From:	ODONNELL Kieran
To:	WIND Cory Ann; ROOT Jenny; PETERS Bill N.
Subject:	RE: Violations of CFP regulations
Date:	Monday, July 09, 2018 17:01:09

Thanks for passing this along, Cory-Ann! Bill, it appears your understanding of the difference between a tax and a civil penalty was correct.

From: WIND Cory Ann
Sent: Monday, July 9, 2018 3:10 PM
To: ROOT Jenny <ROOT.Jenny@deq.state.or.us>; PETERS Bill N. <PETERS.Bill@deq.state.or.us>; ODONNELL Kieran <ODONNELL.Kieran@deq.state.or.us>
Cc: WIND Cory Ann <WIND.Cory@deq.state.or.us>
Subject: FW: Violations of CFP regulations

FYI…

Cory-Ann Wind
Oregon Clean Fuels Program Manager
wind.cory@deq.state.or.us
503-229-5388

From: GARRAHAN Paul
Sent: Monday, July 9, 2018 1:37 PM
To: WIND Cory Ann <Cory.Ann.WIND@state.or.us>
Subject: RE: Violations of CFP regulations

Cory Ann: I don't think you have ever asked, that I recall. It is possible that it could depend on the violation for which the penalty was assessed, and how the penalty amount was calculated. So I would like to understand the specific facts better to reach a final conclusion.

But, with that caveat, in general I think that a civil penalty would not go to the Highway Trust Fund. The civil penalty is a punishment for violating the CFP requirements. It is not assessed for the purpose of raising revenue, but rather for the purpose of penalizing a violation. So I think it would go to the General Fund, like all other DEQ penalties. (Of course, I'm not sure whether it matters all that much to DEQ, as a policy matter. DEQ does not get the money either way.)

Paul Garrahan
Oregon Department of Justice
503.947.4593 (Direct)
503.929.7553 (Mobile)

From: WIND Cory Ann [mailto:Cory.Ann.WIND@state.or.us]
Sent: Friday, July 06, 2018 4:30 PM
To: GARRAHAN Paul
Cc: WIND Cory Ann
Subject: Violations of CFP regulations

Hi Paul,

I might have asked this of you previously…if there is a civil penalty assessed on a violation of Division 253, is the penalty subject to the highway trust fund or would it go to the general fund?

Cory-Ann Wind
Oregon Clean Fuels Program Manager
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