

Chapter 308-124 WAC

REAL ESTATE BROKERS AND MANAGING BROKERS—GENERAL PROVISIONS

WAC

DEFINITIONS AND BRIEF ADJUDICATIVE PROCEEDINGS

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

308-124-001 Promulgation—Authority. [Statutory Authority: RCW 18.85.040. WSR 87-20-091 (Order PM 683), § 308-124-001, filed 10/7/87; Order RE 120, § 308-124-001, filed 9/20/77; Order RE 114, § 308-124-001, filed 7/2/75 (Repealed and amended by Order RE 114, filed 7/2/75); Order RE 107, § 308-124-001, filed 7/20/73; Promulgation to Rules 1-6 (WAC 308-124-010 through 308-124-060), filed 3/24/60.] Repealed by WSR 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.

308-124-005 Organization. [Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW. WSR 97-01-027, § 308-124-005, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284. WSR 95-03-012, § 308-124-005, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. WSR 90-23-039, § 308-124-005, filed 11/15/90, effective 12/16/90; WSR 87-20-091 (Order PM 683), § 308-124-005, filed 10/7/87; WSR 82-17-039 (Order 130), § 308-124-005, filed 8/13/82; WSR 81-05-016 (Order RE 128), § 308-124-005, filed 2/10/81; Order RE 114, § 308-124-005, filed 7/2/75; Rules (part), filed 8/24/67.] Repealed by WSR 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.

308-124-007 Meetings. [Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. WSR 99-03-042, § 308-124-007, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. WSR 90-23-039, § 308-124-007, filed 11/15/90, effective 12/16/90; WSR 87-20-091 (Order PM 683), § 308-124-007, filed 10/7/87; Order RE 114, § 308-124-007, filed 7/2/75; Order RE-104, § 308-124-007, filed 2/16/72; Order RE-103, § 308-124-007, filed 12/14/71.] Repealed by WSR 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

308-124-010 Credit and character report. [Order RE 107, § 308-124-010, filed 7/20/73; Order RE-101, § 308-124-010, filed 2/17/71; Rule 1, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-020 Application for license—Credit and character report. [Rule 2, filed 3/24/60.] Repealed by Order RE-101, filed 2/17/71.

308-124-021 Definitions. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. WSR 00-08-035, § 308-124-021, filed 3/29/00, effective 7/1/00; WSR 99-03-042, § 308-124-021, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. WSR 98-01-107, § 308-124-021, filed 12/17/97, effective 1/17/98; WSR 90-23-039, § 308-124-021, filed 11/15/90, effective 12/16/90; WSR 88-24-059 (Order PM 811), § 308-124-021, filed 12/7/88; WSR 87-20-091 (Order PM 683), § 308-124-021, filed 10/7/87; WSR 81-05-016 (Order RE 128), § 308-124-021, filed 2/10/81; WSR 78-11-052 (Order RE 125), § 308-124-021, filed 10/23/78; Order RE 120, § 308-124-021, filed 9/20/77; Order RE 114, § 308-124-021, filed 7/2/75; Order RE-102, § 308-124-021, filed 10/28/71.]

308-124-030 Applicant for license previously licensed in another state. [Rule 3, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-035 Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 18.85.040. WSR 98-01-107, § 308-124-035, filed 12/17/97, effective 1/17/98.] Repealed by WSR 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

308-124-040 Corporate or copartnership applicants for licenses—Proof required. [Order RE 107, § 308-124-040, filed 7/20/73; Rule 4, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-045 Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 18.85.040. WSR 98-01-107, § 308-124-045, filed 12/17/97, effective 1/17/98.] Repealed by WSR 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

308-124-050 Corporate or copartnership applications for temporary salesman's permit—Proof required. [Rule 5, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-060 Renewal of licenses—Exemption of servicemen. [Rules (part), filed 12/21/66; Rule 6, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-065 Salesman second renewal requirements. [Order RE-105, § 308-124-065, filed 9/1/72.] Repealed by Order RE 114, filed 7/2/75.

308-124-070 Successful applicants must apply for license. [Order RE 110, § 308-124-070, filed 3/27/74; Rule 7, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-080 Notice required of intention to take examination. [Order RE 107, § 308-124-080, filed 7/20/73; Order RE-105, § 308-124-080, filed 9/1/72; Order 5, § 308-124-080, filed 5/13/69; Rules (part), filed 6/28/67; Rule 8, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-085 Credit and character report—Temporary permit. [Order RE 107, § 308-124-085, filed 7/20/73.] Repealed by Order RE 114, filed 7/2/75.

308-124-087 No temporary permit issued after examination failure. [Order RE 112, § 308-124-087, filed 1/23/75.] Repealed by Order RE 120, filed 9/20/77.

308-124-090 Unsuccessful broker applicants—Loss of waiver privilege. [Order RE 107, § 308-124-090, filed 7/20/73; Order 09-11-70, § 308-124-090, filed 9/14/70; Rule 9, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-100 Prevention of the same or deceptively similar real estate firm names. [Rule 10, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-110 Real estate office in same building as residence requirements. [Order RE-102, § 308-124-110, filed 10/28/71; Rule 11, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-120 Payment of earned commissions to salesmen or associate brokers by broker. [Rule 12, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-130 Subdivision advertising—Filing with director. [Order RE 110, § 308-124-130, filed 3/27/74; Rule 13, filed 6/28/67.] Repealed by Order RE 116, filed 4/30/76.

308-124-140 Summary revocation of licenses. [Rules (part), filed 8/24/67.] Repealed by Order RE 116, filed 4/30/76.

308-124-150 Application for license—Fingerprinting. [Rules (part), filed 8/24/67.] Repealed by Order RE 116, filed 4/30/76.

- 308-124-170 Discriminatory acts—Prohibition. [Order 4, § 308-124-170, filed 4/16/68.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-180 Branch offices operating under another name. [Order 5, § 308-124-180, filed 5/13/69.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-190 License fees—Expiration—Renewal. [Order RE-102, § 308-124-190, filed 10/28/71.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-200 Fee brokers prohibited. [Order RE-105, § 308-124-200, filed 9/1/72.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-210 Notification of adverse court action. [Order RE 108, § 308-124-210, filed 9/26/73.] Repealed by Order RE 114, filed 7/2/75.

DEFINITIONS AND BRIEF ADJUDICATIVE PROCEEDINGS

WAC 308-124-300 Definitions. Words and terms used in this chapter shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in this chapter, or the context in which they are used in this chapter clearly indicates that they be given some other meaning.

(1) "Branch manager" is the natural person who holds a managing broker's license and has delegated authority by the designated broker to manage a single physical location of a branch office. The department shall issue an endorsement for "branch managers."

(2) "Affiliated licensees" are the natural persons licensed as brokers or managing brokers employed by a firm and who are licensed to represent the firm in the performance of any of the acts specified in chapter 18.85 RCW.

(3) "Brokerage service contracts" include, but are not limited to, purchase and sale agreements, lease or rental agreements, listings, options, agency agreements, or property management agreements.

(4) "Branch office" means:

(a) A separate physical office of the real estate firm; and
(b) Has a different mailing address of the main firm office; and

(c) Uses the real estate firm's UBI (unified business identifier) number.

[Statutory Authority: RCW 18.85.041. WSR 13-14-077, § 308-124-300, filed 7/1/13, effective 8/1/13. Statutory Authority: RCW 18.85.040 and 18.85.041. WSR 10-06-078, § 308-124-300, filed 3/1/10, effective 7/1/10.]

WAC 308-124-305 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth in WAC 308-09-525.

[Statutory Authority: RCW 18.85.040 and 18.85.041. WSR 10-06-078, § 308-124-305, filed 3/1/10, effective 7/1/10.]

WAC 308-124-310 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license, for approval of an education course or curriculum, or for the proper issuance of a cease and desist order shall consist of:

(a) The application for the license, renewal, or approval and all associated documents; or the cease and desist order and all associated documents;

(b) All documents relied upon by the program in proposing to deny the license, renewal, or approval; or all docu-

ments relied upon by the program in issuing a cease and desist order; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application; or all correspondence between the respondent and the program regarding the issuance of the cease and desist order.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed education loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed education loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

(4) The preliminary record with respect to all other issues subject to a brief adjudicative hearing shall consist of:

(a) All documents relied upon by the program in proposing disciplinary action as provided under RCW 18.235.110; and

(b) All correspondence between the license holder and the program regarding alleged violations.

[Statutory Authority: RCW 18.85.040 and 18.85.041. WSR 10-06-078, § 308-124-310, filed 3/1/10, effective 7/1/10.]

WAC 308-124-315 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final

date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 18.85.040 and 18.85.041. WSR 10-06-078, § 308-124-315, filed 3/1/10, effective 7/1/10.]