

# Memorandum

PREPARED FOR: Sen. Prozanski  
DATE: March 25, 2025  
BY: Tyler Larson, Research Analyst  
RE: Statutory Civil Penalty and Enforcement Cost  
Recovery for Licensing Agencies



**LPRO**  
LEGISLATIVE POLICY  
AND RESEARCH OFFICE

Per your request, this memorandum identifies statutory civil penalty and enforcement cost recovery authorities for licensing agencies (Table 1, page 3).<sup>1</sup> Agencies with licensing authority for a trade or profession were identified using the [Oregon Blue Book](#). LPRO searched the statutes identified on either the agency's webpage or in the Blue Book to identify civil penalty and enforcement cost recovery authorities. Results are representative but not necessarily comprehensive.

Results are organized based on statutory authority, meaning some are listed at the board level and others at the agency level. For example, the Health Licensing Office within the Oregon Health Authority (OHA) uses a single set of enforcement statutes for a wide range of professions including 14 licensing boards. In contrast, the various divisions of the Department of Consumer and Business Services (DCBS) administer dozens of different licensing enforcement statutes.

## ***Maximum Civil Penalties***

The statutory construction and amounts of maximum civil penalties for licensing violations varies widely. Some establish a maximum per violation, others create tiers based on first or subsequent offenses, others create an annual maximum or a maximum that is undefined in statute, and others allow for un-capped recovery of ill-gotten gains. The highest maximum civil penalty identified in Table 1 is \$60,000 per violation for certain violations of Oregon Securities Law at the expense of a vulnerable person which may be assessed by the Financial Regulation Division of DCBS.

## ***Recovery of Enforcement Expenses***

Fifteen (15) licensing agencies have statutory authority to assess the costs of disciplinary proceedings or actions, sometimes with a statutory maximum on the amount that can be recovered.

- Board of Accountancy
- Board of Chiropractic Examiners
- Board of Licensed Professional Counselors and Therapists
- Board of Dentistry
- Financial Regulation Division, DCBS (\$10,000 maximum for funeral insurance violations)
- Health Licensing Office, OHA (\$5,000 maximum)
- Board of Massage Therapists
- Medical Board
- Board of Optometry
- Board of Physical Therapy
- Department of Public Safety Standards and Training
- Board of Licensed Social Workers

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<sup>1</sup> The information provided in this memorandum is provided solely for the purpose of legislative research and to facilitate the development of legislative policy. LPRO must defer to Legislative Counsel for legal advice.

- Board of Examiners for Speech-Language Pathology and Audiology
- Board of Tax Practitioners
- Veterinary Medical Examining Board

### ***Disposition of Civil Penalties***

Recovered civil penalties are generally required to be deposited or credited to the licensing authority's account where the funds are continuously appropriated to the licensing authority for administration and enforcement. Certain civil penalties recovered by the Financial Regulation Division of DCBS, the Liquor and Cannabis Commission, and the Real Estate Agency must be deposited in the General Fund with no corresponding deposit back to the agency.



**Table 1: Statutory Civil Penalty and Enforcement Cost Recovery Authorities for Licensing Agencies**

Licensing Authority	Statutory Civil Penalties and Recovery of Enforcement Expenses	Statutory Use of Civil Penalties and Recovered Enforcement Expenses
Board of Accountancy	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each violation, <a href="#">ORS 673.400, 673.730, and 673.735</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary action, <a href="#">ORS 673.170</a>.</p>	Recovered civil penalties and enforcement expenses are credited to the board’s fund and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 673.110, 673.400, 673.425, and 673.735</a> .
Appraiser Certification and Licensure Board	<p><b>Civil Penalty Authority:</b> Up to \$15,000 for each violation, <a href="#">ORS 674.850 and 674.995</a>. For unlicensed work, the board may assess civil penalties up to the amount the person profited in violation of state law.</p>	All moneys received by the board are dedicated to the board’s account and continuously appropriated to the board for administration of statutory duties, except certain funds must be remitted to the <a href="#">Federal Financial Institutions Examination Council</a> in accordance with federal law, <a href="#">ORS 674.340</a> .
Architect Examiners Board	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each violation, <a href="#">ORS 671.990</a>.</p>	Recovered civil penalties are deposited in the board’s account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 671.990</a> .
Building Codes Division – DCBS	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each violation or \$1,000 per day for a continuing offense, <a href="#">ORS 455.895</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> DCBS may assess an investigation fee to recover the cost of verifying unpermitted work, <a href="#">ORS 455.058</a>.</p>	Moneys received from civil penalties are appropriated continuously to the agency for administration and enforcement, <a href="#">ORS 455.895</a> .
Board of Chiropractic Examiners	<p><b>Civil Penalty Authority:</b> Up to \$10,000, <a href="#">ORS 684.100</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary proceedings, <a href="#">ORS 684.100</a>.</p>	All moneys received by the board are credited to the board’s account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 684.171</a> .
Construction Contractors Board	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each offense, <a href="#">ORS 701.992 and 701.995</a>.</p>	The board is authorized to retain 20 percent annually of civil penalty funds which are appropriated for the board’s costs of collecting civil penalties, <a href="#">ORS 701.255</a> .



Licensing Authority	Statutory Civil Penalties and Recovery of Enforcement Expenses	Statutory Use of Civil Penalties and Recovered Enforcement Expenses
Board of Licensed Professional Counselors and Therapists	<p><b>Civil Penalty Authority:</b> Up to \$2,500 for each violation, <a href="#">ORS 675.745</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary proceedings, <a href="#">ORS 675.745</a>.</p>	All moneys received by the board are credited to the board's account and appropriated continuously to the board for administration and enforcement, <a href="#">ORS 675.805</a> .
Board of Dentistry	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each violation, <a href="#">ORS 679.140</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary proceedings as a civil penalty, <a href="#">ORS 679.140</a>.</p>	All moneys paid to the board are credited to the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 679.260</a> .
Board of Examiners for Engineering and Land Surveying	<p><b>Civil Penalty Authority:</b> Up to \$1,000 for each offense, <a href="#">ORS 672.325</a>.</p>	Recovered civil penalties are deposited into the board's account and continuously appropriated for administration and enforcement, <a href="#">ORS 672.325</a> .



Licensing Authority	Statutory Civil Penalties and Recovery of Enforcement Expenses	Statutory Use of Civil Penalties and Recovered Enforcement Expenses
Financial Regulation Division, DCBS	<p><b>Civil Penalty Authority:</b> Up to \$60,000 for each violation with a maximum penalty of up to \$300,000 for a continuing violation of Oregon Securities Law, <a href="#">ORS 59.995</a>. Up to \$5,000 for each violation of Oregon’s Mortgage Lender Law, <a href="#">ORS 86A.224</a>, <a href="#">86A.330</a>, and <a href="#">86A.992</a>. Up to \$10,000 for each violation of funeral insurance laws, <a href="#">ORS 97.948</a>. Up to \$5,000 for each violation and up to \$20,000 for a continuous violation of debt buyer and student loan laws, <a href="#">ORS 646A.664</a> and <a href="#">725A.527</a>. Up to \$1,000 for each violation and up to \$20,000 for a continuing violation of check-cashing laws, <a href="#">ORS 697.555</a>. Up to \$5,000 for each violation of debt service laws, <a href="#">ORS 697.832</a>. Up to \$5,000 for each violation of certain banking laws, <a href="#">ORS 705.640</a>. Up to \$1,000 for each violation of Oregon Money Transmitters Act, <a href="#">ORS 717.900</a>. Up to \$2,500 and an amount equal to any interest in excess of 9 percent per annum for violations of the Oregon Consumer Finance Act, <a href="#">ORS 725.910</a>. Up to \$2,500 for violations of the Pawnbrokers Act, <a href="#">ORS 726.910</a>. Ranging from \$1,000 to \$50,000 per offense for violations of the Insurance Code, <a href="#">ORS 731.988</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> DCBS may assess the cost of conducting an administrative proceeding for violations related to mortgage lender and certain loans, <a href="#">ORS 86A.330</a> and <a href="#">725A.527</a>. DCBS may assess up to \$10,000 in enforcement costs related to funeral insurance violations, <a href="#">ORS 97.948</a>. DCBS may assess the cost of investigating violations of check-cashing and money transmitter laws, <a href="#">ORS 697.542</a> and <a href="#">717.290</a>.</p>	<p>Civil penalties recovered for securities law, mortgage lender, debt service, certain loan, and Insurance Code violations must be paid to the General Fund, <a href="#">ORS 59.995</a>, <a href="#">86A.992</a>, <a href="#">687.832</a>, <a href="#">725A.527</a>, <a href="#">731.392</a>.</p> <p>Civil penalties recovered for debt buyer, check-cashing, debt service, money transmitters, consumer finance, and pawnbroker violations are deposited into the DCBS Fund, <a href="#">ORS 646A.664</a>, <a href="#">697.555</a>, <a href="#">717.315</a>, <a href="#">725.910</a>, <a href="#">726.910</a>.</p> <p>Penalties for lender interest in excess of 9 percent per annum are paid to the Department of State Lands for the benefit of the Common School Fund, <a href="#">ORS 725.910</a>.</p>
Board of Geologist Examiners	<p><b>Civil Penalty Authority:</b> Up to \$1,000 for each offense, <a href="#">ORS 672.690</a>.</p>	<p>Recovered civil penalties are deposited into the board’s account and continuously appropriated for administration and enforcement, <a href="#">ORS 672.690</a>.</p>



Licensing Authority	Statutory Civil Penalties and Recovery of Enforcement Expenses	Statutory Use of Civil Penalties and Recovered Enforcement Expenses
Health Licensing Office, OHA	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each violation, <a href="#">ORS 676.992</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The Health Licensing Office may assess the costs of disciplinary hearings up to \$5,000, <a href="#">ORS 676.992</a>.</p>	Recovered civil penalties are deposited into the Health Licensing Office Account to be used for administration and enforcement, <a href="#">ORS 676.625</a> .
Landscape Architects Board	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each offense, <a href="#">ORS 671.995</a>.</p>	Recovered civil penalties are deposited into the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 671.990 to 671.997</a> .
Landscape Contractors Board	<p><b>Civil Penalty Authority:</b> Up to \$2,000 for each offense, <a href="#">ORS 671.997</a>.</p>	Recovered civil penalties are deposited into the board's account, <a href="#">ORS 671.655</a> .
Liquor and Cannabis Commission	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for liquor violations, <a href="#">ORS 471.322</a>, <a href="#">471.327</a>, <a href="#">471.341</a>, <a href="#">471.537</a>, <a href="#">471.549</a>, and <a href="#">471.559</a>. Up to \$10,000 for cannabis violations, <a href="#">ORS 475C.405</a> and <a href="#">475C.644</a>.</p>	<p>All moneys received by the commission for the liquor program are credited to the suspense account of the commission, <a href="#">ORS 471.805</a>.</p> <p>Recovered civil penalties for recreational cannabis violations are deposited in the General Fund, <a href="#">ORS 475C.405</a>. Recovered civil penalties for packaging, labeling, and concentration violations are deposited in the Marijuana Control Regulation Fund and continuously appropriated to the commission for administration of the packaging, labeling, and concentration of cannabis laws, <a href="#">ORS 475C.644</a>.</p>
Board of Massage Therapists	<p><b>Civil Penalty Authority:</b> Up to \$1,000 for any single violation, <a href="#">ORS 687.250</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary action, <a href="#">ORS 687.081</a>.</p>	All moneys received by the board are paid into the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 687.071</a> .
Medical Board	<p><b>Civil Penalty Authority:</b> Up to \$10,000, <a href="#">ORS 677.205</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary proceedings as a civil penalty, <a href="#">ORS 677.205</a>.</p>	All moneys received by the board are credited to the board's account and appropriated continuously to the board for administration and enforcement, <a href="#">ORS 677.290</a> .



Licensing Authority	Statutory Civil Penalties and Recovery of Enforcement Expenses	Statutory Use of Civil Penalties and Recovered Enforcement Expenses
Board of Medical Imaging	<b>Civil Penalty Authority:</b> Up to \$1,000 per violation, <a href="#">ORS 688.915</a> .	Moneys received by the board are credited to the board's account and continuously appropriated to the board, <a href="#">ORS 688.585</a> .
Mortuary and Cemetery Board	<b>Civil Penalty Authority:</b> Up to \$10,000 per violation depending on the type of violation, <a href="#">ORS 97.931, 97.948</a> , and <a href="#">692.180</a> .	Moneys received by the board are deposited into the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 97.931</a> and <a href="#">692.375</a> .
Board of Naturopathic Medicine	<b>Civil Penalty Authority:</b> Up to \$5,000 per offense, <a href="#">ORS 685.110 and 685.990</a> .	All moneys received by the board are deposited into the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 685.201</a> .
Board of Nursing	<b>Civil Penalty Authority:</b> Up to \$5,000, <a href="#">ORS 678.117</a> .	All moneys received by the board are credited to the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 678.170</a> .
Occupational Therapy Licensing Board	<b>Civil Penalty Authority:</b> Up to \$1,000 for each violation, <a href="#">ORS 675.336</a> .	All recovered civil penalties are deposited into the board's account to be used only for administration and enforcement, <a href="#">ORS 675.330</a> and <a href="#">675.336</a> .
Board of Optometry	<b>Civil Penalty Authority:</b> Up to \$10,000, <a href="#">ORS 683.140</a> .  <b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary proceedings as a civil penalty, <a href="#">ORS 683.140</a> .	All moneys received by the board are deposited into the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 683.290</a> .
State Board of Pharmacy	<b>Civil Penalty Authority:</b> Up to \$3,000 for each offense, <a href="#">ORS 689.445 and 689.503</a> .	All moneys received by the board are deposited into the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 689.139</a> .
Board of Physical Therapy	<b>Civil Penalty Authority:</b> Up to \$5,000, <a href="#">ORS 688.140</a> .  <b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary proceedings as a civil penalty, <a href="#">ORS 688.140</a> .	All moneys received by the board are deposited into the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 688.201</a> .
Board of Psychology	<b>Civil Penalty Authority:</b> Up to \$10,000, <a href="#">ORS 675.070</a> .	Moneys received by the board are credited to the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 675.140</a> .



Licensing Authority	Statutory Civil Penalties and Recovery of Enforcement Expenses	Statutory Use of Civil Penalties and Recovered Enforcement Expenses
Department of Public Safety Standards and Training	<p><b>Civil Penalty Authority:</b> Up to \$1,500 for private security violations, <a href="#">ORS 181A.995</a>. Up to \$5,000 for each violation with maximum penalties of \$10,000 per year for investigator violations, <a href="#">ORS 703.995</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The department may assess the cost of disciplinary proceedings for investigator violations as a civil penalty, <a href="#">ORS 703.995</a>.</p>	<p>All moneys received by the department for private security violations are deposited into the department's account and continuously appropriated to the department for the payment of expenses, <a href="#">ORS 181A.020</a>.</p> <p>All moneys received by the department for investigator violations are credited to the Police Standards and Training Account, <a href="#">ORS 703.490</a>.</p>
Real Estate Agency	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each offense depending on the type offense, <a href="#">ORS 696.585, 696.590, 696.990, and 696.995</a>.</p>	<p>Civil penalties assessed by the Real Estate Commissioner are paid to the General Fund, <a href="#">ORS 696.585, 696.590, 696.990, and 696.995</a>.</p>
Board of Licensed Social Workers	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each violation, <a href="#">ORS 675.540</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary proceedings, <a href="#">ORS 675.595</a>.</p>	<p>Moneys in the board's account are continuously appropriated to the board for administration and enforcement, <a href="#">ORS 675.597</a>. The disposition of moneys, including civil penalties, received by the board is not specified in <a href="#">ORS chapter 675</a>.</p>
Board of Examiners for Speech-Language Pathology and Audiology	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each violation, <a href="#">ORS 681.490</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary proceedings as a civil penalty, <a href="#">ORS 681.350</a>.</p>	<p>All moneys received by the board are deposited into the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 681.480</a>.</p>
Board of Tax Practitioners	<p><b>Civil Penalty Authority:</b> Up to \$5,000 per violation, <a href="#">ORS 673.730 and 673.735</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary action, <a href="#">ORS 673.170</a>.</p>	<p>Penalties recovered by the board are credited to the board for administration and enforcement, <a href="#">ORS 673.735</a>.</p>
Teacher Standards and Practices Commission	<p><b>Civil Penalty Authority:</b> <a href="#">ORS chapter 342</a> does not establish civil penalty authority.</p>	<p><a href="#">ORS chapter 342</a> does not establish civil penalty authority.</p>





Licensing Authority	Statutory Civil Penalties and Recovery of Enforcement Expenses	Statutory Use of Civil Penalties and Recovered Enforcement Expenses
Department of Transportation	<b>Civil Penalty Authority:</b> Up to \$25,000 for each violation related to a vehicle-related business depending on the type of violation, <a href="#">ORS 822.009</a> , <a href="#">822.093</a> , <a href="#">822.100</a> , <a href="#">822.137</a> , <a href="#">822.990</a> , <a href="#">822.992</a> , and <a href="#">822.895</a> .	Recovered civil penalties for vehicle dealer violations are credited to the department's Operating Fund, <a href="#">ORS 822.080</a> .
Veterinary Medical Examining Board	<p><b>Civil Penalty Authority:</b> Up to \$5,000 for each violation, <a href="#">ORS 686.150</a> and <a href="#">686.990</a>.</p> <p><b>Authority to Recover Enforcement Expenses:</b> The board may assess the costs of disciplinary proceedings, <a href="#">ORS 686.150</a>.</p>	All moneys received by the board are deposited into the board's account and continuously appropriated to the board for administration and enforcement, <a href="#">ORS 686.246</a> .

Source: LPRO

Data: Various, hyperlinked

Notes: "Oregon" and "State" are omitted from the title of licensing agencies. Agencies with licensing authority for a trade or profession were identified using the [Oregon Blue Book](#). LPRO searched the statutes identified on either the agency's webpage or in the Blue Book to identify civil penalty and enforcement cost recovery authorities. Results are representative but not necessarily comprehensive. Results are organized based on statutory authority, meaning some are listed at the board level and others at the agency level.

