

WSR 23-16-080
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
ADMINISTRATIVE HEARINGS
[Filed July 28, 2023, 2:07 p.m.]

Subject of Possible Rule Making: The office of administrative hearings (OAH) is proposing to clarify the organizational description in WAC 10-04-025.

Statutes Authorizing the Agency to Adopt Rules on this Subject: The purpose of chapter 10-04 WAC is to implement the provisions of chapter 42.56 RCW relating to public records.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: For WAC 10-04-025, OAH has changed the way administrative law judges are organized within the agency. They are no longer assigned to locations, but rather are organized within five different "divisions" based on their work assignments. The different divisions are as follows: Headquarters; child and family care; public assistance and health; regulatory and education; and unemployment insurance.

The proposal will also clarify that OAH's procedures are found in Title 10 WAC.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The state Public Records Act (chapter 42.56 RCW) mandates the following disclosures:

"Duty to publish procedures.

(1) Each state agency shall separately state and currently publish in the Washington Administrative Code and each local agency shall prominently display and make available for inspection and copying at the central office of such local agency, for guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain copies of agency decisions;

(b) Statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(e) Each amendment or revision to, or repeal of any of the foregoing.

(2) Except to the extent that he or she has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published or displayed and not so published or displayed."

RCW 42.56.040.

Process for Developing New Rule: OAH welcomes the public to participate in developing its rules. Anyone interested should contact the staff person identified below. OAH is compiling a list of parties who might be interested in these proposed amendments. At a later date, OAH will file a notice of proposed rule making (CR-102) with the office of the code reviser. A copy of the notice will be sent to everyone on the list of interested parties, as well as anyone who requests a copy. The notice will also be posted on our website at the following web page

<https://oah.wa.gov/Content-Area-Management/Rule-Making-Hub/Rulemaking-Activities>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Johnette Sullivan, P.O. Box 42488, Olympia, WA 98504-2488, phone 360-407-2700, fax 360-664-8721, TTY 711, email rulemaking@oah.wa.gov, website <https://oah.wa.gov>. Tell OAH if you need a language interpreter or assistance for persons with disabilities.

July 28, 2023
Lorraine Lee
Chief Administrative Law Judge