

**DIRECTOR OF THE DEPARTMENT OF LABOR & INDUSTRIES  
STATE OF WASHINGTON**

In re: HARVEST PLUS, LLC

No. 2024-001-FLC

FINAL DECISION

Joel Sacks, Director of the Washington State Department of Labor & Industries, appoints Elizabeth Smith, Deputy Director, as Reviewing Officer under RCW 34.05.464. The Deputy Director having considered the Proposed Order Granting Department's Motion for Summary Judgment (Order) served on October 26, 2023, having considered the petition for administrative review filed by Harvest Plus, LLC, (Appellant) and briefing submitted to the Director's Office, and having reviewed the record and files herein, issues this Director's decision.

The Deputy 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 Order on October 26, 2023. Appellant timely appealed to the Director.
2. The Director adopts and incorporates all the Order's findings of facts.

## II. CONCLUSIONS OF LAW

1. Based on the Appellant's 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. Appellant submits documents not submitted before the Office of Administrative Hearings. There is no authority for the Reviewing Officer under RCW 34.05.464 to accept new evidence. All evidence must be submitted at the Office of Administrative Hearings. Appellant submitted no evidence at that forum. The documents are rejected.


3. Even if the evidence about payment of industrial insurances premiums, satisfaction of wage claims, and provision of an allegedly complete surety bond was considered, it would have no effect on the outcome of this proceeding. Appellant is judged as to its application as of March 22, 2023. For that application, Appellant made misrepresentations about its status and did not submit complete information about the bond to the Department. Accordingly, it doesn't qualify for a farm labor contractor license.

4. The findings and conclusions of the Order correctly analyze the legal issues in this appeal and are adopted and incorporated in to this final decision's conclusions of law.

## III. DECISION AND ORDER

Consistent with the above Findings of Fact and Conclusion of Law, the denial of the farm labor contractor license on March 22, 2023 is affirmed.

DATED at Tumwater this 26<sup>th</sup> day of March 2024



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ELIZABETH SMITH  
Deputy 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 by emailing to [DirectorAppeal@lni.wa.gov](mailto:DirectorAppeal@lni.wa.gov), 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 FINAL DECISION was mailed on the 26<sup>th</sup> day of March 2024, via U.S. Mail, postage prepaid, to the following:

Harvest Plus, LLC  
Attn: Francisco Rodriguez  
c/o Erica Cisneros, HR Director  
3902 W Clearwater Ave Ste 114  
Kennewick, WA 99336  
[erica@harvestplusllc.com](mailto:erica@harvestplusllc.com)  
[harvestplusllc@gmail.com](mailto:harvestplusllc@gmail.com)

Amanda Goss, AAG  
Office of the Attorney General  
800 Fifth Ave, Ste. 2000  
Seattle, WA 98104  
[amanda.goss@atg.wa.gov](mailto:amanda.goss@atg.wa.gov)  
[rachel.thornton@atg.wa.gov](mailto:rachel.thornton@atg.wa.gov)  
[lniseaeservice@atg.wa.gov](mailto:lniseaeservice@atg.wa.gov)

Julie Larson, AAG  
Office of the Attorney General  
1116 W Riverside Ave, Ste. 100  
Spokane, WA 99201  
[lnispofax@atg.wa.gov](mailto:lnispofax@atg.wa.gov)  
[julie.larson@atg.wa.gov](mailto:julie.larson@atg.wa.gov)  
[sidnie.bernhardt@atg.wa.gov](mailto:sidnie.bernhardt@atg.wa.gov)

DATED this 26<sup>th</sup> day of March 2024, at Tumwater, Washington.

*Lisa Deck*  
LISA DECK