

DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES
STATE OF WASHINGTON

In re RHETT GREENFIELD,

Appellant.

Determination of Compliance No. 277-20

OAH Docket No. 10-2020-LI-01525

NO. 2021-014-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 Initial Order, the petition for review filed by Rhett Greenfield with the Director's Office, the briefing submitted to the Director's office by the parties, and the record developed at the Office of Administrative Hearings, issues this Director's Order.

The parties are the Department, Rhett Greenfield, and the American Civil Liberties Union of Washington.

The Director makes these 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 June 10, 2021. The Initial Order affirmed the Department's Determination of Compliance No. 277-20.

2. On July 7, 2021, Mr. Greenfield timely filed a petition for review with the Director.
3. The Director adopts and incorporates the Initial Order's "Issues" section, the "Order Summary," and the "Hearing" summary.
4. The Director adopts and incorporates the Initial Order's findings of facts 4.1 through 4.28.


II. CONCLUSIONS OF LAW

1. The Director adopts and incorporates the Initial Order's conclusions of law 5.1 through 5.11.

III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusions of Law, the Initial Order dated June 10, 2021, is AFFIRMED. The Determination of Compliance dated June 19, 2020, is AFFIRMED.

DATED at Tumwater, Washington this 23rd day of November 2021.



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 to 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, declare under penalty of perjury under the laws of the State of Washington, that the DIRECTOR'S ORDER was mailed on the 23rd day of November, 2021 to the following via e-mail and U.S. Mail, postage prepaid, to:

Rhett Greenfield
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American Civil Liberties Union (ACLU)
ACLU of Washington Foundation
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DATED this 23 day of November 2021, at Tumwater, Washington.



Lisa Deck