

September 1, 1986, shall not be required to comply with (a)(i) and (ii) of this subsection. Instead, they shall be required to meet the following requirements:

(i) Applicants who sat for an examination given before August 8, 1969, and received conditional credits from such examination, may continue to sit for the examination. They must pass all parts of the examination on or before the November 1992 sitting. Failure to pass said examination by November 1992 will cause the candidate to be subject to (a)(i) and (ii) of this subsection for sitting after that date.

(ii) Applicants who first sat for an examination given after August 8, 1969, but before November 15, 1986, may continue to sit for the examination. They must pass all parts of the examination on or before the November 1992 sitting. Failure to pass said examination by November 1992 will cause the candidate to be subject to (a)(i) and (ii) of this subsection for sitting after that date. Provided further; candidates sitting under the provisions of this subsection, must pass the examination within six additional consecutive sittings after receiving conditional credits. [Statutory Authority: RCW 18.04-.055. 85-11-013 (Order ACB 111), § 4-25-140, filed 5/8/85. Statutory Authority: RCW 18.04.070. 83-22-032 (Order ACB 105), § 4-25-140, filed 10/26/83.]

**Title 10 WAC**

**ADMINISTRATIVE HEARINGS, OFFICE OF**

**Chapters**

- 10-04 Agency organization--Public records.**
- 10-08 Uniform procedural rules for the conduct of contested cases.**

**Chapter 10-04 WAC**

**AGENCY ORGANIZATION--PUBLIC RECORDS**

WAC

10-04-020 Function--Organization--Offices.

**WAC 10-04-020 Function--Organization--Offices.**

The office of administrative hearings was created by chapter 34.12 RCW for the impartial administration of administrative hearings for state agencies. The office is under the direction of the chief administrative law judge and is organized in two divisions.

Administrative law judges assigned to the two divisions preside over hearings in contested cases and issue proposals for decisions, including findings of fact and conclusions of law. Division one is responsible for hearings held before the department of social and health services, the utilities and transportation commission, the liquor control board, the department of licensing, and any other state agency as defined in RCW 34.12.020(4). Division two is responsible for hearings held before the employment security department.

The administrative office is located at Building No. 1, 4224 - 6th Avenue S.E., Lacey, Washington, 98504-8915. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday except legal holidays. Administrative law judges are housed in the following field offices:

Social & Health Subdivision  
1212 Jefferson SE, Suite 200  
Olympia WA 98504-7821

Social & Health Subdivision  
1414 Dexter Avenue North  
Seattle WA 98109

Social & Health Subdivision  
2nd Floor, ES Building  
South 130 Arthur  
Spokane WA 99202

Social & Health Subdivision  
2925 Rockefeller  
Everett WA 98201

Yakima Subdivision  
1110 West Lincoln Avenue  
Yakima WA 98902

Utilities & Transportation Subdivision  
1212 Jefferson SE, Suite 200  
Olympia WA 98504-7821

Liquor Control Subdivision  
1212 Jefferson SE, Suite 200  
Olympia WA 98504-7821

Employment Security Subdivision  
Room 606 Securities Building  
1904 Third Avenue  
Seattle WA 98101

Employment Security Subdivision  
Capital 5000 Building  
Olympia WA 98504-5822

Employment Security Subdivision  
2nd Floor, ES Building  
P.O. Box TAF-C-14  
Spokane WA 99220

All written communications by parties pertaining to a particular case shall be filed with the field office, if any, assigned to the case, and otherwise with the deputy chief administrative law judge at the administrative office. [Statutory Authority: RCW 42.17.250 and 34.04.020. 85-22-032 (Order 4), § 10-04-020, filed 10/31/85. Statutory Authority: RCW 34.04.020 and 47.17.250 - 47.17.320 [42.17.250 - 42.17.320]. 82-22-052 (Order 3), § 10-04-020, filed 11/1/82.]

**Chapter 10-08 WAC**

**UNIFORM PROCEDURAL RULES FOR THE CONDUCT OF CONTESTED CASES**

WAC

10-08-040 Notice of hearing.

10-08-150 Interpreters.  
10-08-160 Testimony under oath or affirmation.

**WAC 10-08-040 Notice of hearing.** (1) In any contested case all parties shall be served with a notice within the time required by statute governing the respective agency or proceeding, and in the absence of a statutory requirement, not less than twenty days before the date set for the hearing. The notice shall include the information specified in RCW 34.04.090(1) and if the hearing is to be conducted by teleconference call the notice shall so state. The notice shall state that if a limited English-speaking or hearing impaired party or witness needs an interpreter a qualified interpreter will be appointed and that there will be no cost to the party or witness. The notice shall include a form for a party to indicate whether he or she needs an interpreter and to identify the primary language or hearing impaired status of the party. The notice shall also include such other information as may be necessary to apprise the parties of the scope and purpose of the hearing.

(2) Defects in [the] notice may not be waived unless:

- (a) The presiding officer determines that the waiver has been made knowingly, voluntarily and intelligently;
- (b) The party's representative, if any, consents; and
- (c) If a party is an impaired person, the waiver is requested through the use of a qualified interpreter.

(3) When a limited-English-speaking person is a party in an administrative proceeding all notices concerning the hearing, including hearing notices, notices of continuance, and notices of dismissal, shall either be in the primary language of the party or shall include a notice in the primary language of the party which describes the significance of the notice and how the party may receive assistance in understanding and responding to, if necessary, the notice. [Statutory Authority: RCW 34.04.022 and chapter 2.42 RCW. 85-22-032 (Order 4), § 10-08-040, filed 10/31/85. Statutory Authority: RCW 34.04.020 and 34.04.022. 82-22-052 (Order 3), § 10-08-040, filed 11/1/82.]

**Reviser's note:** RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 10-08-150 Interpreters.** (1) An "impaired person" is any person involved in a contested case hearing who is a hearing impaired person or a limited-English-speaking person.

(2) A "hearing impaired person" is a person who, because of a hearing impairment or speech defects, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, or hard of hearing.

(3) A "limited-English-speaking person" is a person who because of a non-English-speaking cultural background cannot readily speak or understand the English language.

(4) A "qualified interpreter" is one who is readily able to interpret spoken and translate written English to and

for impaired persons and to interpret or translate statements of impaired persons into spoken English and who meets the requirements of WAC 10-08-150(9): *Provided*, That for hearing impaired persons a qualified interpreter must be certified by the registry of interpreters for the deaf with a specialist certificate—legal, master's comprehensive skills certificate or comprehensive skills certificate.

(5) An "intermediary interpreter" is a hearing impaired interpreter who is certified by the registry of interpreters for the deaf with a reverse skills certificate, who meets the requirements of WAC 10-08-150(9), and who is able to assist in providing an accurate interpretation between spoken and sign language or between variants of sign language by acting as an intermediary between a hearing impaired person and a qualified interpreter for the hearing impaired.

(6) When an impaired person is a party to any contested case hearing or witness therein, the presiding officer shall, in the absence of a written waiver signed by the impaired person, appoint a qualified interpreter to assist the impaired person throughout the proceedings. The right to a qualified interpreter may not be waived except when:

- (a) The impaired person requests a waiver through the use of a qualified interpreter;
- (b) The representative, if any, of the impaired person consents; and
- (c) The presiding officer determines that the waiver has been made knowingly, voluntarily, and intelligently.

(7) Waiver of a qualified interpreter shall not preclude the impaired person from claiming his or her right to a qualified interpreter at a later time during the proceeding.

(8) Relatives of any participant in a proceeding and employees of the agency involved in a proceeding shall not be appointed as interpreters in the proceeding. This subsection shall not prohibit the office of administrative hearings from hiring an employee whose sole function is to interpret at administrative hearings.

(9) The presiding officer shall make a preliminary determination that an interpreter is able in the particular proceeding to interpret accurately all communication to and from the impaired person. This determination shall be based upon the testimony or stated needs of the impaired person, the interpreter's education, certifications, and experience in interpreting for contested cases, the interpreter's understanding of the basic vocabulary and procedure involved in the proceeding, and the interpreter's impartiality. The parties or their representatives may question the interpreter as to his or her qualifications and impartiality.

(10) If at any time during the proceeding, in the opinion of the impaired person, the presiding officer or a qualified observer, the interpreter does not provide accurate and effective communication with the impaired person, the presiding officer shall appoint another qualified interpreter.

(11) If the communication mode or language of a hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the

presiding officer who shall appoint and pay an intermediary interpreter to assist the qualified interpreter.

(12) Mode of interpretation.

(a) Interpreters for limited-English-speaking persons shall use simultaneous mode of interpretation where the presiding officer and interpreter agree that simultaneous interpretation will advance fairness and efficiency; otherwise, the consecutive mode of foreign language interpretation shall be used.

(b) Interpreters for hearing impaired persons shall use the simultaneous mode of interpretation, unless an intermediary interpreter is needed. If an intermediary interpreter is needed, interpreters shall use the mode that the qualified interpreter considers to provide the most accurate and effective communication with the hearing impaired person.

(c) When an impaired person is a party to a proceeding, the interpreter shall translate all statements made by other hearing participants. The presiding officer shall ensure that sufficient extra time is provided to permit translation and the presiding officer shall ensure that the interpreter translates the entire proceeding to the party to the extent that the party has the same opportunity to understand all statements made during the proceeding as a non-impaired party listening to uninterpreted statements would have.

(13) A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law. A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

(14) The presiding officer shall explain to the impaired party that a written decision or order will be issued in English, and that the party may contact the interpreter for a translation of the decision at no cost to the party. If the party has a right to review of the order or decision, the presiding officer shall orally inform him or her during the hearing of the right and of the time limits to request review.

(15) At the hearing the interpreter for a limited English-speaking party shall provide to the presiding officer the interpreter's telephone number written in the primary language of the impaired party. A copy of such telephone number shall be attached to the decision or order mailed to the impaired party. A copy of the decision or order shall also be mailed to the interpreter for use in translation.

(16) In any proceeding involving a hearing impaired person, the presiding officer may, with the consent of the agency involved in the hearing, order that the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use as the official transcript of the proceeding. Where simultaneous translation is used for interpreting statements of limited-English-speaking

persons, the foreign language statements shall be recorded simultaneously with the English language statements by means of a separate tape recorder.

(17) A qualified interpreter appointed under this section is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses. The agency involved in the hearing shall pay such interpreter fee and expenses. The fee for services for interpreters for hearing impaired persons shall be in accordance with standards established by the department of social and health services, office of deaf services. [Statutory Authority: RCW 34.04.022 and chapter 2.42 RCW. 85-22-032 (Order 4), § 10-08-150, filed 10/31/85.]

**WAC 10-08-160 Testimony under oath or affirmation.** (1) Every person called as a witness in a hearing shall swear or affirm that the testimony he or she is about to give in the hearing shall be the truth according to the provisions of RCW 5.28.020 through 5.28.060.

(2) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment. [Statutory Authority: RCW 34.04.022 and chapter 2.42 RCW. 85-22-032 (Order 4), § 10-08-160, filed 10/31/85. Statutory Authority: RCW 34.04.020 and 34.04.022. 82-22-052 (Order 3), § 10-08-160, filed 11/1/82.]

**Title 12 WAC  
AERONAUTICS COMMISSION**

**Chapter  
12-16 Registration and indicia of registration.**

**Chapter 12-16 WAC  
REGISTRATION AND INDICIA OF REGISTRATION**

WAC  
12-16-001 through 12-16-050 Repealed.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

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| 12-16-001 | Promulgation. [Regulation 6, Promulgation, filed 7/20/61.] Repealed by 86-01-066 (Order 102), filed 12/17/85. Statutory Authority: RCW 47.68.210.                 |
| 12-16-002 | Promulgation. [Regulation 5, Promulgation, filed 7/20/61.] Repealed by 86-01-066 (Order 102), filed 12/17/85. Statutory Authority: RCW 47.68.210.                 |
| 12-16-030 | Notifying commission of sale or conveyance. [Regulation 6, filed 7/20/61.] Repealed by 86-01-066 (Order 102), filed 12/17/85. Statutory Authority: RCW 47.68.210. |
| 12-16-050 | Display of indicia of registration. [Regulation 5 (part), filed 7/20/61.] Repealed by 86-01-066 (Order 102), filed 12/17/85. Statutory Authority: RCW 47.68.210.  |