

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON

In re:

CHAMPION MOTELS INC. dba MOTEL
6 and DEVAYANI KHANNA

Appellant,

Citation No. CL-038-16

OAH Docket No. 04-2016-LI-00100

No. 2017-010-CL

DIRECTOR'S ORDER

RCW 49.12.400; RCW 34.05

Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the petition for administrative review filed by Champion Motels Inc. dba Motel 6 and Devayani Khanna (the Appellant) and having reviewed the record, issues this Director's Order.

The parties in this matter are the Department of Labor & Industries and the Appellant.

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

I. FINDINGS OF FACT

1. The Office of Administrative Hearings issued and served the Initial Order on November 22, 2016. The Initial Order informed the parties that an appeal must be filed within 20 days of the service of the initial order under WAC 10-08-211.
2. More than 20 days later, on December 18, 2016, the Director received a petition for

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OFFICE OF THE DIRECTOR
DEPARTMENT OF LABOR & INDUSTRIES
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administrative review from the Appellant.

II. CONCLUSIONS OF LAW

1. RCW 49.12.400 governs this child labor appeal. It provides that hearings will be held in accordance with RCW 34.05 and the Director shall issue final orders after hearings. This statute does not provide a timeframe for filing a petition for administrative review. Accordingly, WAC 10-08-211 applies. WAC 10-08-001(4). WAC 10-08-211 provides that a party has 20 days to appeal an initial order.

2. The Appellant did not appeal within 20 days and the petition for administrative review is untimely.

Consistent with the above Findings of Fact and Conclusion of Law, the appeal filed December 18, 2016, is DISMISSED and the Initial Order of November 22, 2016, is AFFIRMED.

DATED at Tumwater this 4 day of June, 2017.



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 Rodriguez, hereby declare under penalty of perjury under the laws of the State of Washington, that the DIRECTOR'S ORDER was mailed on the 6 day of June 2017, to the following via regular, postage prepaid:

Frieda Zimmerman, AAG
Attorney General's Office
1116 Riverside Ave., Ste. 100
Spokane, WA 99201

Devayani Khanna
Champion Motels dba Motel 6
8125 River Rd., Apt. 6E
North Bergen, NJ 07047

DATED this 6 day of June, 2017, at Tumwater, Washington.



Lisa Rodriguez