

**WAC 246-231-035 Deliberate misconduct.** (1) For the purpose of this chapter, deliberate misconduct by a person means an intentional act or omission that the person knows:

(a) Would constitute a violation of a requirement, procedure, instruction, contract, purchase order, or policy; or

(b) Causes or would cause, if not detected, a violation of any rule, regulation, or order; or any term, condition, or limitation of any license or certificate issued by the department.

(2) This section applies to any:

(a) Licensee;

(b) Certificate holder;

(c) Quality assurance program approval holder;

(d) Applicant for a license, certificate, or quality assurance program approval;

(e) Contractor (including a supplier or consultant) or subcontractor, to any person identified in (d) of this subsection; or

(f) Employee of any person identified in (a) through (e) of this subsection.

(3) A person subject to this section who knowingly provides any components, materials, or other goods or services that relate to any activities subject to these regulations may not:

(a) Engage in deliberate misconduct; or

(b) Deliberately submit to the department or to a person subject to this section information that the person knows to be incomplete or inaccurate in some respect that matters to the department.

(4) A person who violates subsection (3)(a) or (b) of this section may be subject to enforcement action in accordance with the procedures in 10 C.F.R. 2 Subpart B.

[Statutory Authority: RCW 70.98.050. WSR 11-03-068, § 246-231-035, filed 1/18/11, effective 2/18/11; WSR 08-09-093, § 246-231-035, filed 4/18/08, effective 5/19/08.]