

pliance with any provision of the Securities Act of Washington, chapter 21.20 RCW, or of the Investment Advisers Act of 1940, or any other practice contrary to the provisions of section 215 of the Investment Advisers Act of 1940.

(20) Engaging in any act, practice, or course of business which is fraudulent, deceptive, or manipulative in contrary to the provisions of section 206(4) of the Investment Advisers Act of 1940, notwithstanding the fact that such investment adviser is not registered or required to be registered under section 203 of the Investment Advisers Act of 1940.

(21) Engaging in conduct or any act, indirectly or through or by any other person, which would be unlawful for such person to do directly under the provisions of the Securities Act of Washington, chapter 21.20 RCW, or any rule or regulation thereunder.

The conduct set forth above is not inclusive. Engaging in other conduct such as nondisclosure, incomplete disclosure, or deceptive practices shall be deemed an unethical business practice. The federal statutory and regulatory provisions referenced herein shall apply to investment advisers and federal covered advisers, to the extent permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).

[Statutory Authority: RCW 21.20.450 and 21.20.100. 99-03-051, § 460-24A-220, filed 1/15/99, effective 2/15/99. Statutory Authority: RCW 21.20.450. 85-23-063 (Order SDO-220-85), § 460-24A-220, filed 11/19/85.]

Chapter 460-28A WAC ADVERTISEMENTS

WAC

460-28A-015 All advertisements to be filed.

WAC 460-28A-015 All advertisements to be filed. All sales and advertising literature and promotional material, other than that exempted by these rules, shall be governed by the following:

(1) The registration applicant or registrant shall file with the division, at least five business days before its intended dissemination, one copy of each item of literature or material.

(2) If not disallowed by the administrator by written notice or otherwise within three business days from the date filed, the literature or material may be disseminated.

(3) No formal approval of the literature or material shall be issued by the administrator.

(4) The disseminator of the literature or material shall be responsible for the accuracy and reliability of the literature and material, and its conformance with the code and these rules.

[Statutory Authority: RCW 21.20.450. 99-03-053, § 460-28A-015, filed 1/15/99, effective 2/15/99; Order 342, § 460-28A-015, filed 9/29/75; Order 304, § 460-28A-015, filed 2/28/75, effective 4/1/75. Formerly chapter 460-28 WAC.]

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Title 461 WAC SHORELINES HEARINGS BOARD

Chapters 461-08

Practice and procedure—Review of the granting, denying or rescinding of substantial development permits—Hearings.

Chapter 461-08 WAC

PRACTICE AND PROCEDURE—REVIEW OF THE GRANTING, DENYING OR RESCINDING OF SUBSTANTIAL DEVELOPMENT PERMITS—HEARINGS

WAC

461-08-355 Service of petitions for review with department and attorney general—Intervention by the department and attorney general.
461-08-360 Repealed.
461-08-555 Final decisions and orders.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

461-08-360 Service of the petition for review on local government and other parties. [Statutory Authority: RCW 90.58.175. 96-15-002, § 461-08-360, filed 7/3/96, effective 8/3/96.] Repealed by 99-23-038, filed 11/12/99, effective 12/13/99. Statutory Authority: RCW 90.58.175.

WAC 461-08-355 Service of petitions for review with department and attorney general—Intervention by the department and attorney general. (1) For a petition pertaining to a local government's final decision on a permit, the petitioner shall serve a copy of the petition with the department, the attorney general and that local government within seven days of filing the petition with the board.

(2) Within fifteen days of the date of receipt of the petition for review described in subsection (1) of this section, the department or the attorney general may intervene in the case before the board to protect the public interest and to insure compliance with chapter 90.58 RCW. Nothing in WAC 461-08-345, setting a twenty-one day limit on when the department or the attorney general can directly file a petition for review, limits the right of the department or attorney general to intervene under this section in a board proceeding.

(3) When the petitioner is not the permit applicant, the petitioner shall serve the permit applicant with a copy of the petition for review.

[Statutory Authority: RCW 90.58.175. 99-23-038, § 461-08-355, filed 11/12/99, effective 12/13/99; 96-15-002, § 461-08-355, filed 7/3/96, effective 8/3/96.]

WAC 461-08-360 Repealed. See Disposition Table at beginning of this chapter.

WAC 461-08-555 Final decisions and orders. (1) **Full-board cases.** When the hearing on the petition for

review has been heard by a majority of the board in a full-board case, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by them then may be adopted which shall contain findings and conclusions as to each contested issue of fact and law: Provided, That in the event that the full board considers the record and that four of the members cannot agree on a decision, the substantive decision under appeal will control. The board will formally adopt its final decision and order: Provided further, That this subsection does not apply to a request for review filed under RCW 90.58.210.

(2) **Short-board cases.** When the hearing on the petition for review has been heard by two or more board members in a short-board case, and upon completion of the record and submission of the issues for decision and order, a written final decision and order concurred in by them then may be adopted which shall contain findings and conclusions as to each contested issue of fact and law: Provided, That in the event that the three board members consider the record and two members cannot agree on a decision, the substantive decision under appeal will control. The board will formally adopt its final decision and order.

(3) Copies of the final decision and order shall be mailed by the board to each party to the petition for review or to the attorney or representative of record, if any. Service upon the representative shall constitute service upon the party.

[Statutory Authority: RCW 90.58.175, 99-23-038, § 461-08-555, filed 11/12/99, effective 12/13/99; 96-15-002, § 461-08-555, filed 7/3/96, effective 8/3/96.]

Title 468 WAC

TRANSPORTATION, DEPARTMENT OF

(Formerly: Highway Commission, etc.)

Chapters

468-06	Public access to information and records.
468-38	Vehicle size and weight—Restricted highways—Equipment.
468-51	Highway access management access permits—Administrative process.
468-52	Highway access management—Access control classification system and standards.
468-66	Highway Advertising Control Act.
468-70	Motorist information signs.
468-300	State ferries and toll bridges.
468-310	Prequalification of ferry system contractors.
468-500	Commission meetings.
468-550	Safety oversight of rail fixed guideway systems rules.

Chapter 468-06 WAC

PUBLIC ACCESS TO INFORMATION AND RECORDS

WAC

468-06-040

Description of central and field organization of the Washington state department of transportation.

WAC 468-06-040 Description of central and field organization of the Washington state department of transportation. (1) The department of transportation is a statutorily created agency of the state of Washington. The central office of the department of transportation is located in the Transportation Building, Olympia, WA 98504.

(2) The department of transportation is headed by a secretary who is the executive head of the department and is appointed by the Washington state transportation commission.

(a) Serving directly under the secretary are the deputy secretary for operations, deputy secretary for policy, audit office, equal opportunity office and the ombudsman. There are also assistant attorney generals assigned to the department who provide legal services in department matters.

(b) Reporting directly to the deputy secretary for operations are the following offices: Communications and public involvement, governmental liaison office, human resources office and Q2000 office.

(c) The following service centers report to the deputy secretary for operations depending upon their needs: Environmental and engineering, field operations support, finance and administration, planning and programming and transaid. Also reporting to the deputy secretary are the aviation division, transportation economic partnerships division, highways and local roadways division, public transportation and rail division and Washington state ferries.

(d) The department field functions are carried out by six regions which are each headed by a region administrator and report directly to the deputy secretary for operations. The central regional office locations are: Seattle, Wenatchee, Tumwater, Vancouver, Yakima, and Spokane. The regions have various project and maintenance area offices which are headed by a supervisor.

[Statutory Authority: RCW 47.01.101, 99-07-013, § 468-06-040, filed 3/8/99, effective 4/8/99. Statutory Authority: Chapter 42.17 RCW and RCW 47.01.101, 96-16-004 (Order 163), § 468-06-040, filed 7/24/96, effective 8/24/96. Statutory Authority: RCW 42.17.250 through 42.17.340, 89-17-047 (Order 120), § 468-06-040, filed 8/14/89, effective 9/14/89; 85-23-040 (Order 97), § 468-06-040, filed 11/18/85. Statutory Authority: 1977 ex.s.c. 151, 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-06-040, filed 12/20/78. Formerly WAC 252-03-030.]

Chapter 468-38 WAC

VEHICLE SIZE AND WEIGHT—RESTRICTED HIGHWAYS—EQUIPMENT

WAC

468-38-110

Escort vehicle requirements.

468-38-150

Repealed.

468-38-170

Repealed.

468-38-210

Repealed.

468-38-290

Farm implements.