

**WSR 14-23-001**

**INTERPRETIVE OR POLICY STATEMENT**

**HEALTH CARE AUTHORITY**

[Filed November 5, 2014, 12:04 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), the following is a list of policy and interpretive statements issued by the department of social and health services.

Developmental Disabilities Administration

Document Title: Public Notice.

Subject: Create a new individual and family services (IFS) home and community based services (HCSB) [(HCBS)] waiver program.

Effective Date: May 1, 2015.

Document Description: Application for 1915(c) HCBS waiver for IFS to the Centers for Medicare and Medicaid Services to implement a new waiver by May 1, 2015.

Document is available for public review and comment for thirty days at <http://www.dshs.wa.gov/ddd/>.

Please direct all comments to Bob Beckman, Interim Waiver Services Unit Manager, [Bob.beckman@dshs.wa.gov](mailto:Bob.beckman@dshs.wa.gov), (360) 725-3445.

**WSR 14-23-003**

**HEALTH CARE AUTHORITY**

[Filed November 5, 2014, 2:23 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 15-0004.

Effective Date: January 1, 2015.

Description: The health care authority intends to submit medicaid SPA 15-0004 to increase standards for medicaid programs that are based on the federal benefit rate (FBR). The annual FBR amount is based in part on cost-of-living adjustment, which increased by 1.7 percent for calendar year 2015. Due to an increase in the FBR, income and resource eligibility standards for certain medicaid programs, including those that provide long-term care services, must also increase in accordance with federal requirements. This SPA is expected to have no impact on annual aggregate expenditures.

For additional information, contact Stephen Kozak, Eligibility Policy and Service Delivery, P.O. Box 45534, Olympia, WA 98504-5534, phone (360) 725-1343, TDD/TTY 800-848-6529, fax (360) 664-2186, e-mail [Stephen.kozak@hca.wa.gov](mailto:Stephen.kozak@hca.wa.gov).

**WSR 14-23-006**

**NOTICE OF PUBLIC MEETINGS**

**WALLA WALLA**

**COMMUNITY COLLEGE**

[Filed November 6, 2014, 9:50 a.m.]

Following is the schedule of meetings for the board of trustees of Walla Walla Community College, District 20, for the calendar year 2015. All meetings will be held in the board room on the Walla Walla Community College campus, unless otherwise noted.

<b>Date</b>	<b>Time</b>	<b>Location</b>
January 21	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
February 18	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
March 18	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
April 15	10:00 a.m.	WWCC Clarkston Campus 1470 Bridge Street Clarkston, WA
May 20	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
June 24	9:00 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
July 15*	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
August 19*	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
September 16	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
October 21	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA

Date	Time	Location
November 18	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA
December 16	9:30 a.m.	Walla Walla Community College 500 Tausick Way Walla Walla, WA

\* Optional meetings

If you need further information, contact Jerri Ramsey, Walla Walla Community College, 500 Tausick Way, Walla Walla, WA 99362, phone (509) 527-4274, fax (509) 527-4249, e-mail [jerri.ramsey@wwcc.edu](mailto:jerri.ramsey@wwcc.edu).

**WSR 14-23-008**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**  
 (Pharmacy and Therapeutics Committee)  
 (Drug Utilization Review Board)  
 [Filed November 6, 2014, 1:15 p.m.]

2015 Meeting Schedule

Contact Leta Evaskus, (206) 521-2029, [leta.evaskus@hca.wa.gov](mailto:leta.evaskus@hca.wa.gov).

February 18, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
April 15, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
June 17, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
August 19, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
October 21, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158
December 16, 2015	9:00 a.m. - 4:00 p.m.	International A Conference Room SeaTac Airport Conference Center 17801 International Boulevard Seattle, WA 98158

**WSR 14-23-011**

**NOTICE OF PUBLIC MEETINGS**  
**CHARTER SCHOOL COMMISSION**

[Filed November 6, 2014, 2:26 p.m.]

The Washington state charter school commission has changed the following regular meeting:

From: Thursday, November 13, 2014, 10:00 a.m. - 5:00 p.m., Spokane Community School Library, 1300 West Knox Avenue, Spokane, WA 99205.

To: Thursday, November 13, 2014, 10:00 a.m. - 5:00 p.m., Spokane Public Schools Warehouse, 2815 East Garland, Spokane, WA 99208.

If you need further information contact Colin Pippin-Timco, P.O. Box 40996, Olympia, WA 98504-0996, (360) 725-5511, [colin.pippin-timco@charterschool.wa.gov](mailto:colin.pippin-timco@charterschool.wa.gov), <http://www.governor.wa.gov/issues/education/commission/default.aspx>.

**WSR 14-23-012**

**RULES COORDINATOR**  
**CENTRAL WASHINGTON UNIVERSITY**

[Filed November 6, 2014, 2:36 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for Central Washington University is Kim Dawson, 400 East University Way, Ellensburg, WA 98926, phone (509) 963-2159, fax (509) 963-3206, e-mail [dawsonk@cwu.edu](mailto:dawsonk@cwu.edu).

James L. Gaudino  
 President

**WSR 14-23-014**

**RULES COORDINATOR**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed November 7, 2014, 9:35 a.m.]

Pursuant to RCW 34.05.312, the interim rules coordinator for the office of superintendent of public instruction is Kristin Murphy, Old Capitol Building, P.O. Box 47200, Olympia, WA 98504-7200, phone (360) 725-6133, fax (360) 753-6712, e-mail [kristin.murphy@k12.wa.us](mailto:kristin.murphy@k12.wa.us).

If you have questions, please contact Dierk Meierbachtol, special assistant for legal affairs, at (360) 725-6004 or e-mail [dierk.meierbachtol@k12.wa.us](mailto:dierk.meierbachtol@k12.wa.us), TYY [TTY] (360) 664-3631.

Randy I. Dorn  
 State Superintendent  
 of Public Instruction

**WSR 14-23-016**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE REHABILITATION**  
**COUNCIL FOR THE BLIND**

[Filed November 7, 2014, 11:01 a.m.]

The following is the schedule of regular meetings for the state rehabilitation council for the blind for 2015:

Date	Time	Location
March 6, 2014	9 a.m. - 3 p.m.	Department of Services for the Blind Conference Room 130 3411 South Alaska Street Seattle, WA 98118
May 29, 2014	9 a.m. - 3 p.m.	Department of Services for the Blind Conference Room 130 3411 South Alaska Street Seattle, WA 98118
September 11, 2014	9 a.m. - 3 p.m.	Department of Services for the Blind Conference Room 130 3411 South Alaska Street Seattle, WA 98118
December 4, 2014	9 a.m. - 3 p.m.	Department of Services for the Blind Conference Room 130 3411 South Alaska Street Seattle, WA 98118

For meeting information contact Debbie Cook at (206) 616-5913.

**WSR 14-23-018**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF HEALTH**  
 (Health Disparity Council)

[Filed November 7, 2014, 11:58 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of policy committee meetings for the Washington state board of health (WSBOH), and the health disparity council, for the remainder of the year 2014. The board and council meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the WSBOH web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, WSBOH reserves the right to change or amend agendas at the meeting.

<b>Board</b>	<b>Wednesday November 12, 2014 9:30 a.m.-3:50 p.m.</b>	Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
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<b>Council</b>	<b>Thursday December 11, 2014 9:30 a.m.-4:00 p.m.</b>	Department of Ecology Auditorium Room ROA-32/34/36 300 Desmond Drive Lacey, WA 98503 <a href="http://www.ecy.wa.gov/images/offices/map_hq_swro.pdf">http://www.ecy.wa.gov/images/offices/map_hq_swro.pdf</a>
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Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See our web site at <http://sboh.wa.gov/> for the most current information.

If you need further information, please contact Melanie Hisaw, Executive Assistant, Washington State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, phone (360) 236-4104, fax (360) 236-4088, [Melanie.hisaw@sboh.wa.gov](mailto:Melanie.hisaw@sboh.wa.gov), <http://sboh.wa.gov/>.

Please be advised the commission is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 14-23-024**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Board of Massage)

[Filed November 10, 2014, 10:25 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of massage, for the year 2015. The board of massage meetings are open to the public and access for persons with disabilities may be arranged with advance notice. Please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of massage reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 9, 2015	9:00 a.m.	Kent
March 6, 2015	9:00 a.m.	Tumwater
May 8, 2015	9:00 a.m.	Kent
July 10, 2015	9:00 a.m.	Tumwater
September 4, 2015	9:00 a.m.	Tumwater
November 6, 2015	9:00 a.m.	Tumwater

If you need further information, please contact Megan Brown, Program Manager, Board of Massage, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, (360) 236-4945, (360) 236-2901, [Megan.brown@doh.wa.gov](mailto:Megan.brown@doh.wa.gov), [www.doh.wa.gov](http://www.doh.wa.gov).

Please be advised the board of massage is required to comply with the Public Records Act, chapter 42.56 RCW.

This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 14-23-025**  
**NOTICE OF PUBLIC MEETINGS**  
**OLYMPIC COLLEGE**

[Filed November 10, 2014, 10:43 a.m.]

Pursuant to RCW 42.30.075, the regular meeting of the board of trustees of Olympic College (OC), District Three, will be held on the third Tuesday of the month, beginning at 5:00 p.m. in Humanities Student Services Building, Room 119/121, Olympic College Campus, 1600 Chester Avenue, Bremerton, WA. The board will meet on the following dates for calendar year 2015:

- January 20, 2015
- February 17, 2015
- March 17, 2015
- April 21, 2015 (held annually at the OC Poulso Campus, 1000 Olympic College Place N.W., Poulso, WA)
- May 19, 2015
- June 16, 2015
- No meeting in July
- August 18, 2015 (held annually at the OC Shelton Campus, 937 Alpine Way, Shelton, WA)
- September 15, 2015
- October 20, 2015
- November 17, 2015
- No meeting in December

In the event it is necessary to change any of these meeting dates, the appropriate notification will take place.

**WSR 14-23-029**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[November 6, 2014]

IN THE MATTER OF THE EXPEDITIOUS ADOPTION OF CHANGES TO CR 5 (B)(7)—SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS AND GR 30(B)—ELECTRONIC FILING AND SERVICE ) ORDER NO. 25700-A-1077

The King County Bar Association having recommended the expeditious adoption of the Changes to CR 5 (b)(7)—Ser-

vice and Filing of Pleadings and Other Papers and GR 30(b)—Electronic Filing and Service, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

- (a) That the amendments as shown below are adopted.
- (b) That the amendments will be published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 6th day of November, 2014.

	Madsen, C.J.
C. Johnson, J.	Wiggins, J.
Owens, J.	Gonzalez, J.
Fairhurst, J.	Gordon McCloud, J.
Stephens, J.	Yu, J.

**CR 5**

**SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

- (a) [No change]
- (b) **Service—How Made.**
- (1) - (6) [No change]
- (7) *Service by Other Means.* Service under this rule may be made by delivering a copy by any other means, including facsimile or electronic means, consented to in writing by the person served or as authorized under local court rule. [Remainder of rule unchanged]

**GR 30**

**ELECTRONIC FILING AND SERVICE**

- (a) [No change]
- (b) **Electronic filing authorization, exception, service, and technology equipment.**
- (1)-(2) [No change]
- (3) *Electronic Transmission from the Court.* The court or clerk may electronically transmit notices, orders, or other documents to all attorneys as authorized under local court rule, or to a party who has filed electronically; or has agreed to accept electronic documents from the court, and has provided the clerk the address of the party's electronic mailbox. It is the responsibility of all attorneys and the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

~~(4) *Electronic Service by Parties.* Parties may electronically serve documents on other parties of record only by agreement.~~

~~(5) A court may adopt a local rule that mandates electronic filing by attorneys and/or electronic service of documents on attorneys for parties of record, provided that the attorneys are not additionally required to file paper copies except for those documents set forth in (b)(2). Electronic service may be made either through an electronic transmission directly from the court (where available) or by a party's attor-~~

ney. Absent such a local rule, parties may electronically serve documents on other parties of record only by agreement. The local rule shall not be inconsistent with this Rule and the Electronic Filing Technical Standards, and the local rule shall permit paper filing and/or service upon a showing of good cause. Electronic filing and/or service should not serve as a barrier to access.

(c)–(e) [No change]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 14-23-030
RULES OF COURT
STATE SUPREME COURT

[November 6, 2014]

IN THE MATTER OF AMENDMENTS ) ORDER
TO ANNUAL RULES SUBMISSION— ) NO. 25700-A-1078
CR 33—INTERROGATORIES TO PAR- )
TIES; CrR 6.4—CHALLENGES; CrRLJ )
2.1—COMPLAINT—CITATION AND )
NOTICE; CrRLJ 4.8—SUBPOENAS; )
CrRLJ 7.2—SENTENCING AND CrR )
7.2—SENTENCING )

The Washington State Bar Association having recommended the Annual Rules Submission—CR 33—Interrogatories to Parties; CrR 6.4—Challenges; CrRLJ 2.1—Complaint—Citation and Notice; CrRLJ 4.8—Subpoenas; CrRLJ 7.2—Sentencing and CrR 7.2—Sentencing, and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2015. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of November, 2014.

For the Court

Madsen, C.J.

CHIEF JUSTICE

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 14-24 issue of the Register.

WSR 14-23-031
RULES OF COURT
STATE SUPREME COURT

[November 6, 2014]

IN THE MATTER OF THE EXPEDI- ) ORDER
TIOUS ADOPTION OF PROPOSED ) NO. 25700-A-1079
NEW COMMENT 18 TO RPC 1.2 )
SCOPE OF REPRESENTATION AND )
ALLOCATION OF AUTHORITY )
BETWEEN THE CLIENT AND LAW- )
YER )

The Washington State Bar Association having recommended the expeditious adoption of the Proposed New Comment 18 to RPC 1.2 Scope of Representation and Allocation of Authority Between the Client and Lawyer, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown below are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 6th day of November, 2014.

C. Johnson, J. Madsen, C.J.
Owens, J. Wiggins, J.
Fairhurst, J. Gonzalez, J.
Stephens, J. Gordon McCloud, J.
Yu, J.

RPC 1.2 Scope of Representation and Allocation of Authority Between the Client and Lawyer

Special Circumstances Presented by Washington Initiative 502 (Chap. 3, Laws of 2013)

[18] At least until there is a change in federal enforcement policy, a lawyer may counsel a client regarding the validity, scope, and meaning of Washington Initiative 502 (Chap. 3, Laws of 2013) and may assist a client in conduct that the lawyer reasonably believes is permitted by this statute and the other statutes, regulations, orders and other state and local provisions implementing them.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 14-23-032
RULES OF COURT
STATE SUPREME COURT
[November 6, 2014]

IN THE MATTER OF PROPOSED ) ORDER
AMENDMENTS TO APR 11—CON- ) NO. 25700-A-1080
TINUING LEGAL EDUCATION AND )
APPENDIX APR 11—REGULATIONS )
OF THE WASHINGTON STATE BOARD )
OF CONTINUING LEGAL EDUCA- )
TION )

The Washington State Bar Association, having recom-
mended the Proposed Amendments to APR 11—Continuing
Legal Education and Appendix APR 11—Regulations of the
Washington State Board of Continuing Legal Education, and
the Court having considered the amendments and comments
submitted thereto;

Now, therefore, it is hereby
ORDERED:

(a) That pursuant to the provisions of GR 9(g), the pro-
posed amendments as shown below are to be published for
comment in the Washington Reports, Washington Register,
Washington State Bar Association and Administrative Office
of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is
published solely for the information of the Bench, Bar and
other interested parties.

(c) Comments are to be submitted to the Clerk of the
Supreme Court by either U.S. Mail or Internet E-Mail by no
later than 60 days from the published date. Comments may
be sent to the following addresses: P.O. Box 40929, Olympia,
Washington 98504-0929, or supreme@courts.wa.gov. Com-
ments submitted by e-mail message must be limited to 1500
words.

DATED at Olympia, Washington this 6th day of Novem-
ber, 2014.

For the Court

Madsen, C.J.
CHIEF JUSTICE

Reviser's note: The material contained in this filing exceeded the
page-count limitations of WAC 1-21-040 for appearance in this issue of the
Register. It will appear in the 15-01 issue of the Register.

WSR 14-23-033
RULES OF COURT
STATE SUPREME COURT
[November 6, 2014]

IN THE MATTER OF SUGGESTED ) ORDER
AMENDMENTS TO APR 28 REGULA- ) NO. 25700-A-1081
TIONS AND NEW REGULATIONS 13— )
20 TO APPENDIX APR 28 )

The Washington State Bar Association's Limited Legal
License Technician Board, having recommended the Sug-

gested Amendments to APR 28 Regulations and New Regu-
lations 13—20 to Appendix APR 28, and the Court having
considered the amendments and comments submitted
thereto;

Now, therefore, it is hereby
ORDERED:

(a) That pursuant to the provisions of GR 9(g), the pro-
posed amendments as shown below are to be published for
comment in the Washington Reports, Washington Register,
Washington State Bar Association and Administrative Office
of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is
published solely for the information of the Bench, Bar and
other interested parties.

(c) Comments are to be submitted to the Clerk of the
Supreme Court by either U.S. Mail or Internet E-Mail by no
later than 60 days from the published date. Comments may
be sent to the following addresses: P.O. Box 40929, Olympia,
Washington 98504-0929, or supreme@courts.wa.gov. Com-
ments submitted by e-mail message must be limited to 1500
words.

DATED at Olympia, Washington this 6th day of Novem-
ber, 2014.

For the Court

Madsen, C.J.
CHIEF JUSTICE

Reviser's note: The material contained in this filing exceeded the
page-count limitations of WAC 1-21-040 for appearance in this issue of the
Register. It will appear in the 15-01 issue of the Register.

WSR 14-23-034
RULES OF COURT
STATE SUPREME COURT
[November 6, 2014]

IN THE MATTER OF PROPOSED ) ORDER
AMENDMENTS TO ELC 2.2—BOARD ) NO. 25700-A-1082
OF GOVERNORS; DISCIPLINARY )
SELECTION PANEL )

The Washington State Bar Association, having recom-
mended the Proposed Amendments to ELC 2.2—Board of
Governors; Disciplinary Selection Panel, and the Court hav-
ing considered the amendments and comments submitted
thereto;

Now, therefore, it is hereby
ORDERED:

(a) That pursuant to the provisions of GR 9(g), the pro-
posed amendments as shown below are to be published for
comment in the Washington Reports, Washington Register,
Washington State Bar Association and Administrative Office
of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is
published solely for the information of the Bench, Bar and
other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2015. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of November, 2014.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

**Suggested Amendment to Rule 2.2 of the Rules for Enforcement of Lawyer Conduct (ELC)**

**Purpose**

This suggested amendment would add a new subsection in ELC 2.2 establishing a three-year waiting period before former Board of Governors members, WSBA officers, or WSBA Executive Directors could be eligible to serve in the discipline system as hearing officers, Disciplinary Board members, or Conflicts Review Officers. The purpose of this amendment is to avoid any appearance of impropriety or conflicts of interest between a discipline-system volunteer and WSBA organizational leadership. It will achieve this purpose by restricting discipline-system appointment of individuals who are serving or have recently served on the Board or as WSBA officers or Executive Director.

The three-year waiting period will ensure complete turnover in the membership of the Board of Governors between the end of an individual's service as a governor, WSBA officer, or WSBA Executive Director and the beginning of that individual's service as a hearing officer, Disciplinary Board member, or Conflicts Review Officer in the discipline system.

**SUGGESTED AMENDMENT TO RULE 2.2 OF THE RULES FOR ENFORCEMENT OF LAWYER CONDUCT Redline Version**

**RULE 2.2 BOARD OF GOVERNORS; DISCIPLINARY SELECTION PANEL**

**(a) Function.** The Board of Governors of the Association:

(1) through the Executive Director, provides administrative and managerial support to enable the Office of Disciplinary Counsel, the Disciplinary Board, review committees, and other Association staff and appointees to perform the functions specified by these rules;

(2) makes appointments, removes those appointed, and fills vacancies as provided in these rules; and

(3) performs other functions and takes other actions provided in these rules, delegated by the Supreme Court, or necessary and proper to carry out its duties.

**(b) Limitation of Authority.** The Board of Governors, officers of the Association, and the Executive Director of the Association have no right or responsibility to direct the investigations, prosecutions, appeals or discretionary decisions of the Office of Disciplinary Counsel under these rules, or to review hearing officer, review committee, or Disciplinary Board decisions or recommendations in specific cases.

**(c) Restrictions on Discipline-System Appointments.** After leaving office, Association officers and Executive Director and Board of Governors members cannot serve as hearing officers, Disciplinary Board members, or Conflicts Review Officers until three years have expired after departure from office.

**(ed) Restriction on Advising or Representing Respondents or Grievants.** Current and former members of the Board of Governors, Executive Directors, and officers of the Association are subject to the restrictions set forth in rule 2.14.

**(de) Disciplinary Selection Panel.** The Disciplinary Selection Panel makes recommendations to the Board of Governors for appointment, reappointment, and removal of Disciplinary Board members, hearing officers, chief hearing officer, and Conflicts Review Officers. The Panel is appointed by the Supreme Court, upon the recommendation of the Board of Governors, shall include a Board of Governors member who serves as its chair, and should include, without limitation, one or more former Chairs of the Disciplinary Board, one or more current or former hearing officers, and one or more former nonlawyer members of the Disciplinary Board.

**(ef) Diversity.** The Disciplinary Selection Panel and the Board of Governors considers diversity in gender, ethnicity, disability status, sexual orientation, geography, area of practice, and practice experience, when making appointments under Rules 2.2, 2.3, 2.5 2.7 and 2.9.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 14-23-035 RULES OF COURT STATE SUPREME COURT**

[November 6, 2014]

IN THE MATTER OF PROPOSED ) ORDER  
AMENDMENT TO APR 12—LIMITED ) NO. 25700-A-1083  
PRACTICE RULE FOR LIMITED )  
PRACTICE OFFICERS—SUGGESTED )  
AMENDMENTS TO APPENDIX APR )  
12—REGULATIONS—SUGGESTED )  
AMENDMENTS TO THE RULES FOR )  
LAWYER ENFORCEMENT OF LIM- )  
ITED PRACTICE OFFICER CONDUCT )  
(ELPOC) AND SUGGESTED AMEND- )  
MENTS TO THE CONTINUING EDU- )  
CATION REGULATIONS OF THE LIM- )  
ITED PRACTICE BOARD )

The Limited Practice Board, having recommended the Proposed Amendment to APR 12—Limited Practice Rule for Limited Practice Officers—Suggested Amendments to Appendix APR 12—Regulations—Suggested Amendments to the Rules for Lawyer Enforcement of Limited Practice Officer Conduct (ELPOC) and Suggested Amendments to the Continuing Education Regulations of the Limited Practice Board, and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2015. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of November, 2014.

For the Court

Madsen, C.J.

CHIEF JUSTICE

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 14-24 issue of the Register.

WSR 14-23-036
RULES OF COURT
STATE SUPREME COURT

[November 6, 2014]

IN THE MATTER OF THE ADOPTION ) ORDER
OF PROPOSED RULES FOR THE ) NO. 25700-A-1084
ENFORCEMENT OF LAWYER CON- )
DUCT (ELCs) )

The Washington State Bar Association having recommended the adoption of the proposed rules for the Enforcement of Lawyer Conduct (ELCs), and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown below are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective January 1, 2015.

DATED at Olympia, Washington this 6th day of November, 2014.

Madsen, C.J.

C. Johnson, J.

Wiggins, J.

Owens, J.

Gonzalez, J.

Fairhurst, J.

Gordon McCloud, J.

Stephens, J.

Yu, J.

SUGGESTED AMENDMENTS TO
RULES FOR ENFORCEMENT OF LAWYER CONDUCT (ELC)
Redline Version

RULE 1.3 DEFINITIONS

Unless the context clearly indicates otherwise, terms used in these rules have the following meanings:

(a) - (m) [Unchanged]

(n) "APR" means the Admission to and Practice Rules.

(o) - (r) [Unchanged]

RULE 2.7 CONFLICTS REVIEW OFFICER

(a) Function. Conflicts Review Officers review grievances filed against disciplinary counsel and other lawyers employed by the Association, hearing officers, conflicts review officers and conflicts review officers pro tempore, members of the Disciplinary Board, officers and members of the Board of Governors, and staff, attorneys, and judicial officers of the Supreme Court. Conflicts Review Officers also review grievances filed against persons who have been assigned cases as adjunct investigative disciplinary or special disciplinary counsel, or appointed in disability matters pursuant to ELC 8.2 (c)(2), at the time the grievance is filed. A Conflicts Review Officer performs other functions as set forth in these rules.

(1) Limitation of Authority. The Conflicts Review Officer's duties are limited to performing the initial review of grievances covered by this Rule. A Conflicts Review Officer may, under rule 5.3(b), obtain the respondent lawyer's response to the grievance, if he/she feels it necessary to do so, in his/her sole discretion. A Conflicts Review Officer may dismiss the grievance under rule 5.6(a), defer the investigation under rule 5.3(d), or assign the grievance to special disciplinary counsel for investigation under rules 2.8(b) and 5.3. If a grievant requests review of a dismissal under rule 5.7(b), the Conflicts Review Officer may either reopen the matter for investigation or refer it to a review committee under that rule.

(2) [Unchanged]

(b) - (f) [Unchanged]

RULE 2.12 COMMUNICATIONS TO THE ASSOCIATION PRIVILEGED

Communications to the Association, Board of Governors, Disciplinary Board, review committee, hearing officer, disciplinary counsel, adjunct investigative disciplinary counsel, Association staff, or any other individual acting under authority of these rules, are absolutely privileged, and no lawsuit predicated thereon may be instituted against any grievant, witness, or other person providing information.

RULE 3.1 OPEN MEETINGS AND PUBLIC DISCIPLINARY INFORMATION

(a) [Unchanged]



**(b) Public Disciplinary Information.** The public has access to the following information subject to these rules:

(1) - (9) [Unchanged]

(10) a lawyer's resignation in lieu of discipline under rule 9.3; ~~and~~

(11) any sanction or admonition imposed on a respondent; ~~and~~

(12) a stipulation to dismissal upon institution of proceedings for failure to comply with the terms of the stipulation.

(c) [Unchanged]

#### RULE 3.2 CONFIDENTIAL DISCIPLINARY INFORMATION

(a) [Unchanged]

**(b) Restriction on Release of Client Information.** Notwithstanding any other provision of this title, no information identified or known to the Association to constitute by a respondent as privileged or confidential client information that a lawyer would be required to keep confidential under ~~RPC 1.6 rule 5.4~~ may be released under rule 3.4 (c) - (i) unless the client consents, including implied consent under rule 5.1(b).

(c) - (f) [Unchanged]

#### RULE 3.3 APPLICATION TO STIPULATIONS, DISABILITY PROCEEDINGS, CUSTODIANSHIPS, AND DIVERSION CONTRACTS

(a) - (c) [Unchanged]

**(d) Diversion Contracts.** Except as provided by rule 6.6, diversion contracts and supporting affidavits and declarations under rules 6.5 and 6.6 are confidential, despite rule 3.1 (b)(1). However, a lawyer may authorize release of a diversion contract or supporting affidavit under rule 3.4(c). When a matter that has previously become public under rule 3.1(b) is diverted by a diversion contract, that contract and the supporting documents are confidential but the fact that the matter was diverted from discipline is public information and a notice of diversion will be placed in the public file. Upon the conclusion of the diversion, whether by successful completion of diversion and dismissal of the grievance, or by breach of the diversion contract, a notice of that result will be placed in the public file.

#### RULE 5.1 GRIEVANTS

(a) - (b) [Unchanged]

**(c) Grievant Rights.** A grievant has the following rights:

(1) - (2) [Unchanged]

(3) to receive a copy of any response submitted by the respondent, subject to the following:

(A) [Unchanged]

(B) Challenge to Disclosure Decision. Either the grievant or the respondent may file a challenge to disciplinary counsel's decision to withhold or not withhold all or a portion of a grievance or response within 20 days of the date of mailing of the decision. The challenge shall be resolved by a review committee, unless the matter has previously been dismissed under rule 5.7(d) or the time period for submitting a request for review of a dismissal has expired under rule 5.7(b).

~~(4) to submit additional supplemental written information or documentation at any time;~~

~~(5) (4)~~ to attend any hearing conducted into the grievance, subject to these rules and any protective order issued under rule 3.2(e); except that if the grievant is also a witness, the hearing officer may order the grievant excluded during the testimony of any other witness whose testimony might affect the grievant's testimony;

~~(6) (5)~~ to provide relevant testimony at any hearing conducted into the grievance, subject to these rules and any protective order issued under rule 3.2(e);

~~(7) (6)~~ to be notified of any proposed decision to refer the respondent to diversion and to be given a reasonable opportunity to submit to disciplinary counsel a written comment thereon;

~~(8) (7)~~ to be advised of the disposition of the grievance; and

~~(9) (8)~~ to request reconsideration of a dismissal of the grievance as provided in rule 5.7(b).

(d) - (e) [Unchanged]

#### RULE 5.3 INVESTIGATION OF GRIEVANCE

(a) - (c) [Unchanged]

##### (d) Deferral by Disciplinary Counsel.

(1) Disciplinary counsel may defer an investigation into alleged acts of misconduct by a lawyer:

(A) - (B) [Unchanged]

(C) if a hearing has been ordered under ~~Rule~~ rule 8.2(a) or supplemental proceedings have been ordered under rule 8.3(a); or

(D) [Unchanged]

(2) Disciplinary counsel must inform the grievant and respondent of a decision to defer or a denial of a request to defer and of the procedure for requesting review. A grievant or respondent may request review of a decision on deferral. If review is requested, disciplinary counsel refers the matter to a review committee for reconsideration of the decision on deferral. To request review, the grievant or respondent must deliver or deposit in the mail a request for review to ~~the Association~~ disciplinary counsel no later than 45 days after ~~the Association~~ disciplinary counsel mails the notice regarding deferral.

(e) - (i) [Unchanged]

#### RULE 5.4 PRIVILEGES

(a) [Unchanged]

##### (b) Attorney-Client Privilege.

(1) *Assertion In Response to Investigative Inquiries.* In response to an investigative inquiry made under rule 5.3(g), or an investigatory subpoena under ~~ELC~~ rule 5.5, unless a lawyer makes an objection under rule 5.6, a lawyer may not assert the attorney-client privilege or other prohibitions on revealing information relating to the representation of a client as a basis for refusing to provide information.

(2) - (3) [Unchanged]

#### RULE 5.5 INVESTIGATORY SUBPOENAS

(a) - (d) [Unchanged]

##### (e) Objections By Lawyers.

(1) To protect confidential client information, or for other good cause shown, a ~~respondent~~ lawyer may object under rule 5.6 to an investigatory subpoena issued pursuant to this rule.

(2) [Unchanged]

**RULE 5.6 REVIEW OF OBJECTIONS TO INQUIRIES AND MOTIONS TO DISCLOSE**

**(a) Review Authorized.** On motion, ~~the~~ chief hearing officer, or a hearing officer designated by the chief hearing officer, may hear the following matters:

(1) - (3) [Unchanged]

**(b) - (d)** [Unchanged]

**RULE 6.6 AFFIDAVIT SUPPORTING DIVERSION**

A diversion contract must be supported by the respondent lawyer's affidavit or declaration as approved by disciplinary counsel setting forth the respondent's misconduct related to the grievance or grievances to be deferred under this title. If the diversion contract is terminated due to a material breach, the affidavit or declaration is admissible into evidence in any ensuing disciplinary proceeding. Unless so admitted, or unless release is authorized by the respondent under rule 3.4(c), the affidavit or declaration is confidential and must not be provided to the grievant or any other individual outside the Office of Disciplinary Counsel, but may be provided to a review committee or the Board considering the grievance.

**RULE 7.1 INTERIM SUSPENSION FOR CONVICTION OF A CRIME**

**(a) - (e)** [Unchanged]

**(f) Duration of Suspension.** A suspension under this rule must terminate when the disciplinary proceeding is ~~fully completed, after appeal or otherwise final~~. A copy of the final decision, stipulation or order terminating the disciplinary proceeding will be provided to the Court.

**RULE 7.2 INTERIM SUSPENSION IN OTHER CIRCUMSTANCES****(a) Types of Interim Suspension.**

(1) *Risk to Public.* Disciplinary counsel may petition the Supreme Court for an order suspending the respondent lawyer during the pendency of any proceeding under these rules if:

(A) - (C) [Unchanged]

A suspension under this subsection shall terminate when the underlying proceeding is final or upon order of the Court.

(2) - (3) [Unchanged]

**(b)** [Unchanged]

**RULE 7.4 STIPULATION TO INTERIM SUSPENSION**

At any time a respondent lawyer and disciplinary counsel may stipulate that the respondent be suspended during the pendency of any investigation or proceeding because of conviction of a ~~serious crime~~ felony, a substantial threat of serious harm to the public, or incapacity to practice law. A stipulation must state the factual basis for the stipulation and be submitted directly to the Supreme Court for expedited consideration. When the stipulation is based on the lawyer's mental incapacity to practice law, the lawyer must be represented by counsel, and if counsel does not otherwise appear, the Association will appoint counsel. Stipulations under this rule are public upon filing with the Court, but the Court may order that supporting materials are confidential. Either party may petition the Court to terminate the interim suspension, and on a showing that the cause for the interim suspension no longer exists, the Court may terminate the suspension.

**RULE 7.5 INTERIM SUSPENSIONS EXPEDITED**

**(a)** [Unchanged]

**(b) Procedure During Court Recess.** When a petition seeking interim suspension under this title is filed during a recess of the Supreme Court, the Chief Justice, the Acting Chief Justice, or the senior Justice under SAR 10, subject to review by the full Court on motion for reconsideration, may rule on the ~~motion~~ petition for interim suspension.

**RULE 10.16 DECISION OF HEARING OFFICER**

**(a) - (c)** [Unchanged]

**(d) When Final.** If a hearing officer recommends reprimand or an admonition, or recommends dismissal of the charges, the recommendation becomes the final decision if neither party files an appeal and the Chair does not refer the matter to the Board for sua sponte review under rule 11.13(b). If the Chair refers a matter for sua sponte review under rule 11.3(b) and the Board declines review, the hearing officer's recommendation becomes the final decision upon entry of the Board's order declining review. If a hearing officer recommends disbarment or suspension, the recommendation becomes the final decision only upon entry of an order by the Supreme Court under rule 11.12(g) or final action on an appeal or petition for discretionary review under Title 12.

**RULE 13.7 RESTITUTION**

**(a) Restitution May Be Required.** A respondent lawyer who has been sanctioned under rule 13.1 or admonished under rule 13.5(b) may be ordered to make restitution to persons financially injured by the respondent's conduct or the Lawyer's Fund for Client Protection.

**(b) Payment of Restitution.**

(1) [Unchanged]

(2) A respondent ordered to make restitution to the Lawyer's Fund for Client Protection must do so within 30 days of the date on which the decision requiring restitution becomes final, unless the decision provides otherwise or the respondent enters into a periodic payment plan with the Lawyer's Fund for Client Protection Board.

(3) Disciplinary counsel or the Lawyer's Fund for Client Protection Board may enter into an agreement with a respondent for a reasonable periodic payment plan if:

(A) the respondent demonstrates in writing present inability to pay restitution and

(B) disciplinary counsel consults with the persons owed restitution.

(4) [Unchanged]

**(c)** [Unchanged].

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 14-23-037
RULES OF COURT
STATE SUPREME COURT
[November 6, 2014]

IN THE MATTER OF THE ADOPTION ) ORDER
OF AMENDMENTS TO CrR 3.1, CrRLJ ) NO. 25700-A-1085
3.1 AND JuCR 9.2—STANDARDS FOR )
INDIGENT DEFENSE 3.3, 3.4, 3.5 AND )
3.6 )

The Council on Public Defense and the Washington State Bar Association having recommended the adoption of the proposed amendments to CrR 3.1, CrRLJ 3.1 and JuCR 9.2, Standards For Indigent Defense 3.3, 3.4, 3.5 and 3.6, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as shown below are adopted.

(b) That the amendments will be published in the Washington Reports and will become effective January 1, 2015.

DATED at Olympia, Washington this 6th day of November, 2014.

C. Johnson, J. Madsen, C.J.
Owens, J. Wiggins, J.
Fairhurst, J. Gonzalez, J.
Stephens, J. Gordon McCloud, J.
Yu, J.

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 14-24 issue of the Register.

WSR 14-23-038
RULES OF COURT
STATE SUPREME COURT
[November 6, 2014]

IN THE MATTER OF PROPOSED ) ORDER
AMENDMENTS TO APR 8(B)—LIM- ) NO. 25700-A-1086
ITED ADMISSION—EXCEPTION FOR )
PARTICULAR ACTION OR PROCEED- )
ING )

The Washington State Bar Association having recommended the Proposed Amendments to APR 8(b)—Limited Admission—Exception for Particular Action or Proceeding, and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites expeditiously.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2015. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 6th day of November, 2014.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments

RULE 8(b) OF THE ADMISSION AND PRACTICE RULES (APR)

Purpose: The primary purpose for the suggested amendments to APR 8(b) is to keep the fee required under this rule commensurate with the annual license fee required of active members of the Washington State Bar Association. The rule amendment will establish the fee and eliminate the need for the WSBA to seek an order increasing or decreasing the fee whenever there is a WSBA license fee increase.

RULE 8. SPECIAL ADMISSIONS

(b) Exception for Particular Action or Proceeding.

A member in good standing of, and permitted to practice law in, the Bar of any other state or territory of the United States or of the District of Columbia, or a lawyer who is providing legal services for no fee through a qualified legal services provider pursuant to rule 8(f), may appear as a lawyer in any action or proceeding only (i) with the permission of the court or tribunal in which the action or proceeding is pending, and (ii) in association with an active member of the Washington State Bar Association, who shall be the lawyer of record therein, responsible for the conduct thereof, and present at proceedings unless excused by the court or tribunal.

(1) An application to appear as such a lawyer shall be made by written motion to the court or tribunal before whom the action or proceeding is pending, in a form approved by the Board of Governors, which shall include certification by the lawyer seeking admission under this rule and the associated Washington lawyer that the requirements of this rule have been complied with, and shall include an indication on which date the fee and assessment required in part (2) were paid, or indicating that the fee and assessment were waived pursuant to part (2). The motion shall be heard by the court or tribunal after such notice to the Washington State Bar Association as is required in part (2) below, together with the required fee and assessment, unless waived pursuant to part (2), and to adverse parties as the court or tribunal shall direct. Payment of the required fee and assessment shall only be necessary upon a lawyer's first application to any court or tribunal in the same case. The court or tribunal shall enter an order

granting or refusing the motion, and, if the motion is refused, the court or tribunal shall state its reasons.

(2) The lawyer making the motion shall submit a copy of the motion to the Washington State Bar Association accompanied by, (i) a nonrefundable fee in each case in an amount equal to the license fee required of active lawyers set by the Board of Governors with the approval of the Supreme Court, and (ii), the Lawyers' Fund for Client Protection assessment as required of active members under these rules. Payment of the fee and assessment shall only be necessary upon a lawyer's first motion to any court or tribunal in the same case. The associated Washington counsel shall be jointly responsible for payment of the fee and assessment. The fee and assessment shall be waived for a lawyer providing legal services for no fee through a qualified legal services provider pursuant to rule 8(f). The Washington State Bar Association shall maintain a public record of all motions for admission pursuant to this rule.

(3) No member of the Bar Association shall lend his or her name for the purpose of, or in any way assist in, avoiding the effect of this rule.

(360) 709-4600, fax (360) 586-5862, e-mail Erica.Hansen@wtb.wa.gov.

Dave Pavelchek  
Acting Deputy Director

**WSR 14-23-044**

**PUBLIC RECORDS OFFICER  
WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD**

[Filed November 13, 2014, 12:51 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the workforce training and education coordinating board is Erica Hansen, P.O. Box 43105, Olympia, WA 98504, phone (360) 709-4600, fax (360) 586-5862, e-mail Erica.Hansen@wtb.wa.gov.

Dave Pavelchek  
Acting Deputy Director

**WSR 14-23-041**

**RULES COORDINATOR  
OFFICE OF MINORITY AND  
WOMEN'S BUSINESS ENTERPRISES**

[Filed November 12, 2014, 1:44 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the office of minority and women's business enterprises is Mark Kifowit, 210 11th Avenue S.W., Suite 401, Olympia, WA 98504-1160, phone (360) 664-9764, e-mail markk@omwbe.wa.gov.

Alexis Oliver  
Director

**WSR 14-23-052**

**INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed November 17, 2014, 8:09 a.m.]

**INTERPRETIVE STATEMENT ISSUED**

The department of revenue has issued the following property tax advisory (PTA):

**PTA 17.0.2014 - Valuation of Community Land Trust  
(Resale Restricted) Properties**

This PTA addresses the valuation of community land trust (CLT) properties. CLT properties are residential single family homes that provide affordable owner-occupied housing to qualifying owners. In order to provide owner-occupied home ownership possibilities to qualifying purchasers, CLTs purchase the land and then lease the land underlying the home at a minimal cost and restrict the deed upon resale, thus limiting the equity to the original owner when the home is resold to another qualifying purchaser. CLT properties are not available to anyone on the open market due to the deed restrictions that impact their market value. Because the physical characteristics of these properties are indistinguishable from conventional residential properties, assessors may be tempted to assess them similarly. County assessors should recognize the impact on assessed values of CLT properties resulting from the deed restrictions.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Kevin Dixon  
Tax Policy Manager  
ETAs and Special Projects

**WSR 14-23-042**

**NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON**

[Filed November 13, 2014, 8:36 a.m.]

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 15-01 issue of the Register.

**WSR 14-23-043**

**RULES COORDINATOR  
WORKFORCE TRAINING AND  
EDUCATION COORDINATING BOARD**

[Filed November 13, 2014, 12:51 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the workforce training and education coordinating board is Erica Hansen, P.O. Box 43105, Olympia, WA 98504, phone

**WSR 14-23-054**  
**NOTICE OF PUBLIC MEETINGS**  
**SHORELINE COMMUNITY COLLEGE**  
 [Filed November 17, 2014, 10:10 a.m.]

The Shoreline Community College board of trustees shall hold its regular meetings at 4:00 p.m. in the Board Room (#1010M), Administration Building (#1000), Shoreline Community College, 16101 Greenwood Avenue North, Shoreline, WA, on the following dates in calendar year 2015:

Winter Quarter	Spring Quarter	Fall Quarter
January 21, 2015 <sup>1</sup>	April 22, 2015	September 23, 2015
February 25, 2015	May 27, 2015	October 28, 2015

Winter Quarter	Spring Quarter	Fall Quarter
March 18, 2015 <sup>2</sup>	June 24, 2015	December 2, 2015 <sup>3</sup>

<sup>1</sup>Third Wednesday in January.

<sup>2</sup>Third Wednesday in March.

<sup>3</sup>The November and December 2015 meetings are combined with the meeting scheduled for the first Wednesday in December.

In the event of a change to a regular meeting date, notice of the change will be submitted to the office of the code reviser a minimum of twenty days prior to the rescheduled meeting date.

Please call (206) 546-4552, or e-mail Lori Y. Yonemitsu at [lyonemitsu@shoreline.edu](mailto:lyonemitsu@shoreline.edu) if you need further information.

**WSR 14-23-055**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Board of Naturopathy)  
 [Filed November 17, 2014, 10:55 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of naturopathy, for the year 2015. The board of naturopathy meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of naturopathy reserves the right to change or amend agendas at the meeting.

Date	Time	Locations		
February 27, 2015	8:30 a.m.	Videoconference between: <table border="0" style="width:100%"> <tr> <td style="width:50%"> <u>Primary Site</u>                              Department of Health                              Creekside 2 at Center Point                              Suite 310                              Room 307                              20425 72<sup>nd</sup> Avenue South                              Kent, WA 98032                         </td> <td style="width:50%"> <u>Secondary Site</u>                              Department of Health                              Room 112                              16201 East Indiana Avenue                              Spokane Valley, WA 99216                         </td> </tr> </table>	<u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310 Room 307 20425 72 <sup>nd</sup> Avenue South Kent, WA 98032	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216
<u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310 Room 307 20425 72 <sup>nd</sup> Avenue South Kent, WA 98032	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216			
May 29, 2015	8:30 a.m.	Videoconference between: <table border="0" style="width:100%"> <tr> <td style="width:50%"> <u>Primary Site</u>                              Department of Health                              Point Plaza East                              Room 152/153                              310 Israel Road S.E.                              Tumwater, WA 98501                         </td> <td style="width:50%"> <u>Secondary Site</u>                              Department of Health                              Room 112                              16201 East Indiana Avenue                              Spokane Valley, WA 99216                         </td> </tr> </table>	<u>Primary Site</u> Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216
<u>Primary Site</u> Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216			
August 21, 2015	8:30 a.m.	Videoconference between: <table border="0" style="width:100%"> <tr> <td style="width:50%"> <u>Primary Site</u>                              Department of Health                              Creekside 2 at Center Point                              Suite 310                              Room 307                              20425 72<sup>nd</sup> Ave South                              Kent, WA 98032                         </td> <td style="width:50%"> <u>Secondary Site</u>                              Department of Health                              Room 112                              16201 East Indiana Avenue                              Spokane Valley, WA 99216                         </td> </tr> </table>	<u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310 Room 307 20425 72 <sup>nd</sup> Ave South Kent, WA 98032	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216
<u>Primary Site</u> Department of Health Creekside 2 at Center Point Suite 310 Room 307 20425 72 <sup>nd</sup> Ave South Kent, WA 98032	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216			

Date	Time	Locations	
November 6, 2015	8:30 a.m.	Videoconference between:	
		<u>Primary Site</u> Department of Health Town Center 2 (TC2) Room 323 111 Israel Road S.E. Tumwater, WA 98501	<u>Secondary Site</u> Department of Health Room 112 16201 East Indiana Avenue Spokane Valley, WA 99216

If you need further information, please contact Susan Gragg, Program Manager, Washington Department of Health, Board of Naturopathy, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4941, fax (360) 236-2901, e-mail [susan.gragg@doh.wa.gov](mailto:susan.gragg@doh.wa.gov), web [www.doh.wa.gov](http://www.doh.wa.gov).

Please be advised the board of naturopathy is required to comply with the Public Disclosure Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

- Power Equipment Operators and Power Equipment Operators - Underground Sewer & Water. This correction will affect several central and western Washington counties.
- Brick Masons, Marble Setters, Stone Setters, Residential Brick Masons, Residential Marble Setters and Residential Stone Setters. This correction will affect several central and eastern Washington counties.

For more information on prevailing wage or a copy of the rates, please visit the department of labor and industries web site at [www.lni.wa.gov/TradesLicensing/PrevailingWage/](http://www.lni.wa.gov/TradesLicensing/PrevailingWage/) or call (360) 902-5335. Please see details of the corrections at <https://fortress.wa.gov/lni/wagelookup/correctionpublication.aspx?PubCtlId=110>.

Maggie Leland  
 Rules Coordinator  
 Senior Policy Advisor

**WSR 14-23-061**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 (Electrical Board)  
 [Filed November 18, 2014, 8:47 a.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the electrical board meeting for January 2015 has been revised as follows:

DATE	TIME	LOCATION
January 29, 2015	9:00 a.m.	Department of Labor and Industries 950 Broadway Suite 200 Tacoma, WA

Please contact Alicia Curry, legislative and rules coordinator, at (360) 902-6244, if you have questions.

**WSR 14-23-062**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed November 18, 2014, 8:48 a.m.]

On November 17, 2014, the industrial statistician made a correction to the prevailing rates of wage pursuant to RCW 39.12.015, 39.12.020, and WAC 296-127-011. The corrected rates will become effective thirty days from the publication on December 17, 2014. The corrected wage rates are as follows:

**WSR 14-23-069**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**  
 [Filed November 18, 2014, 10:23 a.m.]

The Washington state board of regents will join with the University of Washington board of regents for a pregame reception prior to the 2014 Apple Cup football game. The boards will meet at 5:00 p.m. on Saturday, November 29, 2014, at the Washington State University, President's Residence, 755 N.E. Campus Street, Pullman, WA. The reception is expected to last approximately 1 1/2 hours.

AGENDA: Except for gathering for the purpose listed above, the boards do not expect to take any formal action.

This notice is being sent by the direction of the chair of the board of regents pursuant to the requirements of the Open [Public] Meeting[s] Act of 1971 as amended.

Questions about the board of regents' meeting and schedule may be directed to Desiree Jacobsen, executive assistant to the board of regents, (509) 335-6662.

**WSR 14-23-073**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF EDUCATION**

[Filed November 18, 2014, 11:05 a.m.]

Following is the schedule of meetings of the state board of education for 2015. Additional meetings may be scheduled as circumstances warrant.

Date	Time	Location
January 7-8, 2015	8:00-5:00	ESD 113 Tumwater
March 11-12, 2015	8:00-5:00	Pacific Lutheran University Tacoma
May 13-14, 2015	8:00-5:00	ESD 123 Pasco
July 8-9, 2015	8:00-5:00	South Seattle Community College Georgetown Campus Seattle
September 9-11, 2015	8:00-5:00	ESD 101 Spokane
November 13-14, 2015	8:00-5:00	ESD 112 Vancouver

If you need additional information please contact State Board of Education, 600 Washington Street S.E., Olympia, WA, (360) 725-6027, [www.sbe.wa.gov](http://www.sbe.wa.gov).

**WSR 14-23-077**  
**NOTICE OF PUBLIC MEETINGS**  
**STATUTE LAW COMMITTEE**

[Filed November 18, 2014, 12:58 p.m.]

A statute law committee meeting has been scheduled for Monday, January 5, 2015. The meeting will begin at 12:00 p.m. and will end at approximately 1:30 p.m. Agenda items include approval of minutes, a general overview of publications, current office activities, financial status of accounts, and code maintenance.

The meeting will be held in the senate rules room on the second floor of the legislative building.

Debbie Deibert or K. Kyle Thiessen are the contact persons for information concerning this meeting and can be reached at (360) 786-6777.

**WSR 14-23-081**  
**DEPARTMENT OF ECOLOGY**

[Filed November 18, 2014, 4:46 p.m.]

**Public Notice**

**Announcing the Reissuance of the Industrial Stormwater General Permit**

The Washington state department of ecology (ecology) is reissuing the industrial stormwater national pollutant discharge elimination system (NPDES) and state waste discharge general permit (permit). The current permit was

issued in October 2009, modified in May 2012, and will expire on January 1, 2015.

The draft permit and fact sheet were available for review and public comment from **May 7 through July 11, 2014, at 12 midnight**. Ecology circulated statewide public notices in a manner designed to inform interested and potentially affected persons of the proposed permit. Ecology hosted six informational public workshops and two public hearings on the draft permit. During the public comment period, ecology received fifty-nine written public comment letters and e-mails, and one person provided oral testimony. The public comments helped shape the final permit.

**Applying for Coverage Under the Permit:** Facilities covered under the existing permit that reapplied for permit coverage in 2014 will be covered under the new permit. New or unpermitted facilities may obtain coverage under the permit by submitting a complete permit application to ecology and satisfying all applicable public notice and State Environmental Policy Act requirements (WAC 173-226-200). The application is available online at <https://secureaccess.wa.gov> (electronic version); or [www.ecy.wa.gov/biblio/ecy02084.html](http://www.ecy.wa.gov/biblio/ecy02084.html) (paper version).

Ecology's *Response to Comments* document (Addendum to Fact Sheet—Appendix E) includes a summary of public comments submitted during the public comment period, ecology's response to those comments, including any changes made to the final permit.

The final permit and *Response to Comments* is available online at [www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html](http://www.ecy.wa.gov/programs/wq/stormwater/industrial/index.html). You may request copies from Kimberly Adams at [kimberly.adams@ecy.wa.gov](mailto:kimberly.adams@ecy.wa.gov) or (360) 407-6401, Department of Ecology, Water Quality Program, P.O. Box 47696, Olympia, WA 98504-7696.

**Changes to the Final General Permit:** Based on the public comments, ecology made several changes to the final permit. However, the overall direction and intent of the permit has not changed. Ecology edited the general permit to make it more clear and concise, and to address legal and technical issues raised during the public comment period. The primary changes to the permit include:

- Total suspended solids (TSS) sampling for discharges to Puget Sound sediment cleanup sites.
  - o If the receiving waterbody is on the 303(d) list (Category 5) for sediment quality, the discharge is subject to a 30 mg/L TSS limit; but if it is not Category 5 (e.g., Category 4B) for sediment quality, the discharge is subject to a 30 mg/L TSS benchmark.
  - o While TSS sampling and reporting is effective immediately, the applicable TSS limit or benchmark is not effective until January 1, 2017. However, for discharges already subject to a TSS limit, the limit will remain in effect.
- Once "consistent attainment" status has been achieved, permittees may suspend sampling for a total of three calendar years.
  - o This revision allows permittees to include "consecutive quarterly samples" collected prior to 2015 in their consistent attainment tally.

- o It also allows permittees who achieved consistent attainment prior to 2015 to continue their consistent attainment status for three years, beginning the quarter after consistent attained [attainment] was achieved.
- The "substantially identical outfall" sampling provisions may be applied to parameters and discharge points subject to numeric effluent limitations.
- Permittees subject to a Level 3 corrective action must have a qualified industrial stormwater professional certify their revised stormwater pollution prevention plan.
- Written noncompliance notification reports may be waived on a case-by-case basis.

**Effective Date of Permit:** Ecology issued the final permit on December 3, 2014, with an effective date of January 2, 2015.

**Appeals:** Persons have a right to appeal the final permit to the pollution control hearings board (PCHB) within thirty days of the date of receipt. The appeal process is governed by chapters 43.21B RCW and 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within thirty days of the date of receipt of this permit issuance notice:

- File your appeal and a copy of this notice with PCHB (see addresses below). Filing means actual receipt by PCHB during regular business hours.
- Serve a copy of your appeal and this notice on ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive S.E. Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk P.O. Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road S.W. Suite 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> P.O. Box 40903 Olympia, WA 98504-0903

**WSR 14-23-083**

**NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY**

(Dr. Robert Bree Collaborative)

[Filed November 19, 2014, 8:22 a.m.]

The following schedule of regular meetings is for the Dr. Robert Bree Collaborative.

Date	Time	Location
Wednesday, January 21, 2015	12:30 - 4:30 p.m.	Seattle Central Library Level 4, Room 2 1000 Fourth Avenue Seattle, WA 98104

Date	Time	Location
Wednesday, March 18, 2015	12:30 - 4:30 p.m.	Seattle Central Library Level 4, Room 2 1000 Fourth Avenue Seattle, WA 98104
Wednesday, May 20, 2015	12:30 - 4:30 p.m.	Seattle Central Library Level 4, Room 2 1000 Fourth Avenue Seattle, WA 98104
Wednesday, July 15, 2015	12:30 - 4:30 p.m.	Seattle Central Library Level 4, Room 2 1000 Fourth Avenue Seattle, WA 98104
Wednesday, September 16, 2015	12:30 - 4:30 p.m.	Seattle Central Library Level 4, Room 2 1000 Fourth Avenue Seattle, WA 98104
Wednesday, March 18, 2015	12:30 - 4:30 p.m.	Seattle Central Library Level 4, Room 2 1000 Fourth Avenue Seattle, WA 98104

The following schedule of Bree implementation team workgroups is for the Dr. Robert Bree Collaborative.

Date	Time	Location
Wednesday, February 11	2:00 - 3:30 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Wednesday, April 15	2:00 - 3:30 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Wednesday, June 10	2:00 - 3:30 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Wednesday, August 12	2:00 - 3:30 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Wednesday, October 14	2:00 - 3:30 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104



Date	Time	Location
Wednesday, December 16	2:00 - 3:30 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104

December 17, 2015 9:30 a.m. Conference Call  
711 South Capitol Way  
Suite 402  
Olympia, WA 98504

If you need further information contact Ginny Weir, Foundation for Health Care Quality, 705 Second Avenue, Suite 410, Seattle, WA 98104, phone (206) 682-2811, fax (206) 682-3739, e-mail [GWeir@qualityhealth.org](mailto:GWeir@qualityhealth.org).

### WSR 14-23-089

#### NOTICE OF PUBLIC MEETINGS

#### HUMAN RIGHTS COMMISSION

[Filed November 19, 2014, 11:07 a.m.]

The following times, dates, and locations are for Washington state human rights commission meetings for 2015:

January 22, 2015	10:00 a.m.	Tacoma Location - TBD
February 26, 2015	10:00 a.m.	711 South Capitol Way Suite 402 Olympia, WA 98504
March 26, 2015	10:00 a.m.	Seattle Location - TBD
April 23, 2015	10:00 a.m.	711 South Capitol Way Suite 402 Olympia, WA 98504
May 28, 2015	10:00 a.m.	711 South Capitol Way Suite 402 Olympia, WA 98504
June 25, 2015	10:00 a.m.	711 South Capitol Way Suite 402 Olympia, WA 98504
July 23, 2015	10:00 a.m.	711 South Capitol Way Suite 402 Olympia, WA 98504
August 27, 2015	9:30 a.m.	Conference Call 711 South Capitol Way Suite 402 Olympia, WA 98504
September 24, 2015	10:00 a.m.	711 South Capitol Way Suite 402 Olympia, WA 98504
October 22, 2015	10:00 a.m.	711 South Capitol Way Suite 402 Olympia, WA 98504
November 19, 2015	9:30 a.m.	Conference Call 711 South Capitol Way Suite 402 Olympia, WA 98504