

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES  
STATE OF WASHINGTON

In re:

PIERCE COUNTY COMMUNITY  
NEWSPAPERS LLC,

APPELLANT,

Citation and Notice of Assessment No. W-  
353-19 & W-354-19

OAH Docket No. 09-2019-LI-01172

2020-007-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 March 26, 2020, having considered the petition for administrative review dated April 9, 2020 filed by Pierce County Community Newspapers (Appellant) 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 March 13, 2020, the Office of Administrative Hearings sent notice of a status conference scheduled for March 24, 2020 at 9 a.m. The notice advised the Appellant "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.) The notice was served to the following address:

John Weymer  
Pierce County Community Newspapers LLC dba Tacoma Weekly  
PO Box 7185  
Tacoma, WA 98417

2. On March 24, 2020, the Appellant failed to appear.
3. The Office of Administrative Hearings issued and served the Order dismissing the appeal on March 26, 2020. This order was served to the following address:

John Weymer  
Pierce County Community Newspapers LLC dba Tacoma Weekly  
PO Box 7185  
Tacoma, WA 98417

4. On April 9, 2020, the Director received a timely filed petition for administrative review from Appellant.
5. In an April 8, 2020 letter to the Administrative Law Judge in this matter John Weymer of the Appellant admitted to receiving a copy of the status conference notice. He indicated that he thought the status conference would be postponed because of the stay at home order, and he indicated he did not know he was supposed to call in.
6. On April 27, 2020, Mr. Weymer said he never received notice.
7. On May 27, 2020, to clarify when Mr. Weymer received notice of the status conference, he was sent a letter asking to clarify when “you learned of the March 24, 2020 status conference.” Appellant filed no response.
8. Based on the April 8, 2020 letter, the Appellant did receive notice of the status conference. This is confirmed by the fact that the notice was sent to his address of record and it was not returned. The Appellant received mail at this address as evidenced by its appeal to the Order.

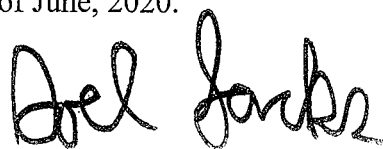
## II. CONCLUSIONS OF LAW

1. Based on the Appellant's timely filed petition for 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. The Appellant received a notice of the status conference that failure to attend would result in dismissal. The status conference was by phone and there is no reason why the stay at home order would prevent the Appellant's representative to call in.

## III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusions of Law, the Order Dismissing Appeal and the Citation and Notice of Assessment are AFFIRMED.

DATED at Tumwater, Washington this 30 day of June, 2020.



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 30 day of June 2020, to the following via regular mail, postage prepaid.

John Weymer  
Pierce County Community Newspapers, LLC  
dba Tacoma Weekly  
PO Box 7185  
Tacoma, WA 98417

Katy Dixon, AAG  
Office of the Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104

Deborah Denbrook  
4621 Grandview Drive W, Unit B  
University Place, WA 98466

Marlene Yeam  
151 S 46th Street  
Tacoma, WA 98418

DATED this 30 day of June, 2020, at Tumwater, Washington.

  
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Lisa Deck