



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Board of Accountancy

- Permanent Rule
 Emergency Rule

(1) Date of adoption: December 16, 1993

(2) Purpose: General housekeeping--reorganizes WAC section numbering; Establishes respondent's right to examine evidence, conduct of disciplinary hearings, and rules of evidence.

(3) Citation of existing rules affected by this order: New section: **WAC 4-25-920 Hearings by the board.**

- Repealed:
Amended:
Suspended:

(4) Authority for adoption:

Statute: RCW 34.05.220 and RCW 18.04.055

Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 93-22-075 on November 1, 1993 (date).

Describe any changes other than editing from proposed to adopted version: None

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
 Other (specify) _____ *

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- Immediately
 Later (specify) _____

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STATE OF WASHINGTON

JAN 04 1994

4:26
94-02-0090

NAME (TYPE OR PRINT)

Carey L. Rader

SIGNATURE

TITLE

Executive Director

DATE

01/04/94

NEW SECTION

WAC 4-25-920 Hearings by the board. (1) **Respondent's right to examine evidence.** A respondent has the right in advance of the hearing to examine and copy any report of investigation and documentary or testimonial evidence and summaries in the board's possession relating to the subject matter of the complaint. The right of examination may be exercised by the respondent or his attorney or agent at the board's office where the records in question are kept, during regular business hours, on three days' advance notice in writing. Copies will be promptly furnished of any documents designated for copying, but the board may charge a fee for such copying.

(2) **The order of proceedings** shall be as follows:

(a) Statement and presentation of evidence supporting the complaint, by the investigating officer, by a board member designated for that purpose, or by counsel;

(b) Statement and presentation of evidence by the respondent, in person (or in the case of a firm through an owner, officer, director) or by respondent's counsel;

(c) Rebuttal evidence in support of the complaint;

(d) Surrebuttal evidence of the respondent;

(e) Closing statements; and

(f) Board decision.

(3) **Procedural matters.** A presiding officer appointed by the board shall conduct and control the hearing.

The presiding officer, board members, the respondent, and the person presenting the complaint shall have the right to question or examine or cross-examine any witness.

The proponent of a fact or position bears the burden of presenting evidence to support such fact or position.

The presiding officer may grant (or deny) continuances requested by the state or a respondent.

The presiding officer may set reasonable time limits for oral presentation.

The presiding officer or designee shall mark and preserve exhibits and shall arrange for, and preserve, a transcript and/or recording as part of the record of the hearing.

(4) **Admission of evidence.** The board is not bound by technical rules of evidence. The presiding officer may admit any evidence of a kind commonly relied upon by reasonably prudent persons in the conduct of their affairs. The presiding officer will admit all such evidence that is offered without objection unless the presiding officer determines that such evidence is irrelevant, immaterial, or unduly repetitious. Evidence may be received provisionally, subject to later ruling by the presiding officer as to its admissibility; but any such ruling must be made before closing statements are heard.