

WAC 204-91A-090 Hearing procedure. Hearings under this chapter will be pursuant to chapters 34.05 RCW and 10-08 WAC, as supplemented by this section.

(1) The presiding officer will conduct the hearing and any pre-hearing conference(s).

(2) The burden of proof in any hearing will be on the applicant seeking a letter of appointment, or the person or agency seeking the suspension or revocation of a letter of appointment, or other action by the chief or designee. The chief or designee, after having heard and considered all pertinent evidence, or if the hearing is conducted by an administrative law judge, after having considered a record of a hearing conducted by an administrative law judge duly appointed pursuant to chapter 34.12 RCW, will make written findings of facts and conclusions based on evidence presented.

(3) Oral proceedings must be recorded by a method chosen by the patrol and such recording will become part of the hearing record.

(4) During an adjudicative proceeding, no person may appear in a representative capacity other than the following:

(a) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(b) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law; and/or

(c) A bona fide officer, partner, sole proprietor, or authorized manager of a sole proprietorship, partnership, or corporation who appears for such sole proprietorship, partnership, or corporation.

(5) The presiding officer will decide whether to permit the taking of depositions, the requesting of admissions, and all other procedures authorized by rules 26 through 36 of the superior court civil rules. The presiding officer will condition use of discovery on a showing of necessity and unavailability by other means. In exercising such discretion, the presiding officer will consider:

(a) Whether all parties are represented by counsel;

(b) Whether undue expense or delay in bringing the case to hearing will result;

(c) Whether the discovery will promote the orderly and prompt conduct of the proceeding; and

(d) Whether the interests of justice will be promoted.

[Statutory Authority: RCW 46.55.115. WSR 17-10-029, § 204-91A-090, filed 4/26/17, effective 5/27/17. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 09-09-118, § 204-91A-090, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-090, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 02-07-056, § 204-91A-090, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-090, filed 6/23/89.]