

**WAC 292-100-050 Determination on reasonable cause.** (1) Following an investigation, if the complaint is not dismissed, the board staff will prepare a written investigation report and make a recommendation to the board on whether to find reasonable cause, including a recommendation as to the potential penalty.

(2) Upon receipt of the board staff's investigation report and recommendation, the board will determine whether or not there is reasonable cause to believe that a violation of chapter 42.52 RCW has occurred and the potential penalty.

(3) The board's reasonable cause determination will be done in closed session.

(4) If after determining reasonable cause, the board determines that the penalty and costs should be greater than five hundred dollars, the respondent will be given the option to have an administrative law judge conduct the hearing and rule on procedural and evidentiary matters in accordance with RCW 42.52.500.

(5) The board may, on its own initiative, choose to retain an administrative law judge to conduct any hearing.

(6) Upon receipt of an investigation report and recommendation on a complaint referred to the employing agency for investigation, the board will either:

(a) Reject the report and recommendation and initiate its own investigation; or

(b) Reject or concur with the report and recommendation and dismiss the complaint; or

(c) Concur with the report and recommendation and proceed under this section; or

(d) Concur with the report and recommendation and refer the matter to the employing agency for implementation of the recommendation if the recommendation is within the agency's authority to implement. The agency will report implementation to the board and the board will then dismiss the complaint.

[Statutory Authority: RCW 42.52.360. WSR 17-01-138, § 292-100-050, filed 12/20/16, effective 1/20/17. Statutory Authority: RCW 42.52.360 (2)(b). WSR 07-02-001, § 292-100-050, filed 12/20/06, effective 1/20/07. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-100-050, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 99-06-073, § 292-100-050, filed 3/2/99, effective 4/2/99. Statutory Authority: Chapter 42.52 RCW and RCW 42.52.360 (2)(b). WSR 96-22-028, § 292-100-050, filed 10/30/96, effective 11/30/96.]