STATE OF OREGON

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

DIVISION OF FINANCIAL REGULATION

IN THE MATTER OF:	)	FINAL ORDER
Paradas Construction, LLC	)	OAH Case No. 2026-ABC-07890
	)	Agency Case No.: INS-WCA 26-04-014

Procedural History

The Director of the Oregon Department of Consumer and Business Services (Director), by and through the Division of Financial Regulation, (Division), commenced the above entitled administrative proceeding to review a workers' compensation insurance Final Premium Audit Billing (Billing) issued by SAIF Corporation (SAIF) to Paradas Construction, LLC., (Employer) pursuant to Oregon Revised Statutes (ORS) 737.256(1), ORS 737.505(3), and Oregon Administrative Rules (OAR) 836-043-0200 *et. seq.*

On July 14, 2026 the Division referred Employer's hearing request contesting the billing to the Office of Administrative Hearings (OAH). On July 17, 2026, the Division notified Employer by email that its Petition had been received one day past the deadline and requested that Employer provide an explanation for the untimely submission. On July 17, 2026, Employer provided the Division with an explanation for the late-filed Petition. On July 22, 2026, after reviewing Employer's explanation, SAIF notified Employer by email that its Petition was untimely filed with the Division in violation of OAR 836-043-0170(2). On August 25, 2026, the Division notified Employer and SAIF by email that it was requesting that the OAH make a factual determination regarding Employer's untimely filed Petition.

On August 25, 2026, the Division filed a memorandum with the OAH, requesting that the OAH hold a hearing and make a factual determination regarding whether Employer's late-filed Petition was beyond the reasonable control of Employer under OAR 137-003-0003(2).

On September 29, 2026, ALJ Gutman convened a telephone hearing. The record closed on September 29, 2026.

Issue

Whether Employer's Petition was filed late with the Division and if so, whether the late submission was beyond the reasonable control of Employer. OAR 836-043-0170(2); OAR 137 003-0003(2)(a).

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 the Proposed Order as the findings of fact, conclusions of law, and reasoning of this Final Order.

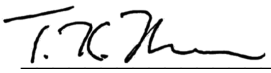
Order

Parada's Construction, LLC's request for hearing related to SAIF's February 20, 2026 final premium audit billing is DISMISSED pursuant to OAR 836-043-0170(2); OAR 137-003-0003(2)(a).

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 Division of Financial Regulation.

Dated November 10, 2026



TK Keen
Administrator, Division of Financial Regulation
Department of Consumer and Business Services

STATE OF OREGON
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of Paradas Construction, LLC	) **CERTIFICATE OF SERVICE**) OAH Case No. 2026-ABC-07890) DFR Case No. INS-WC 26-04-014

I certify that I sent the final order to the following person(s) on the date and by the means indicated below:

Paradas Construction, LLC
Maria Van Fleet
8411 Queensbury Dr.
Email: office@paradasconstruction.com

✓ By Electronic Mail

Ena Pullman
SAIF Corporation
400 High Street SE
Salem OR 97312
Email: premiumauditthearings@saif.com

✓ By Electronic Mail

Sara Wong
Special Assistant Attorney General
SAIF Corporation
400 High Street SE
Salem OR 97312
Email: sarwon@saif.com

✓ By Electronic Mail

Dated: November 13, 2026

Gail M. Gage
Compliance Specialist
State of Oregon
Department of Consumer and Business Services
Division of Financial Regulation
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BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
DEPARTMENT OF CONSUMER & BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

IN THE MATTER OF:	)	**PROPOSED ORDER**
	)	
PARADAS CONSTRUCTION, LLC	)	OAH Case No. 2026-ABC-07890
	)	Agency Case No. INS-WC 26-04-014

HISTORY OF THE CASE

On February 20, 2026, SAIF Corporation (SAIF) issued a Final Premium Audit Billing (Audit Billing) to Paradas Construction, LLC (Employer) for the period of September 1, 2024, to September 1, 2025 (the audit period). On April 23, 2026, Employer filed a request for a hearing with the Department of Consumer and Business Services, Division of Financial Regulation (Division). On June 23, 2026, Employer filed a Petition with the Division, requesting a hearing and a stay of collection during the pendency of the contested case proceeding.

On July 14, 2026, the Division referred the hearing request to the Office of Administrative Hearings (OAH). The OAH assigned Senior Administrative Law Judge (ALJ) Dove L. Gutman to preside at hearing. On July 15, 2026, the OAH issued an Order Granting Stay of Collection that stayed collection on the Audit Billing during the pendency of the contested case proceeding.

On July 17, 2026, the Division notified Employer by email that its Petition had been received one day past the deadline and requested that Employer provide an explanation for the untimely submission. On July 17, 2026, Employer provided the Division with an explanation for the late-filed Petition. On July 22, 2026, after reviewing Employer's explanation, SAIF notified Employer by email that its Petition was untimely filed with the Division in violation of OAR 836-043-0170(2). On August 25, 2026, the Division notified Employer and SAIF by email that it was requesting that the OAH make a factual determination regarding Employer's untimely filed Petition.

On August 25, 2026, the Division filed a memorandum with the OAH, requesting that the OAH hold a hearing and make a factual determination regarding whether Employer's late-filed Petition was beyond the reasonable control of Employer under OAR 137-003-0003(2).

On September 29, 2026, ALJ Gutman convened a telephone hearing. Maria Van Fleet, Employer's Office Manager, represented Employer and testified. Attorney Sara Wong represented SAIF. Ena Pullman appeared on behalf of SAIF. The record closed on September 29, 2026.

ISSUE

Whether Employer's Petition was filed late with the Division and if so, whether the late submission was beyond the reasonable control of Employer. OAR 836-043-0170(2); OAR 137-003-0003(2)(a).

EVIDENTIARY RULING

SAIF's Exhibits A1 through A6 were admitted into evidence without objection.

FINDINGS OF FACT

1. Employer operates as a specialty contractor working out of one location at 18975 SW Johnson Street in Beaverton, Oregon. Employer specializes in constructing prefabricated storage units. (Ex. A1 at 4.)

2. Employer employs Maria Van Fleet as its Office Manager. Ms. Van Fleet's work duties include, among other things, preparing payroll reports, renewing licenses and insurance, handling matters related to worker's compensation, and preparing and filing petitions with the Division to contest premium audit billings. Ms. Van Fleet works approximately 20 hour per week remotely from her home. She has worked for Employer for approximately five years. (Test. of Van Fleet.)

3. On February 20, 2026, SAIF issued an Audit Billing to Employer. (Ex. A1.)

4. On April 23, 2026, Ms. Van Fleet emailed the Division, requesting a hearing to dispute the Audit Billing and stating, in part:

> We wish to challenge the audit findings and pursue a correction of the premium amount. Please send the necessary petition form so that we may provide a detailed explanation of why we believe the billing is incorrect.

(Ex. A2 at 1.)

5. On April 27, 2026, the Division sent an email to Employer with an attached petition, stating, in part:

> **Employer please confirm receipt of this e-mail and attachments by reply e-mail.**
>
> We have received from the employer a request for a hearing to contest a workers' compensation insurance final premium audit billing. The employer must also complete and timely return to us a petition.

> See attached cover letter and petition form.
>
> We must receive the completed petition by **Monday, June 22, 2026**.

(Ex. A3 at 1; emphasis in original.)

6. On April 28, 2026, Ms. Van Fleet emailed the Division, acknowledging receipt of the petition, and stating, "[W]e will have our petition in by the timeline." (Ex. A3 at 1.)

7. During the period of April 28, 2026, to June 22, 2026, Ms. Van Fleet made the business decision, on behalf of Employer, to prioritize completing other work instead of completing and filing the Petition with the Division. (Test. of Van Fleet.)

8. On June 22, 2026, at or around 10:00 pm, Ms. Van Fleet began working on the Petition. (Test. of Van Fleet.)

9. On June 23, 2026, at 12:00 am, Ms. Van Fleet sent an email with no attachments to the Division stating, "[P]lease find our response attached for filing." (Ex. A6 at 3.) At 12:01 am, Ms. Van Fleet sent a second email with no attachments to the Division stating, "Please find our response attached for filing." (*Id*.)

10. On June 23, 2026, at 1:14 am, Ms. Van Fleet emailed the Division a completed Petition and a copy of the Audit Billing. (Ex. A6 at 3.) In the body of the email, Ms. Van Fleet stated, "Sorry, I had trouble with the attachments; let's see if it works this time!" (*Id*.)

11. During the period of April 28, 2026, to June 22, 2026, Ms. Van Fleet could have found two hours to complete and file the Petition with the Division. (Test. of Van Fleet.)

CONCLUSION OF LAW

Employer's Petition was filed late with the Division and the late submission was not beyond the reasonable control of Employer.

OPINION

Employer contends that the late filing with the Division was beyond the reasonable control of Employer. As the proponent, Employer has the burden of proving its position by a preponderance of the evidence. ORS 183.450(2) ("The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position"); *Dixon v. Board of Nursing,* 291 Or App 207, 213 (2018) (in administrative actions, the standard of proof is the preponderance standard.) Proof by a preponderance of the evidence means that the fact finder is convinced that the facts asserted are more likely true than false. *Riley Hill General Contractor v. Tandy Corp*., 303 Or 390, 402 (1987).

a. Whether Employer's Petition was filed late with the Division.

OAR 836-043-0170 is titled "Premium Audit Hearings" and provides, in part:

> (2) If the Division of Financial Regulation timely receives the insured's request for a hearing, the Division of Financial Regulation will send or make available to the insured a petition form. In the petition, the insured must explain why it believes the billing is incorrect and describe the actions the insured wants the director to take to correct the matter. *The petition, along with a complete copy of the final premium audit billing, must be received by the Division of Financial Regulation not later than the 60th day after the date the Division of Financial Regulation received the insured's request for a hearing.*

Emphasis added.

As set forth in the record, on February 20, 2026, SAIF issued an Audit Billing to Employer. On April 23, 2026, Ms. Van Fleet, on behalf of Employer, emailed the Division, requesting a hearing to dispute the Audit Billing and requesting a petition to explain why it believed the billing was incorrect. On April 27, 2026, the Division emailed a petition to Employer, notifying Employer that the petition needed to be timely completed and received by the Division by June 22, 2026. Employer filed its Petition with the Division on June 23, 2026.

Thus, a preponderance of the evidence establishes that Employer's Petition was filed one day late with the Division.

b. Whether the late filing of Employer's Petition was beyond the reasonable control of Employer.

OAR 137-003-0003 is titled "Late Filing" and provides, in part:

> (2)(a) Unless otherwise provided by law, when a person fails to file any document, other than a hearing request, within the time specified by agency rules or these model rules of procedure, the late filing may be accepted if the agency or presiding officer determines that the cause for failure to file the document timely was beyond the reasonable control of the party.

At hearing, Ms. Van Fleet admitted that during the period of April 28, 2026, to June 22, 2026, she could have found two hours to complete and file the Petition with the Division. As such, a preponderance of the evidence establishes that the late filing of Employer's Petition was not beyond the reasonable control of Employer.

Conclusion

Because it was within Employer's reasonable control to timely file its Petition with the

Division, Employer's late-filed Petition must be dismissed.

ORDER

I propose the Department of Consumer & Business Services Division of Financial Regulation, Premium Audit Work issue the following order:

Employer's Petition filed with the Division on June 23, 2026, requesting a hearing and a stay of collections, is hereby DISMISSED.

Dove L. Gutman
Senior Administrative Law Judge
Office of Administrative Hearings

EXCEPTIONS TO PROPOSED ORDER

Pursuant to ORS 183.460, the parties are entitled to file written exceptions to this Proposed Order and to present written argument concerning those exceptions to the Director. Written exceptions must be received by the **Division of Financial Regulation** within 30 days following the date of service of this Proposed Order. You may send exceptions via email to gail.m.gage@oregon.gov, or via mail to:

Gail M. Gage
Compliance Specialist 3
Division of Financial Regulation
PO Box 14480
Salem, OR 97309-0405

SERVICEMEMBERS' CIVIL RELIEF ACT

Unless otherwise stated in this order, the Office of Administrative Hearings (OAH) has no reason to believe that a party to this proceeding is subject to the Servicemembers' Civil Relief Act (SCRA). If a servicemember is a party to this proceeding and did not appear for a hearing that convened during the servicemember's period of service or within 90 days after their termination of service, the servicemember should immediately contact the agency to address any rights they may have under the SCRA.

CERTIFICATE OF MAILING

On October 16, 2026, I mailed the foregoing **PROPOSED ORDER** issued on this date in OAH Case No. 2026-ABC-07890**.**

By: Electronic Mail

Paradas Construction, LLC
Maria Van Fleet
8411 Queensbury Dr
Pasco WA 99301
Email: office@paradasconstruction.com

Ena Pullman
SAIF Corporation
400 High Street SE
Salem OR 97312
Email: premiumauditthearings@saif.com

Sara Wong
Special Assistant Attorney General
SAIF Corporation
400 High Street SE
Salem OR 97312
Email: sarwon@saif.com

Gail Gage
Agency Representative
Division of Financial Regulation
350 Winter Street NE
Salem OR 97301
Email: Gail.M.Gage@dcbs.oregon.gov

Anesia N Valihov *for* Lucy M Garcia
Hearing Coordinator