

WAC 16-08-021 Presiding officer. (1) In matters involving an adjudicative proceeding, the director will designate the presiding officer. The presiding officer may be:

(a) An administrative law judge assigned by the office of administrative hearings under the authority of chapter 34.12 RCW; or

(b) The deputy director; or

(c) An assistant director; or

(d) A staff person trained to act as a presiding officer in adjudicative proceedings.

(2) A person who has served as an investigator, prosecutor, or advocate in any stage of an adjudicative proceeding or someone who is subject to the authority or direction of such a person, may not serve as a presiding officer in the same proceeding.

(3) The presiding officer has the authority to:

(a) Determine the order of presentation of evidence;

(b) Administer oaths and affirmations;

(c) Issue subpoenas;

(d) Rule on procedural matters, objections, and motions;

(e) Rule on offers of proof and receive relevant evidence;

(f) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(g) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(h) Take any appropriate action necessary to maintain order during the hearing;

(i) Permit or require oral argument or briefs and determine the time limits for their submission;

(j) Take any other action necessary and authorized by any applicable statute or rule;

(k) Waive any requirement of these rules unless a party shows that he or she would be prejudiced by such a waiver.

[Statutory Authority: Chapter 34.05 RCW. WSR 11-20-047, § 16-08-021, filed 9/29/11, effective 10/30/11; WSR 95-18-008 (Order 5081), § 16-08-021, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 34.05.425. WSR 93-10-059, § 16-08-021, filed 4/30/93, effective 5/31/93. Statutory Authority: Chapter 34.05 RCW. WSR 91-23-051, § 16-08-021, filed 11/15/91, effective 12/16/91.]