

# Title 419 WAC

## SAVINGS AND LOAN ASSOCIATIONS, DIVISION OF (GENERAL ADMINISTRATION, DEPT. OF)

### Chapters

- 419-04 Working understanding for processing of applications for new facilities between the federal home loan bank board and the Washington division of savings and loan associations.
- 419-14 Examination and supervision fees for savings and loan associations.
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- 419-20 Operation and procedures of the division of savings and loan and access to public records--Form.
- 419-24 Notification by supervisor of applications for offices.
- 419-28 Applications for satellite facilities--Forms--Fees.

### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 419-12

#### EXAMINATION FEES FOR SAVINGS AND LOAN ASSOCIATIONS

- 419-12-010 Examination fees. [Order 2, § 419-12-010, filed 7/7/72.] Repealed by Order 77-3, filed 10/5/77.

#### Chapter 419-16

#### EXAMINATION AND SUPERVISION FEES FOR CREDIT UNIONS

- 419-16-010 Examination and supervision fees. [Order 4, § 419-16-010, filed 10/16/72.] Repealed by Order 77-4, filed 10/5/77.

#### Chapter 419-04 WAC

#### WORKING UNDERSTANDING FOR PROCESSING OF APPLICATIONS FOR NEW FACILITIES BETWEEN THE FEDERAL HOME LOAN BANK BOARD AND THE WASHINGTON DIVISION OF SAVINGS AND LOAN ASSOCIATIONS

### WAC

- 419-04-010 Processing of applications for new facilities--Introduction.
- 419-04-020 Processing of applications for new facilities--Priority of decision.
- 419-04-030 Processing of applications for new facilities--Pre-emption following approval.

**WAC 419-04-010 Processing of applications for new facilities--Introduction.** It appears that a working understanding between the Federal Home Loan Bank Board and the Washington Division of Savings and Loan

Associations is desirable to coordinate the treatment of applications filed during the same time period and in the same general area in both jurisdictions. It also appears desirable to provide equal availability for applications in both jurisdictions and the same extent of protection during an agreed-upon start-up period after approval. Such agreement does not alter the understanding that the internal methods of processing and the criteria used vary between the two jurisdictions by virtue of both law and regulation. This set of guidelines is intended to establish a method of procedural coordination which will be both fair and workable.

All new facilities approved prior to the effective date of this working understanding shall be governed both as to time period and area of pre-emption by the provisions hereinafter set forth; and all applications pending on the effective date will be processed in accordance with these provisions. [Order 74-3, § 419-04-010, filed 5/13/74.]

#### **WAC 419-04-020 Processing of applications for new facilities--Priority of decision. (1) Priority.**

(a) When an application is filed with the Division of Savings and Loan, for a period of five months no favorable decision shall be made by the Federal Home Loan Bank Board on a subsequent application for that location or one within the area of potential pre-emption surrounding it.

(b) When an application is filed with the Federal Home Loan Bank Board, for a period of five months no favorable decision shall be made by the Division of Savings and Loan on a subsequent application for that location or one within the area of potential pre-emption surrounding it.

(c) The state's statutory period for consideration RCW 33.08.070 (six months) is not altered by these guidelines.

#### **(2) Filing Date.**

(a) Filing date and processing (publication and notice) would be effective upon receipt of the complete application. It is understood that in order to qualify for priority, applications must be complete in accordance with the standards established by each jurisdiction. A so-called "letter of intent" will carry no weight in establishing such priority.

(b) In the event that applications are filed in both jurisdictions on the same date, creating a tie, then the respective jurisdictions may both proceed to a decision on such application.

(3) **Consolidation.** Either jurisdiction may, however, consolidate two or more pending applications for consideration at the same time, leading to a set of decisions on

the same date. The procedure for consolidation to be followed by the Division of Savings and Loan is:

(a) The first applicant to file at a given location shall have the application processed to establish a decision no more than five months after the date of filing.

(b) An application filed after the first application but before the deadline for decision may be consolidated for consideration with the first application if:

(i) The second application is for a location within the potential area of pre-emption of the first application; and

(ii) The application, at the time of filing, does not fall within the potential radius of pre-emption of a previously filed application in other jurisdiction.

(4) **Location.** It is important that the recipients of the notice of application be able readily to ascertain its specific location. Each application should, if possible, disclose the street address of the proposed location and/or the street intersection nearest to the location. Locations in or adjacent to shopping centers should be clearly identified by naming the existing or proposed center. [Order 74-3, § 419-04-020, filed 5/13/74.]

**WAC 419-04-030 Processing of applications for new facilities—Pre-emption following approval.** (1) **Period of Pre-emption.** A new association approved by either jurisdiction shall have pre-emption protection for a period of two years from the date of approval. A newly authorized branch shall have pre-emption protection for a span of one year from the date of approval.

(2) **Area of Pre-emption.** The area covered during the pre-emption period shall be:

(a) A distance of one-eighth mile in any direction for a location within the central business districts of Seattle, Spokane, or Tacoma.

(b) A distance of one-half mile in any direction for a location within a standard metropolitan statistical area. (SMSA).

(c) Elsewhere in the state including urban and suburban areas, within a one-mile radius of the approved new location (unless special geographic conditions prevail).

(3) **Special Treatment Clause.** Should either authority receive a particular application which appears to require special treatment, there will be notification to the other with opportunity for response. Should there not be mutual agreement that such treatment is warranted (within a reasonable time), the authority indicating the need may proceed accordingly, upon notification to the other. [Order 74-3, § 419-04-030, filed 5/13/74.]

#### Chapter 419-14 WAC

#### EXAMINATION AND SUPERVISION FEES FOR SAVINGS AND LOAN ASSOCIATIONS

##### WAC

419-14-010 Examination and supervision fees.

**WAC 419-14-010 Examination and supervision fees.** Pursuant to RCW 33.28.020, each savings and loan association chartered by the state of Washington shall

pay the following charges for examination and supervision under RCW 33.04.020:

(1) The fee of one hundred thirty-five dollars per day of actual examination time, calculated at the rate of sixteen dollars and eighty-eight cents per hour per examiner; and

(2) An annual asset fee to cover further costs of examination and supervision not to exceed five cents per one thousand dollars in assets, to be calculated and billed as of the last day of December in each calendar year: *Provided*, That this subsection shall be effective only until September 30, 1979, unless earlier re-adopted or amended. [Order 77-3, § 419-14-010, filed 10/5/77.]

#### Chapter 419-18 WAC

#### EXAMINATION AND SUPERVISION FEES FOR CREDIT UNIONS

##### WAC

419-18-010 Examination and supervision fees.

**WAC 419-18-010 Examination and supervision fees.** Pursuant to RCW 31.12.320 each credit union chartered by the state of Washington shall pay the following charges for examination and supervision under RCW 31.12.320:

(1) An examination fee of one hundred sixteen dollars per day of actual examination, calculated at the rate of fourteen dollars and fifty cents per hour per examiner; and

(2) An annual asset fee to cover additional costs of examination and supervision, not to exceed five cents for every one thousand dollars worth of assets, calculated and billed as of the last day of December of each calendar year: *Provided*, That this subsection shall be effective only until September 30, 1979, unless earlier re-adopted or amended. [Order 77-4, § 419-18-010, filed 10/5/77.]

#### Chapter 419-20 WAC

#### OPERATION AND PROCEDURES OF THE DIVISION OF SAVINGS AND LOAN AND ACCESS TO PUBLIC RECORDS—FORM

##### WAC

419-20-010 Purpose.  
419-20-020 Definitions.  
419-20-030 Description of central and field organization of division of savings and loan.  
419-20-040 Operations and procedures.  
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419-20-080 Requests for public records.  
419-20-090 Copying.  
419-20-100 Exemptions.  
419-20-110 Review of denials of public records requests.  
419-20-120 Protection of public records.  
419-20-130 Records index.  
419-20-140 Communications with division.  
419-20-150 Adoption of form.  
419-20-900 Appendix 1—Request for public record.

**WAC 419-20-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Department of General Administration, Division of Savings and Loan, with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying Records; and in particular with sections 25-32 of that act, dealing with public records. [Order 73-2, § 419-20-010, filed 7/13/73.]

**WAC 419-20-020 Definitions.** (1) Public Records. "Public Record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing. "Writing means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents."

(3) Division of Savings and Loan. The Supervisor of Savings and Loan is appointed by the Director of the Department of General Administration. The Division of Savings and Loan shall hereinafter be referred to as the "Division of Savings and Loan." Where appropriate, the term Supervisor of Savings and Loan also refers to the staff and employees of the Division of Savings and Loan. [Order 73-2, § 419-20-020, filed 7/13/73.]

**WAC 419-20-030 Description of central and field organization of Division of Savings and Loan.** The Division is an administrative, supervisory, licensing and chartering agency. The administrative office of the Division of Savings and Loan and its staff is located at Room 111A, General Administration Building, Olympia, Washington. [Order 73-2, § 419-20-030, filed 7/13/73.]

**WAC 419-20-040 Operations and procedures.** The primary purpose of the Division of Savings and Loan is the maintenance of a sound home financing system within the State of Washington; and the maintenance of a sound and viable credit union system to serve eligible persons within the State of Washington in the area of consumer loans; the prevention of irresponsible acts by members of the two systems and the insuring that these systems serve the needs and convenience of the public and eligible memberships through the fostering of appropriate competition and operating efficiency. In order to accomplish this purpose, the Division of Savings and Loan's duties are divided into two major areas, i.e., examination and chartering.

The Supervisor of Savings and Loan is required by law to examine the operation of all state chartered savings and loan associations and credit unions. These duties are carried out through a staff of field examiners employed by the Division of Savings and Loan. The examiners examine the books and records of an institution

in order to detect any violations of the relevant statutes and to determine if good industry practices are being followed. After receipt of the examination reports the Supervisor communicates the results to the managing group of the institution examined and requires any violations of law to be corrected.

The other main function of the Division of Savings and Loan is processing of applications by various groups to establish a financial institution or to change an existing one. Some of the functions are as follows:

(1) To charter new savings and loan associations and new credit unions;

(2) To authorize branches of existing savings and loan associations;

(3) To authorize mergers of savings and loans and of credit unions.

(4) Conversion to Federal charter applications.

Operations are channeled and actions determined, and the public may obtain information, submit requests, or obtain copies of public records from the above listed office of the Supervisor of Savings and Loan in Olympia. In general, the public may obtain information, make submittals or requests, or obtain copies of Division of Savings and Loan decisions through application to personnel in Room 111A of the General Administration Building. [Order 73-2, § 419-20-040, filed 7/13/73.]

**WAC 419-20-050 Public records available.** All public records of the Division of Savings and Loan as defined in WAC 419-20-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by sections 26 and 31, chapter 1, Laws of 1973 and WAC 419-20-100 and 419-20-120. Substantive rules of general applicability adopted by the Supervisor of Savings and Loan can be found in Title 419 WAC, and are incorporated herein by reference as though fully set forth. [Order 73-2, § 419-20-050, filed 7/13/73.]

**WAC 419-20-060 Public records officer.** The Division of Savings and Loan public records shall be in the charge of the public records officer designated by the Division of Savings and Loan. The person so designated shall be located in the administrative office of the Division of Savings and Loan. The public records officer shall be responsible for the following: the implementation of the Division of Savings and Loan rules and regulations regarding release of public records, coordinating the staff of the Division of Savings and Loan in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 73-2, § 419-20-060, filed 7/13/73.]

**WAC 419-20-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the Division of Savings and Loan. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon, and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. [Order 73-2, § 419-20-070, filed 7/13/73.]

**WAC 419-20-080 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copies of such records may be obtained by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the Division of Savings and Loan which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the Division of Savings and Loan staff, if the public records officer is not available, at the administrative office of the Division of Savings and Loan during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the records;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the Division of Savings and Loan current index, an appropriate description of the record requested.
- (f) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested. [Order 73-2, § 419-20-080, filed 7/13/73.]

**WAC 419-20-090 Copying.** No fee shall be charged for the inspection of public records. The Division of Savings and Loan shall charge a fee of twenty-five (25) cents per page of copy for the first twenty pages and ten (10) cents per page for every copy thereafter for providing copies of public records and for use of the Division of Savings and Loan copy equipment. This charge is the amount necessary to reimburse the Division of Savings and Loan for its actual costs incident to such copying. The Division of Savings and Loan will charge additional amounts based on employee salaries if a particular request requires an unusual amount of time to be spent by the Division. The copying fee shall be paid in cash, certified check, cashier's check, or money order. [Order 73-2, § 419-20-090, filed 7/13/73.]

**WAC 419-20-100 Exemptions.** (1) The Division of Savings and Loan reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 419-20-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) RCW 43.19.120 provides as a general rule that all information received by the Supervisor and his office from any savings and loan or credit union is confidential

and may not be disclosed to any person other than certain other government officials, on penalty of a gross misdemeanor.

(3) In addition, pursuant to section 26, chapter 1, Laws of 1973, the Division of Savings and Loan reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(4) All denials of requests for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 73-2, § 419-20-100, filed 7/13/73.]

**WAC 419-20-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition the Supervisor for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constitutes or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the Supervisor of the Division of Savings and Loan. The Supervisor shall immediately consider the matter and either affirm or reverse such denial. In any case, the petition shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Division of Savings and Loan has responded to the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 73-2, § 419-20-110, filed 7/13/73.]

**WAC 419-20-120 Protection of public records.** (1) Public records shall be available for public inspection during regular office hours as provided for by regulation at the office of the Division of Savings and Loan, Room 111A, General Administration Building, Olympia. No person shall be allowed to remove any records made available to him for inspection from the place designated for inspection by the public records officer. If copies are desired the person so desiring them shall inform the public records officer who shall then either have the copies made or make the copying facilities of the Division of Savings and Loan available for copying. [Order 73-2, § 419-20-120, filed 7/13/73.]

**WAC 419-20-130 Records index.** The Division of Savings and Loan has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

(a) final opinions, including concurring and dissenting opinions as well as orders, made in the adjudication of cases;

(b) those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the Division;

(c) administrative staff manuals and instructions to staff that affect a member of the public;

(d) planning policies and goals, and interim and final planning decisions;

(e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) correspondence, and materials referred to therein, by and with the Division relating to any regulatory, supervisory or enforcement responsibilities of the Division, whereby the Division determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index promulgated by the Division of Savings and Loan shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 73-2, § 419-20-130, filed 7/13/73.]

**WAC 419-20-140 Communications with division.** All communications with the Division of Savings and Loan including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules, requests for copies of the Division of Savings and Loan's decisions and other matters, shall be addressed as follows:

Division of Savings and Loan  
Records Officer  
Room 111A  
General Administration Building  
Olympia, Washington 98504

[Order 73-2, § 419-20-140, filed 7/13/73.]

**WAC 419-20-150 Adoption of form.** The Division of Savings and Loan hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as WAC 419-20-900, entitled "Request for Public Record." [Order 73-2, § 419-20-150, filed 7/13/73.]

**WAC 419-20-900 Appendix 1—Request for public record.**

**"REQUEST FOR PUBLIC RECORD"**

TO: The Division of Savings and Loan:

(a) Name of person requesting public record(s)

----- (-----)  
Signature

(-----)  
Name of organization, if applicable

-----  
Mailing address of Applicant Phone Number

(b) -----  
Date request made at Division of Savings and Loan, Olympia Time of day request made

(c) Nature of request -----  
-----  
-----

(d) Identification Reference on Current Index (please describe) -----  
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(e) Description of record, or matter, requested if not identifiable by reference to the Division of Savings and Loan's current index: -----  
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[Order 73-2, Appendix 1 (codified as WAC 419-20-900), filed 7/13/73.]

**Chapter 419-24 WAC  
NOTIFICATION BY SUPERVISOR OF  
APPLICATIONS FOR OFFICES**

**WAC**  
419-24-010 Purpose.  
419-24-020 Definitions.  
419-24-030 Operations and procedures.

**WAC 419-24-010 Purpose.** The purpose of this regulation shall be to ensure compliance by the Department of General Administration, Division of Savings and Loan, with RCW 33.08.120 relating to notice to savings and loan association offices within a fifty-mile area of applications for new associations or branches by establishing a definition of "offices" that will affect needed and due notice without unnecessary expense. [Order 74-4, § 419-24-010, filed 5/21/74.]

**WAC 419-24-020 Definitions.** Offices in the context of notice pursuant to RCW 33.08.120 "to all savings and loan association offices" shall be defined as home, principal, or head offices of savings and loan associations both state and federally chartered within the

fifty-mile area cited in RCW 33.08.120 and to home, principal, or head offices of savings and loan associations both state and federally chartered which home, principal, or head offices are not located within the fifty-mile area but which have an interest in notification through operation of branch offices in the area. This definition will therefore exclude any direct notification to branch offices. [Order 74-4, § 419-24-020, filed 5/21/74.]

**WAC 419-24-030 Operations and procedures.** A radius of 50 miles from the proposed location will be established on each application for a new association or branch office and a notification will be mailed directly to each home office of a state or federally chartered association located within the radius and to each home office of an association affected by the proposed office by reason of having a branch located within the radius.

The Supervisor, may at his discretion, send information copies of the notification to officials of the Federal Home Loan Bank of Seattle, trade organizations of the savings and loan industry, and interested divisions of state government. [Order 74-4, § 419-24-030, filed 5/21/74.]

**Chapter 419-28 WAC**

**APPLICATIONS FOR SATELLITE FACILITIES—FORMS—FEES**

**WAC**

- 419-28-010 Applications for satellite facilities—Form.
- 419-28-020 Applications for satellite facilities—Fee.
- 419-28-030 Applications for satellite facilities—Additional information.
- 419-28-040 Public convenience.
- 419-28-050 Definitions.
- 419-28-990 Appendix 1—Application to provide satellite facility.

**WAC 419-28-010 Applications for satellite facilities—Form.** Pursuant to RCW 33.04.025 the official form for use in making application to the division of savings and loan for a satellite facility is hereby adopted. The form is attached hereto as Appendix 1 [419-28-990], entitled "Application to Provide Satellite Facility." Copies of this form may be obtained at Room 111A, General Administration Building, Olympia, Washington. [Order 74-5, § 419-28-010, filed 6/3/74.]

**WAC 419-28-020 Applications for satellite facilities—Fee.** The applicant shall, upon making application for a satellite facility, enclose a check for one hundred dollars to apply to the cost of the investigation by the division. If the actual cost of such investigation exceeds that amount, the applicant shall pay the excess amount upon being billed by the supervisor. The supervisor shall not grant final approval of the application until the entire cost has been paid. The fee shall be collected for all applications or investigations made on and

after July 25, 1974. [Order 74-5, § 419-28-020, filed 6/3/74.]

**WAC 419-28-030 Applications for satellite facilities—Additional information.** The applicant shall submit the following information with the application form:

1. Types of transactions to be conducted.
2. Names of other financial institutions expected to share in the use of the facility.
3. Arrangements for sharing costs in connection with its installation and operation, including estimates of actual cost to applicant.
4. Details as to ownership and operation of the facility. [Order 74-5, § 419-28-030, filed 6/3/74.]

**WAC 419-28-040 Public convenience.** As an aid in the supervisor's determination of whether the public convenience will be served by the proposed satellite facility, the applicant shall provide an analysis of the area to be served by the proposed facility. Included within this analysis shall be a study of the number of customers of the applicant likely to be served by the proposed satellite facility and the likelihood of those customers using the facility. [Order 74-5, § 419-28-040, filed 6/3/74.]

**WAC 419-28-050 Definitions.** As used in these regulations, the phrase "provided satellite facility(ies)" shall mean to establish a satellite facility or share a satellite facility with other financial institutions. [Order 74-5, § 419-28-050, filed 6/3/74.]

**WAC 419-28-990 Appendix 1—Application to provide satellite facility.**

**APPENDIX 1  
APPLICATION TO PROVIDE  
SATELLITE FACILITY  
(NOT TO BE CONSTRUED TO BE THE ESTABLISHMENT OF  
A BRANCH)**

To the supervisor of the division of savings & loan.

-----  
Washington,  
(savings & loan hereinafter (city)  
referred to as the applicant)

hereby initiates application for approval to provide satellite facilities at

-----  
(include street designation or approximate  
location in terms of nearest intersection)

-----  
(city of town, indicate direction (county)  
if outside city limits)

Washington.

The location of the proposed satellite facility would be \_\_\_\_\_ miles distant from the main office and \_\_\_\_\_ miles distant from the nearest branch \_\_\_\_\_ (name) of the Applicant.

We enclose a verified copy of a resolution adopted \_\_\_\_\_ (date) by the board of directors or board of trustees of the applicant, duly authorizing the undersigned to make this application, and obligate the applicant for necessary costs. Also enclosed is a check for \$100 to apply upon the statutory costs of investigation. If the cost of investigation to be made exceeds the minimum of \$100, the applicant will pay such excess in accordance with WAC 419-28-010.

We also enclose the supporting data required by WAC 419-28-030 and 419-28-040.

SUBSCRIBED AT \_\_\_\_\_, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_

(Please type name and position under signature)

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[Order 74-5, Appendix 1 (codified as WAC 419-28-990), filed 6/3/74.]