

WAC 16-461-060 Civil penalty for violations and suspension of compliance agreements for violations.

(1) A person who violates the provisions of chapter 15.17 RCW, or the rules adopted under chapter 15.17 RCW including chapter 16-390 WAC and this chapter, may be subject to a civil penalty in an amount of not more than one thousand dollars for each violation. Each violation is a separate and distinct offense. Every person who, through an act of omission, procures, aids, or abets in the violation is in violation of this chapter or its rules and may be subject to the civil penalty provided in this section. A penalty amount will be determined by the director based upon the seriousness of any violation and in consideration of any aggravating or mitigating factors.

(2) A person granted a compliance agreement may be subject to suspension of the agreement for a period not to exceed twelve consecutive months for violation of the provisions of chapter 15.17 RCW, or the rules adopted under chapter 15.17 RCW including chapter 16-390 WAC and this chapter. A period of suspension will be determined by the director based on the seriousness of any violation and in consideration of any aggravating or mitigating factors.

(3) Penalty matrix:

Violation	Penalty/Suspension*
First	Up to \$250 civil penalty and up to 90 day suspension of compliance agreement
Second	Up to \$500 civil penalty and up to 180 day suspension of compliance agreement
Third	Up to \$1,000 civil penalty and up to one year suspension of compliance agreement

* Penalties and suspensions under this subsection are subject to aggravating or mitigating circumstances as noted in subsections (1) and (2) of this section.

(4) Nothing herein shall prevent the director from:

(a) Choosing not to pursue a civil penalty or suspension of a compliance agreement.

(b) Issuing a notice of correction in lieu of pursuing a civil penalty or suspension of a compliance agreement.

(c) Negotiating settlements of cases on such terms and for such reasons as deemed appropriate. Prior violations covered by a prior settlement agreement may be used by the director for the purpose of determining the appropriate penalty for the current alleged violation(s) if not prohibited by the agreement.

(d) Referring violations or alleged violations to any federal, state or county authority with jurisdiction over the activities in question including, but not limited to, the United States Department of Agriculture (USDA) and federal, state or local law enforcement agencies.

[Statutory Authority: RCW 15.17.030, [15.17.]050, [15.17.]060 and chapter 34.05 RCW. WSR 15-10-090, § 16-461-060, filed 5/6/15, effective 6/6/15.]