CHRISTINA E. STEPHENSON
COMMISSIONER

JESSICA N. GIANNETTINO VILLATORO
DEPUTY COMMISSIONER

BUREAU of LABOR & INDUSTRIES

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

In the Matter of:	Case No. **142-26**
J.L. WARD CO.,	FINDINGS OF FACT CONCLUSIONS OF LAW OPINION ORDER
Respondent.	

SYNOPSIS

In a default case, the forum concluded that Respondent violated ORS 178.250(1) and OAR 170-080-0015(2)(a) when it failed to enroll its employees in OregonSaves in a timely manner consistent with the requirements of OAR 170-080-0015(2)(a), (b) and (c). A civil penalty in the amount of $500 was assessed for the violations, pursuant to ORS 178.990(1).

The above-entitled case came regularly 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 29, 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 Jackie Sandmeyer, Portland Investigations Manager, BOLI's Civil Rights Division,

as a witness.[1] The Respondent did not appear at hearing. The forum received into evidence Administrative Exhibits X1 through X6 and Agency Exhibits A1 through A7.

Having fully considered the entire record in this matter, the Administrative Law Judge ("ALJ") hereby makes the following Proposed Findings of Fact (Procedural and on the Merits), Proposed Conclusions of Law, Proposed Opinion, and Proposed Order.

FINDINGS OF FACT – PROCEDURAL

1) On or about June 30, 2025, the State of Oregon, by and through the Oregon Retirement Savings Board ("Complainant" or "Board") filed a numbered charge ("Numbered Charge") with the Agency's Civil Rights Division alleging that, as of the date of the Numbered Charge, Respondent J.L. Ward, Co. ("Respondent" or "J.L. Ward") had failed to enroll its employees in OregonSaves or certify its exemption or failed to remit payroll contributions. As of the date of the numbered charge, the Board had made three or more attempts to bring J.L. Ward into compliance with the requirements of OregonSaves and more than two years had elapsed since Respondent's OregonSaves registration deadline. (Ex. A1)

2) On or about June 23, 2026, the Agency's Civil Rights Division issued a Notice of Violations, Intent to Assess Civil Penalties and Opportunity for Hearing ("NOV") for Case No. TREMSV250630-11026 in which it stated that evidence supported a finding of substantial evidence that J.L. Ward committed an unlawful practice in violation of ORS 178.250(1) by failing to comply with the requirements of OregonSaves, as developed under ORS 178.205. Specifically, the NOV alleged that Respondent violated OAR 170-080-0015(2)(a) when it failed to enroll its Employees in OregonSaves

[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.

in a timely manner consistent with the requirements of OAR 170-080-0015(2)(a), (b) and (c). The NOV further proposed to assess civil penalties against J.L. Ward in the amount of $500 for the violations. (Ex. X2a)

3) On August 3, 2026, the contested case forum issued a Notice of Hearing to J.L. Ward and the Agency stating the time and place of the hearing as September 29, 2026, beginning at 11:00 a.m. and that the hearing would be held by Zoom. Together with the Notice of Hearing, the forum sent a copy of the Agency's NOV, a document entitled "Summary of Contested Case Rights and Procedures", a document entitled "Servicemembers Civil Relief Act (SCRA) Notification", a multi-language notice, a document entitled "Responsive Pleading Rule – OAR 839-050-0130", a Consent to Accept Service of Contested Case Filings by Email form, an Authorized Representative form, a Certificate of Service, and information on how to access the forum's contested case hearings rules, OAR 839-050-0000 to 839-050-0450. (Exs. X2, X2a-X2i)

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

5) On September 15, 2026, the Agency filed its case summary. (Ex. X4)

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

7) On September 28, 2026, the forum issued an Interim Order Granting the Agency's Motion for Default:

> "On September 15, 2026, the Agency filed a motion for default against Respondent J.L. Ward Co. ('Respondent'). The Agency's motion requests that the forum find that Respondent was served the charging document pursuant to

OAR 839-050-0030(1) and is in default. Respondent did not timely file a response to the Agency's motion. OAR 839-050-0150.

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

> '* * * [T]he charging document [in a BOLI contested case] will be served on the party or the party's representative by personal service or by registered or certified mail. Service of a charging document is complete upon the earlier of:
>
> '(a) Receipt by the party or the party's representative; or
> '(b) Mailing when sent by registered or certified mail to the correct address of the party or the party's representative.'

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

"The Agency argues that Respondent is in default because it was served with the Notice of Hearing and Formal Charges on August 3, 2026, and failed to file an answer on or before August 23, 2026. In support of its motion, the Agency submitted the following:

- Notice of Hearing mailed to "Brix Law Service Company, LLC, Attn Laura Cooper, Registered Agent for J.L. Ward Co., 15 SW Colorado Ave Ste 3, Bend, OR 97702" (Agency Motion Ex. A1)
- Oregon Secretary of State's Business Registry listing "Brix Law Service Company, LLC," as the Registered Agent (Agency Motion Ex. A2)
- Certified Mail Receipts showing delivery on August 6, 2026 (Agency Motion Ex. A3)

"The evidence shows that the Agency properly served the Respondent with the Notice of Hearing and Formal Charges on August 3, 2026. The 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**.

Notice of Default

"Relief from default may be granted if Respondent shows good cause, within ten days after the date of this order, for failing to timely file an answer. A request for relief must be in writing and accompanied by a written statement, together with appropriate documentation, setting forth the facts supporting the

> claim of good cause. OAR 839-050-0340. Any document filed by Respondent should be submitted by an attorney or should be filed together with a statement indicating that the person filing the document is an authorized representative of 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. The hearing will be conducted by Zoom on the currently scheduled hearing date of September 29, 2026, beginning at 11:00 a.m."

(Ex. X6)

8) The Notice of Default also included the Zoom meeting information for the hearing scheduled to be held on September 29, 2026. (Ex. X6).

9) 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)

10) On October 15, 2026, the Administrative Law Judge issued a Proposed Order that notified the participants that they were entitled to file exceptions to the Proposed Order within 10 days of its issuance. Neither party filed exceptions to the Proposed Order.

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

FINDINGS OF FACT – THE MERITS

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

2) J.L. Ward employed at least five (5) employees during the second quarter of 2025 and had total payroll greater than $1,000 during the second quarter of 2025. (Ex. A4)

3) On or about June 22, 2026, the OregonSaves internet portal established by the Board's Program Administrator indicated that J.L. Ward failed to enroll its employees in OregonSaves as of June 30, 2025. (Ex. A3, ¶ 3)

4) Prior to June 30, 2025, the Board had made three or more attempts to bring J.L. Ward into compliance with the requirements of OregonSaves and more than two years have elapsed since the OregonSaves registration deadline. (Exs. A1, ¶ 3; A3, ¶ 4)

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

OPINION AND CONCLUSIONS OF LAW

OREGONSAVES REQUIREMENTS

In the Formal Charges, the Agency alleges that J.L. Ward committed an unlawful practice in violation of ORS 178.250(1) and OAR 170-080-0015(2)(a) by failing to enroll its employees in OregonSaves in a timely manner consistent with the requirements of OAR 170-080-0015(2)(a), (b) and (c).

ORS 178.250(1) states that it "is an unlawful practice under ORS chapter 659A for an employer to fail to comply with the requirements of the plan developed under ORS 178.205." OAR 170-080-0015(2)(a) requires a Facilitating Employer to enroll its employees and to provide identifying information listed in the administrative rule for each employee no more than 30 days after the Registration Date.

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

The record shows that J.L. Ward was an Employer and a Facilitating Employer per OAR 170-080-0010(2)(k),(q). (See Findings of Fact – the Merits, ## 2, 3, 4). The OregonSaves internet portal shows that J.L. Ward failed to enroll its Employees by June 30, 2025. (See Findings of Fact – the Merits, ## 2, 3, 4). Furthermore, the record establishes that the Board made three other attempts to bring J.L. Ward into compliance with the requirements of OregonSaves and more than two years has elapsed since Respondent's OregonSaves registration deadline. (See Findings of Fact – the Merits, # 4). There is no evidence to establish that J.L. Ward has complied with or was exempt from the requirements of the OregonSaves program. The Agency has proven by a preponderance of the evidence that J.L. Ward engaged in an unlawful practice by failing to comply with the requirements of the plan developed under ORS 178.205 in violation of ORS 178.250(1) and OAR 170-080-0015(2)(a).

CIVIL PENALTIES FOR VIOLATIONS OF OREGONSAVES 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)(a). 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 J.L. Ward employed five (5) employees during the second quarter of 2025. (*See* Proposed Findings of Fact – the Merits #2). There has been no showing of any mitigating or aggravating circumstances. Accordingly, a civil penalty of $500, accounting for a penalty of $100 imposed for each employee 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(2)(a) the Commissioner of the Bureau of Labor and Industries hereby orders Respondent **J.L. Ward Co.** 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 Five Hundred Dollars ($500.00), plus any interest thereon that accrues at the legal rate of interest thereon between the date ten (10) days after the issuance of the Final Order and the date Respondent complies with the Final Order.

DATED this 29th day of October, 2026.



Caroline Holien, Administrative Law Judge
Bureau of Labor and Industries