

Chapter 314-17 WAC

MANDATORY ALCOHOL SERVER TRAINING

(Formerly chapter 314-14 WAC)

WAC

- 314-17-005 What is the purpose of this chapter?
- 314-17-010 Definitions.
- 314-17-015 What are the two types of alcohol server training permits?
- 314-17-020 How long are class 12 and 13 permits good for?
- 314-17-025 Does a permit holder have to carry his or her class 12 or 13 permit?
- 314-17-030 Are employers responsible for ensuring that their employees have class 12 or 13 permits?
- 314-17-035 How are lost class 12 and 13 permits replaced?
- 314-17-040 May an eighteen to twenty year-old student who takes and passes a class 12 training course upgrade to a class 12 permit upon turning twenty-one without retaking the training course?
- 314-17-045 How do I get a class 12 or 13 permit in Washington if I was trained in another state?
- 314-17-050 How do I become a provider?
- 314-17-060 What are the course standards, course content, and other requirements for class 12 or 13 training programs?
- 314-17-065 How does a provider receive certification for its trainers?
- 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?
- 314-17-075 How does a provider get class 12 or 13 permit forms?
- 314-17-080 What should a provider or a trainer do when a class 12 or 13 permit is issued in error?
- 314-17-085 What records must a provider or trainer submit to the board or keep on file?
- 314-17-090 Prohibited conduct by providers and trainers.
- 314-17-095 What must a provider do when a trainer violates a liquor law or regulation?
- 314-17-100 What are the penalties when a provider or a trainer violates a liquor law or regulation?
- 314-17-105 What are the penalties when a permit holder violates a liquor law or regulation?
- 314-17-110 May the board impose sanctions or penalties other than those described in WAC 314-17-105?
- 314-17-115 Appeal rights.

66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-005, filed 1/17/01, effective 2/17/01.]

WAC 314-17-010 Definitions. The following definitions clarify the purpose and intent of the laws and regulations governing mandatory alcohol server training and chapter 314-17 WAC. Additional definitions are in RCW 66.04.-010 and 66.20.300.

(1) "Alcohol server education program," "mandatory alcohol server training" or "mandatory alcohol server training program" means the set of policies and procedures developed and administered by the board to educate servers and enforce state liquor laws and regulations.

(2) "Permit holder" means a person who holds either a class 12 or 13 permit.

(3) "Provider" means a "training entity" as defined in RCW 66.20.300.

(4) "Retail licensed premises" means any:

(a) Premises licensed to sell or serve alcohol by the glass, by the drink, by samples or in original containers, primarily for consumption on the premises as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, 66.24.540, 66.24.570, 66.24.580, 66.24.590 or 66.24.600;

(b) Distillery or craft distillery, licensed pursuant to RCW 66.24.140 or 66.24.145, that is authorized to serve samples of its own production; or

(c) Facility established by a domestic winery for serving or selling wine pursuant to RCW 66.24.170(4).

(5) "Student" means an individual enrolled in a class 12 or 13 training course.

(6) "Trainer" means an individual employed or authorized by a provider to conduct a training course.

(7) "Training course" means a board-certified mandatory alcohol server training class.

(8) "Training program" means a provider's curriculum administered by a provider or a trainer.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-010, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-010, filed 1/17/01, effective 2/17/01.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 314-17-055 Temporary certification as a provider. [Statutory Authority: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.-290], 66.44.310. WSR 04-18-038, § 314-17-055, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-055, filed 1/17/01, effective 2/17/01.] Repealed by WSR 10-12-124, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030 and 66.20.330.

WAC 314-17-005 What is the purpose of this chapter? (1) RCW 66.20.300 through 66.20.350 set up a mandatory alcohol server training program. These laws require persons who serve, mix, sell, or supervise the service of, alcohol for on-premises consumption to hold one of two permits as outlined in this chapter.

(2) This chapter explains how a person receives a class 12 or 13 permit, and how a person may become certified to provide alcohol server training.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-005, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW

WAC 314-17-015 What are the two types of alcohol server training permits? There are two types of permits for persons who serve, mix, sell, or who supervise the sale of, alcohol at a retail licensed premises.

	Class 12 permit		Class 13 permit
(1)	A class 12 permit holder must be at least twenty-one years of age.	(5)	A class 13 permit holder must be at least eighteen years of age.

Class 12 permit	Class 13 permit
(2) A class 12 permit is required for any person who:	(6) A class 13 permit is required for any person who:
(a) Manages a retail licensed premises licensed to sell alcoholic beverages for on-premises consumption;	(a) Takes orders for alcoholic beverages for on-premises consumption;
(b) Sells, mixes or draws from a dispensing device alcoholic beverages for on-premises consumption; or	(b) Delivers alcoholic beverages to customers for on-premises consumption; or
(c) Supervises a class 13 permit holder.	(c) Opens or pours beer or wine into a customer's glass at a customer's table.
(3) A class 12 permit includes all authorities granted under a class 13 permit.	(7) See RCW 66.20.310 for exceptions for grocery store employees.
(4) See RCW 66.20.310 for exceptions for grocery store employees.	

(8) Upon a temporary absence of a class 12 permit holder, a class 13 permit holder may perform the functions of a class 12 permit holder until a class 12 permit holder arrives to fulfill those duties provided that a class 13 permit holder:

- (a) Is twenty-one years of age or older; and
- (b) Functions as a class 12 permit holder for no more than thirty calendar days per year.

(9) See RCW 66.44.310, 66.44.316, 66.44.318, and 66.44.350 for additional information about permissions and restrictions for eighteen to twenty-year-old persons.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-015, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-015, filed 1/17/01, effective 2/17/01.]

WAC 314-17-020 How long are class 12 and 13 permits good for? (1) Class 12 and 13 permits are valid for five years. A class 12 or 13 permit expires on the first day of the month, five years following the month a student passes the standardized exam. For example, if a student passes the standardized exam on June 15, 2010, his or her class 12 or 13 permit will expire on July 1, 2015.

(2) A permit holder must retake a class 12 or 13 training course and pass the standardized exam to obtain a subsequent class 12 or 13 permit.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-020, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310. WSR 04-18-038, § 314-17-020, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-020, filed 1/17/01, effective 2/17/01.]

WAC 314-17-025 Does a permit holder have to carry his or her class 12 or 13 permit? (1) Any time a licensee or an employee performs the duties outlined in WAC 314-17-015 at a retail licensed premises, a licensee or an employee must have:

- (a) His or her class 12 or 13 permit on the retail licensed premises; and
 - (b) One form of identification (see RCW 66.16.040 for acceptable forms of identification).
- (2) Both a class 12 or 13 permit and a form of identification must be available for inspection by any representative of the board, peace officer or law enforcement officer.

(3) A person shall be in violation if he or she falsifies a class 12 or 13 permit or keeps or possesses a class 12 or 13 permit contrary to the provisions of this title.

(4) The name and personal identifying characteristics on a class 12 or 13 permit must match with those on a permit holder's form of identification.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-025, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-025, filed 1/17/01, effective 2/17/01.]

WAC 314-17-030 Are employers responsible for ensuring that their employees have class 12 or 13 permits? Yes. Any person who holds a license to sell liquor at a retail licensed premises must ensure that any person who engages in the sale or service of liquor for on-premises consumption, or who supervises such activities, has a current and valid class 12 or 13 permit within sixty calendar days of the date of hire. See RCW 66.20.310 for exceptions for grocery stores that have an on-premises liquor license.

- (1) A class 12 permit holder must be on a retail licensed premises to supervise the on-premises sale, service, and consumption of liquor.
- (2) A class 12 or 13 permit is the sole property of a permit holder.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-030, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310. WSR 04-18-038, § 314-17-030, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-030, filed 1/17/01, effective 2/17/01.]

WAC 314-17-035 How are lost class 12 and 13 permits replaced? To replace a lost class 12 or 13 permit or to replace a class 12 or 13 permit because of a name change, a permit holder must:

- (1) Contact the provider or trainer who issued the class 12 or 13 permit; or
- (2) Complete a class 12 or 13 permit replacement form, and submit that form and the appropriate fee to the board. The board will issue a new class 12 or 13 permit, which will have the same expiration date as the original class 12 or 13 permit.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-035, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-035, filed 1/17/01, effective 2/17/01.]

WAC 314-17-040 May an eighteen to twenty year-old student who takes and passes a class 12 training course upgrade to a class 12 permit upon turning twenty-one without retaking the training course? Yes.

(1) An eighteen, nineteen or twenty year-old person may take a class 12 training course and pass the corresponding exam; however, he or she may be issued only a class 13 permit. Upon turning twenty-one years of age, such a person who obtains a class 13 permit after taking and passing a class 12 training course and exam may request that a provider or trainer upgrade his or her class 13 permit to a class 12 permit.

(2) The expiration date of an upgraded class 12 permit shall be the same expiration date as the original class 13 permit.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-040, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-040, filed 1/17/01, effective 2/17/01.]

WAC 314-17-045 How do I get a class 12 or 13 permit in Washington if I was trained in another state? (1) If a person completes an alcohol server training course in another state and that training course is also certified in the state of Washington, he or she may receive a class 12 or 13 permit in Washington by completing the provider's board-certified Washington state supplement to the program and passing the standardized exam.

(2) A trainer or provider shall issue a class 12 or 13 permit, which will expire five years from the first day of the month following the date an original training course was taken. For example, if you complete a training course on June 15, 2010, your class 12 or 13 permit will expire on July 1, 2015.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-045, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-045, filed 1/17/01, effective 2/17/01.]

WAC 314-17-050 How do I become a provider? (1) Application process, application materials, and briefing. To become a provider, you must submit an application to the board and brief board staff on the proposed training program. Application materials shall include:

- (a) A completed application form provided by the board;
- (b) A copy of the proposed curriculum for the training program (see WAC 314-17-060);
- (c) A copy of all audio, video, online, and instructional materials that will be used in the training program;
- (d) A copy of all printed or printable (as in the case of an online training course) materials that will be provided to a student;
- (e) An explanation of the examination procedures necessary to pass a training course;
- (f) An explanation of how a student's identity shall be ensured for an online training course;
- (g) A plan describing how a provider shall assess a trainer's work performance;
- (h) A trainer's manual; and
- (i) Documentation demonstrating a trainer's qualifications and education to teach a training course in the state of Washington.

(6/2/10)

(2) The board will respond within forty-five calendar days of receipt of the application materials, at which point the board will either:

- (a) Issue certification; or
- (b) Specify what additions or changes to make to a training program. If additions or changes are not received by the board within thirty calendar days, an application will be withdrawn.

(3) **Temporary certification.** The board may issue temporary certification once an applicant submits an application and briefs board staff.

(a) Temporary certification is valid for up to six months. During this time period, an applicant may adjust a training course outline or method of presentation without prior board approval provided that a training course continues to meet the standards set in WAC 314-17-060.

(b) The board may immediately revoke temporary certification if, in the board's opinion, an applicant fails to comply with a lesson plan as submitted and approved or with any of the requirements of this title.

(c) An applicant who fails to obtain permanent certification during the six-month temporary certification period shall be subject to the discontinuance of business requirements specified in subsection (10) of this section.

(4) The board may consider any information pertaining to a provider's certification in any state, including any certification suspensions or revocations in the past five years. The board, at its discretion and in consideration of public safety, may also consider criminal history, administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a provider's certification.

(5) **Appeal rights.** See WAC 314-17-115.

(6) **Standardized exam.**

(a) Upon certification of a training program, the board will provide a standardized exam to be used for all training courses.

(b) With board approval, a provider or trainer may provide an additional exam or add questions to the standardized exam.

(c) The board or its designee may attend any in-person training course or take any online training course at no charge for evaluation purposes.

(7) A provider must receive approval from the board before making any changes to training course content or method of presentation.

(8) **Qualifying and continuing education.**

(a) A provider must ensure that its trainers are qualified to teach a training course in the state of Washington, and that its trainers are current of new Washington state laws and regulations and science and industry advances pertaining to alcohol service. As part of this effort, a trainer must attend a board-provided conference or a provider-sponsored education workshop, or complete a board-approved professional online or long distance program, before receiving certification and then at least once every five years thereafter.

(b) At a minimum, an education or continuing-education conference, workshop or program shall address current Washington state liquor laws and regulations, mandatory alcohol server training rules and procedures, and legal liabilities for servers.

[Ch. 314-17 WAC p. 3]

(c) The board may conduct at least one seminar in each provider-sponsored education workshop performed in the state of Washington.

(d) A provider must obtain documentation that verifies a trainer's completion of an education or continuing-education conference, workshop or program, as well as documentation showing the subjects covered at such conference, workshop or program (see WAC 314-17-085).

(e) A provider must supply a trainer with a trainer's manual. A provider must also revise a manual within thirty calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

(9) **Certificate expiration and recertification.** Each certification is valid for up to five years. A provider may be recertified by reapplying at least forty-five days prior to expiration and in accordance with subsections (1) and (2) of this section.

(10) **Discontinuance of business.** When a provider discontinues its training program, a provider must reconcile class 12 and 13 permit form records to the board's satisfaction and return all unused class 12 and 13 permit forms to the board.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-050, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310. WSR 04-18-038, § 314-17-050, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-050, filed 1/17/01, effective 2/17/01.]

WAC 314-17-060 What are the course standards, course content, and other requirements for class 12 or 13 training programs? Class 12 and 13 training courses shall have the standards and requirements as stipulated in RCW 66.20.320 and in this section.

(1) **Subjects.** Each class 12 or 13 training course and accompanying workbook shall include:

(a) Those subjects listed in RCW 66.20.320;

(b) Washington state liquor laws and regulations;

(c) Employment of persons under twenty-one years of age;

(d) Legal hours of liquor sale and service;

(e) Prohibited conduct by patrons and employees;

(f) Required signs at retail licensed premises;

(g) Minimum lighting requirements; and

(h) Administrative and criminal sanctions against liquor licensees and permit holders, including permit suspension for delinquent child support payment.

(2) **Administrative materials.** Before beginning a class 12 or 13 training course, each student shall receive:

(a) An enrollment agreement that clearly states the obligations of a trainer and a student, refund policies, and procedures to terminate enrollment;

(b) A statement that says, "If you have questions, comments or complaints about the program, please contact the Liquor Control Board," and includes the appropriate board contact information; and

(c) A notice that students must complete the entire training course before taking the standardized exam.

(3) A provider or trainer is prohibited from stating or implying that the state of Washington, the board or any other state agency endorses or recommends one provider's program over another's program.

(4) **Student evaluation of training course.** A student evaluation for each in-person or online training course is required. A trainer shall provide a separate course evaluation form to each student enrolled in an in-person training course, and a form shall include the board's contact information.

(5) **Exams.** Exams shall be administered following each class 12 or 13 training course.

(a) An exam must demonstrate a student's familiarity with all of the subjects listed in subsection (1) of this section.

(b) A student may not refer to any written, video or online material, or have an in-person or online discussion with another person, during an exam. However, a trainer may allow a student to use an interpreter.

(c) The standardized exam shall have a minimum passing grade of eighty percent unless otherwise stipulated from the board.

(6) **Online training courses.** Effective December 1, 2010, the board allows class 12 and 13 online training courses subject to additional requirements.

(a) A provider must take extra measures to ensure the identity of each student. Extra measures include obtaining the log-in and log-off times (see WAC 314-17-085). Other ways to prevent fraudulent test taking may include, but are not limited to:

(i) Allowing a student to access an examination only once per training course;

(ii) Discontinuing an examination if it stays idle for thirty minutes or more or if another program is accessed; or

(iii) Asking each student personal identifying questions.

(b) A trainer shall be available to answer questions during standard business hours via the internet, telephone or some other method.

(7) **Length of class.** Excluding exam time, a class 12 training course shall be at least three hours in length, and a class 13 training course shall be at least one hour in length.

(8) **Presentation method.** A presentation method may be in-class or online.

(9) **Student workbook.**

(a) A student workbook must contain accurate, current, and complete information.

(b) A provider must update student workbooks and other training course material within thirty calendar days following:

(i) The effective date of a new applicable state law or regulation; or

(ii) Receipt of new or updated information from the board.

(c) The board may establish additional workbook standards or requirements as the board deems necessary.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-060, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310. WSR 04-18-038, § 314-17-060, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-060, filed 1/17/01, effective 2/17/01.]

WAC 314-17-065 How does a provider receive certification for its trainers? (1) To certify one of its trainers, a provider must complete a form provided by and returned to the board.

(2) A provider will contract only with a trainer who:

(a) Has a minimum of two years of post-secondary education in, or equivalent years of work experience in, one or more of the following fields:

- (i) Training;
- (ii) Education;
- (iii) Law;
- (iv) Law enforcement;
- (v) Substance abuse rehabilitation; or
- (vi) Sale and service of alcoholic beverages;

(b) Holds a class 12 permit;

(c) Meets the criminal history requirements (see WAC 314-17-070); and

(d) Meets the continuing education requirements (see WAC 314-17-050).

(3) The board may consider any information pertaining to a trainer's certification in any state, including any certification suspensions or revocations in the past five years. The board, at its discretion and in consideration of public safety, may also consider criminal history (see WAC 314-17-070), administrative violations, patterns of misconduct, and other applicable occurrences or circumstances when deciding to approve, deny, suspend or revoke a trainer's certification.

(4) The board will respond to a request for trainer certification within thirty calendar days of receipt of a request, and then will either certify an applicant trainer or explain why an applicant trainer fails to meet the qualifications.

(5) A trainer may not begin to teach a training course until a trainer receives his or her certification from the board.

(6) A trainer must teach a provider's training program in its entirety as approved, and may not change the method of presentation or course content without approval from a provider and the board.

(7) It is the responsibility of a provider to keep the board informed of its current trainers. In this effort, a provider must notify the board within seventy-two hours of the termination of a trainer or within seventy-two hours of when a provider is notified that a trainer has terminated his or her employment.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-065, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310. WSR 04-18-038, § 314-17-065, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-065, filed 1/17/01, effective 2/17/01.]

WAC 314-17-070 What criminal history would prevent a person from receiving certification to be a trainer?

(1) The board may investigate the criminal history of a person applying for trainer certification. The board may also use a point system and deny an application if an applicant's criminal history totals eight or more points. Points are set as follows:

(6/2/10)

Description	Time period during which points will be assigned	Points the board will assign
Felony conviction	10 years	12 points
Currently under federal or state supervision for a felony conviction	n/a	8 points
Gross misdemeanor conviction	3 years	5 points
Driving under the influence conviction	3 years	5 points
Misdemeanor conviction	3 years	4 points
Nondisclosure of any of the above	n/a	4 points

(2) For pending criminal charges that would score eight or more points in the event of conviction, the board shall postpone its approval or denial decision pending disposition of the matter. If the matter remains unresolved after ninety calendar days, the board will withdraw an application.

(3) **Appeal rights.** See WAC 314-17-115.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-070, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310. WSR 04-18-038, § 314-17-070, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-070, filed 1/17/01, effective 2/17/01.]

WAC 314-17-075 How does a provider get class 12 or 13 permit forms? A provider (or a trainer with authorization from a provider) may purchase class 12 or 13 permit forms by submitting an order form to the board.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-075, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-075, filed 1/17/01, effective 2/17/01.]

WAC 314-17-080 What should a provider or a trainer do when a class 12 or 13 permit is issued in error?

(1) If a provider or trainer issues a class 12 permit in error to a student under twenty-one years of age, a provider or trainer must initiate corrective actions within one business day of discovery of an error.

(a) Contact a student and notify him or her that a permit was issued in error.

(b) Retrieve the original class 12 permit from a student.

(c) Issue a class 13 permit provided that a student is at least eighteen years of age.

(d) Provide the tear-off portion of a corrected class 13 permit to the board.

If unable to contact a student and issue a corrected permit, a provider or trainer must provide the board with proof that a certified letter was sent to a student who received a class 12 permit in error.

(2) If a provider or trainer issues a class 13 permit in error to a student under eighteen years of age, a provider or trainer must initiate corrective actions within one business day of discovery of the error.

(a) Contact a student and notify him or her that a class 13 permit was issued in error.

(b) Retrieve a class 13 permit from a student.

If unable to contact a student and retrieve an invalid class 13 permit, a provider or trainer must provide the board with proof that a certified letter was sent to a student informing him or her that a class 13 permit was issued in error and that serving liquor with an unauthorized permit may be cause for a criminal citation.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-080, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310. WSR 04-18-038, § 314-17-080, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-080, filed 1/17/01, effective 2/17/01.]

WAC 314-17-085 What records must a provider or trainer submit to the board or keep on file?

(1) A provider (or a trainer on a provider's behalf) shall submit a list of students receiving class 12 or 13 permits and additional permit information to the board within thirty calendar days of completion of each training course. Information shall be submitted using a format supplied or stipulated by the board.

(2) Within thirty calendar days of a student completing a class 12 or 13 training course and passing the standardized exam, a provider (or a trainer on a provider's behalf) must:

- (a) Issue a class 12 or 13 permit to a student; and
- (b) Submit a session roster showing each student's name and assigned permit number in a format supplied by the board; and
- (c) Submit the tear-off portion of a fully completed class 12 or 13 permit form to the board.

(3) A provider must keep certain records and information at its place of business for a period of five years. Records and information must be available for board inspection, and they shall include:

(a) A session roster showing the student information and assigned permit number of each student who successfully completes an online or in-person training course, and the date and time of completion;

- (b) The permit number for any voided permit;
- (c) All presentation information for each training course;
- (d) Each student's examination answers; and
- (e) The log-in and log-off times.

(4) A provider (or a trainer on a provider's behalf) must provide the following information to the board upon request:

- (a) Advance notice of any prescheduled training courses;
- (b) Copies of program publications, brochures, pamphlets, scripts or any other advertising materials related to a training course; and
- (c) Documentation that verifies a trainer's attendance at a continuing education conference or workshop (see WAC 314-17-050).

(5) **Securing records and information.**

All training course records that contain information about a student must be safely secured and maintained.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-085, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310. WSR 04-18-038, § 314-17-085, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310,

66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-085, filed 1/17/01, effective 2/17/01.]

WAC 314-17-090 Prohibited conduct by providers and trainers. No provider or trainer shall:

(1) Make any false material statement or misleading statement to induce or prevent board action;

(2) Falsify, alter or tamper with any material or records associated with a training program, training course or class 12 or 13 permit; or

(3) Prohibit or interfere with on-site observation by the board or fail to assist the board in scheduling an observation.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-090, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-090, filed 1/17/01, effective 2/17/01.]

WAC 314-17-095 What must a provider do when a trainer violates a liquor law or regulation?

(1) The board may hold a provider responsible when any of its trainers, authorized personnel or representatives violate any state liquor law or regulation affecting provider privileges whether through a specific action or through an act of omission.

(2) When a trainer fails to comply with a provision of the alcohol server education program requirements, a provider must:

- (a) Correct a violation immediately;
- (b) Notify the board of discovery as soon as possible, but no later than five calendar days following discovery; and
- (c) Create an action plan to prevent further violations and submit that plan to the board within ten calendar days of discovery.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-095, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.-030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310. WSR 04-18-038, § 314-17-095, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-095, filed 1/17/01, effective 2/17/01.]

WAC 314-17-100 What are the penalties when a provider or a trainer violates a liquor law or regulation?

The board may suspend or revoke a provider or trainer certification if a provider or a trainer violates any of the provisions of RCW 66.20.300 through 66.20.350 or of chapter 314-17 WAC or if the board determines that immediate suspension or revocation is in the public interest. The board may also penalize a provider or trainer as follows:

(1) First violation	<ul style="list-style-type: none"> (a) A provider or a trainer will receive a notice of intended suspension or revocation of the board's certification or authorization. (b) A provider or a trainer will correct any violation as soon as possible, but no later than thirty calendar days following receipt of a notice of intended suspension or revocation. (c) If a violation or problem is rectified, no further action will be taken.
---------------------	---

(2) First violation unresolved or second violation occurs within a three-year period	(a) The board will suspend a provider's or a trainer's certification for up to six months.
	(b) A monetary penalty of up to five hundred dollars may be imposed in lieu of suspension.
	(c) Prior to lifting a suspension or accepting a monetary penalty, a provider or a trainer must correct the

	problem(s) that caused a proposed suspension.
(3) Successive violations within a three-year period	The board may cancel or suspend the approval, certification or both, of a provider or a trainer for up to five years.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-100, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-100, filed 1/17/01, effective 2/17/01.]

WAC 314-17-105 What are the penalties when a permit holder violates a liquor law or regulation? Penalties assessed for violations within a three-year period will normally be as follows:

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
AFTER HOURS: Selling, serving or allowing alcohol to be consumed between 2 a.m. and 6 a.m. See WAC 314-11-070.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
DISORDERLY CONDUCT: Disorderly conduct by a licensee or employee, or allowing patrons to engage in disorderly conduct. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
FALSIFICATION OF PERMIT: Falsifying a class 12 or 13 permit or possessing a class 12 or 13 permit contrary to this title. See RCW 66.20.310 and WAC 314-17-025.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
INTOXICATED PERSONS: Selling or serving to an apparently intoxicated person or allowing such a person to possess or consume alcohol. See RCW 66.44.200 and WAC 314-11-035.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
LEWD CONDUCT: Allowing lewd conduct on a retail licensed premises. See WAC 314-11-050.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
MISCELLANEOUS: Violation of other retail liquor laws or regulations.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
MINORS: Selling or serving alcohol to a person under twenty-one years of age. See RCW 66.44.310 and WAC 314-11-020.	5-day permit suspension OR \$200 monetary option	10-day permit suspension OR \$400 monetary option	30-day permit suspension OR \$500 monetary option	Revocation of permit
MINORS: Allowing a person under twenty-one years of age to frequent a restricted premises or area. See RCW 66.44.310 and WAC 314-11-020.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
OBSTRUCTING AN OFFICER: Obstructing a law enforcement officer, or failure to allow an inspection. See RCW 66.28.090.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
OTHER VIOLATION OF LAWS: Conviction of liquor laws, driving under the influence or felony.	5-day permit suspension OR \$100 monetary option	Revocation of permit		
PERMIT: Failure to produce permit or identification upon request. See RCW 66.20.310 and 66.20.180.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit
PRIVATE CLUBS: Prohibitions involving club liquor and use by the general public. See WAC 314-40-010.	5-day permit suspension OR \$100 monetary option	10-day permit suspension OR \$200 monetary option	30-day permit suspension OR \$400 monetary option	Revocation of permit

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-105, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030, 66.12.160, 66.44.010, 66.44.200, 66.44.240, 66.44.270, 66.24.291 [66.44.290], 66.44.310. WSR 04-18-038, § 314-17-105, filed 8/25/04, effective 9/25/04. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-105, filed 1/17/01, effective 2/17/01.]

WAC 314-17-110 May the board impose sanctions or penalties other than those described in WAC 314-17-105?

(1) Based on aggravating or mitigating circumstances, the board may impose a different penalty or suspension than the standard penalties and suspensions described in WAC 314-17-105.

(2) Examples of aggravating and mitigating circumstances include, but are not limited to:

(a) Examples of aggravating circumstances that may cause a more severe penalty:	(b) Examples of mitigating circumstances that may allow a less severe penalty:
<ul style="list-style-type: none"> Patron's identification not checked; Noncooperation with or obstruction of any law enforcement officer; Permit holder did not call law enforcement officer when requested by a customer or a board employee. 	<ul style="list-style-type: none"> Permit holder checked one of the acceptable forms of identification (see RCW 66.16.040); Cooperation with law enforcement officer(s); Permit holder used a licensee certification card (see RCW 66.20.190).

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-110, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-110, filed 1/17/01, effective 2/17/01.]

WAC 314-17-115 Appeal rights. Any person whose class 12 or 13 permit, trainer certification or provider certification is denied, revoked or suspended may request an adjudicative hearing under the provisions of the Administrative Procedure Act (chapter 34.05 RCW). The board may conduct an adjudicative hearing itself or refer the matter to the office of administrative hearings.

[Statutory Authority: RCW 66.08.030 and 66.20.330. WSR 10-12-124, § 314-17-115, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 66.08.030, 66.20.300, 66.20.310, 66.20.320, 66.20.330, 66.20.340, 66.20.350. WSR 01-03-085, § 314-17-115, filed 1/17/01, effective 2/17/01.]