



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

P.O. Box 44000 • Olympia, Washington 98504-4000

November 13, 2024

Ryan Houser, AAG
Office of the Attorney General
7141 Cleanwater Drive SW
Olympia, WA 98504-0121
ryan.houser@atg.wa.gov

Timothy J. O'Connell
Stoel Rives, LLP
600 University St, Ste 3600
Seattle, WA 98101
tim.oconnell@stoel.com

Kristina Detwiler
Robblee Detwiler, PLLP
2101 Fourth Ave, Ste 1000
Seattle, WA 98121
kdetwiler@unionattorneysnw.com

RE: **Brinderson LLC**

Dear Parties:

Enclosed please find the Director's order regarding the stay request.

Sincerely,

Joel Sacks
Director

cc: Will Henry, AAG
Anastasia Sandstrom, AAG

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

In re:

Brinderson LLC – Industrial Maintenance
Mechanic (Petroleum Refinery)

No. 2024-014-APP

ORDER DENYING STAY MOTION

Brinderson LLC, Appellant, has appealed the Washington State Apprenticeship and Training Council's September 20, 2024 rescission of its Industrial Maintenance Mechanic – Petroleum Refinery program (IMM Program). It has requested a stay of this action. Joel Sacks, Director of the Washington State Department of Labor & Industries, having considered the record, enters the following Findings of Fact, Conclusions of Law, and Order Denying Stay Motion.

FINDINGS OF FACT

1. The Council entered its order on September 20, 2024.
2. Brinderson filed an appeal that requested a stay on October 18, 2024.
3. Brinderson does not have any active apprentices in the IMM Program.

CONCLUSIONS OF LAW

1. The Director has authority to consider this motion under RCW 49.04.464.
2. RCW 34.05.467 provides:

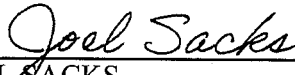
ORDER DENYING STAY MOTION

A party may submit to the presiding or reviewing officer, as is appropriate to the stage of the proceeding, a petition for stay of effectiveness of a final order within ten days of its service unless otherwise provided by statute or stated in the final order. Disposition of the petition for stay shall be made by the presiding officer, reviewing officer, or agency head as provided by agency rule. Disposition may be made either before or after the effective date of the final order. Disposition denying a stay is not subject to judicial review.

3. The request for stay must be done within 10 days of service of the order. RCW 34.05.467. *Nw. Ecosystem All. v. Wash. Forest Pracs. Bd.*, 149 Wn.2d 67, 77, 66 P.3d 614 (2003).
4. The request for a stay was not done within 10 days of the order, and is therefore denied.
5. An additional reason is there are no active apprentices in the IMM Program, and therefore there is limited, if any, prejudice in denying the stay.

ORDER

Consistent with the above Findings of Fact and Conclusions of Law, the motion for a stay is denied.



JOEL SACKS
Director

SERVICE

This Order was entered and served on you the day it was deposited in the United States mail. RCW 34.05.010(19).

APPEAL RIGHTS

Reconsideration. Any party may 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 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, should be filed by mailing, or by emailing to 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 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. There is no right to judicial review under RCW 34.05.467

DECLARATION OF MAILING

I, Lisa Deck, declare under penalty of perjury under the laws of the State of Washington, that the ORDER DENYING STAY was e-mailed and mailed on the date listed below via U.S.

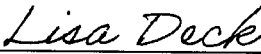
Mail, postage prepaid, to the following:

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DATED this 13 day of November 2024, at Tumwater, Washington.



LISA DECK