

WAC 16-08-141 Brief adjudicative proceedings—Applicability.

(1) If an adjudicative proceeding is requested in a matter not listed in this section, a brief adjudicative proceeding may be conducted at the discretion of the presiding officer when use of a brief adjudicative proceeding will not violate any provision of law and protection of the public interest does not require the department to give notice and an opportunity to participate to persons other than the parties and:

- (a) The only issues presented are issues of law; or
- (b) Both parties have agreed to a brief adjudicative proceeding.

(2) Brief adjudicative proceedings may be used to determine the following issues including, but not limited to:

(a) Whether an applicant, permittee, or licensee satisfies all requirements to maintain, provide, make available for review, or display records or has committed other recordkeeping violations.

(b) Whether an applicant, permittee, or licensee satisfies all requirements to create, maintain, provide, or make available for review data or reports.

(c) Whether an applicant, permittee, or licensee satisfies all requirements to display or post information required by law.

(d) Whether an applicant satisfies financial security requirements by providing adequate proof of insurance, surety bonds, custodial account, or other proof of financial security as required by law.

(e) Whether an applicant satisfies terms for reinstatement of a license or registration after a period of license or registration suspension or revocation.

(f) Whether an applicant meets minimum eligibility requirements for an initial or renewal application for a license, permit, registration, or certification.

(g) Whether an applicant, licensee, permittee, or registrant should be denied a license, permit, registration, or certification for failure to comply with labeling requirements.

(h) Whether an applicant, permittee, or licensee failed to cooperate in an investigation, examination, sample taking, or inspection by the department.

(i) Whether an applicant, permittee, or licensee violated the terms of a final order issued by the director or director's designee.

(j) Whether an applicant, permittee, licensee, or registrant failed to timely pay an application fee, renewal fee, or an assessment required for a license, registration, permit, or certification.

(k) Whether commercial use of a weighing or measuring instrument or device violates chapter 19.94 RCW or 16-674, 16-662, or 16-663 WAC.

(l) Whether motor fuel marketed for sale is in compliance with chapters 19.112 RCW and 16-662 WAC.

(m) Whether planting stock fails to meet the certification requirements under chapter 15.14 RCW.

(n) Whether a milk processing plant or producer license should be lowered in grade for failure to meet requirements under chapter 15.36 RCW.

(o) Whether a license for sale of milk for animal food should be denied, suspended, or revoked for violations under chapter 15.37 RCW.

(p) Whether a commercial feed registration of pet food and specialty pet food should be denied or canceled for failure to comply with requirements under chapter 15.53 RCW.

(q) Whether registration on the organic brand name materials list should be denied, suspended, or revoked for failure to meet the requirements under chapter 15.86 RCW.

(r) Whether an applicant for a custom farm slaughter license or a custom meat facility license should be denied, suspended, or revoked for failure to comply with the requirements under chapter 16.49 RCW.

(s) Whether an applicant for pesticide registration should be denied for failure to comply with the pesticide product or labeling requirements under chapter 15.58 RCW.

(t) Whether an applicant for fertilizer registration should be denied for failure to comply with commercial fertilizer product or labeling requirements under chapter 15.54 RCW.

(u) Whether an applicant for a license to feed garbage to swine should be denied, suspended, or revoked for failure to comply with the licensing requirements under chapter 16.36 RCW.

(v) Whether an applicant for a certified feed lot license should be denied, suspended, or revoked for failure to pay fees required under RCW 16.58.130.

(w) Whether a person is in violation of chapter 16.36 RCW for failure to secure a certificate of veterinary inspection for an animal being brought into Washington state.

(x) Whether a person is in violation of RCW 16.36.050(2) for failure to transport or deliver an animal to the destination designated by a certificate of veterinary inspection, import health papers, permits, or other transportation documents required by law.

(y) Whether a person licensed to practice veterinary medicine, surgery, or dentistry in Washington state is in violation of RCW 16.36.080 for failure to report to the department the existence or suspected existence of a reportable disease among animals within the state.

(z) Whether a seed conditioning permit should be revoked for failure to comply with chapters 15.49 RCW and 16-302 WAC.

[Statutory Authority: RCW 43.17.060 and chapter 34.05 RCW. WSR 17-13-125, § 16-08-141, filed 6/21/17, effective 7/22/17. Statutory Authority: Chapter 34.05 RCW. WSR 11-20-047, § 16-08-141, filed 9/29/11, effective 10/30/11; WSR 97-14-050, § 16-08-141, filed 6/27/97, effective 7/28/97. Statutory Authority: RCW 34.05.425. WSR 93-10-059, § 16-08-141, filed 4/30/93, effective 5/31/93. Statutory Authority: Chapter 34.05 RCW. WSR 91-23-051, § 16-08-141, filed 11/15/91, effective 12/16/91.]