

TRANSMITTAL OF RULES ADOPTED BY INSTRUCTION OF HIGHER EDUCATION  
(Instruction for Completion of Back of Page)

FROM: Central Washington State College  
(Name of Institution)

TO: CODE REVISER  
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)  
Olympia 98504

The enclosed  Permanent rules  
 Emergency rules, being order No. 3244

relating to (Name of rules or description of subject matter)

Chapter 106-36--Central Washington State College  
Rules and Regulations Governing Use of College  
Facilities

Chapter 106-08--Central Washington State College  
Practice and Procedure

(ALTERNATIVE A. Use only for adoption of permanent rules)

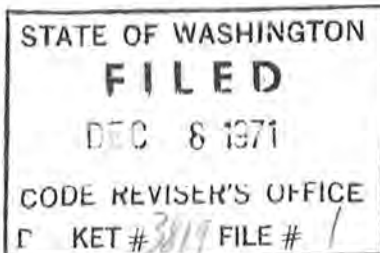
pursuant to Notice No. 3244 ① filed with the code reviser  
on Nov. 12, 1971 ② were regularly adopted as permanent rules of this  
(date) Hertz Hall-Room 123  
institution at C.W.S.C., Campus on 12-3-71 and are herewith  
(place) (date)  
filed in the office of the code reviser pursuant to chapter  
28B.19 RCW (1971 1st ex.s. c 57). The effective date of such rules  
shall be January 7, 1971. ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of  
these rules is necessary for the preservation of the public  
health, safety, or general welfare and that observance of the  
requirements of notice and opportunity to present views on the  
proposed action would be contrary to the public interest, were  
regularly adopted as emergency rules of this institution at  
\_\_\_\_\_ on \_\_\_\_\_ and are herewith filed in the office  
(place) (date)  
of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s.  
c 57).

The undersigned hereby certifies that the requirements of chapter  
28B.19 RCW (1971 1st ex.s. ch 57) and of the Open Public Meetings  
Act of 1971, chapter 42.30 RCW (1971 1st ex.s. ch 250) have been  
fulfilled.

Dated this \_\_\_\_\_ 7th \_\_\_\_\_ day of December 1971.



Central Washington State College  
(AGENCY)

Steve Milam  
By Steve Milam  
Assistant Attorney General  
Title

CENTRAL WASHINGTON STATE COLLEGE

STATE OF WASHINGTON

BOARD OF TRUSTEES

RESOLUTION NO. 71-17

WHEREAS certain rules and regulations of Central Washington State College are required by law to be adopted in accordance with the provisions of Chapter 57, Laws of 1971, First Extraordinary Session; and

WHEREAS notice of the intent of the Board of Trustees of Central Washington State College to adopt rules concerning:

1. Hearing of contested cases
2. Use of Nicholson Pavilion and Pool
3. Admission charges for academic department programs
4. Entertainment Policy

of Central Washington State College has been provided in accordance with Chapter 57, Laws of 1971, First Extraordinary Session; and

WHEREAS a hearing has been held in an open and public meeting by the Board of Trustees of Central Washington State College on the proposed rules concerning:

1. Hearing of contested cases
2. Use of Nicholson Pavilion and Pool
3. Admission charges for academic department programs
4. Entertainment Policy

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Central Washington State College that the Board of Trustees of Central Washington State College hereby adopts rules concerning:

1. Hearing of contested cases
2. Use of Nicholson Pavilion and Pool
3. Admission charges for academic department programs
4. Entertainment Policy

for Central Washington State College to read as set forth on the pages attached.

BOARD OF TRUSTEES  
CENTRAL WASHINGTON STATE COLLEGE

Mrs. Hugh Munn  
Chairman

Attest:

James E. Brooks  
Dr. James E. Brooks, Secretary  
Board of Trustees

DATED THIS 3rd DAY OF December, 1971.

STATE OF WASHINGTON  
**FILED**  
DEC 8 1971  
CODE REVISER'S OFFICE  
KET # FILE #

Chapter 106-36

CENTRAL WASHINGTON STATE COLLEGE  
RULES AND REGULATIONS GOVERNING  
USE OF COLLEGE FACILITIES

WAC 106-36-800 ENTERTAINMENT POLICY. The provisions of WAC 106-36-800 through 106-36-859 shall constitute the entertainment policy of Central Washington State College.

WAC 106-36-801 ENTERTAINMENT DEFINED. "Entertainment wherever used in WAC 106-36-800 through 859 shall be defined as follows: "Any performance, lecture, event, attraction, etc. presented in concert form that shall require the use of the Central Washington State College facilities and is sponsored by either the Associated Students of Central, an officially recognized student organization, or private entity."

WAC 106-36-802 FESTIVALS. The presentation of festivals (as defined by Chapter 302, Laws of 1971, First Extraordinary Session) will not be permitted due to lack of adequate facilities.

WAC 106-36-805 APPROVAL OF ENTERTAINMENT REQUIRED. All entertainment to be presented on the Central Washington State College campus must have the approval of the Associated Students of Central Social Activities Board and the Associated Students of Central business manager. The Director of Social Activities shall determine the financial feasibility of any presentation of entertainment and shall make a recommendation concerning such financial feasibility to the Associated Students of Central Social Activities Board.

WAC 106-36-820 RESPONSIBILITIES OF THE ASSOCIATED STUDENTS OF CENTRAL. The Associated Students of Central shall provide crowd control personnel for all entertainment that the Associated Students of Central sponsor. The Associated Students of Central and the student fees budget areas may be required to assume financial responsibility and liability for any claims that may arise against the college for damage or injuries occurring as a result of an Associated Students of Central sponsored entertainment event.

WAC 106-36-825 PROHIBITED ACTIVITIES AT ENTERTAINMENT PRESENTATION. The following activities shall be prohibited at any presentation of entertainment: smoking, drinking, usage of drugs, any act which is destructive in nature, behavior infringing upon the dignity, well-being or the rights of another individual, as well as all other acts prohibited by institutional policy, State and Federal law.

WAC 106-36-830 OBLIGATIONS OF OFFICIALLY RECOGNIZED STUDENT ORGANIZATIONS AND PRIVATE ENTITIES. All officially recognized student organizations and private entities presenting entertainment as determined and approved by the Social Activities Board are subject to the provisions of WAC 106-36-800 through 859 and shall be subject to the same regulations concerning responsibilities and liabilities as the Social Activities Board as set forth in WAC 106-36-820 and 825.

WAC 106-36-831 -----DEPOSIT OF RENTAL FEE. All recognized student organizations and private entities shall deposit, in advance, with the college scheduling office in cash, certified check or money order only, the rental fee for the facilities to include set-up and clean-up charges.

WAC 106-36-832 -----DAMAGES BOND. All recognized student organizations and private entities shall furnish Central Washington State College with a certificate of insurance or other satisfactory proof that such recognized student organization or private entity has purchased reasonable insurance coverage (\$1,000,000 liability coverage and \$250,000 property damage coverage) for the entertainment event presented by such recognized student organization or private entity, of which Central Washington State College is the sole beneficiary. (1) The following shall be required of all recognized student organizations and private entities presenting entertainment:

(a) Each recognized student organization or private entity shall provide the scheduling office with a complete list of all the officers, agents and representatives of the organization, including full names, local addresses and permanent addresses of each.

(b) Each recognized student organization or private entity shall be responsible for the admissions, attendance and crowd control in the college facilities during the time reserved for their organization.



(c) Each recognized student organization or private entity assumes responsibility for all violations of college regulations and policies, State law, and Federal law which occur in connection with the use of the facilities and shall hold the college harmless from any claims or liability for any act or failure to act on the part of the recognized student organization.

WAC 106-36-840 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE. Consistent with the scheduling policy, the Social Activities Board will be responsible for securing a facility and a date subject to calendar approval by the scheduling office and the chairman of the Physical Education Department. The priority of the Pavilion is first in terms of class space, second for college sponsored athletics, third for intramurals and fourth for Recreation and Social Activities.

WAC 106-36-841 -----PROCEDURE FOR REQUEST. Initial requests for a scheduling date and approval of an entertainment event and the use of a college facility for that event shall be made through the scheduling office twenty business days prior to the date requested (not including the day of the event) before the contract will be executed on the part of the college.

WAC 106-36-842 -----PROHIBITION OF ASSIGNMENTS. The privilege to use college facilities for entertainment is subject to the provisions of WAC 106-36-800 through 859 and may not be assigned; if any assignment is made, the college reserves the right to cancel the scheduling of the assigned entertainment event.

WAC 106-36-843 -----REQUIREMENTS FOR SCHEDULING. No facility will be scheduled for use by recognized student organizations or private entities until a duly authorized representative of that organization has:

- (1) signed a contract for the rental of the facility;
- (2) paid the rental fee for the use of that facility;

and

(3) furnished satisfactory proof of the acquisition of the insurance coverage required by this policy, ten business days prior to the date requested.

WAC 106-36-844 -----AUTHORITY OF SCHEDULING OFFICER. The Scheduling Officer of Central Washington State College may impose special conditions or additional requirements where necessary upon any recognized student organization or private entity as a condition precedent to the presentation of entertainment. The Scheduling Officer may in his or her discretion make exceptions to the provisions of WAC 106-36-800 through 859 where extraordinary circumstances exist.

WAC 106-36-845 REQUIREMENTS FOR EXECUTION OF CONTRACT AND CONTENTS. At such time as the requirements of 106-36-800 through 859 are fulfilled, a contract may be executed with the college.

WAC 106-36-846 -----CONTRACT PROVISIONS. Such contract shall contain a statement of the intent of the sponsoring organization in presenting the entertainment, the date, time, place, type of entertainment, name of performer(s), sufficient biographical data to identify the performer(s), name of the agent or representative duly authorized as responsible for the presentation of the event, and other pertinent information as required.

WAC 106-36-850 RESPONSIBILITIES OF THE DIRECTOR OF SOCIAL ACTIVITIES AND SOCIAL ACTIVITIES BOARD. The Director of Social Activities and the Social Activities Board shall coordinate and administer the provisions of WAC 106-36-800 through 859, process forms, and advise the Scheduling Officer on situations where special conditions should be imposed or exceptions to the provisions of WAC 106-36-800 through 859 should be made.



WAC 106-36-860 AUTHORITY OF ATHLETIC DIRECTOR TO ADMINISTER ATHLETIC EVENTS. The Athletic Director of Central Washington State College shall establish reasonable admission fees, rules and regulations regarding attendance and crowd control at athletic events at Central Washington State College. Advance notice of such admission fees, rules and regulations regarding attendance and crowd control at athletic events at Central Washington State College will be provided to interested parties, whenever possible, by the Athletic Director of Central Washington State College.

WAC 106-36-870 AUTHORITY OF DEAN OF STUDENTS TO ADMINISTER RECREATION PROGRAM. The Dean of Students may establish reasonable admission charges, schedules, rules and regulations regarding uses, attendance and crowd control during periods of the Associated Students of Central funded Recreation Program at Nicholson Pavilion and Pool, and admission charges will be assessed for college employees and their immediate families during such periods. Advance notice of such charges, schedules, rules and regulations shall be provided to interested parties, whenever possible, by the Dean of Students.

WAC 106-36-880 AUTHORITY OF ACADEMIC DEPARTMENTS TO ADMINISTER THEIR SPONSORED PUBLIC EVENTS. Academic departments after approval by the appropriate Dean may establish reasonable admission fees, rules and regulations regarding attendance and crowd control for public events which they sponsor. Such admission charges may be assessed for college staff, faculty, student body, and the general public: PROVIDED, that when Central Washington State College student fees are allocated for the direct support of an event, Central Washington State College students shall not be charged admission for such an event. Advance notice of such admission fees, rules and regulations shall be provided to interested parties as soon as possible after their adoption, by the respective academic departments.

Chapter 106-08

CENTRAL WASHINGTON STATE COLLEGE  
PRACTICE AND PROCEDURE

WAC 106-08-001 REGULAR MEETING TIME. The regular meetings of the Board of Trustees of Central Washington State College shall be held on the second Friday of each month at 8:00 p.m. in Rooms 204-205, Samuelson Union Building on the Central Washington State College Campus in Ellensburg, Washington.

WAC 106-08-002 FORMAL HEARING POLICY. In each instance that a formal hearing is required by institutional policy or RCW 28B.19, the provisions of WAC 106-08-002 through WAC 106-08-999 shall be applicable.

WAC 106-08-005 DEFINITIONS. As used herein, the term "agency" shall mean the Board of Trustees of Central Washington State College or any duly appointed hearing officer or officers.

WAC 106-08-010 APPEARANCE AND PRACTICE BEFORE AGENCY. No person may appear in a representative capacity before the agency other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the agency and have been duly authorized by the agency to appear in a representative capacity before the agency.

(4) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership or corporation.

WAC 106-08-080 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES. In any contested case, all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall be signed by the President of Central Washington State College or his designee and shall state the time, place, and issues involved, as required by RCW 28B.19.120.

WAC 106-08-090 SERVICE OF PROCESS--BY WHOM SERVED. The agency shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

WAC 106-08-100 -----UPON WHOM SERVED. All papers served by either the agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

WAC 106-08-110 -----SERVICE UPON PARTIES. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

WAC 106-08-120 -----METHOD OF SERVICE. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph.

WAC 106-08-130 -----WHEN SERVICE COMPLETE. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

WAC 106-08-140 -----FILING WITH AGENCY. Papers required to be filed with the agency shall be deemed filed upon actual receipt by the secretary of the agency at Ellensburg, Washington, accompanied by proof of service upon

parties required to be served.

WAC 106-08-230 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES--RIGHT TO TAKE. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application or petition. Depositions shall be taken only in accordance with this rule.

WAC 106-08-240 -----SCOPE. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

WAC 106-08-250 -----OFFICER BEFORE WHOM TAKEN. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the agency or agreed upon by the parties by stipulation in writing filed with the agency. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceedings.

WAC 106-08-260 -----AUTHORIZATION. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to iden-



tify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the agency may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice and in any manner and when so taken may be used as other depositions.

WAC 106-08-270 -----PROTECTION OF PARTIES AND DEPONENTS.

After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the agency may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the agency, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the agency; or the agency may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the agency may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

WAC 106-08-280 -----ORAL EXAMINATION AND CROSS-EXAMINATION. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a

deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.

WAC 106-08-290 -----RECORDATION. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

WAC 106-08-300 -----SIGNING ATTESTATION AND RETURN.

(1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the agency holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the agency for filing. The

party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

WAC 106-08-310 -----USE AND EFFECT. Subject to rulings by the agency upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the agency upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the agency, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

WAC 106-08-320 -----FEES OF OFFICERS AND DEONENTS. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

WAC 106-08-330 DEPOSITIONS UPON INTERROGATORIES--  
SUBMISSION OF INTERROGATORIES. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

WAC 106-08-340 -----INTERROGATION. Where the interrogatories are forwarded to an officer authorized to

administer oaths as provided in WAC 106-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

WAC 106-08-350 -----ATTESTATION AND RETURN. The officer before whom interrogatories are verified or answered shall:

(1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and

(2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the agency, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

WAC 106-08-360 -----PROVISIONS OF DEPOSITION RULE. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

WAC 106-08-400 HEARING OFFICERS. In each instance that a formal hearing is required by institutional policy or RCW 28B.19, and upon receipt of a request for a formal hearing filed in accordance with RCW 28B.19, the Chairman, Vice Chairman, or another member of the Board of Trustees, on the basis of longevity and in the preceding order, may appoint one or more hearing officers, not to exceed three for any one hearing, to preside over, conduct and make proposals for decisions, including findings of fact and conclusions of law, in each instance, and shall afford an opportunity for a formal hearing after not less than ten days notice and provide such individual requesting formal hearing with notice of the hearing in accordance with the provisions of RCW 28B.19.



WAC 106-08-410 HEARING PROCEDURES. Each hearing shall be conducted in the manner provided for in these rules and in RCW 28B.19.

WAC 106-08-420 DUTIES OF HEARING OFFICERS. (1) All hearing officers appointed in accordance with WAC 106-08-400 shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the Board of Trustees as set forth in these rules and in RCW 28B.19: PROVIDED, that hearing officers shall only make proposals for decisions.

(2) The proposals for decisions and findings of fact and conclusions of law shall be forthwith served upon the parties and transmitted to the Board of Trustees, together with a record of the proceeding. Within thirty days of service of such proposal for decisions, any party adversely affected may file exceptions, and thereafter all parties may present written argument to the Board of Trustees, which shall consider the whole record or such portions as may be cited by the parties, and after such review the Board shall announce its decision and final action to be taken.

WAC 106-08-430 STIPULATIONS AND ADMISSIONS OF RECORD. The existence or non-existence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon Whom Binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or non-existence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a pre-hearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the agency that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.



WAC 106-08-440 DEFINITION OF ISSUES BEFORE HEARING.

In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the agency may proceed promptly to conduct the hearings on relevant and material matter only.

WAC 106-08-450 CONTINUANCES. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the agency of said desire, stating in detail the reasons why such continuance is necessary. The agency, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the agency may grant such a continuance and may at any time order a continuance upon its motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the agency may in its discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

WAC 106-08-460 RULES OF EVIDENCE--ADMISSIBILITY CRITERIA.

Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the agency is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the agency shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

WAC 106-08-470 TENTATIVE ADMISSION--EXCLUSION--DISCONTINUANCE--OBJECTIONS. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The agency may, in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

WAC 106-08-480 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES. Every decision and order, whether proposed, initial, or final, shall:

- (1) Be correctly captioned as to name of agency and name of proceeding;
- (2) Designate all parties and counsel to the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate numbered findings of fact and conclusions of law;
- (5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;
- (6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

WAC 106-08-500 PETITIONS FOR RULE MAKING, AMENDMENT OR REPEAL--WHO MAY PETITION. Any interested person may petition the agency requesting the promulgation, amendment, or repeal of any rule.

WAC 106-08-510 -----REQUISITES. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

WAC 106-08-520 -----AGENCY MUST CONSIDER. All petitions shall be considered by the agency and it may, in its discretion order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

WAC 106-08-530 -----NOTICE OF DISPOSITION. The agency shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.