

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES  
STATE OF WASHINGTON

In re:

RYAN MEYERS

APPELLANT,

NO. 2023-004-APP

DIRECTOR'S ORDER

Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the petition for administrative review filed by Ryan Meyers (the Appellant) regarding the Findings of Fact, Conclusions of Law, and Order (Order) of the Washington State Apprenticeship and Training Council (WSATC) served September 6, 2022, with the Director's Office, and briefing submitted to the Director's Office, and having reviewed the record, 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. WSATC issued and served the Order on September 6, 2022.
2. WSATC mailed the Order to the address of record of the Appellant.
3. The appeal rights in the Order notified Appellant that to contest the Order he may do so "by *filing* a notice of appeal, together with any argument in support thereof, with the Director within

thirty (30) days of service of this Order. If this Order is not appealed within thirty (30) days, it is final and binding, and not subject to further appeal. *See* RCW 49.04.065.” Order at 6 (emphasis added).

4. The Director’s Office received the petition for administrative review for filing on October 11, 2022.

## II. CONCLUSIONS OF LAW

1. RCW 49.04.065 provides “Any decision of the apprenticeship council affecting registration and oversight of apprenticeship programs and agreements for federal purposes may be appealed to the Director of Labor and Industries by filing a notice of appeal with the Director within thirty days of the apprenticeship council’s written decision. Any decision of the council affecting registration and oversight of apprenticeship programs and agreements for federal purposes not appealed within thirty days is final and binding, and not subject to further appeal.

2. Under the Administrative Procedure Act “[f]iling’ of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head.” Contrary to Appellant’s argument, mailing is not sufficient.

3. The Appellant did not file his petition for administrative review within the time period specified by RCW 49.04.085 and his petition is untimely.

4. Because the petition is untimely, the Order became the final agency decision and there is no authority to review the Initial Order under RCW 49.04.065 and RCW 34.05.

5. The appeal is dismissed.

**III. DECISION AND ORDER**

Consistent with the above Findings of Fact and Conclusions of Law, the petition for administrative review is dismissed and the Order is the final agency order.

DATED at Tumwater this 28 day of March, 2023.



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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 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 emailed on the 28 day of March 2023, to the following via U.S. Mail, postage prepaid.

Ryan Meyers P.O. Box 55 Elk, WA 99009 <a href="mailto:ryanpnw3@gmail.com">ryanpnw3@gmail.com</a> <b>Apprentice</b>	Northwest Line Construction Industry JATC Terry Lowen, Training Director 9817 NE 54th Street, Suite 101 Vancouver, WA 98662 <a href="mailto:nwline@nwlinejatc.com">nwline@nwlinejatc.com</a> <a href="mailto:claudia@nwlinejatc.com">claudia@nwlinejatc.com</a> <b>Sponsor</b>
Eric Lawless, AAG Labor & Industries Division Office of the Attorney General PO Box 40121 Olympia, WA 98504-0121 <a href="mailto:Eric.Lawless@atg.wa.gov">Eric.Lawless@atg.wa.gov</a> <a href="mailto:lniolyeservice@atg.wa.gov">lniolyeservice@atg.wa.gov</a> <b>Counsel for Apprenticeship Section</b>	

DATED this 28 day of March, 2023, at Tumwater, Washington.

  
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LISA DECK