

representative pursuant to OAR 836-005-0112 and OAR 137-003-0555. The employer called L. Joe Levesque as its only witness. The employer offered Exhibits 1 to 7 as its documentary evidence all of which were admitted into the record. The insurer appeared and was represented at the hearing by Holly O'Dell, an Assistant Attorney General assigned to represent the insurer. The insurer called Michael Craddock, Sr. as its only witness. The insurer offered Exhibits 1 to 9 as its documentary evidence all of which were admitted into the record.

On 7/23/13, OAH issued a proposed order and mailed it to the parties. The issue was whether the billing correctly assigned classification code 5511 to the employer's operations during the audit period. Code 5511, which is a special classification applicable only in Oregon and Montana, applies to the construction and maintenance of access roads in forests. The proposed order found that in July 2012, during the audit period, the employer began to repair three sections of Forest Service Road 77 located in the Wallowa Whitman National Forest in northeastern Oregon. The proposed order concluded that Code 5511 applied. The proposed order recommended that the director affirm the billing. The proposed order informed the employer and insurer that they could file with the director written exceptions to the proposed order and the director must receive them within 30 days after the proposed order was mailed to the employer and insurer.

The director did not receive from the parties any exceptions to the proposed order.

Therefore, the director now makes the following final decision in this proceeding.

Action

Findings of Fact, Conclusions of Law and Opinion

The director adopts, and incorporates herein by this reference, the findings of fact, conclusions of law, and reasoning of proposed order as the findings of fact, conclusions of law, and reasoning of this final order.

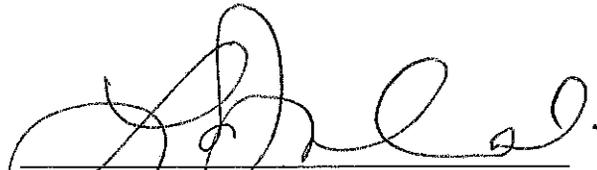
Order

The billing is affirmed and the stay is terminated.

Notice of Right to Judicial Review

A party has the right to judicial review of this order pursuant to ORS 183.480 and ORS 183.482. A party may request judicial review by sending a petition for judicial review to the Oregon Court of Appeals. The court must receive the petition within 60 days from the date this order was served on the party. If the order was personally delivered to a party, then the date of service is the date the party received the order. If the order was mailed to a party, then the date of service is the date the order was mailed to the party, not the date the party received the order. If a party files a petition, the party is requested to also send a copy of the petition to the Insurance Division.

Dated SEP 04 2013



Laura N. Cali, FCAS, MAAA
Insurance Commissioner and Chief Actuary

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