

RCW 18.106.250 Infraction—Cases—Administrative Procedure Act—Burden of proof—Order—Appeal. (1) The administrative law judge shall conduct notice of infraction cases under this chapter pursuant to chapter 34.05 RCW.

(2) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the notice was issued: For the defendant who was issued a notice of infraction authorized by RCW 18.106.020(4) (a) through (c), the person employed or supervised by the defendant has a certificate, license, endorsement, temporary permit, or registration issued by the department in accordance with this chapter, was supervised by a person who had such a certificate, license, temporary permit, or endorsement, was exempt from this chapter under RCW 18.106.150, or was registered as a plumbing contractor under this chapter and registered as a contractor under chapter 18.27 RCW.

(3) After consideration of the evidence and argument, the administrative law judge shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the record of the proceedings. If it has been established that the infraction was committed, the administrative law judge shall issue findings of fact and conclusions of law in its decision and order determining whether the infraction was committed.

(4) An appeal from the administrative law judge's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure. [2020 c 153 s 18; 2002 c 82 s 4; 2000 c 171 s 28; 1994 c 174 s 7; 1983 c 124 s 13.]

Effective date—1994 c 174: See note following RCW 18.106.020.

Effective date—1983 c 124: See note following RCW 18.106.020.