

WAC 212-90-240 Formal hearing. (1) Any person may request a formal hearing to appeal a civil penalty issued under this chapter at any time before or after the request of an informal conference, as long as the 30 day period from the date of issue listed on the citation has not elapsed. If requesting a formal hearing by mail, the request must be post marked by midnight on the day the request is due.

(2) The director will arrange for a hearings officer to conduct the formal hearing and will notify by letter the person requesting the hearing (or their designated representative) of the date, time, location, and hearings officer conducting the formal hearing.

(3) The hearings officer will hear the case and, within 90 days of the hearing, render a proposed opinion and order including recommended findings of fact and conclusions of law, according to chapters 34.05 RCW and 10-08 WAC.

(4) The formal hearing will be conducted as follows:

(a) The hearings officer will act as an impartial third party.

(b) It is not necessary for the person who requested the hearing to be represented by legal counsel.

(c) An official record will be made through a scribe.

(d) Testimony will be taken under oath.

(e) All evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their serious affairs is admissible.

(f) Hearsay evidence is admissible if it meets the statutory standards for being reliable and trustworthy.

(g) A proposed opinion and order will be provided.

(5) The proposed opinion and order shall be reviewed by the director and, if accepted, be finalized and issued as a final order.

[Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-90-240, filed 10/31/22, effective 1/1/23.]