STATE OF OREGON

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

DIVISION OF FINANCIAL REGULATION

IN THE MATTER OF:	)	FINAL ORDER
William E Paul, d.b.a. Sunset Presort	)	OAH No. 2017-ABC-00228
	)	DFR Case No. INS-WCA 16-10-005

Procedural History

On August 25, 2016, State Farm Fire and Casualty Company (State Farm) issued a Final Premium Audit Billing to William E. Paul, dba Sunset Presort (Sunset Presort), covering the period April 1, 2016 through June 30, 2016. Sunset Presort received the billing on or about September 2, 2016. By letter dated September 19, 2016, Sunset Presort requested an administrative hearing.

On November 7, 2016, Sunset Presort filed a Petition with the Department of Consumer & Business Services (DCBS), Division of Financial Regulation (DFR), requesting to stay the collection of the disputed charges, pursuant to ORS 737.505(5). On January 18, 2017, Senior Administrative Law Judge (ALJ) Alison Greene Webster issued an Order Granting Stay of Collection for $2,503.38. On March 30, 2017 ALJ Jennifer Rackstraw conducted a telephone hearing. ALJ Rackstraw issued a Proposed Order on July 17, 2017 affirming State Farm's August 25, 2016 Final Premium Audit Billing.

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

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: October 8, 2018

Andrew R. Stolfi
Administrator/Insurance Commissioner
Division of Financial Regulation
Department of Consumer and Business Services

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**
	)	
WILLIAM E PAUL,	)	OAH Case No. 2017-ABC-00228
d.b.a. SUNSET PRESORT	)	Agency Case No. INS-WCA 16-10-005
	)	

HISTORY OF THE CASE

On August 25, 2016, State Farm Fire and Casualty Company (State Farm, or the insurer) issued a Final Premium Audit Billing to William E. Paul, d.b.a. Sunset Presort (Sunset Presort, or the employer), covering the period April 1, 2016 through June 30, 2016. Sunset Presort received the billing on or about September 2, 2016. By letter dated September 19, 2016, Sunset Presort requested an administrative hearing.

On November 7, 2016, Sunset Presort filed a Petition with the Department of Consumer & Business Services (Department), Division of Financial Regulation (Division), requesting to stay the collection of the disputed charges, pursuant to ORS 737.505(5). On December 9, 2016, the Division referred the matter to the Office of Administrative Hearings (OAH). The OAH assigned the matter to Senior Administrative Law Judge (ALJ) Jennifer H. Rackstraw.

On January 18, 2017, Senior ALJ Alison Greene Webster issued an Order Granting Stay of Collection. On February 22, 2017, ALJ Rackstraw held a telephone prehearing conference. William E. Paul appeared for Sunset Presort. Attorney Robert Winkler appeared for State Farm. The parties agreed to a telephone hearing on March 30, 2017.

On March 30, 2017, ALJ Rackstraw held a telephone hearing. Mr. Paul represented Sunset Presort and testified as a witness. Mr. Winkler represented State Farm. Fred Buchman, an underwriting manager for State Farm, testified for State Farm. The record closed at the conclusion of the hearing.

ISSUES

1. Whether State Farm properly classified $2,670.00 in payroll to Classification Code 7231 for the period March 29, 2016 to June 30, 2016.

2. Whether Sunset Presort has established that State Farm's August 25, 2016 Final Premium Audit Billing is incorrect.

EVIDENTIARY RULINGS

State Farm's Exhibits R1 through R17 and Sunset Presort's Exhibits A1 through A9 were admitted into the record without objection.

FINDINGS OF FACT

1. Sunset Presort is an Oregon business that is co-owned and managed by William Paul. (Test. of Paul; *See* Ex. A1.)

2. Sunset Presort picks up outgoing mail, packages, and parcels from Clatsop County businesses and the general public and brings those items to its facility. Sunset Presort then processes the items by counting them, sorting them, and/or affixing addresses, postage, and barcodes to them. Sunset Presort then takes the items to the post office for mailing through the U.S. Postal Service, UPS, or Fed Ex. Sunset Presort does not own the mail, packages, and parcels that it handles. Sunset Presort employees use their own vehicles to perform their work. (Exs. A1 at 1, A7 at 1, R3 at 1; test. of Paul.)

3. Sunset Presort has had a workers' compensation policy through State Farm since 1985. Sunset Presort's relevant business operations have not changed since that time. (Test. of Buchman.)

4. The National Council on Compensation Insurance (NCCI) has developed rating classifications for insurance companies to utilize when allocating risk to various occupations. To determine the appropriate classification code[s] for an insured's business, Oregon workers' compensation insurers are governed by the rules set forth in NCCI's *Basic Manual* and the phraseology set forth in NCCI's *Scopes Manual*. (Test. of Buchman; *see* OAR 836-043-0005(14) (defining NCCI as "a rating organization that is licensed in Oregon to make and file rates, rating values, classifications and rating plans for workers' compensation insurance[.]")

5. There are two types of classifications: Basic Classifications and Standard Exception Classifications. Basic classifications describe the business of an employer. Standard Exception Classifications describe occupations that are common to many businesses. Such common occupations are not included in a basic classification unless specified in the classification wording. (Ex. R14 at 1-2; *see also* Ex. R15 at 1.) Codes 7380 and 8810 are Standard Exception Classifications. (*See* Ex. R14 at 2, 4.)

6. NCCI's *Basic Manual* states, in part:

> [S]ubject to certain exceptions, it is the business of the employer within a state that is classified, not separate employments, occupations or operations within the business.

* * * * *

> [Code 7380] is assigned to employees who perform work on or in connection with a vehicle. Messenger and courier deliveries of owned documents or goods made by foot or public transportation are assigned to the governing class code. * * * * *.
>
> Code 7380 does not apply when the basic classification wording already includes drivers.

(Ex. R14 at 1, 4; test. of Buchman.)

7. With respect to Code 8810, NCCI's *Basic Manual* states, in part:

> **Clerical Office Employees NOC[1] (Code 8810)**
>
> * * * * *
>
> The above classification[] [is] assigned when all the following conditions are met:
>
> - The basic classification(s) wording applicable to the business does not include clerical office * * * employees.
> - Other rules do not prohibit the assignment of Code 8810
> - The employee meets the duties, site and other requirements listed below:
>
> (1) Duties
>
> * * * * *
>
> Duties must be limited to one or more of the following work activities:
>
> - Creation or maintenance of:
> -- Employer records
> -- Correspondence
> -- Computer programs
> -- Files
> - Telephone duties, including telephone sales
> - Data entry or word processing
> - Copy or fax machine operations, unless the insured is in the business of making copies or faxing for the public
> - General office work similar in nature to the above

(Ex. A14 at 2; emphasis in original.)

[1] NCCI's *Basic Manual* states that a classification containing the term "NOC (not otherwise classified)" only applies "if no other classification more specifically describes the insured's business." (Ex. R14 at 8.)

8. NCCI's *Scopes Manual* describes Code 7231, in relevant part, as follows:

> **PHRASEOLOGY** MAIL, PARCEL OR PACKAGE DELIVERY AND COURIER OR MESSENGER SERVICE COMPANIES – ALL EMPLOYEES[2] & DRIVERS[3]
>
> * * * * *
>
> Applies to couriers, messengers, and others who deliver nonowned envelopes, parcels or packages exclusively for local delivery. Mail, parcels or packages, as shown in the classification phraseology, refers to those items where the delivery tariff or charge is allocable to the individual envelope, parcel or package. * * *. The term "local" is intended to limit the radius of operations to that which would permit a driver to complete assigned deliveries and return to the point of dispatch within the normal workday.
>
> **Description:**
>
> Code 7231 is intended to apply to those insureds who deliver and, as a messenger and courier service of nonowned mail, parcel or packages or under contract with private enterprises, provide a pickup and delivery service for mail consisting of small individual parcels or packages in addition to envelopes. * * *. [T]hese insureds also, as a contract messenger and courier service, deliver nonowned items or pick up mail or parcels from their customers and deliver to locations specified by the customer, performing a local delivery service comparable to that provided by the US Postal Service.
>
> [A]n important distinction between Code 7380 * * * and Code 7231 is that messengers and couriers assigned to Code 7231 deliver nonowned goods whereas Code 7380 is assigned to messengers who deliver owned goods.

(Ex. R12 at 1-2; emphasis in original.)

9. NCCI's *Scopes Manual* describes Code 7380, in relevant part, as follows:

> **PHRASEOLOGY** DRIVERS, CHAUFFEURS, MESSENGERS, AND THEIR HELPERS NOC—COMMERCIAL

[2] NCCI's *Basic Manual* states that when the phrase "all employees" is included in a classification, "no other classification can be assigned unless noted in the classification wording." (Ex. R14 at 7.)

[3] NCCI's *Basic Manual* states that the term "drivers" includes "drivers, chauffeurs, messengers, and their helpers[.]" (Ex. R14 at 8.)

* * * * *

> Code 7380 is applied to commercial drivers, chauffeurs, messengers, and their helpers provided they are not otherwise classified in the ***Basic Manual***. These employees are common to many businesses and are Standard Exceptions assigned to Code 7380 unless they are specifically included within the phraseology of a basic classification applicable to a risk.
>
> * * * * *
>
> Code 7380 is applied to messengers or couriers who deliver mail, parcels, or packages by driving or bicycling. * * * * *.
>
> [C]ode 7380 generally is applicable to the driving of vehicles and/or the transportation of goods owned by an insured.
>
> * * * * *
>
> Code 7380 is a "not otherwise classified" (NOC) classification. This means that Code 7380 shall apply to an insured's operation(s) only when no other classification more specifically describes the insured's operation(s) or when a classification applicable to an insured's operation that includes driving does not include the type of driving being performed. The following is a representative list of operations somewhat related in nature to Code 7380 operations that are not assigned to Code 7380. The term "trucking" below refers to the hauling of nonowned goods.
>
> * * * * *
>
> 7231—Trucking Mail, Parcel or Package Delivery—All Employees and Drivers

(Ex. R13 at 1-4; emphasis in original.)

10. For approximately 30 years, State Farm utilized Codes 7380 and 8810 when issuing workers' compensation policies to Sunset Presort. (Test. of Buchman, Paul.)

11. A workers' compensation policy is an "auditable policy." (Test. of Buchman.) An insurer estimates an employer's exposure and then performs an audit after the expiration of the policy term expires to determine the actual exposure.[4] (*Id.*)

[4] *See* ORS 737.318 (regarding an insurer's obligation to maintain a premium audit program). *See also* OAR 836-043-0101 through -0170 for rules pertaining to Oregon's premium audit program.

12. On May 14, 2015, an independent auditor conducted a premium audit for Sunset Presort, covering the period April 1, 2014 to April 1, 2015. (Ex. R3.) The auditor made the following recommendation:

> The auditor recommends that code 7231 be added to the policy as the insured picks[] up outgoing mail and packages from businesses and the general public and mails the packages and the mail through the U.S. Postal Services, UPS and Fedex.

(*Id.* at 5.)

13. On April 29, 2016, another independent auditor conducted a premium audit for Sunset Presort, covering the period April 1, 2015 to April 1, 2016. (Ex. R4.) This auditor also recommended that Code 7231 be added to the policy because "the insured is helping to sort and ship mail as well as pickup of [*sic*] mail." (*Id.* at 5.)

14. An insurer must provide advance notice before utilizing a classification code that will result in higher premiums to the insured. State Farm's audit department agreed with the recommendation regarding Code 7231. However, because State Farm did not receive the recommendation until Sunset Presort's 2015-2016 policy term had already commenced, it could not add the code to Sunset Presort's policy until the first renewal bill of the 2016-2017 policy term. (Test. of Buchman.)

15. On or about January 14, 2016, State Farm issued a notice to Sunset Presort for the policy period March 29, 2016 to March 29, 2017. The notice contained three classification codes (7231, 7380, and 8810), and listed a total estimated annual premium of $1,998.00. (Exs. A3 at 1-3, R8 at 1-3; test. of Buchman.) After noticing the inclusion of the new classification code (*i.e.* Code 7231), Mr. Paul contacted State Farm and requested a review of the premium audit. (*See* Ex. A4 at 1; test. of Paul, Buchman.)

16. On or about February 16, 2016, State Farm revised Sunset Presort's policy for the period March 29, 2016 to March 29, 2017 to remove Code 7380. The revised total estimated annual premium was $1,486.00. (*See* Ex. R7 at 1; test. of Buchman.)

17. On or about May 19, 2016, State Farm again revised Sunset Presort's policy for the period March 29, 2016 to March 29, 2017 to remove Code 8810. The revised total estimated annual premium was $3,937.00. (*See* Exs. A5 at 1-2, R9 at 1.)

18. By letter dated June 16, 2016, State Farm informed Mr. Paul that it had reviewed Sunset Presort's policy for the term March 29, 2016 to March 29, 2017, and determined that no adjustments were appropriate. The letter stated, in part, that "[w]hen the classification includes the phraseology 'all employees[,]' all employees fall under that classification code and cannot be separated." (Ex. A4 at 1.)

19. NCCI's *Basic Manual* provides that an insurer may assess a short-rate cancellation penalty when the insured cancels the workers' compensation policy prior to the end of the policy

term. The only exception to this penalty is if the insured cancels the policy because the business is dissolved or sold. (Ex. A16 at 2-4; test. of Buchman; *see* Ex. R10 at 1.) The short-rate cancellation penalty is applicable in Oregon. (Test. of Buchman; *see* Ex. R17.)

20. Sometime prior to June 30, 2016, Mr. Paul requested that State Farm cancel Sunset Presort's workers' compensation policy. The cancellation became effective on June 30, 2016. (*See* Ex. A6 at 1; test. of Buchman.) Because the cancellation occurred prior to the end of the policy term, Sunset Presort was subject to a cancellation penalty. (Test. of Buchman; *see* Exs. R16 at 3-4, R17.)

21. Effective July 1, 2016, Sunset Presort received workers' compensation coverage through SAIF. In calculating Sunset Presort's estimated premium, SAIF utilized Codes 7380 and 8800.[5] (*See* Ex. A9 at 1; test. of Buchman, Paul.)

22. On August 18, 2016, an independent auditor conducted a premium audit for Sunset Presort, covering the period March 29, 2016 to June 30, 2016. (Ex. R11.) The auditor noted that Sunset Presort "operates a mailroom for businesses and the general public" and "has a route where they deliver[] mail, and the mail is counted and sorted from their location." (*Id.* at 1.) The auditor utilized Code 7231. (*Id.* at 2.)

23. On August 25, 2016, State Farm issued a Final Premium Audit Billing to Sunset Presort, covering the period March 29, 2016 to June 30, 2016. (Exs. A8 at 1-2, R6 at 1-4.) The billing notified Sunset Presort that it owed $2,503.38 to State Farm. The balance due included a premium of $2,670 based on classification code 7231, as well as a short rate cancellation penalty of $1,006.00, less the estimated premium that Sunset Presort had previously paid. (Ex. R6 at 1-2.)

24. On October 4, 2016, State Farm issued a "Past Due Premium" notice, showing that Sunset Presort owed $2,503.38 in past due premiums. (Ex. R1 at 1-2.) On October 18, 2016, State Farm issued a second "Past Due Premium" notice regarding the $2,503.38 in unpaid premiums. (Ex. R2 at 1-2.)

CONCLUSIONS OF LAW

1. State Farm properly classified $2,670.00 in payroll to Classification Code 7231 for the period March 29, 2016 to June 30, 2016.

2. Sunset Presort has not established that State Farm's August 25, 2016 Final Premium Audit Billing is incorrect.

[5] At hearing, State Farm's witness testified that he disagreed with SAIF's use of Codes 7380 and 8800 for Sunset Presort because Code 7380 only apply for owned goods, and Code 8800 (regarding mailing or addressing from lists) does not correspond with what Sunset Presort does. (Test. of Buchman.)

OPINION

An employer has the burden of proving, by a preponderance of the evidence, that an insurer's premium audit is incorrect. *See Salem Decorating v. NCCI*, 116 Or App 166, 170 (1992); 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"); *Harris v. SAIF*, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of the fact or position); *Sobel v. Board of Pharmacy*, 130 Or App 374, 379, (1994), *rev den*, 320 Or 588 (1995) (standard of proof under the Administrative Procedures Act is preponderance of evidence absent legislation adopting a different standard). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely than not true. *Riley Hill General Contractor v. Tandy Corp*., 303 Or 390, 402 (1987).

Sunset Presort contends that State Farm's premium audit for the period March 29, 2016 to June 30, 2016 is incorrect because State Farm added Code 7231 to the policy and removed Codes 7380 and 8810. Sunset Presort contends that for approximately 30 years, State Farm utilized Codes 7380 and 8810 when determining Sunset Presort's premiums and that none of Sunset Presort's business operations have changed during those 30 years.

State Farm contends that, until an auditor in May 2015 recommended adding Code 7231 to Sunset Presort's policy, State Farm had been incorrectly classifying Sunset Presort with two Standard Exceptions (*i.e.* Codes 7380 and 8810). State Farm contends that Code 7231 is a better description of Sunset Presort's operations, and that no Standard Exceptions apply.

Sunset Presort insists that it does not actually deliver any items. State Farm contends, however, that Code 7231 covers the movement of mail, parcels, or packages, and that actual delivery is not necessary. State Farm's contention is reasonable and supported by NCCI's *Scopes Manual*. *See* Exhibit R12.

State Farm's underwriting team manager, Fred Buchman, testified at hearing that when determining which classification code are appropriate, the insurer looks at the insured's business operation and determines what the business does— not what duties the workers individually perform. He further testified that the goal is to arrive at one basic classification, based on gross receipts and consideration of what comprises the largest part of the business. Mr. Buchman's testimony is consistent with NCCI's *Basic Manual*, which states that subject to certain exceptions (which are not relevant here), "it is the business of the employer within a state that is classified, not separate employments, occupations or operations within the business." *See* Exhibit R14 at 1.

The *Scopes Manual* describes Code 7231, in part, as follows:

> Code 7231 is intended to apply to those insureds who deliver and, as a messenger and courier service of nonowned mail, parcel or packages or under contract with private enterprises, provide a pickup and delivery service for mail consisting of small individual parcels or packages in

> addition to envelopes. * * *. [T]hese insureds also * * * pick up mail or parcels from their customers and deliver to locations specified by the customer, performing a local delivery service comparable to that provided by the US Postal Service.

Exhibit R12 at 2.

Code 7380 is applied to commercial drivers, chauffeurs, messengers, and their helpers provided they are not otherwise classified in the *Basic Manual*. Exhibit R13 at 1. Because Code 7380 is an NOC classification, the code applies "only when no other classification more specifically describes the insured's operation(s) or when a classification applicable to an insured's operation that includes driving does not include the type of driving being performed." *Id.* at 4. The *Scopes Manual* states, in part:

> The following is a representative list of operations somewhat related in nature to Code 7380 operations that are not assigned to Code 7380. The term "trucking" below refers to the hauling of nonowned goods.
>
> * * * * *
>
> 7231—Trucking Mail, Parcel or Package Delivery—All Employees and Drivers

Id.

A significant difference between Codes 7380 and 7231 is that employees assigned to Code 7231 deliver nonowned goods, whereas Code 7380 is assigned to employees who deliver owned goods. *See* Exhibit R12 at 2. Given that Sunset Presort transports nonowned goods, Code 7231 is the appropriate basic classification code for their operation. The next issue is whether any Standard Exceptions apply.

First, Code 7380 does not apply "when the basic classification wording already includes drivers." Exhibit R14 at 4. Code 7231 — which is a basic classification — specifically includes the word "drivers." *See* Exhibit R12 at 1. Code 7380 therefore does not apply to Sunset Presort. Second, Code 8810 (regarding clerical duties) does not apply unless an employee of the insured has duties that are limited to one or more of the following work activities: 1) creation or maintenance of employer records, correspondence, computer programs, or files; 2) telephone duties; 3) data entry or word processing; 4) copy or fax machine operations; or 5) general office work similar to the other listed activities. Exhibit A14 at 2. The record contains no evidence that Sunset Presort had any employee whose duties were confined to one or more of the above activities. Code 8810 therefore does not apply to Sunset Presort.

Finally, Mr. Paul, the co-owner and manager of Sunset Presort, asserts that he did not receive notice of the code change (and subsequent premium increase) until receiving the Final Premium Audit Billing. State Farm contends, however, that Sunset Presort had advanced notice of the code change because on or about January 14, 2016, State Farm issued a notice to Sunset

Presort that covered the period March 29, 2016 to March 29, 2017 and included Code 7231. The record supports State Farm's assertion. *See* Exhibits A3 and R8. Indeed, after Mr. Paul received the January 2016 notice, he disagreed with it, contacted State Farm, and requested a review of the premium audit (which State Farm completed).

In sum, State Farm properly classified Sunset Presort's payroll to Code 7231 for the activities performed during the period March 29, 2016 to June 30, 2016. And, Sunset Presort failed to meet its burden of establishing that State Farm's final premium audit is incorrect.

ORDER

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

State Farm's August 25, 2016 Final Premium Audit Billing is AFFIRMED.

Jennifer H. Rackstraw
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

CERTIFICATE OF MAILING

On July 17, 2017 I mailed the foregoing PROPOSED ORDER issued on this date in OAH Case No. 2017-ABC-00228**.**

By: First Class Mail

Sunset Presort
William E Paul
397 Marine Dr
Astoria OR 97103

State Farm Fire And Casualty Company
PO Box 799100
Dallas TX 75379

Robert L Winkler
570 Liberty Street SE Ste 200
Salem OR 97301

Fred Buchman
State Farm Fire And Casualty Company
PO Box 799200
Dallas TX 75379

By: Electronic Mail

Gail Gage, Agency Representative
Insurance Division
350 Winter Street NE
Salem OR 97301

Alesia Vella for Lucy M Garcia
Hearing Coordinator

BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES
DIVISION OF FINANCIAL REGULATION

In the Matter of the Final Premium Audit of	)	**ORDER GRANTING STAY OF**
	)	**COLLECTION**
	)	
WILLIAM E AND CLYDENE M. PAUL,	)	OAH Case No. 2017-ABC-00228
DBA SUNSET PRESORT	)	Agency Case No. INS-WCA 16-10-005

Petitioner has requested a stay of collection in the matter of the final premium audit billing for the above captioned case. A stay request may only be granted for the disputed portion of the insurer's billing. OAR 836-043-0170(5).

The employer alleges that the insurer incorrectly classified premium for the audit period of April 1, 2016 through June 30, 2016.

After review of the stay request, copies of which were previously served on the insurer or are included with this Order, the Administrative Law Judge finds that Petitioner has shown good cause for issuance of a stay of collection pursuant to ORS 737.505(5).

IT IS HEREBY ORDERED that all collection efforts of the $2,503.38 disputed by Petitioner be stayed during the pendency of this contested case.

Objections to, or motions for the dissolution of the stay may be filed at any time during the pendency of this contested case. The Administrative Law Judge will review any objections which have been served on all parties. If an order dissolving the stay is not issued within ten days of receipt of an objection, the objection is to be deemed denied.

Alison Greene Webster
Senior Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF MAILING

On January 18, 2017, I mailed the foregoing Order Granting Stay of Collection and Certificate of Mailing issued on this date in OAH Case No. 2017-ABC-00228**.**

By: First Class Mail

Sunset Presort
William E Paul
397 Marine Dr
Astoria OR 97103

By: Electronic Mail

Fred Buchman
State Farm Fire and Casualty Company
PO Box 799100
Dallas TX 75379-9100
fred.buchman.hbxm@statefarm.com

Lucy M Garcia
Hearing Coordinator