



BUREAU of LABOR & INDUSTRIES

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

In the Matter of:

GRAZING WEST DAIRY, INC.

Respondent.

Case No. **117-26**

FINDINGS OF FACT
CONCLUSIONS OF LAW
OPINION
ORDER

SYNOPSIS

In a default case, the forum concluded that Respondent violated ORS 178.250(1) and OAR 170-080-0015(1)(a) when it failed to register with OregonSaves or certify an exemption from OregonSaves in a timely manner consistent with the requirements of OAR 170-080-0015(1)(b)-(h). A civil penalty in the amount of \$700 was assessed for the violations, 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 15, 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 called Tyler Stokes, Senior Civil Rights Investigator, BOLI's Civil Rights Division, as a

1 witness.¹ The Respondent did not appear at hearing. The forum received into evidence
2 Administrative exhibits X1 through X7 and Agency Exhibits A1 through A7.

3 Having fully considered the entire record in this matter, I, Christina Stephenson,
4 Commissioner of the Bureau of Labor and Industries, hereby make the following
5 Findings of Fact (Procedural and on the Merits), Conclusions of Law, Opinion, and
6 Order.²

7 **FINDINGS OF FACT – PROCEDURAL**

8 1) On or about June 12, 2025, the State of Oregon, by and through the
9 Oregon Retirement Savings Board (“Complainant” or “Board”) filed a numbered charge
10 (“Numbered Charge”) with the Agency’s Civil Rights Division alleging that, as of the date
11 of the Numbered Charge, Respondent Grazing West Dairy, Inc. (“Respondent” or
12 Grazing West”) had failed to register with OregonSaves or certify its exemption from
13 OregonSaves. (Ex. A1)

14
15 2) On June 11, 2026, the Agency’s Civil Rights Division issued a Notice of
16 Violations, Intent to Assess Civil Penalties and Opportunity for Hearing (“NOV”) for
17 Case No. TREMSV250612-10920 in which it stated that evidence supported a finding of
18 substantial evidence that Grazing West committed an unlawful practice in violation of
19 ORS 178.250(1) by failing to comply with the requirements of OregonSaves, as
20 developed under ORS 178.205. The NOV further proposed to assess civil penalties
21 against Grazing West in the amount of \$700 for the violations. (Ex. X2a)

22
23 _____
24 ¹ Stokes 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 3) On July 31, 2026, the contested case forum issued a Notice of Hearing to
2 Grazing West and the Agency, stating the time and place of the hearing as September
3 15, 2026, beginning at 1:00 p.m. and that the hearing would be held by Zoom. Together
4 with the Notice of Hearing, the forum sent a copy of the Agency's NOV, a document
5 entitled "Summary of Contested Case Rights and Procedures", a document entitled
6 "Servicemembers Civil Relief Act (SCRA) Notification", a multi-language notice, a
7 document entitled "Responsive Pleading Rule – OAR 839-050-0130", a Consent to
8 Accept Service of Contested Case Filings by Email form, an Authorized Representative
9 form, a Certificate of Service, and information on how to access the forum's contested
10 case hearings rules, OAR 839-050-0000 to 839-050-0450. (Exs. X2, X2a-X2i)

11 4) On July 31, 2026, the ALJ issued an interim order requiring case
12 summaries to be filed no later than 14 calendar days prior to the hearing date and set
13 out the requirements for what must be included in the case summary. (Ex. X3)

14 5) On September 1, 2026, the Agency filed its case summary. (Ex. X4)

15 6) On September 1, 2026, the Agency filed a Motion for Default against
16 Respondent. Respondent did not file a response to the Agency's motion. (Ex. X5)

17 7) On September 10, 2026, the forum issued an Interim Order Granting the
18 Agency's Motion for Default:

19 "On September 1, 2026, the Agency filed a motion for default against
20 Respondent Grazing West Dairy, Inc. ('Respondent'). The Agency's motion
21 requests that the forum find that Respondent was served the charging document
22 pursuant to OAR 839-050-0030(1) and is in default. Respondent did not timely
23 file a response to the Agency's motion. OAR 839-050-0150.

24 OAR 839-050-0030(4) requires that 'a party must file an answer within 20
25 days after service of the [Formal Charges].' OAR 839-050-0030(1), describes
 the methods of serving Formal Charges and states, in pertinent part:

1 “* * * [T]he charging document [in a BOLI contested case] will be served
2 on the party or the party's representative by personal service or by
3 registered or certified mail. Service of a charging document is complete
4 upon the earlier of:

5 “(a) Receipt by the party or the party's representative; or

6 “(b) Mailing when sent by registered or certified mail to the correct
7 address of the party or the party's representative.”

8 “OAR 839-050-0330(1)(a) provides that default may occur when ‘[a] party
9 fails to file a required response, including * * * an answer, within the time
10 specified in the [Formal Charges].’

11 “The Agency argues that Respondent is in default because it received the
12 Notice of Hearing and Formal Charges that were mailed on July 31, 2026, on
13 August 3, 2026, and failed to file an answer on or before August 20, 2026. In
14 support of its motion, the Agency submitted the following:

- 15 • Notice of Hearing mailed to ‘Justin Myers, Registered Agent for
16 Grazing West Dairy, Inc. 36590 HWY 53, Nehalem, OR 97131’
17 (Agency Motion Ex. A1)
- 18 • Oregon Secretary of State’s Business Registry listing Justin Myers as
19 the Registered Agent (Agency Motion Ex. A2)
- 20 • USPS Tracking Information showing delivery on August 3, 2026
21 (Agency Motion Ex. A3)
- 22 • Certified Mail Receipt (Agency Motion Ex. A4)

23 “The evidence shows that the Agency properly served the Respondent
24 with the Notice of Hearing and Formal Charges on July 31, 2026. The
25 Respondent has failed to file an Answer to the Formal Charges within 20 days as
 required under OAR 839-050-0130(4). Therefore, the Respondent is in default
 pursuant to OAR 839-050-0330(1)(a), and the Agency’s motion is **GRANTED**.

26 **Notice of Default**

27 “Relief from default may be granted if Respondent shows good cause,
28 within ten days after the date of this order, for failing to timely file an answer. A
29 request for relief must be in writing and accompanied by a written statement,
30 together with appropriate documentation, setting forth the facts supporting the
31 claim of good cause. OAR 839-050-0340. Any document filed by Respondent
32 should be submitted by an attorney or should be filed together with a statement
33 indicating that the person filing the document is an authorized representative of
34 the party. See OAR 839-050-0110(1), (2).”

“As Respondent is in default, the hearing in this matter will be limited to the Agency’s presentation of its prima facie case.”

(Ex. X6)

8) The Notice of Default also included the Zoom meeting information for the hearing scheduled to be held on September 15, 2026. (Ex. X6).

9) On September 15, 2026, the Agency filed an addendum to its case summary listing Stokes as its witness. (Ex. X7)

10) At the start of hearing, pursuant to ORS 183.415(7), the ALJ orally informed the participant(s) present of the issues to be addressed, the matters to be proved, and the procedures governing the conduct of the hearing. Respondent did not appear at the hearing. (Hearing Record)

11) On September 21, 2026, the ALJ issued a Proposed Order that notified the participants that they were entitled to file exceptions of the Proposed Order within 10 days of its issuance. Neither party filed exceptions to the Proposed Order.

FINDINGS OF FACT – THE MERITS

1) At all times material herein, Grazing West was an Oregon domestic business corporation conducting business in Oregon. (Ex. A2)

2) Grazing West employed at least seven (7) employees and had total payroll greater than \$1,000 during the second quarter of 2025. (Ex. A4)

3) On or about June 8, 2026, the OregonSaves internet portal established by the Board's Program Administrator indicated that Grazing West failed to register with OregonSaves or certify its exemption from OregonSaves by June 10, 2025, and June 30, 2025. (Ex. A3, ¶ 3)

1 4) As of June 12, 2025, the Board had made three other attempts to bring
2 Grazing West into compliance with the requirements of OregonSaves and more than
3 two years had elapsed since Respondent's OregonSaves registration deadline. (Ex.
4 A3, ¶ 4; A1, ¶ 3)

5 5) As of the date of hearing, Grazing West has filed nothing with the forum
6 and has had no contact with the Administrative Prosecution Unit. (Hearing Record)

7 **OPINION AND CONCLUSIONS OF LAW**

8 **OREGONSAVES REQUIREMENTS**

9 In the Formal Charges, the Agency alleges that Grazing West committed an
10 unlawful practice in violation of ORS 178.250(1) and OAR 170-080-0015(1)(a) by failing
11 to register with OregonSaves or certify its exemption from OregonSaves in a timely
12 manner consistent with the requirements of OAR 170-080-0015(1)(b)-(h). ORS
13 178.250(1) states that it "is an unlawful practice under ORS chapter 659A for an
14 employer to fail to comply with the requirements of the plan developed under ORS
15 178.205." OAR 170-080-0015(1)(a) states, in part, that each Employer shall register
16 with the Program or file a Certificate of Exemption on or before the Registration Date.
17 OAR 170-080-0015(1)(b)-(h) specifies an employer's obligations as follows:

18 "(b) Unless otherwise permitted by the Program Administrator, the Registration
19 Date for an Employer shall be as follows:

20 (A) An Employer employing one hundred (100) or more Employees:
21 November 15, 2017.

22 (B) An Employer employing at least fifty (50) but no more than ninety-nine
23 (99) Employees: May 15, 2018.

24 (C) An Employer employing at least twenty (20) but no more than forty-
25 nine (49) Employees: December 15, 2018.

 (D) An Employer employing at least ten (10) but no more than nineteen
 (19) Employees: May 15, 2019.

1 (E) An Employer employing at least five (5) but no more than nine (9)
Employees: November 15, 2019.

2 (F) An Employer employing three (3) or four (4) Employees: March 1,
2023.

3 (G) An Employer employing one (1) or two (2) Employees: July 31, 2023.

4 (H) Client Employers, as defined in 170-080-0010: July 31, 2023.

(I) An annual wave of new Employers: July 31 of each year.

5 “(c) In determining the Number of Employees for the purposes of this section,
6 Employers shall use data as submitted on the 2016 4th quarter Oregon Quarterly
7 Tax Report (Form OQ): Number of covered workers for Unemployment
Insurance, except under the following circumstances:

8 (A) An Employer who first meets the definition of Employer after January
9 1, 2017 will use the number of employees submitted on the Employer’s
most recently filed Form OQ;

10 (B) At the Program Administrator’s discretion, an Employer with a valid
business reason may use data from a more recent Form OQ.

11 “(d) To register with the Program, a Facilitating Employer shall use the internet
12 portal established by the Program Administrator to provide the following
information:

13 (A) Employer name and assumed business name, if any;

14 (B) Employer Identification Numbers (Federal Employer Identification
Number and Business Identification Number);

15 (C) Employer mailing address;

16 (D) Name, title, telephone number and email address of an individual
designated by the Employer as the Program’s point of contact;

17 (E) Number of Employees; and

18 (F) Any other information reasonably required by the Program for the
purposes of administering the Program.

19 “(e) An Employer who received a notice of presumed exemption from the
Program Administrator, as specified in OAR 170-080-0020, is not required to
20 take any further action as long as it continues to offer a Qualified Plan to some or
all of its Employees.

21 “(f) New Employers: the Registration Date for an Employer who first meets the
22 definition of Employer after July 1, 2017, shall be the later of:

23 (A) the date specified in subsection (1)(b) above, or

24 (B) July 31 of each year.

25 “(g) The Registration Date for an Exempt Employer that ceases to offer a
Qualified Plan to some or all of its Employees shall be the later of:

1 (A) the date specified in subsection (1)(b) above, or
2 (B) 90 days after the Exempt Employer ceases to offer a Qualified Plan to
3 some or all of its Employees.

4 “(h) A Facilitating Employer who lacks access to the internet may register with
5 the Program by alternate means established by the Program Administrator.”

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

10 There is no evidence to establish that Grazing West registered with
11 OregonSaves as required. In particular, the OregonSaves internet portal shows no
12 registration or Certification of Exemption filed on behalf of Grazing West. (See Findings
13 of Fact – the Merits #3). The record shows that Grazing West is an employer and a
14 facilitating employer per OAR 170-080-0010(2)(k), (q). (See Findings of Fact – the
15 Merits ##2, 4). Furthermore, the record indicates that as of June 12, 2025, the Board
16 had made three or more attempts to bring Respondent into compliance with the
17 requirements of OregonSaves and more than two years had elapsed since Grazing
18 West’s OregonSaves registration deadline. (See Findings of Fact – the Merits #4).
19 Accordingly, the Agency has proven its case by a preponderance of the evidence, and
20 the forum concludes that Grazing West engaged in an unlawful practice by failing to
21 comply with the requirements of the plan developed under ORS 178.205 in violation of
22 ORS 178.250(1) and OAR 170-080-0015(1)(a).

CIVIL PENALTIES FOR VIOLATIONS OF OREGON SAVES REQUIREMENTS

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

The record in this matter establishes that Grazing West employed seven (7) employees during the second quarter of 2025. (See Findings of Fact – the Merits #2). There has been no showing of any mitigating or aggravating circumstances. Accordingly, a civil penalty of \$700, accounting for a penalty of \$100 for each employee who is eligible to participate in the plan developed under ORS 178.205, is appropriate.

ORDER

NOW, THEREFORE, as authorized by ORS 178.990(1) and as payment of the civil penalty assessed for violations of ORS 178.250(1) and OAR 170-080-0015(1)(a), the Commissioner of the Bureau of Labor and Industries hereby orders Respondent **Grazing West Dairy, Inc.** to deliver to the Administrative Prosecution Unit of the Bureau of Labor and Industries, 1800 SW 1st Ave, Suite 500, Portland, Oregon 97201-5322, a certified check payable to the Bureau of Labor and Industries in the amount of Seven Hundred Dollars (\$700.00), plus any interest thereon that accrues at the legal rate of interest thereon between the date ten days after the issuance of the Final Order and the date Respondent complies with the Final Order.



Christina Stephenson, Commissioner
Bureau of Labor and Industries

ISSUED ON: October 8, 2026