

WAC 208-08-170 Administrative hearings—Divisions of banks and credit unions with enforcement jurisdiction. (1) **Administrative hearings when the division of banks or division of credit unions is the charging authority.** An administrative hearing involving a notice of charges against a Washington state-chartered commercial bank under Title 30A RCW, savings bank under Title 32 RCW, savings association under Title 33 RCW, trust company under Title 30B RCW, credit union under chapter 31.12 RCW, the holding company of such commercial bank, savings bank, or savings association, a present or former director, officer, or employee of such commercial bank, savings bank, savings association, or credit union, or any other person subject to the jurisdiction of chapter 31.12 RCW, Titles 30A, 30B, 32, or 33 RCW, may be held at a place designated by the director and conducted by the department of financial institutions in accordance with chapter 34.05 RCW, the model rules of procedures and this chapter but without referral to the office of administrative hearings. To the extent the requirements of chapter 31.12 RCW, Titles 30A, 30B, 32, or 33 RCW, as applicable, are inconsistent with chapters 34.05 and 31.12 RCW, Titles 30A, 30B, 32, or 33 RCW, as applicable, will govern.

(2) **Administrative hearings involving miscellaneous nondepository entities when the division of banks is the charging authority.** In the case of an administrative hearing involving a notice of charges against a Washington state-chartered or state-licensed business development company under chapter 31.24 RCW, agricultural lender under chapter 31.35 RCW, or federally guaranteed small business lender under chapter 31.40 RCW, the requirements of chapters 31.24, 31.35 and 31.40 RCW, respectively, governs to the extent of any inconsistency with chapter 34.05 RCW.

(3) **Director's appointment of independent hearing officer.** If the department elects to conduct an administrative hearing as permitted by this section, the director must appoint a hearing officer from outside the division of the department bringing the notice of charges, who may be either an employee from another division or an independent contractor. The director may elect to either retain review jurisdiction or delegate authority for issuance of a final order to the appointed hearing officer.

[Statutory Authority: RCW 34.05.250. WSR 17-16-056, § 208-08-170, filed 7/25/17, effective 10/1/17.]