

**WAC 491-04-240 What is the role of the state board in an appeal?**

(1) The board chair, or his or her designee, shall have the authority to:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Issue subpoenas pursuant to RCW 51.52.100;
- (d) Rule on procedural matters, objections, and motions;
- (e) Rule on motions for summary judgment;
- (f) Rule on offers of proof and receive relevant evidence;
- (g) Determine the total time allowed for both parties to present oral testimony and oral argument during hearing before the board;
- (h) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing; and
- (i) Permit or require oral argument or briefs and determine the time limits for submission.

(2) All board members shall have the authority to:

- (a) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter; and
- (b) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties.

[Statutory Authority: RCW 41.24.290(2). WSR 16-22-051, § 491-04-240, filed 10/29/16, effective 11/29/16; WSR 13-21-050, § 491-04-240, filed 10/11/13, effective 11/11/13.]