

Chapter 490-08B WAC

PRACTICE AND PROCEDURE

WAC

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WAC 490-08B-010 Adoption of model rules of procedure. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250 are adopted for use by the workforce training and education coordinating board. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted by the board, the model rules prevail.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-010, filed 2/18/93, effective 2/18/93.]

WAC 490-08B-020 Appointment of presiding officers. The board's executive director or his/her designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the executive director or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, the executive director or his/her designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-020, filed 2/18/93, effective 2/18/93.]

WAC 490-08B-030 Method of recording. Proceedings shall be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-030, filed 2/18/93, effective 2/18/93.]

WAC 490-08B-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: Building 17, Airdustrial Park, Olympia, Washington.

Written application for an adjudicative proceeding should be submitted to P.O. Box 43105, Olympia, Washington, 98504-3105 within twenty days of the agency action giving rise to the application unless provided for otherwise by statute or rule.

(2/18/93)

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-040, filed 2/18/93, effective 2/18/93.]

WAC 490-08B-050 Brief adjudicative procedures. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. Brief adjudicative procedures shall be used in all matters related to adjudicative appeals filed under RCW 28C.10.120.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-050, filed 2/18/93, effective 2/18/93.]

WAC 490-08B-060 Discovery. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted and order discovery conferences to discuss discovery issues.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-060, filed 2/18/93, effective 2/18/93.]

WAC 490-08B-070 Procedure for closing parts of hearings. Any party may apply for a protective order to close part of a hearing. The party making the request shall state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed and state the reasons in writing within twenty days of receiving the request.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-070, filed 2/18/93, effective 2/18/93.]

WAC 490-08B-080 Recording devices. No cameras or recording devices are allowed in those parts of proceedings that the presiding officer has determined shall be closed under WAC 490-08B-070, except for the method of official recording selected by the workforce training and education coordinating board.

[Statutory Authority: Chapter 28C.18 RCW. 93-06-005, § 490-08B-080, filed 2/18/93, effective 2/18/93.]