

**Chapter 212-90 WAC  
FIRE PROTECTION SPRINKLER FITTING**

Last Update: 10/31/22

WAC

GENERAL PROVISIONS

212-90-001 Purpose.  
212-90-005 Applicability.  
212-90-010 Definitions.  
212-90-015 Compliance.  
212-90-018 Certification requirements.  
212-90-038 Municipality, county, or state regulations.

FIRE SPRINKLER FITTER CERTIFICATE HOLDER

212-90-093 Fitter certificate holder certification.  
212-90-098 Fees for certificate holder.  
212-90-108 Certificate not transferable.  
212-90-113 Certificate holder employment.  
212-90-118 Certificate renewals.  
212-90-165 Fitter certificate holder requirements and limitations.

ENFORCEMENT AND COMPLIANCE

212-90-205 Suspension or revocation of licenses or certificates.  
212-90-210 Imposing citations and civil penalties.  
212-90-215 Citations and penalties.  
212-90-235 Informal conference.  
212-90-240 Formal hearing.  
212-90-245 Penalty adjustments.  
212-90-250 Payment of civil penalty.

**GENERAL PROVISIONS**

**WAC 212-90-001 Purpose.** The purpose of this chapter is to adopt rules to a single statewide standard of performance and compliance for the issuance of certificates to sprinkler fitters, and the issuance of civil fines for violations of any provision of chapter 18.270 RCW or any provision of this chapter.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-001, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-005 Applicability.** This chapter applies to any person performing as a fire protection sprinkler system contractor or certificate holder as defined in chapter 18.270 RCW.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-005, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-010 Definitions.** The following definitions will apply throughout this chapter:

(1) "Authority having jurisdiction (AHJ)" means the organization, office, or individual responsible for issuing permits, approving layout drawings, enforcing the requirements of a code or standard or approving materials, an installation, or a procedure. Usually, the AHJ is the building or fire official of the city or county in which the job site is located. In certain cases, such as health care facilities, transient accommodations, and day care facilities, the AHJ is the city or county building or fire official and the director.

(2) "Certificate" means a certificate granted by the director under chapter 18.270 RCW, and is valid within the state and all politi-

cal subdivisions, and meets all of the requirements for certification that may be applied by the political subdivision.

(3) "Citation" means written notification issued by the director pursuant to RCW 18.270.020 of a civil penalty for a violation of any provision of chapter 18.270 RCW or this chapter. A citation may include, but is not limited to, a description of the violation(s) and a notice of civil penalty assessment.

(4) "Contractor" means any person that submits a bid or offers to contract for the design, installation, inspection, testing, maintenance, or repair of a fire protection sprinkler system or any part of such system under chapter 18.160 RCW.

(5) "Direct supervision" means the person providing direction, oversight, inspection, and observation of the work performed on the installation, maintenance, alteration, or repair of a fire protection sprinkler system. Supervision requirements are met when the supervisor is on the premises for the duration of the working day.

(6) "Director" means the chief of the Washington state patrol through the director of fire protection or his or her designee.

(7) "Fire protection sprinkler system" means an assembly of underground or overhead piping beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire or other products of combustion.

(8) "Formal hearing" means a hearing before a hearings officer where laws, rules, and evidence are presented, considered, and a decision is rendered.

(9) "Hazard" means a condition which could result in injury or death to a person or damage to property.

(10) "Hearings request" means the written request for a formal hearing to contest a civil penalty.

(11) "Licensed contractor" means a contractor issued a license to perform fire protection sprinkler system work by the director pursuant to WAC 212-90-053.

(12) "Maintenance" means work performed to keep the equipment operable in water-based fire protection systems.

(13) "Mitigation or hearing officer" is the state fire marshal or his or her designee who will preside over an informal, mitigation conference to discuss a civil penalty that has been assessed against a person for a violation of this chapter.

(14) "NFPA" means the National Fire Protection Association. The following national standards adopted by the NFPA apply to fire sprinkler suppression systems:

(a) "NFPA 13D" means, in addition to the definition contained in chapter 18.160 RCW, the inclusion of minor accessory uses such as garages normally found in residential occupancies.

(b) "NFPA 13R" means the installation and design of fire suppression sprinkler systems in residential occupancies up to and including four stories in height in buildings not exceeding 60 ft (18 m) in height above grade plane.

(c) "NFPA 13" means the installation and design of fire suppression sprinkler systems in commercial or high occupancy facilities.

(d) "NFPA 14" means the installation of standpipe and hose systems.

(e) "NFPA 15" means the standard for water spray fixed systems.

(f) "NFPA 16" means the standard for the installation of foam-water sprinkler and foam-water spray systems.

(g) "NFPA 20" means the selection and installation of pumps, both centrifugal and positive displacement, that supply liquid for a private fire protection system.

(h) "NFPA 24" means the installation of the dedicated underground fire service main of a water-based fire protection system.

(i) "NFPA 25" means the inspection, testing, and maintenance of water-based fire protection systems.

(15) Multipurpose piping sprinkler system: A piping system intended to serve both domestic needs in excess of a single fixture and fire protection needs from one common piping system throughout the dwelling unit(s).

(16) Network sprinkler system: A type of multipurpose system utilizing a common piping system supplying domestic fixtures and fire sprinklers where each sprinkler is supplied by a minimum of three separate paths.

(17) Passive purge system: A type of sprinkler system that serves a single toilet in addition to the fire sprinklers.

(18) Stand-alone sprinkler system: A sprinkler system where the above ground piping serves only fire sprinklers.

(19) Antifreeze sprinkler system: A wet pipe system using automatic sprinklers that contains a liquid solution to prevent freezing of the system, and is intended to discharge the solution upon sprinkler operation, followed immediately by water from a water supply.

(20) "Person" means one or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of individuals and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations.

(21) "Qualified" means an individual who has demonstrated through education, training, examination, or national certifications the competency, skill, and ability necessary to perform any work covered or defined by chapter 18.270 RCW to the satisfaction of a relevant jurisdiction. In matters of compliance with the licensing and certification requirements of this chapter and chapter 18.270 RCW, the relevant jurisdiction shall be the director.

(22) "Repair" means to restore by replacing a part of or putting together what is deficient or broken on the fire protection sprinkler system.

(23) "Revoke" means the director will rescind a company's license or an individual's certificate. This action causes the company or individual to cease any work in the fire protection sprinkler system field in Washington state.

(24) "Suspend" means the director holds a company's license or individual's certificate inactive until such time as the director determines that the company or individual is in compliance with the requirements of this chapter and chapter 18.270 RCW.

(25) "Trainee" means a person who:

(a) Has been issued a training certificate by the director; and

(b) Is learning the fire protection sprinkler fitting trade under the supervision of a journey-level sprinkler fitter or residential sprinkler fitter working in his or her specialty.

(26) "Violation" means any action, general or specific, inconsistent with the intent and letter of chapter 18.270 RCW and shall be further defined as:

(a) "Level 1 violation" means a violation which poses a minimal hazard or threat to life and property in the event of a fire.

(b) "Level 2 violation" means a violation which poses a significant hazard or threat to life or property in the event of a fire.

(c) "Level 3 violation" means a violation which poses a substantial hazard or threat to life or property in the event of a fire.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-010, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-015 Compliance.** All fire protection sprinkler system contractors, fitter certificate holders, or trainees, who install, alter, or repair, fire protection sprinkler systems or any part of such a system will comply with the provisions of this chapter.

**Exceptions:**

(1) A person issued a certificate of competency by the Washington state department of labor and industries, under chapter 18.106 RCW, as a journey-level or residential specialty plumber or supervised plumber trainee installing a residential network fire protection sprinkler system connected to potable water who works for a contractor as defined by WAC 212-90-010(4) of this chapter.

(2) A person who inspects, field tests, maintains, or repairs backflow prevention assemblies installed on potable water supplies to fire sprinkler systems and who is certified as a:

(a) Backflow assembly tester by the Washington state department of health, under chapters 70A.120 RCW and 246-292 WAC; or

(b) Backflow specialty plumber by the Washington state department of labor and industries, under chapters 18.106 RCW and 296-400A WAC, when repairing backflow prevention assemblies within a building.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-015, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-018 Certification requirements. Sprinkler fitter certifications** - The following levels will apply to sprinkler fitter certifications issued by the director:

(1) **Journey-level sprinkler fitter certification** - Installs, dismantles, alters, maintains, repairs, and corrects all types of sprinkler, standpipe, hose, or other hazard systems for fire protection purposes that are an assembly of piping, conduit, tubing, or hose regardless of the material composition beginning at the connection to the primary water supply. Also includes sprinkler tank heater, air lines tanks, pumps, equipment, appurtenances and all other related components attached thereto inside.

(2) **Residential-level sprinkler fitter certification** - Limited to installation, maintenance, and repair of the fire protection sprinkler system of residential occupancies as defined by NFPA 13D and NFPA 13R. A residential level sprinkler fitter certification may also perform installation and repair of NFPA 13 fire protection sprinkler systems and components while under the direct supervision of a certified journey-level sprinkler fitter.

(3) **Trainee-level sprinkler fitter certification** - Limited to performing sprinkler fitter work under the direct supervision of a sprinkler fitter certified to perform the type of work the trainee-level sprinkler fitter is performing.

**Chart 1: Sprinkler Fitter Certifications**

Level of Certificate Holder - See Note (1)	Standard Defining Work That May Be Performed				
	NFPA 13D	NFPA 13R	NFPA 13	NFPA 24	NFPA 25
Journey-Level Sprinkler Fitter	Yes	Yes	Yes	No	No
Residential-Level Sprinkler Fitter	Yes	Yes	Only if under the direct supervision of a journey-level sprinkler fitter	No	No
Trainee-Level Sprinkler Fitter	Only if under the direct supervision of a residential/ journey-level sprinkler fitter	Only if under the direct supervision of a residential/ journey-level sprinkler fitter	Only if under the direct supervision of a journey-level sprinkler fitter	No	No

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-018, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-038 Municipality, county, or state regulations.** (1) Licensed contractors and certificate holders must comply with the authority having jurisdiction's requirements to obtain permits or permission before the installation, repair, alteration, or addition of a fire protection sprinkler system. Failure to comply with this section constitutes a Level 2 violation.

(2) The licensed contractor or certificate holder must verify whether a permit or permission is required from the authority having jurisdiction before installing, repairing, altering, adding, or removing any fire protection sprinkler system.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-038, filed 10/31/22, effective 1/1/23.]

**FIRE SPRINKLER FITTER CERTIFICATE HOLDER**

**WAC 212-90-093 Fitter certificate holder certification.** (1) All applications must be made on the forms provided by the director and include the required fees provided by WAC 212-90-098 and documentation for the required level of experience as provided by this section.

(a) **For journey-level sprinkler fitter certification,** the applicant must:

(i) Provide evidence on the forms provided by the director of at least 8,000 hours of trade related fire protection sprinkler system experience in installation, alteration, and repair;

(ii) Not have more than 3,000 hours of the required 8,000 hours of experience in residential sprinkler fitting; and

(iii) Satisfactorily pass an examination provided by the director with a final score of 80 percent.

(b) **For residential sprinkler fitter certification,** the applicant must:

(i) Provide evidence on the forms provided by the director, of at least 4,000 hours of trade related fire protection sprinkler system experience in installation, repair, and maintenance; and

(ii) Satisfactorily pass an examination provided by the director with a final score of 80 percent.

(c) **For trainee sprinkler fitter certification,** the applicant must:

(i) Provide evidence to the director, on the forms provided by the director, of trade related employment by a licensed contractor;

(ii) Remain employed by a licensed contractor to maintain trainee status; and

(iii) Only engage in the fire protection sprinkler system trade when under the supervision of a certified journey level or residential installer.

Certificate Level	Application Required	Exam Required	Type of Work Performed by Certificate Holder
Journey Sprinkler Fitter	Yes	Pass an exam (See WAC 212-90-093)	Installs and repairs NFPA 13D, 13R, or 13 fire sprinkler systems
Residential Sprinkler Fitter	Yes	Pass an exam (See WAC 212-90-093)	Installs, repairs, and performs maintenance on fire sprinkler systems in residential occupancies
Trainee Sprinkler Fitter	Yes	No	Installs, repairs, and performs maintenance on a fire sprinkler system only under the supervision of a properly certified residential/journey level fitter

(2) All information submitted by an applicant to the director to apply for a certificate must be true and accurate. If the director finds that information or documents submitted by an applicant is false, misleading, or has been altered in an effort to meet the requirements provided by this chapter, the finding will constitute a Level 3 violation.

(3) A violation of this section that involves a contractor allowing an employee to engage in performing fire protection sprinkler fitting work:

(a) By engaging in the trade of fire sprinkler fitting without having a valid sprinkler fitter certificate of competency issued for the work being conducted is a Level 3 violation.

(b) By a trainee sprinkler fitter engaging in the trade of fire sprinkler fitting without the direct supervision of a certified residential or journey sprinkler fitter is a Level 3 violation.

(c) As a trainee without a trainee certificate but with the direct supervision of a certified residential or journey sprinkler fitter is a Level 1 violation.

(d) Any individual using a certification and/or certification number not issued to them by the director.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-093, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-098 Fees for certificate holder.** There are three separate fees that may apply:

(1) **Application fee** is \$100 only charged once when a person makes the initial application for any of the certificates specified in this section. As long as the certificate holder maintains continuous cer-

tification, the certificate holder is not required to pay a subsequent application fee. Application fees are nonrefundable.

(2) **Biennial certification fee** is \$200 paid each odd calendar year the certificate holder applies for certification renewal. The bi-annual renewal fee:

(a) Is in addition to the initial application fee paid for the initial application;

(b) Is nonrefundable once the certificate has been issued;

(c) Trainee sprinkler fitter certifications are exempt from the biennial certification fee.

(3) **Examination fee** is \$150, charged per examination, including retests. Examination fees are nonrefundable.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-098, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-108 Certificate not transferable.** A certificate issued under this regulation is not transferable to another person.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-108, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-113 Certificate holder employment.** If the certificate holder should leave the employment of the licensed contractor, he or she will notify the director within 30 days of his or her last day of employment. Failure to do so constitutes a Level 1 violation.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-113, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-118 Certificate renewals.** (1) Certificates for journey, residential, and trainee fitters must be renewed by January 1st of every odd-numbered year. A sprinkler fitter certificate holder will be provided a renewal form by the director to renew the certificate.

For trainees, the certificate will not be renewed if the trainee is not currently employed by a licensed contractor.

(2) Failure of any fitter certificate holder to renew his or her certificate by the expiration date will constitute a break in certification.

(a) For residential and journey level fitters expired less than two consecutive calendar years, the certificate holder may reinstate by submitting a reinstatement application provided by the director, passing a certification exam, and pay all applicable fees.

(b) For residential and journey level fitters expired two or more calendar years, the certificate holder must submit a new application with evidence of qualification, pass a certification exam, and pay all applicable fees.

(c) For trainee level fitters expired for any period of time the certificate holder must complete the initial application form and pay the applicable fees.

(d) Those who were qualified under the grandfathering process must complete the applicable initial application process meeting the current requirements.

(3) The director will not renew a certificate if the certificate is in a revoked or suspended status.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-118, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-165 Fitter certificate holder requirements and limitations.** (1) The director issues a wallet card to a person issued a sprinkler fitter certificate. The card will be kept by the sprinkler fitter certificate holder. The certificate holder must make the card available for review at any time.

(2) The wallet card must either be on the certificate holder (wallet, lanyard, article of clothing, etc.,) or readily accessible.

(3) Failure to comply with this section constitutes a Level 1 violation.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-165, filed 10/31/22, effective 1/1/23.]

## **ENFORCEMENT AND COMPLIANCE**

**WAC 212-90-205 Suspension or revocation of licenses or certificates.** (1) The director may refuse to issue or renew or may suspend or revoke the privilege of a certificate holder, or a licensed or unlicensed fire protection sprinkler system contractor to engage in the fire protection sprinkler system business. The director may establish penalties against a person who violates any provision of chapter 18.270 RCW or any provision of this chapter while he or she is engaged in the trade of sprinkler fitting.

(2) The licensed contractor or certificate holder will be notified in writing of the denial, suspension, or revocation action.

(3) The director may deny, suspend, or revoke a license or certificate under the following process:

(a) The director must give the licensed contractor or certificate holder notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW before the denial, suspension, or revocation of the license or certificate.

(b) Upon receiving notice of the denial, suspension, or revocation action, the licensed contractor or certificate holder may, within 30 days from the date of the notice of action, request in writing to the director a hearing on the denial, suspension, or revocation of the license or certificate. An adjudicative proceeding will be commenced within 90 days of the receipt of a hearing request. Failure to request a hearing, or failure to appear at a requested hearing, a prehearing conference, or any other stage of an adjudicative proceeding, will constitute default and may result in the entry of a final order under RCW 34.05.440.

(c) Upon receiving a hearing request, the director may, at the request of the licensed contractor or certificate holder, or on his or her own initiative, schedule an informal settlement conference which will be without prejudice to the rights of the parties. The informal settlement conference will be held in Thurston County at a mutually agreed upon time and may result in a settlement agreement. If no



agreement is reached, a hearing will be scheduled as outlined in chapter 34.05 RCW.

(d) The director may, without prior notification to the licensed contractor or certificate holder, deny, suspend, or revoke a license or certificate if the director finds that there is a danger to the public health, safety, or welfare that requires immediate action. In every summary suspension of a license or certificate, an order signed by the director or designee must be entered, in compliance with the provisions of RCW 34.05.479. Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action shall be promptly instated and determined. The director must give notice as is practicable to the licensed contractor or certificate holder.

(4) The following penalties are associated with performing fire protection sprinkler system work while a certificate is denied, suspended, or revoked:

(a) Any person engaged in the trade of sprinkler fitting while his or her license or certificate is denied, suspended, or revoked, will be issued a Level 3 violation.

(b) Any licensed or unlicensed fire protection sprinkler system contractor that allows an employee or trainee to engage in the trade of sprinkler fitting while his or her license or certificate has been denied, suspended, or revoked, will be issued a Level 3 violation.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-205, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-210 Imposing citations and civil penalties.** (1) The director may impose civil penalties or fines to any licensed contractor, certificate holder, or individual that violates any provision of chapter 18.270 RCW, or this chapter. The director may impose the civil penalties or fines listed herein to any uncertified person who operates in the state of Washington as certificate holder. The director will record all violations.

(2) A violation is an action by a person who engages in the installation, maintenance, alteration, or repair of a fire protection sprinkler system or any part of such a system, and fails to comply with chapter 18.270 RCW, or this chapter.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-210, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-215 Citations and penalties.** (1) The director may at his or her discretion issue either a monetary penalty or take an action against a license or certificate depending on the severity of the violation(s) evidenced in the investigation. Each violation is classified and penalties assessed according to the violation type as provided by the chart below:

Violation Level	Monetary Penalty Issued	Action Taken Against License and/or Certificate
1	Warning to \$200	<b>License:</b> No action.
		<b>Certificate:</b> No action.

<b>Violation Level</b>	<b>Monetary Penalty Issued</b>	<b>Action Taken Against License and/or Certificate</b>
2	\$100 to \$500	<b>License:</b> Suspended immediately for remainder of the license year or 30 calendar days, whichever is longer.
		<b>Certificate:</b> Suspended immediately for remainder of the license year or 30 calendar days, whichever is longer.
		<b>Certificate:</b> If the individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer.
3	\$500 to \$5,000	<b>License:</b> Suspended immediately for remainder of the license year or 90 calendar days, whichever is longer.
		<b>Certificate:</b> Suspended immediately for remainder of the license year or 90 calendar days, whichever is longer.
		<b>Certificate:</b> If the individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer.

(2) If a licensed contractor or certificate holder has incurred multiple findings of the same violation over a period of time, the director may classify the licensed contractor or certificate holder as a habitual offender and issue either an increased monetary penalty or the action against the license or certificate depending on the severity of the violation(s) evidenced in multiple investigations as provided by the chart below:

<b>Violation Level</b>	<b>Monetary Penalty Issued</b>	<b>Violation Level and Action Taken Against License and/or Certificate</b>
1	\$500	Evidence of three or more Level 1 violations without compliance over a period of two calendar years constitutes an increase to a Level 2 violation.

Violation Level	Monetary Penalty Issued	Violation Level and Action Taken Against License and/or Certificate
2	\$1,500 per violation	Evidence of three or more Level 2 violations without compliance over a period of two calendar years constitutes an increase to a Level 3 violation. <b>License:</b> Suspended immediately for remainder of the license year or 60 calendar days, whichever is longer. <b>Certificate:</b> Suspended immediately for remainder of the license year or 60 calendar days, whichever is longer. <b>Certificate:</b> If the individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer.
3	\$5,000 per violation	Evidence of two or more violations without compliance over a period of three calendar years constitutes an increase to a Level 3 violation. <b>License:</b> Suspended immediately for remainder of the license year or 180 calendar days, whichever is longer. <b>Certificate:</b> Suspended immediately for remainder of the license year or 180 calendar days, whichever is longer. <b>Certificate:</b> If the individual is not part of the violation but will be affected by the loss of the employer's contractor license, the certificate will be changed to INACTIVE status until the contractor obtains a valid license or the certificate holder has a new employer.

(3) Civil penalties shall be resolved through the following:

(a) **Pay the penalty** by returning the notice and payment to the director at State Fire Marshal's Office, P.O. Box 42642, Olympia, WA 98504-2642 within 30 days from the date the penalty was issued. Payments must be made by check or money order payable to the Washington state patrol.

(b) **Request an informal conference** as outlined in WAC 212-90-235.

(c) **Request a formal hearing** as outlined in WAC 212-90-205 or 212-90-240.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-215, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-235 Informal conference.** (1) The director will provide an opportunity for any person to informally discuss a civil penalty that has been assessed against them.

(2) An informal conference may be requested prior to a request for a formal hearing. However, it will not exceed nor extend the 30-day timeline allotted for the request of a formal hearing - Regardless of the outcome.

(3) The request for an informal hearing may be in any form and:

- (a) Must be addressed to the mitigation officer;
- (b) Be received by the director no more than 30 days from the issue date of the civil penalty; and
- (c) Clearly state the subject to be discussed.
- (4) Depending on the availability and time constraints of the person making the request and the hearings officer, the informal conference may be a personal meeting or conference call depending on the availability of the parties and the available technology.
- (5) The director may, for good cause, choose to amend, withdraw, or reduce the civil penalty as a result of an informal conference.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-235, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-240 Formal hearing.** (1) Any person may request a formal hearing to appeal a civil penalty issued under this chapter at any time before or after the request of an informal conference, as long as the 30 day period from the date of issue listed on the citation has not elapsed. If requesting a formal hearing by mail, the request must be post marked by midnight on the day the request is due.

(2) The director will arrange for a hearings officer to conduct the formal hearing and will notify by letter the person requesting the hearing (or their designated representative) of the date, time, location, and hearings officer conducting the formal hearing.

(3) The hearings officer will hear the case and, within 90 days of the hearing, render a proposed opinion and order including recommended findings of fact and conclusions of law, according to chapters 34.05 RCW and 10-08 WAC.

(4) The formal hearing will be conducted as follows:

(a) The hearings officer will act as an impartial third party.

(b) It is not necessary for the person who requested the hearing to be represented by legal counsel.

(c) An official record will be made through a scribe.

(d) Testimony will be taken under oath.

(e) All evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs is admissible.

(f) Hearsay evidence is admissible if it meets the statutory standards for being reliable and trustworthy.

(g) A proposed opinion and order will be provided.

(5) The proposed opinion and order shall be reviewed by the director and, if accepted, be finalized and issued as a final order.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-240, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-245 Penalty adjustments.** (1) The assessment of adjustment of penalties for amounts other than those set by chapter 18.270 RCW will be done only by the director through a hearings process either formally or informally.

(2) The assessment of penalties for not being in conformance with chapter 18.270 RCW, or this chapter may be made only after considering:

(a) The gravity and magnitude of the violation.

(b) The person's previous record.

(c) Such other considerations as the director may consider appropriate.

(d) The uniformity and consistency in the application of violations or penalties statewide.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-245, filed 10/31/22, effective 1/1/23.]

**WAC 212-90-250 Payment of civil penalty.** (1) The penalty must be paid to the director within 30 days after an order assessing a civil penalty becomes final by operation of law or on an appeal.

(2) A request can be made through an informal or formal conference to make installment payments on a civil penalty. If the mitigation officer authorizes installment payments during an informal or formal hearing, the payment plan will be developed and agreed upon at the hearing. Failure to comply with the payment plan will void the payment plan and the remaining balance must be paid by the next business day.

(3) If the licensed contractor or certificate holder fails to pay the full penalty or comply with the payment plan as provided by subsection (2) of this section:

(a) The license or certificate of competency will be revoked for the remainder of the current license or certificate year and will not be reinstated or renewed until the penalty is paid in full.

(b) The attorney general may bring an action in the name of the director in the superior court of Thurston County or of any county in which the violator may do business to collect any penalty imposed under chapter 18.270 RCW.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-250, filed 10/31/22, effective 1/1/23.]