

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES  
STATE OF WASHINGTON

In re:

CRADLE TO CLASSROOM  
CHILDCARE CENTER, LLC and APRIL  
SCHROEDER and the marital community  
thereof,

APPELLANTS,

Citation and Notice of Assessment No. W-  
074-20

OAH Docket No. 12-2019-LI-01254

2020-005-WPA

DIRECTOR'S ORDER

RCW 49.48.084(4); RCW 34.05

Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the Order Dismissing Appeal (Order) served on January 8, 2020, having considered the petition for review filed by Cradle to Classroom Childcare Center, LLC, and April Schroeder 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. On August 23, 2019, the Department issued Citations and Notices of Assessment to the Appellants. The Appellants appealed on September 23, 2019.

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RCW 49.48.084(4); RCW 34.05

2. On December 19, 2019, the Department of Labor & Industries asked Office of Administrative Hearings to conduct a hearing in this matter.
2. On December 23, 2019, the Office of Administrative Hearings sent notice of a pre-hearing conference scheduled for January 6, 2020, at 3:00 pm. The notice advised the Appellants, “If you fail to call in, the administrative law judge may hold you in default and dismiss your appeal. RCW 34.05.440(2).” (emphasis omitted).
3. On January 6, 2020, the Appellants failed to appear.
4. The Office of Administrative Hearings served the Order dismissing the appeal on January 8, 2020.
5. On January 21, 2020, the Director received a timely filed petition for administrative review from Appellants.

## II. CONCLUSIONS OF LAW

1. Based on the Appellants’ timely filed petition for administrative review, there is authority to review and decide this matter under RCW 49.48.084 and RCW 34.05.
2. RCW 34.05.440(2) provides: “If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding . . . , the presiding officer may serve upon all parties a default or other dispositive order, which shall include a statement of the grounds for the order.”
3. April Schroeder reports that she could not attend the conference because she was out of town. But she did not deny receiving the notice, nor did she explain why she couldn’t attend the phone conference by telephone. The Department’s brief indicated that Schroeder had received the notice. Schroeder was provided the opportunity to submit briefing in response and she did not deny this statement. Additionally, if she was not in town when the notice came, it was her

responsibility to have someone monitor her business mail so that she did not miss important correspondence in the case.

4. Because Appellants have alleged no circumstances that would constitute good cause to miss the conference, the appeal is dismissed under RCW 34.05.440(2).

### III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusions of Law, the Citations and Notices of Assessment are AFFIRMED.

DATED at Tumwater, Washington, this 7 day of April, 2020.



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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 emailing it to [directorappeal@lni.wa.gov](mailto:directorappeal@lni.wa.gov) or 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 mailed on the 7 day of April 2020, to the following via regular mail, postage prepaid.

Cradle to Classroom Childcare Center, LLC  
dba Cradle to Classroom Childcare Center  
28207 SE 472nd Street  
Enumclaw, WA 98022

Aryna Anderson, AAG  
Office of the Attorney General  
PO Box 2317  
Tacoma, WA 98401

April Schroeder  
28207 SE 472nd Street  
Enumclaw, WA 98022

Kylie Kaschmitter  
29432 SE 472nd Street  
Enumclaw, WA 98022

DATED this 7 day of April, 2020 at Tumwater, Washington.

  
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Lisa Deck