

WAC 390-37-105 Enforcement hearings (adjudicative proceedings)—

Prehearing conference. (1) In any prehearing conference prior to an enforcement hearing (adjudicative proceeding), the presiding officer upon their own motion or upon request by one of the parties or their qualified representative, may direct the parties to appear at a specified time and place for a conference to consider:

- (a) Identifying and simplifying issues;
- (b) The necessity of any amendments to the case documents;
- (c) The possibility of obtaining stipulations, admissions of facts and of documents;
- (d) Limiting the number and consolidation of the examination of witnesses;
- (e) Submitting proposed orders;
- (f) Deadlines for briefs, exhibit and witness lists and objections thereto, proposed orders, and other procedural matters as may aid in the conduct of the proceeding.

(2) Prehearing conferences may be presided over by the chair or designee commissioner as presiding officer.

(3) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(4) In a prehearing conference, the presiding officer may hear prehearing motions regarding preliminary matters such as motions *in limine*, discovery motions, and other similar matters. The presiding officer shall not consider dispositive motions in a prehearing conference and such motions will automatically be scheduled for consideration before the commission.

(5) Following the prehearing conference, the presiding officer shall issue an order reciting the action taken and decisions made at the conference and the date on which objections to the order are to be filed and served. If no objection to the order is timely filed with the presiding officer, the order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(6) When the chair or designee commissioner presides over a prehearing conference, the presiding officer is acting as a quasi-judicial body which relates to a quasi-judicial matter between named parties. Therefore, a prehearing conference is not subject to chapter 42.30 RCW, Open Public Meetings Act.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-37-105, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 17-03-004, § 390-37-105, filed 1/4/17, effective 2/4/17. Statutory Authority: RCW 42.17.370. WSR 03-22-065, § 390-37-105, filed 11/4/03, effective 12/5/03. Statutory Authority: RCW 42.17.390. WSR 94-05-010, § 390-37-105, filed 2/3/94, effective 3/6/94. Statutory Authority: RCW 42.17.370. WSR 91-16-072, § 390-37-105, filed 8/2/91, effective 9/2/91.]