

WAC 491-04-290 Are the parties allowed to reach a settlement?

Settlements may be worked out with the agreement of both parties. The following procedures are available for dispute resolution that may make more elaborate proceedings unnecessary:

(1)(a) The state encourages all agencies and persons to explore early resolution to disputes whenever possible. Any person whose interest in a matter before the board may be resolved by settlement shall communicate his or her request or complaint to the agency, setting forth all pertinent facts and particulars and the desired remedy. If the board or staff requires additional information to resolve the matter, it shall promptly provide to the person who is seeking relief an opportunity to supply such information. Settlement negotiations shall be without prejudice to rights of a participant in the negotiations. Provided, however, that any time limit applicable to filing an application for a hearing shall not be extended because settlement attempts are pending.

(b) In the event an early resolution is reached, the agency is responsible for providing a written description of the resolution to the person(s) involved.

(2)(a) If settlement of an adjudicative proceeding may be accomplished by negotiation with the agency or other parties involved, negotiations shall be commenced at the earliest possible stage of the proceeding.

Settlement shall be concluded by:

(i) Stipulation of parties;

(ii) Withdrawal by the applicant of his or her application for a hearing; or

(iii) Withdrawal of any local board, state board, or staff action which is the subject matter of the hearing.

(b) A stipulation shall be in writing and signed by each party to the stipulation or his or her representative or shall be recited on the record at the hearing. When an adjudicative proceeding has been settled by stipulation, the agency head, the agency head's designee, or the board chair shall enter an order in conformity with the terms of the stipulation.

(c) When a hearing has been wholly or partially settled by withdrawal, the board chair, or his or her designee, shall enter an order dismissing the hearing or an order dismissing the affected party's interest in the proceeding if other parties have not withdrawn.

[Statutory Authority: RCW 41.24.290(2). WSR 13-21-050, § 491-04-290, filed 10/11/13, effective 11/11/13.]