

Chapter 288-06 WAC

PRISON INDUSTRIES ENHANCEMENT CERTIFICATION PROGRAM ADJUDICATIVE PROCEEDINGS

WAC

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WAC 288-06-010 Application of brief adjudicative proceedings. The board adopts the brief adjudicative proceedings procedures permitted by RCW 34.05.482 through 34.05.494 and WAC 10-08-080 computation of time for adjudicative proceedings requested by applicants who:

- (1) Are denied certification; or
- (2) Are the subject of decertification actions taken under the authority of board policies on the prison industries enhancement certification program and RCW 36.110.060.

The sole issue at the brief adjudicative proceeding shall be whether:

- (a) The applicant meets the requirements for certification; or
- (b) A certified program participant is out of compliance with program requirements and should be decertified.

[Statutory Authority: RCW 36.110.060 and chapter 34.05 RCW. 98-17-004, § 288-06-010, filed 8/6/98, effective 9/6/98.]

WAC 288-06-020 Application of adjudicative proceedings. If the full board finds that the issue and interests raised in the request for adjudicative proceeding warrant the use of procedures of RCW 34.05.410 through 34.05.479, the board may conduct a formal adjudicative proceeding and hereby adopts the model rules of procedure as set forth in WAC 10-08-035 through 10-08-230 for the conduct of formal adjudicative proceedings.

[Statutory Authority: RCW 36.110.060 and chapter 34.05 RCW. 98-17-004, § 288-06-020, filed 8/6/98, effective 9/6/98.]

WAC 288-06-030 Request for adjudicative proceeding. Requests for an adjudicative proceeding must be made in writing to the board within twenty-one days of receiving notice of a certification or decertification action. Requests may be made by:

- (1) The correctional facility and/or business seeking certification; or
- (2) The correctional facility and/or business being decertified.

[Statutory Authority: RCW 36.110.060 and chapter 34.05 RCW. 98-17-004, § 288-06-030, filed 8/6/98, effective 9/6/98.]

WAC 288-06-040 Failure to apply or participate. Failure to apply for an adjudicative proceeding within the times set forth in WAC 288-06-020 shall result in the adop-

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tion of the board's initial determination as its final determination. Failure to attend or otherwise participate in an adjudicative proceeding may result in a finding of default.

[Statutory Authority: RCW 36.110.060 and chapter 34.05 RCW. 98-17-004, § 288-06-040, filed 8/6/98, effective 9/6/98.]

WAC 288-06-050 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for a prison industries enhancement certification program certification is:

- (a) The application for the certification and all associated documents;
- (b) All documents relied upon by the board in proposing to deny the application; and
- (c) All correspondence between the applicant for certification and the board regarding the application.

(2) The preliminary record with respect to decertification of a program is:

- (a) The existing certification file;
- (b) All reports or other documents submitted to the board by the certified program participant which is the subject of decertification; and
- (c) All correspondence between the participant and the board regarding compliance with program requirements.

[Statutory Authority: RCW 36.110.060 and chapter 34.05 RCW. 98-17-004, § 288-06-050, filed 8/6/98, effective 9/6/98.]

WAC 288-06-060 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by the chair of the board or other presiding officer for brief adjudicative proceedings as designated by the chair.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify and no discovery other than reproduction of the preliminary record as specified will occur.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter a written initial order.

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(7) Initial orders on brief adjudicative proceedings shall become final twenty-one days after service of the initial order.

(8) Further appeals to board decisions regarding certification and decertification issues can be made to superior court as specified in chapter 34.05 RCW, Administrative Procedure Act, Part V, Judicial Review and Civil Enforcement.

[Statutory Authority: RCW 36.110.060 and chapter 34.05 RCW. 98-17-004, § 288-06-060, filed 8/6/98, effective 9/6/98.]

WAC 288-06-070 Agency record in brief proceedings. The agency record of brief adjudicative proceedings shall consist of:

- (1) The preliminary record as set forth in WAC 288-06-050;
- (2) All initiating documents including the notice of opportunity to defend;
- (3) The request for adjudicative proceeding;
- (4) All documents submitted in the proceeding;
- (5) Any transcript or recording of any testimony or arguments presented; and
- (6) All orders issued in the case.

[Statutory Authority: RCW 36.110.060 and chapter 34.05 RCW. 98-17-004, § 288-06-070, filed 8/6/98, effective 9/6/98.]

