

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON

In re:	2022-001-WPA
ZAIN MEDICAL CENTER, Sami Anwar, and Warda Chaudhary, as individuals,	DIRECTOR'S ORDER
Appellants/Employer.	RCW 49.48.084(4); RCW 34.05
Citation No. W-265-20	
OAH Docket No. 04-2020-LI-01367	

Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the Initial Order served on June 3, 2021, the petition for review filed by the Department of Labor and Industries (the Appellant), briefing submitted to the Director's Office, and having reviewed the record created at hearing and the records and files herein, issues this Director's Order.

The Director makes the following Findings of Fact, Conclusions of Law, and Final Decision and Order.

I. FINDINGS OF FACT

1. Based on the timely filed petition for administrative review of the Initial Order, the Director has the authority to consider this appeal filed by the Department.

2. Findings of Fact No. 4.1 through 4.51 of the Initial Order are not contested, except for the amount of wages owed to Dr. Espina-Hernandez.
3. Due to an inadvertent error in the Initial Order, the amount of wages owed were misstated. The wages owed are \$29,015.74.

II. CONCLUSIONS OF LAW

1. Conclusion of law 5.1 through 5.40 are not contested, except for the amount of wages owed.
2. The wages owed are \$29,015.74.

III. DECISION AND ORDER

1. Zain Medical Center, Sami Anwar, Warda Chaudhary, as individuals, failed to pay Lourdes Espina Hernandez for hours worked at the agreed rate of \$17,333.33 monthly salary and one pro-rated week at \$4,000.00 in violation of RCW 49.52.050.
2. An assessment of unpaid wages totaling at least \$29,015.74 in wages, and interest of at least \$1,646.57 as provided by RCW 49.48.010 and RCW 49.48.083(2) is APPROPRIATE.
3. An assessment of penalties totaling at least \$5,803.15, as provided by RCW 49.48.083, is APPROPRIATE.
4. An assessment of interest on the unpaid wages at the rate of one percent of the unpaid amended wage amount per month from the date of the Citation and Notice of Assessment until payment is received by the Department as provided by RCW 49.48.083(2) is APPROPRIATE.

5. The Department of Labor and Industries' Citation and Notice of Assessment No. W-265-20, dated December 20, 2019, is AFFIRMED AS MODIFIED.

DATED this 11 day of January 2022.



JOEL SACKS, Director

SERVICE

This Order was served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

APPEAL RIGHTS

Reconsideration. Any party may file a petition for reconsideration. RCW 34.05.470. Any petition for reconsideration must be filed within 10 days of service of this Order and must state the specific grounds on which relief is requested. No matter will be reconsidered unless it clearly appears from the petition for reconsideration that (a) there is material clerical error in the order **or** (b) there is specific material error of fact or law. A petition for reconsideration, together with any argument in support thereof, should be filed by mailing, or by emailing to DirectorAppeal@LNI.WA.GOV, or delivering it directly to Joel Sacks, Director of the Department of Labor and Industries, P. O. Box 44001 Olympia, Washington 98504-4001, with a copy to all other parties of record and their representatives. Filing means actual receipt of the document at the Director's Office. RCW 34.05.010(6).

NOTE: A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed, however, the 30-day period will begin to run upon the resolution of that petition. A timely filed petition for reconsideration is deemed to be denied if, within twenty (20) days from the date the petition is filed, the Director does not (a) dispose of the petition **or** (b) serve the parties with a written notice specifying the date by which it will act on the petition. RCW 34.05.470(3).

Judicial Review. Any petition for judicial review must be filed with the appropriate court and served within 30 days after service of this Order. RCW 34.05.542. RCW 49.48.084(5) provides, "Orders that are not appealed within the time period specified in this section and Chapter 34.05 RCW are final and binding, and not subject to further appeal." Proceedings for judicial review may be instituted by filing a petition in superior court according to the procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement.

DECLARATION OF MAILING

I, Lisa Deck, hereby declare under penalty of perjury under the laws of the State of Washington, that the DIRECTOR'S ORDER was mailed on the 11 day of January 2022, via U.S. Mail, postage prepaid and via email, to the following:

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DATED this 11 day of January 2022, at Tumwater, Washington.



LISA DECK