

Chapter 223-08 WAC

RULES OF PROCEDURE

WAC

223-08-087 Commencing an appeal—Temporary suspension or discontinuance.

223-08-037

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

223-08-001 Purpose and applicability. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-001, filed 11/21/90, effective 12/22/90.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

223-08-040

223-08-002 Commencement of adjudicative proceedings. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-002, filed 11/21/90, effective 12/22/90.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

223-08-045

223-08-005 Background information. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-005, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-005, filed 4/13/82; Order 004, § 223-08-005, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

223-08-050

223-08-010 Board administration and address of the board. [Statutory Authority: RCW 76.09.230(5). WSR 94-12-030, § 223-08-010, filed 5/24/94, effective 6/24/94. Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-010, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-010, filed 4/13/82; Order 004, § 223-08-010, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

223-08-055

223-08-015 Board administration—Meetings. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-015, filed 4/13/82; Order 004, § 223-08-015, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).

223-08-060

223-08-020 Board administration—Quorum. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-020, filed 11/21/90, effective 12/22/90; WSR 83-03-005 (Order 82-1, Resolution No. 82-2), § 223-08-020, filed 1/7/83; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-020, filed 4/13/82; Order 004, § 223-08-020, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

223-08-065

223-08-025 Board administration—Executive secretary. [Order 004, § 223-08-025, filed 11/10/75.] Repealed by WSR 82-09-024 (Order 82-1, Resolution No. 82-1), filed 4/13/82. Statutory Authority: RCW 76.09.230(4).

223-08-070

223-08-030 Board administration—Procedures applicable. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-030, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-030, filed 4/13/82; Order 004, § 223-08-030, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

223-08-072

223-08-035 Board administration—Definitions. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-035, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-035, filed 4/13/82; Order 004, § 223-08-035, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective

223-08-075

9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285. Board administration—Service of documents on representatives. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-037, filed 11/21/90, effective 12/22/90.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Board administration—Presiding officer, powers. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-040, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-040, filed 4/13/82; Order 004, § 223-08-040, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Board administration—Computation of time. [Order 004, § 223-08-045, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Appearance and practice—Persons who may appear. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-050, filed 11/21/90, effective 12/22/90; Order 004, § 223-08-050, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Appearance and practice—Notice of appearance. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-055, filed 4/13/82; Order 004, § 223-08-055, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Appearance and practice—No formal admission. [Order 004, § 223-08-060, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Appearance and practice—Withdrawal. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-065, filed 4/13/82; Order 004, § 223-08-065, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Appearance and practice—Conduct. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-070, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-070, filed 4/13/82; Order 004, § 223-08-070, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Appearance and practice—Parties not represented by legal counsel—Waiver of rules to prevent manifest injustice. [Statutory Authority: RCW 76.09.230(5). WSR 94-12-030, § 223-08-072, filed 5/24/94, effective 6/24/94.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

223-08-080	Commencing an appeal—Forms. [Statutory Authority: RCW 76.09.230(4). WSR 96-15-034, § 223-08-080, filed 7/11/96, effective 8/11/96; WSR 90-23-093, § 223-08-080, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-080, filed 4/13/82; Order 004, § 223-08-080 and Forms 1 - 9, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.	WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).
223-08-085	Commencing an appeal—Types and time limits. [Statutory Authority: RCW 76.09.230(4). WSR 96-19-030, § 223-08-085, filed 9/10/96, effective 10/11/96; WSR 90-23-093, § 223-08-085, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-085, filed 4/13/82; Order 004, § 223-08-085, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.	223-08-135 Conferences—Prehearing conference, information. [Order 004, § 223-08-135, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).
223-08-090	Commencing an appeal—Jurisdiction. [Order 004, § 223-08-090, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.	223-08-140 Conferences—Prehearing conference, agreements. [Order 004, § 223-08-140, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).
223-08-095	Commencing an appeal—Amendment of notice. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-095, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-095, filed 4/13/82; Order 004, § 223-08-095, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.	223-08-145 Hearing—Superior court rules before hearing. [Order 004, § 223-08-145, filed 11/10/75.] Repealed by WSR 82-09-024 (Order 82-1, Resolution No. 82-1), filed 4/13/82. Statutory Authority: RCW 76.09.230(4).
223-08-097	Intervention. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-097, filed 11/21/90, effective 12/22/90.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.	223-08-147 Hearing—Assignment day—Time. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-147, filed 4/13/82.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).
223-08-100	Prehearing conferences. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-100, filed 11/21/90, effective 12/22/90; Order 004, § 223-08-100, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.	223-08-148 Procedures—Motions. [Statutory Authority: RCW 76.09.230(5). WSR 94-12-030, § 223-08-148, filed 5/24/94, effective 6/24/94.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
223-08-105	Conferences—Informal conference, purpose. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-105, filed 4/13/82; Order 004, § 223-08-105, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).	223-08-150 Hearing—Types of hearings. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-150, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-150, filed 4/13/82; Order 004, § 223-08-150, filed 11/10/75.] Repealed by WSR 96-15-034, filed 7/11/96, effective 8/11/96. Statutory Authority: RCW 76.09.230(4).
223-08-107	Prehearing procedures—Telephone. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-107, filed 11/21/90, effective 12/22/90.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.	223-08-155 Hearing—Election of type. [Order 004, § 223-08-155, filed 11/10/75.] Repealed by WSR 96-15-034, filed 7/11/96, effective 8/11/96. Statutory Authority: RCW 76.09.230(4).
223-08-110	Conferences—Informal conference, when held. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-110, filed 4/13/82; Order 004, § 223-08-110, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).	223-08-160 Hearing—Notice of. [Statutory Authority: RCW 76.09.-230(4). WSR 90-23-093, § 223-08-160, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-160, filed 4/13/82; Order 004, § 223-08-160, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
223-08-115	Conferences—Informal conference, agreements. [Order 004, § 223-08-115, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).	223-08-162 Hearing—Primary and secondary setting. [Statutory Authority: RCW 76.09.230(5). WSR 94-12-030, § 223-08-162, filed 5/24/94, effective 6/24/94.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
223-08-120	Conferences—Prehearing conference, purpose. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-120, filed 4/13/82; Order 004, § 223-08-120, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).	223-08-165 Hearing—Continuance. [Statutory Authority: RCW 76.09.230(5). WSR 94-12-030, § 223-08-165, filed 5/24/94, effective 6/24/94. Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-165, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-165, filed 4/13/82; Order 004, § 223-08-165, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
223-08-125	Conferences—Prehearing conference, when held. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-125, filed 4/13/82; Order 004, § 223-08-125, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).	223-08-170 Hearing—Setting subsequent hearings. [Order 004, § 223-08-170, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).
223-08-130	Conferences—Prehearing conference, documents. [Order 004, § 223-08-130, filed 11/10/75.] Repealed by	223-08-171 Hearing—Dismissal or default. [Statutory Authority: RCW 76.09.230(5). WSR 94-12-030, § 223-08-171, filed 5/24/94, effective 6/24/94.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
		223-08-175 Hearing—Procedures at. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-175, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-175, filed 4/13/82; Order 004, § 223-08-175, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
		223-08-177 Hearing—Standard and scope of review. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-177, filed 4/13/82.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.-

- 170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-180 Hearing—Additional evidence. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-180, filed 4/13/82; Order 004, § 223-08-180, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-185 Hearing—Rules of evidence. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-185, filed 11/21/90, effective 12/22/90; Order 004, § 223-08-185, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-190 Hearing—Admission of evidence and objections. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-190, filed 4/13/82; Order 004, § 223-08-190, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-195 Hearing—Excerpts from documentary evidence. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-195, filed 4/13/82; Order 004, § 223-08-195, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-200 Hearing—Official notice of law. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-200, filed 4/13/82; Order 004, § 223-08-200, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-205 Hearing—Official notice of fact. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-205, filed 4/13/82; Order 004, § 223-08-205, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-210 Hearing—Basis for finding of fact. [Order 004, § 223-08-210, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-215 Hearing—Record. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-215, filed 11/21/90, effective 12/22/90; Order 004, § 223-08-215, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-220 Hearing—Transcripts. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-220, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-220, filed 4/13/82; Order 004, § 223-08-220, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-225 Decision—Proposed decisions. [Order 004, § 223-08-225, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).
- 223-08-230 Decision—Additional evidence by appeals board. [Order 004, § 223-08-230, filed 11/10/75.] Repealed by WSR 82-09-024 (Order 82-1, Resolution No. 82-1), filed 4/13/82. Statutory Authority: RCW 76.09.230(4).
- 223-08-235 Decision—Exceptions. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-235, filed 4/13/82; Order 004, § 223-08-235, filed 11/10/75.] Repealed by WSR 96-19-030, filed 9/10/96, effective 10/11/96. Statutory Authority: RCW 76.09.230(4).
- 223-08-240 Decision—Where no exceptions filed. [Order 004, § 223-08-240, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).
- 223-08-245 Decision—Final decision—Proposed decision. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-245, filed 4/13/82; Order 004, § 223-08-245, filed 11/10/75.] Repealed by WSR 90-23-093, filed 11/21/90, effective 12/22/90. Statutory Authority: RCW 76.09.230(4).
- 223-08-250 Decision—Final decision. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-250, filed 11/21/90, effective 12/22/90; WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-250, filed 4/13/82; Order 004, § 223-08-250, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-252 Decision—Preparation of findings, conclusions and orders. [Statutory Authority: RCW 76.09.230(5). WSR 94-12-030, § 223-08-252, filed 5/24/94, effective 6/24/94.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-255 Petition for reconsideration. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-255, filed 11/21/90, effective 12/22/90; Order 004, § 223-08-255, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-257 Appeals to the courts—Certification of record. [Statutory Authority: RCW 76.09.230(4). WSR 96-15-034, § 223-08-257, filed 7/11/96, effective 8/11/96; WSR 90-23-093, § 223-08-257, filed 11/21/90, effective 12/22/90.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-260 Appeal—Superior court petition. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-260, filed 4/13/82; Order 004, § 223-08-260, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-265 Appeal—Certification of record. [Statutory Authority: RCW 76.09.230(4). WSR 82-09-024 (Order 82-1, Resolution No. 82-1), § 223-08-265, filed 4/13/82; Order 004, § 223-08-265, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-270 Declaratory ruling—Petition. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-270, filed 11/21/90, effective 12/22/90; Order 004, § 223-08-270, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 223-08-275 Rule making—Petition. [Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-275, filed 11/21/90, effective 12/22/90; Order 004, § 223-08-275, filed 11/10/75.] Repealed by WSR 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

WAC 223-08-087 Commencing an appeal—Temporary suspension or discontinuance. Any county appealing under RCW 76.09.050(8) or any person aggrieved appealing under RCW 76.09.220(8) may seek a temporary suspension of the department's approval, in whole or in part, pending such appeal. Any operator, timber owner, or forest land owner appealing under RCW 76.09.080 may seek temporary discontinuance of the stop work order, in whole or in part, pending such appeal. The following procedure shall apply:

(1) The appellant shall file with the appeals board a motion, supported by affidavit setting forth specific facts supporting a temporary suspension or discontinuance. Such motion may be filed with the notice commencing the appeal or at any time thereafter prior to the final decision of the appeal by the appeals board.

(2) Upon receipt of said motion, the presiding officer shall schedule a hearing and serve notice of such hearing on all parties to the appeal. Before or after the commencement of said hearing the presiding officer may order the hearing of the merits to be consolidated with said hearing.

(3) After hearing, the presiding officer shall temporarily suspend the department's approval, or temporarily discontinue the stop work order in whole or in part, or shall decline to suspend or discontinue. Such action shall be based solely on the record and hearing argument, and shall be embodied in a written order. Orders issued under this subsection shall remain effective until the final decision of the appeals board unless sooner dissolved for good cause shown.

(4) In emergency situations, a temporary suspension or discontinuance in whole or in part may be granted by the presiding officer without a hearing, only if it clearly appears from specific facts shown by affidavit that immediate and irreparable injury, loss, or damage will result to the moving party before any adverse party can be heard in opposition. A temporary suspension or discontinuance granted without a hearing shall be embodied in a written order and shall expire by its terms within such time after entry, not to exceed fourteen days, as provided therein unless within the time so fixed the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period. The reasons for the extension shall be entered of record. On two days' notice to the party who obtained the temporary suspension or discontinuance without notice or on such shorter notice to that party as the presiding officer may prescribe, the adverse party may appear and move its dissolution or modification and in that event the presiding officer shall proceed to hear and determine such motion as expeditiously as the ends of justice require.

(5) Every order temporarily suspending the department's approval of an application, or temporarily discontinuing a stop work order, whether issued before or after hearing, shall set forth the reasons for its issuance and shall describe in reasonable detail the scope of suspension or discontinuance and shall be filed at the principal office of the appeals board and shall be binding upon all parties to the appeal, their officers, agents, servants, employees, and attorneys and upon those persons in active concert of participation with them who receive actual notice of the order.

(6) Except as otherwise provided by statute, no temporary suspension or discontinuance shall issue except upon the giving of security by the moving party, in such sum as the presiding officer deems proper, for payment of such costs and damages as may be incurred or suffered by any party who is found to have wrongfully obtained the suspension or discontinuance. No such security shall be required of the United States or of an officer or agency thereof. Pursuant to RCW 4.92.080 no security shall be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

[Statutory Authority: RCW 76.09.230(4). WSR 90-23-093, § 223-08-087, filed 11/21/90, effective 12/22/90.]

