

BRAD AVAKIAN
COMMISSIONER



CHRISTIE HAMMOND
DEPUTY COMMISSIONER

BUREAU OF LABOR AND INDUSTRIES

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

In the Matter of:

Case No. 16-15

**CHRISTOPHER LEE RUSTON
(AKA CHRISTOPHER LEE
STAHLER) AND CHRISTINE M.
STAHLER,**

FINDINGS OF FACT
ULTIMATE FINDINGS OF FACT
CONCLUSIONS OF LAW
OPINION
ORDER

Respondents.

SYNOPSIS

Respondents Christopher and Christina¹ Stahler employed Claimant as a babysitter from December 7, 2013, through December 21, 2013, at the agreed rate of \$5.00 per hour. Claimant earned a total of \$450.00 and was paid \$85.00 for her work. Respondents were ordered to pay Claimant \$365.00 in unpaid, due and owing wages. Respondents willfully failed to pay these wages and were ordered to pay Claimant \$1,200.00 in ORS 652.150 penalty wages.

The above-entitled case came on regularly for hearing before Kari Furnanz, designated as Administrative Law Judge ("ALJ") by Brad Avakian, Commissioner of the Bureau of Labor and Industries for the State of Oregon. The hearing was held on

¹ Although the caption lists "Christine" Stahler as a Respondent, her name is actually "Christina" Stahler.

1 January 27, 2015, in the Salem conference room of the Oregon Bureau of Labor and
2 Industries, located at 3865 Wolverine St NE, Building E-1, Salem, Oregon.

3 The Bureau of Labor and Industries ("BOLI" or "the Agency") was represented by
4 administrative prosecutor Adriana Ortega, an employee of the Agency. Wage claimant
5 Patricia Foltz ("Claimant") was not present, but testified by telephone. Respondents
6 Christopher and Christina Stahler were present.

7 The Agency called the following individuals as telephone witnesses: BOLI Wage
8 and Hour Compliance Specialist Maria Perez, Claimant Patricia Foltz, and Sean Paul
9 Chadbourne. Respondents called Christopher and Christina Stahler as witnesses (in
10 person).

11 The forum received into evidence:

- 12 a) Administrative exhibits X1 through X8;
13 b) Agency exhibits A1-A6 and A8-A22; and
14 c) Respondents' exhibits R1, R3, R9-R11.
15

16 Having fully considered the entire record in this matter, I, Brad Avakian,
17 Commissioner of the Bureau of Labor and Industries, hereby make the following
18 Findings of Fact (Procedural and on the Merits²), Conclusions of Law, Opinion, and
19 Order.

20 **FINDINGS OF FACT – PROCEDURAL**

21 1) On or before January 23, 2014, Claimant filed a wage claim and
22 assignment of wages with the Agency. (Testimony of Perez, Ex. A1)
23
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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 2) On May 15, 2014, the Agency issued Order of Determination ("OOD") No.
2 14-0090 based on the wage claim filed by Claimant and the Agency's investigation. In
3 pertinent part, the OOD alleged that:

- 4 • Claimant was employed by and performed work for Respondents from
5 December 7 through 21, 2013, at the rate of \$5.00 per hour.
- 6 • Claimant earned was paid \$85.00 for her work and is owed the
7 balance of \$365.00 in unpaid, due and owing wages.
- 8 • Employers willfully failed to pay these wages and owe Claimant
9 \$1,200.00 in penalty wages under ORS 652.140 and ORS 652.150.

9 (Ex. X1a)

10 3) On June 10, 2014, each Respondent filed an answer and request for
11 hearing. Respondents denied owing \$365.00 in wages and \$1,200.00 in penalty
12 wages, and asserted that Claimant "didn't work for those wages before being fired."

13 (Ex. X1g)

14 4) On November 6, 2014, BOLI's Contested Case Coordinator issued a
15 Notice of Hearing to Respondents, the Agency, and Claimant setting the time and place
16 of hearing for 9:00 a.m. on January 27, 2015, at BOLI's Salem office. Together with the
17 Notice of Hearing, the forum sent a copy of the Order of Determination, a multi-
18 language warning notice, a document entitled "Summary of Contested Case Rights and
19 Procedures" containing the information required by ORS 183.413, a document entitled
20 "Servicemembers Civil Relief Act (SCRA) Notification, and a copy of the forum's
21 contested case hearings rules, OAR 839-050-000 to 839-050-0445. (Exs. X2, X2a-
22 X2e)

23 5) On November 12, 2014, the ALJ ordered the Agency and Respondents
24 each to submit a case summary including: lists of all persons to be called as witnesses;
25 identification and copies of all documents to be offered into evidence; and a brief

1 statement of the elements of the claim, a statement of any agreed or stipulated facts,
2 and any wage and penalty calculations (for the Agency only). The ALJ ordered the
3 participants to submit case summaries by January 13, 2014, and notified them of the
4 possible sanctions for failure to comply with the case summary order. (Ex. X3)

5 6) Respondents filed a case summary on January 12, 2014. The Agency
6 filed a case summary on January 13, 2014. (Exs. X6, X7)

7 7) The Agency and Respondents stipulated to the follow facts:

- 8 • Respondents employed Claimant as a babysitter.
- 9 • Claimant was to be paid \$5.00 per hour.
- 10 • Claimant was paid \$85.00 for wages owed.

11 (Stipulation of Participants)

12 8) Both sides were given the opportunity to present witness testimony and
13 evidence on the issues of the amount of hours worked, liability for unpaid wages and
14 penalty wages, and the record was closed. (Entire Record)

15 9) The ALJ issued a proposed order on April 15, 2015, that notified the
16 participants they were entitled to file exceptions to the proposed order within ten days of
17 its issuance. On April 28, 2015, Respondents filed exceptions. Those exceptions are
18 discussed at the end of the Opinion section of this Final Order.

19
20 **RULING ON RESPONDENTS' MOTION**

21 After the ALJ's opening statements, Respondents argued that Claimant was not
22 an employee and asserted that Claimant was self-employed. The Agency objected to
23 the argument, asserting that self-employment was an affirmative defense and it had not
24

1 been not been raised in Respondents' answer.³ The ALJ stated that Respondents'
2 argument regarding self-employment would be considered as a motion to dismiss and
3 would be taken under advisement and ruled upon in the Proposed Order.

4 Upon further review of the record, it is noted that Respondents stipulated that
5 they employed Claimant. The parties' stipulation regarding a question of fact is binding.
6 See *Allstate Ins. Co. v. Stone*, 319 Or 275, 279, 876 P2d 313, 315 (1994) (citing *Norris*
7 *and Norris*, 302 Or 123, 125, 727 P2d 115 (1986)). Accordingly, the fact of Claimant's
8 employment by Respondents is not at issue. Therefore, Respondents' motion to
9 dismiss is denied.

10 FINDINGS OF FACT – THE MERITS

11 1) At all times material herein, Respondents engaged the personal services
12 of one or more employees. (Stipulation of Participants)

13 2) In December of 2013, Respondents hired Claimant to work as a babysitter
14 in their home. They agreed to compensate Claimant at the rate of \$5.00 per hour
15 worked. (Stipulation of Participants; Testimony of Foltz, Christina Stahler)

16 3) Claimant began work on December 7, 2013. Her last day of work was
17 December 21, 2013. (Testimony of Foltz; Exs. A1, A2)

18 4) Claimant worked 17 hours from December 7-10, 2013. On December 10,
19 2013, she received a check in the amount of \$85.00 from Respondents. The check was
20 returned for insufficient funds. On January 3, 2014, Respondents provided Claimant
21 with a cashier's check in the amount of \$97.00, which included \$85.00 in wages plus the
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24
25 ³ The allegation that Claimant was self-employed is essentially an argument that Claimant was an independent contractor, which is an affirmative defense that must be raised in a respondent's answer. *In the Matter of Computer Products Unlimited, Inc.*, 31 BOLI 209, 223-24 (2011); OAR 839-050-0130(3).

1 \$12.00 non-sufficient funds fee Claimant was charged by her bank. (Testimony of Foltz;
2 Testimony of Christopher Stahler; Ex. A4, p. 8; Ex. A13)

3 5) Claimant worked a total of 73 hours from December 11-21, 2013, earning
4 \$365.00 (73 x \$5.00 per hour = \$365.00). (Ex. A2; Testimony of Foltz)

5 6) Respondents allowed Claimant to use their computer and fax machine for
6 personal tasks. She always "clocked out" before performing personal business at their
7 home. (Testimony of Foltz)

8 7) Respondents provided Claimant with the use of their car when Claimant
9 experienced car trouble. While Claimant was using Respondents' car, they had to rent
10 another car for their own use. Respondents thought that they could have Claimant
11 "work off" any amounts they believed Claimant owed to them for the cost of the rental
12 car. There was no evidence that the parties had a written agreement stating that
13 Respondents could make deductions to Claimant's wages for the cost of the rental car
14 or for any other reason. (Testimony of Foltz; Testimony of Christine Stahler; Exs. R1,
15 X8; Entire Record)

16 8) Agency Compliance Specialist Margaret Trotman was assigned to
17 investigate Claimant's wage claim. (Ex. A5; Testimony of Perez)

18 9) On approximately January 30, 2014, a Notice of Wage Claim was sent to
19 Respondents, and it stated as follows:

20 "You are hereby notified that PATRICIA FOLTZ has filed a wage claim
21 with the Bureau of Labor and Industries, alleging:

22 "Unpaid Wages Agreed Rate of \$286 at the rate(s) of \$5 per hour from
23 December 11, 2013 to December 20, 2013.

24 "IF THE CLAIM IS CORRECT, you are required to IMMEDIATELY make a
25 negotiable check or money order payable to the claimant for the amount of
wages claimed, less deductions required by law, and send it to the Bureau
of Labor and Industries at the above address.

1 "IF YOU DISPUTE THE CLAIM, complete the enclosed 'Employer
2 Response' form and return it together with the documentation which
3 supports your position, as well as payment of any amount which you
concede is owed the claimant * * *.

4 "If your response is not received on or before **FEBRUARY 13, 2014**, the
5 Bureau may initiate action to collect these wages in addition to penalty
wages, plus costs and attorney fees."

6 (Ex. A3; Testimony of Perez)

7 10) On May 7, 2014, Compliance Specialist Margaret Trotman sent
8 Respondents a letter which stated:

9 "On March 10, 2014, you provided information regarding the 17 hours that
10 Patricia Foltz worked for you from December 7, 2013, at \$5.00 per hour =
11 \$85. On March 17, 2014, Patricia Foltz * * * provided her original time
12 records showing additional hours worked December 11, 2014, through
December 21, 2014.

13 "I am enclosing[ing] another copy of Oregon's deduction laws along with a
14 copy of her Wage Transcription and Computation Sheet. It appears that
Patricia Foltz is still owed \$365.00 in unpaid wages.

15 "Please send \$365.00, in the form of a cashier's check or money order,
16 payable to Patricia Foltz by May 21, 2014, regarding setting up a monthly
payment plan. Thank you."

17 (Ex. A16; Testimony of Perez)

18 11) Claimant's penalty wages are calculated as follows: \$5 per hour x 8 hours
19 x 30 days = \$1200. (Calculation of ALJ)

20 12) With the exception of Respondents' assertions that Claimant falsified her
21 work time records,⁴ all witnesses were credible. (Entire Record)

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25 _____
⁴ A more detailed discussion of this finding is contained within the Opinion below.

CONCLUSIONS OF LAW

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2 1) At all times material herein, Respondents were Oregon employers who
3 employed Claimant and were subject to the provisions of ORS 652.110 to 652.332.

4 2) The Commissioner of the Bureau of Labor and Industries has jurisdiction
5 over the subject matter and Respondents herein. ORS 652.310 to 652.405.

6 3) Respondents violated ORS 652.140(2) by failing to pay all wages earned
7 and unpaid to Claimant not later than five days, excluding Saturdays, Sundays and
8 holidays, after Claimant left Respondents' employment.

9 4) Respondents owe \$365 in unpaid, due, and owing wages to Claimant.
10 ORS 652.140(2).

11 5) Respondents willfully failed to pay Claimant all wages due and owing and
12 owe \$1,200.00 in penalty wages to Claimant. ORS 652.150.

13 6) Under the facts and circumstances of this record, and according to the
14 applicable law, BOLI's Commissioner has the authority to order Respondents to pay
15 Claimant her earned, unpaid, due and owing wages and penalty wages. ORS 652.332.

OPINION

INTRODUCTION

16
17
18 In a wage claim case, the Agency must first establish a prima facie case
19 supporting the allegations of its OOD in order to prevail. *In the Matter of Letty Lee*
20 *Sesher*, 31 BOLI 255, 261 (2011). In this case, the elements of the Agency's prima
21 facie case are: 1) Respondents employed Claimant; 2) The pay rate upon which
22 Respondents and Claimant agreed, if other than the minimum wage; 3) The amount and
23 extent of work Claimant performed for Respondents; and 4) Claimant performed work
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25

1 for which she was not properly compensated. See, e.g., *In the Matter of Dan Thomas*
2 *Construction, Inc.*, 32 BOLI 174, 180 (2013).

3 **CLAIMANT WAS EMPLOYED BY RESPONDENTS**

4 The Agency and Respondents stipulated that Respondents employed Claimant
5 as a babysitter.

6 **THE PAY RATE TO WHICH RESPONDENT AND CLAIMANT AGREED**

7 The Agency and Respondents stipulated that Claimant was to be paid \$5 for
8 each hour worked.⁵

9 **AMOUNT AND EXTENT OF WORK CLAIMANT PERFORMED**

10 The Agency asserts that Claimant worked for Respondents between December 7
11 and December 21, 2013, and that, with the exception of \$85.00, no part of her wages
12 have been paid, leaving a balance due and owing of \$365.00 in unpaid wages.
13 Claimant and Respondents agree that Claimant worked a total of 17 hours from
14 December 7-10, 2013. However, the parties disagree about the number of hours
15 Claimant worked from December 11-21, 2013. Claimant provided detailed handwritten
16 notations in her personal calendar of hours she claimed she worked during her
17 employment. Specifically, she asserts that she worked the following hours December
18 11-21, 2013:

<u>Date</u>	<u>Hours Worked⁶</u>
Wednesday, December 11, 2013	6

19
20
21
22
23 ⁵ This rate of pay is lower than the minimum wage. However, an individual who performs child care
24 services in the home of the child is exempt from minimum wage and overtime law. ORS 653.020(13).

25 ⁶ The hours Claimant asserts that she worked were sometimes recorded with a starting and stopping
time, and at other times her notes simply indicated a total number of hours worked for the day. For the
sake of clarity, this chart reflects the total work hours recorded each day, even if Claimant wrote a starting
and stopping time only.

1	Thursday, December 12, 2013	8
2	Friday, December 13, 2013	8
3	Tuesday, December 17, 2013	6
4	Wednesday, December 18, 2013	5
5	Thursday, December 19, 2013	9
6	Friday, December 20, 2013	14.5
7		(Included overnight 3 pm-12 am)
8	Saturday, December 21, 2013	16.5
9		(Included overnight 12 am-4:30 pm)

Total hours Claimant recorded December 11-21, 2013: 73

Respondents admit that they did not keep track of the hours Claimant worked, but offered the following evidence in support of their argument that Claimant did not work all of the hours she claimed to work:

- After Claimant's initial training period ended on December 10, 2013, Respondents only asked Claimant to babysit when both parents were working. Respondents provided copies of their work shift records to attempt to contradict the hours recorded by Claimant.
- Respondents allowed Claimant to use their computer and fax machine for personal tasks. Therefore, they assert that she should not be compensated for the time spent at their home using the computer for her personal matters.
- Respondents were under the impression that Claimant could "work off" the cost of a rental car they obtained so that Claimant could use their car when her car was under repair.
- For Claimant's time spent watching Respondents' son overnight December 20-21, 2013, Respondents provided their son with a choice as to whether he would stay home with Claimant or accompany his parents on an out-of-town trip. Respondents assert that they believed that Claimant voluntarily stayed overnight with their son, not as an employee.

1 It is the employer's duty to maintain an accurate record of an employee's time
2 worked. See *In the Matter of J. Guadalupe Campuzano-Cazares*, 30 BOLI 48, 59
3 (2008). When the employer produces no records, the forum may rely on evidence
4 produced by the Agency from which "a just and reasonable inference may be drawn."
5 *In the Matter of J & S Moving & Storage, Inc.*, 31 BOLI 286, 296 (2012), citing *In the*
6 *Matter of Joseph Francis Sanchez*, 29 BOLI 211, 221 (2007). For example, without
7 contrary evidence, the forum may rely on a Claimant's credible testimony as to the
8 amount of hours worked. See *J & S Moving*, at 296 (relying on Claimant's credible
9 testimony to conclude that he worked nine hours).

10 In this case, Claimant credibly testified that she recorded her hours in her
11 calendar each day that she worked. Respondents offered evidence in an attempt to
12 raise questions as to the accuracy of the number of hours recorded on Claimant's
13 calendar. They claimed that the evidence Claimant submitted was "falsified."
14 Importantly, the accuracy of Claimant's calendar entries were supported by the fact that
15 the calendar contained notations as to her other activities, such as appointments, house
16 sitting obligations, etc. Those notations support her assertion that she regularly made
17 daily notes on her calendar of her activities and that this was not created after-the-fact
18 to support her claim. She also credibly testified that she always "clocked out" when one
19 of the Respondents returned home and she remained on the premises to use their
20 computer.

21 Unlike Claimant, Respondents did not maintain contemporaneous records of the
22 hours worked by Claimant. Their testimony as to her hours worked was essentially
23 based on their pattern of only having her babysit when they were both not home.
24 However, without their own records as to her hours worked, this evidence is not
25 persuasive to overcome the hours Claimant recorded at the time she worked.

1 Moreover, the additional arguments made by Respondents were also not
2 persuasive. Even though Respondents believed that Claimant should not be paid for
3 babysitting their son overnight on December 20-21, 2013, she was entitled to be paid
4 for all work her employer suffered or permitted her to perform on their behalf. See *In*
5 *the Matter of Hey Beautiful Enterprises, Ltd.*, 33 BOLI 189, 202-03 (2014). Additionally,
6 because there was no evidence of a written agreement allowing Respondents to make
7 deductions from Claimant's wages, they could not make her "work off" any amounts
8 allegedly owed to them. See *In the Matter of Petworks, LLC*, 30 BOLI 35, 44 (2008).

9 Accordingly, the forum concludes that Claimant's calendar entries reflect that she
10 worked a total of 73 hours from December 11-21, 2013. When combined with the 17
11 hours all parties agree Claimant worked December 7-10, 2013, the forum concludes
12 that Claimant worked a total of 90 hours as a baby sitter for Respondents.

13
14 **CLAIMANT PERFORMED WORK FOR WHICH SHE WAS NOT PROPERLY**
15 **COMPENSATED**

16 Claimant was not paid for the 73 hours that she worked December 11-21, 2013,
17 and is owed \$365.00 in gross, unpaid wages (73 hours x \$5.00 = \$365.00). The forum,
18 therefore, awards Claimant \$365.00 in unpaid wages.

19 **CLAIMANT IS OWED ORS 652.150 PENALTY WAGES**

20
21 The forum may award penalty wages when a respondent's failure to pay wages
22 was willful. Willfulness does not imply or require blame, malice, or moral delinquency.
23 Rather, a respondent commits an act or omission "willfully" if he or she acts (or fails to
24 act) intentionally, as a free agent, and with knowledge of what is being done or not
25 done. *Sabin v. Willamette Western Corp.*, 276 Or 1083, 557 P2d 1344 (1976).

1 The Agency proved that Claimant was not paid for work performed between
2 December 11-21, 2013. Respondents were under the impression that they did not have
3 to pay Claimant for watching their son overnight as they did not believe they had hired
4 her to babysit, but that she essentially voluntarily agreed to do so. Respondents also
5 believed that they could require Claimant to "work off" the cost of a car rental. As
6 previously stated, these are not permissible reasons for failing to pay wages to an
7 employee. Moreover, the fact that Respondents were ignorant of the law does not
8 excuse them from compliance. See *In the Matter of Susan C. Steves*, 32 BOLI 43, 55
9 (2012). Respondents were aware of Claimant's claim for wages and acted willfully in
10 failing to pay her for 73 hours worked. Therefore, Respondents are liable for ORS
11 652.150 penalty wages.

12 ORS 652.150(1) and (2) provide, in pertinent part:

13 "(1) Except as provided in subsections (2) and (3) of this section, if an
14 employer willfully fails to pay any wages or compensation of any employee
15 whose employment ceases, as provided in ORS 652.140 * * *, then, as a penalty
16 for the nonpayment, the wages or compensation of the employee shall continue
from the due date thereof at the same hourly rate for eight hours per day until
paid or until action therefor is commenced.

17 "(2) If the employee or a person on behalf of the employee sends a written
18 notice of nonpayment, the penalty may not exceed 100 percent of the
19 employee's unpaid wages or compensation unless the employer fails to pay the
20 full amount of the employee's unpaid wages or compensation within 12 days
after receiving the written notice. If the employee or a person on behalf of the
employee fails to send the written notice, the penalty may not exceed 100
percent of the employee's unpaid wages or compensation. * * *"

21 The Agency provided documentary and testimonial evidence that, on January 30, 2014,
22 and May 7, 2014, its investigative staff made the written demand contemplated by ORS
23 652.150(2) for Claimant's wages. The Agency's OOD, issued on May 15, 2014,
24 repeated this demand. Because Respondents failed to pay Claimant her unpaid wages
25

1 after receiving the notices, the forum computes penalty wages at the maximum rate set
2 out in ORS 652.150(1) (\$5.00 per hour x 8 hours x 30 days = \$1,200.00).

3 4 **RESPONDENTS' EXCEPTIONS**

5 Respondents' exceptions to the Proposed Order are summarized below:

- 6 1. Respondents question why there are two different amounts of alleged wages
7 owed to Claimant reflected on pages 5 and 6 of the Proposed Order.
- 8 2. Respondents dispute the number of hours worked by Claimant, and reference
9 Respondents' personal time records from their jobs to show that she was not
10 working when they were at home. Respondents further disagree with the date
11 that Claimant claimed the overnight babysitting job ended, asserting that it was
12 incorrect because December 21, 2015, was their son's birthday.
- 13 3. Respondents cite two letters from other people about Claimant to prove that
14 "she's not an honest person."
- 15 4. Respondents refer to a settlement offer that Claimant allegedly turned down.

16 The forum rejects all of the exceptions because they were not timely filed. The
17 Proposed Order was issued on April 15, 2015. Any exceptions to the Proposed Order
18 were due 10 days later. Since the tenth day, April 25, 2015, fell on a Saturday,
19 Respondents had until Monday, April 27, 2015, to file any exceptions. The exceptions
20 were filed one day later on April 28, 2015. Respondents did not file a motion prior to
21 that date seeking an extension. Moreover, although Respondents asserted that it was
22 difficult to "get up here" (from their home in Salem to Portland), the exceptions could
23 have been filed by mail. Thus, there was no demonstration of "good cause" for an
24 extension of time. See *In the Matter of Green Thumb Landscape and Maintenance*,

1 *Inc.*, 32 BOLI 185, 189 (2013) (failure to follow written directions in the Proposed
2 Order's "Exception Notice" did not constitute "good cause" for granting an extension).

3 Even if the exceptions could be considered as timely filed, the exceptions are
4 rejected by the forum for the reasons set forth below.

5 Exception No. 1 asked why there were different amounts allegedly owed on
6 pages 5 and 6 of the Proposed Order. The amount on page 5 was a Finding of Fact
7 and the amount on page 6 recited what was written on the initial Notice of Wage Claim.
8 Because the amount in the Finding of Fact on page 5 was based on the credible
9 evidence presented at hearing, it is not significant that the amount differed from the
10 initial wage claim.

11 Exception No. 2 is rejected because, as stated above, the forum credited
12 Claimant's credible testimony that she contemporaneously recorded her hours worked
13 in her personal calendar. Additionally, Respondents admitted that Ms. Foltz was not
14 paid for the overnight babysitting, but simply dispute the date it occurred because it was
15 their son's birthday. However, there was no evidence presented at hearing regarding
16 that alleged fact.

17 The letters referenced in Exception No. 3 were marked as Exhibits R5 and R6.
18 Respondents agreed on the record that they were withdrawing those exhibits and would
19 not be introducing them into evidence.

20 The alleged settlement offer discussed in Exception 4 is not admissible as
21 evidence under Oregon's Evidence Code. See OEC 408.

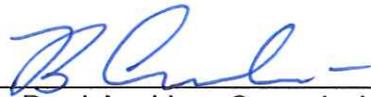
22 ORDER

23 NOW, THEREFORE, as authorized by ORS 652.140(2), ORS 652.150, and ORS
24 652.332, and as payment of the unpaid wages and penalty wages, the Commissioner of
25 the Bureau of Labor and Industries hereby orders Respondents **Christopher and**

1 **Christina Stahler** to deliver to the Administrative Prosecution Unit of the Bureau of
2 Labor and Industries, 1045 State Office Building, 800 NE Oregon Street, Portland,
3 Oregon 97232-2180, the following:

4 A certified check payable to the Bureau of Labor and Industries in trust for
5 Claimant **Patricia Foltz** in the amount of **ONE THOUSAND FIVE**
6 **HUNDRED AND SIXTY FIVE DOLLARS (\$1,565.00)**, less appropriate
7 lawful deductions, representing **\$365.00** in gross earned, unpaid, due and
8 payable wages, plus interest at the legal rate on that sum from January 1,
2014, until paid; and **\$1,200.00** in ORS 652.150 penalty wages, plus
interest at the legal rate on that sum from February 1, 2014, until paid.

9 DATED this 14 day of May, 2015.

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12 _____
13 Brad Avakian, Commissioner
14 Bureau of Labor and Industries

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16 ISSUED ON May 15th, 2015