

WAC 200-305-080 Hearing on recommended debarment or recommended fine in lieu of debarment.

(1) The director may hear the contested matter personally or may delegate the authority to hold the hearing and draft a proposed decision to another person or to an administrative law judge pursuant to chapter 34.12 RCW. The investigating official, on behalf of the department, shall be the petitioner in the hearing, and the contractor and affiliates shall be the respondents.

(2) The investigating official shall have the burden of proving the basis for the cause for debarment and the debarment period or fine in lieu of debarment and fine amount as set forth in the notice for recommended debarment or the notice for recommended fine in lieu of debarment.

(3) The hearing shall be conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW and to the extent not covered in this chapter, by the uniform procedural rules in chapter 1-08 WAC.

(4) If the director presides over the hearing, the director shall issue a final decision in writing that includes findings of fact, conclusions of law, and, if appropriate, the debarment period or fine amount. The director shall cause service of the final decision on all parties.

(5) If the director's delegate or an administrative law judge presides over the hearing, she or he shall issue a proposed decision that includes findings of fact, conclusions of law, and, if appropriate, the debarment period or fine amount. The proposed decision also shall include instructions on how to serve objections and written arguments or briefs with the debarring official. Objections and written arguments and briefs must be served within twenty days from the date of receipt of the proposed decision.

(6) The parties may stipulate to the method of service, as defined in WAC 200-305-010(14) for the proposed decision. Absent agreement or stipulation, the department will serve the final order by United States mail, with service complete on the date of mailing.

[Statutory Authority: RCW 43.19.011, 39.26.200 and 2015 c 44. WSR 18-21-055, § 200-305-080, filed 10/9/18, effective 11/9/18. Statutory Authority: RCW 39.26.200 and 43.19.011. WSR 13-09-069, § 200-305-080, filed 4/17/13, effective 5/18/13.]