

**WAC 139-06-140 Hearing on petition for eligibility for certification or reinstatement of certification.** (1) The commission may hold a hearing to determine the peace officer's eligibility for certification or reinstatement of certification.

(2) Upon receipt of a petition for eligibility for certification or reinstatement of certification, and a determination by commission staff that a hearing is necessary or required, the peace officer and the peace officer's employing agency shall be notified in writing. Where a hearing is not held, the peace officer and the peace officer's employing agency shall be notified in writing of the commission's decision to grant or deny the petition and the reasons for the decision. Where the petition is denied, the peace officer or the peace officer's employing agency may request a hearing before a hearing panel by making such request in writing within fourteen days of the mailing of notification that the petition was denied.

(3) Hearings on eligibility for certification or reinstatement of certification shall be conducted by a hearing panel. The hearing panel shall review the certification file and any additional information submitted by the parties prior to the hearing and may request any additional information in order to assist in its determination. The issues shall be limited to whether the peace officer is eligible for certification, whether certification should be reinstated, and whether appropriate probationary terms should be imposed as a condition of reinstatement.

(4) The hearing panel shall enter its decision on the petition by written order within ninety days of the conclusion of the hearing, unless the time period is extended for good cause, or waived. A copy of the order shall be sent to the parties and to the peace officer's employing agency.

(5) The decision of the hearing panel shall be the final order of the commission.

(6) A peace officer whose petition for eligibility for certification or reinstatement of certification was denied by a hearing panel may file a subsequent petition after five years have elapsed since the date of the entry of the hearing panel's final written order denying the prior petition. If a second petition for reinstatement is denied, no further petitions may be filed. The commission will not consider or accept for filing a petition for reinstatement submitted after two prior petitions have been denied.

[Statutory Authority: RCW 43.101.080. WSR 14-01-046, § 139-06-140, filed 12/11/13, effective 1/11/14; WSR 03-02-010, § 139-06-140, filed 12/20/02, effective 1/20/03.]