

Washington State Register, Issue 16-01

**AGENCY RULES COORDINATORS
Designations as of 12/29/2015**

AGENCY	RULES COORDINATOR	PHONE/FAX	ADDRESS
Accountancy, Board of	Kelly Wulfekuhle kellyw@cpaboard.wa.gov	P-(360)586-0785 F-(360)664-9190	PO Box 9131 Olympia, WA 98507-9131
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Advanced Tuition Payment, Commission on	Betty Lochner bettyl@hecb.wa.gov	P-(360)753-7875 F-(360)704-6260	P.O. Box 43450 Olympia, WA 98504-3450
Agriculture, Department of	Teresa Norman tnorman@agr.wa.gov	P-(360)902-2043 F-(360)902-2092	P.O. Box 42560 Olympia, WA 98504-2560
Archaeology and Historic Preservation, Department of	Lance Wollwage lance.wollwage@dahp.wa.gov	P-(360)586-3536	P.O. Box 48343 Olympia, WA 98504-8343
Arts Commission	Kris Tucker krist@arts.wa.gov	P-(360)586-2423 F-(360)586-5351	P.O. Box 42675 Olympia, WA 98504-2675
Attorney General's Office	Rebecca Podszus rebeccap3@atg.wa.gov	P-(360)753-2683 F-(360)664-0228	P.O. Box 40100 Olympia, WA 98504-0100
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Bates Technical College	Becky Welch bwelch@bates.ctc.edu	P-(253)680-7100 F-(253)680-7101	1101 S Yakima Avenue Tacoma, WA 98405-4895
Bellevue College	Lisa Corcoran Lisa.Corcoran@belluvuecollege.edu	P-(425)564-2302 F-(425)564-2261	3000 Landerholm Circle SE Bellevue, WA 98007-6484
Bellingham Technical College	Ronda Laughin rlauchli@btc.ctc.edu	P-(360)738-3105 Ext. 334 F-(360)676-2798	3028 Lindbergh Avenue Bellingham, WA 98225-1599
Big Bend Community College	Linda Schoonmaker LindaS@bigbend.edu	P-(509)793-2002 F-(509)762-6329	7662 Chanute Street NE Moses Lake, WA 98837-3293
Blind, Department of Services for the	Kristina Cox Kristina.cox@dsb.wa.gov	P-(360)725-3836 F-(360)407-3101	P.O. Box 40933 Olympia, WA 98504-0933
Blind, Washington State School for the	Dean Stenehjem dean.stenehjem@wssb.wa.gov	P-(360)696-6321 F-(360)737-2120	2214 E 13th Street Vancouver, WA 98661
Building Code Council	Tim Nogler tim.nogler@des.wa.gov	P-(360)725-2969 F-(360)586-9383	P.O. Box 48300 Olympia, WA 98504-8300
Cascadia Community College	Dede Gonzales dgonzales@cascadia.edu	P-(425)352-8810 F-(425)352-8265	18345 Campus Way NE Bothell, WA 98011-9510
Central Washington University	Kim Dawson dawsonk@cwu.edu	P-(509)963-2159 F-(509)963-3206	400 E University Way Ellensburg, WA 98926
Centralia College	Stephen Ward sward@centralia.edu	P-(360)736-9391 Ext. 233 F-(360)330-7501	600 W Locust Street Centralia, WA 98531-4099
Charter School Commission	Colin Pippin-Timco colin.pippin-timco@charterschool.wa.gov	P-(360)725-5511	PO Box 40996 Olympia, WA 98504-0996
Clark College	Theresa Heaton theaton@clark.edu	P-(360)992-2289 F-(360)992-2884	1933 Fort Vancouver Way Vancouver, WA 98663
Clover Park Technical College	Lisa Beach lisa.beach@cptc.edu	P-(253)589-5603 F-(253)589-5784	4500 Steilacoom Boulevard SW Lakewood, WA 98499
Code Reviser, Office of the	Kerry Radcliff Radcliff.Kerry@leg.wa.gov	P-(360)786-6697 F-(360)786-1529	P.O. Box 40551 Olympia, WA 98504-0551
Columbia Basin College	Camilla Glatt cglatt@columbiabasin.edu	P-(509)542-5548 Ext. 2202 F-(509)546-0401	2600 N 20th Avenue Pasco, WA 99301
Columbia River Gorge Commission	Nancy Andring andring@gorgecommission.org	P-(509)493-3323 F-(509)439-2229	P.O. Box 730 White Salmon, WA 98672
Commerce, Department of	Jaime Rossman jaime.rossman@commerce.wa.gov	P-(360)725-2717 F-(360)586-8440	1011 Plum Street SE Olympia, WA 98504-2525

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AGENCY	RULES COORDINATOR	PHONE/FAX	ADDRESS
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Conservation Commission	Ron Shultz Ron.Shultz@scc.wa.gov	P-(360)407-6200 F-(360)407-6215	P.O. Box 47721 Olympia, WA 98504-7721
Consolidated Technology Services	Rebekah O'Hara Rebekah.ohara@cts.wa.gov	P-(360)407-8818 F-(360)586-1414	1500 Jefferson Street SE Olympia, WA 98504-1501
Corrections, Department of	John Nispel jrnispel@doc1.wa.gov	P-(360)725-8365 F-(360)664-2009	P.O. Box 41114 Olympia, WA 98504-1114
County Road Administration Board	Karen Pendleton karen@crab.wa.gov	P-(360)753-5989 F-(360)586-0386	P.O. Box 40913 Olympia, WA 98504-0913
Criminal Justice Training Commission	Sonja Hirsch shirsch@cjtc.state.wa.us	P-(206)835-7356 F-(206)835-7313	19010 1st Avenue South Burien, WA 98148
Dairy Products Commission	Celeste Piette celeste@havemilk.com	P-(425)672-0687 F-(425)672-0674	4201 198th Street SW, Suite 101 Lynnwood, WA 98036
Early Learning, Department of	Saul Olivarez saul.olivarez@del.wa.gov	P-(360)725-4670 F-(360)725-4925	PO Box 40970 Olympia, WA 98504-0970
Eastern Washington University	Laurie Connelly laurie.connely@mail.ewu.edu	P-(509)359-2371 F-(509)359-7036	214 Showalter Hall Cheney, WA 99004-2444
Ecology, Department of	Bari Schreiner Bari.Schreiner@ecy.wa.gov	P-(360)407-6998 F-(360)407-6989	P.O. Box 47600 Olympia, WA 98504-7600
Edmonds Community College	Suzanne Moreau suzanne.moreau@edcc.edu	P-(425)640-1246 F-(425)640-1359	20000 68th Avenue W Lynnwood, WA 98036
Education, State Board of	Jack Archer jack.archer@k12.wa.us	P-(360)725-6035 F-(360)586-2357	600 Washington Street S.E. Olympia, WA 98504
Employment Security Department	Juanita Myers jmyers@esd.wa.gov	P-(360)902-9665 F-(360)902-9200	212 Maple Park Avenue SE Olympia, WA 98506
Energy Facility Site Evaluation Council	Al Wright awright@utc.wa.gov	P-(360)664-1360 F-(360)586-1130	P.O. Box 43172 Olympia, WA 98504-3172
Enterprise Services, Department of	Jack Zeigler jack.zeigler@des.wa.gov	P-(360)407-9209 F-(360)586-5898	1500 Jefferson Olympia, WA 98504-1401
Environmental and Land Use Hearings Office	Paulette Yorke paulette.yorke@eluh.wa.gov	P-(360)664-9171 F-(360)586-2253	P.O. Box 40903 Olympia, WA 98504-0903
Everett Community College	Jennifer Howard jhoward@everettcc.edu	P-(425)388-9232 F-(425)388-9228	2000 Tower Street Everett, WA 98201
Evergreen State College, The	John Carmichael carmichj@evergreen.edu	P-(360)867-5100 F-(360)867-6577	2700 Evergreen Parkway NW Olympia, WA 98505
Executive Ethics Board	Kate Reynolds kater@atg.wa.gov	P-(360)586-6759 F-(360)586-3955	2425 Bristol Court SW Olympia, WA 98504
Financial Institutions, Department of	Susan Putzier sputzier@dfi.wa.gov	P-(360)902-8764 F-(360)586-5068	P.O. Box 41200 Olympia, WA 98504-1200
Financial Management, Office of	Roselyn Marcus roselyn.marcus@ofm.wa.gov	P-(360)902-0434 F-(360)664-2832	P.O. Box 43113 Olympia, WA 98504-3113
Fish and Wildlife, Department of	Joanna Eide Joanna.Eide@dfw.wa.gov	P-(360)902-2403 F-(360)902-2155	600 Capitol Way N Olympia, WA 98501
Forest Practices Board	Patricia Anderson patricia.anderson@dnr.wa.gov	P-(360)902-1413 F-(360)902-1428	P.O. Box 47012 Olympia, WA 98504-7012
Freight Mobility Strategic Investment Board	Marsha Gehring gehriem@fmsib.wa.gov	P-(360)586-9695 F-(360)586-9700	P.O. Box 40965 Olympia, WA 98504-0965
Gambling Commission	Susan Newer Susan.Newer@wsgc.wa.gov	P-(360)486-3466 F-(360)486-3631	PO Box 42400 Olympia, WA 98504-2400
Grays Harbor College	Sandy Zelasko szelasko@ghc.edu	P-(360)538-4000 F-(360)538-4299	1620 Edward P Smith Drive Aberdeen, WA 98520-7599
Green River College	Allison Friedly afriedly@greenriver.edu	P-(253)288-3360 F-(253)288-3460	12401 SE 320th Street Auburn, WA 98092-3622
Health Care Authority	Wendy Barcus wendy.barcus@hca.wa.gov	P-(360)725-1306 F-(360)586-9727	P.O. Box 42716 Olympia, WA 98504-2716

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Health, Department of	Tami Thompson tami.thompson@doh.wa.gov	P-(360)236-4044 F-(360)586-7424	P.O. Box 47890 Olympia, WA 98504-7890
Highline Community College	Vice-pres., Admin. mpham@highline.edu	P-(206)592-3701 F-(206)870-3754	P.O. Box 98000 Des Moines, WA 98198-9800
Hispanic Affairs, Commission on	Marena Lear mlear@cha.wa.gov	P-(360)725-5661 F-(360)586-9501	210 11th Avenue, Suite 301 Olympia, WA 98504
Historical Society, Eastern Washington State	John Drexel john.drexel@northwestmuseum.org	P-(509)363-5305 F-(509)363-5303	2316 W First Avenue Spokane, WA 99204
Historical Society, Washington State	Misty Reese mreese@wshs.wa.gov	P-(253)798-5901 F-(253)272-9518	1911 Pacific Avenue Tacoma, WA 98402-3109
Horse Racing Commission	Douglas Moore doug.moore@whrc.state.wa.us	P-(360)459-6462 F-(360)459-6461	6326 Martin Way, Suite 209 Olympia, WA 98516-5578
Human Rights Commission	Laura Lindstrand llindstrand@hum.wa.gov	P-(360)359-4923 F-(360)586-2282	P.O. Box 42490 Olympia, WA 98504-2490
Indeterminate Sentence Review Board	Margaret McKinney mmmckinney@doc1.wa.gov	P-(360)407-0671 F-(360)493-9287	P.O. Box 40907 Olympia, WA 98504-0907
Industrial Insurance Appeals, Board of	J. Timmons scott.timmons@biia.wa.gov	P-(360)753-9824 F-(360)586-5611	P.O. Box 42401 Olympia, WA 98504-2401
Insurance Commissioner, Office of	Jim Keogh Jimk@oic.wa.gov	P-(360)725-7056 F-(360)586-3109	P. O. Box 40258 Olympia, WA 98504-0258
Investment Board, State	Liz Mendizabal lmendizabal@sib.wa.gov	P-(360)956-4600 F-(360)956-4785	P.O. Box 40916 Olympia, WA 98504-0916
Judicial Conduct, Commission on	Tanya Calahan tcalahan@cjc.state.wa.us	P-(360)753-4585 F-(360)586-2918	210 11th Avenue SW, Suite 400 Olympia, WA 98507
Labor and Industries, Department of	Maggie Leland maggie.leland@lni.wa.gov	P-(360)902-4504 F-(360)902-4202	P.O. Box 44001 Olympia, WA 98504-4001
Lake Washington Institute of Technology	Vice-president dennis.long@lwtech.edu	P-(425)739-8100 F-(425)739-8299	11605 132nd Avenue NE Kirkland, WA 98034-8506
Licensing, Department of	Damon Monroe dmonroe@dol.wa.gov	P-(360)902-3843	PO Box 9020 Olympia, WA 98507-9020
Life Sciences Discovery Fund Authority	Alden Jones aldenj2@u.washington.edu	P-(206)221-7919 F-(206)543-3639	Box 356340 Seattle, WA 98195-6340
Liquor and Cannabis Board	Karen McCall Karen.mccall@lcb.wa.gov	P-(360)664-1631 F-(360)664-9689	3000 Pacific Avenue SE Olympia, WA 98504
Lottery, Washington State	Jana Jones jjones@walottery.com	P-(360)664-4833 F-(360)586-1039	814 East 4th Avenue Olympia, WA 98504
Lower Columbia College	Linda Clark lclark@lowercolumbia.edu	P-(360)442-2100 F-(360)442-2109	P.O. Box 3010 Longview, WA 98632-0310
Military Department	Bernadette Petruska Bernadette.Petruska@mil.wa.gov	P-(253)512-8108 F-(253)512-8497	1 Militia Drive Camp Murray, WA 98430-5000
Minority and Women's Business Enterprises, Office of	Mark Kifowit markk@omwbe.wa.gov	P-(360)664-9764	210 11th Ave SW, Suite 401 Olympia, WA 98504-1160
Natural Resources, Department of	Elizabeth O'Neal elizabeth.oneal@dnr.wa.gov	P-(360)902-1739 F-(360)902-1789	P.O. Box 47015 Olympia, WA 98504-7015
Olympic College	Laurie Harmon lharmon@olympic.edu	P-(360)475-7502 F-(360)475-7505	1600 Chester Avenue Bremerton, WA 98337
Parks and Recreation Commission	Valeria Evans Valeria.Evans@parks.wa.gov	P-(360)902-8597 F-(360)664-8112	P.O. Box 42650 Olympia, WA 98504-2650
Peninsula College	Patricia Fischer pfischer@pencol.edu	P-(360)417-6201 F-(360)417-6220	1502 E Lauridsen Boulevard Port Angeles, WA 98362
Pierce College	Ruth Ann Hatchett rhatchett@pierce.ctc.edu	P-(253)840-8495	9401 Farwest Drive SW Lakewood, WA 98498-1999
Pilotage Commissioners, Board of	Peggy Larson LarsonP@wsdot.wa.gov	P-(206)515-3904 F-(206)515-3906	2901 Third Avenue, Suite 500 Seattle, WA 98121-3014

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Prevention of Child Abuse and Neglect, Council for	Joan Sharp sharpjd@dshs.wa.gov	P-(206)464-5493 F-(206)464-6642	318 First Avenue S, Suite 310 Seattle, WA 98104
Professional Educator Standards Board	David Brenna David.Brenna@k12.wa.us	P-(360)725-6238 F-(360)586-4548	P.O. Box 47236 Olympia, WA 98504-2736
Prosecuting Attorneys, Association of	Thomas McBride tmcbride@waprosecutors.org	P-(360)753-2175 F-(360)753-3943	PO Box 50952 Olympia, WA 98504-0952
Public Disclosure Commission	Lori Anderson pdc@pdc.wa.gov	P-(360)664-2737 F-(360)753-1112	P.O. Box 40908 Olympia, WA 98504-0908
Public Employment Relations Commission	Dario de la Rosa dario.delarosa@perc.wa.gov	P-(360)570-7328 F-(360)570-7334	P.O. Box 40919 Olympia, WA 98504-0919
Public Instruction, Superintendent of	Kristin Murphy kristin.murphy@k12.wa.us	P-(360)725-6133 F-(360)753-6712	P.O. Box 47200 Olympia, WA 98504-7200
Public Works Board	John LaRocque john.larocque@pwb.wa.gov	P-(360)725-5010 F-(360)664-3029	P.O. Box 48319 Olympia, WA 98504-8319
Puget Sound Partnership	James (Jim) Bolger jim.bolger@psp.wa.gov	P-(360)464-4845 F-(253)830-2353	326 East D Street Tacoma, WA 98421-1801
Recreation and Conservation Office	Leslie Ryan-Connelly Leslie.Ryan-Connelly@rco.wa.gov	P-(360)902-3080 F-(360)902-3026	P.O. Box 40917 Olympia, WA 98504-0917
Renton Technical College	Melinda Merrell mmerrell@rtc.edu	P-(425)235-5846 F-(425)235-7865	3000 NE 4th St. Renton, WA 98056
Retirement Systems, Department of	Jilene Siegel Rules@drs.wa.gov	P-(360)664-7291 F-(360)753-5397	P.O. Box 48380 Olympia, WA 98504-8380
Revenue, Department of	Kevin Dixon KevinD@dor.wa.gov	P-(360)534-1582 F-(360)534-1606	1025 Union Avenue SE, Suite 544 Olympia, WA 98504-7453
Salaries for Elected Officials, Washington Citizens' Commission on	Teri Wright Teri.Wright@salaries.wa.gov	P-(360)725-5669 F-(360)586-7544	P.O. Box 43120 Olympia, WA 98504-3120
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Secretary of State	Mark Neary mark.neary@sos.wa.gov	P-(360)902-4186 F-(360)586-5629	P.O. Box 40220 Olympia, WA 98504-0220
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Social and Health Services, Department of	Katherine Iyall Vasquez DSHSRPAURulesCoordinator@dshs.wa.gov	P-(360)664-6097 F-(360)664-6185	P.O. Box 45850 Olympia, WA 98504-5850
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Southwest Clean Air Agency	Paul Mairose paul@swcleanair.org	P-(360)574-3058 Ext. 30 F-(360)576-0925	11815 NE 99th Street, Suite 1294 Vancouver, WA 98682
Spokane, Community Colleges of	Kathleen Roberson kroberson@ccs.spokane.edu	P-(509)434-5275 F-(509)434-5279	PO Box 6000 Spokane, WA 99217-6000
Student Achievement Council	Kristin Ritter kristinr@wsac.wa.gov	P-(360)753-7810 F-(360)704-6210	P.O. Box 43430 Olympia, WA 98504-3430
Tacoma Community College	Cathie Bitz cbitz@tacomacc.edu	P-(253)566-5101 F-(253)566-5376	6501 S 19th Street Tacoma, WA 98466
Tax Appeals, Board of	Stephen Saynisch ssaynisch@bta.state.wa.us	P-(360)753-5446 F-(360)586-9020	P.O. Box 40915 Olympia, WA 98504-0915
Tobacco Settlement Authority	Paul Edwards pedwards@wshfc.org	P-(206)287-4462 F-(206)587-5113	1000 Second Avenue, Suite 2700 Seattle, WA 98104-1046
Traffic Safety Commission	Chris Madill cmadill@wtsc.wa.gov	P-(360)725-9884	P.O. Box 40944 Olympia, WA 98504-0944

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AGENCY	RULES COORDINATOR	PHONE/FAX	ADDRESS
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Utilities and Transportation Commission	Kippi Walker kwalker@wuttc.wa.gov	P-(360)664-1139 F-(360)586-1150	P.O. Box 47250 Olympia, WA 98504-7250
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Volunteer Firefighters and Reserve Officers, Board for	Brigette Smith bridgetted@bvff.wa.gov	P-(360)753-7318 F-(360)586-1987	P.O. Box 40945 Olympia, WA 98504-0945
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Whatcom Community College	Sheila Pennell spennell@whatcom.ctc.edu	P-(360)383-3077 Ext. 3275 F-(360)383-4000	237 W Kellogg Road Bellingham, WA 98226
Workforce Training and Education Coordinating Board	Erica Hansen Erica.Hansen@wtb.wa.gov	P-(360)709-4600 F-(360)586-5862	P.O. Box 43105 Olympia, WA 98504-3105
Yakima Regional Clean Air Agency	Gary Pruitt gary@yrcaa.org	P-(509)834-2050 F-(509)834-2060	329 N First Street Yakima, WA 98901
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AGENCY PUBLIC RECORDS OFFICER Designations as of 12/29/2015

AGENCY	RECORDS OFFICER	PHONE/FAX	ADDRESS
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Agriculture, Department of	Pamela Potwin publicdisclosure@agr.wa.gov	P-(360)902-1935 F-(360)902-2092	P.O. Box 42560 Olympia, WA 98504-2560
Alfalfa Seed Commission	Shane Johnson shanej@agmgmt.com	P-(509)585-5460 F-(509)585-2671	100 N Fruitland, Suite B Kennewick, WA 99336
Apple Commission	Robin Mooney robin.mooney@waapple.org	P-(509)663-9600 F-(509)662-5824	2900 Euclid Avenue Wenatchee, WA 98801
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Bates Technical College	Holly Woodmansee hwoodmansee@bates.ctc.edu	P-(253)680-7123 F-(253)680-7121	1101 S Yakima Avenue Tacoma, WA 98405
Beef Commission	April Budinich abudinich@wabeeff.org	P-(206)444-2902 F-(206)444-2910	14240 Interurban Avenue S. #224 Seattle, WA 98168
Beer Commission	Eric Radovich eric@washingtonbeer.com	P-(206)795-5072	1501 N 200th Street, Suite 111 Shoreline, WA 98133
Bellevue College	Kathi Hutchins khutchin@bcc.ctc.edu	P-(425)564-2451 F-(425)564-4187	3000 Landerholm Circle S.E. Bellevue, WA 98007-6484
Big Bend Community College	Kimberly Garza kim@bigbend.edu	P-(509)793-2010 F-(509)762-6355	7662 Chanute Street NE Moses Lake, WA 98837
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Blind, Washington State School for the	Janet Merz janet.merz@wssb.wa.gov	P-(360)696-6321 Ext. 120 F-(360)737-2120	2214 East 13th Street Vancouver, WA 98661
Blueberry Commission	Alan Schreiber aschreiber@centurytel.net	P-(509)266-4303 F-(509)266-4317	2621 Ringold Road Eltopia, WA 99330
Bulb Commission	Brandon Roozen broozen@westag.org	P-(360)391-2414 F-(360)424-9343	2017 Continental Place #6 Mount Vernon, WA 98273
Cascadia Community College	Dede Gonzales dgonzales@cascadia.ctc.edu	P-(425)352-8252 F-(425)352-8313	18345 Campus Way N.E. Bothell, WA 98011
Caseload Forecast Council	Kathleen Turnbow Kathleen.turnbow@cfc.wa.gov	P-(360)902-0089 F-(360)902-0084	PO Box 40962 Olympia, WA 98504-0962
Central Puget Sound Growth Management Hearings Board	Linda Stores lindas@cps.gmhb.wa.gov	P-(206)389-2625 F-(206)389-2588	800 Fifth Avenue, Suite 2356 Seattle, WA 98104
Central Washington University	Sandra Colson colsons@cwu.edu	P-(509)963-2156 F-(509)963-3206	400 E. University Way Ellensburg, WA 98926-7501
Charter School Commission	Colin Pippin-Timco colin.pippin-timco@charter-school.wa.gov	P-(360)725-5511	PO Box 40996 Olympia, WA 98504-0996
Childhood Deafness and Hearing Loss, Center for	Judy Smith judy.smith@wsd.wa.gov	P-(360)696-6525 Ext. 0401 F-(360)696-6291	611 Grand Boulevard, S-26 Vancouver, WA 98661
Clark College	Bob Williamson bwilliamson@clark.edu	P-(360)992-2289 F-(360)992-2884	1933 Fort Vancouver Way Vancouver, WA 98663
Clover Park Technical College	Lisa Beach lisa.beach@cptc.edu	P-(253)589-5603 F-(253)589-5784	4500 Steilacoom Boulevard S.W. Lakewood, WA 98499
Code Reviser, Office of the	Debbie Deibert CodeRev.WA@leg.wa.gov	P-(360)786-6777 F-(360)786-1529	P.O. Box 40551 Olympia, WA 98504-0551
Columbia Basin College	Camilla Glatt cglatt@columbiabasin.edu	P-(509)547-0511 Ext. 2348 F-(509)546-0401	2600 North 20th Avenue Pasco, WA 99301
Columbia River Gorge Commission	Nancy Andring andring@gorgecommission.org	P-(509)493-3323 F-(509)493-2229	P.O. Box 730 White Salmon, WA 98672
Commerce, Department of	Shannon Goudy shannon.goudy@commerce.wa.gov	P-(360)725-2706 F-(360)586-8440	PO Box 42525 Olympia, WA 98504
Community and Technical Colleges, State Board for	Julie Walter jwalter@sbctc.ctc.edu	P-(360)704-4313 F-(360)586-6440	P.O. Box 42495 Olympia, WA 98504-2495
Community, Trade and Economic Development, Department of	Karen Dunn Karend@cted.wa.gov	P-(360)725-4021 F-(360)586-8440	P.O. Box 42525 Olympia, WA 98504-2525
Consolidated Technology Services	Michael Callahan ctspublicdisclosure@cts.wa.gov	P-(360)407-8765 F-(360)586-1414	PO Box 41501 Olympia, WA 98504-1501

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AGENCY	RECORDS OFFICER	PHONE/FAX	ADDRESS
Corrections, Department of	Debbie Nelson dknelson@doc1.wa.gov	P-(360)725-8854	P.O. Box 41101 Olympia, WA 98504-1101
County Road Administration Board	Karen Pendleton karen@crab.wa.gov	P-(360)753-5989 F-(360)586-0386	2404 Chandler Court SW, Suite 240 Olympia, WA 98504-0913
Cranberry Commission	Cindy Maben mabentrucking@comcast.net	P-(360)267-7410	PO Box 597 Grayland, WA 98547
Criminal Justice Training Commission	Sonja Hirsch shirsch@cjtc.state.wa.us	P-(206)835-7356 F-(206)835-7313	19010 1st Avenue South Burien, WA 98148
Dairy Products Commission	Vala Hallgrimson vala@havemilk.com	P-(425)672-0687 F-(425)672-0674	4201 198th Street SW Lynnwood, WA 98036
Dry Pea and Lentil Commission	Michael Shelton mshelton@pea-lentil.com	P-(208)882-3023 F-(208)882-6406	2780 West Pullman Road Moscow, ID 83843
Early Learning, Department of	Wendy Bennett wendy.bennett@del.wa.gov	P-(360)725-4385 F-(360)413-3482	PO Box 40970 Olympia, WA 98504-0970
Eastern Washington Growth Management Hearings Board	Angie Andreas AAndreas@ew.gmhb.wa.gov	P-(509)574-6960 F-(509)574-6964	15 W Yakima Avenue, Suite 102 Yakima, WA 98902
Eastern Washington University	Roxann Dempsey roxann.dempsey@mail.ewu.edu	P-(509)359-4210 F-(509)359-6705	307 Showalter Hall Cheney, WA 99004
Ecology, Department of	Linda Anderson linda.anderson@ecy.wa.gov	P-(360)407-6040 F-(360)407-7060	P.O. Box 47600 Olympia, WA 98504-7600
Economic Development Finance Authority	Lura Harrison lura.harrison@wshfc.org	P-(206)254-5373 F-(206)587-5113	1000 2nd Avenue, Suite 2700 Seattle, WA 98104
Edmonds Community College	Suzanne Moreau suzanne.moreau@edcc.edu	P-(425)640-1246 F-(425)640-1359	20000 68th Avenue W Lynnwood, WA 98036
Education, State Board of	Janet Culik janet.culik@k12.wa.us	P-(360)725-4475 F-(360)586-2357	600 Washington St. SE Olympia, WA 98504
Employment Security Department	Robert Page rpage@esd.wa.gov	P-(360)586-2132 F-(360)586-2133	P.O. Box 9046 Olympia, WA 98507-9046
Enterprise Services, Department of	Harold Goldes publicdisclosure@des.wa.gov	P-(360)407-8768	PO Box 42445 Olympia, WA 98504-2445
Environmental Hearings Office	Phyllis Macleod eho@eho.wa.gov	P-(360)459-6327 F-(360)438-7699	PO Box 40903 Olympia, WA 98504-0903
Everett Community College	Jennifer Howard jhoward@everettcc.edu	P-(425)388-9232 F-(425)388-9228	2000 Tower Everett, WA 98201
Evergreen State College, The	Anieska Timms timmsa@evergreen.edu	P-(360)867-6914 F-(360)867-6577	2700 Evergreen Parkway N.W., L3200B Olympia, WA 98505
Executive Ethics Board	Kate Reynolds kater@atg.wa.gov	P-(360)586-6759 F-(360)586-3955	2425 Bristol Court SW Olympia, WA 98504
Financial Institutions, Department of	Phil Brady Philip.brady@dfi.wa.gov	P-(360)902-8755 F-(360)704-6955	150 Israel Road SW Tumwater, WA 98501
Financial Management, Office of	Nathan Sherrard nathan.sherrard@ofm.wa.gov	P-(360)902-0540 F-(360)664-2832	P.O. Box 43113 Olympia, WA 98504-3113
Fish and Wildlife, Department of	Theresa Gibbs theresa.gibbs@dfw.wa.gov	P-(360)902-2623 F-(360)902-2717	600 Capitol Way North Olympia, WA 98501-1091
Forest Practices Board	Patricia Anderson patricia.anderson@dnr.wa.gov	P-(360)902-1413 F-(360)902-1428	P.O. Box 47012 Olympia, WA 98504-7012
Fruit Commission	JoAnne Daniels joanne@wastatefruit.com	P-(509)453-4837 F-(509)453-4880	105 S 18th St., Suite 205 Yakima, WA 98901
Gambling Commission	Jessica Quiles Jessicaq@wsgc.wa.gov	P-(360)486-3529 F-(360)486-3630	P.O. Box 42400 Olympia, WA 98504-2400
Governor, Office of the	Susan Beatty Susan.Beatty@gov.wa.gov	P-(360)902-4111 F-(360)753-4110	P.O. Box 40002 Olympia, WA 98504-0002
Grain Commission	Parker Dawson pdawson@wagrains.com	P-(509)456-2481 F-(509)456-2812	2702 W. Sunset Blvd., Suite A Spokane, WA 99224
Green River College	Allison Friedly afriedly@greenriver.edu	P-(253)288-3360 F-(253)288-3460	12401 SE 320th Street Auburn, WA 98092-3622

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AGENCY	RECORDS OFFICER	PHONE/FAX	ADDRESS
Health Benefit Exchange	Brian Peyton brian.peyton@wahbexchange.org	P-(360)407-4211 F-(360)407-4169	PO Box 657 Olympia, WA 98507
Health Care Authority	Catherine Taliaferro catherine.taliaferro@hca.wa.gov	P-(360)725-1730 F-(360)586-9585	626 8th Avenue SE Olympia, WA 98504-2700
Health Care Facilities Authority	Gary Wolfe garyw@whcfa.wa.gov	P-(360)753-6185 F-(360)586-9168	P.O. Box 40935 Olympia, WA 98504-0935
Health, Department of	Melanee Auldredge prd@doh.wa.gov	P-(360)236-4220	P.O. Box 47890 Olympia, WA 98504-7890
Higher Education Facilities Authority	Paul Edwards paul.r.edwards@wshfc.org	P-(206)464-7139 F-(206)587-5113	1000 2nd Avenue, Suite 2700 Seattle, WA 98104-1046
Highline Community College	Vice-President for Administration lyok@highline.edu	P-(206)592-3545 F-(206)870-3754	P.O. Box 98000 Des Moines, WA 98198-9800
Hispanic Affairs, Commission on	Alicia Luna	P-(360)725-5661 F-(360)586-9501	P.O. Box 40924 Olympia, WA 98504-0924
Historical Society, Eastern Washington State	John Drexel johnd@northwestmuseum.org	P-(509)363-5305 F-(509)363-5303	2316 West First Avenue Spokane, WA 99204
Historical Society, Washington State	Misty Reese mreese@wshs.wa.gov	P-(253)798-5901 F-(253)272-9518	1911 Pacific Avenue Tacoma, WA 98402
Hop Commission	Ann George ageorge@wahops.org	P-(509)453-4749 F-(509)457-8561	PO Box 1207 Moxee, WA 98936
Horse Racing Commission	Douglas Moore dmoore@whrc.state.wa.us	P-(360)459-6462 F-(360)459-6461	6326 Martin Way, Suite 209 Olympia, WA 98516-5578
Housing Finance Commission	Paul Edwards paul.r.edwards@wshfc.org	P-(206)464-7139 F-(206)587-5113	1000 2nd Avenue, Suite 2700 Seattle, WA 98104-1046
Human Rights Commission	Laura Lindstrand Laura.Lindstrand@hum.wa.gov	P-(360)359-4923 F-(360)586-2282	P.O. Box 42490 Olympia, WA 98504-2490
Indeterminate Sentence Review Board	Robin Riley rriley@doc1.wa.gov	P-(360)493-9274 F-(360)493-9287	PO Box 40907 Olympia, WA 98504-0907
Industrial Insurance Appeals, Board of	William Chase william.chase@biia.wa.gov	P-(360)753-6823 F-(360)586-5611	PO Box 42401 Olympia, WA 98504-2401
Insurance Commissioner, Office of	Kelly Cairns KellyC@oic.wa.gov	P-(360)725-7003 F-(360)725-2782	P.O. Box 40255 Olympia, WA 98504-0255
Interagency Committee, Office of the	Tammy Owings TammyO@iac.wa.gov	P-(360)902-2637 F-(360)902-3026	P.O. Box 40917 Olympia, WA 98504-0917
Investment Board, State	John Lynch JLynch@sib.wa.gov	P-(360)956-4748 F-(360)956-4785	P.O. Box 40916 Olympia, WA 98504-0916
Joint Legislative Audit and Review Committee	Curt Rogers Rogers.curt@leg.wa.gov	P-(360)786-5171 F-(360)786-5180	PO Box 40910 Olympia, WA 98501-2323
Judicial Conduct, Commission on	Tanya Calahan tecalahan@cjc.state.wa.us	P-(360)753-4585 F-(360)586-2918	PO Box 1817 Olympia, WA 98507
Labor and Industries, Department of	Darla Koflanovich Darla.Koflanovich@lni.wa.gov	P-(360)902-4404 F-(360)902-5529	PO Box 44632 Olympia, WA 98504-4632
Lake Washington Institute of Technology	William Thomas bill.thomas@lwtech.edu	P-(425)739-8201	11605 132nd Avenue NE Kirkland, WA 98034-8506
Legislative Evaluation and Accountability Program Committee	Teah Stockwell Stockwell.Teah@leg.wa.gov	P-(360)786-6104 F-(360)786-6130	P.O. Box 40934 Olympia, WA 98504-0934
Licensing, Department of	Terence Artz publicrecords@dol.wa.gov	P-(360)359-4017 F-(360)570-7088	8005-A River Dr. SE Tumwater, WA 98501-6869
Life Sciences Discovery Fund Authority	Alden Jones aldenj2@u.washington.edu	P-(206)221-7919 F-(206)543-3639	Box 356340 Seattle, WA 98195-6340
Liquor and Cannabis Board	Bob Schroeter Bob.schroeter@lcb.wa.gov	P-(360)664-1677 F-(360)664-9689	PO Box 43080 Olympia, WA 98504-3080
Lottery, Washington State	Jana Jones jjones@walottery.com	P-(360)664-4833	P.O. Box 43000 Olympia, WA 98504-3000
Lower Columbia College	Nolan Wheeler nwheeler@lowercolumbia.edu	P-(360)442-2201 F-(360)442-2109	P.O. Box 3010 Longview, WA 98632-0310

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AGENCY	RECORDS OFFICER	PHONE/FAX	ADDRESS
Marine Employees' Commission	Patricia Warren mec@olywa.net	P-(360)586-6354 F-(360)586-0820	P.O. Box 40902 Olympia, WA 98504-0902
Military Department	Christopher Barnes chris.barnes@mil.wa.gov	P-(253)512-8110 F-(253)512-8497	Building 1 Camp Murray, WA 98430
Minority and Women's Business Enterprises, Office of	Tammi Hazlitt thazlitt@omwbe.wa.gov	P-(360)753-9691 F-(360)586-1463	406 South Water Street Olympia, WA 98504-1160
Mint Commission	Shane Johnson shanej@agmgt.com	P-(509)585-5460 F-(509)585-2671	100 N Fruitland, Suite B Kennewick, WA 99336
Natural Resources, Department of	Debbie Nelson debbie.nelson@dnr.wa.gov	P-(360)902-1542 F-(360)902-1789	P.O. Box 47014 Olympia, WA 98504-7014
Oilseeds Commission	Sheri Nolan snolan@agmgt.com	P-(509)585-5460 F-(509)585-2671	100 N Fruitland, Suite B Kennewick, WA 99336
Olympic College	Jennifer Hayes jhayes@oc.ctc.edu	P-(360)475-7721 F-(360)475-7232	1600 Chester Avenue Bremerton, WA 98337-1699
Parks and Recreation Commission	Karen Clevenger Karen.Clevenger@parks.wa.gov	P-(360)902-8514 F-(360)586-6651	P.O. Box 42650 Olympia, WA 98504-2650
Peninsula College	Deborah Frazier deborahf@pccadmin.ctc.edu	P-(360)417-6202 F-(360)417-6218	1502 E. Lauridsen Boulevard Port Angeles, WA 98362
Performance Measurement of Tax Preferences, Citizen Commission for	Marilyn Richter Marilyn.Richter@leg.wa.gov	P-(360)786-5171 F-(360)786-5180	PO Box 40910 Olympia, WA 98501-2323
Personnel Appeals Board	Don Bennett dbennett@pab.state.wa.us	P-(360)664-0373 F-(360)753-0139	P.O. Box 40911 Olympia, WA 98504-0911
Pesticide Registration, Commission on	Alan Schreiber aschreiber@centurytel.net	P-(509)266-4303 F-(509)266-4317	2621 Ringold Road Eltopia, WA 99330
Pierce College	Choi Halladay challaday@pierce.ctc.edu	P-(253)964-6506 F-(253)964-3638	9401 Farwest Drive SW Lakewood, WA 98498
Pilotage Commissioners, Board of	Judy Bell belljud@wsdot.wa.gov	P-(206)515-6347 F-(205)515-3906	2901 Third Avenue, Suite 500 Seattle, WA 98121
Pollution Liability Insurance Agency	Cyndy Putscher	P-(360)407-0520 F-(360)407-0509	P.O. Box 40930 Olympia, WA 98504-0930
Potato Commission	Brandy Parker bparker@potatoes.com	P-(509)765-8845 F-(509)765-4853	108 Interlake Road Moses Lake, WA 98837
Public Disclosure Commission	Toni Lince pdc@pdc.wa.gov	P-(360)753-1111 F-(360)753-1112	P.O. Box 40908 Olympia, WA 98504-0908
Public Employment Relations Commission	David Gedrose david.gedrose@perc.wa.gov	P-(360)570-7322 F-(360)570-7334	112 N.E. Henry Street, Suite 300 Olympia, WA 98504-0919
Public Instruction, Superintendent of	Michael Brown publicrecordsrequest@k12.wa.us	P-(360)725-6372 F-(360)753-4201	P.O. Box 47200 Olympia, WA 98504-7200
Puget Sound Partnership	Barbara Anderson Barbara.Anderson@psp.wa.gov	P-(360)464-1231 F-(253)830-2353	326 East D Street Tacoma, WA 98421-1801
Puget Sound Salmon Commission	Janis Harsila Soundcatch@seanet.com	P-(206)595-8734 F-(206)542-3930	1900 W Nickerson St., #116 Seattle, WA 98119
Recreation and Conservation Office	Sarah Gage PDandR@rco.wa.gov	P-(360)902-3027 F-(360)902-3026	PO Box 40917 Olympia, WA 98504-0917
Renton Technical College	Melinda Merrell mmerrell@rtc.edu	P-(425)235-5846 F-(425)235-7865	3000 NE Fourth Street Renton, WA 98056
Retirement Systems, Department of	Priscilla Min pdr@drs.wa.gov	P-(360)664-7854 F-(360)753-3166	P.O. Box 48380 Olympia, WA 98504-8380
Revenue, Department of	Marta Carlo MartaC@dor.wa.gov	P-(360)705-6619 F-(360)705-6655	P.O. Box 47478 Olympia, WA 98504-7478
Salaries for Elected Officials, Washington Citizens' Commission on	Teri Wright Teri.Wright@salaries.wa.gov	P-(360)725-5669 F-(360)586-7544	P.O. Box 43120 Olympia, WA 98504-3120
Seattle Colleges	Jennie Chen sccdpublicrecordsrequest@seattlecolleges.edu	P-(206)934-3873 F-(206)934-3803	1500 Harvard Avenue Seattle, WA 98122
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AGENCY	RECORDS OFFICER	PHONE/FAX	ADDRESS
Seed Potato Commission	JoEllen Krieger joellen@waseedpotato.com	P-(360)354-5264 F-(360)354-7619	PO Box 286 Lynden, WA 98264
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Social and Health Services, Department of	Kristal Wiitala DSHSPublicDisclosure@dshs.wa.gov	P-(360)902-8484 F-(360)902-7855	P.O. Box 45135 Olympia, WA 98504-5135
South Puget Sound Community College	Kennith Harden kharden@spssc.edu	P-(360)596-5360 F-(360)596-5706	2011 Mottman Road S.W. Olympia, WA 98512
Southwest Clean Air Agency	Randy Peltier randy@swcleanair.org	P-(360)574-3058 F-(360)576-0925	11815 N.E. 99th Street, Suite 1294 Vancouver, WA 98682
Spokane, Community Colleges of	Kathleen Roberson kathleen.roberson@ccs.spokane.edu	P-(509)434-5275 F-(509)434-5279	PO Box 6000 Spokane, WA 99217-6000
Student Achievement Council	Donald Alexander dona@wsac.wa.gov	P-(360)753-7816 F-(360)704-6216	917 Lakeridge Way SW Olympia, WA 98504-3430
Tacoma Community College	Sheila Ruhland sruhland@tacomacc.edu	P-(253)566-5100 F-(253)566-5100	6501 S. 19th Street Tacoma, WA 98466
Tax Appeals, Board of	Marilyn First mfirst@bta.state.wa.us	P-(360)753-5446 F-(360)586-9020	910 5th Avenue SE Olympia, WA 98504-0915
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Traffic Safety Commission	Geri Nelson gnelson@wtsc.wa.gov	P-(360)725-9898 F-(360)586-6489	P.O. Box 40944 Olympia, WA 98504-0944
Transportation Commission	John Milton miltonj@wsdot.wa.gov	P-(360)704-6363 F-(360)704-6367	PO Box 47418 Olympia, WA 98504-7418
Transportation Improvement Board	Kelsey Davis KelseyD@tib.wa.gov	P-(360)586-1146 F-(360)586-1165	P.O. Box 40901 Olympia, WA 98504-0901
Transportation, Department of	John Milton miltonj@wsdot.wa.gov	P-(360)704-6363 F-(360)704-6367	P.O. Box 47418 Olympia, WA 98504-7418
Treasurer, Office of the State	Johnna Craig Johnna.Craig@tre.wa.gov	P-(360)902-8912 F-(360)704-5181	P.O. Box 40202 Olympia, WA 98504-0202
Tree Fruit Research Commission	Kathy Coffey kathy@treefruitresearch.com	P-(509)665-8271 F-(509)663-5827	1719 Springwater Avenue Wenatchee, WA 98801
Turfgrass Seed Commission	Sheri Nolan snolan@agmgt.com	P-(509)585-5460 F-(509)585-2671	100 N Fruitland, Suite B Kennewick, WA 99336
University of Washington	Eliza Saunders pubrec@u.washington.edu	P-(206)543-9180	4311 11th Avenue NE, Suite 360 Seattle, WA 98105
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Volunteer Firefighters and Reserve Officers, Board for	Brigette Smith bridgetted@bvff.wa.gov	P-(360)753-7318 F-(360)586-1987	PO Box 114 Olympia, WA 98504
Walla Walla Community College	Sherry Hartford sharon.hartford@wwcc.edu	P-(509)527-4323 F-(509)527-4249	500 Tausick Way Walla Walla, WA 99362-9267
Washington State Patrol	Gretchen Dolan Gretchen.Dolan@wsp.wa.gov	P-(360)596-4137 F-(360)596-4153	P.O. Box 42631 Olympia, WA 98504-2631
Washington State University	Victoria Murray victoria.murray@wsu.edu	P-(509)335-7507 F-(509)335-3930	P.O. Box 641045 Pullman, WA 99164-1045
Wenatchee Valley College	Reagan Bellamy rbellamy@wvc.edu	P-(509)682-6445 F-(509)682-6441	1300 Fifth Street Wenatchee, WA 98801
Western Washington Growth Management Hearings Board	Paulette Yorke paulettey@wwgmhb.wa.gov	P-(360)664-8966 F-(360)664-8975	PO Box 40953 Olympia, WA 98504-0953
Western Washington University	Dolapo Akinrinade Dolapo.Akinrinade@wwu.edu	P-(360)650-2728 F-(360)650-4228	516 High Street Bellingham, WA 98225-9015
Whatcom Community College	Rafeeka Kloke rkloke@whatcom.ctc.edu	P-(360)383-3330 F-(360)383-3331	237 West Kellogg Road Bellingham, WA 98226
Wine Commission	Jayne Cain jcain@washingtonwine.org	P-(206)326-5760 F-(206)583-0573	1201 Western Ave., Suite 450 Seattle, WA 98101-3402

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Workforce Training and Education Coordinating Board	Erica Hansen Erica.Hansen@wtb.wa.gov	P-(360)709-4600 F-(360)586-5862	P.O. Box 43105 Olympia, WA 98504-3105
Yakima Regional Clean Air Agency	Quatandra Jarvis quatandra@yrcaa.org	P-(509)834-2050 Ext. 114 F-(506)834-2060	329 N First Street Yakima, WA 98901
Yakima Valley Community College	Megan Jensen mjensen@yvcc.edu	P-(509)574-4635 F-(509)574-6860	P.O. Box 22520 Yakima, WA 98908

**OFFICE OF THE CODE REVISER
Quarterly Rule-Making Report
Covering Registers 15-19 through 15-24**

Type of Activity	New	Amended	Repealed
AGRICULTURE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	18	1
Number of Rules Adopted as Emergency Rules	1	9	0
Number of Rules Proposed for Permanent Adoption	0	8	0
Number of Sections Adopted at Request of a Nongovernmental Entity	2	11	1
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	1	16	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	1	16	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
BUILDING CODE COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	2	0
Number of Rules Proposed for Permanent Adoption	0	9	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	1	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CENTRAL WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	15	1	17
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	15	1	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CLOVER PARK TECHNICAL COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	7	1
COMMERCE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	17	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	17	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	8	0
CORRECTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	34	5
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	9	7	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	12	34	5
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	12	34	5
Number of Sections Adopted using Pilot Rule Making	0	0	0
COUNTY ROAD ADMINISTRATION BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
CRIMINAL JUSTICE TRAINING COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Rules Proposed for Permanent Adoption	0	0	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	4	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EARLY LEARNING, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	12	24	0
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	12	26	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	9	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	14	0
Number of Sections Adopted on the Agency's own Initiative	12	10	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EASTERN WASHINGTON UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	15	9	6
Number of Rules Proposed for Permanent Adoption	15	9	6
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	4	5	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	4	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	15	9	6
Number of Sections Adopted using Negotiated Rule Making	15	9	6
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ECOLOGY, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	1	34	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	2	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
EDUCATION, STATE BOARD OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	8	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	8	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ENERGY FACILITY SITE EVALUATION COUNCIL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	1	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	3	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ENTERPRISE SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	26	81	18
Number of Rules Proposed for Permanent Adoption	5	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	13	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	26	77	5
Number of Sections Adopted on the Agency's own Initiative	0	62	3
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
ENVIRONMENTAL AND LAND USE HEARINGS OFFICE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	14	0
FINANCIAL INSTITUTIONS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	2	0
Number of Rules Proposed for Permanent Adoption	2	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	2	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	1	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	2	0	0
Number of Sections Adopted using Negotiated Rule Making	0	2	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
FINANCIAL MANAGEMENT, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	2	5	0

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Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	13	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	2	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	5	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	2	5	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FISH AND WILDLIFE, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	1	0
Number of Rules Adopted as Emergency Rules	137	0	148
Number of Rules Proposed for Permanent Adoption	1	12	0
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	15	0	16
Number of Sections Adopted in Order to Comply with Federal Statute	15	0	16
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	134	4	150
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	1	0

GAMBLING COMMISSION

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Rules Withdrawn	0	2	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	2	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

HEALTH CARE AUTHORITY

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	62	3
Number of Rules Adopted as Emergency Rules	17	35	7
Number of Rules Proposed for Permanent Adoption	9	121	4
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	21	101	8
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	5	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	5	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	5	65	3
Number of Sections Adopted using Pilot Rule Making	0	0	0
HEALTH, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	13	32	7
Number of Rules Adopted as Emergency Rules	9	5	0
Number of Rules Proposed for Permanent Adoption	11	35	9
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	8	12	4
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	1	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	16	4	2
Number of Sections Adopted on the Agency's own Initiative	4	20	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	22	37	7
Number of Sections Adopted using Pilot Rule Making	0	0	0
HUMAN RIGHTS COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	6	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	6	6	0
Number of Sections Adopted on the Agency's own Initiative	6	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	6	6	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
INSURANCE COMMISSIONER, OFFICE OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	33	47	23
Number of Rules Adopted as Emergency Rules	0	0	3
Number of Rules Proposed for Permanent Adoption	28	18	7
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	5	8	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	5	5	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	28	41	26
Number of Sections Adopted on the Agency's own Initiative	25	39	26
Number of Sections Adopted using Negotiated Rule Making	5	5	0
Number of Sections Adopted using Other Alternative Rule Making	28	42	26
Number of Sections Adopted using Pilot Rule Making	0	0	0
LABOR AND INDUSTRIES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	66	1092	14
Number of Rules Proposed for Permanent Adoption	2	52	4
Number of Sections Adopted at Request of a Nongovernmental Entity	6	759	5

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	14	1140	13
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	5	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	2	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	6	0
Number of Sections Adopted on the Agency's own Initiative	14	1151	13
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	6	760	5
Number of Sections Adopted using Pilot Rule Making	0	0	0

LICENSING, DEPARTMENT OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	18	1
Number of Rules Proposed for Permanent Adoption	1	42	2
Number of Rules Withdrawn	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	2	1
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	6	1
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	2	0
Number of Sections Adopted on the Agency's own Initiative	0	14	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	1
Number of Sections Adopted using Pilot Rule Making	0	0	0

LIQUOR AND CANNABIS BOARD

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	0	0
Number of Rules Adopted as Emergency Rules	1	6	0
Number of Rules Proposed for Permanent Adoption	16	60	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	8	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	6	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

PENINSULA COLLEGE

Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	13	1

PILOTAGE COMMISSIONERS, BOARD OF

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	1	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	1	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PROFESSIONAL EDUCATOR STANDARDS BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	6	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	6	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	6	0
Number of Sections Adopted using Negotiated Rule Making	3	6	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
PUBLIC DISCLOSURE COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	27	0
PUBLIC EMPLOYMENT RELATIONS COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	2	4	4
PUBLIC INSTRUCTION, SUPERINTENDENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	7	0
Number of Rules Adopted as Emergency Rules	12	6	4
Number of Rules Proposed for Permanent Adoption	10	14	5
Number of Rules Withdrawn	0	13	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	1	0
Number of Sections Adopted on the Agency's own Initiative	0	6	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
RETIREMENT SYSTEMS, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	1	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	1	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
REVENUE, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	10	0

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Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	0	15	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	5	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	5	0
Number of Sections Adopted on the Agency's own Initiative	0	9	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SEATTLE COLLEGES			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	5	0
SECRETARY OF STATE			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	28	7
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	2	10	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	10	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	8	16	5
Number of Sections Adopted on the Agency's own Initiative	10	26	7
Number of Sections Adopted using Negotiated Rule Making	10	25	7
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
SKAGIT VALLEY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	23	0	25
SOCIAL AND HEALTH SERVICES, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	63	20	5
Number of Rules Adopted as Emergency Rules	44	116	12
Number of Rules Proposed for Permanent Adoption	36	75	9
Number of Rules Withdrawn	19	70	43
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	6	11	0
Number of Sections Adopted in Order to Comply with Federal Statute	12	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	89	125	8
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	107	136	8
Number of Sections Adopted using Pilot Rule Making	0	0	0
TACOMA COMMUNITY COLLEGE			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	12	0	4

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Type of Activity	New	Amended	Repealed
TRANSPORTATION IMPROVEMENT BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	10	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	12	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	7	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
TRANSPORTATION, DEPARTMENT OF			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	12	17	35
Number of Rules Proposed for Permanent Adoption	12	17	35
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	12	14	11
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	12	17	11
Number of Sections Adopted using Negotiated Rule Making	0	8	9
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
UNIVERSITY OF WASHINGTON			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	1	0	0
Number of Rules Proposed for Permanent Adoption	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	1	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	1	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
UTILITIES AND TRANSPORTATION COMMISSION			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	0	0
Number of Rules Proposed for Permanent Adoption	3	23	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	7	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

Washington State Register, Issue 16-01

Type of Activity	New	Amended	Repealed
WASHINGTON STATE PATROL			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	14	57	84
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	10	45	81
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	2	1	0
Number of Sections Adopted on the Agency's own Initiative	5	13	11
Number of Sections Adopted using Negotiated Rule Making	11	45	73
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
WASHINGTON STATE UNIVERSITY			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	3	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	3	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	3	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	3	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	4	21	2
Number of Rules Proposed for Permanent Adoption	4	21	2
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	5	18	2
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	5	18	2
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
TOTALS FOR THE QUARTER:			
	New	Amended	Repealed
Number of Permanent Rules Adopted	363	1628	229
Number of Rules Adopted as Emergency Rules	223	182	174
Number of Rules Proposed for Permanent Adoption	224	694	125
Number of Rules Withdrawn	21	87	44
Number of Sections Adopted at Request of a Nongovernmental Entity	8	776	7
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	111	1442	124
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	27	32	16
Number of Sections Adopted in Order to Comply with Federal Statute	35	2	16
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	205	317	46
Number of Sections Adopted on the Agency's own Initiative	284	1485	237
Number of Sections Adopted using Negotiated Rule Making	44	100	95
Number of Sections Adopted using Other Alternative Rule Making	192	1111	55
Number of Sections Adopted using Pilot Rule Making	0	0	0

WSR 15-23-033
RULES OF COURT
STATE SUPREME COURT
[November 4, 2015]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO ELC TITLE 15—) NO. 25700-A-1119
IOLTA, AUDITS AND TRUST)
ACCOUNT DRAFT NOTIFICATION—)
ELC 3.6—MAINTENANCE OF)
RECORDS AND ELC 7.2—INTERIM)
SUSPENSION IN OTHER CIRCUM-)
STANCES—REGULATIONS 101-106)

The Washington State Bar Association Disciplinary Board, having recommended the expeditious adoption of the Proposed Amendment to ELC Title 15—IOLTA, Audits and Trust Account Draft Notification—ELC 3.6—Maintenance of Records and ELC 7.2—Interim Suspension in Other Circumstances—Regulations 101-106, 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 new rules as shown below are adopted.

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

DATED at Olympia, Washington this 4th day of November, 2015.

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

SUGGESTED AMENDMENTS TO
ELC TITLE 15, ELC 3.6 & ELC 7.2

Red-Line Version of Suggested Amendments

TITLE 15 IOLTA, TRUST ACCOUNT EXAMINATIONS,
OVERDRAFT NOTIFICATION, AND IOLTA

RULE 15.1 AUDIT AND INVESTIGATION OF BOOKS AND
RECORDS RANDOM EXAMINATION OF BOOKS AND RECORDS

The Association has the following authority to examine, investigate, and audit the books and records of any lawyer to ascertain and obtain reports on whether the lawyer has been and is complying with RPC 1.15A:

(a) Random Examination. The Board may authorize examinations of the books and records of any lawyer or law firm selected at random. Only the lawyer or law firm's books and records may be examined in an examination under this section.

(b) Audit. After an examination under section (a) or as part of an investigation under rule 5.3, the Association may conduct an appropriate audit of the lawyer's or firm's books and records, including verification of the information in those records from available sources.

(a) Authorization. The Office of Disciplinary Counsel is authorized to examine the books and records of any lawyer or law firm selected at random to determine whether the lawyer or law firm is complying with RPC 1.15A, 1.15B, and other Rules of Professional Conduct referencing RPC 1.15A or RPC 1.15B. As used in this Title, the term law firm has the same meaning as prescribed in RPC 1.0(c).

(b) Selection.

(1) Method. The selection of the lawyers or law firms to be examined will be limited to lawyers on active status and will utilize the principle of random selection by Bar Number of all active status lawyers.

(2) Law firms. If the number drawn is that of a lawyer who is an employee or member of a law firm, the entire law firm will be examined. If the lawyer or law firm has been randomly examined under this rule within seven years preceding the drawing, the lawyer or law firm will not be subject to random examination.

(3) Exclusions. If the number drawn is that of a lawyer employed by the Association, a hearing officer, a conflicts review officer or conflicts review officer pro tem, a member of the Disciplinary Board, a staff attorney or judicial officer of the Supreme Court, or a lawyer who has been assigned a case as an adjunct disciplinary counsel, special disciplinary counsel, or appointed counsel in a disability matter pursuant to rule 8.2 (c)(2), the lawyer will not be subject to random examination.

(c) Examination and Re-examination. An examination denotes the initial review following a lawyer or law firm being selected at random. A re-examination denotes a further examination as may be ordered by a review committee under section (e) of this rule. Examinations and re-examinations under this rule will entail a review and testing of the internal controls and procedures used by the lawyer or law firm to receive, hold, disburse and account for money or property as required by RPC 1.15A, and a review of the records of the lawyer or law firm required by RPC 1.15B. A lawyer or law firm is required to cooperate with the examination or re-examination as set forth in rule 15.2.

(d) Conclusion. At the conclusion of an examination or re-examination, the Office of Disciplinary Counsel may:

(1) Conclude the examination by issuing a report to the lawyer and/or law firm summarizing the Office of Disciplinary Counsel's findings and taking no further action;

(2) Issue a report to the lawyer and/or law firm summarizing the Office of Disciplinary Counsel's findings and either:

(A) report the matter to a review committee with a recommendation to order corrective action by the lawyer and/or law firm and a re-examination of the books and records of the lawyer and/or law firm to commence within one year; or

(B) report the matter to a review committee with a recommendation to order a disciplinary grievance be opened under rule 5.3.

(e) Review Committee Action. In reviewing matters under this rule, a review committee has the following authority:

(1) In reviewing reports of the Office of Disciplinary Counsel under section (d) of this rule, including any response

by a lawyer examined or re-examined under this rule, a review committee may:

(A) dismiss the matter;

(B) order corrective action and a re-examination to commence within one year; or

(C) order that the Office of Disciplinary Counsel open a disciplinary grievance under rule 5.3 regarding the matter.

(2) A review committee may review a challenge to the selection of a lawyer or law firm in section (b) of this rule if review is requested by a lawyer or law firm within 30 days of mailing of the notice of selection.

(3) The action of a review committee under this rule is not reviewable.

RULE 15.2 COOPERATION OF LAWYER AND LAW FIRM

Any lawyer or firm who is subject to examination, investigation, or audit under rule 5.3 or rule 15.1 must cooperate with the person conducting the examination, investigation, or audit, subject only to the proper exercise of any privilege against self incrimination, by:

(a) producing forthwith all evidence, books, records, and papers requested for the examination, investigation, or audit;

(b) furnishing forthwith any explanations required for the examination, investigation, or audit;

(c) producing written authorization, directed to any bank or depository, for the person to examine, investigate, or audit trust and general accounts, safe deposit boxes, and other forms of maintaining trust property by the lawyer in the bank or depository.

(a) Cooperation Required. Any lawyer or law firm who is subject to examination or re-examination under rule 15.1, and any lawyer employed by or a member of such a law firm, must cooperate with the person conducting the examination or re-examination, subject only to the proper exercise of any privilege against self-incrimination, by:

(1) producing forthwith all evidence, books, records, and papers requested for the examination or re-examination;

(2) furnishing forthwith any explanations required for the examination or re-examination; and

(3) producing written authorization, directed to any bank or depository, for the person to examine or re-examine trust and general accounts, safe deposit boxes, and other forms of maintaining trust property by the lawyer or law firm in the bank or depository.

(b) Failure To Cooperate.

(1) Noncooperation Deposition. If a lawyer has not complied with any request made under this rule for more than 30 days, the Office of Disciplinary Counsel may notify the lawyer that failure to comply within ten days may result in the lawyer's deposition or subject the lawyer to interim suspension under rule 7.2. Ten days after this notice, disciplinary counsel may serve the lawyer with a subpoena for a deposition. Any deposition conducted after the ten day period and necessitated by the lawyer's continued failure to cooperate may be conducted at any place in Washington State.

(2) Costs and Expenses.

(A) Regardless of the underlying matter's ultimate disposition, a lawyer who has been served with a subpoena under this rule is liable for the actual costs of the deposition, including but not limited to service fees, court reporter fees, travel expenses, and the cost of transcribing the deposition, if

ordered by disciplinary counsel. In addition, a lawyer who has been served with a subpoena for a deposition under this rule is liable for a reasonable attorney fee of \$500.

(B) The procedure for assessing costs and expenses is as follows:

(i) The Office of Disciplinary Counsel applies to a review committee by itemizing the cost and expenses and stating the reasons for the deposition.

(ii) The lawyer has ten days to respond to the Office of Disciplinary Counsel's application.

(iii) The review committee by order assesses appropriate costs and expenses.

(iv) Rule 13.9(f) governs Board review of the review committee order.

(3) Grounds for Discipline. A lawyer's failure to cooperate fully and promptly with an examination as required by this rule is also grounds for discipline.

RULE 15.3 DISCLOSURE CONFIDENTIALITY

The examination or audit report is only available to the Board, disciplinary counsel, and the lawyer or firm examined, investigated, or audited, unless a disciplinary proceeding is commenced in which case the disclosure provisions of title 3 apply.

(a) Maintaining Client Confidentiality. In the course of conducting examinations and re-examinations under this Title, the Office of Disciplinary Counsel receives, reviews and holds attorney-client privileged and other confidential client information under and in furtherance of the Supreme Court's authority to regulate the practice of law. Disclosure of information to the Office of Disciplinary Counsel is not prohibited by RPC 1.6 or RPC 1.9, and such disclosure does not waive any attorney-client privilege. Notwithstanding any other provision of these rules, if the lawyer identifies specific client information that is privileged or confidential and requests that it be treated as confidential, the Office of Disciplinary Counsel must maintain the confidentiality of the information unless the client consents to disclosure.

(b) Disclosure. All information related to an examination or re-examination under rule 15.1, including any docket maintained under rule 3.6(d), is confidential and is held by the Office of Disciplinary Counsel under the authority of the Supreme Court. Information under rule 15.1 is only available to the Office of Disciplinary Counsel, the lawyer or law firm examined or re-examined, and the Board or any review committee considering the matter under this Title. When a disciplinary grievance is opened under rule 15.1, the disclosure provisions of Title 3 apply to all information related to the examination and/or re-examination that relates to the disciplinary grievance. Nothing in these rules waives or requires waiver of any lawyer's own privilege or other protection as a client against the disclosure of confidences or secrets.

RULE 15.4 TRUST ACCOUNT OVERDRAFT NOTIFICATION

(a) Overdraft Notification Agreement Required.

[No Change]

(b) Overdraft Reports.

[No Change]

(c) Costs.

[No Change]

(d) Notification by Lawyer. Every lawyer or law firm who receives notification that any instrument presented against a trust account of the lawyer or law firm that was presented against insufficient funds, whether or not the instrument was honored, must promptly notify the Office of Disciplinary Counsel of the Association of the information required by section (b). The lawyer or law firm must include a full explanation of the cause of the overdraft.

RULE 15.5 No Change
[No Change]

RULE 15.6 REGULATIONS RESERVED

The Disciplinary Board may adopt regulations regarding the powers in this title subject to the approval of the Board of Governors and the Supreme Court.

RULE 15.7
[No Change]

RULE 3.6 MAINTENANCE OF RECORDS

(a) Permanent Records. In any matter in which a disciplinary sanction or admonition has been imposed or the lawyer has resigned in lieu of discipline under rule 9.3, the bar file and transcripts of the proceeding are permanent records. Related file materials, including investigative files, may be maintained in disciplinary counsel's discretion. Exhibits may be returned to the party supplying them, but copies should be retained where possible.

(b) Destruction of Grievance and Investigation Files. In any matter in which a grievance or investigation has been dismissed without the imposition of a disciplinary sanction or admonition, whether following a hearing or otherwise, file materials relating to the matter may be destroyed three years after the dismissal first occurred, and must be destroyed at that time on the respondent lawyer's request unless the files are being used in an ongoing investigation or unless other good cause exists for retention. However, file materials on a matter dismissed after a diversion must be retained at least five years after the dismissal. ~~If disciplinary counsel opposes a request by a respondent for destruction of files under this rule, the Board rules on that request.~~

(c) Retention of Docket. If a file on a matter has been destroyed under section (b), the Association may retain a docket record of the matter for statistical purposes only. That docket record must not include the name or other identification of the respondent.

(d) Destruction of Random Examination Files. In any random examination matter concluded under rule 15.1 without a disciplinary grievance being ordered, the file materials relating to the matter may be destroyed three years after the matter was concluded, and must be destroyed at that time on the respondent lawyer's request unless the files are being used in an ongoing investigation or unless other good cause exists for retention. In any random examination matter that a review committee directs be made the subject of a disciplinary grievance, the materials related to the random examination will be made part of the disciplinary grievance. A docket, limited to the name of the lawyer and any law firm examined or re-examined under rule 15.1, together with the date the examination or re-examination was concluded, will be maintained for a period of seven years for the purpose of determining prior examinations under rule 15.1(b).

(e) Review. If disciplinary counsel opposes a request by a respondent for destruction of files under this rule, the Board rules on that request.

(df) Deceased Lawyers. Records and files relating to a deceased lawyer, including permanent records, may be destroyed at any time in disciplinary counsel's discretion.

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) it appears that a respondent's continued practice of law poses a substantial threat of serious harm to the public and a review committee recommends an interim suspension; or

(B) a review committee orders a hearing on the capacity of a lawyer to practice law under rule 8.2 (d)(1); or

(C) when a hearing officer or the chief hearing officer orders supplemental proceedings on a respondent lawyer's capacity to defend a disciplinary proceeding under rule 8.3.

(2) *Board Recommendation for Disbarment.* When the Board enters a decision recommending disbarment, disciplinary counsel must file a petition for the respondent's suspension during the remainder of the proceedings. The respondent must be suspended absent an affirmative showing that the respondent's continued practice of law will not be detrimental to the integrity and standing of the bar and the administration of justice, or be contrary to the public interest. If the Board's decision is not appealed and becomes final, the petition need not be filed, or if filed may be withdrawn.

(3) *Failure To Cooperate with Investigation.* When any lawyer fails without good cause to comply with a request under rule 5.3(g) or rule 15.2(a) for information or documents, or with a subpoena issued under rule 5.3(h) or rule 15.2(b), or fails to comply with disability proceedings as specified in rule 8.2(d), disciplinary counsel may petition the Court for an order suspending the lawyer pending compliance with the request or subpoena. A petition may not be filed if the request or subpoena is the subject of a timely objection under rule 5.5(e) and the hearing officer has not yet ruled on that objection. If a lawyer has been suspended for failure to cooperate and thereafter complies with the request or subpoena, the lawyer may petition the Court to terminate the suspension on terms the Court deems appropriate.

(b) Procedure.

(1) *Petition.* A petition to the Court under this rule must set forth the acts of the lawyer constituting grounds for suspension, and if filed under subsection (a)(2) must include a copy of the Board's decision. The petition may be supported by documents or affidavits. The Association must serve the petition by mail on the day of filing. In addition, a copy of the petition must be personally served on the lawyer no later than the date of service of the show cause order.

(2) *Show Cause Order.* Upon filing of the petition, the Chief Justice orders the lawyer to appear before the Court on a date set by the Chief Justice, and to show cause why the petition for suspension should not be granted. Disciplinary counsel must have a copy of the order to show cause personally served on the lawyer at least ten days before the sched-

uled show cause hearing. Subsection (b)(5) notification requirements must be included in the show cause order.

(3) *Answer to Petition.* The lawyer may answer the petition. An answer may be supported by documents or affidavits. Failure to answer does not result in default or waive the right to appear at the show cause hearing.

(4) *Filing of Answer.* A copy of any answer must be filed with both the Court and disciplinary counsel by the date specified in the show cause order, which will be at least five days before the scheduled show cause hearing.

(5) *Notification.* The lawyer must inform the court no less than 7 days prior to the show cause hearing, whether the lawyer will appear for the show cause hearing, or the hearing will be stricken and the Court will decide the matter without oral argument.

(6) *Application of Other Rules.* If the Court enters an order suspending the lawyer, the rules relating to suspended lawyers, including title 14, apply.

Clean-Copy Version of Suggested Amendments

TITLE 15 TRUST ACCOUNT EXAMINATIONS, OVERDRAFT NOTIFICATION, AND IOLTA [CLEAN COPY]

RULE 15.1 RANDOM EXAMINATION OF BOOKS AND RECORDS

(a) **Authorization.** The Office of Disciplinary Counsel is authorized to examine the books and records of any lawyer or law firm selected at random to determine whether the lawyer or law firm is complying with RPC 1.15A, RPC 1.15B, and other Rules of Professional Conduct referencing RPC 1.15A or RPC 1.15B. As used in this Title, the term law firm has the same meaning as prescribed in RPC 1.0(c).

(b) Selection.

(1) *Method.* The selection of the lawyers or law firms to be examined will be limited to lawyers on active status and will utilize the principle of random selection by Bar Number of all active status lawyers.

(2) *Law firms.* If the number drawn is that of a lawyer who is an employee or member of a law firm, the entire law firm will be examined. If the lawyer or law firm has been randomly examined under this rule within seven years preceding the drawing, the lawyer or law firm will not be subject to random examination.

(3) *Exclusions.* If the number drawn is that of a lawyer employed by the Association, a hearing officer, a conflicts review officer or conflicts review officer pro tem, a member of the Disciplinary Board, a staff attorney or judicial officer of the Supreme Court, or a lawyer who has been assigned a case as an adjunct disciplinary counsel, special disciplinary counsel, or appointed counsel in a disability matter pursuant to rule 8.2 (c)(2), the lawyer will not be subject to random examination.

(c) **Examination and Re-examination.** An examination denotes the initial review following a lawyer or law firm being selected at random. A re-examination denotes a further examination as may be ordered by a review committee under section (e) of this rule. Examinations and re-examinations under this rule will entail a review and testing of the internal controls and procedures used by the lawyer or law firm to receive, hold, disburse and account for money or property as required by RPC 1.15A, and a review of the records of the

lawyer or law firm required by RPC 1.15B. A lawyer or law firm is required to cooperate with the examination or re-examination as set forth in rule 15.2.

(d) **Conclusion.** At the conclusion of an examination or re-examination, the Office of Disciplinary Counsel may:

(1) Conclude the examination by issuing a report to the lawyer and/or law firm summarizing the Office of Disciplinary Counsel's findings and taking no further action;

(2) Issue a report to the lawyer and/or law firm summarizing the Office of Disciplinary Counsel's findings and either:

(A) report the matter to a review committee with a recommendation to order corrective action by the lawyer and/or law firm and a re-examination of the books and records of the lawyer and/or law firm to commence within one year; or

(B) report the matter to a review committee with a recommendation to order a disciplinary grievance be opened under rule 5.3.

(e) **Review Committee Action.** In reviewing matters under this rule, a review committee has the following authority:

(1) In reviewing reports of the Office of Disciplinary Counsel under section (d) of this rule, including any response by a lawyer examined or re-examined under this rule, a review committee may:

(A) dismiss the matter;

(B) order corrective action and a re-examination to commence within one year; or

(C) order that the Office of Disciplinary Counsel open a disciplinary grievance under rule 5.3 regarding the matter.

(2) A review committee may review a challenge to the selection of a lawyer or law firm in section (b) of this rule if review is requested by a lawyer or law firm within 30 days of mailing of the notice of selection.

(3) The action of a review committee under this rule is not reviewable.

[CLEAN COPY]

RULE 15.2 COOPERATION OF LAWYER AND LAW FIRM

(a) **Cooperation Required.** Any lawyer or law firm who is subject to examination or re-examination under rule 15.1, and any lawyer employed by or a member of such a law firm, must cooperate with the person conducting the examination or re-examination, subject only to the proper exercise of any privilege against self-incrimination, by:

(1) producing forthwith all evidence, books, records, and papers requested for the examination or re-examination;

(2) furnishing forthwith any explanations required for the examination or re-examination; and

(3) producing written authorization, directed to any bank or depository, for the person to examine or re-examine trust and general accounts, safe deposit boxes, and other forms of maintaining trust property by the lawyer or law firm in the bank or depository.

(b) Failure To Cooperate.

(1) **Noncooperation Deposition.** If a lawyer has not complied with any request made under this rule for more than 30 days, the Office of Disciplinary Counsel may notify the lawyer that failure to comply within ten days may result in the lawyer's deposition or subject the lawyer to interim suspen-

sion under rule 7.2. Ten days after this notice, disciplinary counsel may serve the lawyer with a subpoena for a deposition. Any deposition conducted after the ten day period and necessitated by the lawyer's continued failure to cooperate may be conducted at any place in Washington State.

(2) Costs and Expenses.

(A) Regardless of the underlying matter's ultimate disposition, a lawyer who has been served with a subpoena under this rule is liable for the actual costs of the deposition, including but not limited to service fees, court reporter fees, travel expenses, and the cost of transcribing the deposition, if ordered by disciplinary counsel. In addition, a lawyer who has been served with a subpoena for a deposition under this rule is liable for a reasonable attorney fee of \$500.

(B) The procedure for assessing costs and expenses is as follows:

(i) The Office of Disciplinary Counsel applies to a review committee by itemizing the cost and expenses and stating the reasons for the deposition.

(ii) The lawyer has ten days to respond to the Office of Disciplinary Counsel's application.

(iii) The review committee by order assesses appropriate costs and expenses.

(iv) Rule 13.9(f) governs Board review of the review committee order.

(3) Grounds for Discipline. A lawyer's failure to cooperate fully and promptly with an examination as required by this rule is also grounds for discipline.

[CLEAN COPY]

RULE 15.3 CONFIDENTIALITY

(a) **Maintaining Client Confidentiality.** In the course of conducting examinations and re-examinations under this Title, the Office of Disciplinary Counsel receives, reviews and holds attorney-client privileged and other confidential client information under and in furtherance of the Supreme Court's authority to regulate the practice of law. Disclosure of information to the Office of Disciplinary Counsel is not prohibited by RPC 1.6 or RPC 1.9, and such disclosure does not waive any attorney-client privilege. Notwithstanding any other provision of these rules, if the lawyer identifies specific client information that is privileged or confidential and requests that it be treated as confidential, the Office of Disciplinary Counsel must maintain the confidentiality of the information unless the client consents to disclosure.

(b) **Disclosure.** All information related to an examination or re-examination under rule 15.1, including any docket maintained under rule 3.6(d), is confidential and is held by the Office of Disciplinary Counsel under the authority of the Supreme Court. Information under rule 15.1 is only available to the Office of Disciplinary Counsel, the lawyer or law firm examined or re-examined, and the Board or any review committee considering the matter under this Title. When a disciplinary grievance is opened under rule 15.1, the disclosure provisions of Title 3 apply to all information related to the examination and/or re-examination that relates to the disciplinary grievance. Nothing in these rules waives or requires waiver of any lawyer's own privilege or other protection as a client against the disclosure of confidences or secrets.

[CLEAN COPY]

RULE 15.4 TRUST ACCOUNT OVERDRAFT NOTIFICATION

(a) **Overdraft Notification Agreement Required.**

[No Change]

(b) **Overdraft Reports.**

[No Change]

(c) **Costs.**

[No Change]

(d) **Notification by Lawyer.** Every lawyer or law firm who receives notification that any instrument presented against a trust account of the lawyer or law firm that was presented against insufficient funds, whether or not the instrument was honored, must promptly notify the Office of Disciplinary Counsel of the information required by section (b). The lawyer or law firm must include a full explanation of the cause of the overdraft. [CLEAN COPY]

RULE 15.5 [No Change]

[CLEAN COPY]

RULE 15.6 RESERVED

[CLEAN COPY]

RULE 15.7 [No Change]

[CLEAN COPY]

RULE 3.6 MAINTENANCE OF RECORDS

(a) **Permanent Records.** In any matter in which a disciplinary sanction or admonition has been imposed or the lawyer has resigned in lieu of discipline under rule 9.3, the bar file and transcripts of the proceeding are permanent records. Related file materials, including investigative files, may be maintained in disciplinary counsel's discretion. Exhibits may be returned to the party supplying them, but copies should be retained where possible.

(b) **Destruction of Grievance and Investigation Files.**

In any matter in which a grievance or investigation has been dismissed without the imposition of a disciplinary sanction or admonition, whether following a hearing or otherwise, file materials relating to the matter may be destroyed three years after the dismissal first occurred, and must be destroyed at that time on the respondent lawyer's request unless the files are being used in an ongoing investigation or unless other good cause exists for retention. However, file materials on a matter dismissed after a diversion must be retained at least five years after the dismissal.

(c) **Retention of Docket.** If a file on a matter has been destroyed under section (b), the Association may retain a docket record of the matter for statistical purposes only. That docket record must not include the name or other identification of the respondent.

(d) **Destruction of Random Examination Files.** In any random examination matter concluded under rule 15.1 without a disciplinary grievance being ordered, the file materials relating to the matter may be destroyed three years after the matter was concluded, and must be destroyed at that time on the respondent lawyer's request unless the files are being used in an ongoing investigation or unless other good cause exists for retention. In any random examination matter that a review committee directs be made the subject of a disciplinary grievance, the materials related to the random examination will be made part of the disciplinary grievance. A docket, limited to the name of the lawyer and any law firm examined or re-

examined under rule 15.1, together with the date the examination or re-examination was concluded, will be maintained for a period of seven years for the purpose of determining prior examinations under rule 15.1(b).

(e) **Review.** If disciplinary counsel opposes a request by a respondent for destruction of files under this rule, the Board rules on that request.

(f) **Deceased Lawyers.** Records and files relating to a deceased lawyer, including permanent records, may be destroyed at any time in disciplinary counsel's discretion.

[CLEAN COPY]

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) it appears that a respondent's continued practice of law poses a substantial threat of serious harm to the public and a review committee recommends an interim suspension; or

(B) a review committee orders a hearing on the capacity of a lawyer to practice law under rule 8.2 (d)(1); or

(C) when a hearing officer or the chief hearing officer orders supplemental proceedings on a respondent lawyer's capacity to defend a disciplinary proceeding under rule 8.3.

(2) *Board Recommendation for Disbarment.* When the Board enters a decision recommending disbarment, disciplinary counsel must file a petition for the respondent's suspension during the remainder of the proceedings. The respondent must be suspended absent an affirmative showing that the respondent's continued practice of law will not be detrimental to the integrity and standing of the bar and the administration of justice, or be contrary to the public interest. If the Board's decision is not appealed and becomes final, the petition need not be filed, or if filed may be withdrawn.

(3) *Failure To Cooperate with Investigation.* When any lawyer fails without good cause to comply with a request under rule 5.3(g) or rule 15.2(a) for information or documents, or with a subpoena issued under rule 5.3(h) or rule 15.2(b), or fails to comply with disability proceedings as specified in rule 8.2(d), disciplinary counsel may petition the Court for an order suspending the lawyer pending compliance with the request or subpoena. A petition may not be filed if the request or subpoena is the subject of a timely objection under rule 5.5(e) and the hearing officer has not yet ruled on that objection. If a lawyer has been suspended for failure to cooperate and thereafter complies with the request or subpoena, the lawyer may petition the Court to terminate the suspension on terms the Court deems appropriate.

(b) Procedure.

(1) *Petition.* A petition to the Court under this rule must set forth the acts of the lawyer constituting grounds for suspension, and if filed under subsection (a)(2) must include a copy of the Board's decision. The petition may be supported by documents or affidavits. The Association must serve the petition by mail on the day of filing. In addition, a copy of the petition must be personally served on the lawyer no later than the date of service of the show cause order.

(2) *Show Cause Order.* Upon filing of the petition, the Chief Justice orders the lawyer to appear before the Court on a date set by the Chief Justice, and to show cause why the petition for suspension should not be granted. Disciplinary counsel must have a copy of the order to show cause personally served on the lawyer at least ten days before the scheduled show cause hearing. Subsection (b)(5) notification requirements must be included in the show cause order.

(3) *Answer to Petition.* The lawyer may answer the petition. An answer may be supported by documents or affidavits. Failure to answer does not result in default or waive the right to appear at the show cause hearing.

(4) *Filing of Answer.* A copy of any answer must be filed with both the Court and disciplinary counsel by the date specified in the show cause order, which will be at least five days before the scheduled show cause hearing.

(5) *Notification.* The lawyer must inform the court no less than 7 days prior to the show cause hearing, whether the lawyer will appear for the show cause hearing, or the hearing will be stricken and the Court will decide the matter without oral argument.

(6) *Application of Other Rules.* If the Court enters an order suspending the lawyer, the rules relating to suspended lawyers, including title 14, apply.

REGULATIONS 101 - 106 [Adopted effective March 29, 1990. Amended effective July 8, 2009. Superseded by amendment to Rule for Enforcement of Lawyer Conduct 15.6 effective _____.]

REGULATION 101. DEFINITIONS

~~As used in these Regulations the following definitions shall apply:~~

~~(a) An "active member" shall mean any person licensed to practice law in the State of Washington as an active member of the Washington State Bar Association.~~

~~(b) The "Board" shall mean the Disciplinary Board established pursuant to RLD 2.3.~~

~~(c) The term "Chairperson" shall mean the chairperson of the Board.~~

~~(d) The term "firm" means any attorney or group of attorneys practicing law in the State of Washington, regardless of the form or legal entity under which such practice is conducted.~~

~~(e) The "Auditor" shall mean the person or accounting firm conducting the audits and examinations specified in RLD Title 13.~~

~~(f) The "Association" shall mean the Washington State Bar Association.~~

~~(g) The "Director" shall mean the Executive Director of the Association.~~

~~(h) "Examination" shall mean a review and testing by the audit of the internal controls and procedures used by an attorney or firm to receive, hold, disburse and account for money or property in which a client or other person has an interest using generally accepted auditing standards, to the extent they apply, without, however, making outside confirmations. In order to conduct such review and testing, the auditor shall have access to all of the internal books and records kept by the attorney or firm of attorneys which comprise the attor-~~

ney's or firm's financial records showing financial transactions involving the receipt of client's funds for fees, costs or other purposes, either from the client or third persons and all expenditures by the firm or attorney for the firm or attorney, for clients or third persons and all distributions to the attorney or attorneys including but not necessarily limited to all journals, ledgers, books of account, cancelled checks, deposit slips, bank statements, check registers, cash accounts, receipts, correspondence, records of accounts receivable, income and expense statements, balance sheets, tax returns of all types, federal, state, county, and city excepting, however, income tax returns.

(i) "Audit" shall encompass "examination" but in addition may include positive or negative confirmation from external sources.

REGULATION 102. PERSONS AUTHORIZED TO CONDUCT AUDITS

(a) The Director may from time to time select such person or persons or accounting firm as the Director deems qualified to conduct the audits and examinations specified in RLD Title 13. The selection of the auditor or auditors shall be subject to confirmation by the Board of Governors.

(b) The auditor need not be a Certified Public Accountant but must be qualified under the laws of the State of Washington to practice public accountancy. The auditor may be an accounting firm or individual or individuals.

(c) The auditor or auditors may, but need not be, in the employ of the Association. If the auditor is the employee of the Association the auditor need not be qualified under the laws of the State of Washington to practice public accountancy.

(d) If the Director selects as auditor or auditors person who are independent contractors, they may be hired to perform all or some examinations or audits or solely for the performance of a particular examination or audit. No auditor shall perform an audit or examination of a firm or attorney for whom the auditor has performed accounting work in the two (2) years preceding the date of the proposed examination or audit. The auditor, as a condition of employment, shall agree that neither the auditor nor any accounting firm with which the auditor is associated, will perform accounting work for any attorney or firm which the auditor audits or examines for a period of not less than two years (2) years following the date of said audit or examination, whichever is later; however, this shall not preclude performances of accounting work for clients of the attorney or firm, nor preclude the auditor from being a lay or expert witness on behalf of a client of the attorney or firm.

(e) Compensation of the auditor or auditors shall be as determined by the Director subject to confirmation by the Board of Governors.

REGULATION 103. EXAMINATION AND AUDIT REPORTS

(a) The auditor shall furnish a written report of each examination or audit to the Board.

(b) The report shall contain the date of the audit or examination, the name of the firm or attorney, and a statement of the scope of the examination or audit. In respect to each examination, it shall include a statement to the effect that either (i) as a result of the examination, an audit or further

examination is indicated or, (ii) during the course of the examination, the auditor has not observed anything which would indicate a need for further examination or audit at this time. In respect to each audit, the report shall state either (i) as a result of the audit, the auditor concludes that RPD 1.14 has not been complied with (stating the particulars), or (ii) as a result of the audit, the auditor has not observed anything which would indicate RPC 1.14 has not been complied with. The auditor shall further state an opinion, whether the attorney or firm has cooperated as required by RLD 13.2, giving particulars if lack of cooperation is claimed.

(c) Upon request by the Chairperson, the auditor shall make available the working papers in respect to particular examinations or audits, for review by the Board and shall consult with the Board in respect to particular examinations and audits. Upon request the auditor shall similarly make available the working papers to and consult with the Board of Governors.

(d) Upon conclusion of the examination or audit, the auditor shall make available to the attorney or firm a copy of the audit report.

(e) The auditor shall preserve inviolate all confidences and secrets of clients of the examined attorney or firm. No client name or information which would permit identification of a particular client shall be revealed in working papers or the report of the auditor, except that the name or names of clients who have filed complaints with the Association may be released. As a condition of the auditor's employment, the Association shall require such undertakings of the auditor as may be required to insure compliance with this regulation.

(f) When the audit is concluded, if it is determined pursuant to Reg. 104(a) that no further investigation, examination or action is appropriate, the Association's copies of the audit report, working papers or other materials relating to the audit shall be destroyed, except that the Association shall maintain a record showing the identity of any attorney or firm audited and the dates of the audit to ensure that the restrictions of Reg. 105(a) are complied with.

REGULATION 104. DETERMINATION THAT FURTHER EXAMINATION AND AUDIT OR OTHER ACTIONS ARE WARRANTED

(a) The Chairperson or a delegate shall review all reports of the auditor. After such review and upon such further investigation, which the Chairperson may direct, and after such consultation, if any, as the Chairperson deems appropriate with the Board, Director, Board of Governors, or Association counsel, the Chairperson shall make such order in respect to further examination and audit as the Chairperson deems appropriate, consistent with RLD 13.1. In addition, the Chairperson may order other actions by the attorney as are necessary to insure that the attorney's handling of client funds complies with the requirements of the Rules of Professional Conduct.

(b) In any case where the Chairperson orders the attorney to make payments in order to insure that the attorney's handling of client funds during the examination period complied with the Rules of Professional Conduct and the amount to be paid exceeds \$1,500, the attorney may appeal the order requiring payment to a subcommittee of the Disciplinary Board consisting of three lawyers who are members of the

Board appointed by the Chairperson. The subcommittee shall review the auditor's report, and any other materials submitted by the attorney and the auditor and shall have the authority to change or modify the Chairperson's order as a majority of the subcommittee deems appropriate. The subcommittee's order shall be final.

REGULATION 104A. AUDITOR'S OPINIONS ADVISORY ONLY.

(a) The opinions expressed in the report of the Auditor shall be advisory only. They shall not in and of themselves constitute findings of fact in any disciplinary proceedings against any attorney unless so stipulated by the attorney or the attorney's counsel.

REGULATION 105. METHOD OF SELECTION OF ATTORNEYS AND FIRMS TO BE EXAMINED.

(a) At such time and from time to time as the Board of Governors after consultation with the Board shall determine, random examination of attorneys or firms shall be conducted. Procedures shall be established by the Board, in consultation with the Board of Governors, for the selection of the attorneys or firms to be examined which (1) will utilize the principle of random selection and (2) will distribute the examinations among the congressional districts of the state substantially in the ratio that the number of attorneys in each district bears to the total number of active attorneys in the state. For example, the Board may (i) determine the total number of examinations which can be made during the time period in question by the auditor or auditors, (ii) allocate the number of examinations to each district substantially in the same ratio that the number of active attorneys therein bears to all active attorneys in the state and (iii) select attorneys by random within each group. If the number drawn is that of an attorney who is an employee or member of a firm, the firm shall be examined. If the number is that of an active member who is a sole proprietor, such active member shall be examined. If the number is that of an attorney who, either as an individual or as a firm member, has been audited in the twenty-four (24) months immediately preceding the drawing, the Chairperson may in the Chairperson's discretion excuse such attorney or firm from examination.

(b) Upon consent of an active member, the attorney's books and records or those of a firm may be examined even though the active member's number has not been selected randomly.

(c) The Chairperson may at all time upon receipt of information that a particular attorney of firm may not be in compliance with RPC 1.14 authorize an examination.

REGULATION 106. CONTENTS OF LAWYER TRUST ACCOUNT INFORMATION FORM

Annually, each active member must provide a trust account information form prescribed by the Association by the date specified by the Association. The information form shall be certified by the member, in such a manner as the Association prescribes, stating that the information is true and correct. The Association may require disclosure of the following information:

(i) Name, current address and bar number of the active member.

(ii) Whether the member (or firm) maintains either an IOLTA account or other client trust account(s) for the deposit of client funds received in connection with representations undertaken using the member's Washington license.

(iii) The name of the financial institution(s) and branch(es) where client funds are held, and the account numbers for each account.

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 15-23-036
RULES OF COURT
STATE SUPREME COURT
[November 4, 2015]

IN THE MATTER OF PROPOSED) ORDER
AMENDMENTS TO APR 20-25.6—) NO. 25700-A-1122
CHARACTER AND FITNESS BOARD)

The Washington State Bar Association, having recommended the Proposed Amendments to APR 20-25.6—Character and Fitness 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, 2016. 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 4th day of November, 2015.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments
AMISSON AND PRACTICE RULES (APR)
Rules 20 - 25.6

Submitted by the Washington State Bar Association
Board of Governors

A. Name of Proponent:

Washington State Bar Association
Board of Governors (BOG)

Staff Contact:

Jean McElroy, General Counsel and Chief Regulatory Counsel

Washington State Bar Association (WSBA)
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539 (Phone: 206-727-8277)

B. Spokesperson:

Anthony Gipe, President
Washington State Bar Association
999 3rd Ave Ste 3000
Seattle, WA 98104-4043 (Phone: 206-265-1225)

C. Purpose: The primary purposes for the suggested amendments to APR 20 - 25.6 are to bring Washington's character and fitness procedures into alignment with recent interpretations of the Americans with Disability Act (ADA), as it relates to bar admissions, by the United States Department of Justice (DOJ), and to clarify Washington's character and fitness procedures and make the process easier to understand.

Background

The approach being recommended derives from the approach described by the DOJ in a settlement it reached in 2014 with the Louisiana State Bar, and from models used in other states around the country. That settlement provides guidance for determining whether, when and how inquiries into mental health and substance abuse issues should be conducted. *See, Settlement Agreement Between the United States and the Louisiana Supreme Court Under the Americans with Disabilities Act, August 14, 2014.*

Under the terms of the settlement agreement, the DOJ agreed that it was permissible for the Louisiana Supreme Court to ask the mental health questions that are now being used by the National Conference of Bar Examiners (NCBE). The questions approved by the DOJ in the settlement agreement with Louisiana (1) involve some inquiry into a current condition that might impair the practice of law but not a past condition and (2) are inquiries about conduct that might call into question one's ability to practice law or that might indicate an underlying issue requiring further questions. Further, the DOJ provided guidance about when and how to make inquiries in these areas.

The Admissions Workgroup

The WSBA formed an admissions workgroup to evaluate Washington's procedures and applications for admission. The admissions workgroup was formed in the summer of 2014. Its members were:

- Dan Ford, Chair, (then) BOG Member
- Kevin Bank, WSBA Counsel to the Character and Fitness Board
- Paul Bastine, BOG Member
- Phil Brady, BOG Member
- Emily Cooper, Attorney with Disability Rights Washington
- Bobby Henry, WSBA Associate Director for Regulatory Services
- Barry Johnsrud, Member of the Character and Fitness Board (who replaced Knowrasa Patrick when she was required to withdraw from the workgroup)
- Jean McElroy, WSBA General Counsel and Chief Regulatory Counsel

- Toby Olson, Executive Secretary to the Governor's Committee on Disability Issues
- Knowrasa Patrick, (then) Chair of the Character and Fitness Board (required to withdraw from workgroup before work was completed)
- Stuart Pixley, Attorney with Microsoft
- Karen Denise Wilson, BOG Member

Participants were selected for the workgroup in such a manner that there would be broad and diverse perspectives. Interests represented on the workgroup include individuals from the government, the private sector, disability rights advocates and regulatory bodies.

The workgroup reviewed character and fitness rules, bar applications and procedures currently in use in Washington and from other states. The workgroup engaged in significant discussion about various practices currently being used in other jurisdictions, the purposes of the character and fitness review process, the desire to protect the public from applicants who truly might be unfit to practice law, and legal issues relating to individual rights and the rights of people with disabilities. The workgroup ultimately decided unanimously to recommend a conduct-based approach to character and fitness review, with the belief that disclosure of certain conduct would uncover or bring to light any issues that might affect an applicant's ability to practice law, and presented to the Board of Governors suggested amendments to the APRs and to the Admissions application questions.

Due to the need to implement these amendments as soon as possible for the benefit and protection of the applicants applying for the admission to practice law, the workgroup did not seek comment from the membership. However, as discussed above, the makeup of the workgroup brought together many different interests and opinions. In the end, all participants agreed on the suggested amendments.

The Board of Governors reviewed the suggested amendments to the APR and the admissions application resulting from the workgroup's study of the issues at two separate meetings, received some comments in support but no comments against the suggested amendments, and approved their submission to the Court.

Major Changes Being Suggested**Definition of Fitness to Practice Law and Essential Eligibility Requirements**

A fundamental change necessary for a conduct or behavior based approach to character and fitness is to have a definition of "fitness to practice law" that is based on the ability of the applicant to demonstrate that the applicant can meet essential eligibility requirements. The suggested amendments propose adopting "essential eligibility requirements," which are modeled on essential eligibility requirements used in other states, to identify the abilities one needs in order to competently engage in the practice of law. *See, suggested APR 20(e).* The proposed definition for fitness to practice law is a record of conduct that establishes that the applicant meets the essential eligibility requirements. *See, suggested APR 20(d).*

Process for Inquiry into Mental Health Issues

When an applicant does disclose, or the WSBA learns from a third party about, a mental health issue, then the suggested amendments require the WSBA to follow the DOJ's

approach of a "narrowly, reasonably and individually tailored" inquiry into any mental health matters. See suggested APR 22.1 (e) and (f) (setting forth the Basis for, and Scope of, Inquiry into Health Diagnosis and Drug or Alcohol Dependence). This method of inquiry protects an applicant's right to privacy while at the same time permitting the WSBA to investigate further to determine if the issue raised is one that would potentially disqualify an applicant from the practice of law. Any disqualification would be based on a failure to meet the Essential Eligibility Requirements, not on the existence of a mental health condition.

Reorganization of APR 20 - 25.6

Finally, the introduction of the essential eligibility requirements and a conduct-based approach required a substantial rewrite to the APR relating to the character and fitness procedures. In addition, several sections of the rules were moved and other proposed amendments are suggested to clarify the procedures and make it easier to understand the process.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Materials: Due to the reorganization of the rules contemplated in the suggested amendments, the redline version of the suggested amendments to APR 20 - 25.6 includes comments indicating where the suggested rule is located in the current rules for ease in cross-referencing. In addition to the submission of the suggested amendments to APR 20 - 25.6 in a redline format, the WSBA submits for the Court's information a clean version of APR 20 - 25.6 as the rules would read should the Court adopt the suggested amendments. The following supporting materials are attached:

1. Suggested Amendments to Rules 20 - 25.6 of the Admission and Practice Rules (redline version);
2. Proposed Rules 20 - 25.6 of the Admission and Practice Rules (clean version); and
3. Settlement Agreement Between the United States and the Louisiana Supreme Court Under the Americans with Disabilities Act, August 14, 2014.

ADMISSION AND PRACTICE RULES (APR)

RULE 20. DEFINITIONS RELATING TO CHARACTER AND FITNESS BOARD DETERMINATIONS

(a) Applicant. "Applicant" as used in APR 20-25.6 means every applicant for admission to practice law, for limited admission or licensure to practice law, or for change of membership class or status under the Bar Association Bylaws. In matters involving investigations or hearings pursuant to the filing of a petition for reinstatement by a disbarred lawyer, "Applicant" shall also include a petitioner for reinstatement.

(b) Bar Counsel. "Bar Counsel" as used in APR 20-25.6 means one or more lawyers employed by the Bar Association who shall represent the Bar Association in reviewing applications for admission, readmission and licensure or at hearings before the Character and Fitness Board and/or act as counsel to the Character and Fitness Board. Bar Counsel who represents the Bar Association at hearings before the Character and Fitness Board may make a recommendation in support of

or in opposition to the admission or reinstatement of an Applicant.

(c) Good Moral Character. Good moral character is a record of conduct manifesting the qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibilities, adherence to the law, and a respect for the rights of other persons and the judicial process.

(d) Fitness to Practice Law. Fitness to practice law is a record of conduct that establishes that the Applicant meets the essential eligibility requirements for the practice of law.

(e) Essential Eligibility Requirements. The essential eligibility requirements for the practice of law are:

(1) The ability to exercise good judgment and to conduct oneself with a high degree of honesty, integrity, and trustworthiness in financial dealings, legal obligations, professional relationships, and in one's professional business.

(2) The ability to conduct oneself in a manner that engenders respect for the law and adheres to the Washington Rules of Professional Conduct.

(3) The ability to diligently, reliably, and timely perform legal tasks and fulfill professional obligations to clients, attorneys, courts and others.

(4) The ability to competently undertake fundamental lawyering skills such as legal reasoning and analysis, recollection of complex factual information and integration of such information with complex legal theories, problem solving, and recognition and resolution of ethical dilemmas; and

(5) The ability to communicate comprehensibly with clients, attorneys, courts, and others, with or without the use of aids or devices.

(f) Health Diagnosis. "Health diagnosis" as used in APR 20-25.6 means a determination or conclusion regarding a sensory, mental, or physical condition that:

(1) Is medically cognizable or diagnosable; or

(2) Exists in a record or history; or

(3) Is perceived to exist whether or not it exists in fact.

(a) Composition. ~~The Board shall consist of not less than three nonlawyer members, appointed by the Supreme Court, and not less than one lawyer member from each congressional district, appointed by the Board of Governors. The validity of the Board's actions is not affected if the Board's makeup differs from the stated constitution due to a temporary vacancy in any of the specified positions.~~

(b) Qualifications. ~~Lawyer members must have been active members of the Bar Association for at least 5 years.~~

(c) Board Chair. ~~The Board of Governors shall annually designate one lawyer member of the Board to act as chair and another as vice chair. The vice chair shall serve in the absence of or at the request of the Board chair. If both the chair and the vice chair will be absent from a meeting or hearing, the chair may appoint another member of the Board to serve as chair pro tem at any hearing.~~

(d) Vacancies. ~~Vacancies in lawyer membership on the Board and in the office of the Board chair and the vice chair shall be filled by the Board of Governors. Vacancies in non-lawyer membership shall be filled by the Supreme Court. A person appointed to fill a vacancy shall complete the unexpired term of the person he or she replaces, and if that unexpired term is less than 24 months he or she may be reappointed to a consecutive term.~~

(c) Quorum. A majority of the Board members shall constitute a quorum. Given a quorum, the concurrence of a majority of those present shall constitute action of the Board. In the event a quorum is not present, Bar Counsel and the Applicant or Petitioner may agree to waive the requirement of a quorum.

(f) Disqualification. In the event a grievance is made to the Bar Association alleging an act of misconduct by a lawyer member of the Board the procedures specified in ELC 2.3 (b)(5) shall apply.

(g) Pro Tempore Members. When a member of the Board is disqualified or unable to function on a case for good cause, the chair of the Board may, by written order, designate a member pro tempore to sit with the Board to hear and determine the cause. A member pro tempore may be appointed from among those persons who have previously served as members of the Character and Fitness Board (or its predecessor Character and Fitness Committee), or from among lawyers appointed as alternate Board members by the Board of Governors and nonlawyers appointed as alternate Board members by the Supreme Court. A lawyer shall be appointed to substitute for a lawyer member of the Board, and a nonlawyer to substitute for a nonlawyer member of the board.

(h) Voting. Each member, whether nonlawyer or lawyer, shall have one vote.

(i) Terms of Office. The term of office for a member of the Board shall be 3 years. Newly created Board positions may be filled by appointments of less than 3 years, as designated by the Supreme Court or the Board of Governors, to permit as equal a number of positions as possible to be filled each year. All terms of office begin October 1 and end September 30 or when a successor has been appointed, whichever occurs later. Members may not serve more than one term except as otherwise provided in these rules. Members shall continue to serve until replaced.

(j) Application of Rules. These rules and any subsequent amendments will apply in their entirety, on the effective date as ordered by the Supreme Court, to any pending matter, except as would not be feasible or would work an injustice. The Chair may rule on the appropriate procedure with a view to insuring a fair and orderly proceeding.

RULE 20.1. APPLICATION OF RULES AUTHORITY OF BOARD

These rules and any subsequent amendments will apply in their entirety on the effective date as ordered by the Supreme Court to any pending matter except as would not be feasible or would work an injustice. The Chair may rule on the appropriate procedure with a view to insuring a fair and orderly proceeding.

The Board shall have the power and authority to:

(a) Accept referrals from the Bar Counsel concerning matters of character and fitness bearing upon the qualification of Applicants for Admission, Petitioners for Reinstatement, and any other applicants, including Association members changing status or membership class, referred to the Board pursuant to APR7 or the Bar Association Bylaws.

(b) Review each Application for Admission, other application as described in 20.1(a), or Petition for Reinstatement to practice law in the state of Washington.

(c) Investigate matters relevant to the applications or petitions of any Applicant, Petitioner, or Bar Association member changing status or membership class and conduct hearings concerning such matters.

(d) Perform such other functions and take such other actions as provided in these rules or as may be delegated to it by the Board of Governors or Supreme Court, or as may be necessary and proper to carry out its duties.

No Board member shall offer an opinion to an Applicant, Bar Association member, or Petitioner on whether the Applicant's or Petitioner's record establishes good moral character and fitness to practice law until after the completion of a hearing regarding that Applicant's or Petitioner's application or petition.

RULE 20.2 MEETINGS

The Board shall hold meetings at such times and places as it may determine. Where the chair of the Board determines that prompt action is necessary for protection of the public, and that circumstances do not permit a full meeting of the Board, the Board may vote on a matter otherwise ready for review without meeting together, through telephone, electronic or written communication.

RULE 20.3. BAR COUNSEL

The Bar Association shall be represented by one or more lawyers appointed by the Executive Director of the Bar Association, who shall act as counsel to the Board and/or may make a recommendation in support of or in opposition to the admission or reinstatement of an Applicant or Petitioner.

RULE 20.4. CLERK

The Executive Director of the Bar Association may appoint a suitable person or persons to act as Clerk to the Board, and to assist the Board in carrying out its functions under these rules.

RULE 20.5. SERVICE

Service of papers and documents shall be made by first class postage prepaid mail to the Applicant's, Bar Association member's, or Petitioner's, or his or her counsel's, last known address on record with the Bar Association. If properly made, service by mail is deemed Suggested Amendments to Admission to Practice Rules Washington State Bar Association accomplished on the date of the mailing. Any notice of change of address shall be submitted in writing to the Bar Association.

RULE 21. FACTORS CONSIDERED WHEN DETERMINING CHARACTER AND FITNESS DEFINED

Good moral character is a record of conduct manifesting the qualities of honesty, fairness, candor, trustworthiness, observance of fiduciary responsibilities, adherence to the law, and a respect for the rights of other persons and the judicial process.

(a) Factors Considered. The following factors shall be considered when determining an Applicant's good moral character and fitness to practice law:

(1) unlawful conduct;

(2) academic misconduct;

(3) making of false statements or omitting material information in connection with an application for limited admission to practice law, to sit for a bar examination, or otherwise for licensure or admission to the practice of law;

- (4) misconduct in employment;
 - (5) acts involving dishonesty, making false statements, fraud, deceit or misrepresentation;
 - (6) abuse of legal process;
 - (7) neglect of financial responsibilities;
 - (8) disregard of professional obligations;
 - (9) violation of a court order;
 - (10) conduct demonstrating an inability to meet one or more essential eligibility requirements for the practice of law;
 - (11) denial of admission to the bar in this or another jurisdiction on character and fitness grounds;
 - (12) disciplinary action by any professional licensing or disciplinary agency of any jurisdiction;
 - (13) conduct that physically threatens or harms another person; and
 - (14) any other conduct which reflects adversely on moral character or fitness of the Applicant to practice law.
- (b) Aggravating and Mitigating Factors.** The following factors shall be considered in mitigation or aggravation when determining an applicant's good moral character or fitness to practice law:
- (1) Applicant's age at the time of the conduct;
 - (2) Recency of the conduct;
 - (3) Reliability of the information concerning the conduct;
 - (4) Seriousness of the conduct;
 - (5) Factors or circumstances underlying the conduct;
 - (6) Cumulative nature of the conduct;
 - (7) Candor in the admissions process and before the Board;
 - (8) Materiality of any omissions or misrepresentations; and
 - (9) Evidence of rehabilitation, recovery, or remission, which may include but is not limited to the following, no single one of which is determinative:
 - (i) absence of recent misconduct;
 - (ii) compliance with any disciplinary, judicial or administrative order arising out of the misconduct;
 - (iii) sufficiency of punishment;
 - (iv) restitution of funds or property, where applicable;
 - (v) Applicant's attitude toward the misconduct, including without limitation acceptance of responsibility and remorse;
 - (vi) personal assurances, supported by corroborating evidence, of a desire and intent to engage in exemplary conduct in the future;
 - (vii) constructive activities and accomplishments since the conduct in question;
 - (viii) the Applicant's understanding and acceptance of the factors leading to the misconduct and how similar misconduct may be avoided in the future;
 - (ix) length of time in which the Applicant has been in recovery or remission, where applicable, and if it is less than two years, expert opinion that the period of treatment, recovery or remission is adequate for the applicant to meet the essential eligibility requirements for the practice of law; and
 - (x) compliance with any recommended or prescribed treatment plans.
- (c) Non-Discrimination Policy.** In determining good moral character and fitness to practice law, the Bar Associa-

tion and the Character and Fitness Board shall not discriminate against any applicant on the basis of:

- (1) Race, color or ethnic identity;
- (2) Gender or gender identity;
- (3) Sexual orientation;
- (4) Marital status;
- (5) Creed or religion;
- (6) Political beliefs or affiliation;
- (7) Sensory, mental or physical disability;
- (8) National origin;
- (9) Age;
- (10) Honorably discharged veteran or military status;
- (11) Use of a trained service animal by a person with a disability; or
- (12) Any other class protected under state or federal law.

RULE 22. CHARACTER AND FITNESS DEFINED REVIEW OF APPLICATIONS FOR ADMISSION; APPLICANT DUTIES AND RIGHTS INDEPENDENT FITNESS EXAMINATION

(a) Fitness defined. Fitness is the absence of any current mental impairment or current drug or alcohol dependency or abuse which, if extant, would substantially impair the ability of the Applicant, Bar Association member, or Petitioner to practice law.

(b) Testimony and Evidence: If it appears that the Applicant, Bar Association member, or Petitioner has engaged in conduct that was or may have been caused in whole or in part by a mental impairment or drug or alcohol dependency or abuse, the Applicant, Bar Association member, or Petitioner may present testimony or evidence from a licensed or certified mental health professional (hereafter "examining professional").

(c) Independent Fitness Examination: If after reviewing the testimony or evidence at a hearing the Board finds that examination or further examination is necessary or would assist the Board in performing its duties, the Board by majority vote may require an examination of the Applicant, Bar Association member, or Petitioner by an examining professional approved by Bar Counsel and the Lawyers' Assistance Program of the Washington State Bar Association.

(d) Failure to Comply: The failure of an Applicant, Bar Association member, or a Petitioner to agree or submit to a required independent fitness examination shall result in the Applicant's, Bar Association member's, or Petitioner's application or petition being denied.

(e) Costs: The cost of any examination required by the Board shall be borne by the Bar Association.

(f) Report: The examining professional shall issue a written report of his or her findings which report shall be provided to the Applicant or Petitioner and his or her counsel, Bar Counsel and the Character and Fitness Board.

(g) Confidentiality: Any report and testimony of an examining professional may be admitted into evidence at a hearing on, or review of, the Applicant's, Bar Association member's, or Petitioner's fitness and transmitted with the record on review by the Disciplinary Board or the Supreme Court. Reports and testimony regarding the Applicant's, Bar Association member's, or Petitioner's fitness shall otherwise be kept confidential in all respects and neither the report nor the testimony of the examining professional shall be discoverable or admissible in any other proceeding or action with-

out the consent of the Applicant, Bar Association member, or Petitioner.

RULE 22.1 REVIEW OF APPLICATIONS

(a) Admissions Staff Review. All applications for admission or licensure to practice law in Washington state or to change membership class or status with the Bar Association, and all petitions for readmission to the practice of law in Washington state shall be reviewed by the Bar Association admissions staff for purposes of determining whether any of the factors set forth in Rule 21(a) are present.

(b) Referral to Bar Counsel—Standard. All applications and petitions which reflect one or more of the factors set forth in Rule 21(a) shall be referred to Bar Counsel for review.

(c) Review By Bar Counsel. Upon receiving a referral from the admissions staff, Bar Counsel may conduct such further investigation as he or she deems necessary. Any investigation or inquiry into a health diagnosis, alcohol or drug dependence, or treatment for either must comply with sections (e) and (f) of this Rule.

(d) Referral for Hearing—Standard. Bar Counsel shall refer to the Character and Fitness Board for hearing any Applicant about whom there is a substantial question whether the Applicant possesses the requisite good moral character and fitness to practice law. In determining whether a substantial question exists, Bar Counsel shall apply the factors and considerations set forth in Rule 21(a) and review the material evidence in the light most favorable to the Bar Association's obligation to recommend the licensure or admission to the practice of law of only those persons who possess good moral character and fitness to practice law.

(e) Basis for Inquiry into Health Diagnosis and Drug or Alcohol Dependence. Any inquiry by the Bar Association or the Character and Fitness Board about drug or alcohol dependence, a health diagnosis, or treatment for either can occur only if it appears that the Applicant has engaged in conduct that demonstrates the inability to meet one or more of the essential eligibility requirements and (1) the drug or alcohol dependence, health diagnosis, or treatment information was disclosed voluntarily to explain the conduct or as a voluntary response to any question on the application; or (2) the Association or the Board learns from a third-party source that the drug or alcohol dependence, health diagnosis, or treatment was raised as an explanation for the conduct.

(f) Scope of Inquiry into Health Diagnosis and Drug or Alcohol Dependence. When a basis for an inquiry by the Bar Association or the Character and Fitness Board has been established under section (e), any such inquiry must be narrowly, reasonably, and individually tailored and adhere to the following:

(1) The first inquiry will be to request statements from the Applicant;

(2) Following completion of the inquiry in section (f)(1) above, additional statements may be requested from treatment providers if reasonably deemed necessary by the Bar Association or the Board. The statements of treatment providers shall be accorded considerable weight; and

(3) In those cases in which the statements from the Applicant and treatment providers do not resolve reasonable concerns about the Applicant's ability to meet the essential

eligibility requirements, the Bar Association or Board may seek medical or treatment records. Any requests for medical or treatment records shall be by way of narrowly tailored requests and releases that provide access only to information that is reasonably necessary to assess the Applicant's ability to meet the essential eligibility requirements.

(4) Any testimony or records from medical or other treatment providers may be admitted into evidence at a hearing on, or review of, the Applicant's fitness and transmitted with the record on review to the Disciplinary Board and/or the Supreme Court. Records and testimony regarding the Applicant's fitness shall otherwise be kept confidential in all respects and neither the records nor the testimony of the medical or treatment provider shall be discoverable or admissible in any other proceeding or action without the written consent of the Applicant.

RULE 22.2 APPLICANT DUTIES AND RIGHTS

(a) Duty of Applicant. It shall be the duty of every Applicant to cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or anything else reasonably required by Bar Counsel, the Bar Association or the Character and Fitness Board consistent with these rules. Failure to appear as directed or to furnish additional proof or answers as required or to cooperate fully shall be sufficient reason for the Board to recommend the rejection of an application.

(b) Applicant Contact with Character and Fitness Board. Applicants shall not have direct contact with any member of the Character and Fitness Board from the time the Applicant's application is filed with the Bar Association until the matter is finally resolved by the Board or the Supreme Court, except to the extent direct contact is required during the hearing. If the Applicant believes that communication with the Board is necessary outside the hearing, such communication shall take place through Bar Counsel. If the Applicant believes that contact about the Applicant's matter with members of the Board is necessary after the matter is finally resolved by the Board or the Court, such contact should be made only through Bar Counsel.

(c) Applicant Right to Counsel. An applicant may be represented by counsel at any time during the application process.

RULE 23. CHARACTER AND FITNESS BOARD—PREHEARING PROCEDURE—APPLICATIONS FOR ADMISSION

(a) Admissions Staff Review. All applications for admission or licensing to practice law in Washington State or to change membership class or status with the Bar Association, and all petitions for readmission to the practice of law in Washington State shall be reviewed by the Bar Association Admissions staff for purposes of determining whether any of the factors set forth in rule 24.2(a) are present.

(b) Admissions Staff Review—Standard. All applications and petitions which reflect one or more of the factors set forth in rule 24.2(a) shall be referred to Bar Counsel for review.

(c) Review By Bar Counsel—Standard. Upon receiving a referral from the admissions staff, Bar Counsel may conduct such further investigation as he or she deems necessary and thereafter, applying the factors and considerations set forth in rule 24.2, and upon reviewing the material evi-

dence in the light most favorable to the Bar Association's obligation to recommend the licensing or admission to the practice of law only those persons who possess good moral character and fitness, Bar Counsel shall refer to the Character and Fitness Board for hearing any Applicant about whom there is a substantial question whether the Applicant possesses the requisite good moral character and fitness to practice law.

(a) Composition. The Character and Fitness Board shall consist of not less than three community representatives who are not lawyers, appointed by the Supreme Court, and not less than one lawyer member from each congressional district, appointed by the Board of Governors. The validity of the Board's actions is not affected if the Board's makeup differs from the stated constitution due to a temporary vacancy in any of the specified positions.

(b) Qualifications. Lawyer members must be active members of the Bar Association and have been active members for at least 5 years.

(c) Board Chair. The Board of Governors shall annually designate one lawyer member of the Character and Fitness Board to act as chair and another as vice-chair. The vice-chair shall serve as chair in the absence of or at the request of the chair. If both the chair and the vice-chair will be absent from a meeting or hearing, the chair may appoint another member of the Board to serve as chair pro tem at any hearing.

(d) Vacancies. Vacancies in lawyer membership on the Board and in the office of the chair and vice-chair shall be filled by the Board of Governors. Vacancies in community representative membership shall be filled by the Supreme Court. A person appointed to fill a vacancy shall complete the unexpired term of the person he or she replaces, and if that unexpired term is less than 24 months he or she may be reappointed to a consecutive term.

(e) Quorum. A majority of the Board members shall constitute a quorum. Given a quorum, the concurrence of a majority of those present shall constitute action of the Board. In the event a quorum is not present, Bar Counsel and the Applicant may agree to waive the requirement of a quorum.

(f) Disqualification. In the event a grievance is made to the Bar Association alleging an act of misconduct by a lawyer member of the Board, the procedures specified in ELC 2.3 (b)(5) shall apply.

(g) Pro Tempore Members. When a member of the Board is disqualified or unable to function on a case for good cause, the chair of the Board may, by written order, designate a member pro tempore to sit with the Board to hear and determine the cause. A member pro tempore may be appointed from among those persons who have previously served as members of the Character and Fitness Board (or its predecessor Character and Fitness Committee), or from among lawyers appointed as alternate Board members by the Board of Governors and community representatives appointed as alternate Board members by the Supreme Court. A lawyer shall be appointed to substitute for a lawyer member of the Board, and a community representative to substitute for a community representative member of the Board.

(h) Voting. Each member, whether community representative or lawyer, shall have one vote.

(i) Terms of Office. The term of office for a member of the Board shall be 3 years. Newly created Board positions may be filled by appointments of less than 3 years, as designated by the Supreme Court or the Board of Governors, to permit as equal a number of positions as possible to be filled each year. All terms of office begin October 1 and end September 30 or when a successor has been appointed, whichever occurs later. Members may not serve more than two nonconsecutive terms with a minimum of three years between terms except as otherwise provided in these rules. Members shall continue to serve until replaced.

RULE 23.1. AUTHORITY OF BOARD

(a) The Board shall have the power and authority to:

(1) Conduct hearings concerning matters of character and fitness bearing upon the qualification of Applicants referred to the Board by Bar Counsel and of all petitioners for reinstatement;

(2) Request medical or other treatment records, hear testimony from and ask questions of medical or other treatment providers in accordance with Rule 22.1 (e) and (f);

(3) Request an Applicant to submit to an Independent Medical Examination in accordance with Rule 24.1(f);

(4) Recommend the approval or denial of an Applicant's application after hearing; and,

(5) Perform such other functions and take such other actions as provided in these rules or as may be delegated to it by the Board of Governors or Supreme Court, or as may be necessary and proper to carry out its duties.

(b) No Board member shall offer an opinion to an Applicant on whether the Applicant's record establishes good moral character and fitness to practice law until after the completion of a hearing regarding that Applicant's application or petition.

RULE 23.2. MEETINGS

The Board shall hold meetings at such times and places as it may determine. Where the chair of the Board determines that prompt action is necessary for protection of the public, and that circumstances do not permit a full meeting of the Board, the Board may vote on a matter otherwise ready for review without meeting together, through telephone, electronic or written communication.

RULE 23.3. CLERK

The Executive Director of the Bar Association may appoint a suitable person or persons to act as Clerk to the Board, and to assist the Board in carrying out its functions under these rules.

RULE 23.4. SERVICE

Unless otherwise agreed by the parties in writing, service of papers and documents shall be made by first class postage prepaid mail to the Applicant's, or his or her counsel's, last known address on record with the Bar Association. If properly made, service by mail is deemed accomplished on the date of the mailing. Any notice of change of address shall be submitted in writing to the Bar Association.

RULE 24. CHARACTER AND FITNESS BOARD HEARINGS APPLICATIONS FOR ADMISSION

RULE 24.1. HEARING PROCEDURE DUTY OF APPLICANT

"Applicant", as used in APR 20-25.6, means every applicant for admission to practice, for limited licensing or admission, or for change of membership class or status under the Bar Association Bylaws. In matters involving investigations or hearings pursuant to the filing of a petition for reinstatement by a disbarred lawyer, "Applicant" shall also include "Petitioner".

(a) It shall be the duty of every Applicant to cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or anything else reasonably required by the Board or Bar Counsel. Failure to appear as directed or to furnish additional proof or answers as required or to cooperate fully shall be sufficient reason for the Board to recommend the rejection of an application.

(b) Applicants shall not have direct contact with any member of the Board from the time the Applicant's application is filed with the Bar Association until the matter is finally resolved by the Board or the Supreme Court, except to the extent direct contact is required during the hearing. If the Applicant believes that communication with the Board is necessary outside the hearing, such communication shall take place through Bar Counsel. If the Applicant believes that contact about the Applicant's matter with members of the Board is necessary after the matter is finally resolved by the Board or the Court, such contact should be made only through Bar Counsel.

(c) Applicants shall appear in person at any hearing before the Board, unless the Applicant's presence is waived by the Board for good cause shown. The presumption is that the Applicant's personal attendance at the hearing will be required.

(a) Notice. The Character and Fitness Board may fix a time and place for a hearing on the application, and Bar Counsel shall serve notice thereof not less than 30 days prior to the hearing upon the Applicant and upon such other persons as may be ordered by the Character and Fitness Board. This notice requirement may be waived by the Applicant.

(b) Appearance and Right to Counsel. Applicants shall appear in person at any hearing before the Board, unless the Applicant's presence is waived by the Board for good cause shown. The presumption is that the Applicant's personal attendance at the hearing will be required. An Applicant may be represented by counsel.

(c) Burden of Proof. An Applicant must establish by clear and convincing evidence that he or she is of good moral character and possesses the requisite fitness to practice law.

(d) Proceedings Not Civil or Criminal. Hearings before the Character and Fitness Board are not civil nor criminal but are sui generis hearings to determine whether an Applicant is of good moral character and possesses the requisite fitness to practice law.

(e) Rules of Evidence.

(1) Evidentiary rulings shall be made by the Board chair. A majority of Board members present may by vote overrule a ruling by the chair.

(2) Consistent with section (d) of this Rule, evidence, including hearsay evidence, is admissible if in the chair's judgment it is the kind of evidence on which reasonably pru-

dent persons are accustomed to rely in the conduct of their affairs. The chairperson may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(3) Witnesses shall testify under oath; all testimony shall be transcribed by a certified court reporter.

(4) Expert witnesses shall appear and testify in person or by telephone or video conference before the Board, unless in the discretion of the Board their appearance before the Board is waived.

(5) Generally, all documentary evidence to be submitted to the Board for consideration must be delivered to Bar Counsel not less than 30 days prior to the hearing. Bar Counsel will provide copies of all documentary evidence, and any hearing briefs, memoranda, or other documentary material, to the Board members and to the Applicant prior to the hearing date.

(6) The Board may take notice of any judicially cognizable facts, or technical or scientific facts within a Board member's specialized knowledge.

(7) Questioning of the Applicant and the Applicant's witnesses shall be conducted by Bar Counsel, by members of the Board, and by the Applicant or the Applicant's counsel.

(8) The Board may question medical or other treatment providers and seek medical or other treatment records consistent with the provisions of Rule 22.1(e), 22.1(f) and Rule 24.1(f).

(f) Independent Medical Examination. An independent medical examination may be requested by the Character and Fitness Board only when a basis for an inquiry by the Board exists under Rule 22.1(e) and only after testimony and evidence presented at the hearing has failed to resolve the Board's reasonable concerns regarding the Applicant's ability to meet the essential eligibility requirements to practice law. If the applicant has not previously been requested to provide information under APR 22.1 (f)(1), (2) and (3), the Board shall provide the applicant with the opportunity to submit such information, within such reasonable timelines as the Board shall establish, prior to requesting the independent medical examination.

(1) Time and Place. Any independent medical examination shall occur at a time and place convenient to the applicant and shall be conducted by a provider mutually agreed upon by the applicant and the Bar Association.

(2) Failure to Comply: The failure of an Applicant to agree to or submit to a required independent medical examination shall result in the Applicant's application or petition being denied.

(3) Costs: The cost of any independent medical examination required by the Board shall be borne by the Bar Association.

(4) Report: The examining professional shall issue a written report of his or her findings which report shall be provided to the Applicant and his or her counsel, Bar Counsel and the Character and Fitness Board.

(5) Confidentiality of IME: Any report and testimony of an examining professional may be admitted into evidence at a hearing on, or review of, the Applicant's fitness and transmitted with the record on review to the Disciplinary Board and/or the Supreme Court. Reports and testimony regarding the Applicant's fitness shall otherwise be kept confidential in

all respects and neither the report nor the testimony of the examining professional shall be discoverable or admissible in any other proceeding or action without the consent of the Applicant.

(6) Rebuttal to IME: Applicants shall have the right to provide rebuttal medical information from their treating clinicians if such information is provided within thirty (30) days from the receipt of the independent medical examination report provided pursuant to section (i).

(g) Confidentiality: All hearings and documents before the Character and Fitness Board on applications for admission or limited admission to the Bar Association, admission to the law clerk program, and return to active membership are confidential, but may be provided to the Disciplinary Board or Supreme Court in connection with any appeal, or to other entities with the written consent of the applicant.

RULE 24.2. DECISION AND RECOMMENDATION FACTORS CONSIDERED WHEN DETERMINING CHARACTER AND FITNESS

(a) Decision. Within 30 days after the proceedings are concluded, or if a transcript is ordered, within 30 days after the transcript is received by the Board, unless a greater or shorter period is directed by the Board chair, the Board will file with the Bar Association written findings of fact, conclusions of law, and a recommendation. Any Board member or members may file a written dissent within the same time period.

(b) Action on Board Recommendation. The recommendation of the Character and Fitness Board shall be served upon the Applicant pursuant to Rule 23.5.

(1) If the Character and Fitness Board recommends admission, the record, recommendation and all exhibits shall be transmitted to the Supreme Court for disposition.

(2) If the Character and Fitness Board recommends against admission, the record and recommendation shall be retained in the office of the Bar Association unless the Applicant requests that it be submitted to the Supreme Court by filing a Notice of Appeal with the Board within 15 days of service of the recommendation of the Board. If the Applicant so requests, the Board will transmit the record, including the transcript, exhibits, and recommendation to the Supreme Court for review and disposition. The Applicant must pay to the Supreme Court any fee required by the Court in connection with the appeal and review.

(c) Reapplication. No application for admission may be filed within a period of one year after a decision of the Board recommending against admission that is not appealed to the Supreme Court, and the Bar Association shall maintain a record of the application, hearing and Board recommendation in the Bar Association records.

(a) Factors. The following factors shall be considered by the Admissions staff and Bar Counsel when determining whether an applicant shall be referred to the Character and Fitness Board for a determination of the applicant's character and/or fitness to practice law:

- (1) unlawful conduct.
- (2) academic misconduct.
- (3) making of false statements or omitting material information in connection with an application for limited licensing

to practice law, to sit for a bar examination, or otherwise for licensing or admission to the practice of law.

- (4) misconduct in employment.
- (5) acts involving dishonesty, making false statements, fraud, deceit or misrepresentation.
- (6) abuse of legal process.
- (7) neglect of financial responsibilities.
- (8) disregard of professional obligations.
- (9) violation of a court order.
- (10) evidence of a current substantial mental impairment, including without limitation, drug or alcohol dependency or abuse.
- (11) denial of admission to the bar in another jurisdiction on character and fitness grounds.
- (12) disciplinary action by any professional disciplinary agency of any jurisdiction.
- (13) any other conduct or condition which reflects adversely on moral character or fitness of the Applicant to practice law.

(b) Factors Considered by the Character and Fitness Board When Determining Good Moral Character. When determining whether past conduct disqualifies the Applicant from taking the Washington Bar Examination, or for licensing or admission to the Bar, the Character and Fitness Board shall consider those factors specified in rule 24.2(a) and the following factors in mitigation or aggravation:

- (1) Applicant's age at the time of the conduct.
- (2) Recency of the conduct.
- (3) Reliability of the information concerning the conduct.
- (4) Seriousness of the conduct.
- (5) Factors or circumstances underlying the conduct.
- (6) Cumulative nature of the conduct.
- (7) Candor in the admissions process and before the Board.
- (8) Materiality of any omissions or misrepresentations.
- (9) Evidence of rehabilitation, which may include but is not limited to the following:
 - (i) absence of recent misconduct.
 - (ii) compliance with any disciplinary, judicial or administrative order arising out of the misconduct.
 - (iii) sufficiency of punishment.
 - (iv) restitution of funds or property, where applicable.
 - (v) Applicant's attitude toward the misconduct, including without limitation acceptance of responsibility and remorse.
 - (vi) personal assurances, supported by corroborating evidence, of a desire and intent to engage in exemplary conduct in the future;
 - (vii) constructive activities and accomplishments since the conduct in question.
 - (viii) the Applicant's understanding and acceptance of the factors leading to the misconduct and how similar misconduct may be avoided in the future.

(c) Factors Considered by the Character and Fitness Board in Fitness Cases Involving Drug or Alcohol Dependence or Abuse. When determining whether an Applicant is unfit to practice law due to drug or alcohol dependence or abuse, the Character and Fitness Board shall consider the following factors, no single one of which is determinative:

(1) Whether the Applicant is currently using drugs or alcohol.

(2) Whether the Applicant's drug or alcohol dependence or abuse is likely to cause or contribute to any of the conduct specified in rule 24.2(a).

(3) The nature, extent and duration of the Applicant's drug or alcohol dependence or abuse, and the Applicant's candor in the admissions process and before the Board when describing the problem.

(4) Whether the Applicant has been or is now in treatment and, if so:

(i) The nature and duration of the treatment.

(ii) Whether treatment was or is voluntary or involuntary.

(iii) Consistency of participation in or compliance with treatment.

(iv) Whether the treatment was effective.

(5) Whether the Applicant has undergone a drug or alcohol evaluation by a certified chemical dependency counselor or other professional with credentials acceptable to the Board and, if so, whether the substance of such person's opinion the findings have been made available to the Committee.

(6) The length of time the Applicant has been in recovery. In cases where the period of recovery is less than two years, the Applicant must demonstrate through appropriate expert opinion that there has been an adequate period of recovery.

(d) Factors Considered by the Character and Fitness Board in Fitness Cases Involving a Mental Impairment. When determining whether an Applicant is unfit to practice law due to a mental impairment, the Character and Fitness Board shall consider the following factors, no single one of which is determinative:

(1) Whether there is a current mental impairment.

(2) Whether the Applicant's mental impairment is likely to cause or contribute to any of the conduct specified in rule 24.2(a).

(3) The nature, extent and duration of the Applicant's mental impairment, and the Applicant's candor in the admissions process and before the Board when describing the impairment.

(4) Whether the Applicant's mental impairment is chronic or situational in nature.

(5) Whether the applicant has received or is receiving professional mental health treatment appropriate for the impairment, and if so:

(i) Whether the Applicant's impairment has been in remission for at least two years as verified by an appropriate mental health professional and, if not, whether the Applicant has demonstrated through appropriate expert opinion that the period of remission has been adequate.

(ii) Whether a mental health professional has identified any conditions, including without limitation further treatment, that must be complied with to continue the Applicant's state of remission and, if so, whether the Applicant is in compliance with those conditions.

(e) Factors Not Considered by the Character and Fitness Board. The following factors shall not be considered as evidence of an Applicant's character or fitness:

(1) Racial or ethnic identity.

(2) Sex.

(3) Sexual orientation.

(4) Marital status.

(5) Religious or spiritual beliefs or affiliation.

(6) Political beliefs or affiliation.

(7) Physical disability.

(8) National origin.

(9) Age.

(10) Learning disabilities.

RULE 24.3. ACTION ON SUPREME COURT'S DETERMINATION HEARINGS

(a) Application Approved. If the application is approved by the Supreme Court, admission shall be subject to the Applicant's taking and passing any required qualifying examinations and complying with all other requirements for admission.

(b) Application Denied. If the application is denied, the Bar Association shall maintain a record of the application, hearing, and appeal in the Bar Association records. No new application for admission shall be filed within a period of one year after the date of the Supreme Court decision denying the application.

(a) Notice. The Character and Fitness Board may fix a time and place for a hearing on the application, and Bar Counsel shall serve notice thereof not less than 30 days prior to the hearing upon the Applicant and upon such other persons as may be ordered by the Character and Fitness Board. This notice requirement may be waived by the Applicant.

(b) Right to Counsel. An Applicant may be represented by counsel.

(c) Burden of Proof. An Applicant must establish by clear and convincing evidence that he or she is of good moral character and possesses the requisite fitness to practice law.

(d) Proceedings Not Civil or Criminal. Hearings before the Character and Fitness Board are not civil nor criminal but are sui generis hearings to determine whether an Applicant is of good moral character and possesses the requisite fitness to be admitted to practice law.

(e) Rules of Evidence.

(1) Evidentiary rulings shall be made by the Board chair. A majority of Board members present may by vote overrule a ruling by the chair.

(2) Consistent with section (d) of this rule, evidence, including hearsay evidence, is admissible if in the chair's judgment it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The chairperson may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(3) Witnesses shall testify under oath; all testimony shall be transcribed by a certified court reporter.

(4) Expert witnesses shall appear and testify in person or by telephone or video conference before the Board, unless in the discretion of the Board their appearance before the Board is waived.

(5) Generally, all documentary evidence submitted to the Board for consideration must be delivered to Bar Counsel not less than 30 days prior to the hearing. Bar Counsel will provide copies of all documentary evidence, and any hearing briefs, memoranda, or other documentary material, to the

Board members and to the Applicant prior to the hearing date.

(6) The Board may take notice of any judicially cognizable facts, or technical or scientific facts within a Board member's specialized knowledge.

(7) Questioning of the Applicant and the Applicant's witnesses shall be conducted by Bar Counsel or his or her designee and by members of the Board.

~~(f) Confidentiality:~~ All hearings and documents before the Character and Fitness Board on applications for admission or limited admission to the Bar Association, admission to the law clerk program, and return to active membership are confidential, but may be provided to the Disciplinary Board or Supreme Court in connection with any appeal, or to other entities with the written consent of the applicant.

~~RULE 24.4. DECISION AND RECOMMENDATION~~

~~(a) Decision.~~ Within 30 days after the proceedings are concluded, or if a transcript is ordered, within 30 days after the transcript is received by the Board, unless a greater or shorter period is directed by the Board chair, the Board will file with the Bar Association written findings of fact, conclusions of law, and a recommendation. Any Board member or members may file a written dissent within the same time period.

~~(b) Action on Board Recommendation.~~ The recommendation of the Character and Fitness Board shall be served upon the Applicant pursuant to rule 20.5.

(1) If the Board recommends admission, the record, recommendation and all exhibits shall be transmitted to the Supreme Court for disposition.

(2) If the Board recommends against admission, the record and recommendation shall be retained in the office of the Bar Association unless the Applicant requests that it be submitted to the Supreme Court by filing a Notice of Appeal with the Board within 15 days of service of the recommendation of the Character and Fitness Board. If the Applicant so requests, the Board will transmit the record, including the transcript, exhibits, and recommendation to the Supreme Court for review and disposition. The Applicant must pay to the Supreme Court any fee required by the Court in connection with the Appeal and review.

~~(c) Reapplication.~~ No application for admission may be filed within a period of one year after a decision of the Board recommending against admission that is not appealed to the Supreme Court.

~~RULE 24.5. ACTION ON SUPREME COURT'S DETERMINATION~~

~~(a) Application Approved.~~ If the application is approved by the Supreme Court, admission shall be subject to the Applicant's taking and passing the bar examination and complying with all other requirements for admission.

~~(b) Application Denied.~~ If the application is denied, the Bar Association shall maintain a record of the application, hearing, and appeal in the Bar Association records. No new petition for admission shall be filed within a period of one year after the date of the Supreme Court decision denying the application.

RULE 25. PETITIONS FOR REINSTATEMENT AFTER DISBARMENT

RULE 25.1. RESTRICTIONS ON REINSTATEMENT

~~(a) Petitions For Reinstatement.~~ All Petitions for Reinstatement after Disbarment shall be referred for hearing before the Character and Fitness Board. The provisions of Rules 20 through 24.3 shall apply to Petitions for Reinstatement unless otherwise provided for in Rules 25 through 25.6.

~~(b) When Petition May Be Filed.~~ No petition for reinstatement shall be filed within a period of ~~5~~ five years after disbarment or within a period of ~~2~~ two years after an adverse decision of the Supreme Court upon a former petition, or ~~within a period of 1 year~~ after an adverse recommendation of the Character and Fitness Board or the Disciplinary Board on a former petition when that recommendation is not submitted to the Supreme Court. If prior to disbarment the lawyer was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the 5 five years referred to above.

~~(c) When Reinstatement May Occur.~~ No disbarred lawyer may be reinstated sooner than ~~6~~ six years following disbarment. If prior to disbarment the lawyer was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the 6 six years referred to above.

~~(d) Payment of Obligations.~~ No disbarred lawyer may file a petition for reinstatement until costs and expenses and restitution ordered by the Disciplinary Board or the Supreme Court have been paid and until amounts paid out of the Lawyers' Fund for Client Protection for losses caused by the conduct of the Petitioner have been repaid to the client protection fund, or until periodic payment plans for costs and expenses, restitution and repayment to the client protection fund have been entered into by agreement between the Petitioner and disciplinary counsel. A Petitioner may seek review by the Chair of the Disciplinary Board of an adverse determination by disciplinary counsel regarding the reasonableness of any such proposed periodic payment plan. Such review will proceed as directed by the Chair of the Disciplinary Board and the decision of the Chair of the Disciplinary Board is final unless the Chair of the Disciplinary Board determines that the matter should be reviewed by the Disciplinary Board, in which case the Disciplinary Board review will proceed as directed by the Chair and the decision of the Board will be final.

RULE 25.2. REVERSAL OF CONVICTION

If a lawyer has been disbarred solely because of his or her conviction of a crime and the conviction is later reversed and the charges dismissed on their merits, the Supreme Court may in its discretion, upon direct application by the lawyer, enter an order reinstating the lawyer upon such conditions as determined by the Supreme Court. At the time such direct application is filed with the court a copy shall be filed with the Bar Association. The Supreme Court may request a response to the application from the Bar Association.

RULE 25.3. PETITIONS AND INVESTIGATIONS

~~(a) Form of Petition.~~ A petition for reinstatement after disbarment shall be in writing ~~in such form as the Character~~

~~and Fitness Board may prescribe. The petition shall be and filed with the Character and Fitness Board Bar Association. The petition shall set forth the age, residence and address of the Petitioner, the date of disbarment, and a concise statement of facts claimed to justify reinstatement. The petition shall be accompanied by the total fees required of a lawyer Applicant for admission under these rules, and by a completed application for admission.~~

(b) Investigations. The petition for reinstatement shall be referred to the Character and Fitness Board for hearing. Bar Counsel and Admissions staff shall conduct such investigation as appears necessary, and in accordance with APR 20-24.3.

(c) Duty to Cooperate. It shall be the duty of every Petitioner to cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or anything else reasonably required by the Character and Fitness Board or Bar Counsel. Failure to appear as directed or to furnish additional proof or answers as required or to cooperate fully shall be sufficient reason for the ~~Committee Board~~ to recommend the rejection of a petition.

(d) Proceedings Public. A petition for reinstatement after disbarment shall be a public proceeding from the time the petition is filed.

(e) Protective Orders. To protect a compelling interest, a Petitioner may, on a showing of good cause, move for a protective order prohibiting the disclosure or release of specific information, documents, or pleadings, and directing that the proceedings be conducted so as to implement the order.

RULE 25.4. HEARING BEFORE CHARACTER AND FITNESS BOARD

(a) Notice. The Character and Fitness Board may fix a time and place for a hearing on the petition, and Bar Counsel shall serve notice thereof not less than 30 days prior to the hearing upon the Petitioner and upon such other persons as may be determined by Bar Counsel or as ordered by the Character and Fitness Board. Notice of the hearing shall also be published at least once in the Washington State Bar News Bar Association's official members' magazine and such other newspaper or periodical as the Character and Fitness Board may direct. Such published notice shall contain a statement that a petition for reinstatement has been filed and shall give the date fixed for the hearing.

(b) Statement in Support or Opposition. On or prior to the date of hearing, anyone wishing to do so may file with the Character and Fitness Board a written statement for or against the petition, such statements to set forth factual matters showing that the Petitioner does or does not meet the requirements for reinstatement as set forth in these rules.

(c) Hearings. Hearings shall be conducted pursuant to rule 24.13 except to the extent that provisions of rules 25-25.6 conflict with the provisions of Rule 24.1, and except that such hearings shall be public.

RULE 25.5. ACTION BY CHARACTER AND FITNESS BOARD

(a) Requirements for Favorable Recommendation. Reinstatement may be recommended by the Character and Fitness Board only upon a showing, supported by clear and convincing evidence, that the Petitioner possesses the qualifications and meets the requirements for reinstatement as set

forth in these rules and that the Petitioner has been rehabilitated.

(b) Rehabilitation—Factors Considered by the Character and Fitness Board. In reaching the decision of whether the Petitioner has been rehabilitated, the Board shall consider the factors set forth in Rule ~~24.2~~ 21(b), ~~(c) and (d)~~, where applicable, and the following factors:

(i) The Petitioner's character, standing, and professional reputation in the community in which the Petitioner resided and practiced prior to disbarment.

(ii) The ethical standards which the Petitioner observed in the practice of law.

(iii) The nature and character of the conduct for which the Petitioner was disbarred.

(iv) The sufficiency of the punishment undergone in connection therewith, and the making or failure to make restitution where required.

(v) The Petitioner's attitude, conduct, and reformation subsequent to disbarment.

(vi) The time that has elapsed since disbarment.

(vii) The Petitioner's current proficiency in the law; and

(viii) The sincerity, frankness, and truthfulness of the Petitioner in presenting and discussing the factors relating to the Petitioner's disbarment and reinstatement.

(c) Non-Discrimination, Factors Not Considered by the Character and Fitness Board. The Bar Association and the Character and Fitness Board shall not discriminate against any petitioner based on the factors in Rule 21(c). The following factors shall not be considered as evidence of a Petitioner's character or fitness:

~~(1) Racial or ethnic identity.~~

~~(2) Sex.~~

~~(3) Sexual orientation.~~

~~(4) Marital status.~~

~~(5) Religious or spiritual beliefs or affiliation.~~

~~(6) Political beliefs or affiliation.~~

~~(7) Physical disability.~~

~~(8) National origin.~~

~~(9) Learning disabilities.~~

(d) Action on Board Recommendation. The recommendation of the Character and Fitness Board shall be served upon the Petitioner pursuant to rule ~~23.5~~ 20-5. If the Board recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Board recommends against reinstatement, the record and recommendation shall be retained in the office of the Bar Association unless the Petitioner requests that it be submitted to the Disciplinary Board by filing with the Clerk of the Disciplinary Board a request for Disciplinary Board review within 15 days of service of the recommendation of the Character and Fitness Board. If the Petitioner so requests, the record and recommendation shall be transmitted to the Disciplinary Board for disposition and the review will be conducted under the procedure of rules 11.9 and 11.12 of the Rules for Enforcement of Lawyer Conduct. If the Petitioner does not so request, the record and recommendation shall be retained in the records of the Bar Association and the Petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Character and Fitness Board.

(e) Action on Disciplinary Board Recommendation.

The recommendation of the Disciplinary Board shall be served upon the Petitioner. If the Disciplinary Board recommends reinstatement, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Disciplinary Board recommends against reinstatement, the record and recommendation shall be retained in the office of the Bar Association unless the Petitioner requests that it be submitted to the Supreme Court by filing with the Clerk of the Disciplinary Board a request for Supreme Court review within 30 days of service of the recommendation. If the Petitioner so requests, the record and recommendation shall be transmitted to the Supreme Court for disposition. If the Petitioner does not so request, the record and the recommendation shall be retained in the records of the Bar Association and the Petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Disciplinary Board under the procedure of rule 13.9 of the Rules for Enforcement of Lawyer Conduct.

RULE 25.6. ACTION ON SUPREME COURT'S DETERMINATION

(a) Petition Approved. If the petition for reinstatement is approved by the Supreme Court, the reinstatement shall be subject to the Petitioner's taking and passing the bar examination, completing all requirements for admission, paying to the Bar Association its license fee for the current year, and paying the costs incidental to the reinstatement proceeding as directed by the Supreme Court.

(b) Petition Denied. If the petition for reinstatement is denied, the Petitioner shall still be responsible for payment of the costs incidental to the reinstatement proceeding as directed by the Supreme Court.

Reviser's note: The spelling errors in 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.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 15-23-043
RULES OF COURT
STATE SUPREME COURT
[November 4, 2015]

IN THE MATTER OF PROPOSED) ORDER
AMENDMENTS TO RULES OF PRO-) NO. 25700-A-1129
FESSIONAL CONDUCT (RPC) 1.0A—)
TERMINOLOGY, 1.1—COMPETENCE,)
1.2—SCOPE OF REPRESENTATION)
AND ALLOCATION, 1.4—COMMUNI-)
CATION, 1.5—FEES, 1.6—CONFIDEN-)
TIALITY OF INFORMATION, 1.10—)
IMPUTATION OF CONFLICTS OF)

INTEREST; GENERAL RULE, 1.14—)
CLIENT WITH DIMINISHED CAPAC-)
ITY, 1.17—SALE OF LAW PRACTICE,)
1.18—DUTIES TO PROSPECTIVE CLI-)
ENT, 4.4—RESPECT FOR RIGHTS OF)
THIRD PERSON, 5.3—PROFESSIONAL)
INDEPENDENCE OF A LAWYER, 5.5—)
UNAUTHORIZED PRACTICE OF LAW;)
MULTIJURISDICTIONAL PRACTICE)
OF LAW, 6.5—NONPROFIT AND)
COURT-ANNEXED LIMITED LEGAL)
SERVICE PROGRAMS, 7.1—COMMU-)
NICATIONS CONCERNING A LAW-)
YERS SERVICES, 7.2—ADVERTISING,)
7.3—DIRECT CONTACT WITH PRO-)
SPECTIVE CLIENTS, AND 8.5—DISCI-)
PLINARY AUTHORITY; CHOICE OF)
LAW)

The Washington State Bar Association, having recommended the Proposed Amendments to Rules of Professional Conduct (RPC) 1.0A—Terminology, 1.1—Competence, 1.2—Scope of Representation and Allocation, 1.4—Communication, 1.5—Fees, 1.6—Confidentiality of Information, 1.10—Imputation of Conflicts of Interest: General Rule, 1.14—Client with Diminished Capacity, 1.17—Sale of Law Practice, 1.18—Duties to Prospective Client, 4.4—Respect for Rights of Third Person, 5.3—Professional Independence of a Lawyer, 5.5—Unauthorized Practice of Law; Multijurisdictional Practice of Law, 6.5—Nonprofit and Court-Annexed Limited Legal Service Programs, 7.1—Communications Concerning a Lawyers Services, 7.2—Advertising, 7.3—Direct Contact with Prospective Clients, and 8.5—Disciplinary Authority; Choice of Law, 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, 2016. 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 4th day of November, 2015.

For the Court

Madsen, C.J.
CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendments to**RULES 1.0A, 1.1, 1.2, 1.4, 1.5, 1.6, 1.10, 1.14, 1.17, 1.18, 4.4, 5.3, 5.5, 6.5, 7.1, 7.2, 7.3, and 8.5 of the Rules of Professional Conduct (RPC)****A. Proponent**

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C. Purpose

In 2013, the Supreme Court asked the WSBA to evaluate recent amendments to the ABA Model Rules of Professional Conduct (Model Rules) and to consider the amendments for possible adoption in Washington. These Model Rule amendments were adopted by the ABA House of Delegates in 2012 at the recommendation of the ABA Commission on Ethics 20/20 [hereinafter Ethics 20/20 amendments]. The WSBA referred the matter to the WSBA Committee on Professional Ethics (CPE). In March 2015, during the course of the CPE's work, the Court adopted changes to Washington's Rules of Professional Conduct (RPC) to harmonize the RPC with the recently adopted Rules of Professional Conduct for Limited License Legal Technician's (LLLT RPC). The CPE consequently revised its draft proposal to reconcile the newly amended RPC with the CPE's draft Ethics 20/20-based recommendations.

The suggested amendments being submitted to the Court, which take into account the 2015 LLLT-related amendments, are individually summarized below. In general, the WSBA recommends adoption of most of the ABA Ethics 20/20 amendments. A few modifications to the Ethics 20/20 amendments are suggested to conform to existing differences between Washington's RPC and the Model Rules (including differences arising from the 2015 LLLT-related amendments), and in a few instances the CPE has recommended language that it concluded was an improvement on the ABA Ethics 20/20 amendments to the Model Rules.

Suggested Amendments to RPC 1.0A

The proposed changes to this RPC and its comments are taken verbatim from the ABA Ethics 20/20 changes and are part of a larger project by Ethics 20/20 to more clearly embrace electronic communication in all its forms in the provisions that relate to communications in general.

Suggested Amendment to RPC 1.1

Proposed new Comments [6] and [7] and a portion of former Comment [6] (now proposed new Comment [8]) are taken verbatim from the Ethics 20/20 amendments, with the exception of the addition of LLLTs to proposed new Comment [7]. It is proposed that LLLTs be added in the places shown to take account their advent in Washington. (Note that the phrase "law firm" which appears in Comment [7] has already been expanded in the Washington Terminology Sec-

tion, RPC 1.0A(c) to encompass LLLT firms.) The proposed additions are intended, in general, to deal with the phenomenon of "outsourcing" work by lawyers and are intended to clarify how the duty of competence interrelates to such practices.

Proposed new Washington Comment [9] is intended to clarify an issue that surfaces when proposed new Comments [6] and [7] are considered carefully. If a lawyer engages the services of a lawyer to provide what are essentially nonlegal services that might be provided by nonlawyers, the CPE concluded that the fact that the engaged person is a lawyer should not bring that lawyer within the scope of this and other rules applicable to lawyers when they are practicing law, but that person's conduct should, instead, be governed by RPC 5.3, as would that of a nonlawyer. The point is of increasing importance as lawyers who are not licensed in Washington may be engaged to provide services that would not constitute the practice of law so long as they are properly supervised by a licensed lawyer. A proposed new sentence suggested for Comment [3] to RPC 5.3 makes this same point. This comment is not based on the Ethics 20/20 amendments.

To make room for these three comments, current Washington Comment [7], which was adopted as part of 2015 RPC amendments, needs to be renumbered as Washington Comment [10].

Suggested Amendment to RPC 1.2

This proposed amendment adds a "See also" sentence at the end of Comment [1] to RPC 1.2 because Comments [6] and [10] to RPC 1.1 refer and relate to RPC 1.2. If adopted, this would require designating this comment as a "Washington revision." It is proposed to add LLLTs to the cross reference here because they have been added to Comments [7] and [10]. This change is not based on Ethics 20/20 amendments.

Suggested Amendment to RPC 1.4

This proposed amendment adds a "See also" sentence at the end of Comment [2] to RPC 1.4 because Comments [6] and [10] to RPC 1.1 refer and/or relate to RPC 1.4. If adopted, this would require designating this comment as a "Washington Revision". It is proposed to add LLLTs to the cross reference here because they have been added to Comments [7] & [10]. This change is not based on Ethics 20/20 amendments.

The proposed addition to Comment [4] is taken verbatim from the ABA Ethics 20/20 changes and is simply intended to make clear that the duty a lawyer has to respond to client inquiries extends beyond use of the telephone.

Suggested Amendment to RPC 1.5

This proposed amendments adds a "See also" sentence at the end of Comment [7] to RPC 1.5 because Comments [6] and [10] to RPC 1.1 refer and/or relate to RPC 1.5. It is proposed to add LLLTs to the cross reference here because they have been added to Comment [10]. This change is not based on Ethics 20/20 amendments.

Suggested Amendments to RPC 1.6

The proposed addition of new paragraph (7) to RPC 1.6(b) - disclosure of confidences to engage in conflicts screening - is taken verbatim from the Ethics 20/20 amendments, which codify an earlier ABA Ethics Opinion that found such an exception implicit in Model Rule 1.6. In order

to maintain maximum structural similarity to the ABA Model Rules and its numbering system, it is suggested that the addition of this new provision be accomplished by renumbering Washington's current paragraph (b)(7), which is not in the Model Rules, as paragraph (b)(8).

The proposed addition of new paragraph (c) to RPC 1.6 - requiring "reasonable efforts to prevent the inadvertent or unauthorized disclosure of confidences" - is taken verbatim from Ethics 20/20 amendments and seems useful as a codification of the general state of the law.

Proposed new Comments [13] and [14], the additions to existing comment [16] (which would be renumbered as Comment [18]), and the addition at the end of existing Comment [17] (which would be renumbered Comment [19]), are all taken verbatim from the ABA Ethics 20/20 amendments, with the exception of the "see also" sentence at the end of proposed new Comment [13]. These comments are designed to elaborate on the proposed new RPC 1.6 (b)(7) (conflict screening) and (c) (reasonable efforts), and the CPE concluded that they did not require revision except for the "see also" cross-reference at the end of Comment [13].

Suggested Amendments to RPC 1.10

If the CPE recommendation to renumber current comment [3] to RPC 5.3 (as Comment [5]) is accepted, then the cross reference to this comment in RPC 1.10 at the end of Comment [11] will need to be conformed.

Suggested Amendments to RPC 1.14

If the CPE recommendation to renumber current RPC 1.6 (b)(7) as 1.6 (b)(8) is adopted, the cross reference to 1.6 (b)(7) in current Comment [4] to RPC 1.14 requires a conforming amendment.

Suggested Amendments to RPC 1.17

Several very minor modifications to Comment [7] have been taken verbatim from the Ethics 20/20 amendments, but the CPE concluded that the cross reference (in the sentence beginning "But see") to proposed new RPC 1.6 (b)(7) (relating to conflicts screening) should be moved and expanded slightly here to assist the reader. The ABA version simply says "See Rule 1.6 (b)(7)" and places the cross reference at the end of the prior sentence.

Suggested Amendments to RPC 1.18

Washington's RPC 1.18(e) codifies Model Rule 1.18, Comment [5], where the word "conversation" was replaced with the word "consultation" as recommended in the Ethics 20/20 report. The CPE recommends this change in Washington's RPC 1.18(e) in order to take advantage of the interpretive language that has been added to ABA Comments [1], [2], and [4] to Model Rule 1.18. It is recommended that the revisions to these comments be adopted in Washington as well.

The ABA has substantially amplified Comment [2] in order to spell out what it takes to become a prospective client for purposes of Rule 1.18. It is recommended that this amplification be adopted verbatim, except the ABA term "advertising" is replaced with the word "communications." This change to the ABA version is recommended because of the increasing use of social media and a lack of clarity as to whether such platforms involve "advertising." Regardless of whether such communications would normally be considered

advertising, if they are used to invite or request the submission of confidential information, they are within the scope of what the comment is seeking to address. So "communications" seems more appropriate here.

Suggested Amendments to RPC 4.4

The ABA has made a minor change to Rule 4.4(b) to include electronic information, and it is recommended that this change be adopted in Washington. The ABA has also amended Comments [2] and [3] to include electronic information and, in Comment [2], has explained what it means for a communication to be inadvertently sent and what metadata is. It is recommended that these changes be adopted verbatim.

Suggested Amendments to RPC 5.3

The ABA has retained former Comment [1] unchanged but moved it (and the heading) down to make it Comment [2]. Former Comment [2] (now ABA comment [1]), has been amplified to make it clearer. It is recommended that all these changes be adopted.

The ABA has adopted two new comments to this Rule, Comments [3] and [4]. Comment [3] explains when it might be appropriate for a lawyer to associate with nonlawyers from outside the firm and explains what a lawyer's supervision duties are. Comment [4] explains what the lawyer's responsibilities are vis-à-vis the client when such a nonlawyer is engaged. It is recommended that these new comments be adopted verbatim, but with the addition of a sentence at the end of proposed Comment [3] (not found in the ABA Model Rules) referencing proposed Washington Comment [9] to RPC 1.1 (also not found in the Model Rules) to coincide with the point explained in the proposed Comment to Rule 1.1 relating to use of outside lawyers to provide nonlegal services. This change would require re-designating this as a "Washington Revision."

The Court has recently adopted a new Washington Comment [3] to Rule 5.3 to the effect that a lawyer's supervision duties with respect to an LLLT are governed by Washington RPC 5.10, rather than by RPC 5.3. This comment will need to be renumbered as Comment [5] to account for the incorporation of Model Rule Comments [3] and [4], as proposed. It is recommended that the phrase "acting as such" and additional content and cross references be adopted in renumbered Comment [5], to reinforce the distinction between conduct that requires a license and conduct which does not require that license. It also reinforces the distinction now proposed to be made in Comment [9] to Rule 1.1 between a lawyer engaged in conduct requiring the lawyer's license, and a lawyer engaged in conduct that does not (i.e., delivery of "nonlegal services").

Suggested Amendments to RPC 5.5

The ABA has added language to Model Rule 5.5(d) (in house counsel and practice permitted by federal law) which adds "foreign lawyers" to the scope of the rule. It is recommended that these amendments be adopted verbatim. But other Model Rule amendments required several changes and some reorganization in order to reconcile new Model Rule 5.5 with the changes previously made to this rule in Washington, particularly as they relate to practice by in-house counsel not generally licensed in Washington. The differences

between Model Rule 5.5(d) and Washington's RPC 5.5(d) are complex. In brief, the explanation for the departure from the Model Rule approach is as follows.

First, the Ethics 20/20 amendments added language to Model Rule 5.5(d) and a new 5.5(e) to include foreign lawyers within the scope of the rule. The ABA Model Rule additions are underlined below, and the deletions are stricken out:

(d) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent thereof, may provide legal services through an office or other systematic and continuous presence in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are (i) provided on a temporary basis and (ii) not services for which the forum requires pro hac vice admission; and, when performed by a foreign lawyer and requires advice on the law of this or another jurisdiction or of the United States, such advice shall be based upon the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice; or

(2) are services that the lawyer is authorized ~~to provide~~ by federal law or other law or rule to provide in ~~of~~ this jurisdiction.

(e) For purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

The language amplifying the rule to embrace foreign lawyers is recommended for adoption, but excluding the Model Rule language "through an office or other systematic and continuous presence" because it would conflict with the "temporary" practice limitation applicable to "house counsel" in Washington. Washington makes the house-counsel exception for practice without a Washington license available only on a temporary basis, whereas the Model Rules exception authorizes a continuous and systematic presence by non-licensed house counsel (subject to possible registration requirements imposed by state law). Accordingly, the ABA language has been modified to preserve Washington's different treatment of house counsel.

Several Ethics 20/20 amendments to the Model Rule 5.5 comments (which conform them to the addition of "foreign lawyers" to Model 5.5(d)), are also recommended. But again, the Ethics 20/20 amendments are not completely consistent with Washington's version of RPC 5.5 (d)(1). Accordingly the suggested comments are modified from the Model Rules in order to reconcile them with Washington's different treatment of in-house counsel.

It is recommended that the reference to paragraph (d)(1) in current Washington Comment [5] be stricken to coincide with Washington's temporary practice limitation, and the language at the end of the comment has been added to coincide with the special Washington limited license for in-house counsel provided for in Admission and Practice Rule (APR) 8(f). These two changes are recommended to conform the RPC commentary with Washington's APR and are not occasioned by the Ethics 20/20 amendments.

In Comment [8], a reference has been added to proposed new Comment [6] to RPC 1.1, which addresses a lawyer's duties when associating with a lawyer outside the firm (and which cross references Rule 5.5). If adopted, this would be a Washington Revision to the comment.

The Ethics 20/20 amendments to Comment [15] added a reference to the ABA Model Rule on Temporary Practice by Foreign Lawyers. This reference is not recommended for adoption in Washington since Washington has not adopted that Model Rule.

Other Ethics 20/20 amendments to Comment [15] are also inconsistent with Washington's version of Rule 5.5 and the APR. The recommended amendments do include some of the Ethics 20/20 language (specifically, the addition of "or a foreign," "or the equivalent thereof," and "United States or foreign"). Beyond that, however, the amendments being proposed rearrange the existing comment so that it first addresses Washington's "temporary" practice exception (paragraph (d)(1)) and then addresses the "federal practice" exception (paragraph (d)(2)). The word "another" is used in the first line because the preceding comments explore unrelated temporary practice exceptions set out in Rule 5.5(c). The phrase "such a lawyer" is introduced in the second sentence of the comment to avoid repeating the lengthier text that precedes it: "a lawyer who is admitted to practice in another United States or a foreign jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, or the equivalent thereof."

The Ethics 20/20 amendments to Comment [16] added language dealing with the use of foreign lawyers as house counsel and the need to ensure that when the issue is one of U.S. domestic law, any advice should be based on the advice of a domestic lawyer. It is recommended that this amendment be adopted verbatim.

The Ethics 20/20 amendments to Comment [17] added a reference to the ABA Model Rule for Registration of In-House Counsel. It is recommended that this reference not be adopted in Washington because Washington has not adopted that Model Rule.

The Ethics 20/20 amendments to Comment [18] added a reference to the ABA Model Rule on Practice Pending Admission. It is recommended that this reference not be adopted in Washington because Washington has not adopted that Model Rule.

Suggested Amendments to RPC 6.5

If the proposal to renumber the comments to RPC 1.6 is adopted, the cross reference in Comment [7] to this rule needs to be amended from "Comment [19]" to "Comment [21]."

Suggested Amendments to RPC 7.1

Consistent with the Ethics 20/20 amendments, it is recommended that the words "a prospective client" be replaced with the words "the public" at the end of Comment [3]. Rule 7.1 embraces all communications by a lawyer about his or her services, not just communications to prospective clients.

Suggested Amendments to RPC 7.2

The Ethics 20/20 amendments added language to the comments to Model Rule 7.2 (Advertising), particularly to Comments [3] and [5], to add clarity and clearly encompass

electronic communications and the internet. In general, these changes are recommended for adoption in Washington, but subject to a number of departures from the ABA approach.

First, at the end of Comment [3], this proposal adds the words "of a possible client" to conform to recommendations regarding RPC 7.3, explained below.

Second, the Ethics 20/20 amendments included minor revisions at the end of Comment [6] to Model Rule 7.2, but Washington previously deleted the Model Rule language in which these Ethics 20/20 changes are embedded. Accordingly, it is not recommend that these revisions be adopted.

Suggested Amendments to RPC 7.3

The Ethics 20/20 amendments deleted the phrase "from a prospective client" previously appearing in paragraph (a) and (b) of Model Rule 7.3. This was apparently done to avoid confusion about the phrase "prospective client," which is separately defined in Model Rule 1.18 (and Washington RPC 1.18). Although opinion on the issue was divided, the WSBA CPE concluded that the RPC 7.3(a) prohibition on direct solicitation should be limited to a potential client. Without such a limitation, the rule could be interpreted to unnecessarily preclude a lawyer from engaging in in-person conversations with friends, relatives or other professionals (at a Rotary meeting, for example) who in turn might have friends, relatives, clients or patients who may be in need of a lawyer's services. Communication through an intermediary in this fashion is thought to be sufficient to protect potential clients from lawyer overreaching. Such solicitation is not what is meant by solicitation "through a third person," and the lawyer would still be prohibited from using an agent, whether another professional or other person, to engage in in-person solicitation. By contrast, there appears to be no reason to prohibit a lawyer from personally asking another person if he or she has a friend, relative, client or patient who might benefit from the lawyer's services, thus enabling the lawyer to send the potential client a permitted targeted written communication. To avoid confusion with the defined phrase "prospective client" but still retain the idea, the new phrase "possible client" is proposed. Inclusion of the word "possible" is not necessary in RPC 7.3(b) because any time a target of solicitation has made known his/her desire not to be solicited, or the solicitation involves coercion, duress or harassment, it should be prohibited, regardless of the identity or role of the individual. A new Washington Comment [14] is proposed that will explain this departure from the Model Rule comment. Apart from this modification, the remainder of the changes are taken verbatim from the Ethics 20/20 amendments, which are recommended for adoption in Washington.

The Ethics 20/20 amendments added a new Comment [1] to the Model Rule defining what a solicitation is, and has added clarifying language to former Comments [1] - [6], which were renumbered as Comments [2] - [7]. It is recommended that all these Model Rule revisions be adopted verbatim in Washington.

Consistent with the proposed revision to paragraph (a) of the rule, explained above, new Washington Comment [14] is proposed to explain the replacement of the words "prospective client" with the words "possible client" and elaborate on the ways in which a "possible client" may permissibly be solicited.

Suggested Amendments to RPC 8.5

The Ethics 20/20 amendments clarified Comment [5] to Model Rule 8.5, which deals with choice of law issues when applying the Rules of Professional Conduct. The amended Model Rule language makes relevant an agreement between the lawyer and the client that specifies a particular jurisdiction as the one in which the predominant effect of the lawyer's conduct will occur. It is recommended that this language be adopted verbatim in Washington. In general, choice of law is a matter subject to agreement between parties to a contract, and making clear that such an agreement is relevant the legal ethics context seems reasonable.

B. Observations about the 2015 LLLT-related changes to the RPC Offered by the Committee on Professional Ethics

In seeking to reconcile the ABA Ethics 20/20 amendments with the 2015 LLLT-related amendments to Washington's RPC,¹ the CPE came upon issues that it wants to call to the attention of the Board of Governors, the LLLT Board, and the Court. These issues relate to the ethically appropriate method of structuring fee contracts when an LLLT is an employee or partner of the lawyer, and the circumstances under which a lawyer may associate with an LLLT who is not an employee of the lawyer's firm.

¹Those amendments were adopted by order dated March 23, 2015, with an effective date of April 14, 2015 (the date of publication). Under the Court's March 23 order, the WSBA is currently gathering feedback on those amendments, which will be provided to the Court nine months after the rules' effective date.

First, APR 28.G.3 currently states that "[p]rior to the performance of the services for a fee, the Limited License Legal Technician shall enter into a written contract with the client, signed by both the client and the Limited License Legal Technician...." (It goes on to specify what must be contained in the contract.) The CPE is unclear how this requirement is supposed to operate when an LLLT is employed by a lawyer. Must the LLLT expressly contract with the lawyer's client before the employed LLLT may do LLLT-licensed work for the client? Or is it enough if the lawyer contracts with the client and delegates certain matters to the LLLT who is employed? Assuming the possibility of employed LLLTs doing LLLT-licensed work for the client is disclosed in a written lawyer-client contract, the CPE thinks the latter should suffice, but it does not seem consistent with APR 28.G.3. See also RPC 1.5, Comment [17], which suggests that where an LLLT works in a firm including both lawyers and LLLTs, fee agreements must comport with APR 28.G.3. Arguably, given APR 28.G.3, the only work an LLLT could perform for the lawyer's client without expressly contracting with the client would be to provide nonlawyer services for the client for which the LLLT license is not required. This seems to make the employment of LLLTs by lawyers exceedingly complicated and overly restrictive, and the CPE hopes that the LLLT Board and the Court will reexamine and clarify this issue.

Second, under what circumstances may a lawyer engage the services of an LLLT who is not in the same firm as the lawyer? Following the 2015 LLLT-related RPC amendments, Comment [7] to RPC 1.1 provides that "a lawyer may enlist the assistance of an LLLT who is not in the same firm only (1) after consultation with the client in accordance with

Rules 1.2 and 1.4 and (2) by referring the client directly to the LLLT." (Note that that in this GR 9 submission Comment [7] is proposed to be renumbered as Comment [10] to account for the insertion of several new comments.) This sentence seems to preclude a lawyer from engaging an LLLT as an independent contractor to provide LLLT services to the client unless and until the LLLT has separately contracted with the client. Again, that seems dictated by APR 28.G.3. But, in the view of the CPE, it is unclear whether this was intended and whether it is necessary. If a lawyer hires another lawyer as an independent contractor to work on a matter or a series of matters, then it appears the rules do not require the independent-contractor lawyer to contract separately with each client. If that is not required of a lawyer, why should it be required of an LLLT? Why should it not suffice, where an LLLT is hired (or engaged as an independent contractor) by a lawyer to work on client matters, if the lawyer has a written contract with the client which addresses the possible use of LLLTs with the appropriate disclosures as to the scope of an LLLT's services and the fees to be charged for the LLLT's time - i.e., complying with the contract-content requirements of APR 28.G.3? To be sure, part of the problem is that lawyers (unlike LLLTs) are not required to have written agreements with clients in most circumstances. But so long as a lawyer hiring or retaining an LLLT does have a written fee agreement with the client that conforms with the content requirements set out in APR 28.G.3., it is unclear why the LLLT must separately contract with the client. The CPE hopes that the LLLT Board and the Court will reexamine this issue and adopt revisions or clarifications that make the LLLT-lawyer interface more straightforward and less of a potential trap for unwary lawyers and/or LLLTs.

Until this is done, however, it appears to the CPE that when a lawyer has hired an LLLT, but the LLLT has not complied with the contracting requirement of APR 28.G.3, the LLLT will be permitted only to do things that do not require the LLLT license (e.g., paralegal work).

D. Hearing

The proponent does not request a public hearing.

E. Expedited Consideration

The proponent does not request expedited consideration.

SUGGESTED AMENDMENTS TO THE WASHINGTON RULES OF PROFESSIONAL CONDUCT

**RULES: 1.0A, 1.1, 1.2, 1.4, 1.5, 1.6, 1.10, 1.14, 1.17,
1.18, 4.4, 5.3, 5.5, 6.5, 7.1, 7.2, 7.3, 8.5**

RULE 1.0A TERMINOLOGY

(a) - (m) [Unchanged.]

(n) "Writing" or "written" denotes a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or videorecording and ~~e-mail~~ electronic communications. A "signed" writing includes an electronic sound, symbol or process attached to or logically associated with a writing and executed or adopted by a person with the intent to sign the writing.

Comment

Screened

[9] [**Washington revision**] The purpose of screening is to assure the affected parties that confidential information known by the personally disqualified lawyer or LLLT remains protected. The personally disqualified lawyer or LLLT should acknowledge the obligation not to communicate with any of the other lawyers or LLLTs in the firm with respect to the matter. Similarly, other lawyers or LLLTs in the firm who are working on the matter should be informed that the screening is in place and that they may not communicate with the personally disqualified lawyer or LLLT with respect to the matter. Additional screening measures that are appropriate for the particular matter will depend on the circumstances. To implement, reinforce and remind all affected lawyers or LLLTs of the presence of the screening, it may be appropriate for the firm to undertake such procedures as a written undertaking by the screened lawyer or LLLT to avoid any communication with other firm personnel and any contact with any firm files or other ~~materials information, including information in electronic form,~~ relating to the matter, written notice and instructions to all other firm personnel forbidding any communication with the screened lawyer or LLLT relating to the matter, denial of access by the screened lawyer or LLLT to firm files or other ~~materials information, including information in electronic form,~~ relating to the matter and periodic reminders of the screen to the screened lawyer or LLLT and all other firm personnel.

RULE 1.1 COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Comment

Retaining or Contracting With Other Lawyers

[6] Before a lawyer retains or contracts with other lawyers outside the lawyer's own firm to provide or assist in the provision of legal services to a client, the lawyer should ordinarily obtain informed consent from the client and must reasonably believe that the other lawyers' services will contribute to the competent and ethical representation of the client. See also Rules 1.2 (allocation of authority), 1.4 (communication with client), 1.5(e) (fee sharing), 1.6 (confidentiality), and 5.5(a) (unauthorized practice of law). The reasonableness of the decision to retain or contract with other lawyers outside the lawyer's own firm will depend upon the circumstances, including the education, experience and reputation of the nonfirm lawyers; the nature of the services assigned to the nonfirm lawyers; and the legal protections, professional conduct rules, and ethical environments of the jurisdictions in which the services will be performed, particularly relating to confidential information.

[7] [**Washington revision**] When lawyers or LLLTs from more than one law firm are providing legal services to the client on a particular matter, the lawyers and/or LLLTs ordinarily should consult with each other and the client about the scope of their respective representations and the allocation of responsibility among them. See Rule 1.2. When making allocations of responsibility in a matter pending before a

tribunal, lawyers, LLLTs, and parties may have additional obligations that are a matter of law beyond the scope of these Rules.

Maintaining Competence

[68] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

Additional Washington Comments {79-10}

[9] This rule applies to lawyers only when they are providing legal services. Where a lawyer is providing nonlawyer services ("supporting lawyer") in support of a lawyer who is providing legal services ("supported lawyer"), the supported lawyer should treat the supporting lawyer as a nonlawyer assistant for purposes of this rule and Rule 5.3 (Responsibilities Regarding Nonlawyer Assistants).

[710] In some circumstances, a lawyer can also provide adequate representation by enlisting the assistance of an LLLT of established competence, within the scope of the LLLT's license and consistent with the provisions of the LLLT RPC. However, a lawyer may not enter into an arrangement for the division of the fee with an LLLT who is not in the same firm as the lawyer. See Comment [7] to Rule 1.5(e); LLLT RPC 1.5(e). Therefore, a lawyer may enlist the assistance of an LLLT who is not in the same firm only (1) after consultation with the client in accordance with Rules 1.2 and 1.4, and (2) by referring the client directly to the LLLT.

RULE 1.2

SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN LAWYER AND CLIENT

(a) - (f) [Unchanged.]

Comment

Allocation of Authority between Client and Lawyer

[1] **[Washington revision]** Paragraph (a) confers upon the client the ultimate authority to determine the purposes to be served by legal representation, within the limits imposed by law and the lawyer's professional obligations. The decisions specified in paragraph (a), such as whether to settle a civil matter, must also be made by the client. See Rule 1.4 (a)(1) for the lawyer's duty to communicate with the client about such decisions. With respect to the means by which the client's objectives are to be pursued, the lawyer shall consult with the client as required by Rule 1.4 (a)(2) and may take such action as is impliedly authorized to carry out the representation. See also Rule 1.1, comments [6] and [10] as to decisions to associate other lawyers or LLLTs.

RULE 1.4

COMMUNICATION

(a) - (b) [Unchanged.]

Comment

Communicating with Client

[2] **[Washington revision]** If these Rules require that a particular decision about the representation be made by the client, paragraph (a)(1) requires that the lawyer promptly consult with and secure the client's consent prior to taking

action unless prior discussions with the client have resolved what action the client wants the lawyer to take. For example, a lawyer who receives from an opposing lawyer an offer of settlement in a civil controversy or a proffered plea bargain in a criminal case must promptly inform the client of its substance unless the client has previously indicated that the proposal will be acceptable or unacceptable or has authorized the lawyer to accept or to reject the offer. See Rule 1.2(a). See also Rule 1.1, comments [6] and [10] as to decisions to associate other lawyers or LLLTs.

[4] A lawyer's regular communication with clients will minimize the occasions on which a client will need to request information concerning the representation. When a client makes a reasonable request for information, however, paragraph (a)(4) requires prompt compliance with the request, or if a prompt response is not feasible, that the lawyer, or a member of the lawyer's staff, acknowledge receipt of the request and advise the client when a response may be expected. ~~Client telephone calls should be promptly returned or acknowledged.~~ A lawyer should promptly respond to or acknowledge client communications.

**RULE 1.5
FEES**

(a) - (f) [Unchanged.]

Comment

Division of Fee

[7] **[Washington revision]** A division of fee is a single billing to a client covering the fee of two or more lawyers who are not in the same firm. A division of fee facilitates association of more than one lawyer in a matter in which neither alone could serve the client as well, and most often is used when the fee is contingent and the division is between a referring lawyer and a trial specialist. Paragraph (e) permits the lawyers to divide a fee either on the basis of the proportion of services they render or if each lawyer assumes responsibility for the representation as a whole. In addition, the client must agree to the arrangement, including the share that each lawyer is to receive, and the agreement must be confirmed in writing. Contingent fee agreements must be in a writing signed by the client and must otherwise comply with paragraph (c) of this Rule. Joint responsibility for the representation entails financial and ethical responsibility for the representation as if the lawyers were associated in a partnership. A lawyer should only refer a matter to a lawyer whom the referring lawyer reasonably believes is competent to handle the matter. See Rule 1.1. See also Rule 1.1, comments [6] and [10] as to decisions to associate other lawyers or LLLTs. See also Washington Comment [18].

RULE 1.6

CONFIDENTIALITY OF INFORMATION

(a) [Unchanged.]

(b) A lawyer to the extent the lawyer reasonably believes necessary:

(1) - (6) [Unchanged.]

(7) may reveal information relating to the representation to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the com-

position or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client;

(78) may reveal information relating to the representation of a client to inform a tribunal about any breach of fiduciary responsibility when the client is serving as a court-appointed fiduciary such as a guardian, personal representative, or receiver.

(c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Comment

Detection of Conflicts of Interest

[13] [Washington revision] Paragraph (b)(7) recognizes that lawyers in different firms may need to disclose limited information to each other to detect and resolve conflicts of interest, such as when a lawyer is considering an association with another firm, two or more firms are considering a merger, or a lawyer is considering the purchase of a law practice. See Rule 1.17, Comment [7]. Under these circumstances, lawyers and law firms are permitted to disclose limited information, but only once substantive discussions regarding the new relationship have occurred. Any such disclosure should ordinarily include no more than the identity of the persons and entities involved in a matter, a brief summary of the general issues involved, and information about whether the matter has terminated. Even this limited information, however, should be disclosed only to the extent reasonably necessary to detect and resolve conflicts of interest that might arise from the possible new relationship. Moreover, the disclosure of any information is prohibited if it would compromise the attorney-client privilege or otherwise prejudice the client (e.g., the fact that a corporate client is seeking advice on a corporate takeover that has not been publicly announced; that a person has consulted a lawyer about the possibility of divorce before the person's intentions are known to the person's spouse; or that a person has consulted a lawyer about a criminal investigation that has not led to a public charge). Under those circumstances, paragraph (a) prohibits disclosure unless the client or former client gives informed consent. A lawyer's fiduciary duty to the lawyer's firm may also govern a lawyer's conduct when exploring an association with another firm and is beyond the scope of these Rules. See also Rule 1.1, comment [6], [7], and [10] as to decisions to associate other lawyers or LLLTs.

[14] Any information disclosed pursuant to paragraph (b)(7) may be used or further disclosed only to the extent necessary to detect and resolve conflicts of interest. Paragraph (b)(7) does not restrict the use of information acquired by means independent of any disclosure pursuant to paragraph (b)(7). Paragraph (b)(7) also does not affect the disclosure of information within a law firm when the disclosure is otherwise authorized, see Comment [5], such as when a lawyer in a firm discloses information to another lawyer in the same firm to detect and resolve conflicts of interest that could arise in connection with undertaking a new representation.

[1315]

[1416]

[1517]

Acting Competently to Preserve Confidentiality

[1846] Paragraph (c) requires a lawyer ~~must~~ to act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. See Rules 1.1, 5.1 and 5.3. The unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (c) if the lawyer has made reasonable efforts to prevent the access or disclosure. Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use). A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to forgo security measures that would otherwise be required by this Rule. Whether a lawyer may be required to take additional steps to safeguard a client's information in order to comply with other law, such as state and federal laws that govern data privacy or that impose notification requirements upon the loss of, or unauthorized access to, electronic information, is beyond the scope of these Rules. For a lawyer's duties when sharing information with nonlawyers outside the lawyer's own firm, see Rule 5.3, Comments [3]-[4].

[1947] When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions. Factors to be considered in determining the reasonableness of the lawyer's expectation of confidentiality include the sensitivity of the information and the extent to which the privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to the use of a means of communication that would otherwise be prohibited by this Rule. Whether a lawyer may be required to take additional steps in order to comply with other law, such as state and federal laws that govern data privacy, is beyond the scope of these Rules.

Former Client

[2048]

Additional Washington Comments (19-2621-28)

[2149]

[2220]

[2324]

[2422]

[2523]

[2624]

[2725]
[2826]

RPC 1.10
IMPUTATION OF CONFLICTS OF INTEREST:
GENERAL RULE

(a) - (f) [Unchanged.]

Comment

Additional Washington Comments (9 - 14)

Principles of Imputed Disqualification

[11] Under Rule 5.3, this Rule also applies to nonlawyer assistants and lawyers who previously worked as nonlawyers at a law firm. See *Daines v. Alcatel*, 194 F.R.D. 678 (E.D. Wash. 2000); *Richards v. Jain*, 168 F. Supp. 2d 1195 (W.D. Wash. 2001). For the definition of nonlawyer for the purposes of Rule 5.3, see Washington Comment [35] to Rule 5.3.

RPC 1.14
CLIENT WITH DIMINISHED CAPACITY

(a) - (c) [Unchanged.]

Comment

[4] **[Washington revision]** If a legal representative has already been appointed for the client, the lawyer should ordinarily look to the representative for decisions on behalf of the client. In matters involving a minor, whether the lawyer should look to the parents as natural guardians may depend on the type of proceeding or matter in which the lawyer is representing the minor. If the lawyer represents the guardian as distinct from the ward, and is aware that the guardian is acting adversely to the ward's interest, the lawyer may have an obligation to prevent or rectify the guardian's misconduct. See Rules 1.2(d) and 1.6 (b)(78).

RULE 1.17
SALE OF LAW PRACTICE

A lawyer or a law firm may sell or purchase a law practice, or an area of law practice, including good will, if the following conditions are satisfied:

(a) - (d) [Unchanged.]

Comment

Client Confidences, Consent and Notice

[7] **[Washington revision]** Negotiations between seller and prospective purchaser prior to disclosure of information relating to a specific representation of an identifiable client no more violate the confidentiality provisions of Rule 1.6 than do preliminary discussions concerning the possible association of another lawyer or mergers between firms, with respect to which client consent is not required. Providing the purchaser access to detailed client-specific information relating to the representation, such as the client's file, and to the file, however, requires client consent. But see Rule 1.6 (b)(7) (permitting disclosure of information relating to the representation in limited circumstances to detect and resolve potential conflicts of interest). The Rule provides that before such information can be disclosed by the seller to the purchaser the client must be given actual written notice of the contemplated sale, including the identity of the purchaser, and must be told that the decision to consent or make other arrangements must

be made within 90 days. If nothing is heard from the client within that time, consent to the sale is presumed.

RULE 1.18
DUTIES TO PROSPECTIVE CLIENT

(a) A person who consults ~~discusses~~ with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

(b) Even when no client-lawyer relationship ensues, a lawyer who has learned information from ~~had discussions with~~ a prospective client shall not use or reveal that ~~that~~ information ~~learned in the consultation~~, except as Rule 1.9 would permit with respect to information of a former client or except as provided in paragraph (e).

(c) - (d) [Unchanged.]

(e) A lawyer may condition ~~conversations~~ a consultation with a prospective client on the person's informed consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the matter. The prospective client may also expressly consent to the lawyer's subsequent use of information received from the prospective client.

Comment

[1] Prospective clients, like clients, may disclose information to a lawyer, place documents or other property in the lawyer's custody, or rely on the lawyer's advice. A lawyer's consultations ~~discussions~~ with a prospective client usually are limited in time and depth and leave both the prospective client and the lawyer free (and sometimes required) to proceed no further. Hence, prospective clients should receive some but not all of the protection afforded clients.

[2] **[Washington revision]** Not all persons who communicate information to a lawyer are entitled to protection under this Rule. A person becomes a prospective client by consulting with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter. Whether communications, including written, oral, or electronic communications, constitute a consultation depends on the circumstances. For example, a consultation is likely to have occurred if a lawyer, either in person or through the lawyer's communications in any medium, specifically requests or invites the submission of information about a potential representation without clear and reasonably understandable warnings and cautionary statements that limit the lawyer's obligations, and a person provides information in response. See also Comment [4]. In contrast, a consultation does not occur if a person provides information to a lawyer in response to a communication that merely describes the lawyer's education, experience, areas of practice, and contact information, or provides legal information of general interest. Such a person ~~A person who~~ communicates information unilaterally to a lawyer, without any reasonable expectation that the lawyer is willing to discuss the possibility of forming a client-lawyer relationship, and is thus not a "prospective client," ~~within the meaning of paragraph (a)~~. Moreover, a person who communicates with a lawyer for the purpose of disqualifying the lawyer is not a "prospective client." See also Washington Comment [10].

[4] In order to avoid acquiring disqualifying information from a prospective client, a lawyer considering whether or not to undertake a new matter should limit the initial consultation interview to only such information as reasonably appears necessary for that purpose. Where the information indicates that a conflict of interest or other reason for non-representation exists, the lawyer should so inform the prospective client or decline the representation. If the prospective client wishes to retain the lawyer, and if consent is possible under Rule 1.7, then consent from all affected present or former clients must be obtained before accepting the representation.

RULE 4.4

RESPECT FOR RIGHTS OF THIRD PERSONS

(a) [Unchanged.]

(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent shall promptly notify the sender.

Comment

[2] Paragraph (b) recognizes that lawyers sometimes receive a document or electronically stored information that was ~~were~~ mistakenly sent or produced by opposing parties or their lawyers. A document or electronically stored information is inadvertently sent when it is accidentally transmitted, such as when an email or letter is misaddressed or a document or electronically stored information is accidentally included with information that was intentionally transmitted. If a lawyer knows or reasonably should know that such a document or electronically stored information was sent inadvertently, then this Rule requires the lawyer to promptly notify the sender in order to permit that person to take protective measures. Whether the lawyer is required to take additional steps, such as returning the ~~original~~ document or electronically stored information, is a matter of law beyond the scope of these Rules, as is the question of whether the privileged status of a document or electronically stored information has been waived. Similarly, this Rule does not address the legal duties of a lawyer who receives a document or electronically stored information that the lawyer knows or reasonably should know may have been ~~wrongfully~~ inappropriately obtained by the sending person. For purposes of this Rule, "document or electronically stored information" includes in addition to paper documents, email and other forms of electronically stored information, including embedded data (commonly referred to as "metadata"), that is e-mail or other electronic modes of transmission subject to being read or put into readable form. Metadata in electronic documents creates an obligation under this Rule only if the receiving lawyer knows or reasonably should know that the metadata was inadvertently sent to the receiving lawyer.

[3] Some lawyers may choose to return a document or delete electronically stored information unread, for example, when the lawyer learns before receiving ~~it the document~~ that it was inadvertently sent ~~to the wrong address~~. Where a lawyer is not required by applicable law to do so, the decision to voluntarily return such a document or delete electronically

stored information is a matter of professional judgment ordinarily reserved to the lawyer. See Rules 1.2 and 1.4.

RULE 5.3

RESPONSIBILITIES REGARDING NONLAWYER ASSISTANTS

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) - (c) [Unchanged.]

Comment

[12] Paragraph (a) requires lawyers with managerial authority within a law firm to make reasonable efforts to ensure that the firm has in effect measures giving to establish internal policies and procedures designed to provide reasonable assurance that nonlawyers in the firm and nonlawyers outside the firm who work on firm matters ~~will~~ act in a way compatible with the professional obligations of the lawyer ~~Rules of Professional Conduct~~. See Comment [6] to Rule 1.1 (retaining lawyers outside the firm) and Comment [1] to Rule 5.1 (responsibilities with respect to lawyers within a firm). Paragraph (b) applies to lawyers who have supervisory authority over such nonlawyers within or outside the firm, the work of a nonlawyer. Paragraph (c) specifies the circumstances in which a lawyer is responsible for ~~the~~ conduct of such nonlawyers within or outside the firm a nonlawyer that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer.

Nonlawyers Within the Firm

[24] Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

Nonlawyers Outside the Firm

[3] [**Washington revision**] A lawyer may use nonlawyers outside the firm to assist the lawyer in rendering legal services outside the client. Examples include the retention of an investigative or paraprofessional service, hiring a document management company to create and maintain a database for complex litigation, sending client documents to a third party for printing or scanning, and using an Internet-based service to store client information. When using such services outside the firm, a lawyer must make reasonable efforts to ensure that the services are provided in a manner that is compatible with the lawyer's professional obligations. The extent of this obligation will depend upon the circumstances, including the education, experience and reputation of the nonlawyer; the nature of the services involved; the terms of any arrangements concerning the protection of client information; and the legal and ethical environments of the jurisdictions in which the services will be performed, particularly with regard to confidentiality. See also Rules 1.1 (competence), 1.2 (allocation of authority), 1.4 (communication with client), 1.6 (confidentiality), 5.4(a) (professional independence of the

lawyer), and 5.5(a) (unauthorized practice of law). When retaining or directing a nonlawyer outside the firm, a lawyer should communicate directions appropriate under the circumstances to give reasonable assurance that the nonlawyer's conduct is compatible with the professional obligations of the lawyer. Where an outside lawyer is retained to provide non-legal services, the lawyer should be treated like a nonlawyer assistant. See also comment [9] to Rule 1.1.

[4] Where the client directs the selection of a particular nonlawyer service provider outside the firm, the lawyer ordinarily should agree with the client concerning the allocation of responsibility for monitoring as between the client and the lawyer. See Rule 1.2. When making such an allocation in a matter pending before a tribunal, lawyers and parties may have additional obligations that are a matter of law beyond the scope of these Rules.

Additional Washington Comment (53)

[5] ~~[3]~~ A nonlawyer for purpose of this Rule denotes an individual other than a lawyer or an LLLT acting as such. For responsibilities regarding an LLLT associated with a lawyer, see Rule 5.10. If a lawyer or an LLLT in a firm is providing services that do not require use of the lawyer's or the LLLT's license, then lawyers at the firm should treat such a lawyer or LLLT as a nonlawyer assistant under this Rule rather than as a subordinate lawyer under Rule 5.1 or as an LLLT under Rule 5.10. See also Additional Washington Comment [9] to Rule 1.1.

RULE 5.5

UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL PRACTICE OF LAW

(a) - (c) [Unchanged.]

(d) A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction or the equivalent thereof, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are (i) provided on a temporary basis and (ii) not services for which the forum requires pro hac vice admission; and, when performed by a foreign lawyer and requires advice on the law of this or another jurisdiction or of the United States, such advice shall be based upon the advice of a lawyer who is duly licensed and authorized by the jurisdiction to provide such advice; or

(2) are services that the lawyer is authorized ~~to provide~~ by federal law or other law or rule to provide in ~~of~~ this jurisdiction.

(e) For purposes of paragraph (d), the foreign lawyer must be a member in good standing of a recognized legal profession in a foreign jurisdiction, the members of which are admitted to practice as lawyers or counselors at law or the equivalent, and are subject to effective regulation and discipline by a duly constituted professional body or a public authority.

Comment

[1] A lawyer may practice law only in a jurisdiction in which the lawyer is authorized to practice. A lawyer may be admitted to practice law in a jurisdiction on a regular basis or may be authorized by court rule or order or by law to practice for a limited purpose or on a restricted basis. Paragraph (a) applies to unauthorized practice of law by a lawyer, whether

through the lawyer's direct action or by the lawyer assisting another person. For example, a lawyer may not assist a person in practicing law in violation of the rules governing professional conduct in that person's jurisdiction.

[5] There are occasions in which a lawyer admitted to practice in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction under circumstances that do not create an unreasonable risk to the interests of their clients, the public or the courts. Paragraph (c) identifies four such circumstances. The fact that conduct is not so identified does not imply that the conduct is or is not authorized. With the exception of paragraphs ~~(d)(1) and~~ (d)(2), this Rule does not authorize a U.S. or foreign lawyer to establish an office or other systematic and continuous presence in this jurisdiction without being admitted to practice generally or as house counsel under APR 8(f) here.

[7] Paragraphs (c) and (d) apply to lawyers who are admitted to practice law in any United States jurisdiction, which includes the District of Columbia and any state, territory or commonwealth of the United States. Paragraph (d) also applies to lawyers admitted in a foreign jurisdiction. The word "admitted" in paragraphs (c), (d) and (e) contemplates that the lawyer is authorized to practice in the jurisdiction in which the lawyer is admitted and excludes a lawyer who while technically admitted is not authorized to practice, because, for example, the lawyer is on inactive status.

[8] [Washington revision] Paragraph (c)(1) recognizes that the interests of clients and the public are protected if a lawyer admitted only in another jurisdiction associates with a lawyer licensed to practice in this jurisdiction. For this paragraph to apply, however, the lawyer admitted to practice in this jurisdiction must actively participate in and share responsibility for the representation of the client. See also Rule 1.1, comment [6].

[15] [Washington revision] Paragraph (d)(1) identifies ~~one~~ another circumstance in which a lawyer who is admitted to practice in another United States or a foreign jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, or the equivalent thereof, may provide legal services on a temporary basis i.e. as "in-house counsel" for an employer. Paragraph (d)(2) identifies a circumstance in which such a lawyer may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law. as well as provide legal services on a temporary basis. Except as provided in paragraph (d)(2), a lawyer who is admitted to practice law in another United States or foreign jurisdiction and who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in this jurisdiction or as house counsel under APR 8(f). The Washington version of this comment has been amended to take account of the requirement that in-house counsel wishing to engage in non-temporary practice in Washington must either be generally admitted to practice under Admission and Practice Rule 3 or

obtain a limited license to practice law as in-house counsel under Admission and Practice Rule 8(f).

[16] Paragraph (d)(1) applies to a U.S. or foreign lawyer who is employed by a client to provide legal services to the client or its organizational affiliates, i.e., entities that control, are controlled by, or are under common control with the employer. This paragraph does not authorize the provision of personal legal services to the employer's officers or employees. The paragraph applies to in-house corporate lawyers, government lawyers and others who are employed to render legal services to the employer. The lawyer's ability to represent the employer outside the jurisdiction in which the lawyer is licensed generally serves the interests of the employer and does not create an unreasonable risk to the client and others because the employer is well situated to assess the lawyer's qualifications and the quality of the lawyer's work. To further decrease any risk to the client, when advising on the domestic law of a United States jurisdiction or on the law of the United States, the foreign lawyer authorized to practice under paragraph (d)(1) of this Rule needs to base that advice on the advice of a lawyer licensed and authorized by the jurisdiction to provide it.

[17] [**Washington revision**] In Washington, paragraph (d)(1) applies to lawyers who are providing the services on a temporary basis only. If an employed lawyer establishes an office or other systematic presence in this jurisdiction for the purpose of rendering legal services to the employer, the lawyer must seek general admission under APR 3 or house counsel admission under APR 8(f).

[18] Paragraph (d)(2) recognizes that a U.S. or foreign lawyer may provide legal services in a jurisdiction in which the lawyer is not licensed when authorized to do so by federal or other law, which includes statute, court rule, executive regulation or judicial precedent.

**RPC 6.5
NONPROFIT AND COURT-ANNEXED
LIMITED LEGAL SERVICE PROGRAMS**

Comment

Additional Washington Comments (6 - 7)

[7] Paragraph (a)(3) was taken from former Washington RPC 6.5 (a)(3) as enacted in 2002. The replacement of "confidences and secrets" in paragraph (a)(3) with "information relating to the representation" was necessary to conform the language of the Rule to a terminology change in Rule 1.6. No substantive change is intended. See Comment [4921] to Rule 1.6.

**RULE 7.1
COMMUNICATIONS CONCERNING A LAWYER'S SERVICES**

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

Comment

[3] An advertisement that truthfully reports a lawyer's achievements on behalf of clients or former clients may be misleading if presented so as to lead a reasonable person to

form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case. Similarly, an unsubstantiated comparison of the lawyer's services or fees with the services or fees of other lawyers may be misleading if presented with such specificity as would lead a reasonable person to conclude that the comparison can be substantiated. The inclusion of an appropriate disclaimer or qualifying language may preclude a finding that a statement is likely to create unjustified expectations or otherwise mislead the public a prospective client.

**RULE 7.2
ADVERTISING**

(a) - (c) [Unchanged.]

Comment

[1] To assist the public in learning about and obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public's need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition. Nevertheless, advertising by lawyers entails the risk of practices that are misleading or overreaching.

[2] This Rule permits public dissemination of information concerning a lawyer's name or firm name, address, email address, website, and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance.

[3] Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment. Some jurisdictions have had extensive prohibitions against television and other forms of advertising, against advertising going beyond specified facts about a lawyer, or against "undignified" advertising. Television, the Internet, and other forms of electronic communication are ~~is~~ now among one of the most powerful media for getting information to the public, particularly persons of low and moderate income; prohibiting television, Internet, and other forms of electronic advertising, therefore, would impede the flow of information about legal services to many sectors of the public. Limiting the information that may be advertised has a similar effect and assumes that the bar can accurately forecast the kind of information that the public would regard as relevant. ~~Similarly, electronic media, such as the Internet, can be an important source of information about legal services, and lawful communication by electronic mail is permitted by this Rule.~~ But see Rule 7.3(a) for the prohibition against ~~the~~ a solicitation of a ~~prospective possible~~ client through a real-time electronic

exchange initiated by the lawyer that is not initiated by the prospective client.

[4] Neither this Rule nor Rule 7.3 prohibits communications authorized by law, such as notice to members of a class in class action litigation.

Paying Others to Recommend a Lawyer

[5] **[Washington revision]** Except as permitted under paragraphs (b)(1)-(b)(4), ~~Lawyers are not permitted to pay others for recommending the lawyer's services or for channeling professional work in a manner that violates Rule 7.3. A communication contains a recommendation if it endorses or vouches for a lawyer's credentials, abilities, competence, character, or other professional qualities.~~ Paragraph (b)(1), however, allows a lawyer to pay for advertising and communications permitted by this Rule, including the costs of print directory listings, on-line directory listings, newspaper ads, television and radio airtime, domain-name registrations, sponsorship fees, ~~banner ads, Internet-based advertisements,~~ and group advertising. A lawyer may compensate employees, agents and vendors who are engaged to provide marketing or client-development services, such as publicists, public-relations personnel, business-development staff and website designers. Moreover, a lawyer may pay others for generating client leads, such as Internet-based client leads, as long as the lead generator does not recommend the lawyer, any payment to the lead generator is consistent with Rules 1.5(e) (division of fees) and 5.4 (professional independence of the lawyer), and the lead generator's communications are consistent with Rule 7.1 (communications concerning a lawyer's services). To comply with Rule 7.1, a lawyer must not pay a lead generator that states, implies, or creates a reasonable impression that it is recommending the lawyer, is making the referral without payment from the lawyer, or has analyzed a person's legal problems when determining which lawyer should receive the referral. See also Rule 5.3 ~~for the~~ (duties of lawyers and law firms with respect to the conduct of nonlawyers ~~who prepare marketing materials for them~~); Rule 8.4(a) (duty to avoid violating the Rules through the acts of another). For the definition of nonlawyer for the purposes of Rule 5.3, see Washington Comment [3] [5] to Rule 5.3.

[6] **[Washington revision]** A lawyer may pay the usual charges of a legal service plan or a not-for-profit lawyer referral service. A legal service plan is a prepaid or group legal service plan or a similar delivery system that assists people who seek prospective clients to secure legal representation. A lawyer referral service, on the other hand, is any organization that holds itself out to the public as a lawyer referral service. Such referral services are understood by the public laypersons to be consumer-oriented organizations that provide unbiased referrals to lawyers with appropriate experience in the subject matter of the representation and afford other client protections, such as complaint procedures or malpractice insurance requirements. Consequently, this Rule only permits a lawyer to pay the usual charges of a not-for-profit lawyer referral service.

[7] A lawyer who accepts assignments or referrals from a legal service plan or referrals from a lawyer referral service must act reasonably to assure that the activities of the plan or service are compatible with the lawyer's professional obligations. See Rule 5.3. Legal service plans and lawyer referral

services may communicate with the public prospective clients, but such communication must be in conformity with these Rules. Thus, advertising must not be false or misleading, as would be the case if the communications of a group advertising program or a group legal services plan would mislead the public prospective clients to think that it was a lawyer referral service sponsored by a state agency or bar association. Nor could the lawyer allow in-person, telephonic, or real-time contacts that would violate Rule 7.3.

RULE 7.3

SOLICITATION OF DIRECT CONTACT WITH PROSPECTIVE CLIENTS

(a) A lawyer shall not, directly or through a third person, by in-person, live telephone or real-time electronic contact solicit professional employment from a prospective possible client when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted:

(1) is a lawyer; or an LLLT or

(2) has a family, close personal, or prior professional relationship with the lawyer; or

(3) has consented to the contact by requesting a referral from a not-for-profit lawyer referral service.

(b) A lawyer shall not solicit professional employment from a prospective client by written, recorded or electronic communication or by in-person, telephone or real-time electronic contact even when not otherwise prohibited by paragraph (a), if:

(1) the target of the solicitation prospective client has made known to the lawyer a desire not to be solicited by the lawyer; or

(2) the solicitation involves coercion, duress or harassment.

(c) - (d) [Unchanged.]

Comment

[1] A solicitation is a targeted communication initiated by the lawyer that is directed to a specific person and that offers to provide, or can reasonably be understood as offering to provide, legal services. In contrast, a lawyer's communication typically does not constitute a solicitation if it is directed to the general public, such as through a billboard, an Internet banner advertisement, a website or a television commercial, or if it is in response to a request for information or is automatically generated in response to Internet searches.

[2] There is a potential for abuse when a solicitation involves inherent in direct in-person, live telephone or real-time electronic contact by a lawyer with someone a prospective client known to need legal services. These forms of contact ~~between a lawyer and a prospective client~~ subject a person the layperson to the private importuning of the trained advocate in a direct interpersonal encounter. The person prospective client, who may already feel overwhelmed by the circumstances giving rise to the need for legal services, may find it difficult fully to evaluate all available alternatives with reasoned judgment and appropriate self-interest in the face of the lawyer's presence and insistence upon being retained immediately. The situation is fraught with the possibility of undue influence, intimidation, and over-reaching.

[3] This potential for abuse inherent in direct in-person, live telephone or real-time electronic solicitation of prospective clients justifies its prohibition, particularly since lawyers

have advertising and written and recorded communication permitted under Rule 7.2 offer alternative means of conveying necessary information to those who may be in need of legal services. In particular, Advertising and written and recorded communications can which may be mailed or auto-dialed or transmitted by email or other electronic means that do not involve real-time contact and do not violate other laws governing solicitations. These forms of communications and solicitations make it possible for the public a prospective client to be informed about the need for legal services, and about the qualifications of available lawyers and law firms, without subjecting the public prospective client to direct in-person, telephone or real-time electronic persuasion that may overwhelm a person's the client's judgment.

[43] The use of general advertising and written, recorded or electronic communications to transmit information from lawyer to the public prospective client, rather than direct in-person, live telephone or real-time electronic contact, will help to assure that the information flows cleanly as well as freely. The contents of advertisements and communications permitted under Rule 7.2 can be permanently recorded so that they cannot be disputed and may be shared with others who know the lawyer. This potential for informal review is itself likely to help guard against statements and claims that might constitute false and misleading communications, in violation of Rule 7.1. The contents of direct in-person, live telephone or real-time electronic contact conversations between a lawyer and a prospective client can be disputed and may not be subject to third-party scrutiny. Consequently, they are much more likely to approach (and occasionally cross) the dividing line between accurate representations and those that are false and misleading.

[54] **[Washington revision]** There is far less likelihood that a lawyer would engage in abusive practices against an individual who is a former client, or a person with whom the lawyer has close personal or family relationship, or in situations in which the lawyer is motivated by considerations other than the lawyer's pecuniary gain. Nor is there a serious potential for abuse when the person contacted is a lawyer or an LLLT. Consequently, the general prohibition in Rule 7.3(a) is not applicable in those situations. Also, paragraph (a) is not intended to prohibit a lawyer from participating in constitutionally protected activities of public or charitable legal-service organizations or bona fide political, social, civic, fraternal, employee or trade organizations whose purposes include providing or recommending legal services to its members or beneficiaries.

[65] But even permitted forms of solicitation can be abused. Thus, any solicitation which contains information which is false or misleading within the meaning of Rule 7.1, which involves coercion, duress or harassment within the meaning of Rule 7.3 (b)(2), or which involves contact with someone a prospective client who has made known to the lawyer a desire not to be solicited by the lawyer within the meaning of Rule 7.3 (b)(1) is prohibited. Moreover, if after sending a letter or other communication to a client as permitted by Rule 7.2 the lawyer receives no response, any further effort to communicate with the recipient of the communication prospective client may violate the provisions of Rule 7.3(b).

[76] This Rule is not intended to prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries or other third parties for the purpose of informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to people who are seeking legal services for themselves, a prospective client. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

[87]

[98]

Additional Washington Comments (910 - 4214)

[109]

[1140]

[1211]

[1312]

[14] The phrase "prospective client" in Rule 7.3(a) has been replaced with the phrase "possible client" because the phrase "prospective client" has become a defined phrase under Rule 1.18 with a different meaning. This is a departure from the ABA Model Rule which has dispensed altogether with the phrase "from a prospective client" in this rule. The rule is not intended to preclude lawyers from in-person conversations with friends, relatives or other professionals (i.e. intermediaries) about other friends, relatives, clients or patients who may need or benefit from the lawyer's services, so long as the lawyer is not asking or expecting the intermediary to engage in improper solicitation. See RPC 8.4(a) which prohibits improper solicitation "through the acts of another". Absent limitation of prohibited in-person communications to "possible clients" there is a danger that lawyers might mistakenly infer that the kind of benign conversations with non-client intermediaries described above are precluded by this rule.

RULE 8.5

DISCIPLINARY AUTHORITY; CHOICE OF LAW

(a) - (c) [Unchanged.]

Comment

Choice of Law

[5] When a lawyer's conduct involves significant contacts with more than one jurisdiction, it may not be clear whether the predominant effect of the lawyer's conduct will occur in a jurisdiction other than the one in which the conduct occurred. So long as the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect will occur, the lawyer shall not be subject to discipline under this Rule. With respect to conflicts of interest, in determining a lawyer's reasonable belief under paragraph (b)(2), a written agreement between the lawyer and client that reasonably specifies a particular

jurisdiction as within the scope of that paragraph may be considered if the agreement was obtained with the client's informed consent confirmed in the agreement.

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 errors in the above material occurred in the copy filed by the state supreme court and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 16-01-002
NOTICE OF PUBLIC MEETINGS
MILITARY DEPARTMENT
 (E911 Advisory Committee)
 [Filed December 2, 2015, 1:57 p.m.]

The following is the schedule of regular meetings for the Washington state military department E911 advisory committee for 2016:

(Note: All meetings take place on Joint Base Lewis McChord at the American Lake Conference Center (ALCC) (except as noted) - visitors must be cleared in advance. If you plan on attending, please e-mail annamarie.ortiz@mil.wa.gov at least two weeks in advance for clearance. Include your full name, company name, and date of birth.)

Date	Time	Location
January 28, 2016	9:30 a.m. - 12:00 p.m.	ALCC
May 19, 2016	9:30 a.m. - 12:00 p.m.	Building 92
July 21, 2016	9:30 a.m. - 12:00 p.m.	ALCC
September 15, 2016	9:30 a.m. - 12:00 p.m.	ALCC
November 17, 2016	9:30 a.m. - 12:00 p.m.	ALCC

Please refer to <http://mil.wa.gov/emergency-management-division/e911/meeting-information> for calendar information and agendas.

Facilities are handicapped accessible. Special services for the hearing or visually impaired or other interpretation services will be provided upon request. Please provide two weeks' notice if any services are needed. If you require further information or need special assistance at the meeting, please contact Anna Marie Ortiz at (253) 512-7012 or annamarie.ortiz@mil.wa.gov.

WSR 16-01-003
NOTICE OF PUBLIC MEETINGS
WINE COMMISSION

[Filed December 2, 2015, 3:27 p.m.]

2016 SCHEDULE OF BOARD MEETINGS
Effective August 6, 2015

Friday January 15	Extended meeting 9:00 a.m. to 5:00 p.m.	Chateau Ste. Michelle Manor House 14111 N.E. 145th Street Woodinville
Friday February 12	9:00 a.m. to 12:00 p.m.	Three Rivers Convention Center 7016 West Grandridge Boulevard Kennewick
Friday March 11	9:00 a.m. to 12:00 p.m.	The Resort at Port Ludlow 1 Heron Road Port Ludlow
April	no meeting	
Friday May 13	Extended meeting 9:00 a.m. to 5:00 p.m.	Columbia Winery 14030 N.E. 145th Street Woodinville
Friday June 10	9:00 a.m. to 12:00 p.m.	Walter Clore Wine & Culinary Center 2140 Wine Country Road Prosser
Friday August 19	9:00 a.m. to 12:00 p.m.	World Trade Center 2200 Alaskan Way Suite 410 Seattle
September	no meeting	
October	no meeting	
Friday November 18	9:00 a.m. to 12:00 p.m.	Walter Clore Wine & Culinary Center 2140 Wine Country Road Prosser
December	no meeting	

WSR 16-01-005
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
 (Real Estate Commission)

[Filed December 3, 2015, 10:22 a.m.]

There will be no meeting in March. It has been rescheduled for April.

The April 20, 2016, meeting will be held 9:00 a.m. to 3:00 p.m. (or until completion of business) in Olympia, Washington (location to be determined).

The June 15, 2016, meeting will be held 9:00 a.m. to 3:00 p.m. (or until completion of business) in SeaTac, Washington at DoubleTree Hotel Airport, 18740 International Boulevard, Seattle, WA 98188.

The September 13, 2016, meeting will be held 9:00 a.m. to 3:00 p.m. (or until completion of business) in Spokane, Washington (location to be determined).

The December 6, 2016, meeting will be held 9:00 a.m. to 3:00 p.m. (or until completion of business) in Seattle, Washington (location to be determined).

WSR 16-01-010
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION

[Filed December 3, 2015, 4:38 p.m.]

The following is a list of the regular meetings currently scheduled for the public disclosure commission (PDC) for the year 2016:

- Thursday, January 28
- Thursday, February 25
- Thursday, March 24
- Thursday, April 28
- Thursday, May 26
- Thursday, June 23
- Thursday, July 28
- Thursday, August 25
- Thursday, September 22
- Thursday, October 27
- Thursday, December 8
(November/December meeting)

All regular meetings begin at the time and location described in WAC 390-12-010. The meeting location is typically the PDC Office, 711 Capitol Way, Room 203, Olympia, WA. More information about PDC meetings is available on the PDC web site at www.pdc.wa.gov.

For more information, contact the PDC at (360) 753-1111, 1-877-601-2828 (toll-free) or e-mail pdc@pdc.wa.gov.

WSR 16-01-016
NOTICE OF PUBLIC MEETINGS
STATE RECORDS COMMITTEE

[Filed December 4, 2015, 12:52 p.m.]

MEETINGS, POWERS AND DUTIES

FOR STATE GOVERNMENT AGENCIES: There is created a committee, to be known as the records committee, composed of the archivist, an appointee of the state auditor, an appointee of the attorney general, and an appointee of the director of financial management.

The records committee shall meet at least once every quarter or oftener as business dictates. Action by the committee shall be by majority vote and records shall be kept of all committee business.

It shall be the duty of the records committee to approve, modify or disapprove the recommendations on retention schedules of all files of public records and to act upon requests to destroy any public records: PROVIDED, that any modification of a request or recommendation must be approved by the head of the agency originating the request or recommendation. **(RCW 40.14.050.)**

You may verify meeting cancellations by visiting our web site at <http://www.sos.wa.gov/archives/RecordsManagement/StateRecordsCommitteeNew.aspx> or call Washington state archives at (360) 586-4901.

The 2016 meeting dates are as follows:

- 10 a.m.**
- 1129 Washington Street S.E.
- Olympia
- March 2
- June 1
- September 7
- December 7

WSR 16-01-018
NOTICE OF PUBLIC MEETINGS
BEEF COMMISSION

[Filed December 7, 2015, 8:27 a.m.]

The following are the 2016 meeting dates for the Washington state beef commission:

January 21, 2016	Regular Board Meeting	Conference Call
March 16-17, 2016	Strategic Planning Meeting	Seattle, Washington
May 11, 2016	Regular Board Meeting	Ellensburg, Washington
June 9, 2016	Annual Board Meeting	Ellensburg, Washington
August 25, 2016	Regular Board Meeting	Ellensburg, Washington
November 10, 2016	Regular Board Meeting	TBD

Should you have questions, please contact April Budinich at (206) 444-2902.

WSR 16-01-019
NOTICE OF PUBLIC MEETINGS
RED RASPBERRY COMMISSION

[Filed December 7, 2015, 9:58 a.m.]

Following is the schedule of regular meetings for the Washington red raspberry commission for 2016:

Date	Time	Location
January 20	1-5 p.m.	1796 Front Street Lynden
April 6	1-5 p.m.	1796 Front Street Lynden
September 7	1-5 p.m.	1796 Front Street Lynden
October 26	1-5 p.m.	1796 Front Street Lynden
November 30 Annual Meeting	7:30 a.m.	Lynden @ Lynden Ag Show

If you need further information contact Henry Bierlink, 1796 Front Street, Lynden, WA 98264, (360) 354-876 [(360)

354-8767], henry@red-raspberry.org, www.red-raspberry.org.

WSR 16-01-020
RULES OF COURT
STATE SUPREME COURT
[December 2, 2015]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO APPENDIX APR 12-) NO. 25700-A-1131
REGULATIONS)

The Limited Practice Board, having recommended the expeditious adoption of the Proposed Amendment to Appendix APR 12 - Regulations, 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 new rules as shown below are adopted.

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

DATED at Olympia, Washington this 2nd day of December, 2015.

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

APPENDIX APR 12.
REGULATIONS OF THE APR 12 LIMITED PRACTICE BOARD

APPENDIX APR 12. REGULATIONS OF THE APR 12 LIMITED PRACTICE BOARD
REGULATION 1: IN GENERAL

Every person desiring to be admitted to limited practice as a Limited Practice Officer (LPO) pursuant to Admission to and Practice Rule (APR) 12 must submit an application in the form and manner and within the time limits established by these Regulations, pay the requisite fee, and satisfy all of the requirements of APR 12.

REGULATION 2: APPLICATIONS

A. Application. An applicant must complete and file in duplicate with submit to the Washington State Bar Association (WSBA):

- 1. two copies of a completed application for admission to limited practice under APR 12 (one of which may be a photocopy) in the form and manner prescribed by the Limited Practice Board;
2. a fingerprint card which has been processed by the applicant at a local police department or fingerprinting agency;
3. a signed Authorization and Release; and

4. a signed Affidavit of Applicant.

The application shall not be considered complete and will not be approved pursuant to Regulation 3 unless the applicant has provided a current residential address.

B. Fees. An applicant will pay an examination fee in an amount set by the Limited Practice Board with the approval of the Supreme Court, which must be paid with the application and each applicant will be sent a receipt for the application and fee.

C. Verification of Application Information. Each applicant must submit a fingerprint card which shall be forwarded to the Washington State Patrol for a criminal history check, and for each applicant who has not resided in the state of Washington for two years, a Federal Bureau of Investigation check shall also be conducted. A status review on all professional licenses will be conducted for each applicant. The applicant will furnish whatever additional information or proof may be required in the course of investigating the applicant.

D. Refunds and Transfers.

1. For all applicants there is a nonrefundable administration fee totaling one half the amount of the examination fee.

2. An applicant may withdraw from the current examination by written request received at least 14 days prior to the date set for the examination and may also request a refund of the fee less the administration fee.

3. An applicant may withdraw from the current examination and apply the examination fee to the next examination only, and only upon the following conditions: the written request to transfer must be received at least 14 days prior to the date set for the examination, and the applicant must repay the administration fee.

4. An applicant withdrawing an application or requesting to transfer to the next examination less than 14 days prior to the date set for the examination will receive no refund of any kind.

5. If the application is denied before the examination, the examination fee less the nonrefundable administration fee will be refunded. If the applicant reapplies to sit for the examination, the applicant will pay the full examination fee then required of all applicants.

6. If an applicant fails the examination and applies to repeat the next scheduled examination, the examination fee shall be the amount set by the Limited Practice Board with the approval of the Supreme Court.

7. Any applicant transferring to the next examination or repeating the examination may execute and file a Supplemental Declaration in the form prescribed by the Limited Practice Board in lieu of a new application provided not more than one year passes from the date the applicant submitted an application; otherwise, the applicant must submit a new application.

E. Filing Deadline. An applicant must file the application to take the LPO examination not less than 30 days prior to the examination date by the deadline established by the Board. No applications will be accepted less than 30 days prior to the examination date after the deadline.

REGULATION 3: APPROVAL OR DENIAL OF APPLICATION
[no change]

REGULATION 4: DENIAL OF APPLICATION--RIGHT OF APPEAL

[no change]

REGULATION 5: ADMINISTRATION OF EXAMINATION

[no change]

REGULATION 6: EXAMINATION STANDARDS AND NOTIFICATION OF RESULTS

[no change]

REGULATION 7: FINANCIAL RESPONSIBILITY REQUIREMENT

Each limited practice officer shall show proof of ability to respond in damages resulting from his or her acts or omissions in the performance of services permitted under APR 12 in one of the following described manners.

(1) Submitted an individual policy for Errors and Omissions insurance in the amount of at least \$100,000;

(2) Submitted an Errors and Omissions policy of the employer or the parent company of the employer who has agreed to provide coverage for the applicant's ability to respond in damages in the amount of at least \$100,000;

(3) Submitted the applicant's audited financial statement showing the applicant's net worth to be at least \$200,000; ~~or~~

(4) Submitted an audited financial statement of the employer or other surety who agrees to respond in damages for the applicant, indicating net worth of \$200,000 per each limited practice officer employee to and including five and an additional \$100,000 per each limited practice officer employee over five, who may be subject to the jurisdiction of the Limited Practice Board; ~~or~~

(5) Submitted proof of indemnification of the limited practice officer's government employer.

REGULATION 8: CERTIFICATION OF RESULTS TO SUPREME COURT; OATH

A. Admission Order. The Limited Practice Board will submit to the Washington State Supreme Court the names of those persons who have passed the examination for admission pursuant to APR 12, taken the oath as prescribed by these rules, and furnished proof of the applicant's financial responsibility requirement pursuant to regulation 7.

The names of successful applicants will be submitted only after compliance with APR 12 and these Regulations, and the applicants will be admitted under APR 12 only after the admission order has been entered by the Supreme Court.

Each successful applicant shall complete all the requirements for certification within nine (9) months of the date the applicant is notified of the examination results. If an applicant fails to satisfy all the requirements for certification within this period, the applicant shall not be eligible for admission under APR 12 without submitting a new application for admission.

B. Contents of Oath. The oath which all applicants shall take is as follows:

OATH FOR LIMITED PRACTICE OFFICERS

STATE OF WASHINGTON

COUNTY OF _____

I, _____, do solemnly declare:

1. I am fully subject to the laws of the State of Washington and Rule 12 of the Admission ~~to~~ and Practice Rules and

APR 12 Regulations adopted by the Washington State Supreme Court and will abide by the same.

2. I will support the constitutions of the State of Washington and of the United States of America.

3. I will abide by the Limited Practice Officer Rules of Professional Conduct and Rules for Enforcement of LPO Conduct approved by the Supreme Court of the State of Washington.

4. I will confine my activities as a Limited Practice Officer to those activities allowed by law, rule and regulation and will only utilize documents approved pursuant to APR 12.

5. I will faithfully disclose the limitations of my services, that I am not able to act as the advocate or representative of any party, that documents prepared will affect legal rights of the parties, that the parties' interests in the documents may differ, that the parties have a right to be represented by a lawyer of their own selection, and that I cannot give legal advice regarding the manner in which the documents affect the parties.

6. I understand that I may incur personal liability if I violate the applicable standard of care of a Limited Practice Officer. Also, I understand that I only have authority to act as a Limited Practice Officer during the times that my financial responsibility coverage is in effect. If I am covered under my employer's errors and omissions insurance policy or by my employer's certificate of financial responsibility, my coverage is limited to services performed in the course of my employment.

Signature Limited Practice Officer

Subscribed and sworn to before me this ___ day of _____, ____.

JUDGE

REGULATION 9: ANNUAL FEE

A. Except as set forth in section B of this Regulation, every Limited Practice Officer shall pay an annual fee in an amount set by the Limited Practice Board with the approval of the Supreme Court, which is due on or before July August 1 of each year and shall cover the annual license period of July 1 to June 30. Annual fees paid after ~~July 15~~ August 1 shall be subject to a late fee equal to one-half the annual fee. Failure to pay the annual fee shall subject the LPO to suspension from limited practice as a Limited Practice Officer. The Board shall provide at least 30 days written notice of intent to seek suspension to an LPO at the LPO's address of record. Written notice shall be sent by certified mail. After such notice, the Court may enter an order suspending the LPO from limited practice. If the LPO fails to comply with conditions for reinstatement pursuant to Regulation 10 within 9 months of the date of suspension, the license of the suspended LPO will be revoked.

B. The prorated annual fee for LPOs who pass the qualifying examination given in the spring and who request active status prior to July 1 of that same calendar year shall be one half the amount of the annual fee. LPOs shall pay the annual

fee set forth in Regulation 9(A) to retain their active status after June 30 of the calendar year of their admission.

C. An LPO shall provide his or her residential address to the Board at the time of payment of the annual fee.

REGULATION 10: REINSTATEMENT AFTER SUSPENSION FOR NONPAYMENT OF ANNUAL FEE

[no change]

REGULATION 11: CONTINUING FINANCIAL RESPONSIBILITY AND TRUST ACCOUNT DECLARATIONS

~~Each LPO shall either be insured or covered under the financial statement of an employer or employer's parent company or other surety at all times as specified in Regulation 7. If the LPO is covered under a financial statement, the LPO, employer, employer's parent company or other surety who has assumed such financial responsibility shall annually file with the Limited Practice Board, by July 1, the audited financial statement for the most recent fiscal year of the financially responsible party indicating net worth.~~

A. Each active LPO shall certify annually by August 1 continued financial responsibility in the form and manner as prescribed by the Board. Each LPO shall notify the Limited Practice Board of any cancellation or lapse in coverage.

B. Each active LPO shall certify annually compliance with Rules 1.12A and 1.12B of the LPO Rules of Professional Conduct. Such declaration shall be filed by August 1 in a form and manner as prescribed by the Board and shall include the bank where each account is held and the account number.

C. During any period that an LPO is not covered has not reported in accordance with these Regulations, or is not on inactive status pursuant to Regulation 13, the license of the LPO shall be suspended. The Board shall provide at least 30 days written notice of intent to seek suspension to an LPO at the LPO's address of record. Written notice shall be sent by certified mail. After such notice, the Court may enter an order suspending the LPO from limited practice. Each suspended LPO must demonstrate compliance with the requirements of APR 12 within nine (9) months of the date of the suspension or the license of the suspended LPO will be revoked.

REGULATION 12: CONTINUING EDUCATION

Every LPO shall attend a minimum of ten (10) hours of approved continuing education during each ~~calendar~~ license year (July 1 to June 30). Two (2) hours of the required ten (10) hours of continuing education shall be on liability issues. If an LPO completes more than ten (10) credit hours in a given ~~calendar~~ license year, the excess credit, up to ten credits, may be carried forward and applied to such LPO's education requirements for the next ~~calendar~~ license year.

Every LPO shall submit proof of compliance with the continuing education attendance requirements by filing an Affidavit of Attendance as prescribed by the Continuing Education Regulations of the Limited Practice Board. Failure to comply with the continuing education requirements will subject the LPO to suspension of license as a Limited Practice Officer. The Board shall provide at least 30 days written notice of intent to seek suspension to an LPO at the LPO's address of record. Written notice shall be sent by certified mail. After such notice, the Court may enter an order sus-

pending the LPO from limited practice. If the suspended LPO fails to comply with conditions for reinstatement pursuant to Continuing Education Regulations of the Limited Practice Board within nine (9) months of the date of suspension, the license of the suspended LPO will be revoked.

REGULATION 13: INACTIVE STATUS

[no change]

REGULATION 14: VOLUNTARY CERTIFICATION CANCELLATION

[no change]

REGULATION 15: CHANGE IN STATUS

[no change]

REGULATION 16. REINSTATEMENT AFTER REVOCATION

[no change]

REGULATION 17: ~~[RESERVED] RECORDS DISCLOSURE~~

~~A. The Board shall make available for public inspection and copying all public records, unless the record falls within the specific exemptions of this Regulation or any other Rules and Regulations applicable to Limited Practice Officers (LPOs). A "public record" is defined as written information, regardless of physical form or characteristic, that has been made or received by the Limited Practice Board in connection with the transaction of public business.~~

~~B. To the extent required to prevent an unreasonable invasion of the privacy interests set forth in these Regulations, the Board shall delete identifying details in a manner consistent with the Regulations when it makes available or publishes any public record.~~

~~C. No fee shall be charged for the inspection of public records. The fee charged for the copying of public records shall be the same fee charged by the Washington State Bar Association for making copies of public records.~~

~~D. The Board shall not distinguish among persons requesting records, and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate a statute, court order or rule which exempts or prohibits disclosure of specific information or records.~~

~~E. The following records are exempt from public inspection and copying:~~

~~1. Test questions, scoring keys and other examination data used by the Board to administer the qualifying examination;~~

~~2. Preliminary drafts, notes, recommendations, and intra-Board memorandums in which opinions are expressed or policies formulated or recommended;~~

~~3. Records which are relevant to a controversy to which the Board is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts;~~

~~4. The residential address and residential telephone number of a limited practice officer;~~

~~5. Membership information; however, status, business addresses, business telephone numbers, facsimile numbers, electronic addresses, license number and dates of admission shall not be exempt.~~

~~6. Applications for admission to limited practice and related records:~~

~~F. The disclosure of records in disciplinary files shall be governed by Title 3 of the Rules for Enforcement of LPO Conduct.~~

~~G. The exemptions to disclosure set forth in this Regulation shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or fall within an exemption, can be deleted from the specific records sought.~~

~~H. Responses to requests for public records shall be made promptly by the Board. Within five business days of receiving a public record request, the Board must respond by either (1) providing the record; or (2) acknowledging the request and providing a reasonable time estimate for responding to the request, or (3) denying the request. The Board may ask the requestor to clarify the request. If the requestor fails to clarify the request, the Board may deny the request. Denials of request must be accompanied by a written statement of the specific reasons therefore.~~

~~I. Whenever the Clerk concludes that a public record is exempt from inspection and copying, the person may appeal that decision to the Board, whose decision is final.~~

~~J. The disclosure of information under this section should not violate an individual's right to privacy by amounting to a disclosure of information about that person that would be highly offensive to a reasonable person and is not of legitimate concern to the public.~~

REGULATION 18: NOTICE AND FILING; ADMINISTRATION

All notices and filings required by these Regulations, including applications for admission as a Limited Practice Officer, shall be sent to the headquarters of the Washington State Bar Association. The Washington State Bar Association shall provide administrative support for the Limited Practice Board pursuant to APR 12 (b)(3). "Clerk" as used in these regulations means WSBA staff designated to support the Board.

REGULATION 19: AMENDMENT

These Regulations may be altered, amended, or repealed by vote of the Board on approval of ~~the Board of Governors and~~ the Supreme Court.

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 16-01-021
RULES OF COURT
STATE SUPREME COURT
[December 2, 2015]**

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENT TO CrR 4.2(g)—PLEAS;) NO. 25700-A-1132
STATEMENT OF DEFENDANT ON)
PLEA OF GUILTY TO NON-SEX)
OFFENSE, STATEMENT OF DEFEN-)
DANT ON PLEA OF GUILTY TO SEX)

OFFENSE, "OFFENDER REGISTRA-)
TION" ATTACHMENT, JuCR 7.7—)
STATEMENT OF JUVENILE ON PLEA)
OF GUILTY; "OFFENDER REGISTRA-)
TION" ATTACHMENT, AND CrRLJ)
4.2(g)—PLEAS AND PRETRIAL DIS-)
POSITION; STATEMENT OF DEFEN-)
DANT ON PLEA OF GUILTY,)
"OFFENDER REGISTRATION")
ATTACHMENT, "DUI" ATTACHMENT,)
MISDEMEANOR DUI SENTENCING)
ATTACHMENT)

The Washington State Pattern Forms Committee, having recommended the expeditious adoption of the Proposed Amendment to CrR 4.2(g)—Pleas; Statement of Defendant on Plea of Guilty to Non-Sex Offense, Statement of Defendant on Plea of Guilty to Sex Offense, "Offender Registration" Attachment, JuCR 7.7—Statement of Juvenile on Plea of Guilty; "Offender Registration" Attachment, and CrRLJ 4.2(g)—Pleas and Pretrial Disposition; Statement of Defendant on Plea of Guilty, "Offender Registration" Attachment, "DUI" Attachment, Misdemeanor DUI Sentencing Attachment, 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 new rules as shown below are adopted.

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

DATED at Olympia, Washington this 2nd day of December, 2015.

	Madsen, C.J.
_____ Johnson, J.	_____ Wiggins, J.
_____ Owens, J.	_____ Gonzalez, J.
_____ Fairhurst, J.	_____ Gordon McCloud, J.
_____ Stephens, 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 16-02 issue of the Register.

**WSR 16-01-022
RULES OF COURT
STATE SUPREME COURT
[December 2, 2015]**

IN THE MATTER OF SUGGESTE-) ORDER
DAMENDMENTS TO CRLJ 26—DIS-) NO. 25700-A-1133
COVERY, CRLJ 56—SUMMARY JUDG-)
MENT)

The District and Municipal Court Judges' Association, having recommended the Suggested Amendments to CRLJ 26—Discovery, CRLJ 56—Summary Judgment, and the

Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested 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 in January 2016.

(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, 2016. 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 2nd day of December, 2015.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Suggested Amendment to
WASHINGTON STATE COURT RULES:
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
Amend CRLJ 26(g): Time for Discovery
Submitted by the District & Municipal Courts Judges
Association

A. Name of Proponent: District & Municipal Courts Judges Association

B. Spokesperson: Judge David Steiner, President DMCJA

C. Purpose: CRLJ 26 governs civil discovery in courts of limited jurisdiction. Subsection (g), pertaining to time for discovery, provides:

Time for Discovery. Twenty-one days after the service of the summons and complaint, or counterclaim, or cross complaint, the served party may demand the discovery set forth in sections (a) - (d) of this rule, or request additional discovery pursuant to section (e) of this rule. Unless agreed by the parties and with the permission of the court, all discovery shall be completed within 60 days of the demand, or 90 days of service of the summons and complaint, or counterclaim, or cross complaint, whichever is longer.

Courts of limited jurisdiction typically allow for more limited civil discovery than superior courts, as indicated by a comparison between the current CR 26 and CRLJ 26. However, CRLJ 26(g) limits the discovery time frame to a 60 or 90 day period that is inconsistent with the type of cases that are now filed in district courts. The current rule was implemented during a time when the monetary civil jurisdictional limits of district court were much lower. With the increase in district court jurisdiction to \$75,000 (and perhaps more in the future), the Committee recommends that the time limits for

civil discovery be removed. The revised subsection would read:

(g) Time for Discovery. Twenty-one days after the service of the summons and complaint, or counterclaim, or cross complaint, the served party may demand the discovery set forth in sections (a) - (d) of this rule, or request additional discovery pursuant to section (e) of this rule. ~~Unless agreed by the parties and with the permission of the court, all discovery shall be completed within 60 days of the demand, or 90 days of service of the summons and complaint, or counterclaim, or cross complaint, whichever is longer.~~

This revision is advisable for several reasons. First, the 60 or 90 day time limit is inconsistent with the discovery processes that are currently allowed under CRLJ 26. CRLJ 26 provides for discovery to commence 21 days after service of the summons and complaint. Generally, paper discovery (interrogatories, requests for production) is served initially. The responding party then has 30 days to respond. After review, the serving party may then take depositions, and/or serve requests for admission. When the jurisdictional limits were lower, depositions were rare, but now it is standard practice to take depositions in district court civil cases. The current rule makes scheduling depositions very problematic as it is unlikely that the authorized three depositions per party can occur within the time frame the rule imposes. As a result, the parties must seek a joint order from the court in almost every case.

With the increased complexity of district court cases, adverse parties (many of whom are unrepresented), should properly have additional time to seek counsel. Both parties need more time to respond to and evaluate discovery. Both parties need more time to evaluate their settlement posture and to focus any discovery motions. Removal of the time limitations will improve court efficiency by requiring motions only where the parties are seeking to expand the discovery limitations (three depositions, 15 interrogatories, etc.), rather than the time constraints. Finally, removal of the 60/90 day limitation is more consistent with the myriad of court calendaring processes that are found throughout the different district courts in Washington.

Removal of the discovery time limitations will allow parties to file mainline civil cases in district court, and to take advantage of the limited discovery processes, six person juries, and final results that the district court process offers. Because of these reasons, the DMCJA recommends that CRLJ 26(g) be amended to remove the 60 and 90 day limitations on discovery. The amended rule retains the other limits on discovery within courts of limited jurisdiction, and allows for improved efficiency and flexibility in the handling of civil matters within those courts.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

Proposed Amendment
 CRLJ 26
 DISCOVERY

Discovery in courts of limited jurisdiction shall be permitted as follows:

(a) Specification of Damages. A party may demand a specification of damages under RCW 4.28.360.

(b) Interrogatories and Requests for Production.

(1) The following interrogatories may be submitted by any party:

(A) State the amount of general damages being claimed.

(B) State each item of special damages being claimed and the amount thereof.

(C) List the name, address and telephone number of each person having any knowledge of facts regarding liability.

(D) List the name, address and telephone number of each person having any knowledge of facts regarding the damages claimed.

(E) List the name, address and telephone number of each expert you intend to call as a witness at trial. For each expert, state the subject matter on which the expert is expected to testify. State the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

(2) In addition to section (b)(1), any party may serve upon any other party not more than two sets of written interrogatories containing not more than 20 questions per set without prior permission of the court. Separate sections, paragraphs or categories contained within one interrogatory shall be considered separate questions for the purpose of this rule. The interrogatories shall conform to the provisions of CR 33.

(3) The following requests for production may be submitted by any party:

(A) Produce a copy of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of any judgment which may be entered in this action, or to indemnify or reimburse the payments made to satisfy the judgment.

(B) Produce a copy of any agreement, contract or other document upon which this claim is being made.

(C) Produce a copy of any bill or estimate for items for which special damage is being claimed.

(4) In addition to section (b)(3), any party may submit to any other party a request for production of up to five separate sets of groups of documents or things without prior permission of the court. The requests for production shall conform to the provisions of CR 34.

(c) Depositions.

(1) A party may take the deposition of any other party, unless the court orders otherwise.

(2) Each party may take the deposition of two additional persons without prior permission of the court. The deposition shall conform to the provisions of CR 30.

(d) Requests for Admission.

(1) A party may serve upon any other party up to 15 written requests for admission without prior permission of the court. Separate sections, paragraphs or categories contained within one request for admission shall be considered separate requests for purposes of this rule.

(2) The requests for admission shall conform to the provisions of CR 36.

(e) Other Discovery at Discretion of Court. No additional discovery shall be allowed, except as the court may order. The court shall have discretion to decide whether to permit any additional discovery. In exercising such discretion

the court shall consider (1) whether all parties are represented by counsel, (2) whether undue expense or delay in bringing the case to trial will result and (3) whether the interests of justice will be promoted.

(f) How Discovery to Be Conducted. Any discovery authorized pursuant to this rule shall be conducted in accordance with Superior Court Civil Rules 26 through 37, as governed by CRLJ 26.

(g) Time for Discovery. Twenty-one days after the service of the summons and complaint, or counterclaim, or cross complaint, the served party may demand the discovery set forth in sections (a) - (d) of this rule, or request additional discovery pursuant to section (e) of this rule. ~~Unless agreed by the parties and with the permission of the court, all discovery shall be completed within 60 days of the demand, or 90 days of service of the summons and complaint, or counterclaim, or cross complaint, whichever is longer.~~

[Amended effective September 1, 1994; amended effective September 1, 1999; amended effective September 1, 2005.]

GR 9 COVER SHEET

Suggested Amendment to

WASHINGTON STATE COURT RULES:

CIVIL RULES FOR COURTS OF LIMITED JURISDICTION

Amend CRLJ 56: Summary Judgment

Submitted by the District & Municipal Courts Judges Association

A. Name of Proponent: District & Municipal Courts Judges Association

B. Spokesperson: Judge David Steiner, President DMCJA

C. Purpose: CRLJ 56 governs summary judgments in courts of limited jurisdiction. Subsection (c), pertaining to motion and proceedings, provides:

The motion shall be served at least 10 days before the time fixed for the hearing. The adverse party, prior to the day of hearing, may serve opposing affidavits. The judgment sought shall be rendered forthwith if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

CR 56 similarly governs the procedures and time deadlines for the filing and consideration of motions for summary judgment in superior court. A comparison of CR 56 and CRLJ 56 indicates that the respective rules are identical except for the language in subsection (c) and the omission of subsection (h) from the existing CRLJ 56.

Subsection (c) of both rules sets forth the time requirements for filing motions for summary judgment and the legal standard for granting or denying these motions. Under CR 56(c), a motion for summary judgment must be filed at least 28 days before the motion hearing, with the adverse party allowed to file a responsive pleading at least 11 days before the hearing. By contrast, the moving party under the existing CRLJ 56(c) must file the motion and supporting pleadings at

least 10 days before the motion hearing and the adverse party may file responsive pleadings prior to the day of the hearing.

The DMCJA recommends that CRLJ 56(c) be amended to expand the initial filing period from 10 to 15 days prior to the hearing, with the adverse party being required to file and serve any responsive pleadings no later than three days before the hearing date. The amended CRLJ 56(c) also provides that the moving party may file rebuttal pleadings the day prior to the motion hearing.

The abbreviated time limits created by CRLJ 56 seem to stem from the time when the jurisdictional limits of district courts resulted in more limited proceedings. With the increase in the civil jurisdiction limit in district court to \$75,000 (and perhaps more in the future), it makes sense to increase the time periods. Under the current rule, a high percentage of responsive pleadings are filed at or near the end of the court day prior to the hearing and are not seen by the judge or the litigants until the day of the hearing. With the increased complexity of the motions, the adverse parties (many of whom are unrepresented), should have additional time to respond to the allegations. Requiring the adverse party to file a responsive pleading within three days provides the moving party with an opportunity to review the response and consider whether it is advisable to cancel or continue the motion hearing. The three-day filing requirement promotes court efficiency and calendaring as it affords litigants the opportunity to assess their legal posture (and any possible settlement), and provides additional time for the judge to review in advance the pleadings filed by the respective parties.

The revised subsection (c) would read:

(c) Motion and Proceedings. The motion and any supporting affidavits, memoranda of law, or other documentation shall be filed and served at least 10 not later than 15 days before ~~the time fixed for~~ the hearing. The adverse party, ~~prior to the day of hearing,~~ may file and serve opposing affidavits, memoranda of law and other documentation not later than 3 days before the hearing. The moving party may file and serve any rebuttal documents not later than the day prior to the hearing. Summary judgment motions shall be heard more than 14 days before the date set for trial unless leave of the court is granted to allow otherwise. The judgment sought shall be rendered forthwith if the pleadings, answers to interrogatories, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

The final proposed revision to existing CRLJ 56 is to include a similar paragraph to CR 56(h), which governs the form of the order signed by the court, but which allows for more judicial discretion. The new subsection would read:

(h) Rulings by Court. In granting or denying the motion for summary judgment, the court shall designate the documents and other evidence considered in its rulings.

This addition would improve the clarity of the judicial record in the limited jurisdiction court.

For the reasons set forth herein, the DMCJA recommends that CRLJ 56 be amended as submitted.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

Proposed Amendment
CRLJ 56
SUMMARY JUDGMENT

(a) For Claimant. A party seeking to recover upon a claim, counterclaim, or cross claim, or to obtain a declaratory judgment may, at any time after the expiration of the period within which the defendant is required to appear, or after service of a motion for summary judgment by the adverse party, move with or without supporting affidavits for a summary judgment in his favor upon all or any part thereof.

(b) For Defending Party. A party against whom a claim, counterclaim, or cross claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in his favor as to all or any part thereof.

(c) Motion and Proceedings. The motion and any supporting affidavits, memoranda of law, or other documentation shall be filed and served at least 10 not later than 15 days before ~~the time fixed for~~ the hearing. The adverse party, ~~prior to the day of hearing,~~ may file and serve opposing affidavits, memoranda of law and other documentation not later than 3 days before the hearing. The moving party may file and serve any rebuttal documents not later than the day prior to the hearing. Summary judgment motions shall be heard more than 14 days before the date set for trial unless leave of the court is granted to allow otherwise. The judgment sought shall be rendered forthwith if the pleadings, answers to interrogatories, depositions, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages.

(d) Case Not Fully Adjudicated on Motion. If on motion under the rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action, the facts so specified shall be deemed established, and the trial shall be conducted accordingly.

(e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof

referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but his response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If he does not so respond, summary judgment, if appropriate, shall be entered against him.

(f) When Affidavits Are Unavailable. Should it appear from the affidavits of a party opposing the motion that he cannot, for reasons stated, present by affidavit facts essential to justify his opposition, the court may refuse the application for judgment or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such other order as is just.

(g) Affidavits Made in Bad Faith. Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented in bad faith or solely for the purpose of delay, the court shall forthwith order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused him to incur, including reasonable attorney fees, and any offending party or attorney may be adjudged guilty of contempt.

(h) Rulings by Court. In granting or denying the motion for summary judgment, the court shall designate the documents and other evidence considered in its rulings.

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 16-01-023
RULES OF COURT
STATE SUPREME COURT
[December 2, 2015]

IN THE MATTER OF SUGGESTED) ORDER
DAMENDMENTS TO CrRLJ 3.2—) NO. 25700-A-1134
RELEASE OF ACCUSED)

The District and Municipal Court Judges' Association, having recommended the Suggested Amendments to CrRLJ 3.2—Release of Accused, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested 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 in January 2016.

(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, 2016. 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 2nd day of December, 2015.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Suggested Amendment to
WASHINGTON STATE COURT RULES:
CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION
Amend CrRLJ 3.2: Release of Accused
Submitted by the District & Municipal Courts Judges
Association

A. Name of Proponent: District & Municipal Courts Judges Association

B. Spokesperson: Judge David Steiner, President DMCJA

C. Purpose: CrRLJ 3.2 governs issues regarding release of accused persons in Courts of Limited Jurisdiction. In *State v. Barton*, 181 Wn.2d 148, 150, 331 P.3d 50 (2014), the Supreme Court held that a defendant must be allowed the option to secure bail via a surety and called into question the validity of CrR 3.2 (b)(4). The DMCJA Rules Committee reviewed the issue at that time and recommended that the DMCJA not request a rule amendment, as the case did not invalidate that portion of the CLJ rule.

The Superior Court Judges' Association (SCJA) did decide to request a rule amendment. The DMCJA Board took no position on the proposed rule amendment, but determined that if the Supreme Court approved the amendment for the CrR 3.2, that CrRLJ 3.2 should also be amended. Subsequently, the Supreme Court approved the SCJA-proposed rule amendment, effective September 1, 2015. The DMCJA therefore requests that CrRLJ 3.2 (b)(4) be deleted to parallel the rules of the superior courts and to reflect the holding in *State v. Barton*.

CrRLJ 3.2(b), Showing of Likely Failure to Appear—Least Restrictive Conditions of Release, provides:

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognition, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

- (1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;
- (2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;
- (3) Require the execution of an unsecured bond in a specified amount;

(4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;

(5) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;

(6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

Subsection (b)(4) allows for a bail arrangement that is disallowed by *Barton*. As this subsection has now been deleted from CrR 3.2, the DMCJA requests that subsection (b)(4) also be deleted from CrRLJ 3.2. Thus, the following amendment is recommended [redline]:

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(3) Require the execution of an unsecured bond in a specified amount;

~~(4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;~~

(5) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;

(6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

As amended, the rule would appear:

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(3) Require the execution of an unsecured bond in a specified amount;

(4) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;

(5) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(6) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

This amendment removes the subsection that was problematic in *Barton*, and allows the trial court rules to remain congruent. As the amendment to CrR 3.2 became effective September 1, 2015, the DMCJA requests that this proposed amendment be considered as expeditiously as possible.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is requested as it is desirable to have the trial court rules be congruent and the Supreme Court's decision to amend CrR 3.2 calls the validity of CrRLJ 3.2 (b)(4) further into question.

Proposed Amendment
CrRLJ 3.2
RELEASE OF ACCUSED

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

(a) Presumption of Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

(1) The court determines that such recognizance will not reasonably assure the accused's appearance, when required, or

(2) There is shown a likely danger that the accused:

(a) will commit a violent crime, or

(b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.

For the purpose of this rule, "violent crimes" may include misdemeanors and gross misdemeanors and are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release. If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(3) Require the execution of an unsecured bond in a specified amount;

~~(4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release;~~

~~(5) Require the execution of a bond with sufficient solvent sureties or the deposit of cash in lieu thereof;~~

(6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

A court of limited jurisdiction may adopt a bail schedule for persons who have been arrested on probable cause but have not yet made a preliminary appearance before a judicial officer. The adoption of such a schedule or whether to adopt a schedule, is in the discretion of each court of limited jurisdiction, and may be adopted by majority vote. Bail schedules are not subject to GR 7. The supreme court may adopt a uniform bail schedule as an appendix to these rules.

If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

(c) Relevant Factors—Future Appearance. In determining which conditions of release will reasonably assure the accused's appearance, the court shall, on the available information, consider the relevant facts including but not limited to:

(1) The accused's history of response to legal process, particularly court orders to personally appear;

(2) The accused's employment status and history, enrollment in an educational institution or training program, participation in a counseling or treatment program, performance of volunteer work in the community, participation in school or cultural activities or receipt of financial assistance from the government;

(3) The accused's family ties and relationships;

(4) The accused's reputation, character and mental condition;

(5) The length of the accused's residence in the community;

(6) The accused's criminal record;

(7) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;

(8) The nature of the charge, if relevant to the risk of nonappearance;

(9) Any other factors indicating the accused's ties to the community.

(d) Showing of Substantial Danger—Conditions of Release. Upon a showing that there exists a substantial danger that the accused will commit a violent crime or that the accused will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court may impose one or more of the following nonexclusive conditions:

(1) Prohibit the accused from approaching or communicating in any manner with particular persons or classes of persons;

(2) Prohibit the accused from going to certain geographical areas or premises;

(3) Prohibit the accused from possessing any dangerous weapons or firearms, or engaging in certain described activities or possessing or consuming any intoxicating liquors or drugs not prescribed to the accused;

(4) Require the accused to report regularly to and remain under the supervision of an officer of the court or other person or agency;

(5) Prohibit the accused from committing any violations of criminal law;

(6) Require the accused to post a secured or unsecured bond or deposit cash in lieu thereof, conditioned on compliance with all conditions of release. This condition may be imposed only if no less restrictive condition or combination of conditions would reasonably assure the safety of the community. If the court determines under this section that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused financial resources for the purposes of setting a bond that will reasonably assure the safety of the community and prevent the defendant from intimidating witnesses or otherwise unlawfully interfering with the administration of justice.

(7) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(8) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(9) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or

(10) Impose any condition other than detention to assure noninterference with the administration of justice and reduce danger to others or the community.

(e) Relevant Factors—Showing of Substantial Danger. In determining which conditions of release will reasonably assure the accused's noninterference with the administration of justice, and reduce danger to others or the community, the court shall, on the available information, consider the relevant facts including but not limited to:

(1) The accused's criminal record;

(2) The willingness of responsible members of the community to vouch for the accused's reliability and assist the accused in complying with conditions of release;

(3) The nature of the charge;

(4) The accused's reputation, character and mental condition;

(5) The accused's past record of threats to victims or witnesses or interference with witnesses or the administration of justice;

(6) Whether or not there is evidence of present threats or intimidation directed to witnesses;

(7) The accused's past record of committing offenses while on pretrial release, probation or parole; and

(8) The accused's past record of use of or threatened use of deadly weapons or firearms, especially to victim's or witnesses.

(f) Delay of Release. The court may delay release of a person in the following circumstances:

(1) If the person is intoxicated and release will jeopardize the person's safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.

(2) If the person's mental condition is such that the court believes the person should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.

(3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

(g) Release in Capital Cases. Any person charged with a capital offense shall not be released in accordance with this rule unless the court finds that release on conditions will reasonably assure that the accused will appear for later hearings, will not significantly interfere with the administration of justice and will not pose a substantial danger to another or the community. If a risk of flight, interference or danger is believed to exist, the person may be ordered detained without bail.

(h) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, the court may revoke, modify, or suspend the terms of release and/or bail previously ordered.

(i) Order for Release. A court authorizing the release of the accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform the accused of the penalties applicable to violations of the conditions of the accused's release and shall advise the accused that a warrant for the accused's arrest may be issued upon any such violation.

(j) Amendment or Revocation of Order.

(1) The court ordering the release of an accused on any condition specified in this rule may at any time on change of circumstances, new information or showing of good cause amend its order to impose additional or different conditions for release.

(2) Upon a showing that the accused has willfully violated a condition of release, the court may revoke release and may order forfeiture of any bond. Before entering an order revoking release or forfeiting bail, the court shall hold a hearing. Release may be revoked only if the violation is proved by clear and convincing evidence.

(k) Arrest for Violation of Conditions.

(1) Arrest with Warrant. Upon the court's own motion or a verified application by the prosecuting authority alleging with specificity that an accused has willfully violated a condition of the accused's release, a court shall order the accused to appear for immediate hearing or issue a warrant directing the arrest of the accused for immediate hearing for reconsideration of conditions of release pursuant to section (j).

(2) Arrest without Warrant. A law enforcement officer having probable cause to believe that an accused released pending trial for a felony is about to leave the state or has violated a condition of such release under circumstances rendering the securing of a warrant impracticable may arrest the

accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (j).

(l) Evidence. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(m) (Reserved.)

(n) Accused Released on Recognizance or Bail—Absence—Forfeiture. If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's personal appearance is necessary or violates conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

(o) Bail in Criminal Offense Cases—Mandatory Appearance.

(1) When required to reasonably assure appearance in court, bail for a person arrested for a misdemeanor shall be \$500 and for a gross misdemeanor shall be \$1,000. In an individual case and after hearing the court for good cause recited in a written order may set a different bail amount.

(2) A court may adopt a local rule requiring that persons subjected to custodial arrest for a certain class of offenses be held until they have appeared before a judge.

(p) (Reserved.)

(q) (Reserved.)

[Amended effective September 1, 2002; April 1, 2003; September 1, 2005; amended June 2, 2010 effective July 1, 2012]

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 errors in the above material occurred in the copy filed by the state supreme court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 16-01-027

NOTICE OF PUBLIC MEETINGS

HOP COMMISSION

[Filed December 8, 2015, 10:40 a.m.]

The Washington hop commission has scheduled its 2016 regular meetings as follows. This information is being filed as required by RCW 42.30.075:

Wednesday, March 16	Moxee
Wednesday, May 18	Moxee
Wednesday, July 20	Prosser
Wednesday, October 19	Sunnyside

Interested individuals may contact the Washington hop commission at (509) 453-4749 prior to each scheduled date for the specific time and location of each meeting.

WSR 16-01-028

NOTICE OF PUBLIC MEETINGS

BIG BEND

COMMUNITY COLLEGE

[Filed December 8, 2015, 11:33 a.m.]

The board of trustees for Big Bend Community College, District No. 18 set their 2014 [2016] meeting schedule as posted below. The meetings will occur in the Grant County ATEC Building 1800, Room 1837, Hardin Community Room, on the campus of Big Bend Community College.

January 21, 2016	1:30 p.m.
March 3, 2016	1:30 p.m.
April 7, 2016	1:30 p.m.
May 26, 2016	1:30 p.m.
June 10, 2016	3:00 p.m.
August 11, 2016	1:30 p.m.
September 8, 2016	1:30 p.m.
October 27, 2016	1:30 p.m.
December 1, 2016	1:30 p.m.

WSR 16-01-032

NOTICE OF PUBLIC MEETINGS

EASTERN WASHINGTON UNIVERSITY

[Filed December 8, 2015, 3:02 p.m.]

Following is the schedule of regular meetings for the Eastern Washington University board of trustees for 2016:

Date	Location and Time	Meeting
Thursday, February 25, 2016	EWU Cheney Campus Hargreaves Hall 223 11 a.m. - 5:00 p.m.	Board work session
	EWU Cheney Campus Hargreaves Hall 223 5:00 - 7:00 p.m.	Dinner
Friday, February 26, 2016	EWU Cheney Campus 8:00 a.m. Hargreaves Hall 223	Business and finance
	9:00 a.m. Tawanka 215	Committee of the whole
	1:00 p.m. Tawanka 215	Board meeting
Thursday, May 19, 2016	EWU Cheney Campus Hargreaves Hall 223 3:00 - 5:00 p.m.	Board work session
	Hargreaves Hall 223 5:00 - 7:00 p.m.	Dinner
Friday, May 20, 2016	EWU Spokane Campus 8:00 a.m. WSU Spokane 412 East Spokane Falls Boulevard Room Number to be Determined	Business and finance

Date	Location and Time	Meeting
	9:00 a.m. WSU Spokane PBS Auditorium Room 101 412 East Spokane Falls Boulevard 1:00 p.m. WSU Spokane PBS Auditorium Room 101 412 East Spokane Falls Boulevard	Committee of the whole Board meeting
Wednesday, June 22, 2016	Off-site location to be determined 5:00 - 7:00 p.m.	Board dinner
Thursday, June 23, 2016	Off-site location to be determined 8:00 a.m. - 7:00 p.m.	Planning session and retreat
Friday, June 24, 2016	EWU Cheney Campus 8:00 a.m. - 11:15 a.m. Hargreaves Hall 223	Planning session and retreat wrap-up
	11:30 a.m. Tawanka 215	Board meeting
Thursday, September 29, 2016	EWU Cheney Campus Hargreaves Hall 223 3:00 - 5:00 p.m.	Board work session
	EWU Cheney Campus Hargreaves Hall 223 5:00 - 7:00 p.m.	Dinner
Friday, September 30, 2016	EWU Cheney Campus 8:00 a.m. Hargreaves Hall 223	Business and finance
	9:00 a.m. Tawanka 215	Committee of the whole
	1:00 p.m. Tawanka 215	Board meeting
Thursday, November 17, 2016	EWU Cheney Campus Hargreaves Hall 223 3:00 - 5:00 p.m.	Board work session
	EWU Cheney Campus Hargreaves Hall 223 5:00 - 7:00 p.m.	Dinner
Friday, November 18, 2016	EWU Cheney Campus 8:00 a.m. Hargreaves Hall 223	Business and finance
	9:00 a.m. Tawanka 215	Committee of the whole
	1:00 p.m. Tawanka 215	Board meeting

WSR 16-01-036
NOTICE OF PUBLIC MEETINGS
HEALTH BENEFIT EXCHANGE

[Filed December 9, 2015, 10:11 a.m.]

2016 Board Meeting Schedule

Data [Date]/Time	Location
Thursday January 21, 2016 9:00 a.m.-3:00 p.m.	Hilton Seattle Airport and Conference Center 17620 International Boulevard Seattle, WA 98188 Map and Directions
Thursday March 24, 2016 9:00 a.m.-3:00 p.m.	Hilton Seattle Airport and Conference Center 17620 International Boulevard Seattle, WA 98188 Map and Directions
Thursday May 26, 2016 9:00 a.m.-3:00 p.m.	Hilton Seattle Airport and Conference Center 17620 International Boulevard Seattle, WA 98188 Map and Directions
Thursday June 23, 2016 Board Retreat 9:00 a.m.-3:00 p.m.	TBD
Thursday July 21, 2016 9:00 a.m.-3:00 p.m.	TBD
Thursday September 22, 2016 9:00 a.m.-3:00 p.m.	TBD
Thursday October 20, 2016 9:30 a.m.-12:30 p.m.	HBE Olympia 810 Jefferson Street Olympia, WA 98501
Thursday December 1, 2016 9:00 a.m.-3:00 p.m.	TBD

Updates will be posted on the exchange web site at <http://www.wahbexchange.org/exchange-board/board-meetings/>, Participant Number.

WSR 16-01-038
NOTICE OF PUBLIC MEETINGS
SEED POTATO COMMISSION

[Filed December 9, 2015, 11:16 a.m.]

2016
COMMISSION MEETING SCHEDULE

The Washington seed potato commission meetings have been scheduled as follows:

Wednesday January 27	10:00 a.m.	Three Rivers Convention Center Board Room Kennewick
Thursday April 7	12:00 p.m.	Homestead Farms Lynden
Thursday June 2	12:00 p.m.	Homestead Farms Lynden

Thursday August 4	12:00 p.m.	Homestead Farms Lynden
Thursday October 6	12:00 p.m.	Homestead Farms Lynden
Thursday December 1	12:00 p.m.	Homestead Farms Lynden

Homestead Farms address: 115 East Homestead Boulevard, Lynden, WA 98264.

WSR 16-01-040
NOTICE OF PUBLIC MEETINGS
LIQUOR AND CANNABIS
BOARD

[Filed December 9, 2015, 12:59 p.m.]

2016 Meeting Schedule

WSLCB board meetings are scheduled every other Wednesday, 10:00 to 12:00, LCB Headquarters Boardroom, 3000 Pacific Avenue S.E., Olympia, WA 98501.

WSLCB EMT meetings are scheduled every Wednesday, 1:30 p.m. to 5:00 p.m., LCB Headquarters Boardroom, 3000 Pacific Avenue S.E., Olympia, WA 98501.

WSLCB caucus meetings are scheduled every Tuesday, 10:00 a.m. to 2:30 p.m., LCB Headquarters Boardroom, 3000 Pacific Avenue S.E., Olympia, WA 98501.

Meeting Title	Date	Start Time	End Time
Caucus Meeting	January 5, 2016	10:00 a.m.	2:30 p.m.
EMT Meeting	January 6, 2016	1:30 p.m.	5:00 p.m.
Special Board Meeting	January 6, 2016	10:00 a.m.	12:00 p.m.
Caucus Meeting	January 12, 2016	10:00 a.m.	2:30 p.m.
Board Meeting	January 13, 2016	10:00 a.m.	12:00 p.m.
EMT Meeting	January 13, 2016	1:30 p.m.	5:00 p.m.
Caucus Meeting	January 19, 2016	10:00 a.m.	2:30 p.m.
EMT Meeting	January 20, 2016	1:30 p.m.	5:00 p.m.
Caucus Meeting	January 26, 2016	10:00 a.m.	2:30 p.m.
Board Meeting	January 27, 2016	10:00 a.m.	12:00 p.m.
EMT Meeting	January 27, 2016	1:30 p.m.	5:00 p.m.
Caucus Meeting	February 2, 2016	10:00 a.m.	2:30 p.m.
EMT Meeting	February 3, 2016	1:30 p.m.	5:00 p.m.
Caucus Meeting	February 9, 2016	10:00 a.m.	2:30 p.m.
Board Meeting	February 10, 2016	10:00 a.m.	12:00 p.m.
EMT Meeting	February 10, 2016	1:30 p.m.	5:00 p.m.
Caucus Meeting	February 16, 2016	10:00 a.m.	2:30 p.m.
EMT Meeting	February 17, 2016	1:30 p.m.	5:00 p.m.
Caucus Meeting	February 23, 2016	10:00 a.m.	2:30 p.m.
Board Meeting	February 24, 2016	10:00 a.m.	12:00 p.m.
EMT Meeting	February 24, 2016	1:30 p.m.	5:00 p.m.
Caucus Meeting	March 1, 2016	10:00 a.m.	2:30 p.m.
EMT Meeting	March 2, 2016	1:30 p.m.	5:00 p.m.
Caucus Meeting	March 8, 2016	10:00 a.m.	2:30 p.m.
Board Meeting	March 9, 2016	10:00 a.m.	12:00 p.m.

Meeting Title	Date	Start Time	End Time	Meeting Title	Date	Start Time	End Time
EMT Meeting	March 9, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	August 2, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	March 15, 2016	10:00 a.m.	2:30 p.m.	EMT Meeting	August 3, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	March 16, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	August 9, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	March 22, 2016	10:00 a.m.	2:30 p.m.	Board Meeting	August 10, 2016	10:00 a.m.	12:00 p.m.
Board Meeting	March 23, 2016	10:00 a.m.	12:00 p.m.	EMT Meeting	August 10, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	March 23, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	August 16, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	March 29, 2016	10:00 a.m.	2:30 p.m.	EMT Meeting	August 17, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	March 30, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	August 23, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	April 5, 2016	10:00 a.m.	2:30 p.m.	Board Meeting	August 24, 2016	10:00 a.m.	12:00 p.m.
Board Meeting	April 6, 2016	10:00 a.m.	12:00 p.m.	EMT Meeting	August 24, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	April 6, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	August 30, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	April 12, 2016	10:00 a.m.	2:30 p.m.	EMT Meeting	August 31, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	April 13, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	September 6, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	April 19, 2016	10:00 a.m.	2:30 p.m.	Board Meeting	September 7, 2016	10:00 a.m.	12:00 p.m.
Board Meeting	April 20, 2016	10:00 a.m.	12:00 p.m.	EMT Meeting	September 7, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	April 20, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	September 13, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	April 26, 2016	10:00 a.m.	2:30 p.m.	EMT Meeting	September 14, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	April 27, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	September 20, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	May 3, 2016	10:00 a.m.	2:30 p.m.	Board Meeting	September 21, 2016	10:00 a.m.	12:00 p.m.
Board Meeting	May 4, 2016	10:00 a.m.	12:00 p.m.	EMT Meeting	September 21, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	May 4, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	September 27, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	May 10, 2016	10:00 a.m.	2:30 p.m.	EMT Meeting	September 28, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	May 11, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	October 4, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	May 17, 2016	10:00 a.m.	2:30 p.m.	Board Meeting	October 5, 2016	10:00 a.m.	12:00 p.m.
Board Meeting	May 18, 2016	10:00 a.m.	12:00 p.m.	EMT Meeting	October 5, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	May 18, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	October 11, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	May 24, 2016	10:00 a.m.	2:30 p.m.	EMT Meeting	October 12, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	May 25, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	October 18, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	May 31, 2016	10:00 a.m.	2:30 p.m.	Board Meeting	October 19, 2016	10:00 a.m.	12:00 p.m.
Board Meeting	June 1, 2016	10:00 a.m.	12:00 p.m.	EMT Meeting	October 19, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	June 1, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	October 25, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	June 7, 2016	10:00 a.m.	2:30 p.m.	EMT Meeting	October 26, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	June 8, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	November 1, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	June 14, 2016	10:00 a.m.	2:30 p.m.	Board Meeting	November 2, 2016	10:00 a.m.	12:00 p.m.
Board Meeting	June 15, 2016	10:00 a.m.	12:00 p.m.	EMT Meeting	November 2, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	June 15, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	November 8, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	June 21, 2016	10:00 a.m.	2:30 p.m.	EMT Meeting	November 9, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	June 22, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	November 15, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	June 28, 2016	10:00 a.m.	2:30 p.m.	Board Meeting	November 16, 2016	10:00 a.m.	12:00 p.m.
Board Meeting	June 29, 2016	10:00 a.m.	12:00 p.m.	EMT Meeting	November 16, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	June 29, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	November 22, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	July 5, 2016	10:00 a.m.	2:30 p.m.	EMT Meeting	November 23, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	July 6, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	November 29, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	July 12, 2016	10:00 a.m.	2:30 p.m.	Board Meeting	November 30, 2016	10:00 a.m.	12:00 p.m.
Board Meeting	July 13, 2016	10:00 a.m.	12:00 p.m.	EMT Meeting	November 30, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	July 13, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	December 6, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	July 19, 2016	10:00 a.m.	2:30 p.m.	EMT Meeting	December 7, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	July 20, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	December 13, 2016	10:00 a.m.	2:30 p.m.
Caucus Meeting	July 26, 2016	10:00 a.m.	2:30 p.m.	Board Meeting	December 14, 2016	10:00 a.m.	12:00 p.m.
Board Meeting	July 27, 2016	10:00 a.m.	12:00 p.m.	EMT Meeting	December 14, 2016	1:30 p.m.	5:00 p.m.
EMT Meeting	July 27, 2016	1:30 p.m.	5:00 p.m.	Caucus Meeting	December 20, 2016	10:00 a.m.	2:30 p.m.

Meeting Title	Date	Start Time	End Time
EMT Meeting	December 21, 2016	1:30 p.m.	5:00 p.m.
Caucus Meeting	December 27, 2016	10:00 a.m.	2:30 p.m.
Board Meeting	December 28, 2016	10:00 a.m.	12:00 p.m.
EMT Meeting	December 28, 2016	1:30 p.m.	5:00 p.m.

services are provided, developed a statewide HCBS transition plan, posted the plan for public input, and provided the statewide transition plan to the Centers for Medicare and Medicaid Services (CMS) on March 11, 2015. The statewide HCBS transition plan has been updated and revised based on CMS and stakeholder feedback.

To view the revised statewide transition plan, please visit the DSHS web site at <https://www.dshs.wa.gov/altsa/hcbs-statewide-draft-transition-plan>.

DSHS welcomes all comments on the revised statewide transition plan. Comments may be submitted through February 15, 2016.

For a copy of the revised statewide HCBS transition plan, or to submit comments, contact Barbara Hanneman, HCS Program Manager, P.O. Box 45600, phone (360) 725-2525, TDD/TTY (360) 438-2637, fax (360) 586-9727, e-mail hannebj@dshs.wa.gov, web site <https://www.dshs.wa.gov/altsa/hcbs-statewide-draft-transition-plan>.

WSR 16-01-044
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed December 9, 2015, 3:45 p.m.]

Below are the 2016 meeting dates for the Washington state criminal justice training commission (WSCJTC).

The following meetings will be held at the WSCJTC located at 19010 1st Avenue South, Burien, WA 98148.

Date	Time	Location
Wednesday, March 9, 2016	10:00 a.m.	Room E-154
Wednesday, June 8, 2016	10:00 a.m.	Room E-154
Wednesday, September 14, 2016	10:00 a.m.	Room E-154
Wednesday, December 14, 2016	10:00 a.m.	Room E-154

If you have questions, please call Marisa O'Neill at (206) 835-7372.

WSR 16-01-049
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed December 10, 2015, 9:53 a.m.]

Notice of Interpretive or Policy Statement

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

Aging and Long-Term Support Administration
Division of Home and Community Services (HCS) And
Developmental Disabilities Administration

Document Title: Public Notice.

Subject: Public comment period on the revised statewide transition plan for compliance with federal Home and Community-Based Settings (HCBS) rules.

Effective Date: January 15, 2016.

Document Description: A final federal rule, 42 C.F.R. 441.301 (c)(4)(5) and 441.710 (a)(1)(2), published in January 2014, created requirements for home and community-based settings in medicaid programs operated under sections 1915(c), (i), and (k) of the Social Security Act. The requirements support opportunities for clients to maximize access to the benefits of community living and to receive services in the most integrated setting for home and community-based program participants. DSHS conducted an assessment of settings where medicaid funded home and community-based

WSR 16-01-050
NOTICE OF PUBLIC MEETINGS
POTATO COMMISSION
 [Filed December 10, 2015, 10:00 a.m.]

- 2016 Meeting Schedule
- March 10, 2016
- May 26, 2016
- June 20, 2016
- September 8, 2016
- December 8, 2016

Washington State Potato Commission, 108 South Interlake Road, Moses Lake, WA 98837, (509) 765-8845.

WSR 16-01-052
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Filed December 11, 2015, 9:23 a.m.]

UW OPEN PUBLIC MEETINGS 2016 - Addendum 2

Meeting Name	Meeting Date	Location	Time
Services and Activities Fee Committee	January 8	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	January 15	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	January 22	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	January 29	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	February 5	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	February 12	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	February 19	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	February 26	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	March 4	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	March 11	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	April 1	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	April 8	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	April 15	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	April 22	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	April 29	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	May 6	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	May 13	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	May 20	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	May 27	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	June 3	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	June 17	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.

Meeting Name	Meeting Date	Location	Time
Services and Activities Fee Committee	October 7	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	October 14	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	October 21	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	October 28	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	November 4	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	November 18	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Services and Activities Fee Committee	December 2	Husky Union Building (HUB) Room 303	1:45-3:45 p.m.
Student Technology Fee Committee	January 4	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	January 11	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	January 18	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	January 25	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	February 1	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	February 8	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	February 15	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	February 22	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	February 29	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	March 7	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	March 14	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	March 28	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	April 4	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	April 11	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	April 18	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	April 25	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	May 1	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.

Meeting Name	Meeting Date	Location	Time
Student Technology Fee Committee	May 8	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	May 15	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	May 22	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	May 29	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	October 17	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	October 24	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	October 31	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	November 7	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	November 14	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	November 21	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	November 28	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.
Student Technology Fee Committee	December 5	Husky Union Building (HUB) Room 303	4:00-6:00 p.m.

WSR 16-01-054
NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION
 [Filed December 11, 2015, 10:08 a.m.]

2016 Regular Meeting Schedule

DATE	LOCATION	TIME
January 28	WA State Grange 924 Capitol Way South Olympia, WA <i>(previously scheduled meeting date for the 27th has been canceled)</i>	28th - 8:30 a.m.
March 23-24	Washington Dairy Center 4201 198th Street S.W. Suite 101 Lynnwood, WA 98036	23rd - 9:30 a.m. 24th - 8:30 a.m.
April 20-21	Yakima, Washington <i>Location TBD</i>	TBD
June 23-24	<i>Location TBD</i>	TBD
August 3-4	<i>Location TBD</i>	TBD
September 20-21	Washington Dairy Center	20th - 9:30 a.m. 21st - 8:30 a.m.
November 9	Washington Dairy Center <i>to be held by conference call</i>	TBD

DATE	LOCATION	TIME
December 7-8	Washington Dairy Center	7th - 9:30 a.m. 8th - 8:30 a.m.

NOTE: Please confirm all final meeting start times with the Washington dairy products commission at (425) 672-0687.

WSR 16-01-055
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Veterinary Board of Governors)
 [Filed December 11, 2015, 10:13 a.m.]

In accordance with the Open Public Meeting Act[s] (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, veterinary board of governors for the year 2016. The board 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 reserves the right to change or amend agendas at the meeting.

Date	Time	Location
March 7, 2016	9:00 a.m.	Department of Health 111 Israel Road S.E. Town Center Building Two Room 145 Tumwater, WA 98501
June 20, 2016	9:00 a.m.	Courtyard Richland Columbia Point Riverside Hall 480 Columbia Point Drive Richland, WA 99352
September 19, 2016	9:00 a.m.	Department of Health Creekside Two at Center Point 20425 72nd Avenue South Room 309 Kent, WA 98032
December 12, 2016	9:00 a.m.	Department of Health Creekside Two at Center Point 20425 72nd Avenue South Room 309 Kent, WA 98032

If you need further information, please contact Lorelei Walker, Program Manager, Washington Department of Health, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4947, fax (360) 236-2901, e-mail loralei.walker@doh.wa.gov, web <http://www.doh.wa.gov>.

Please be advised the veterinary board of governors 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 16-01-056

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Board of Optometry)**

[Filed December 11, 2015, 10:14 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of optometry for the year 2016. The board 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 reserves the right to change or amend agendas at the meeting.

Date	Time	Location
March 21, 2016	9:00 a.m.	Department of Health Creekside Two at Center Point 20425 72nd Avenue South Room 309 Kent, WA 98032
June 13, 2016	9:00 a.m.	Department of Health Creekside Two at Center Point 20425 72nd Avenue South Room 307 Kent, WA 98032
September 12, 2016	9:00 a.m.	Department of Health Creekside Two at Center Point 20425 72nd Avenue South Room 307 Kent, WA 98032
December 5, 2016	9:00 a.m.	Department of Health Creekside Two at Center Point 20425 72nd Avenue South Room 307 Kent, WA 98032

If you need further information, please contact Lorelei Walker, Program Manager, Washington Department of Health, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4947, fax (360) 236-2901, e-mail loralei.walker@doh.wa.gov, web <http://www.doh.wa.gov>.

Please be advised the veterinary board of governors 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 16-01-057

ATTORNEY GENERAL'S OFFICE

[Filed December 11, 2015, 11:19 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by January 13, 2016. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by e-mail to jeff.even@atg.wa.gov or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeff Even, Deputy Solicitor General, P.O. Box

40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested, information about the attorney general's opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our AGO opinions list.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 15-12-02
Request by James Unsworth, Ph.D., Director
Department Of Fish And Wildlife

QUESTION:

Does RCW 77.55 (the Hydraulic Code) limit the Washington Department of Fish and Wildlife's (WDFW) Hydraulic Project Approval (HPA) jurisdiction to activities being conducted at or below the Ordinary High Water Line? If the Hydraulic Code does not so limit HPA jurisdiction, what conditions must be present for the Hydraulic Code to authorize WDFW's approval jurisdiction on activities that occur above the Ordinary High Water Line?

WSR 16-01-058
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE

[Filed December 11, 2015, 11:23 a.m.]

The Shoreline Community College board of trustees shall hold its regular meetings in the Board Room (#1010M), located in the Administration Building (#1000), at Shoreline Community College, 16101 Greenwood Avenue North, Shoreline, WA 98133, on the following dates and times in calendar year 2016:

Winter Quarter	Spring Quarter	Fall Quarter
January 27, 2016 4:30 p.m.	April 27, 2016 4:30 p.m.	September 28, 2016 4:30 p.m.
February 24, 2016 4:00 p.m.	May 25, 2016 4:00 p.m.	October 26, 2016 4:30 p.m.
March 16, 2016 ¹ 4:30 p.m.	June 22, 2016 4:00 p.m.	December 7, 2016 ^{3 2} 4:30 p.m.

¹ Third Wednesday in March.

² The November and December 2016 meetings are combined with the meeting scheduled for the first Wednesday in December.

In the event of a change to a regular meeting date and/or time, notice of the change will be submitted to the Washington State Register a minimum of twenty days prior to the rescheduled meeting date.

Please call (206) 546-4552 or e-mail lyonemitsu@shoreline.edu for further information.

WSR 16-01-060

NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

(WSU International Development)

[Filed December 11, 2015, 11:32 a.m.]

Following is the schedule of regular meetings for the board of directors of WSU International Development (WSU-ID), a nonprofit corporation affiliated with Washington State University:

Date	Time	Location
Tuesday September 27, 2016	11:00 a.m.	Washington State University Hulbert Hall Room 311 Pullman, Washington

For further information, contact Mary Baltz, WSU-ID Secretary, P.O. Box 646243, Pullman, WA 99164-6243, or mweitz@wsu.edu.

WSR 16-01-061

NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

(Global Operations and Leadership Development)

[Filed December 11, 2015, 11:33 a.m.]

Following is the schedule of regular meetings for the Board of Directors of Global Operations and Leadership Development (GOLD), a nonprofit corporation affiliated with Washington State University:

Date	Time	Location
Thursday September 29, 2016	4:00 p.m.	Washington State University French Administration Building Room 422 Pullman, Washington

For further information, contact Joan King, GOLD Secretary, P.O. Box 641041, Pullman, WA 99164-1041, or joankj@wsu.edu.

WSR 16-01-062

NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY

(Global Animal Health-Tanzania)

[Filed December 11, 2015, 11:33 a.m.]

Following is the schedule of regular meetings for the board of directors of Global Animal Health-Tanzania (GAH-T), a nonprofit corporation affiliated with Washington State University:

Date	Time	Location
Wednesday September 21, 2016	3:00 p.m.	Washington State University Paul G. Allen Center for Global Animal Health Room 201 Pullman, Washington

For further information, contact Jill Griffin, GAH-T Secretary, P.O. Box 647090, Pullman, WA 99164-7090, or griffinj@vetmed.wsu.edu.

Tuesday December 13	Noon meeting	Applebees Kennewick, Washington
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If you need further information contact Shane Johnson, 100 North Fruitland Street, Suite B, Kennewick, WA 99336, (509) 585-5460, (509) 585-2671, shanej@agmgt.com.

WSR 16-01-063

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING**
(Home Inspector Board)
[Filed December 11, 2015, 11:54 a.m.]

Locations for 2016 Meetings

The April 20, 2016, meeting will be held 9:00 a.m. to 1:00 p.m. (or until completion of business) at Red Lion Hotel, 2300 Evergreen Park Drive S.W., Olympia, WA 98502.

The June 2, 2016, meeting will be held 9:00 a.m. to 1:00 p.m. (or until completion of business) in Lynnwood, Washington (location to be determined).

The September 8, 2016, meeting will be held 9:00 to 1:00 p.m. (or until completion of business) in Wenatchee, Washington (location to be determined).

The December 8, 2016, meeting will be held 9:00 a.m. to 1:00 p.m. (or until the completion of business) in SeaTac, Washington (location to be determined).

The department of licensing has a policy of providing equal access to its services. If you need special accommodation, please contact (360) 664-6524 or TTY (360) 664-8885.

WSR 16-01-064

**PUBLIC RECORDS OFFICER
PUBLIC DISCLOSURE COMMISSION**
[Filed December 11, 2015, 1:55 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the public disclosure commission is Toni Lince, P.O. Box 40908, 711 Capitol Way, Room 206, Olympia, WA 98504, phone (360) 753-1111, fax (360) 753-1112, e-mail pdc@pdc.wa.gov.

Evelyn Fielding Lopez
Executive Director

WSR 16-01-070

**NOTICE OF PUBLIC MEETINGS
ALFALFA SEED COMMISSION**
[Filed December 14, 2015, 10:53 a.m.]

Following is the schedule of regular meetings for the Washington alfalfa seed commission for 2016:

Thursday February 18	Annual meeting 11:00 a.m.	Location TBD
Tuesday May 3	Noon meeting	Applebees Kennewick, Washington
Tuesday September 27	Noon meeting	Applebees Kennewick, Washington

WSR 16-01-071

**NOTICE OF PUBLIC MEETINGS
OILSEEDS COMMISSION**
[Filed December 14, 2015, 10:54 a.m.]

The Washington oilseeds commission will be holding the following regular meetings in 2016:

Wednesday January 13	Annual Meeting	Three Rivers Convention Center Kennewick, Washington
Tuesday April 19	9:00 a.m.	Conference call
Tuesday July 12	9:00 a.m.	Conference call
Tuesday November 8	9:00 a.m.	TBD

If you need further information contact Madi Clark, 100 North Fruitland Street, Suite B, Kennewick, WA 99336, (509) 585-5460, shanej@agmgt.com.

WSR 16-01-072

**NOTICE OF PUBLIC MEETINGS
MINT COMMISSION**
[Filed December 14, 2015, 10:55 a.m.]

The Washington mint commission will be holding the following regular meetings in 2016:

Thursday February 2	12:00 noon	Applebees Kennewick, Washington
Thursday April 5	6:00 p.m.	Applebees Kennewick, Washington
Tuesday June 7	12:00 noon	The Barn Prosser, Washington
Tuesday September 27	6:00 p.m.	Applebees Kennewick, Washington
Tuesday November 1	12:00 noon	The Barn Prosser, Washington
Tuesday December 6	Annual Meeting	Red Lion Hotel Pasco, Washington

If you need further information contact Shane Johnson, 100 North Fruitland Street, Suite B, Kennewick, WA 99336, (509) 585-5460, (509) 585-2671, shanej@agmgt.com.

WSR 16-01-073
NOTICE OF PUBLIC MEETINGS
GUARANTEED EDUCATION
TUITION PROGRAM

[Filed December 14, 2015, 2:15 p.m.]

2016 GET Committee Meeting Schedule
Background

As outlined in RCW 28B.95.030, WAC 14-104-010, the GET committee shall hold regular meetings as needed. Additional special meetings may be scheduled if needed.

The following is the approved meeting schedule for the 2016 calendar year.

DATE	TIME	PLACE
Thursday February 11, 2016	2:00 p.m. - 4:00 p.m.	Capitol Campus J. A. Cherberg Building Senate Hearing Room 1 Olympia
Wednesday April 20, 2016	2:00 p.m. - 4:00 p.m.	Capitol Campus J. A. Cherberg Building Senate Hearing Room 1 Olympia
Thursday June 23, 2016	2:00 p.m. - 4:00 p.m.	Capitol Campus J. A. Cherberg Building Senate Hearing Room 1 Olympia
Wednesday September 7, 2016	2:00 p.m. - 4:00 p.m.	Capitol Campus J. A. Cherberg Building Senate Hearing Room 1 Olympia
Tuesday November 8, 2016	2:00 p.m. - 4:00 p.m.	Capitol Campus J. A. Cherberg Building Senate Hearing Room 1 Olympia

WSR 16-01-079
NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER
FIREFIGHTERS AND RESERVE OFFICERS

[Filed December 14, 2015, 3:28 p.m.]

The state board for volunteer firefighters will meet in the James R. Larson Forum Building, 605 11th Avenue S.E., Suite 207, on January 8, April 15, July 8, and October 14, 2016, at 9:00 a.m.

WSR 16-01-080
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD

[Filed December 14, 2015, 3:51 p.m.]

Notice of 2016 Regular Meetings

Per RCW 42.30.075, the forest practices board will hold meetings on:

February 10 9 a.m. Regular Meeting	Natural Resources Building 1111 Washington Street S.E. Room 172 Olympia
May 11 9 a.m. Regular Meeting	Natural Resources Building 1111 Washington Street S.E. Room 172 Olympia
August 10 9 a.m. Regular Meeting	Natural Resources Building 1111 Washington Street S.E. Room 172 Olympia
November 9 9 a.m. Regular Meeting	Natural Resources Building 1111 Washington Street S.E. Room 172 Olympia

WSR 16-01-081
OFFICE OF
INSURANCE COMMISSIONER

[Filed December 14, 2015, 4:12 p.m.]

This is my formal request to recodify the following sections of the Washington Administrative Code as follows:

Old WAC Section New WAC Section

SUBCHAPTER A
General Provisions

284-43-110	284-43-0110
284-43-120	284-43-0120
284-43-125	284-43-0140
284-43-130	284-43-0160

SUBCHAPTER Y
Health Care Networks

284-43-200	284-43-9970
284-43-201	284-43-9971
284-43-202	284-43-9972
284-43-203	284-43-9973
284-43-204	284-43-9974
284-43-205	284-43-9975
284-43-220	284-43-9976
284-43-221	284-43-9977
284-43-222	284-43-9978
284-43-225	284-43-9979
284-43-229	284-43-9980
284-43-230	284-43-9981
284-43-250	284-43-9982
284-43-251	284-43-9983

Old WAC Section	New WAC Section	Old WAC Section	New WAC Section
284-43-252	284-43-9984	284-43-511	284-43-3050
284-43-260	284-43-9985	284-43-515	284-43-3070
284-43-262	284-43-9986	284-43-520	284-43-3090
SUBCHAPTER B		284-43-525	284-43-3110
Plan Management		284-43-530	284-43-3130
284-170-870	284-43-0200	284-43-535	284-43-3150
284-170-001	284-43-0210	284-43-540	284-43-3170
284-170-002	284-43-0230	284-43-545	284-43-3190
284-170-950	284-43-0250	284-43-550	284-43-3210
284-170-952	284-43-0270	SUBCHAPTER F	
284-170-954	284-43-0290	GRANDFATHERED HEALTH PLAN APPEAL PROCEDURES	
284-170-955	284-43-0310	284-43-611	284-43-4000
284-170-958	284-43-0330	284-43-615	284-43-4020
284-170-959	284-43-0350	284-43-620	284-43-4040
SUBCHAPTER Z		284-43-630	284-43-4060
Provider Contracts and Payment		SUBCHAPTER G	
284-43-300	284-43-9990	GRIEVANCES	
284-43-310	284-43-9991	284-43-711	284-43-4500
284-43-320	284-43-9992	284-43-721	284-43-4520
284-43-321	284-43-9993	SUBCHAPTER H	
284-43-322	284-43-9994	HEALTH PLAN BENEFITS	
284-43-323	284-43-9995	284-170-400	284-43-5000
284-43-324	284-43-9996	284-43-800	284-43-5020
284-43-325	284-43-9997	284-43-815	284-43-5040
284-43-330	284-43-9998	284-43-816	284-43-5060
284-43-331	284-43-9999	284-43-817	284-43-5080
SUBCHAPTER C		284-43-818	284-43-5100
Open and Special Enrollment Requirements		284-43-819	284-43-5110
284-170-410	284-43-1020	284-43-820	284-43-5130
284-170-412	284-43-1040	284-43-822	284-43-5150
284-170-415	284-43-1060	284-43-825	284-43-5170
284-170-420	284-43-1080	284-43-840	284-43-5200
284-170-425	284-43-1100	284-43-849	284-43-5400
284-170-430	284-43-1120	284-43-850	284-43-5420
284-170-435	284-43-1140	284-43-852	284-43-5410
SUBCHAPTER D		284-43-860	284-43-5440
UTILIZATION REVIEW		284-43-865	284-43-5600
284-43-410	284-43-2000	284-43-8651	284-43-5602
284-43-420	284-43-2020	284-43-877	284-43-5620
SUBCHAPTER E		284-43-8771	284-43-5622
ADVERSE BENEFIT DETERMINATION PROCESS REQUIREMENTS FOR NONGRANDFATHERED PLANS		284-43-878	284-43-5640
284-43-500	284-43-3000	284-43-8781	284-43-5642
284-43-505	284-43-3010	284-43-879	284-43-5700
284-43-510	284-43-3030	284-43-8791	284-43-5702
		284-170-800	284-43-5720

Old WAC Section	New WAC Section
284-170-805	284-43-5740
284-170-810	284-43-5760
284-43-880	284-43-5780
284-43-8801	284-43-5782
284-43-882	284-43-5800
284-43-885	284-43-5820
284-43-899	284-43-5900

**SUBCHAPTER I
HEALTH PLAN RATES**

284-43-901	284-43-6000
284-43-905	284-43-6010
284-43-910	284-43-6020
284-43-915	284-43-6040
284-43-925	284-43-6060
284-43-927	284-43-6080
284-43-930	284-43-6100
284-43-935	284-43-6120
284-43-940	284-43-6140
284-43-945	284-43-6160
284-170-250	284-43-6200
284-170-252	284-43-6220

**SUBCHAPTER K
MENTAL HEALTH AND SUBSTANCE USE DISORDER**

284-43-990	284-43-7000
284-43-991	284-43-7010
284-43-992	284-43-7020
284-43-993	284-43-7040
284-43-994	284-43-7060
284-43-995	284-43-7080
284-43-996	284-43-7100
284-43-997	284-43-7120

Mike Kreidler
Insurance Commissioner

WSR 16-01-082

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Dental Quality Assurance Commission)

[Filed December 14, 2015, 5:22 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, dental quality assurance commission, for the year 2016. The dental quality assurance commission 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 dental quality assurance commission reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 22, 2016	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
March 4, 2016	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
April 22, 2016	8:00 a.m.	To Be Determined Tri Cities, WA
June 3, 2016	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
July 15, 2016	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
September 9, 2016	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
October 28, 2016	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
December 9, 2016	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501

If you need further information, please contact Jennifer Santiago, Health Service Consultant 4, Washington Department of Health, Dental Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4893, fax (360) 236-2901, e-mail Jennifer.santiago@doh.wa.gov, web www.doh.wa.gov.

Please be advised the dental quality assurance 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 16-01-083
INTERPRETIVE OR POLICY STATEMENT
WASHINGTON STATE PATROL
 [Filed December 15, 2015, 7:41 a.m.]

November 17
 December 15

**NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT
 OR POLICY STATEMENT**

Title of Interpretive Statement: Calculation of towing fees (IS-1).

Issuing Entity: Washington state patrol, commercial vehicle division.

Subject Matter: Clarification of the manner in which the hourly rate for towing fees is calculated under WAC 204-91A-140.

Effective Date: December 15, 2015.

Contact Person: Sergeant J. D. Strup, Washington State Patrol, 210 11th Avenue S.W., G-21, P.O. Box 42614, Olympia, WA 98504-2614, (360) 596-3804.

WSR 16-01-087
PUBLIC RECORDS OFFICER
OFFICE OF
FINANCIAL MANAGEMENT
 [Filed December 15, 2015, 10:13 a.m.]

In accordance with RCW 42.56.580, I have appointed Nathan Sherrard, P.O. Box 43113, Olympia, WA 98504-3113, phone (360) 902-0540, fax (360) 664-2832, e-mail nathan.sherrard@ofm.wa.gov, as public records officer for the office of financial management (OFM), effective December 15, 2015.

David Schumacher
 Director

WSR 16-01-089
NOTICE OF PUBLIC MEETINGS
PUGET SOUND
CLEAN AIR AGENCY
 [Filed December 15, 2015, 12:31 p.m.]

Following is our agency's list of board of directors' meeting dates for the year 2016. All of the meetings are currently expected to be held at the agency's office at 1904 3rd Avenue, Suite 105, Seattle, WA.

If you have any questions, please call Judith White-Crow at (206) 689-4079 or e-mail judithw@psc Cleanair.org.

Board of Directors' Meeting Dates for 2016

- January 28
- February 25
- March 24
- April 28
- May 26
- June 23
- July 28
- September 22
- October 27

WSR 16-01-090
NOTICE OF PUBLIC MEETINGS
LIFE SCIENCES
DISCOVERY FUND AUTHORITY
 [Filed December 15, 2015, 12:40 p.m.]

Following is life sciences discovery fund's updated board meeting information. We will post a meeting agenda on our web site <http://www.lsdfa.org/about/staff/meetings.html> prior to each gathering.

Upcoming Public Board Meeting Dates
(times are approximate and subject to change)

Monday February 8, 2016	8:30 a.m.- 4:30 p.m.	LSDFA Office 1551 Eastlake Avenue East Seattle, WA 98102 (first floor Agora Conference Room)
Monday May 2, 2016	8:30 a.m.- 4:30 p.m.	TBD
Monday July 11, 2016	8:30 a.m.- 4:30 p.m.	TBD
Monday September 19, 2016	8:30 a.m.- 4:30 p.m.	TBD
Monday December 12, 2016	8:30 a.m.- 4:30 p.m.	TBD

WSR 16-01-091
NOTICE OF PUBLIC MEETINGS
GRAIN COMMISSION
 [Filed December 15, 2015, 1:36 p.m.]

The Washington grain commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting information of the board of directors for publication in the state register for the period January through December 2016. All meetings will take place in the commission conference room at 2702 West Sunset Boulevard, Suite A, Spokane, WA, *unless otherwise noted*. The meetings will begin at 10:00 a.m. on the first day and will reconvene at 8:00 a.m. on the second day, *unless otherwise noted*.

Regular	January 28 (8:00 - 5:00)	Residence Inn 1255 N.E. North Fairway Road Pullman, WA
Regular	March 23 and 24	
Annual	May 18 and 19	
Regular	September 28 and 29	
Regular	November 16 and 17	

We understand that should any changes to this meeting schedule become necessary, we will provide the information at least twenty days prior to the rescheduled meeting date for publication in the state register.

WSR 16-01-105
AGENDA
DEPARTMENT OF
ENTERPRISE SERVICES

[Filed December 16, 2015, 3:34 p.m.]

Listed below is the department of enterprise services' semi-annual rules development agenda for publication in the Washington State Register. This list identifies rules that the department of enterprise services has under development and rules that the agency anticipates starting some rule-making action on during the next six months.

This agenda also is available on our web site at www.des.wa.gov/about/LawsRules. The information on our web site is continually updated as rule-making notices are filed. If the agency starts rule-making activities that are not listed on this agenda or stops listed rule-making activities, that information also will be posted.

If you have questions about this agenda, contact Jack Zeigler, at e-mail jack.zeigler@des.wa.gov or phone (360) 407-9209.

Semi-Annual Rule-Making Agenda
January 1 through June 30, 2016

WAC Citation	Subject Matter/Purpose of Rule	Current Activity/Approximate Filing Date
Chapter 200-370 WAC, Credit, charge, or purchasing cards.	Expedited rule making to repeal chapter 200-370 WAC. Under HB 2452 (2012), commonly known as procurement reform, RCW 43.19.185 was repealed. RCW 43.19.185 mandated the development of credit card systems and rules relating to the use of credit cards by state agencies and departments. While the development of credit card policies and standards by the department of enterprise services are required under HB 2452, credit card rules are no longer required. In addition, fully developed and operational credit card systems, controls and policies are in place and widely used and followed by state agencies and departments. Because of this, chapter 200-370 WAC is no longer relevant.	CR-105 expedited rule making filed in June 2015. Objection period closed without objections. Adoption anticipated January 2016.
Chapter 200-305 WAC, Debarment fines.	Amend rules to implement SHB 1447 by establishing the process to fine a contractor when a finding for cause is made.	CR-101 filed September 2015. CR-102 proposed rules anticipated filing in January 2016.
New rule within Title 200 WAC, Operating unmanned aircraft systems (drones) on the campus.	New rules are considered necessary to provide for the safety and security of state government as well as visitors to the capitol campus.	CR-102 proposed rules filed November 18, 2015. Adoption anticipated January 6, 2016.
Chapter 200-340 WAC, Design and construction standards of sidewalk and curb ramps.	Amend design and construction standards of sidewalk and curb ramps for the physically handicapped person without uniquely endangering the blind. This rule making will update the current rules to align with the current State Building Code. These rules apply to cities, counties and towns.	Start of rule making anticipated in January 2016.
New rule within Title 200 WAC, Trespassing on the capitol campus.	These rules will specify the grounds upon which the state may give a trespass warning, excluding a person from the capitol buildings and grounds, and to put in place an administrative review process to satisfy a person's due process.	Start of rule making anticipated in January 2016.

Jack Zeigler
Rules Manager

WSR 16-01-107
CLEMENCY AND PARDONS BOARD
 [Filed December 17, 2015, 8:01 a.m.]

Quarterly Hearings for the Year 2016

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing dates and times scheduled for the year 2016 in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington¹.

1 Please note that these hearing dates and times may be subject to change depending on room availability and the number of petitions set for hearing during each quarter.

Date	Time
March 11, 2016	10:00 a.m.
June 10, 2016	10:00 a.m.
September 9, 2016	10:00 a.m.
December 9, 2016	10:00 a.m.

WSR 16-01-108
NOTICE OF PUBLIC MEETINGS
FRUIT COMMISSION
 [Filed December 17, 2015, 10:23 a.m.]

2016
 COMMISSION MEETING SCHEDULE

At their December 2015 board meeting, the Washington state fruit commission (WSFC) approved the following meeting dates and places for the 2016 calendar year:

March 9, 2016	11:00 a.m.	W. L. Hansen Building Yakima, Washington
May 25, 2016	9:00 a.m.	Red Lion Richland, Washington
August 17, 2016	11:00 a.m.	Washington Apple Commission Wenatchee, Washington
December 14, 2016	11:00 a.m.	W. L. Hansen Building Yakima, Washington

WSFC complies with the Americans with Disabilities Act. These meetings are open to all persons without regard to race, color, national origin, gender, religion, age, or disability. Persons who require alternative means of communication (such as Braille, large print, sign language) or language interpretation or special accommodations should contact the WSFC at (509) 453-4837 at least three business days before the meeting.

If there are any questions regarding the 2016 meeting schedule, please contact the WSFC offices at (509) 453-4837.

WSR 16-01-109
RULES COORDINATOR
DEPARTMENT OF ARCHAEOLOGY
AND HISTORIC PRESERVATION
 [Filed December 17, 2015, 10:52 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the department of archaeology and historic preservation is Lance Wollwage, 1110 Capitol Way South, Suite 30, Olympia, WA 98504-8343, phone (360) 586-3536, e-mail lance.wollwage@dahp.wa.gov.

Dr. Allyson Brooks
 Director

WSR 16-01-110
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ASIAN PACIFIC AMERICAN AFFAIRS
 [Filed December 17, 2015, 10:55 a.m.]

Following is the schedule of regular meetings for the commission on Asian Pacific American affairs for 2016:

Date	Time	Location
January 16, 2016	10:00 a.m. - 2:00 p.m.	Together Center 16225 N.E. 87th Street Suite A-5 Redmond, WA 98052
March 19, 2016	10:00 a.m. - 2:00 p.m.	Tacoma Community House 1314 South L Street Tacoma, WA 98405
June 18, 2016	11:00 a.m. - 3:00 p.m.	Filipino Community Hall 211 West 2nd Street Wapato, WA 98951
September 17, 2016	10:00 a.m. - 2:00 p.m.	Vancouver Community Library 901 C Street Vancouver, WA 98660
November 19, 2016	10:00 a.m. - 2:00 p.m.	Seattle, Washington

If you need further information contact Brianne Ramos, 210 11th Avenue S.W., 301A, Olympia, WA 98504, (360) 725-5667, brianne.ramos@capaa.wa.gov, www.capaa.wa.gov.

WSR 16-01-111
AGENDA
LIQUOR AND CANNABIS
BOARD

[Filed December 17, 2015, 10:56 a.m.]

Semi-Annual Rule-Making Agenda
January 1 through June 30, 2016

Following is the liquor control [liquor and cannabis] board's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Karen McCall, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, phone (360) 664-1631, e-mail rules@liq.wa.gov.

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
Create a new section in chapter 314-02 WAC to clarify the relocation of former state and contract liquor stores	Stakeholder request/I-1183	WSR 13-08-088 Filed 4/3/13		
Revise WAC 314-12-215 on alcohol impact areas	Stakeholder request	WSR 14-21-182 Filed 10/22/14		
Revise chapter 314-29 WAC, Penalty guidelines	Agency rules review	WSR 15-13-056 Filed 6/10/15		
New section in chapter 314-03 WAC	Agency	WSR 15-20-122 Filed 10/7/15	WSR 16-01-100 Filed 12/16/15	
Chapter 314-55 WAC	2015 legislation implementation	WSR 15-15-092 Filed 7/15/15	WSR 15-19-166 Filed 9/23/15	

WSR 16-01-112
NOTICE OF PUBLIC MEETINGS
APPLE COMMISSION
 [Filed December 17, 2015, 11:31 a.m.]

Following is the schedule of regular meetings for the Washington apple commission for 2016:

Date	Time	Location
March 10, 2016	10:00 a.m.	Yakima
May 19, 2016	10:00 a.m.	Wenatchee
October 20, 2016	10:00 a.m.	Conference Call
December 8, 2016	10:00 a.m.	Yakima

For further information, please contact Lindsey Huber, 2900 Euclid Avenue, Wenatchee, WA 98801, (509) 663-9600 ext. 270 or Lindsey.Huber@waapple.org.

WSR 16-01-116
AGENDA
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 [Filed December 17, 2015, 3:49 p.m.]

Semi-Annual Agenda for Rules Under Development
January 1 - June 30, 2016

AGENCY ADJUDICATIVE PROCEDURES

- Continuation of the rules process begun in 2015 to adopt rules under chapter 208-08 WAC, adjudicative procedures, to modernize the chapter and make it more procedurally efficient. This chapter of rules applies to all divisions within the agency. Additional changes to the rules will be made for need, clarity and consistency, and to guide participants. These rules are beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.

DIVISION OF BANKS

- Propose and adopt rules to implement the new enabling provisions of Title 30B RCW, Washington Trust Institutions Act ("TIMA"), which was effective January 5, 2015. Rules are necessary to:
 - o Further determine, within the discretion authority granted the director under TIMA, which fiduciaries will be subject to a trust company regulation and which will not; and if so, what will be the scope of

the regulation for certain miscellaneous but applicable persons. See authority under RCW 30B.04.005 (43), 30B.04.020(2), 30B.10.005(3), and 30B.08.080.

- o Establish new requirements for trust company applications and formation, authorized by RCW 30B.08.010.
- o Prudential Fiduciary Standards - Examination, e.g., M-O-E-C-A (instead of CAMELS). Authorized by chapters 30B.10 and 30B.24 RCW.
- o Prudential standards for supervisory direction, authorized by chapter 30B.46 RCW.

These rules are required by state law.

- Amend chapter 208-512 WAC to modernize securities investment standards rules. Section 939A of the Dodd-Frank Act authorized federal banking regulators to eliminate statutory protections for national credit rating agencies associated with investments (i.e., Standard & Poor's, Moody's, and Fitch) and to establish new standards of creditworthiness. In reviewing its compliance with Section 939A of the Dodd-Frank Act, the division of banks identified one or more sections of chapter 208-512 WAC which need modernization to conform to the Dodd-Frank Act and to also assure "parity" for Washington state-chartered banks and savings banks with national banks in relation to securities investment standards. Accordingly, the division of banks is anticipating repealing WAC 208-512-110 through 208-512-117 inclusive, and to propose and adopt a modern, comprehensive set of rules on Bank Investment Standards set forth in a new chapter 208-512B WAC. These rules are beneficial to or requested or supported by regulated entities, and are either required by federal law, or to eliminate rule provisions superseded by more recent state statute.
- "Lending limits" rule re: Derivatives & Securities Lending. Decide whether Office of the Comptroller of the Currency revisions in this area are necessary to be adopted for Titles 30A and 32 RCW banks, and if so, propose and make amendments to chapter 208-512A WAC. This would be necessary to bring Titles 30A and 32 RCW banks into parity with national banks unless existing state rules would benefit Titles 30A and 32 RCW banks more. These rules are beneficial to or requested or supported by regulated entities.
- Propose and adopt rules for a technical cleanup of the existing chapter 208-512 WAC consistent with the rule making to be proposed and adopted above. These rules are beneficial to or requested or supported by regulated entities.

DIVISION OF CONSUMER SERVICES

- Consumer Loan Act - Continuation of the rules process begun in 2015 to adopt rules under chapter 208-620 WAC to implement chapter 229, Laws of 2015. The amended rules will be based on changes to the law that are technical in nature; make the law more consistent with the companion act, the Mortgage Broker Practices Act; implement the director's license conditioning authority; implement liquidity, operating reserves and

tangible net worth requirements for residential loan servicers; and implement a licensing prohibition for a gross misdemeanor involving dishonesty. Additional changes to the rules will be made for need, clarity and consistency, and to guide industry to compliance. These rules are required by federal or state law and are beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.

- Mortgage Broker Practices Act - Continuation of the rules process begun in 2015 to adopt rules under chapter 208-660 WAC to implement chapter 229, Laws of 2015. The amended rules will be based on changes to the law that are technical in nature; make the law more consistent with the companion act, the Consumer Loan Act; and implement the director's license conditioning authority. Additional changes to the rules will be made for need, clarity and consistency, and to guide industry to compliance. These rules are required by federal or state law and are beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.
- Escrow Agent Registration Act - Continuation of the rules process begun in 2015 to adopt rules under chapter 208-680 WAC to implement chapters 51 and 229, Laws of 2015. The rule amendments would guide the industry in complying with the new requirements under chapter 64.04 RCW when requested to hold and subsequently return earnest money. Additional changes to the rules will be made for need, clarity and consistency, and to guide industry to compliance. These rules are required by federal or state law and are beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.
- Uniform Money Services Act - Continuation of the rules process begun in 2015 to adopt rules under chapter 208-690 WAC for need, clarity and consistency. Examples include: Clarification of the advertising rules for authorized delegates; more detail provided on the type of information security and data protection processes a licensee must have in place for compliance with federal law; clarification of the permissible investment requirements; information on circumstances triggering a bond increase requirement; and information on the business types that may trigger an increase in security requirement. These rules are beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.
- Implementation of the Mortgage Lending Fraud Prosecution Account - Continuation of the rules process begun in 2015 to adopt rules under chapter 208-700 WAC to implement chapter 229, Laws of 2015, by making the rules consistent with the changes to the definition of the mortgage lending process and make technical changes. These rules are required by federal or state law and are beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.
- Check Cashers & Sellers Act - Continuation of the rules process begun in 2015 to adopt rules under chapter 208-630 WAC regarding information security, business

resumption and records disposal. These rules are required by federal or state law, and requested or supported by the regulated entities, local governments or small businesses that it affects.

DIVISION OF CREDIT UNIONS

- Amendments to modernize chapter 208-436 WAC supervisory approval of credit union investments (last updated in 1996). The amendments will streamline the application process, clarify safety and soundness expectations for the increased investment authority in credit union subsidiary organizations as recently amended in SB 5757, and set standards for use of derivatives as a risk mitigation tool for interest rate risks. Rules are beneficial to or requested or supported by the regulated entities, local governments or small businesses that it affects.

DIVISION OF SECURITIES

- Propose rules to implement the small business retirement marketplace, as required by ESSB 5826. Rules are required by state law.
- Amendments to the crowdfunding rules contained in chapter 460-99C WAC and the limited offering exemption under WAC 460-44A-504. On October 30, 2015, the Securities and Exchange Commission (SEC) proposed amendments to federal Rule 147 and federal Rule 504. The Washington crowdfunding rules contained in chapter 460-99C WAC are currently only available to offerings that are exempt federally under Section 3 (a)(11) of the Securities Act of 1933 and Rule 147 adopted thereunder. In addition, the limited offering exemption under WAC 460-44A-504 is premised on the offering being exempt under federal Rule 504 of Regulation D. SEC has proposed a number of amendments to Rule 147 to modernize it. Further, SEC has proposed to increase the offering amount limit under federal Rule 504 from \$1 million to \$5 million. Should SEC adopt any of the proposed amendments to Rule 147 or Rule 504, the division plans to amend its own related rules in the interest of facilitating capital formation. Rules are beneficial to or requested or supported by regulated entities, local governments or affected small businesses.
- Propose rule(s) to require notice filings in connection with crowdfunding offerings conducted under federal regulation crowdfunding, 17 C.F.R. § 227.100 through .503. The federal rules under regulation crowdfunding were adopted by SEC on October 30, 2015, and are distinct from the state crowdfunding rules under chapter 460-99C WAC. Rules are required by federal law.

WSR 16-01-119

AGENDA

DEPARTMENT OF CORRECTIONS

[Filed December 18, 2015, 8:53 a.m.]

Following is the department of corrections' semi-annual rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

**RULE DEVELOPMENT CALENDAR
JANUARY 1-JUNE 30, 2016**

WAC Chapter or Section	Purpose
137-08	Public disclosure

John Nispel
Rules Coordinator

WSR 16-01-125

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES**

(Capitol Campus Design Advisory Committee)
[Filed December 18, 2015, 10:01 a.m.]

Following are the capitol campus design advisory committee (CCDAC) meeting dates in the Washington State Register for 2016:

- Thursday, February 18
- Thursday, May 19
- Thursday, September 15
- Thursday, November 10

All CCDAC meetings will be held at 1500 Jefferson Street, Olympia, WA, Conference Room 2208 and will begin [at] 10:00 a.m.

If you have any questions regarding these meetings, please contact Nouk Leap at (360) 407-9256.

WSR 16-01-126

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES**

(State Capitol Committee)
[Filed December 18, 2015, 10:02 a.m.]

Please record the following state capitol committee (SCC) meeting dates in the Washington State Register for 2016:

- Thursday, March 17
- Thursday, June 16
- Thursday, October 6
- Thursday, December 8

The SCC meetings will be held in the Senate Rules Room, 2nd Floor, Legislative Building, 416 Sid Snyder Avenue S.W., Olympia, WA. Meetings are scheduled to begin at 10:00 a.m.

If you have any questions about these meetings, please contact Nouk Leap at (360) 407-9256.

WSR 16-01-131
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
(Natural Heritage Advisory Council)
[Filed December 18, 2015, 11:06 a.m.]

October 14
November 18
December 9

The natural heritage advisory council will meet on the following date:

January 21, 2016 9:30 a.m. to 4:00 p.m. Natural Resources Building
1111 Washington Street S.E.
Room 537
Olympia, WA 98501

Additional 2016 meeting dates to be determined.

Regular council business generally includes consideration of conservation priorities and proposals for new natural areas, additions to existing natural areas, and management activities within existing natural areas.

For further information contact the Department of Natural Resources, Natural Heritage Program, 1111 Washington Street S.E., Olympia, WA 98504-7014, (360) 902-1661.

WSR 16-01-134
NOTICE OF PUBLIC MEETINGS
BOARD OF TAX APPEALS
[Filed December 18, 2015, 11:38 a.m.]

Following is the schedule of regular meetings for the board of tax appeals (board) for calendar year 2016. Meetings will be held at the board's main office located at 910 5th Avenue S.E., Olympia, and will be held at 9:30 a.m.

- 2016**
- January 8
- February 12
- March 11
- April 8
- May 13
- June 10
- July 8
- August 12
- September 9

In accordance with chapter 42.30 RCW, the Open Public Meetings Act, these meetings are open to the public and conducted at a barrier-free site. For special assistance and for additional information, please contact board staff at (360) 753-5446, or via e-mail bta@bta.state.wa.us. Changes to the schedule will be published in the state register at least twenty days prior to the rescheduled meeting date and posted to the board's web site at <http://bta.state.wa.us>.

WSR 16-01-135
NOTICE OF PUBLIC MEETINGS
LOCAL RECORDS COMMITTEE
[Filed December 18, 2015, 2:08 p.m.]

MEETINGS, POWERS AND DUTIES

FOR LOCAL GOVERNMENT AGENCIES: The local records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of local government agencies. **(WAC 434-630-030)**

The local records committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The local records committee shall also review recurring disposition schedules recommended to it by agencies of local government and may veto, approve, or amend such schedules. **(WAC 434-630-040)**

You may verify meeting cancellations by visiting our web site at <http://www.sos.wa.gov/archives/> or by calling Washington state archives at (360) 586-4901. The 2015 [2016] meeting dates are as follows:

10:00 a.m.
1129 Washington Street S.E.
Olympia

- 2016**
- January 28
- April 28
- July 28
- October 27

WSR 16-01-137
AGENDA
GAMBLING COMMISSION
[Filed December 18, 2015, 2:27 p.m.]

Following is the Washington state gambling commission's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

If you have any questions about this rule-making agenda, please contact Susan Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, phone (360) 486-3466, fax (360) 486-3625, e-mail Susan.Newer@wsgc.wa.gov.

**Semi-Annual Rule Development Agenda
January through June 2016**

WAC	Subject of Rule Making	CR-101	CR-102	CR-103	Effective
230-03-185 230-03-190 230-05-030 230-06-110 230-13-010 230-13-135 230-13-160 230-13-080 230-13-005 230-13-140	Amusement Games: In July 2015, the commissioners authorized Group 12 amusement games to be played by persons twenty-one and over. With implementation of this new activity, staff has identified additional rule changes necessary to ensure effective regulation.	WSR 15-22-054	Anticipate commissioners will file for further discussion at their January 2016 public meeting.	Anticipate commissioners may take final action at their March 2016 public meeting.	Anticipate effective date April 2016.
230-15-035 230-15-040 230-15-055 230-15-065 230-15-140 230-15-141	Card Game Rules: Commission staff regularly evaluates our regulatory processes to ensure they add value and that we do not place unnecessary burdens on licensees by eliminating duplication already required in the WAC, ensuring consistency between licensees, and allowing for maximum flexibility by each business. This is in line with one of our agency goals of "anticipating and responding to the evolving gambling industry."	WSR 15-18-020	Anticipate commissioners may file for further discussion at their July 2016 public meeting.		

Susan Newer
Rules Coordinator

**WSR 16-01-138
HOUSING FINANCE COMMISSION**

[Filed December 18, 2015, 2:57 p.m.]

NOTICE OF PUBLIC HEARING

The Washington state housing finance commission (commission) will hold an open public hearing for the purpose of accepting public comment on proposed amendments to the commission's housing finance plan for 2016-2017, as required by laws governing the commission. The public hearing will be held at 1:00 p.m., Thursday, January 28, 2016, at the Commission Offices, 1000 Second Avenue, Board Room, 28th Floor, Seattle, WA.

The state housing finance plan provides the general policies of the commission and specific policies with regard to the programs of the commission. The plan outlines the manner in which the commission intends to issue bonds and allocate and use other financial resources during the period of the plan in accordance with the goals and objectives of the plan.

The commission is encouraging public comment on the proposed housing finance plan for 2016-2017. Interested parties

and individuals are encouraged to send written comments to the commission at the address provided below or to attend the public hearing. A copy of the proposed 2016-2017 housing finance plan may be requested by calling 1-800-767-4663 (from within Washington state) or (206) 464-7139; by e-mail rich.zwicker@wshfc.org; on the commission's web site at www.wshfc.org or by written request to the commission. The proposed plan will be available for distribution to the public effective December 18, 2015.

Written public comment is invited and should be received by 5:00 p.m., Tuesday, January 26, 2016, in the offices of the Washington State Housing Finance Commission, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046. Testimony will be heard from all interested members of the public attending the hearing on January 28, 2016. The commission will consider the public testimony and written comments on proposed changes made to its housing finance plan.

Kim Herman
Executive Director

WSR 16-01-144

**NOTICE OF PUBLIC MEETINGS
RENTON TECHNICAL COLLEGE**

[Filed December 21, 2015, 10:54 a.m.]

Pursuant to RCW 42.30.075, please be advised that the Renton Technical College board of trustees' regular meetings during 2016 will be held as follows:

Date	Week/Day of the Month
January 20, 2016	Third Wednesday
February 22, 2016	Fourth Monday
March 23, 2016	Fourth Wednesday
April 27, 2016	Fourth Wednesday
May 18, 2016	Third Wednesday
June 15, 2016	Third Wednesday
July, 2016	No meeting
August, 2016	No meeting
September 21, 2016	Third Wednesday
October 19, 2016	Third Wednesday
November 16, 2016	Third Wednesday
December 21, 2016	Third Wednesday

There are no regular meetings during the months of July and August.

All meetings will be scheduled at 3:00 p.m., at Renton Technical College, 3000 N.E. 4th Street, Roberts Campus Center Board Room, Room I-202, Renton, WA 98056-4195.

If you need further information, please contact Di Beers at (425) 235-2426.

WSR 16-01-145

AGENDA

WASHINGTON STATE UNIVERSITY

[Filed December 21, 2015, 11:03 a.m.]

**Semi-Annual Agenda for Rules Under Development
January 2016**

Pursuant to RCW 34.05.314, the following is Washington State University's semi-annual agenda for Washington Administrative Code (WAC) rules under development for the period of January 1 through June 30, 2016. Additional rule-making activity not now anticipated may also be added as conditions warrant between semi-annual agendas.

Chapter 504-26 WAC, Standards of conduct for students, rule-making amendments to the standards of conduct for students. Anticipate filing CR-102 in January 2016.

For more information regarding the semi-annual agenda, contact Deborah Bartlett, Rules Coordinator, Washington State University, P.O. Box 641225, Pullman, WA 99164-1225, phone (509) 335-2004, e-mail prf.forms@wsu.edu.

Deborah Bartlett
Rules Coordinator

WSR 16-01-147

**NOTICE OF PUBLIC MEETINGS
BUILDING CODE COUNCIL**

[Filed December 21, 2015, 11:30 a.m.]

2016 Meeting Schedule

In accordance with RCW 42.30.075, the following is a proposed schedule of regular meetings of the Washington state building code council for calendar year 2016. All meetings begin at 10 a.m.

If you have questions or need additional information, please contact council staff at (360) 407-9280 or e-mail sbcc@des.wa.gov.

Friday January 8	Cherberg Building Hearing Room 2 Olympia, Washington
Friday March 12	Department of Enterprise Services First Floor Presentation Room 1500 Jefferson Street Olympia
Friday May 13	Department of Enterprise Services First Floor Presentation Room 1500 Jefferson Street Olympia
Friday June 10	Department of Enterprise Services First Floor Presentation Room 1500 Jefferson Street Olympia
Friday September 8	Spokane Fire Department Training Center 1618 North Rebecca Street Spokane
Friday October 14	Department of Enterprise Services First Floor Presentation Room 1500 Jefferson Street Olympia
Friday November 18	Department of Enterprise Services First Floor Presentation Room 1500 Jefferson Street Olympia

WSR 16-01-157

**NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIREFIGHTERS' PLAN 2 RETIREMENT BOARD**

[Filed December 21, 2015, 2:45 p.m.]

The law enforcement officers' and firefighters' (LEOFF) plan 2 retirement board has scheduled their meetings for 2016.

Wednesday, January 27

Wednesday, February 24

Wednesday, March 23
 Wednesday, April 27
 Wednesday, May 25
 Wednesday, June 22
 Wednesday, July 27
 Wednesday, August 24
 Wednesday, September 21
 Wednesday, October 18
 Wednesday, November 23
 Wednesday, December 7

Please feel free to contact Jessie Jackson at (360) 586-2330 or e-mail jessie.jackson@leoff.wa.gov should you have any questions.

DATE	TIME	DESCRIPTION	LOCATION
April 19, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206
May 17, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206
June 21, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206
July 19, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206
August 16, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206
September 20, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206
October 18, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206
November 15, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206
December 20, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206

Contact person: Kali Wrapsir, (360) 664-1365.

WSR 16-01-161

**NOTICE OF PUBLIC MEETINGS
 ENERGY FACILITY SITE
 EVALUATION COUNCIL**

[Filed December 22, 2015, 9:19 a.m.]

Council Meeting Dates for January - December 2016

DATE	TIME	DESCRIPTION	LOCATION
January 19, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206
February 16, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206
March 15, 2016	1:30 p.m.	Monthly council meeting	UTC Room 206

WSR 16-01-167

**NOTICE OF PUBLIC MEETINGS
 OLYMPIC COLLEGE**

[Filed December 22, 2015, 10:10 a.m.]

Pursuant to RCW 42.30.075, Olympic College hereby gives notice that members of the Olympic College board of trustees, District three, will be attending the ACT Legislative Contact Conference scheduled for January 24-25, 2016. The conference will be held at the Red Lion Hotel Olympia.

WSR 16-01-168

**NOTICE OF PUBLIC MEETINGS
 DEPARTMENT OF
 LABOR AND INDUSTRIES**

[Filed December 22, 2015, 10:25 a.m.]

**2016 Notice of Public Meeting Schedule
 Industrial Insurance Chiropractic Advisory Committee
 Advisory Committee on Healthcare Innovation and Evaluation
 Industrial Insurance Medical Advisory Committee**

Pursuant to chapter 42.30 RCW, the Open Public Meetings Act, this memo gives notice that the following industrial insurance advisory committee meetings are scheduled in calendar year 2016:

COMMITTEE	DATE	TIME	LOCATION
Industrial insurance <u>chiro- practic</u> advisory committee (IICAC)	January 21, 2016	9:30 - 11:30 a.m.	Labor and Industries Headquarters 7273 Linderson Way S.E. Tumwater
	April 21, 2016	9:30 - 11:30 a.m.	Room S130
	July 21, 2016	9:30 - 11:30 a.m.	Room S216
	October 20, 2016	9:30 - 11:30 a.m.	Room S130

COMMITTEE	DATE	TIME	LOCATION
Advisory committee on healthcare innovation and evaluation (ACHIEV)	January 28, 2016	8 a.m. - 12 noon	SeaTac Airport
	April 28, 2016	8 a.m. - 12 noon	Port of Seattle
	July 28, 2016	8 a.m. - 12 noon	17801 International Boulevard
	October 27, 2016	8 a.m. - 12 noon	Seattle, WA 98158
Industrial insurance <u>medical</u> advisory committee (IIMAC)	January 28, 2016	1:00 - 5:00 p.m.	SeaTac Airport
	April 28, 2016	1:00 - 5:00 p.m.	Port of Seattle
	July 28, 2016	1:00 - 5:00 p.m.	17801 International Boulevard
	October 27, 2016	1:00 - 5:00 p.m.	Seattle, WA 98158

Please call Simone Javaher at (360) 902-4246 or Denise Santoyo at (360) 902-5024, if you have questions about this meeting.

The IIMAC meeting agendas and materials will be posted at <http://www.lni.wa.gov/ClaimsIns/Providers/ProjResearchComm/PAC/Meetings.asp>.

The IICAC meeting agendas and materials will be posted at <http://www.lni.wa.gov/ClaimsIns/Providers/ProjResearchComm/IICAC/Meetings.asp>.

The ACHIEV meeting agendas and materials will be posted at <http://www.lni.wa.gov/ClaimsIns/Providers/ProjResearchComm/PNAG/default.asp>.

WSR 16-01-177
NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE
 (Invasive Species Council)
 [Filed December 22, 2015, 1:37 p.m.]

Following is the schedule of regular meetings for the Washington invasive species council for 2016:

Date	Time	Location
March 3, 2016	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
June 16, 2016	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
September 22, 2016	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501
December 1, 2016	9:00 a.m. to 3:00 p.m.	Natural Resource[s] Building 1111 Washington Street S.E. Room 172 Olympia, WA 98501

If you need further information, contact Raquel Crosier, 1111 Washington Avenue S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone (360) 902-3000, fax (360) 902-3026, raquel.crosier@rco.wa.gov, www.InvasiveSpecies.wa.gov.

WSR 16-01-181
NOTICE OF PUBLIC MEETINGS
OFFICE OF
PUBLIC DEFENSE
 [Filed December 22, 2015, 2:07 p.m.]

The Washington state office of public defense (OPD) will hold its quarterly advisory committee meetings as follows:

- March 24, 2016
- June 16, 2016
- September 15, 2016
- December 15, 2016

Meeting time is from 9:30 a.m. to 11:30 a.m. Draft agendas are posted at www.opd.wa.gov one business day prior to the meeting. The December meeting will be held by teleconference. The March, June, and September meetings will be held at the Administrative Office of the Courts, SeaTac Office Center, South Tower, 18000 International Boulevard, Suite 1106, SeaTac, WA 98188-4251.

Contact OPD at (360) 586-3164, ext. 101 if you have questions regarding the above meeting schedule.

Meeting dates, time, and location are subject to change.

WSR 16-01-185
NOTICE OF PUBLIC MEETINGS
GREEN RIVER COLLEGE
 [Filed December 22, 2015, 3:39 p.m.]

The board of trustees of Green River College will meet on the following dates in 2016:

- Thursday, January 21
- Thursday, February 18
- Thursday, March 17

Thursday, April 21
 Thursday, May 19
 Thursday, June 16
 Thursday, July 21
 Thursday, August 18
 Thursday, September 15
 Thursday, October 20
 Thursday, November 17
 Thursday, December 15

WSR 16-01-187
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
JUDICIAL CONDUCT
 [Filed December 22, 2015, 4:46 p.m.]

The commission on judicial conduct (CJC) will hold its 2016 business meetings at 11:00 a.m. on the following dates at the Radisson Gateway Hotel, 18118 International Boulevard, SeaTac, WA 98188. Additional information can be obtained by calling (360) 753-4585 or visiting the CJC's web site at www.cjc.state.wa.us.

Friday, March 4, 2016
 Friday, May 6, 2016*
 Friday, July 15, 2016
 Friday, October 7, 2016
 Friday, December 9, 2016

*The CJC's Friday, May 6, 2016, business meeting will be at Cedarbrook Lodge, 18525 36th Avenue South, Seattle, WA 98188 at 1 p.m. The CJC's 2016 education session will be at this location also on Saturday, May 7, 2016, starting at 9 a.m.

WSR 16-01-194
DEPARTMENT OF AGRICULTURE
 [Filed December 23, 2015, 9:32 a.m.]

2015 Petitions for Rule Making

The following information is being sent to implement RCW 1.08.112 [(1)](g) and WAC 1-21-180. The Washington state department of agriculture received one petition for rule making during the fourth quarter of 2015, which covers Washington State Registers 15-19 through 15-24.

Registers 15-01 through 15-06		
Date	Requestor	Subject
12/8/14	Department of Ecology	Weed quarantine - <i>Gymnocoronis spilanthoides</i>

2/4/15	Department of Ecology	Weed quarantine - <i>Marsilea mutica</i>
Registers 15-07 through 15-12		
3/9/15	Columbia Basin Vegetable Seed Association and Columbia Basin Vegetable Seed Field Representatives Association	White rot disease quarantine area and crucifer quarantine area
Registers 15-13 through 15-18		
6/10/15	Washington Dry Pea and Lentil Commission	Marketing order amendments
6/20/15	Columbia Basin Vegetable Seed Association and Columbia Basin Vegetable Seed Field Representatives Association	White rot disease quarantine area
Registers 15-19 through 15-24		
10/26/15	Hubbard Agricultural Science	Crucifer quarantine exemption for trial grounds

Teresa Norman
 Rules Coordinator

WSR 16-01-196
NOTICE OF PUBLIC MEETINGS
BREE COLLABORATIVE
 [Filed December 23, 2015, 9:48 a.m.]

2016 Workgroup Meeting Dates

The following schedule of regular meetings is for the Dr. Robert Bree Collaborative workgroup opioid prescribing guideline implementation.

Date	Time	Location
Thursday, January 28	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Thursday, February 25	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Thursday, March 24	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104

Thursday, April 21	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Thursday, May 26	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Thursday, June 23	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Thursday, July 28	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Thursday, August 25	3:00 - 4:30 p.m.	The Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104

The following schedule of regular meetings is for the Dr. Robert Bree Collaborative workgroup pediatric psychotropic prescribing.

Date	Time	Location
Monday, January 11	8:00 - 9:30 a.m.	Group Health Research Institute Metropolitan Park East Room 1509A 1730 Minor Avenue Seattle, WA 98101

If you need further information contact Ginny Weir, Foundation for Health Care Quality, 705 Second Avenue, Suite 410, Seattle, WA 98104, phone (206) 204-7377, fax (206) 682-3739, e-mail GWeir@qualityhealth.org.

WSR 16-01-198
DEPARTMENT OF
RETIREMENT SYSTEMS
[Filed December 23, 2015, 9:56 a.m.]

PUBLIC NOTICE
Administrative Factor Change Notification

The department of retirement systems uses administrative factors to calculate retirement benefits. Some of the ways factors are used include calculating the actuarial equivalent for early retirement and joint retirement options to provide approximately the same lifetime benefit as a normal single-life retirement. Optional costs are also based on factors when restoring withdrawn and optional service credit past the deadline, and when purchasing additional service or an annuity.

These administrative factors are periodically reviewed by the office of the state actuary (OSA). OSA recommends that the administrative factors be updated, if necessary, when the underlying demographic or economic assumptions change.

As a result of OSA's *Demographic Experience Study for 2007-2012* and the phase-in of the lower investment rate of return, OSA has recommended revisions to the actuarial fac-

tors used by the department. The proposed actuarial factors are available for review at <http://www.drs.wa.gov/administration/administrative-factors/default.htm>.

There will be a thirty day review period and a public hearing to allow stakeholders to comment on the proposed factors. Comments may be submitted by e-mail to Rules@drs.wa.gov by 9 a.m., February 5, 2016, or in person at the hearing.

Hearing date, time and location: On February 5, 2016, 10 a.m., at the Department of Retirement Systems, 6835 Capitol Boulevard, Room 115, Tumwater, WA 98501.

The department anticipates adopting the proposed factors following the hearing on February 5, 2016. If adopted, the new rules will go into effect on October 1, 2016.

For additional information, contact the rules coordinator at Rules@drs.wa.gov or (360) 664-7291.

WSR 16-01-200
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES
(Capital Projects Advisory Review Board)
[Filed December 23, 2015, 10:23 a.m.]

Following are the capital project[s] advisory review board meeting dates, time and location in the Washington State Register:

Dates for 2016

- February 11
- May 12
- September 8
- November 10
- December 8

Time: 9:00 a.m. - 12:00 p.m.
Location: 1500 Jefferson Street, Presentation Room, Olympia, WA.

If you have any questions, please contact Danelle Bessett at (360) 407-8243.

WSR 16-01-202
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Bleeding Disorder Collaborative for Care)
[Filed December 23, 2015, 10:53 a.m.]

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

All meetings will be held through GoTo Webinar. All meetings will be recorded.

2016 Meeting Schedule

Thursday, January 7, 2016	7:00 p.m. - 8:00 p.m. PST
Thursday, January 14, 2016	7:00 p.m. - 8:00 p.m. PST

Thursday, January 21, 2016	7:00 p.m. - 8:00 p.m. PST	Thursday, July 14, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, January 28, 2016	7:00 p.m. - 8:00 p.m. PST	Thursday, July 21, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, February 4, 2016	7:00 p.m. - 8:00 p.m. PST	Thursday, July 28, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, February 11, 2016	7:00 p.m. - 8:00 p.m. PST	Thursday, August 4, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, February 18, 2016	7:00 p.m. - 8:00 p.m. PST	Thursday, August 11, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, February 25, 2016	7:00 p.m. - 8:00 p.m. PST	Thursday, August 18, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, March 3, 2016	7:00 p.m. - 8:00 p.m. PST	Thursday, August 25, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, March 10, 2016	7:00 p.m. - 8:00 p.m. PST	Thursday, September 1, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, March 17, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, September 8, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, March 24, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, September 15, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, March 31, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, September 22, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, April 7, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, September 29, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, April 14, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, October 6, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, April 21, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, October 13, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, April 28, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, October 20, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, May 5, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, October 27, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, May 12, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, November 3, 2016	7:00 p.m. - 8:00 p.m. PDT
Thursday, May 19, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, November 10, 2016	7:00 p.m. - 8:00 p.m. PST
Thursday, May 26, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, November 17, 2016	7:00 p.m. - 8:00 p.m. PST
Thursday, June 2, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, November 24, 2016	7:00 p.m. - 8:00 p.m. PST
Thursday, June 9, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, December 1, 2016	7:00 p.m. - 8:00 p.m. PST
Thursday, June 16, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, December 8, 2016	7:00 p.m. - 8:00 p.m. PST
Thursday, June 23, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, December 15, 2016	7:00 p.m. - 8:00 p.m. PST
Thursday, June 30, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, December 22, 2016	7:00 p.m. - 8:00 p.m. PST
Thursday, July 7, 2016	7:00 p.m. - 8:00 p.m. PDT	Thursday, December 29, 2016	7:00 p.m. - 8:00 p.m. PST

WSR 16-01-203

AGENDA

**RECREATION AND CONSERVATION
OFFICE**

(Recreation and Conservation Funding Board)
(Salmon Recovery Funding Board)

[Filed December 23, 2015, 11:14 a.m.]

Following is the semi-annual rule-making agenda for the recreation and conservation funding board and salmon recovery funding board, prepared by the recreation and conservation office, for publication in the Washington State Register pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Leslie Connelly, Rules Coordinator, P.O. Box 40917, Olympia, WA 98504-0917, (360) 902-3080, or leslie.connelly@rco.wa.gov.

**SEMI-ANNUAL RULE DEVELOPMENT AGENDA
JANUARY - JUNE 2016**

WAC Chapter	Purpose of Rule Being Developed or Amended	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) Expedited (CR-105)	Permanent (CR-103)
Chapter 286-04 WAC, General and chapter 286-13 WAC, General grant assistance rules.	(1) Combine and revise WAC 286-13-020 Applications, 286-13-030 Application review, and 286-04-065 Project evaluations into one section in chapter 286-13 WAC.	3/2/2016	6/15/2016	8/3/2016

WAC Chapter	Purpose of Rule Being Developed or Amended	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) Expedited (CR-105)	Permanent (CR-103)
	<p>(2) Combine and revise WAC 286-13-080 What rules govern expenses incurred before execution of a project agreement? and WAC 286-13-085 Retroactive, preagreement, and increased costs into one section.</p> <p>(3) Revise WAC 286-13-040 What are the grant program deadlines and how can the deadlines be waived?</p> <p>(4) Revise WAC 286-13-050 Funding decision.</p> <p>(5) Minor edits to WAC 286-13-060 Project agreement, 286-13-070 Disbursement of funds, 286-13-090 Federal assistance, and 286-13-100 Nonconformance and repayment.</p> <p>(6) Repeal WAC 286-13-090 Federal assistance and 286-13-120 Permanent project signs.</p> <p>(7) Add new sections on grant compliance, planning requirements for grant eligibility, and grant matching requirements.</p>			
Chapter 286-26 WAC, Nonhighway road and off-road vehicle funds.	Repeal chapter and move the rules into chapter 286-13 WAC, General grant assistance rules.	3/2/2016	6/15/2016	8/3/2016
Chapter 286-27 WAC, Washington wildlife and recreation program.	Repeal chapter and move the rules into chapter 286-13 WAC, General grant assistance rules.	3/2/2016	6/15/2016	8/3/2016
Chapter 286-35 WAC, Boating facilities program.	Repeal chapter and move the rules into chapter 286-13 WAC, General grant assistance rules.	3/2/2016	6/15/2016	8/3/2016
Chapter 286-40 WAC, Land and water conservation fund.	Repeal chapter and move the rules into chapter 286-13 WAC, General grant assistance rules.	3/2/2016	6/15/2016	8/3/2016
Chapter 286-42 WAC, Aquatic lands enhancement account program.	Repeal chapter and move the rules into chapter 286-13 WAC, General grant assistance rules.	3/2/2016	6/15/2016	8/3/2016
Chapter 420-04 WAC, General.	<p>(1) Revise and add new definitions to WAC 420-04-010 Definitions.</p> <p>(2) Revise WAC 420-04-020 Organization and operations.</p> <p>(3) Revise WAC 420-04-030 Manuals and waivers guidance.</p>	2/3/2015	2/17/2016	4/6/2016

WAC Chapter	Purpose of Rule Being Developed or Amended	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) Expedited (CR-105)	Permanent (CR-103)
	<p>(4) Combine and revise WAC 420-04-040 Project selection with WAC 420-12-020 Application form.</p> <p>(5) Revise WAC 420-04-050 Final decision.</p> <p>(6) Revise WAC 420-04-060 Delegated authority.</p> <p>(7) Revise WAC 420-04-070 Compliance with Environmental Policy Act.</p> <p>(8) Revise WAC 420-04-080 Declaratory order—Petition requisites—Consideration—Dispositions.</p> <p>(9) Revise WAC 420-04-100 Public records access.</p> <p>(10) Minor edits to WAC 420-04-015 Address and 420-04-085 Petitions for rule making, amendment or repeal—Form—Consideration—Disposition.</p>			
Chapter 420-12 WAC, Grant assistance rules.	<p>(1) Revise WAC 420-12-010 Scope of chapter.</p> <p>(2) Combine and revise WAC 420-12-020 Application form with WAC 420-04-040 Project selection.</p> <p>(3) Revise WAC 420-12-030 Deadlines—Applications and agreements.</p>	2/3/2015	2/17/2016	4/6/2016
	<p>(4) Revise WAC 420-12-040 Eligible matching resources.</p> <p>(5) Revise WAC 420-12-050 Project agreement.</p> <p>(6) Revise WAC 420-12-060 Disbursement of funds.</p> <p>(7) Revise WAC 420-12-070 Retroactive expenses and increases [increased] costs.</p> <p>(8) Revise WAC 420-12-075 Non-conformance and repayment.</p>			

WSR 16-01-205
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF HEALTH
(Governor's Interagency Council on Health Disparities)
[Filed December 23, 2015, 11:40 a.m.]

Approved by the board November 19, 2015.

Approved by the council December 9, 2015.

2016 Board/Council Meeting Schedule

	Meeting Date	Location
Board	Wednesday January 13, 2016	Washington State Department of Labor and Industries Headquarters Building Main Auditorium 7273 Linderson Way S.W. Tumwater, WA 98501
Council	Wednesday February 10, 2016 (likely 1/2 day)	Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
Board	Wednesday March 9, 2016	Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
Board	Wednesday April 13, 2016	Hold date - meet only if necessary Department of Health Point Plaza East, Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
Council	Wednesday May 11, 2016	Location to be determined - <i>possibly Eastern Washington or Tacoma</i>
	Meeting Date	Location
Board	Wednesday June 8, 2016 (or June 16, 2016)	Location to be determined
Board	Wednesday July 13, 2016	Hold date - meet only if necessary
Board	Wednesday August 10, 2016	Location to be determined
Council	Wednesday September 14, 2016	Location to be determined - <i>possibly Eastern Washington or Tacoma</i>
Board	Wednesday October 12, 2016	Location to be determined
Board	Wednesday November 9, 2016	Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501

	Meeting Date	Location
Council	Wednesday December 14, 2016	Department of Health <i>(or location TBD)</i> Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501

Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See the board of health web site and the health disparities council web site for the most current information.