



BUREAU of LABOR & INDUSTRIES

BEFORE THE COMMISSIONER OF THE BUREAU OF LABOR AND INDUSTRIES OF THE STATE OF OREGON

In the Matter of:

ARCIMOTO, INC.,

Respondent.

Case No. **132-26**

FINDINGS OF FACT
CONCLUSIONS OF LAW
OPINION
ORDER

SYNOPSIS

In a default case, the forum concluded that Respondent violated ORS 178.250(1), OAR 170-080-0035(1), and OAR 170-080-0050(1)(a) when it failed to remit required payroll contributions to the appropriate OregonSaves accounts of its participating employee(s) consistent with the requirements OAR 170-080-0035(1), (3), (4), and (5). A civil penalty in the amount of \$100 was assessed for the violation(s) pursuant to ORS 178.990(1).

The above-entitled case came for hearing before Caroline Holien, designated as Administrative Law Judge ("ALJ") by Christina Stephenson, Commissioner of the Bureau of Labor and Industries for the State of Oregon. The hearing was held on September 22, 2026, using the Zoom videoconference application.

The Bureau of Labor and Industries ("BOLI" or "the Agency") was represented by administrative prosecutor Jesse Neilson, an employee of the Agency. The Agency

1 called Jackie Sandmeyer, Portland Investigations Manager, BOLI's Civil Rights Division,
2 as a witness.¹ The Respondent did not appear at the hearing. The forum received into
3 evidence Administrative exhibits X1 through X4 and Agency Exhibits A1 through A5, A7,
4 and A8.

5 Having fully considered the entire record in this matter, the Administrative Law
6 Judge hereby make the following Findings of Fact (Procedural and on the Merits),
7 Conclusions of Law, Opinion, and Order.²

8 **FINDINGS OF FACT – PROCEDURAL**

9 1) On or about June 12, 2025, the State of Oregon, by and through the
10 Oregon Retirement Savings Board (“Complainant” or “Board”) filed a numbered charge
11 (“Numbered Charge”) with the Agency’s Civil Rights Division alleging that, as of the date
12 of the Numbered Charge, Respondent Arcimoto, Inc. (“Respondent” or “Arcimoto”) had
13 failed to remit OregonSaves payroll contributions of its Participating Employee since
14 November 2021. The Numbered Charge also noted that Treasury had made three or
15 more attempts to bring Arcimoto into compliance with the requirements of OregonSaves
16 and that more than two years had elapsed since Respondent’s OregonSaves
17 registration deadline. (Exs. A1, X2a)

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19 2) On June 11, 2026, the Agency’s Civil Rights Division issued a Notice of
20 Violations, Intent to Assess Civil Penalties and Opportunity for Hearing (“NOV”) for
21 Case No. TREMSV250612-10940 in which it stated that evidence supported a finding of
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24 ¹ Sandmeyer appeared as a representative of the Agency because Andrew Kihn, the investigator who
had conducted the investigation on behalf of the Agency, is no longer a BOLI employee.

25 ² The Ultimate Findings of Fact required by OAR 839-050-0370(1)(b)(B) are subsumed within the
Findings of Fact – The Merits.

1 substantial evidence that Arcimoto committed an unlawful practice in violation of ORS
2 178.250(1) by failing to comply with the requirements of OregonSaves, as developed
3 under ORS 178.205. The NOV further proposed to assess civil penalties against
4 Arcimoto in the amount of \$100 for the violation. (Ex. X2a)

5 3) On August 3, 2026, the contested case forum issued a Notice of Hearing
6 to Arcimoto and the Agency stating the time and place of the hearing as September 22,
7 2026, beginning at 11:00 a.m. and that the hearing would be held by Zoom. Together
8 with the Notice of Hearing, the forum sent a copy of the Agency's NOV, a document
9 entitled "Summary of Contested Case Rights and Procedures", a document entitled
10 "Servicemembers Civil Relief Act (SCRA) Notification", a multi-language notice, a
11 document entitled "Responsive Pleading Rule – OAR 839-050-0130", a Consent to
12 Accept Service of Contested Case Filings by Email form, an Authorized Representative
13 form, a Certificate of Service, and information on how to access the forum's contested
14 case hearings rules, OAR 839-050-0000 to 839-050-0450. (Exs. X2, X2a-X2i)

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16 4) A certified mail receipt was signed showing that the Notice of Hearing
17 packet was received at the address "Arcimoto, Inc., PO Box 25658, Eugene, OR
18 97402." Mailings sent to other addresses listed in the Business Registry of the Oregon
19 Secretary of State were returned as undeliverable. (Exs. 2k-2m)

20 5) On August 3, 2026, the ALJ issued an interim order requiring case
21 summaries to be filed no later than 14 calendar days prior to the hearing date and set
22 out the requirements for what must be included in the case summary. (Ex. X3)

23 6) On September 8, 2026, the Agency filed its case summary. (Ex. X4)
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1 7) The hearing was delayed for approximately 15 minutes due to the
2 Respondent not appearing at hearing. The ALJ granted the Administrative Prosecutor's
3 request to enter default against the Respondent in accordance with OAR 839-050-
4 0330(1)(a) and (d) based upon Respondent's failure to timely file an answer to the
5 Formal Charges and to appear at hearing. (Hearing Record)

6 8) At the start of hearing, pursuant to ORS 183.415(7), the ALJ orally
7 informed the participant(s) present of the issues to be addressed, the matters to be
8 proved, and the procedures governing the conduct of the hearing. (Hearing Record)

9 9) Respondent did not appear at hearing. To date, Respondent has filed
10 nothing with the forum. (Hearing Record)

11 10) On September 28, 2026, the ALJ issued a Proposed Order that notified
12 the participants that they were entitled to file exceptions of the Proposed Order within 10
13 days of its issuance. Neither party filed exceptions to the Proposed Order.

14 11) On October 9, 2026, BOLI's Commissioner issued a memorandum to the
15 Administrative Law Judge delegating the authority to enter a final order in this
16 proceeding pursuant to ORS 651.060(3) and OAR 839-050-0420(6). (Forum File)

18 **FINDINGS OF FACT – THE MERITS**

19 1) At all times material herein, Arcimoto was an Oregon domestic business
20 corporation conducting business in Oregon. (Exs. A2, A8)

21 2) Arcimoto employed at least one employee during the second quarter of
22 2025 and had total payroll greater than \$1,000 during the second quarter of 2025. (Ex.
23 A4)

1 3) On or about June 8, 2026, the OregonSaves internet portal established by
2 the Board's Program Administrator indicated that, as of June 10, 2025, and June 30,
3 2025, Arcimoto "failed to remit payroll contributions to the OregonSaves retirement
4 accounts of its participating employees." (Ex. A3 ¶ 3)

5 4) As of June 12, 2025, the Board had made three or more attempts to bring
6 Arcimoto into compliance with the requirements of OregonSaves and more than two
7 years had elapsed since Arcimoto's OregonSaves registration deadline. (Ex. A1, ¶ 3;
8 A3, ¶ 4)

9 **OPINION AND CONCLUSIONS OF LAW**

10 **OREGONSAVES REQUIREMENTS**

11 In the Formal Charges, the Agency alleges that Arcimoto committed an unlawful
12 practice in violation of ORS 178.250(1), OAR 170-080-0035(1), and OAR 170-080-
13 0050(1)(a) by failing to timely remit required payroll contributions to the appropriate
14 OregonSaves account of its Participating Employee consistent with the requirements of
15 OAR 170-080-0035(1), (3), (4), and (5).

16 ORS 178.250(1) states that it "is an unlawful practice under ORS chapter 659A
17 for an employer to fail to comply with the requirements of the plan developed under
18 ORS 178.205." OAR 170-080-0050(1) requires the employer to collect contributions
19 from its participating employees and to remit those amounts promptly to the
20 OregonSaves Program Administrator. OAR 170-080-0035(1) provides:

21 “(1) Beginning 30 days following the Enrollment Date, and in accordance with a
22 Participating Employee's election under OAR 170-080-0030, the Facilitating
23 Employer shall, on each Payroll Date, transfer from the Participating Employee's
24 Compensation for contribution to the Participating Employee's IRA:
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1 “(a) 5% of Compensation; or
2 “(b) The Participating Employee’s elected contribution rate, if different from
3 the Standard Elections; or
4 “(c) The auto-escalated percentage of Compensation for that Participating
5 Employee.”

6 OAR 170-080-0035(3) provides, in part:

7 “Amounts deducted by the Facilitating Employer pursuant to this rule shall be
8 transmitted to the Program Administrator as specified by the Program, as soon
9 as administratively possible, not to exceed seven (7) business days from the date
10 of the deduction.”

11 OAR 170-080-0050(1)(a) provides, in part:

12 “Facilitating Employers shall:
13 (a) Collect contributions and remit those amounts promptly to the Program
14 Administrator or its designee;”

15 In a contested case hearing, “[t]he agency has the burden to establish, by a
16 preponderance of the evidence, that respondent violated the statutes in the manner
17 alleged.” *In the Matter of Edgewood Construction LLC et al.*, 37 BOLI 2, 14 (2018)
18 quoting *In the Matter of Mohammad Khan*, 15 BOLI 191, 207-11 (1996).

19 There is no evidence to establish that Arcimoto remitted the appropriate
20 contribution amounts consistent with the requirements of OAR 170-080-0035(1), (3),
21 (4), and (5) and OAR 170-080-0050(1)(a). The record shows that Arcimoto was an
22 employer and a facilitating employer per OAR 170-080-0010(2)(k), (q). (See Findings of
23 Fact – the Merits, ##1, 2, 3, 4). The OregonSaves internet portal shows that Arcimoto
24 failed to remit payroll contributions to the OregonSaves retirement accounts of its
25 Participating Employee by June 10, 2025, and June 30, 2025. (See Findings of Fact –
the Merits #3). Furthermore, the record establishes that the Board made three other
attempts to bring Arcimoto into compliance with the requirements of OregonSaves and

1 more than two years had elapsed since Respondent's OregonSaves registration
2 deadline. (See Findings of Fact – the Merits #4). Accordingly, the Agency has proven its
3 case by a preponderance of the evidence, and the forum concludes that Arcimoto
4 engaged in an unlawful practice by failing to comply with the requirements of the plan
5 developed under ORS 178.205 in violation of ORS 178.250(1); OAR 170-080-0035(1);
6 and OAR 170-080-0050(1)(a).

7 **CIVIL PENALTIES FOR VIOLATIONS OF OREGONSAVES REQUIREMENTS**

8 BOLI's Commissioner "may assess against an employer who has engaged in an
9 unlawful practice under ORS 178.250 a civil penalty in an amount up to \$100 for each
10 employee who is eligible to participate in the plan developed under ORS 178.205, not to
11 exceed an aggregate amount of \$5,000 in a calendar year." ORS 178.990(1)(a). The
12 amount of a civil penalty may be adjusted "upon a showing of any mitigating or
13 aggravating circumstances." ORS 178.990(1)(b).

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15 The record in this matter establishes that Arcimoto employed one employee
16 during the second quarter of 2025. (See Proposed Findings of Fact – the Merits #2).
17 There has been no showing of any mitigating or aggravating circumstances.
18 Accordingly, a civil penalty of \$100, accounting for a penalty of \$100 imposed for each
19 employee eligible to participate in the plan developed under ORS 178.205, is
20 appropriate.

21 **ORDER**

22 NOW, THEREFORE, as authorized by ORS 178.990(1) and as payment of the
23 civil penalty assessed for violations of ORS 178.250(1), OAR 170-080-0035(1), and
24 OAR 170-080-0050(1)(a) the Commissioner of the Bureau of Labor and Industries
25 hereby orders Respondent **Arcimoto, Inc.** to deliver to the Administrative Prosecution

1 Unit of the Bureau of Labor and Industries, 1800 SW 1st Ave, Suite 500, Portland,
2 Oregon 97201-5322, a certified check payable to the Bureau of Labor and Industries in
3 the amount of One Hundred Dollars (\$100.00), plus any interest thereon that accrues at
4 the legal rate of interest thereon between the date ten (10) days after the issuance of
5 the Final Order and the date Respondent complies with the Final Order.

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10 Caroline Holien, Administrative Law Judge
11 Bureau of Labor and Industries

12 ISSUED ON: October 15, 2026
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