

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of: )  
)  
BRIAN O'SULLIVAN ) CASE 20995-E-07-3244  
)  
Involving certain employees of: ) DECISION 9666-B - PSRA  
)  
WASHINGTON STATE - REVENUE ) ORDER OF DISMISSAL  
)  

---

)

*Brian O'Sullivan*, a nonsupervisory employee, appeared pro se.

Attorney General Rob McKenna, by *Franklin Plaistowe*, Assistant Attorney General, for the employer.

*Schwerin Campbell Barnard*, by *Lawrence R. Schwerin*, Attorney at Law, for the union.

On March 29, 2007, Brian O'Sullivan and Dennis Redmon each filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking to decertify the Washington Public Employees Association (WPEA) as exclusive bargaining representative of certain employees at the Washington State Department of Revenue.

Both petitions were accompanied by copies of nearly the same authorization cards. Thus, both petitions raised the same issues with respect to the adequacy of the showing of interest. On April 23, 2007, a deficiency notice was issued to both petitioners providing each an opportunity to respond to the deficiency notice by May 8, 2007. Due to an administrative oversight, the response of Redmon was overlooked and both petitions were dismissed on May 9, 2007. The Order of Dismissal was subsequently revoked on May

10, 2007, so that the Executive Director could review the response to the deficiency notice and make a determination based upon the merits.

O'Sullivan did not respond to the deficiency notice. Although Redmon responded to the deficiency notice and claimed that his response pertained to both petitions, there is no evidence that O'Sullivan authorized Redmon to act on his behalf. No designation of representative or notice of appearance was filed by any other individual on O'Sullivan's behalf.<sup>1</sup>

NOW, THEREFORE, it is

ORDERED

The petition in Case 20995-E-07-3244 is dismissed due to the petitioner's failure to respond to the deficiency notice.

Issued at Olympia, Washington, the 19<sup>th</sup> day of June, 2007.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



CATHLEEN CALLAHAN, Executive Director

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-25-660.

---

<sup>1</sup> Even if O'Sullivan had responded or had authorized Redmon to act on his behalf, his petition would have met the same fate as the petition in Case 20994-E-07-3243, Decision 9665-B.

# PUBLIC EMPLOYMENT RELATIONS COMMISSION

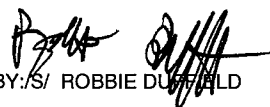
112 HENRY STREET NE  
P. O. BOX 40919  
OLYMPIA, WASHINGTON 98504-0919

MARILYN GLENN SAYAN, CHAIRPERSON  
PAMELA G. BRADBURN, COMMISSIONER  
DOUGLAS G. MOONEY, COMMISSIONER  
CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

## RECORD OF SERVICE - ISSUED 06/19/2007

The attached document identified as: **DECISION 9666-B - PSRA** has been served by the Public Employment Relations Commission by deposit in the United States mail, on the date issued indicated above, postage prepaid, addressed to the parties and their representatives listed in the docket records of the Commission as indicated below:

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
BY: *S/* ROBBIE DUFFIELD

CASE NUMBER: 20995-E-07-03244 FILED: 03/29/2007 FILED BY: PARTY 2  
DISPUTE: QCR DECERT  
BAR UNIT: ALL EMPLOYEES  
DETAILS: -  
COMMENTS:

EMPLOYER: STATE - REVENUE  
ATTN: STEVE MCLAIN  
210 11TH AVE SW STE 331  
PO BOX 43113  
OLYMPIA, WA 98504-3113  
Ph1: 360-725-5154 Ph2: 360-725-5166

REP BY: CHRISTOPHER J PARSONS  
STATE - REVENUE  
6500 LINDERSON WAY  
PO BOX 47463  
OLYMPIA, WA 98504-7463  
Ph1: 360-725-7492 Ph2: 360-725-7493

REP BY: FRANKLIN PLAISTOWE  
OFFICE OF THE ATTORNEY GENERAL  
7141 CLEANWATER DR SW  
PO BOX 40145  
OLYMPIA, WA 98504-0145  
Ph1: 360-664-4167 Ph2: 360-586-4538

PARTY 2: BRIAN K OSULLIVAN  
ATTN: 6647 COLUMBINE CT SE  
LACEY, WA 98513  
Ph1: 360-459-3864

PARTY 3: WA PUBLIC EMPLOYEES ASSN  
ATTN: LESLIE LIDDLE  
140 PERCIVAL ST NW  
PO BOX 7159  
OLYMPIA, WA 98507-7159  
Ph1: 360-943-1121

REP BY: LAWRENCE R SCHWERIN  
SCHWERIN CAMPBELL BARNARD

18 W MERCER ST STE 400  
SEATTLE, WA 98119-3961  
Ph1: 206-285-2828 Ph2: 800-238-4231

REP BY:

HERB HARRIS  
WA PUBLIC EMPLOYEES ASSN  
140 PERCIVAL ST NW  
PO BOX 7159  
OLYMPIA, WA 98507-7159  
Ph1: 360-943-1121