

The application shall be in writing; shall set out and, as appropriate, substantiate the reasons constituting good cause for the relief sought, and shall be accompanied by at least two supporting recommendations, under oath, from licensees who have personal knowledge of the activities of the applicant since the suspension or revocation was imposed.

An application will ordinarily be disposed of by the board upon the basis of the materials submitted in support thereof, supplemented by such additional inquiries as the board may think fit. At the board's discretion a hearing may be held on such an application, following such procedures as the board may deem suitable for the particular case.

The board may impose, as a condition for reinstatement of a certificate or permit or modification of a suspension or probation, such terms and conditions as it deems suitable.

In considering an application, the board may consider all activities of the applicant since the disciplinary penalty from which relief is sought was imposed, the offense for which the applicant was disciplined, the applicant's activities during the time the certificate or permit was in good standing, the applicant's rehabilitative efforts, restitution to damaged parties in the matter for which the penalty was imposed, and the applicant's general reputation for truth and professional probity.

No application for reinstatement will be considered while the applicant is under sentence for any criminal offense, including any period during which the applicant is on court-imposed probation or parole.

[Statutory Authority: RCW 18.04.055(11). 93-12-065, § 4-25-760, filed 5/27/93, effective 7/1/93.]

Title 10 WAC

ADMINISTRATIVE HEARINGS, OFFICE OF

Chapters

- 10-04 Agency organization—Public records.
10-08 Model rules of procedure.

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 adjudicative proceedings and issue initial or final orders, including findings of fact and conclusions of law. Division one is responsible for hearings held before [and] [the] department of social and health services,

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the utilities and transportation commission, the liquor control board, the department of licensing, the superintendent of public instruction, and any other state agency requiring administrative law judge services except the employment security department. Division two is responsible for hearings held before the employment security department.

The administrative office is located at 2424 Heritage Court SW, Suite 302, P.O. Box 42488, Olympia, Washington, 98504-2488. 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 field offices located in Everett, Olympia, Seattle, Spokane, Vancouver, and Yakima. Each of these offices is headed by a senior administrative law judge.

All written communication[s] 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 [(1)](a). 93-10-098, § 10-04-020, filed 5/5/93, effective 6/5/93. Statutory Authority: RCW 42.17.250 and 34.05.220 (1)(b). 89-13-036 (Order 6), § 10-04-020, filed 6/15/89. 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.]

Reviser's note: RCW 34.05.395 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.

Chapter 10-08 WAC

MODEL RULES OF PROCEDURE

WAC

10-08-150 Adjudicative proceedings—Interpreters.

WAC 10-08-150 Adjudicative proceedings—Interpreters. (1) When an impaired person as defined in RCW 2.42 or a non-English-speaking person as defined in RCW 2.43 is a party or witness in an adjudicative proceeding, the presiding officer shall appoint an interpreter to assist the party or witness throughout the proceeding. Appointment, qualifications, waiver, compensation, visual recording, and ethical standards of interpreters in adjudicative proceedings are governed by the provisions of RCW 2.42 and 2.43.

(2) 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.

(3) 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 or non-English-speaking person. This determination shall be based upon the testimony or stated needs of the impaired or non-English-speaking person, the interpreter's education, certifications, and experience in interpreting for contested cases or adjudicative proceedings, 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.

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

(5) Mode of interpretation.

(a) Interpreters for non-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 interpreter considers to provide the most accurate and effective communication with the hearing impaired person.

(c) When an impaired or non-English-speaking 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] [an] a nonimpaired or English-speaking party listening to uninterpreted statements would have.

(6) An 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. An 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.

(7) The presiding officer shall explain to the non-English-speaking party that a written decision or order will be issued in English, and that the party may contact the interpreter for an oral translation of the decision and that the translation itself is at no cost to the party. The interpreter shall provide to the presiding officer and the party the interpreter's telephone number. The telephone number shall be attached to the decision or order mailed to the party. A copy of the decision or order shall also be mailed to the interpreter for use in translation.

(8) If the party has a right to review of the order or decision, the presiding officer shall orally inform the party during the hearing of the right and of the time limits to request review.

(9) The agency involved in the hearing shall pay interpreter fees and expenses.

[Statutory Authority: RCW 34.05.250, 93-10-097, § 10-08-150, filed 5/5/93, effective 6/5/93; 89-13-036 (Order 6), § 10-08-150, filed 6/15/89. Statutory Authority: RCW 34.04.022 and chapter 2.42 RCW. 85-22-032 (Order 4), § 10-08-150, filed 10/31/85.]

Reviser's note: RCW 34.05.395 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.

Title 16 WAC

AGRICULTURE, DEPARTMENT OF

Chapters

- 16-08 Practice and procedure.
- 16-10 Rights of persons aggrieved pesticide violations.
- 16-46 Domestic and imported animal semen.
- 16-54 Animal importation.
- 16-70 Animal diseases—Reporting.
- 16-78 Hog cholera, swine plague, swine erysipelas and vesicular exanthema.
- 16-88 Control of tuberculosis in cervidae.
- 16-101 Milk and milk products.
- 16-201 Fertilizer bulk storage and operational area containment rules.
- 16-218 Hops—Certification analyses—Fees.
- 16-219 Restricted use pesticides.
- 16-228 Pesticide regulations.
- 16-229 Secondary and operational area containment for bulk pesticides.
- 16-230 Use of chemicals and chemically treated materials in certain counties.
- 16-316 Seed certification.
- 16-354 Hop rootstocks—Certification.
- 16-400 Horticultural inspection fees.
- 16-403 Standards for apples marketed within Washington.
- 16-462 Grapevines—Registration and certification.
- 16-532 Hops.
- 16-555 Washington strawberry commission.
- 16-561 Washington red raspberry commission.
- 16-570 Rapeseed production and establishment of districts.
- 16-602 Apiaries.
- 16-620 Relating to brand inspection.
- 16-674 Weights and measures—Sealing, marking, retesting devices.
- 16-750 State noxious weed list and schedule of monetary penalties.

Chapter 16-08 WAC

PRACTICE AND PROCEDURE

WAC

- 16-08-021 Presiding officer.
- 16-08-022 Consolidation of proceedings.
- 16-08-141 Brief adjudicative proceedings.
- 16-08-151 Emergency adjudicative proceedings.

WAC 16-08-021 Presiding officer. (1) The director will designate the presiding officer for an adjudicative proceeding: