, Figure 1.
(b) In order to calculate the amount of an on-going civil penalty for each day that a violation continues, the enforcement officer shall use the definitions found in 103-001-020 and the matrixes found in 103-001 Figure 1 and shall then impose the result for each separate violation.
(c) The amounts of any civil penalty calculated shall be approved by the Administrator before being imposed.

103-001 Figure 1: Civil Penalty Matrixes and Instructions

To use the matrixes to calculate a civil penalty, assign a value to each of the three criterion found below (Intent, Cooperation, and Mitigation). Total the three values assigned and determine the appropriate matrix based on the Criterial total. Then select the gravity or magnitude of the violation that best fits the nature of the violation (minor, moderate, or major). Then determine the history of

violations. The amount found where the two values intersect shall be the correct amount of the civil penalty to impose.

Criteria

Intent:	Accidental (**0**)	Negligent, Knowing or Intentional (**1**)
Cooperation:	Cooperative (**0**)	Un-cooperative (**1**)
Mitigation:	Steps taken to correct (**0**)	Refusal to take steps (**1**)

CIVIL PENALTY MATRIX
Gravity or Magnitude of Violation(s)
Criteria total < 1

Violation History	Minor	Moderate	Major
No prior related violation	$ 25.00	$ 150.00	$ 250.00
One Prior Related Violation	$ 50.00	$ 300.00	$ 500.00
Two Prior Related Violations	$ 75.00	$ 450.00	$ 750.00
Three or More Prior Related Violations	$ 100.00	$ 600.00	$ 1,000.00

CIVIL PENALTY MATRIX
Gravity or Magnitude of Violation(s)
Criteria total ≥ 1

Violation History	Minor	Moderate	Major
No prior related violation	$ 50.00	$ 300.00	$ 500.00
One Prior Related Violation	$ 100.00	$ 600.00	$ 1,000.00
Two Prior Related Violations	$ 150.00	$ 900.00	$ 1,500.00
Three or More Prior Related Violations	$ 200.00	$ 1,200.00	$ 2,000.00