

WAC 391-45-210 Answer—Contents—Amendment—Effect of failure to answer. (1) An answer filed by a respondent must specifically admit, deny, or explain each fact alleged in the portions of a complaint found to state a cause of action under WAC 391-45-110. A statement by a respondent that it is without knowledge of an alleged fact operates as a denial. An answer must assert any affirmative defenses that are claimed to exist.

(2) Counterclaims by a respondent against a complainant must be filed and processed as separate cases, subject to procedures for consolidation of proceedings.

(3) Motions to amend answers must be acted upon by the examiner, subject to the following limitations:

(a) Amendment is allowed if a motion to amend the complaint has been granted;

(b) Amendment may be allowed prior to the opening of a hearing, subject to due process requirements;

(c) After the opening of a hearing, amendment may only be allowed to conform the pleadings to evidence received without objection, upon motion made before the close of the hearing.

(4) If a respondent fails to file a timely answer or to specifically deny or explain a fact alleged in the complaint, the facts alleged in the complaint are deemed to be admitted as true, and the respondent is deemed to have waived its right to a hearing as to the facts so admitted. A motion for acceptance of an answer after its due date may be granted for good cause, unless the complainant can show that it would be prejudiced by such action in accordance with WAC 391-08-003.

[Statutory Authority: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, 47.64.135, and 49.39.060. WSR 22-23-101, § 391-45-210, filed 11/16/22, effective 1/1/23. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 28B.52.073, 41.56.170, 41.59.150 and 53.18.015. WSR 00-14-048, § 391-45-210, filed 6/30/00, effective 8/1/00; WSR 90-06-074, § 391-45-210, filed 3/7/90, effective 4/7/90. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. WSR 80-14-048 (Order 80-7), § 391-45-210, filed 9/30/80, effective 11/1/80.]