

**WAC 468-10-460 Answer.** (1) When the department serves a party with a notice of hearing pursuant to RCW 34.05.413(5), the party shall file an answer stating in short plain terms his/her response or defense to the matters asserted in the notice, and shall admit or deny averments in the notice (other than statements of time, place, and nature of the proceeding). If the party is without knowledge or information to form a belief as to the truth of an averment, the party shall so state and this will have the effect of a denial. When a party intends in good faith to deny any part or qualification of an averment, she/he shall specify so much of it as is true and material and shall deny the remainder. A party may make the denials as specific denials of designated averments or paragraphs, or may generally deny all averments except those expressly admitted.

(2) In his/her answer to the notice, a party shall set forth affirmatively any matter constituting an avoidance or affirmative defense. Defenses not pleaded in the answer are waived.

(3) An answer shall be filed within twenty days after the notice of hearing is served unless the date of hearing is less than forty days from the date the notice of hearing is served in which event an answer must be filed within half the intervening time.

(4) Any defense that the hearing cannot be held because the party served with the notice has been prejudiced because of some irregularity in procedure must be pleaded in the answer by specific averment which shall include such supporting particulars as are within the answering party's knowledge or could have reasonably been learned by the answering party.

(5) No reply to an answer shall be filed. Affirmative averments in the answer shall be deemed denied or avoided.

[Statutory Authority: Chapter 34.05 RCW and RCW 47.01.101(5). WSR 94-14-101 (Order 145), § 468-10-460, filed 7/6/94, effective 8/6/94.]