

WAC 484-60-010 Certified veteran and servicemember owned business list—Certification process. (1) **Eligibility for certification.** WDVA must verify that the business is:

(a) At least fifty-one percent owned and controlled by:

(i) A veteran, defined as every person who at the time he or she seeks certification has received a discharge with an honorable characterization or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the capacities listed in RCW 41.04.007; or

(ii) An active or reserve member in any branch of the armed forces of the United States, including the National Guard, Coast Guard, and armed forces reserves; and

(b) An enterprise which is incorporated in the state of Washington as a Washington domestic corporation, or an enterprise whose principal place of business is located within the state of Washington for enterprises which are not incorporated.

(c) The business may also be eligible if at least one veteran and the business meet the criteria in (a) and (b) of this subsection and the business:

(i) Is owned and controlled by a married couple or registered domestic partnership where only one spouse or partner is an eligible veteran, provided that the business is controlled and operated by the eligible veteran; or

(ii) Is operated by the nonveteran widow(er) of a veteran spouse or registered domestic partner who has not remarried or reregistered for up to ten years following the death of the veteran or until he or she remarries or reregisters, whichever is shorter, as long as the widow(er) remains an active participant in the day-to-day operations of the business and maintains at least fifty-one percent ownership; or

(iii) Is owned by more than one veteran and at least fifty-one percent of the business is owned by eligible veterans and the business is controlled and operated by those veterans; or

(iv) Is a corporate sponsored dealership, otherwise known as a franchise, and the business meets the following ownership standards:

(A) The veteran owner(s) have entered into a written agreement, contract, or arrangement with a national or regional corporation and has been granted a license to offer, sell, or distribute goods or services at wholesale or retail, leasing or otherwise use the name, service mark, trademark, or related characteristics of the sponsoring corporation.

(B) The veteran owner(s) must declare that the relationship between the corporate sponsor and the veteran owner(s) was not formed for the primary purpose of achieving certification under chapter 43.60A RCW as a veteran or servicemember owned business, or any similar provision of any ordinance, regulation, rule or law; or

(v) Is a nonprofit veteran service organization department or office in Washington state and is listed by the U.S. Department of Veterans Affairs in the Directory of Veterans Service Organizations and registered as a nonprofit with the Washington secretary of state; or

(vi) Is a business that is certified by the Vets First Verification Program or VetBiz and the business provides that certification letter and proof that the business is incorporated in the state of Washington as a Washington domestic corporation, or proof that the business is an enterprise whose principal place of business is located within the state of Washington for enterprises which are not incorporated.

(2) **Required documentation.** Before WDVA can certify a veteran or servicemember owned business, the business must supply WDVA with all requested documents to verify eligibility.

(3) **Decertification.** A business may be decertified at any time WDVA determines that the business does not meet the current criteria for eligibility.

(a) A certified business shall notify the office, in writing, within thirty calendar days of any changes in its veteran ownership status, control, operations, or incorporation status in the state of Washington. Failure to provide such notice in a timely manner may lead to decertification.

(b) When WDVA has determined that a certified business (i) no longer meets the certification criteria, or (ii) failed to supply additional information requested by the office in a timely manner, or (iii) failed to give timely notice of changes, WDVA will decertify the business in writing.

(4) **Administrative review of decertification decisions.**

(a) Upon receipt of a notice of decertification letter, the business may request an administrative review of the decision as authorized by RCW 34.05.482; 34.05.485; and 34.05.494. The request for administrative review must be received by WDVA within twenty calendar days of mailing of the notice of decertification to the last address supplied to WDVA by the business. The request for an administrative review must set forth the reasons the business believes WDVA's decision to decertify is in error and must include all supporting information and documentation.

(b) If WDVA has not received a request for an administrative review within twenty days of mailing of the notice of decertification letter, the decision to decertify becomes final.

(c) Upon receipt of the request for an administrative review, WDVA will review the request and any additional information provided and may conduct further investigation. An administrative review will be conducted by WDVA and the business will be given an opportunity to present evidence and argument.

(d) WDVA will thereafter notify the business in writing of its decision to either affirm or reverse the firm's decertification.

(e) If the business disagrees with WDVA's decision, the business may appeal in writing to the director of WDVA within twenty days of the initial decision. The business shall remain certified until:

(i) The entry of a final decertification decision by the director.

(ii) Decertification shall be effective immediately upon the entry of the final decision, and will not be stayed pending review by any court.

(f) Decertified businesses must remove any stickers, logos, or statements that identify them as a veteran or servicemember owned business to the public.

[Statutory Authority: Chapter 43.60A RCW. WSR 16-20-104, § 484-60-010, filed 10/5/16, effective 11/5/16.]