

STATE OF ILLINOIS – DEPARTMENT OF LABOR  
160 N. LASALLE ST., STE. C-1300  
CHICAGO, ILLINOIS 60601

IN THE MATTER OF:

MARK F. O'DONNELL, as member of the  
SIGN PAINTERS LOCAL 830/PAINTERS DISTRICT  
COUNCIL NO. 14,,

PETITIONER(S),

STATE FILE NO. 2019-H-PK08-2243

v.

JOSEPH BEYER, DIRECTOR OF THE  
ILLINOIS DEPARTMENT OF LABOR, and  
THE ILLINOIS DEPARTMENT OF LABOR,

RESPONDENTS.

**RECOMMENDED ORDER**

**THIS MATTER COMING** on to be heard under the Prevailing Wage Act, 820 ILCS 130/0.01-12 and Notice of Hearing issued there under; and, pursuant to an Agreement and Stipulation of Dismissal, 56 Illinois Administrative Code 120.100-670 all parties having been duly advised in the premises issues this order;

**FINDINGS:**

The Illinois Prevailing Wage Act, 820 ILCS 130/9 provides the:

[D]epartment of Labor, must rule upon the written objection and make such final determination as it believes the evidence warrants, and promptly file a certified copy of its final determination with such public body, and serve a copy by personal service or registered mail on all parties to the proceedings. The final determination by the Department of Labor or a public body shall be rendered within 30 days after the conclusion of the hearing.

Pursuant to 56 Ill. Adm. Code 120.100 and 56 Ill. Adm. Code 120.650 (a) and (b):

a. When the Director is required by law to be the sole, personal acting officer, the ALJ shall, in lieu of decision and order under Section 120.640, make recommendations by way of proposal for decision. The recommendations shall be made upon consideration of the record as a whole or portion of the record as may be supported by competent, material and substantial evidence.

b. The ALJ shall forward a copy of his or her proposed findings of fact, opinions and recommendations to each party of record and each party of record shall be allowed 10 days in which to submit exceptions to the findings, opinions and recommendations of the ALJ and to present a brief in support of those exceptions. In the event no timely or proper exceptions are filed, all objections and exceptions to the ALJ's recommendation shall be deemed waived for all purposes. The Director shall review the record and issue a final Decision and Order.

**IT IS HEREBY ORDERED:**

1. By agreement of the parties (attached herein), this matter is **dismissed with prejudice**.

2. The **Petition(s) to Intervene** filed by the Illinois Union of Operating Engineers, Local #150 is granted leave to withdraw its Petition due to settlement between the parties.
3. The Act does not provide authority to the Administrative Law Judge to render the final decision under 820 ILCS 130/9. The agreed order provides this matter be *dismissed with prejudice* and has been signed accordingly. The matter is referred to the Director of Labor for Final Decision and Order.

DATE: December 27, 2018

*/s/ Claudia D. Manley*

Claudia D. Manley  
Chief Administrative Law Judge

Claudia D. Manley  
Chief Administrative Law Judge  
Illinois Department of Labor  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601  
V: 312-793-1805  
[DOL.hearings@illinois.gov](mailto:DOL.hearings@illinois.gov)

STATE OF ILLINOIS- DEPARTMENT OF LABOR  
CONCILIATION/MEDIATION DIVISION  
160 N. LASALLE ST. STE. C-1300  
CHICAGO, IL 60601


IN THE MATTER OF: )  
)  
MARK F. O'DONNELL, as a member of the )  
SIGN PAINTERS LOCAL 830/PAINTERS )  
DISTRICT COUNCIL NO. 14 )  
Petitioner, ) State File No. 2019-H-PK08-2243  
v. )  
)  
JOSEPH BEYER, DIRECTOR OF )  
THE ILLINOIS DEPARTMENT OF )  
LABOR and the ILLINOIS )  
DEPARTMENT OF LABOR, )  
)  
Respondents. )

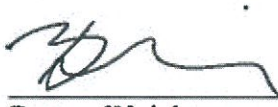
**SIGN PAINTERS LOCAL 830/PAINTERS DISTRICT COUNCIL NO. 14  
STIPULATION OF DISMISSAL**

Petitioner, through his attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, LLP, and Respondents, through their attorney, BENNO WEISBERG, stipulate and agree to the dismissal of the above captioned case with prejudice as all matters in controversy regarding the Prevailing Rate Determination of the classification of Sign Painter in Bureau, Cook, DeKalb, DuPage, Ford, Grundy, Iroquois, Kane, Kendall, Lake, LaSalle, Livingston, McHenry, McLean, Putnam, Tazewell, Vermillion, Will and Woodford Counties, Illinois having been resolved.


Mark F. O'Donnell  
Sign Painters Local 830/  
Painters District Council No. 14  
Petitioner

Joseph Beyer, Director, Illinois Department of  
Labor, Respondents

By:   
John J. Toomey  
Arnold and Kadjan, LLP  
35 E. Wacker Drive, Suite 600  
Chicago, Illinois 60601

By:   
Benno Weisberg  
Illinois Department of Labor  
160 N. LaSalle Street, Suite C-1300  
Chicago, Illinois 60601

**DISMISSAL IS SO ORDERED, CASE CONCLUDED**

  
Claudia Manley  
Chief Administrative Law Judge  
Illinois Department of Labor

Date: 12-27-18

CERTIFICATE OF SERVICE

Under penalties as provided by law, including pursuant to Section 1-109 of the Code of Civil Procedure, I C. Y. Jackson, a non-attorney, affirm, certify or on oath state, that I served notice of the attached Recommended Order upon all parties to this case, or their agents appointed to receive service of process, by enclosing a copy of the Order in Case No. 2019-H-PK08-2243 and a copy of the Certificate of Service via email addressed to each party or party's agent at the respective email address shown on the Certificate of Service, having caused each to served at 160 N. LaSalle St., Ste. C-1300 Chicago, Illinois on the 27<sup>th</sup> day of December, 2018 prior to 4:30 p.m. and placed on the Illinois Department of Labor's official website at and placed on the Illinois Department of Labor's official website at www.state.il.us/agency/idol/

Petitioner(s) Attorney:

John Toomey, Esq.  
jttoomey100@hotmail.com

Respondent Attorney:

c/o Benno Weisberg  
benno.weisberg@illinois.gov

Intervenor Attorney:

Melissa Binetti  
mbinetti@iifc.org

Via Hand Delivery:

Joseph Beyer, Director of Labor  
Illinois Department of Labor  
160 N. LaSalle St., Ste. C-1300  
Chicago, IL 60601

/s/ C.Y. Jackson  
C.Y. Jackson, Office Specialist