

WAC 204-91A-080 Suspension or revocation of letter of appointment. The patrol may deny, suspend, or revoke a letter of appointment:

(1) Upon receiving evidence that any appointee has failed to comply or no longer complies with any requirement or provision of law or this chapter. The following process must be used:

(a) The patrol must give the appointee notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW, prior to denial, suspension, or revocation of the letter of appointment.

(b) Upon receiving notice of the action, the appointee may, within twenty days from the date of the notice of action, request in writing to the section commander a hearing on the denial, suspension or revocation of the letter of appointment. An adjudicative proceeding will be commenced within ninety days of the receipt of a hearing request. Failure to request a hearing, or failure to appear at a requested hearing, a prehearing conference, or any other stage of an adjudicative proceeding, will constitute default and may result in the entry of a final order under RCW 34.05.440.

(c) Upon receiving a hearing request, the section may, at the request of the appointee, or on its own initiative, schedule an informal settlement conference which will be without prejudice to the rights of the parties. The informal settlement conference will be held in the district where the company resides at a mutually agreed upon time and may result in a settlement agreement. If no agreement is reached, a hearing will be scheduled as outlined in chapter 34.05 RCW.

(2) Without prior notification if it finds that there is danger to the public health, safety, or welfare which requires immediate action. In every summary suspension of a letter of appointment, an order signed by the chief or designee must be entered, in compliance with the provisions of RCW 34.05.479. Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action shall be promptly instituted and determined. The patrol must give notice as is practicable to the appointee.

(3) Immediately if the department revokes or cancels the registered tow truck operator license or if the tow company's insurance certification bond is canceled.

(4) If the holder of a letter of appointment voluntarily relinquishes the letter, the inspector and the district commander will be advised in writing of this voluntary relinquishment. After receiving written notice, the inspector will attempt to obtain the appointee's letter of appointment. If the owner/operator requests reissuance of a letter of appointment, the patrol may require a new application. Additionally, if applicable, all new equipment exempted under the previous letter of appointment must meet current requirements outlined in WAC and RCW.

(5) If violations of the terms and conditions of the letter of appointment that are subject to suspension for the first violation are categorized as major violations any subsequent or continuing major violation may be cause for termination unless the patrol imposes additional suspensions for longer periods, if deemed appropriate.

(a) When considering punitive action for a major violation of the letter of appointment, the section commander may take into consideration all major and minor violations that occurred within thirty-six months prior to the date of the current violation.

(b) Terms of disciplinary action - Minor violations of the terms and conditions of the LOA may be cause for disciplinary action in the following manner:

- (i) First violation within a twelve-month period - Letter of written reprimand;
- (ii) Second violation within a twelve-month period - Thirty-day suspension;
- (iii) Third violation within a twelve-month period - Sixty-ninety day suspension;
- (iv) Fourth violation within a twelve-month period - Termination of the letter or appointment.

[Statutory Authority: RCW 46.37.005, 46.55.050, and 46.55.115. WSR 14-17-104, § 204-91A-080, filed 8/19/14, effective 9/19/14; WSR 09-09-118, § 204-91A-080, filed 4/21/09, effective 5/22/09. Statutory Authority: RCW 46.37.005 and 46.55.115. WSR 07-02-025A, § 204-91A-080, filed 12/22/06, effective 1/22/07. Statutory Authority: RCW 46.37.005. WSR 04-20-021, § 204-91A-080, filed 9/28/04, effective 10/29/04. Statutory Authority: RCW 46.37.005 and 46.55.050. WSR 94-18-083, § 204-91A-080, filed 9/2/94, effective 10/3/94. Statutory Authority: RCW 46.35.005 [46.37.005]. WSR 89-14-015 (Order 89-04-ESR), § 204-91A-080, filed 6/23/89.]