

WAC 292-100-042 Board staff referral of allegations. (1) If the complaint is outside the jurisdiction of the board, the board or its staff may also refer such allegations to an appropriate agency with jurisdiction.

(2) The board staff may refer a complaint to the employing agency for investigation and recommendation of resolution. In accordance with RCW 42.52.410, the complainant's name and identifying information may be redacted from the complaint.

(a) The referral will include a copy of the complaint and all supporting documentation and shall include a date for submission of the report and recommendation, allowing at least thirty days. The agency receiving the referral may request additional time, if needed.

(b) During the course of the agency's investigation, the agency will contact the respondent and provide the respondent with a copy of the complaint. The agency will provide the respondent with an opportunity to respond to the allegations.

(3) If board staff determine that a complaint alleges conduct which may violate a criminal statute, the board staff may refer the complaint to the appropriate law enforcement authority. Once referred, the board staff will suspend their investigation until the law enforcement authority responds as to whether criminal charges will be filed. If the law enforcement authority elects to file criminal charges, no further action will be taken while the criminal case is pending. If the law enforcement authority elects not to file criminal charges, board staff will complete their investigation.

[Statutory Authority: RCW 42.52.360. WSR 17-01-138, § 292-100-042, filed 12/20/16, effective 1/20/17. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-100-042, filed 6/13/01, effective 7/14/01.]