

DEPARTMENT OF JUSTICE GENERAL COUNSEL DIVISION

January 21, 2016

Paul Loney-Registered Agent Oregon Green Organics, LLC 3430 SE Belmont Ste. 101 Portland, OR 97214

Oregon Green Organics, LLC 14845 SE Murray Schools Dr. Ste. 110 Beaverton, OR 97007

Re: Violation of Oregon Utility Notification Center Rules DOJ File No.: 860501-GB0756-15 / Docket No.: NC 344

PLEASE READ ALL DOCUMENTS CAREFULLY – DIRECT ALL CORRESPONDENCE TO THE PUBLIC UTILITY COMMISSION OF OREGON

On November 30, 2015, a representative from your company met with the Oregon Utility Notification Center (OUNC) Enforcement Committee to discuss an alleged rule violation. At that meeting, an agreement was reached regarding penalties for the violation.

Enclosed are two sets of documents that contain a Complaint and a Stipulation. The Complaint serves as a formal notice to you of the violation you were charged with and requires that you Answer the allegation. Because you already reached an agreement with the OUNC Committee, you do not need to submit an Answer. Instead, you need only sign and return the enclosed Stipulation in order to answer the Complaint. If you had not reached an agreement with the OUNC Committee, filing an Answer would be your opportunity to admit or deny the allegation and, if denied, to ask for a formal hearing.

The Stipulation sets forth the terms and conditions of the agreement you reached with the OUNC Committee. To finalize the settlement, you must sign the original Stipulation and mail it within 20 days of the date of this letter to:

Public Utility Commission of Oregon Administrative Hearings Division 201 High St. SE, Ste. 100 PO Box 1088 Salem OR 97308-1088 Oregon Green Organics, LLC January 21, 2016 Page 2

You do not need to make payment, if any is due, until the Commission has approved the Stipulation. The Commission should issue an order adopting the Stipulation within 30 days of its receipt. Please retain the extra copy of the Stipulation for your files.

If for some reason you no longer agree to the terms of the Stipulation, you MUST FILE AN ANSWER TO THE COMPLAINT, admitting or denying the allegation.

If there is a discrepancy between the formal Stipulation and the agreement reached at the meeting that causes you concern, please contact Kevin Hennessy at (503) 378-6115.

Sincerely,

Johanna M. Riemenschneider Senior Assistant Attorney General **Business Activities Section**

JMR:mxg/#7058485 Enclosures

1	BEFORE THE PUBLIC UTILITY COMMISSION	
2	OF OREGON	
3	NC 344	
4	PUBLIC UTILITY COMMISSION OF	
5	OREGON,	
6	Complainant,	COMPLAINT
7	V.	
8	OREGON GREEN ORGANICS, LLC (An Oregon Limited Liability Company)	
9	Defendant.	
10		
11	1.	
12	This proceeding is initiated by the Public Utility Commission of Oregon (hereinafter	
13	"Commission") to determine whether civil monetary penalties should be assessed as provided in	
14	ORS 757.993. The Commission maintains its offices at:	
15	201 High Street SE, P.O. Box 1088, Salem, Oregon, 97308-1088.	
16	2.	
1 7	At all times herein relevant, Defendant was doing business in this state.	
18	3.	
19	Under ORS 757.993, the Commission has discretion to seek penalties for violations of	
20	rules adopted by the Oregon Utility Notification Center (OUNC).	
21		4.
22	Under ORS 757.552, OUNC has adopted rules that prescribe requirements for	
23	notification to OUNC of excavation activity and	I marking of underground facilities for the
24	purpose of preventing damage to such facilities.	"Excavation" and other relevant definitions are
25	contained in OAR 952-001-0010.	
26	///	

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1	5.	
2	OUNC adopted OAR 952-001-0050, which was in effect at all times herein relevant. The	
3	rule provides in relevant part:	
4	(1) [A]t least two (2) business days, but not more than ten (10)	
5	business days before commencing an excavation, the excavator shall notify the Oregon Utility Notification Center of the date and location of the proposed excavation, and the type of work to be performed.	
6		
7	6.	
8	Sometime prior to September 30, 2015, Defendant violated OAR 952-001-0050 in that	
9	Defendant failed to notify the Oregon Utility Notification Center of a proposed excavation	
10	before commencing an excavation near 26940 SW Grahams Ferry Rd., Sherwood, Oregon.	
11	7.	
12	ORS 757.993 provides, in relevant part, that:	
13		
14	any rule of the Oregon Utility Notification Center shall incur a penalty of not more than \$1,000 for the first violation and not more than \$5,000 for each	
15	subsequent violation."	
16	8.	
17	Defendant has not violated OUNC rules in the past.	
18	9.	
19	WHEREFORE, the Commission directs Defendant to file a verified answer to this	
20	Complaint within twenty (20) days from the date this Complaint is mailed to Defendant.	
21	If no verified answer or other written appearance raising a question of fact or law is filed	
22	with the Commission at its office in Salem, Oregon, within the 20-day period, the	
	allegations of the Complaint are deemed admitted, and a penalty will be imposed in the	
23		
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25	///	
26	///	
Page		
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Ĩ.	amount of \$1,000 for each violation alleged, for	r a total of \$1,000.
2		
3	DATED this 21 day of January, 2016.	
4		Respectfully submitted,
5		ELLEN F. ROSENBLUM
6		Attorney General
7		Johan Pouria
8		Johanna M. Riemenschneider, #990083 Senior Assistant Attorney General Of Attorneys for the Public Utility Commission
9	×	Of Attorneys for the Public Utility Commission of Oregon
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Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 947-4342 / Fax: (503) 378-3784

1	BEFORE THE PUBLIC	UTILITY COMMISSION
2	OF OREGON	
3	NC 344	
4	PUBLIC UTILITY COMMISSION OF OREGON,	
5	Complainant,	STIPULATION FOR ENTRY OF ORDER
6	V.	
7 8	OREGON GREEN ORGANICS, LLC (An Oregon Limited Liability Company)	
9	Defendant.	
10	The Public Utility Commission of Oreg	on, appearing by and through Johanna M.
11	Riemenschneider, Assistant Attorney General,	and Oregon Green Organics, LLC., the Defendant
12	herein, hereby stipulate as follows:	
13	1.	
14	A Complaint in this case is pending bef	ore the Commission charging the Defendant with
15	one violation of law, OAR 952-001-0050.	
16	2.	
17	Both parties to this proceeding are willi	ng to forego further processing of that Complaint
18	and further are willing to resolve this matter on the basis of this Stipulation.	
19	3.	
20	The Defendant admits that the violation	was committed as alleged in the Complaint and
21	is willing for the Commission to enter an order finding that the violation was committed as	
22	alleged in the Complaint.	
23	111	
24	///	
25	///	
26	///	
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	Denar	tment of Justice

Department of Justice 1162 Court Street NE Salem, OR 97301-4096 (503) 947-4342 / Fax: (503) 378-3784

1		4.
2	T	he parties further agree that the Commission may enter an order assessing civil
3	monetary	penalties against Defendant in the amount of \$1,000 under the following terms and
4	condition	s:
5	А	. Defendant must sign and return this Stipulation within 20 days of the date it was
6		served upon (mailed to) Defendant.
7	В	. Payment of the penalties (\$1,000) will be suspended and no further penalties will be
8		imposed for the violation alleged in the Complaint unless Defendant fails to comply
9		with all of the terms of this Stipulation and all of the rules adopted by the Oregon
10		Utility Notification Center (OUNC) under ORS 757.552 for a one-year period
11		following the date of the Commission's entry of an order.
12	C	Defendant must contact the OUNC Speakers Bureau online at
13		www.digsafelyoregon.com or by calling (503) 232-1987 to arrange for and attend a
14		training session on Oregon excavation laws within 45 days following the entry of the
15		Commission's order.
16	D	. In the event that Complainant contends that Defendant has not complied with all of
17		the terms of this Stipulation and all OUNC rules for that one-year period,
18		Complainant may reopen this proceeding and petition for imposition of all or a
19		portion of the suspended penalties. In such case, Defendant is entitled to a hearing
20		and to be notified of the basis upon which Complainant contends that compliance has
21		not occurred.
22	E.	Complainant's failure to enforce any provision of this Stipulation, or decision to
23		waive any violation or nonperformance of this Stipulation in one instance, will not
24		constitute a waiver by the Complainant of that provision, any other provision, or any
25		other violation or nonperformance in another instance.
26	111	

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1	5.	
2	This Stipulation is conditioned upon final approval of its terms by the Commission.	If
3	the Stipulation is not accepted in its entirety, it is deemed withdrawn.	
4		
5	DATED this 21 day of January, 2016.	
6		
7	Johanna Mienenden #000082	
8	Johanna M. Riemenschneider, #990083 Senior Assistant Attorney General	
9	Of Attorneys for the Public Utility Commiss of Oregon	ion
10		
11	DATED this day of, 2016.	
12	8	
13	Defendant / Representative (signature)	
14	90	
15	(Print Name)	
16	(1 mit (vanic)	
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26 Page 3	- STIPULATION FOR ENTRY OF ORDER (NC 344) JMR:mxg/#7058485	

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