

WAC 212-12-030 Right of appeal for state cited facilities. The following procedure will apply to appeals of orders, decisions or citations made by the state fire marshal's office and it does not apply to CMS federal surveys:

(1) Administrative appeal (step 1) - A facility will have an opportunity to dispute cited deficiencies with a chief deputy state fire marshal. The purpose of this informal process is to give the facility an opportunity to refute cited deficiencies after an inspection. A written request with an explanation of the specific deficiencies that are being disputed must be submitted within fifteen days of receipt of the correction notice. All submittals must be sent to WSP-Fire Protection Bureau, P.O. Box 42642, Olympia, WA 98504-2642 or via email at FIREMARSH@wsp.wa.gov. If a facility is successful in demonstrating that a deficiency should not have been cited, the chief deputy state fire marshal will remove or make the appropriate corrections to the citation. If a facility is unsuccessful in demonstrating that a deficiency should not have been cited, the facility will be notified in writing that the citation will remain unchanged. The facility will then have the option to proceed to step #2 in the administrative appeal process.

(2) Administrative appeal (step 2) - If a facility is not satisfied with the decision made during the administrative appeal (step 1), they may appeal the decision in writing within ten days of receipt of the written decision to the prevention division assistant state fire marshal. If a facility is successful in demonstrating that a deficiency should not have been cited, the assistant state fire marshal will remove or make the appropriate corrections to the citation. If a facility is unsuccessful in demonstrating that a deficiency should not have been cited, the facility will be notified in writing that the citation will remain unchanged. The facility will then have the option to proceed to step #3 in the administrative appeal process.

(3) Administrative appeal (step 3) - If a facility is not satisfied with the decision made during the administrative appeal (step 2), they may appeal the decision in writing within ten days of receipt of the written decision to the director of fire protection. If a facility is successful in demonstrating that a deficiency should not have been cited, the director of fire protection will remove or make the appropriate corrections to the citation. If a facility is unsuccessful in demonstrating that a deficiency should not have been cited, the facility will be notified in writing that the citation will remain unchanged.

(4) This is a final agency action.

Note: This appeal process is not applicable to the Life Safety Code inspections.

[Statutory Authority: RCW 18.20.130, 18.46.110, 18.51.140, 43.43.939, 70.41.080, 70.97.210, 71.12.485, 74.15.050 and chapter 43.44 RCW. WSR 20-20-062, § 212-12-030, filed 10/1/20, effective 11/1/20. Statutory Authority: RCW 18.20.130, 18.46.110, 18.51.140, 41.12.485, 48.48.030, 48.48.045, 70.62.290, 74.15.050. WSR 08-06-050, § 212-12-030, filed 2/28/08, effective 3/30/08. Statutory Authority: Chapter 19.27 RCW. WSR 02-16-023, § 212-12-030, filed 7/29/02, effective 8/29/02. Statutory Authority: Chapters 43.63A and 48.48 RCW. WSR 93-05-032 (Order 93-02), § 212-12-030, filed 2/16/93, effective 3/19/93.]