

WSR 13-17-020
RULES OF COURT
STATE SUPREME COURT

[August 8, 2013]

IN THE MATTER OF THE ADOPTION ) ORDER
OF NEW REGULATIONS 1-12 TO APR ) NO. 25700-A-1034
28 )

The Washington State Bar Association's Limited License Legal Technician Board having recommended the adoption of proposed new Regulations 1-12 to APR 28, to establish the admission and licensing requirements for all applicants seeking licensure as Limited License Legal Technicians and to define the scope of practice for future Limited License Legal Technicians, and the Court having determined that the proposed new regulations will aid in the prompt and orderly administration of justice and further determined the need for expedited adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the new regulations as shown below are adopted.

(b) That the new regulations will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 8th day of August, 2013.

For the Court:

Madsen, C.J.

CHIEF JUSTICE

SUGGESTED NEW REGULATIONS 1-12 TO APPENDIX APR 28

APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

REGULATION 1: IN GENERAL

Every person desiring to be licensed and to maintain licensure as a Limited License Legal Technician (LLLT) pursuant to Admission to Practice Rule (APR) 28 shall satisfy all of the requirements of APR 28 and Appendix APR 28.

To facilitate prompt administration of APR 28 and these regulations, designated staff of the Washington State Bar Association (WSBA) may act on behalf of the LLLT Board under APR 28 and these regulations.

REGULATION 2: PRACTICE AREAS—SCOPE OF PRACTICE AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE

In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions defining the scope of practice as found in APR 28 and as described herein.

A. Issues Beyond the Scope of Authorized Practice.

An LLLT has an affirmative duty under APR 28F to inform clients when issues arise that are beyond the authorized scope of the LLLT's practice. When an affirmative duty under APR 28F arises, then the LLLT shall inform the client in writing that:

- 1. the issue may exist, describing in general terms the nature of the issue;
2. the LLLT is not authorized to advise or assist on this issue;
3. the failure to obtain a lawyer's advice could be adverse to the client's interests; and,
4. the client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's interests.

After an issue beyond the LLLT's scope of practice has been identified, an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. The LLLT shall then be required to follow the instructions and incorporate the terms of the necessary documents into the final court orders. The LLLT may proceed in this manner only if no other defined prohibitions apply.

B. Domestic Relations.

1. Domestic Relations, Defined. For the purposes of these Regulations, domestic relations shall include only: (a) child support modification actions, (b) dissolution actions, (c) domestic violence actions, except as prohibited by Regulation 2B(3), (d) committed intimate relationship actions only as they pertain to parenting and support issues, (e) legal separation actions, (f) major parenting plan modifications when the terms are agreed to by the parties before the onset of the representation by the LLLT, (g) minor parenting plan modifications, (h) parenting and support actions, (i) paternity actions, and (j) relocation actions, except as prohibited by Regulation 2B(3).

2. Scope of Practice for Limited License Legal Technicians — Domestic Relations. LLLTs in domestic relations may provide legal services to clients as provided in APR 28F, except as prohibited by APR 28H and Regulation 2B(3). Unless an issue beyond the scope arises or a prohibited act would be required, LLLTs may advise and assist clients (1) to initiate and respond to actions and (2) regarding motions, discovery, trial preparation, temporary and final orders, and modifications of orders.

3. Prohibited Acts. In addition to the prohibitions set forth in APR 28H, in the course of dealing with clients or prospective clients, LLLTs licensed to practice in domestic relations:

- a. shall not represent more than one party in any domestic relations matter;
b. shall not provide legal services:
i. in defacto parentage or nonparental custody actions; and
ii. if 25 U.S.C. Chapter 21, the Indian Child Welfare Act, or RCW 13.38, the Washington State Indian Child Welfare Act, applies to the matter;
c. shall not advise or assist clients regarding:
i. division of owned real estate, formal business entities, or retirement assets that require a supplemental order to divide and award, which includes division of all defined benefit plans and defined contribution plans;
ii. bankruptcy, including obtaining a stay from bankruptcy;

iii. disposition of debts and assets, if one party is in bankruptcy or files a bankruptcy during the pendency of the proceeding, unless: (a) the LLLT's client has retained a lawyer to represent him/her in the bankruptcy, (b) the client has consulted with a lawyer and the lawyer has provided written instructions for the LLLT as to whether and how to proceed regarding the division of debts and assets in the domestic relations proceeding, or (c) the bankruptcy has been discharged;

iv. anti-harassment orders, criminal no contact orders, anti-stalking orders, and sexual assault protection orders in domestic violence actions;

v. pseudo-community property issues in committed intimate relationship actions;

vi. major parenting plan modifications unless the terms were agreed to by the parties before the onset of the representation by the LLLT;

vii. the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under RCW 26.27 or Uniform Interstate Family Support Act issues under RCW 26.21A unless and until jurisdiction has been resolved;

viii. objections to relocation petitions, responses to objections to relocation petitions, or temporary orders in relocation actions;

ix. final revised parenting plans in relocation actions except in the event of default or where the terms have been agreed to by the parties.

d. shall not appear or participate at the taking of a deposition; and

e. shall not initiate or respond to an appeal to an appellate court.

#### REGULATION 3: EDUCATION REQUIREMENTS FOR APPLICANTS

An applicant for licensure shall satisfy the following education requirements:

**A. Core Curriculum.** An applicant for licensure shall have earned the following course credits at an ABA approved law school or ABA approved paralegal program:

1. Civil Procedure, minimum 8 credits;
2. Contracts, minimum 3 credits;
3. Interviewing and Investigation Techniques, minimum 3 credits;
4. Introduction to Law and Legal Process, minimum 3 credits;
5. Law Office Procedures and Technology, minimum 3 credits;
6. Legal Research, Writing and Analysis, minimum 8 credits; and
7. Professional Responsibility, minimum 3 credits.

The core curriculum courses in which credit is earned shall satisfy the curricular requirements approved by the Board and published by the WSBA. If the required core curriculum courses completed by the applicant do not total 45 credits as required by APR 28D (3)(b), then the applicant may earn the remaining credits by taking legal or paralegal elective courses at an ABA approved law school or ABA approved paralegal program.

**B. Practice Area Curriculum.** An applicant for licensure in a defined practice area shall have completed the pre-

scribed curriculum and earned course credits for that defined practice area, as set forth below and in APR 28D (3)(c). Each practice area curriculum course shall satisfy the curricular requirements approved by the Board and published by the WSBA.

#### 1. Domestic Relations.

a. Prerequisites: Prior to enrolling in the domestic relations practice area courses, applicants shall complete the following core courses: Civil Procedure; Interviewing and Investigation Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and Professional Responsibility.

b. Credit Requirements: Applicants shall complete five credit hours in basic domestic relations subjects and ten credit hours in advanced and Washington specific domestic relations subjects.

#### REGULATION 4: LIMITED TIME WAIVERS

[No Change.]

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

#### REGULATION 5: APPLICATIONS

**A. Fees.** All applications shall be accompanied by the required application fee.

**B. Application for Licensure.** An applicant for licensure as an LLLT shall complete and file with the WSBA:

1. a completed application for licensure to limited practice under APR 28;
2. all official transcripts demonstrating completion of
  - a. at a minimum, an associate level degree, except applicants who have been approved for a limited time waiver pursuant to Regulation 4,
  - b. the core curriculum required pursuant to Regulation 3A, except applicants who have been approved for a limited time waiver pursuant to Regulation 4, and
  - c. the practice area curriculum required pursuant to Regulation 3B; and
3. a signed and notarized Authorization, Release and Affidavit of Applicant.

**C. Application for Additional Practice Area.** An LLLT seeking licensure in an additional practice area must complete and file with the WSBA:

1. a completed practice area application for licensure to limited practice under APR 28;
2. an official transcript demonstrating completion of the practice area curriculum required under Regulation 3B; and
3. a signed and notarized Authorization, Release and Affidavit of Applicant.

**D. Background Check.** Each applicant for licensure shall submit a fingerprint card to the Federal Bureau of Investigation (FBI) for a criminal history record check and provide to the FBI a release for the results of the criminal history check to be sent directly to the WSBA. A Washington LLLT applying for licensure in an additional practice area shall not be required to submit a fingerprint card, unless it has been more than two years since the LLLT was last issued a license.

The applicant shall furnish whatever additional information or proof may be required in the course of investigating

the applicant, and failure to furnish such information may be grounds for denial of licensure.

**REGULATION 6: APPROVAL OR DENIAL OF APPLICATION ON ADMINISTRATIVE GROUNDS**

**A. Review of Application.** WSBA staff shall review each application to determine if the application meets the criteria for licensure established in APR 28. Any application that does not meet the initial criteria for licensure as established by APR 28 shall be denied by the WSBA staff on administrative grounds, except for those applications where there is a substantial question as to the applicant's good moral character or fitness to practice. The applicant will be notified whether the application has been approved or denied. If the application has been denied, the applicant will be notified of the grounds for the denial and the review process.

**B. Review of Denial.** Every applicant who has been denied licensure under APR 28 on administrative grounds may request review by the Board chair. To request review, an applicant shall submit a written request within 14 days of the date the denial of application was issued and state the reason for the request.

**C. Procedure for Review.** The Board chair shall consider the request for review on the written record only and shall hear no oral arguments. The chair shall enter a written decision which may affirm or reverse the denial of the application or direct further investigation.

**REGULATION 7: CHARACTER AND FITNESS HEARINGS**

Reserved.

**REGULATION 8: EXAMINATIONS; NOTIFICATION OF RESULTS**

**A. Administration of Examinations.** The examinations will be administered at such times and locations as the Board may designate.

An applicant for initial licensure shall pass a core curriculum examination and a practice area examination.

An LLLT who applies for licensure in an additional practice area shall be required to take only the qualifying practice area examination in the practice area for which he or she is seeking licensure.

**B. Core Curriculum Examination.** The core curriculum examination shall be comprised of three parts: a multiple choice section, an essay section, and a performance section. The passing standard for the core curriculum examination is a score of 75 percent for each section of the exam. A failing grade in one section shall result in failure of the exam, in which case grading of any remaining sections shall not be completed.

**C. Practice Area Examination.** All practice area examinations shall be comprised of three parts: a multiple choice section, an essay section, and a performance section. The passing standard for the practice area examination is a score of 75 percent for each section of the exam. A failing grade in one section shall result in failure of the exam, in which case grading of any remaining sections shall not be completed.

**D. Results and Reapplications.** Each applicant will be notified of the applicant's examination results. Those applicants who fail the examination will be informed of their score on each graded section of the examination. Examination

scores shall not be disclosed to those applicants who pass the examination. Copies of the examination shall not be available to any applicant.

An applicant who passes the core curriculum examination but fails the practice area examination or vice versa may retake the failed exam at the next two administrations of the exam. The passing score shall be valid for one year from the date the applicant is notified of passing. If the applicant does not pass the failed exam after the next two administrations of the exam, the applicant shall be required to retake the exam he or she passed.

**REGULATION 9: SUBSTANTIVE LAW-RELATED WORK EXPERIENCE REQUIREMENT**

Each applicant for licensure as a limited license legal technician shall show proof of having completed 3,000 hours of substantive law-related work experience supervised by a licensed lawyer as required by APR 28E(2). The experience requirement shall be completed within three years before or after the date the applicant is notified of passing both the core curriculum and practice area qualifying examinations. The proof shall be provided in such form as the Board requires, but shall include at a minimum:

1. the name and bar number of the supervising lawyer;
2. certification that the work experience meets the definition of substantive law-related work experience as defined in APR 28;
3. the total number of hours of substantive law-related work experience performed under the supervising lawyer; and
4. certification that the requisite work experience was acquired within the time period required by APR 28E(2).

**REGULATION 10: CERTIFICATION OF RESULTS TO SUPREME COURT; OATH**

**A. Recommendation for Licensure.** The Board shall recommend to the Washington State Supreme Court the licensure of all applicants who have met all licensing requirements set forth in APR 28 and these regulations, including good moral character and fitness to practice. All recommendations of the Board shall be accompanied by the application for licensure and any other documents deemed pertinent by the Board or requested by the Supreme Court. The recommendation and all accompanying documents and papers shall not be public record.

**B. Pre-licensure Requirements.** Before an applicant who has passed the qualifying examinations may be licensed, the applicant shall:

1. furnish proof of completion of the requisite hours of substantive law-related work experience supervised by a licensed lawyer as required by Regulation 9;
2. furnish proof of financial responsibility as required by Regulation 12;
3. pay the annual license fee and any assessments for the current year as required by Regulation 11;
4. file any and all licensing forms required for active limited license legal technicians; and
5. take the Oath of Limited License Legal Technician.

The pre-licensure requirements shall be completed within three years of the date the applicant is notified of the examination results. If an applicant fails to satisfy all the

requirements for licensure within this period, the applicant shall not be eligible for licensure under APR 28 without submitting a new application for licensure and retaking the examination.

**C. Additional Practice Area Pre-licensure Requirements.** An LLLT who is seeking licensure in an additional practice area shall:

- 1. take and pass the additional practice area examination;
- 2. pay the additional practice area license fee; and
- 3. file any and all licensing forms required for active limited license legal technicians.

The requirements above shall be completed within one year of the date the applicant is notified of the examination results. If an LLLT fails to satisfy all the requirements for licensure in an additional practice area within this period, the LLLT shall not be eligible for licensure in the additional practice area without submitting a new application and retaking the examination.

**D. Oath of Limited License Legal Technician.** The Oath of Limited License Legal Technician shall be taken before an elected or appointed judge, excluding judges pro tempore, sitting in open court in the state of Washington.

**E. Contents of Oath.** The oath which all applicants shall take is as follows:

**OATH FOR LIMITED LICENSE LEGAL TECHNICIANS**  
STATE OF WASHINGTON  
COUNTY OF

I, \_\_\_\_\_, do solemnly declare:

- 1. I am fully subject to the laws of the State of Washington, the laws of the United States, Rule 28 of the Admission to Practice Rules, and APR 28 Regulations adopted by the Washington State Supreme Court and will abide by the same;
- 2. I will support the constitutions of the State of Washington and of the United States of America;
- 3. I will abide by the Limited License Legal Technician Rules of Professional Conduct approved by the Supreme Court of the State of Washington;
- 4. I will confine my activities as a Limited License Legal Technician to those activities allowed by law, rule and regulation and will only utilize documents approved pursuant to APR 28;
- 5. I will faithfully disclose the limitations of my services and that I am not a lawyer;
- 6. I will maintain the confidence and preserve inviolate the secrets of my client and will accept no compensation in connection with the business of my client, unless this compensation is from or with the knowledge and approval of the client or with the approval of the court;
- 7. I will abstain from all offensive personalities and advance no fact prejudicial to the honor or reputation of a party or witness unless required by the justice of the cause with which I am charged;
- 8. I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay unjustly the cause of any person.

\_\_\_\_\_  
Signature Limited License Legal Technician

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

JUDGE

**F. Order Admitting to Limited Practice as LLLT.**

After examining the recommendation and accompanying documents transmitted by the Board, the Supreme Court may enter such order in each case as it deems advisable. For those applicants it deems qualified, the Supreme Court shall enter an order admitting them to limited practice as LLLTs. Applicants shall be admitted under APR 28 only after the order has been entered by the Supreme Court.

**G. Order Admitting LLLT to Limited Practice in Additional Practice Area.**

After examining the recommendation and accompanying documents transmitted by the Board, the Supreme Court may enter such order in each case as it deems advisable. For those LLLTs it deems qualified, the Supreme Court shall enter an order admitting them to limited practice in the additional practice area.

**REGULATION 11: ANNUAL LICENSE FEES**

**A.** Except as set forth in section B of this Regulation, every Limited License Legal Technician shall pay an annual license fee in an amount set by the Board with the approval of the Supreme Court, which is due July 1 of each year. Annual license fees paid after July 1 shall be subject to a late fee equal to one half the annual license fee. The annual license fee is for the limited license to practice in one defined practice area.

**B.** The prorated annual license fee for LLLTs who pass the qualifying examination given in the spring and who request active status prior to July 1 of that same calendar year shall be one half the amount of the annual license fee. LLLTs shall pay the annual license fee set forth in Regulation 11A to retain their active status after June 30 of the calendar year of their licensure.

**C.** A LLLT shall pay an annual additional practice area fee for each additional practice area in which the LLLT is licensed. The annual additional practice area fee for each additional practice area shall be one half the amount of the annual license fee. The combined annual additional practice area fees and annual license fee shall not exceed the total cost of active lawyer annual license fees. Annual license fee payment due dates and late fees shall apply to additional practice area fees.

**D.** An LLLT shall provide his or her residential and business addresses, telephone numbers, and business email address to the Board at the time of payment of the annual license fee. An LLLT whose address, telephone number, or email address changes shall notify the WSBA within 10 days after the change.

**REGULATION 12: FINANCIAL RESPONSIBILITY**

**A. Insurance Requirement.** Each limited license legal technician shall show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted under APR 28 by:

- 1. Submitting an individual professional liability insurance policy in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit; or
- 2. Submitting a professional liability insurance policy of the employer or the parent company of the employer who has agreed to provide coverage for the LLLT's ability to respond

in damages in the amount of at least \$100,000 per claim and a \$300,000 annual aggregate limit.

**B. Continuing Requirement.** Each active LLLT who is covered by insurance shall file with the WSBA an annual certificate of coverage. The certificate of coverage shall name the covered LLLT(s) and the policy limits and dates. Each LLLT shall notify the Board of any cancellation or lapse in coverage.

**WSR 13-18-001**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF HEALTH**

[Filed August 21, 2013, 1:21 p.m.]

**2013 Board/Council Meeting Schedule**

Approved by the Board November 14, 2012

Approved by the Council December 6, 2012

	<b>Meeting Date</b>	<b>Location</b>
Board	Wednesday January 9, 2013	Great Wolf Lodge Conference Center 20500 Old Highway 99 S.W. Centralia, WA 98531
Council	Wednesday February 13, 2013	Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
Board	Wednesday March 13, 2013	Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
Board	Wednesday April 10, 2013	No meeting held
Council	Wednesday May 8, 2013	Mount Zion Baptist Church Fellowship Hall 1634 19th Avenue Seattle, WA 98122
Board	Thursday June 13, 2013	Campbell's Resort 104 West Woodin Avenue Chelan, WA 98816
Board	Wednesday July 10, 2013	No meeting held
Board	Wednesday August 14, 2013	No meeting held
Council	Wednesday September 11, 2013	Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501

	<b>Meeting Date</b>	<b>Location</b>
Board	Wednesday October 9, 2013	Cherberg Building Senate Hearing Room 3 Capitol Campus 304 15th Avenue S.E. Olympia, WA 98501
Board	Wednesday November 13, 2013	Red Lion Hotel Seattle Airport 18220 International Boulevard Seattle, WA 98188
Council	Wednesday December 11, 2013	Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501

Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See our web site at [www.sboh.wa.gov](http://www.sboh.wa.gov) for the most current information.

**WSR 13-18-008**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**

[Filed August 22, 2013, 9:45 a.m.]

The board of trustees of Walla Walla Community College, District Number Twenty, has made the following change to the start time of its September 18, 2013, meeting:

From: 9:30 a.m.  
 To: 8:00 a.m.

Please direct any questions to Jerri Ramsey at [jerri.ramsey@wwcc.edu](mailto:jerri.ramsey@wwcc.edu) or by phone (509) 527-4274.

**WSR 13-18-012**  
**NOTICE OF PUBLIC MEETINGS**  
**LIFE SCIENCES**  
**DISCOVERY FUND AUTHORITY**

[Filed August 23, 2013, 11:24 a.m.]

Please note updates to life sciences discovery fund authority's 2013 scheduled board meeting dates. Note as well that we will post our public meeting agenda and any call-in information (if the meeting is telephonic only) as appropriate on our web site <http://www.lsdfa.org/about/staff/meetings.html> prior to each meeting.

**2013 Public Board Meeting Dates**

*(times are approximate and subject to change)*

Monday, August 19	12:00 p.m.-12:30 p.m. Note: Part of this call may involve an executive session	Via Telecon Only: Public line 1-888-272-2618 no password required
Friday, September 13	8:30 a.m.- <del>2:00 p.m.</del> <u>8:35 a.m. and approximately 12:15 p.m.-3:30 p.m.</u>	LSDF Office 1551 Eastlake Avenue East <del>Suite 325</del> Seattle, WA 98102 <u>third floor large conference room</u>
Monday, December 16	8:30 a.m.-2:00 p.m.	LSDF Office 1551 Eastlake Avenue East Suite 325 Seattle, WA 98102

**WSR 13-18-014**

**PUBLIC RECORDS OFFICER  
MILITARY DEPARTMENT**

[Filed August 23, 2013, 2:29 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington state military department is Christopher J. Barnes, Building 1, Camp Murray, WA 98430, phone (253) 512-8110, fax (253) 512-8497, e-mail [chris.barnes@mil.wa.gov](mailto:chris.barnes@mil.wa.gov).

Major General Bret D. Daugherty  
The Adjutant General, Washington

**WSR 13-18-021**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

(Board of Boiler Rules)

[Filed August 26, 2013, 11:06 a.m.]

**Revised Public Meeting Schedule**

Per chapter 42.30 RCW, the Open Public Meetings Act, the board of boiler rules will be holding the September meeting on September 10, 2013, at 10:00 a.m., at the Department of Labor and Industries, 950 Broadway Avenue, Tacoma, WA.

Please contact Alicia Curry at (360) 902-6244 or [alicia.curry@lni.wa.gov](mailto:alicia.curry@lni.wa.gov), if you have any questions.

**WSR 13-18-023**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
ENTERPRISE SERVICES**

(Capitol Campus Design Advisory Committee)

[Filed August 27, 2013, 10:00 a.m.]

The capitol campus design advisory committee meeting scheduled for Thursday, September 5, 2013, has been canceled.

If you have any questions, please contact Nouk Leap at (360) 407-9256 or Kim Buccarelli at (360) 407-9312.

**WSR 13-18-024**

**INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed August 27, 2013, 12:13 p.m.]

**Notice of Interpretive or Policy Statement**

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

**Economic Services Administration  
Division of Child Support (DCS)**

Document Title: CN 283: Part 1 of the Affordable Care Act Implementation - Changes Effective August 26, 2013.

Subject: Affordable Care Act.

Effective Date: August 26, 2013.

Document Description: This canary notice explains the policy and procedure for DCS effective on August 26, 2013, involving the implementation of the Affordable Care Act.

To receive a copy of the interpretive or policy statements, contact Janet Hazelton, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone (360) 664-5236, TDD/TTY (360) 753-9122, fax (360) 586-3274, e-mail [hazeljm@dshs.wa.gov](mailto:hazeljm@dshs.wa.gov), web site <http://www.dshs.wa.gov/dcs/>.

**WSR 13-18-026**

**NOTICE OF PUBLIC MEETINGS  
WINE COMMISSION**

[Filed August 27, 2013, 1:25 p.m.]

**2013 SCHEDULE OF COMMISSIONER BOARD MEETINGS  
*As of August 9, 2013***

Below are the 2013 meeting dates for the Washington wine commission board:

Friday, January 11                      Seattle

- Friday, February 8      Three Rivers Convention Center  
Conference Rooms G & H  
Kennewick  
2:30 p.m. to 5:00 p.m.
- Friday, March 15      El Gaucho Bellevue  
Seven Hills Room  
450 108th Avenue N.E.  
Bellevue  
9:00 a.m. to 5:00 p.m.  
Extended meeting to include  
afternoon board workshop
- Friday, April 12      Richland
- Friday, May 10      Seattle
- Friday, June 7      Walter Clore Wine & Culinary  
Center Vineyard Pavilion  
Prosser  
9:00 a.m. to 12:00 p.m.
- Friday, July 12      Washington State Apple  
Commission Conference Room  
2900 Euclid Avenue  
Wenatchee  
(509) 663-9600  
9:00 a.m. to 12:00 p.m.
- Friday, August 9      Seattle
- September      no meeting
- October      no meeting
- Friday, November 15      Richland
- Friday, December 13      Chateau Ste. Michelle Manor  
House  
Woodinville  
9:00 a.m. to 5:00 p.m.  
Extended meeting to include  
afternoon board workshop

All meetings (except otherwise noted, above) begin at 9:00 a.m. and end at 12:00 p.m. The locations for the Richland and Seattle meetings are as follows (unless noted differently above):

WSU Tri-Cities  
2710 University Drive, Room CIC 210  
Richland, WA 99354-1671  
Switchboard (509) 372-7000  
Washington State Wine Commission  
1201 Western Avenue  
Suite 450  
Seattle, WA 98101-3402  
Phone (206) 667-9463

**WSR 13-18-028**  
**NOTICE OF PUBLIC MEETINGS**  
**LAKE WASHINGTON**  
**INSTITUTE OF TECHNOLOGY**  
[Filed August 27, 2013, 3:29 p.m.]

Pursuant to RCW 42.30.075, we are hereby notifying you of the following change in the board meeting schedule for the Lake Washington Institute of Technology board of trustees.

A special board of trustees meeting/retreat will be held on Wednesday, September 11, 2013.

It will be held from 9:00 a.m. to 4:30 p.m. in room R-124 at our Redmond Campus, 6505 176th Avenue N.E., Redmond, WA 98052. The retreat will be followed by a regular meeting from 5:00 p.m. to 6:30 p.m.

**WSR 13-18-029**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**  
[Filed August 27, 2013, 3:31 p.m.]

**INTERPRETIVE STATEMENT ISSUED**

The department of revenue has issued the following excise tax advisory (ETA):

**ETA 3113.2013**

**Computing Leasehold Excise Tax as Public Marinas**

This ETA discusses the credit allowed where the leasehold excise tax (LET) amount paid by a private tenant exceeds the property tax that would have been due if the property were privately owned. The ETA also provides public marinas with an acceptable formula to compute the amount of the LET the marinas as lessors are required to collect from lessees. This ETA has been revised to indicate that effective July 28, 2013, and thereafter the ETA is superseded by SSB 5444, section 3, chapter 235, Laws of 2013.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich  
Tax Policy Specialist

**WSR 13-18-038**  
**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**  
[Filed August 29, 2013, 8:42 a.m.]

**AMENDED NOTICE**

Pursuant to RCW 42.30.075, following is the board of trustees meeting schedule for Clark College for the year 2013.

The board of trustees of Clark College will hold its general meetings on the fourth Wednesday of the month at 5:00 p.m. except during the months of March, June, and November 2013. All meetings are held at Clark College in the Ellis Dunn Community Room GHL 213 in Gaiser Hall.

Original Date	New Date
September 25, 2013	The September 25, 2013, work session, originally scheduled from 4:00-5:00 p.m. has been extended and will take place from 3:00-5:00 p.m.

**WSR 13-18-040**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE INDEPENDENT**  
**LIVING COUNCIL**

[Filed August 29, 2013, 1:14 p.m.]

The state independent living council (SILC) has scheduled the following regular meeting:

Quarterly Meeting: Ellensburg, Washington, Friday, October 11, 2013, 9 a.m. to 3 p.m.

Location: Quality Inn Conference Center, Great Northern Room, 1700 Canyon Road, Ellensburg, WA 98926.

ASL interpreters and real time captioning (CART) will be available. For other accommodation request, please contact Debbie Cook at 800-624-4105.

Participants may access the meeting remotely by telephone (voice only) or CART online:

Remote access via telephone: 1-800-379-6841. Passcode: 454428.

Remote access via CART online: <http://www.streamtext.net/text.aspx?event=SILC>.

The SILC is appointed by the governor to guide development of and promote access to independent living services for individuals with disabilities statewide. The council works to increase opportunities for self-determination and empowerment of people with disabilities, and to create awareness of people with disabilities as a valuable human resource. We welcome your feedback concerning your experiences and concerns.

If you need further information, please contact Debbie Cook, 800-624-4105.

**WSR 13-18-047**  
**NOTICE OF PUBLIC MEETINGS**  
**WENATCHEE VALLEY COLLEGE**

[Filed August 30, 2013, 11:35 a.m.]

**BOARD OF TRUSTEE MEETING SCHEDULE 2014**

**UNLESS OTHERWISE NOTIFIED, WORK SESSIONS WILL BEGIN AT 10 A.M. AND BOARD OF TRUSTEE MEETINGS AT 3 P.M.**

**This schedule is subject to change**

- January 15, 2014
- February 19, 2014
- March 19, 2014
- April 15, 2014 (board retreat)

- April 16, 2014 (at Omak campus)
- May 21, 2014
- June 18, 2014
- July (no meeting)
- August 20, 2014 (board retreat)
- September 10, 2014
- October 15, 2014 (at Omak campus)
- November 19, 2014
- December 3, 2014 (financial planning retreat)

**WSR 13-18-050**  
**NOTICE OF PUBLIC MEETINGS**  
**CLARK COLLEGE**

[Filed August 30, 2013, 1:27 p.m.]

**2014 Board of Trustees Meeting Schedule**

The board of trustees of Clark College will hold its general meetings on the fourth Wednesday of the month at 5:00 p.m. except during the months of March, June, November, and December 2014. All meetings are held at Clark College in the Ellis Dunn Community Room GH1 213 in Gaiser Hall.

- January 22
- February 26
- March 12
- April 23
- May 28
- June 11
- A special meeting will be held on July 23
- August 27
- September 24
- October 22
- November 19
- December 17

**WSR 13-18-056**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**

[Filed September 3, 2013, 8:21 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is a notice of cancellation for the September 5, 2013, department of health, pharmacy quality assurance commission business meeting.

	Time	Location
September 5, 2013	9:00 a.m.	Red Lion Hotel At The Park 303 West North River Drive Spokane, WA 99201

If you need additional information, please contact Doreen E. Beebe, Health Services Consultant 3, Washington Department of Health, Pharmacy Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4834, fax (360) 236-2901, e-mail Doreen.Beebe@doh.wa.gov, web www.doh.wa.gov.

Please be advised the pharmacy quality assurance commission is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 13-18-070**

**NOTICE OF PUBLIC MEETINGS  
WENATCHEE VALLEY COLLEGE**

[Filed September 3, 2013, 10:47 a.m.]

**Meeting Schedule Change**

The Wenatchee Valley College board of trustees has made the following changes to their 2013 meeting schedule:

September 18, 2013 - CANCELLED

December 4, 2013 - Financial Planning Retreat - ADDED

**BOARD OF TRUSTEE MEETING SCHEDULE**

**2013**

**UNLESS OTHERWISE NOTIFIED, WORK SESSIONS WILL  
BEGIN AT 10 A.M.**

**AND BOARD OF TRUSTEE MEETINGS AT 3 P.M.**

**This schedule is subject to change**

- January 16, 2013
- February 20, 2013
- March 20, 2013
- April 16, 2013 (Board Retreat)
- April 17, 2013 (at Omak campus)
- May 15, 2013
- June 12, 2013
- July (no meeting)
- August 21, 2013 (Board Retreat)
- September (no meeting)
- October 16, 2013 (at Omak campus)
- November 20, 2013
- December 4, 2013 (Financial Planning Retreat)

**WSR 13-18-074**

**INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed September 3, 2013, 2:15 p.m.]

**INTERPRETIVE STATEMENT ISSUED**

The department of revenue has issued the following excise tax advisory (ETA):

**ETA 3176.2013**

**Digital Products - General Implementation**

ETA 9001.2009 Digital Products - General Implementation was initially issued on July 24, 2009, and then reissued as ETA 9001.2011 on June 30, 2011. This ETA is readopted as ETA 3176.2013 so that it is renumbered in a manner consistent with other existing ETAs. This ETA continues to explain the department's initial phased process for implementing chapter 535, Laws of 2009 (ESHB 2075); that the phased implementation process ended June 30, 2011; and how to submit a "digital products" letter ruling request to the department.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich  
Tax Policy Specialist

**WSR 13-18-075**

**INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed September 3, 2013, 2:23 p.m.]

**INTERPRETIVE STATEMENT ISSUED**

The department of revenue has issued the following excise tax advisory (ETA):

**ETA 3177.2013**

**Digital Products - General Analysis of Tax Liability**

The department initially issued ETA 9003.2010 Digital Products - General Analysis of Tax Liability on November 30, 2010. This ETA is readopted as ETA 3177.2013 so that it is renumbered in a manner consistent with other existing ETAs. This ETA explains the overall process of digital products tax analysis; highlights key considerations in the analysis process; and directs taxpayers to other ETAs and rules for more information. This ETA has been amended to eliminate the table of analytic steps taxpayers use in determining the tax treatment of digital products, which represents subject matter that has been subsequently addressed in WAC 458-20-15503.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich  
Tax Policy Specialist

**WSR 13-18-076**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**  
[Filed September 3, 2013, 2:30 p.m.]

**CANCELLATION OF INTERPRETIVE STATEMENT**

The department of revenue has cancelled the following excise tax advisory (ETA):

**ETA 9002.2009**

**Taxation of digital songs, movies, books, and online games transferred electronically**

ETA 9002.2009 addresses the proper interpretation [of] the taxation of digital songs, digital movies, digital books, and online games. This ETA is being cancelled because the matter it addresses is now covered by WAC 458-20-15502 and 458-20-15503. This cancellation is effective September 3, 2013.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Tim Jennrich  
Tax Policy Specialist