

WAC 196-09-060 Procedures for brief adjudicative proceedings. A brief adjudicative proceeding is conducted by a presiding officer as designated by the board chair. The presiding officer shall have knowledge and experience in the administrative processes of the board and the requirements of the provisions for a brief adjudicative proceeding as provided in chapter 34.05 RCW and WAC 196-09-050 through 196-09-060, but shall not have participated in the determination or action under review. Except as may be otherwise required by the presiding officer, the following procedures shall apply:

(1) Both parties shall provide any written statements, explanations, documents, emails, and other information they feel might be relevant as instructed by the presiding officer.

(2) In unique circumstances, during the administrative review, the presiding officer may ask questions and take testimony of the respondent and the board staff, as necessary to supplement the record.

(3) No other witnesses may appear to testify. If the presiding officer determines that witnesses are needed to make a decision, the proceeding will be converted into a formal hearing.

(4) The presiding officer may convert the brief adjudicative proceeding into a formal hearing if they determine, for any reason, that a formal hearing is needed.

(5) At the time any unfavorable action is taken, the presiding officer may serve upon each party a preliminary brief statement of the reasons for the decision. Within ten days of the preliminary statement, the presiding officer shall give the parties a written order containing the findings and conclusions supporting the decision and information about any internal administrative review available.

(6) The brief written statement is an initial order. If no review is taken of the initial order as authorized by RCW 34.05.488 and 34.05.491, the initial order shall be the final order.

[Statutory Authority: RCW 18.43.035. WSR 21-22-092, § 196-09-060, filed 11/2/21, effective 12/3/21. Statutory Authority: Chapters 18.43 and 18.235 RCW. WSR 04-04-001, § 196-09-060, filed 1/21/04, effective 2/21/04.]