

WAC 132F-20-070 Moving expense allowance—Business. Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this section in lieu of the payment authorized by WAC 132F-20-040 may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or five thousand dollars, whichever is less. In the case of a business, no payment shall be made under this section if the business is a part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, or if the college is satisfied that the business can be relocated without a substantial loss of patronage. For purposes of this section, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two year period. To be eligible for the payment authorized by this section, the business or farm operation must make its income tax returns, financial statements, and accounting records available to the college for audit and confidential use to determine eligibility and the amount of any payment authorized by this section. Such reimbursement payments shall be subject to and conditioned upon the following limitations:

(1) The college director of facilities development and plant services shall determine whether the business can be relocated without a substantial loss of patronage. That decision shall be made in writing and placed in the files of the college and a copy thereof directed to the displaced person, certified mail, at his last known address.

(2) The displaced person must elect in writing to accept the payment authorized by this section in lieu of the payment authorized by WAC 132F-20-040, such election to be filed with the college within ninety days after acquisition of the property is completed.

(3) Within sixty days of a written request therefor by the college the displaced person must make its income tax returns, financial statements, and accounting records available to the college at the college's principal place of business for the uses hereinabove described. In the event such information is not supplied within the specified time, the displaced person may be compensated under either of the other sections hereof at the college's sole discretion.

[Order 1970-2, § 132F-20-070, filed 3/27/70.]