

STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION  
BUREAU OF INSURANCE

**IN RE:**

**MÄRGEN SOLIMAN, D/B/A  
MUG BUDDY COOKIES INC.**

Petitioner,

v.

**MAINE EMPLOYERS' MUTUAL  
INSURANCE COMPANY**

and

**NATIONAL COUNCIL ON  
COMPENSATION INSURANCE**

Respondents.

**Docket No. INS-19-100**

**DECISION AND ORDER**

This matter came before the Bureau of Insurance ("Bureau") pursuant to 24-A M.R.S. §2320(2) and involves an appeal taken by Mug Buddy Cookies Inc. ("Mug Buddy") from an adverse Notice of Decision issued by the National Council on Compensation Insurance ("NCCI") Maine Workers' Compensation Appeals Board ("Board") on May 10, 2019. The Notice of Decision affirmed the assignment by Maine Employers' Mutual Insurance Company ("MEMIC") of NCCI Classification Code 2003 to Mug Buddy's payroll and operations.

In accordance with the provisions of the Maine Administrative Procedure Act (5 M.R.S. chapter 375, subchapter IV), 24-A M.R.S. §§229-236, and Bureau of Insurance Rule Chapter 350, the Bureau held an adjudicatory hearing on August 21, 2019 with Charles E. Henshall presiding as designated hearing officer. *See* 24-A M.R.S. §210. Mug Buddy appeared through and was represented by its President, Märgen Soliman. MEMIC appeared through and was represented by Karen Schwartz, Vice President, Underwriting Compliance, and Daniel Montembeau, Director of Premium Audit. NCCI participated via telephone and was represented by Victoria Dorsey, Managing Attorney, Legal Division, and Attorney Harold Pachios.

Mug Buddy and MEMIC offered fifteen (15) and seventeen (17) items of documentary evidence, respectively, for inclusion in the record. In addition, Mug Buddy offered several items of videotape evidence. All proposed exhibits were admitted without objection. Both Mug Buddy and MEMIC presented lay and expert witness testimony and submitted statements outlining their respective positions on the pertinent issues post-hearing. Ms. Soliman, Ms. Brooke Carr, a company employee, and Mr. Matthew Roper, a marine insurance underwriting manager, testified on behalf of Mug Buddy. Ms. Schwartz, Mr. Montembeau and Ms. Veruschka Zachtshinsky, an NCCI Regulatory Operations specialist, testified on behalf of MEMIC. NCCI did not offer any

documentary or testimonial evidence. The hearing record remained open until September 3, 2019, the date on which the Bureau received Mug Buddy's final exhibits and brief.

### ISSUE

Whether MEMIC properly assigned NCCI Classification Code 2003 to Mug Buddy's business.

### SUMMARY OF POSITIONS

Mug Buddy contends that Classification Code 6504 best describes its business. In the alternative, Mug Buddy asserts that Code 2003 should only apply to its employees who perform baking work and that Code 6504 should apply to all of its other employees.

MEMIC argues that its assignment of Classification Code 2003 to Mug Buddy's business is correct, and that Mug Buddy's operations do not warrant the assignment of a second basic classification.

### FINDINGS OF FACT

After considering the hearing testimony, exhibits and the parties' respective arguments, the Bureau finds that:

1. Mug Buddy is a small cookie manufacturing business that began operations in Maine in 2015. Its signature product is a specially designed, 3-dimensional edible structure composed of cookies that are baked, decorated, assembled and packaged on-site at the company's production facility. The 3-D structures can depict a wide variety of objects, figures, shapes and forms.
2. Mug Buddy is a seasonal business that generally operates from July through December. Approximately 80% of the company's annual production volume is attributable to large orders from corporate customers like Williams Sonoma and Stonewall Kitchen.
3. When in operation, Mug Buddy employs and documents for payroll purposes a supervisor and five (5) other distinct types of seasonal, part-time workers – bakers, decorators, assemblers, packagers and cleaners. Ms. Soliman, the founder, owner and president of the company, occupies the role of supervisor.
4. Individuals employed as bakers by Mug Buddy work exclusively in that capacity; they are not cross-trained or expected to perform any other duties. Individuals employed as decorators or icing artists do not bake, but are cross-trained to also perform assembly and packaging work.
5. Baking activity accounts for approximately ten percent (10%) of Mug Buddy's operations, while decorating activity accounts for more than fifty percent (50%) of its operations.
6. The production facility used by Mug Buddy consists of several separated, task-specific rooms/spaces that are adjacent to, connected with and accessible from each other. Cookie preparation, baking and cooling are done in the kitchen; the application of icing and the creation of the 3-D structures occur in the decorating room; and the finished inventory is

packaged and boxed in the packaging room. There are also reception and storage areas, as well as a bathroom.

7. NCCI is the advisory organization designated by the Maine Superintendent of Insurance to develop, implement and administer the state's uniform workers' compensation classification system.
8. MEMIC is an insurer licensed to provide workers' compensation insurance coverage to Maine businesses. As a member of NCCI, MEMIC is required to abide by its classification rules and guidelines.
9. In October of 2015, Mug Buddy obtained a policy of workers' compensation insurance (#1810109241) through MEMIC. Based on information furnished by the insurance agent for Mug Buddy and included on the coverage application, MEMIC assigned NCCI Classification Code 6504 (Food Product Manufacturing NOC) to the business for the policy period 10/02/15 to 10/02/16. The estimated total payroll amount subject to premium assessment for the first year of the new policy was \$92,000.
10. In October of 2016, MEMIC renewed workers' compensation policy #1810109241 for the period 10/02/16 to 10/02/17. The annual premium for the policy was determined based on a projected total payroll exposure amount of \$30,000.
11. In January of 2017, MEMIC initiated a premium audit for the 2015-16 policy term. As a result of the audit, which confirmed employee activity involving the baking, decorating, assembly and packaging of cookies and revealed a total payroll exposure amount of \$111,471, MEMIC issued an endorsement to the policy for the then-current term (2016-17) changing the NCCI Classification Code for Mug Buddy from Code 6504 to Code 2003 (Bakery – Salespersons and Drivers). The then-current rates for Codes 6504 and 2003 were \$6.31 and \$10.14, respectively.
12. In March of 2018, MEMIC initiated a premium audit for the 2016-17 policy term. The audit revealed a total payroll exposure amount of \$163,974 and a corresponding premium amount of \$16,645. MEMIC notified Mug Buddy in May of 2018 that the company owed an additional \$11,911 in premium for the policy year.
13. In June of 2018, Mug Buddy contacted the Regulatory Assurance Division at NCCI to dispute the results of premium audits performed by MEMIC on workers' compensation policies covering the periods 10/2/16 - 10/2/17, 10/2/17 - 2/17/18 and 3/14/18 - 3/14/19 and, specifically, the classification code (2003) assigned by MEMIC to its business operations.
14. On May 1, 2019, the Board convened to consider information provided by both Mug Buddy and MEMIC in connection with the dispute filed by the company. In a written decision dated May 10, 2019, the Board concluded that "Code 2003 is the classification that best describes Mug Buddy's operations."
15. Mug Buddy filed a timely appeal of the Board's decision with the Maine Bureau of Insurance on June 5, 2019.

## DISCUSSION AND CONCLUSIONS OF LAW

### Introduction

Section 2382-B(1) of the Maine Insurance Code requires workers' compensation insurers to "adhere to a uniform classification system and uniform experience rating plan filed with the superintendent by an advisory organization designated by the superintendent." 24-A M.R.S. § 2382B(1). This system reflects two important goals. First, each insured should pay an amount of premium that matches its risk exposure. Second, insureds engaged in the same types of business activities should pay premium based on the same rates. Each workers' compensation insurer is also required to "be a member or subscriber of the [designated] workers' compensation advisory organization." 24-A M.R.S. §2382-B(4). In addition, both insurers and rating organizations must provide a "reasonable means whereby any person aggrieved by the application of its rating system may be heard ... to review the manner in which such rating system has been applied in connection with the insurance afforded that person." 24-A M.R.S. §2320(2).

In Maine, the designated workers' compensation advisory organization is NCCI. Under Section 9058 of the Maine Administrative Procedure Act, 5 M.R.S. §9058, the Bureau is permitted to take official notice of the contents of both the NCCI Basic Manual ("Basic Manual"), filed by NCCI pursuant to 24-A M.R.S. §2382-B(3), and the NCCI Scopes Manual ("Scopes Manual"), which contains more detailed descriptions of the various classification codes. These manuals, to the extent that their provisions have been approved by the Superintendent, have the same legal effect as rules adopted by the Superintendent. *Imagineering, Inc. v. Superintendent of Insurance*, 593 A.2d 1050, 1052 (Me. 1991). To properly address the issues presented for resolution in this case, the Bureau takes official notice of Basic Manual Rules 1-A, 1-B, 1-C and 1-D, and the Scopes Manual descriptions for Classification Codes 2003 and 6504.

The threshold issue in this case is whether NCCI Classification Code 2003 (Bakery – Salespersons & Drivers) or NCCI Classification Code 6504 (Food Products Mfg. NOC) is the proper classification for Mug Buddy's business. As no other classification has been invoked by either Mug Buddy or MEMIC as potentially appropriate since the subject dispute arose, the Bureau deems it unnecessary to explore on its own initiative any alternative(s). As a result, there are three possible outcomes: (1) Code 2003 applies exclusively to the business; (2) Code 6504 applies exclusively to the business; or (3) Code 2003 applies to one part or segment of the business and Code 6504 applies to the other part or segment of the business. The Board, as noted previously, determined in the decision from which this appeal is taken that Code 2003 best describes the business. For the reasons that follow, the Bureau reaches the same conclusion.

### Discussion

#### A. Applicable Rules and Code Descriptions

According to Basic Manual Rule 1-D, "[t]he purpose of the [NCCI] classification procedure is to assign the one basic classification that best describes the business of the employer." (emphasis added). Code 2003 and Code 6504 are Basic Classifications, which means that they "describe the business of the employer." Basic Manual Rule 1-B. Basic classifications do not apply to "separate [or individual] employments, occupations or operations within the business." Basic Manual Rules 1-A and 1-D. In situations where no basic classification describes the business, "the classification

that most closely describes the business must be assigned.” Basic Manual Rule 1-D-2 (emphasis added). A basic classification that contains the term NOC (Not Otherwise Classified) “applies only if no other classification more specifically describes the ... business. Basic Manual Rule 1-C-g (emphasis added).

The Scopes Manual describes Classification Code 2003 in part, as follows:

Code 2003 is applicable to baking or frying baked goods, cookies and crackers, and cooked or uncooked frozen bakery items, such as but not limited to, those products listed in the phraseology. This class includes all sizes of bakeries, from the large commercial type to the small neighborhood bakery. Code 2003 additionally includes the manufacture of pizza crust that has been prepared using a baking process.

Heavy mechanical equipment for dough mixing, bread slicing and wrapping is utilized by the commercial bakery, while at the smaller bakery much of the work may be done by hand. Code 2003 includes salespersons and drivers.

Baking operations conducted in connection with other operations such as a supermarket are classified in accordance with Basic Manual rules.

As to the specific types of items or products contemplated and/or covered by Code 2003, the Scopes Manual further provides, in part, that:

Code 2003 is assigned to the manufacture of three categories of bakery items: baked goods, cookies and crackers, and cooked or uncooked frozen items. Baked goods include, but are not limited to, bread, bagels, cake, sweet yeast goods (doughnuts and sweet rolls), pies, pizza dough, and tortillas (corn or flour). Cookies and crackers include, but are not limited to, toaster pastries, ice cream cones, wafers, matzoth, and soft pretzels. Cooked or uncooked frozen bakery items include, but are not limited to, frozen pies, sweet yeast goods, bread, cookie or pizza dough, and pastries.

The Scopes Manual describes Classification Code 6504 in part, as follows:

Code 6504 applies to a wide variety of foodstuff manufacturing that is not otherwise classified (NOC). It is a heterogeneous class, the scope of which may be measured in part by its phraseology. The class is not restricted to the particular products specified in its phraseology or this scope and includes simple preparation or packaging of already manufactured products. Please refer to the schedule at the end of this scope for a representative listing of types of food product manufacturing not included in Code 6504. There can be wet mixing, dry grinding, cooking and blending operations. Some examples of products prepared by utilizing any one or more of these operations are catsup (or ketchup), mustard, mayonnaise, salad dressings, tartar sauce, spaghetti or tomato sauces, and chili con carne. The canning, bottling or packaging of the products fall within the scope of Code 6504.

Additionally, the following specific operations are properly assignable to Code 6504: dehydrating eggs; dehydrating coffee or tea; gelatin manufacturing as a refined food product (classify gelatin manufacturing for non-food purposes to Code 4653); melba toast

manufacturing (no baking of bread); peanut butter manufacturing; and malted milk manufacturing from powdered milk, sugar, malt and cocoa (classify malted milk manufacturing from raw milk including dehydration to Code 2065).

Code 6504 has also been assigned to insureds that manufacture or process imitation dairy products such as creams, whipped toppings and sour creams.

For Code 6504, the Scopes Manual clearly states that operations “designated as ‘not otherwise classified’ (NOC) ... shall apply to an insured only when no other classification more specifically describes the insured's operations,” and provides “a representative list of operations somewhat related in nature to Code 6504 operations that are not assigned to Code 6504.” An operation to which Code 2003 would be applicable is identified among the operations on that list.

### **B. Mug Buddy Primary Argument #1**

Mug Buddy’s core position – that Code 6504 is the applicable classification – is premised on three basic arguments, each of which seeks to expose as misguided the rationale underlying MEMIC’s selection of Code 2003 for the business. The first argument, which is rooted in the company’s interpretation of the relevant provisions in the Basic Manual and Scopes Manual, asserts that the assignment of Code 2003 to Mug Buddy’s business is wrong because Mug Buddy is not a “traditional” bakery. The second argument posits that the assignment of Code 2003 is inappropriate because the classification determination and premium audit processes employed by MEMIC are inherently subjective and unfair. The third argument maintains that the assignment of Code 2003 is improper because the workplace risk environment it contemplates is incompatible with a Maine Department of Labor action approving Mug Buddy’s employment of minors.

Mug Buddy contends that the assignment of Code 2003 to its business is not appropriate because: (a) the classification only applies to “traditional” bakeries, and (b) Mug Buddy does not qualify as such a business. This argument is flawed. It reflects an overly narrow interpretation of the Code 2003 phraseology. There is nothing in the language to indicate, let alone suggest, that the scope of the classification is limited to “traditional” bakeries. The Code 2003 phraseology is inclusive, not exclusive. It envisions a scope of application far more expansive than what Mug Buddy espouses. To the extent that it appears in the Code 2003 phraseology, the term “bakery” is an illustrative example of a “baking operation” that manufactures a product that falls into one of three enumerated “categories of bakery items.” In the Bureau’s estimation, Code 2003 is clearly assignable to both “traditional” bakeries and “non-traditional” baking establishments.

Mug Buddy claims that it does not qualify as a “traditional” bakery because: (a) its products, while edible, more aptly qualify as works of art; (b) the role of baking, expressed as a percentage of the overall work performed in the business, is relatively minimal; (c) the nature of the work performed in the business is unique and does not correlate well with bakery operations; and (d) the risk exposures associated with its various operations are markedly different from those encountered in a conventional bakery setting. Of the several cited characteristics, the only one that is even relevant to the issue of whether Code 2003 or Code 6504 best describes Mug Buddy’s business is the one that focuses on the nature of the work performed. That particular characteristic, as well as the others, is discussed in greater detail below.

In the final analysis, Mug Buddy's failure to acknowledge that Code 2003 phraseology specifically limiting the classification to "traditional" bakeries does not exist effectively undermines its attempt to persuade the Bureau to rule out that classification in favor of Code 6504.

The descriptive phraseology for Code 2003 in the Scopes Manual touches on issues of both size and scope. Regarding the former, it states that "this class includes all sizes of bakeries, from the large commercial type to the small neighborhood bakery." Regarding the latter, it notes that "Code 2003 is assigned to the manufacture of three categories of bakery items: baked goods, cookies and crackers, and cooked or uncooked frozen items," and that "Heavy mechanical equipment for dough mixing, bread slicing and wrapping is utilized by the commercial bakery, while at the smaller bakery much of the work may be done by hand." Based on the sum total of this language, it is entirely reasonable to characterize Mug Buddy's business as "a small neighborhood bakery that manufactures hand-crafted cookies."

Regarding the several business-defining characteristics identified by Mug Buddy in support of its challenge to the applicability of Code 2003, the Bureau notes at the outset that there is no language in the Scopes Manual that differentiates an edible item from one that is not suitable for consumption. In the context of Code 2003, whether the product is best described as an edible cookie or an artistic 3-dimensional structure is not a relevant consideration. The bottom line is that it is a baked good or the product of a baking process. Similarly, there is nothing in the Code 2003 phraseology to suggest that the amount of time devoted to the baking of an item, as compared to the amount of time devoted to the decoration of the item, is a determinative factor in the classification process. Like Mug Buddy, virtually all businesses that produce baked products separate and integrate different skill-based processes. The amount of time associated with each process is invariably dictated by the character of the end product. For a bakery that produces a raw, unfinished product that is directly packaged or outsourced for customization or enhancement, the baking process would likely be most prevalent from a time standpoint. On the other hand, for a bakery that produces a finished, novelty item, the decorating process would likely represent the largest investment of time. Finally, the Code 2003 phraseology does not invite consideration of a business' claims or loss record in the classification assignment process. An employer's workplace safety record is reflected in its workers' compensation insurance premium, not in its classification. To its credit, Mug Buddy has not had any workplace injuries since commencing operations in 2015, but its assertion that such an exemplary safety record is indicative of the risk exposures it faces as a business is misplaced. The baking process, large or small, carries with it certain recognized risks, among them burn, laceration, musculoskeletal and repetitive use injuries. Those risks can be minimized through employer vigilance, but never eliminated to the point of being non-existent.

Code 6504's phraseology does not support Mug Buddy's contention that its operational emphasis on cookie decorating, as opposed to cookie baking, overrides consideration of Code 2003 and makes Code 6504 the more appropriate classification for its business. For Code 6504, the Scopes Manual makes clear that a business or operation can be assigned an NOC (not otherwise classified) code only if "no other classification more specifically describes the [business or] operation." Here, the facts establish that Code 2003 is a much better match for Mug Buddy's business than Code 6504. Mug Buddy's final product, whether labeled a baked good or cookie, is specifically identified in the Code 2003 phraseology and its manual, labor-intensive process of

decoration and assembly is also contemplated under the classification. It is also important to note that the Code 6504 phraseology expressly states that Code 6504 is not assignable to certain types of “food product manufacturing” that are “somewhat related in nature to Code 6504 operations.” Operations classified under Code 2003 are identified on the “representative list of operations” affected by this prohibition.

**C. Mug Buddy Primary Argument #2**

The second and third arguments advanced by Mug Buddy to justify assignment of Code 6504 to its business lack merit and find no support whatsoever in the Basic Manual. As to the second argument, the Basic Manual does not address how insurer misconduct and/or administrative improprieties of the type alleged by Mug Buddy (lack of information and decision-making transparency, deceptive and misleading communications) impact the legitimacy of the classification assignment process. The Basic Manual does, however, implicitly recognize that any classification determination made by a workers’ compensation insurer will likely involve some degree of subjectivity.

**D. Mug Buddy Primary Argument #3**

With respect to the third argument, made by Ms. Soliman during her testimony and reiterated in her written closing statement, the Basic Manual does not identify an agency action of the type highlighted by Mug Buddy as a factor that might justify selection or, in this instance, avoidance of a particular classification. According to Mug Buddy, the fact that the business has been approved by the Maine Department of Labor to employ minors effectively invalidates MEMIC’s assignment of Code 2003 and mandates the assignment of Code 6504 “because the ... Department of Labor prohibits minors from working in bakeries, kitchens, or food manufacturing where risk of injury due to burns or sharp implements is present.” The flaw in the argument has to do with the timing of the agency action vis-à-vis the classification assignment. From Mug Buddy’s perspective, an operating bakery properly classified under Code 2003 could obtain a lower workers’ compensation rating under Code 6504 and realize significant future premium savings simply by securing permission to employ minors. Conversely, under Mug Buddy’s reasoning, an operating bakery erroneously classified under Code 6504 could escape reclassification to Code 2003, avoid a higher rating moving forward and insulate itself from liability for payment of an audited premium shortfall by following the same course. Neither scenario would seem to comport with the intent of prevailing workers’ compensation insurance law.

**E. Mug Buddy Secondary Argument**

On the issue of whether Mug Buddy’s business warrants the assignment of two basic classifications, the operative rule is Rule 1-D-3. The rule states that “more than one basic classification may be assigned to an employer that meets [one of three] conditions.” Of the three enumerated conditions, only one is conceivably applicable to Mug Buddy’s business. That condition is spelled out in Rule 1-D-3-c and pertains to an employer/insured that “conducts more than one operation in a state.” The term “operation,” as contemplated by the rule, encompasses “activities, enterprises, processes, secondary businesses or undertakings.”

The question raised at the outset by Rule 1-D-3-c is whether Mug Buddy is conducting more than one operation in Maine. Under the rule, such a situation arises “if portions of the insured’s



operations in th[e] state are not encompassed by the classification applicable to the insured's principal business." Mug Buddy contends that its business comprises multiple operations, with the primary line of demarcation drawn between employees who perform baking work and those who perform decorating and assembly work, and that the latter employees are engaged in an operation not properly covered by Code 2003. In addition, Mug Buddy contends that its decorating operation can, and periodically does, exist on its own. MEMIC, for its part, disputes the notion that Mug Buddy conducts more than one operation in the state. In defense of its position, MEMIC cites language in Rule 1-D which states that "each classification includes all the various types of labor found in a business" and that "[i]t is the business that is classified, not the individual employments, occupations or operations within the business."

While the payroll records submitted by Mug Buddy make clear that the business employs several distinct types of task-specific workers and involves several distinct "processes," notably baking and decorating, the Bureau is not convinced that the processes or operations are sufficiently independent or stand-alone to satisfy the threshold condition set out in Rule 1-D-3-c. To the extent that it includes terms like "principal business," "secondary business" and "additional operation," the rule seems to envision situations where the organizational structure is vertical in nature. Mug Buddy's business involves a horizontal series of interrelated operations. As such, its characterization of the baking process as "ancillary" is difficult to comprehend. The baking process is the indispensable component of the business. As Mug Buddy is currently configured, the decorating and assembly processes do not exist in the absence of the baking process and vice versa. They are inextricably linked. Baked products are the critical "raw materials" that are transformed into artistic edible treats during the decorating and assembly processes. Mug Buddy is not, in the Bureau's opinion, conducting more than one classifiable operation within the meaning of Rule 1-D-3-c.

Had the Bureau come to a different result and determined that Mug Buddy does conduct more than one operation in the state, the additional conditions set out in Rule 1-D-3-c would have undermined Mug Buddy's assertion that its decorating operation warrants assignment of a classification (Code 6504) other than Code 2003. In particular, Mug Buddy cannot comply with the safety-related mandate that the additional operation (decorating) "be located in a separate building, or on a separate floor in the same building, or on the same floor physically separated from the principal business by structural partitions." In Mug Buddy's production facility, which is located on a single floor, the various operations are performed in separate rooms/spaces that are adjacent to, connected with and accessible from one another. Baking employees routinely transport cooled product from the kitchen to the decorating room and all employees must pass through an area of the kitchen to utilize the bathroom and/or hand-washing station. Given this layout, Mug Buddy's decorating employees clearly are, as MEMIC currently points out, exposed to the operative hazards of the business.

Because Mug Buddy cannot demonstrate that it is conducting more than one operation in Maine, the Bureau is compelled to find that Rule 1-D-3-c precludes the assignment of two basic classifications – one (Code 2003) for baking employees and one (Code 6504) for decorating employees – to its business.

**F. Conclusion**

In summary, Mug Buddy has not shown that MEMIC erred in assigning Code 2003 to its business. As between Code 2003 and Code 6504, the former is the one that “best describes” Mug Buddy’s business.


**ORDER AND NOTICE OF APPEAL RIGHTS**

Mug Buddy’s appeal is hereby **DENIED**.

This Decision and Order is a final agency action within the meaning of the Maine Administrative Procedure Act. Any party may appeal this Decision and Order to the Superior Court as provided by 24-A M.R.S. §236, 5 M.R.S. §11001, et seq. and M.R.Civ.P. 80C. Any such party must initiate an appeal within thirty days after receiving this notice. Any aggrieved nonparty whose interests are substantially and directly affected by this Decision and Order may initiate an appeal within forty days after the issuance of this Decision and Order. There is no automatic stay pending appeal; applications for stay may be made as provided in 5 M.R.S.A. §11004.

**PER ORDER OF THE SUPERINTENDENT OF INSURANCE**

DATED: October 2, 2019

By:   
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Charles E. Henshall  
Hearing Officer