

**WAC 16-585-040 Assessments and collections.** (1) The assessment on the affected commodity harvested in the production area shall be as follows: Two percent of the landed value of Puget Sound gillnet salmon shall be assessed to the producer.

(2) For the purpose of collecting assessments, the board may require the person subject to the assessment or the person responsible for collection of producer assessments to give adequate assurance or security for its collection or payment.

(3) All persons subject to the provisions of this marketing order shall make and render reports and furnish information to the director or the board as required under the act or this marketing order. Any financial and commercial information and records obtained by the director or commission are exempt from public disclosure under the provisions of RCW 15.65.203 and 42.17.31907, but shall not be disclosed to any other person save to a person with like right to obtain the same or any attorney employed by the director or the commission to give legal advice thereon or by court order.

(4) For the purpose of assuring and verifying compliance with the recordkeeping and reporting requirements of this order and the act, the director and the board through its duly authorized employees, shall have access to and the authority to audit and examine such reports or information.

(5) Any moneys collected or received by the board pursuant to the provisions of this marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of each year or at the close of a period as the board determines to be reasonably adapted to effectuate the declared policies of the act and the purposes of this marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.

(6) Any due and payable assessment herein levied in a specified amount as provided under the act and this marketing order and any assessment which is required hereunder to be collected, shall constitute a personal debt of every person so assessed, responsible for collection, or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of assessment or other sum on or before the date due, the board may, and is hereby authorized to, add to the unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the unpaid assessment. In the event of failure of a person or persons to pay any due and payable assessment or other sum, the board may bring a civil action against a person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent plus the costs and expenses of suit and a reasonable attorney's fee therein, and the action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

(7) Assessments may, with the consent of the affected producer, be collected prospectively.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. WSR 05-13-008, § 16-585-040, filed 6/3/05, effective 7/4/05. Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. WSR 95-15-102, § 16-585-040, filed 7/19/95, effective 8/19/95.]