

**WAC 16-165-160 Food establishments—Basis for enforcement action.** (1) The department may issue a notice of correction for:

(a) Food establishments that score less than ninety points on an inspection; or

(b) Critical violations found during an inspection of a food establishment.

(2) The department may review and consider initiating enforcement action, such as license suspension, civil penalties, and/or other penalties provided in chapters 16.49, 69.07, 69.10, or 15.130 RCW when:

(a) Food establishments score less than ninety points on two separate inspections within a consecutive three-year period; or

(b) Food establishments fail to correct critical violations during an inspection.

(3) Nothing herein shall prevent the department from:

(a) Choosing not to pursue a case administratively.

(b) Issuing a notice of correction in lieu of pursuing administrative action.

(c) Negotiating settlement(s) of cases on such terms and for such reasons as it deems appropriate.

[Statutory Authority: RCW 15.30.120, 69.07.020, 69.10.055, and 16.49.025. WSR 20-17-020, § 16-165-160, filed 8/6/20, effective 9/6/20. Statutory Authority: RCW 16.49.680, 19.32.030, 69.04.730, 69.07.020 and 69.10.055. WSR 99-13-001, § 16-165-160, filed 6/3/99, effective 7/4/99.]