

**WSR 18-16-031**  
**EXPEDITED RULES**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[R 2018-05—Filed July 24, 2018, 2:18 p.m.]

Title of Rule and Other Identifying Information: Definition of earned surplus.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Remove outdated reference to 1992 convention blank.

Reasons Supporting Proposal: Existing language referencing the 1992 convention blank is an outdated reference which no longer resembles new versions leading to potential confusion. New language maintains ability to update information without requiring reference to older, unused documents.

Statutory Authority for Adoption: RCW 48.02.060.

Statute Being Implemented: RCW 48.05.250, 48.05.400.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of the insurance commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Micah Sanders, P.O. Box 40256, Olympia, WA 98504-0256, 360-725-7040; Implementation: Steve Drutz, P.O. Box 40255, Olympia, WA 98504-0255, 360-725-7209; and Enforcement: Doug Hartz, P.O. Box 40255, Olympia, WA 98504-0255, 360-725-7214.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This rule does not change the intent or practice of WAC 284-13-160 but by removing an outdated reference serves to clarify the existing procedure for compliance.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Micah Sanders, Office of the Insurance Commissioner, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7040, email MicahS@oic.wa.gov, AND RECEIVED BY October 2, 2018.

July 24, 2018  
 Mike Kreidler  
 Insurance Commissioner

AMENDATORY SECTION (Amending WSR 93-19-004, filed 9/1/93, effective 10/2/93)

**WAC 284-13-160 Definition of "earned surplus."** (1)

As used in RCW 48.08.030(1), "earned surplus" means that part of surplus that represents net earnings, gains, or profits, after deduction of all losses, that have not been distributed to share holders as dividends or transferred to stated capital or capital surplus or lawfully applied to other purposes. It does not include unrealized appreciation of assets, unrealized capital gains, or reevaluation of assets.

(2) Earned surplus can be determined from the annual statement. ~~((On the 1992 convention blank,))~~

(a) For stock life companies, earned surplus is unassigned funds ~~((page 3, line 34))~~ less any unrealized gains included in that figure; and

(b) For property and casualty stock companies, earned surplus is unassigned funds ~~((page 3, line 25B))~~, less any unrealized gains included in that figure. ~~((On convention blanks for other years, the determination is adjusted to allow for changes in the form.))~~

**WSR 18-16-073**  
**EXPEDITED RULES**  
**DEPARTMENT OF LICENSING**

[Filed July 30, 2018, 9:46 a.m.]

Title of Rule and Other Identifying Information: WAC 98-08-005 Brief adjudicative proceedings—When they can be used (cemetery board), 196-09-050 Brief adjudicative proceedings (engineers and land surveyors), 196-09-055 Records required for brief adjudicative proceeding (engineers and land surveyors), 308-08-525 Brief adjudicative proceedings—When they can be used (department of licensing (DOL) general authority), 308-12-345 Brief adjudicative proceedings (architects), 308-12-350 Records required for the brief adjudicative proceeding (architects), 308-13-250 Brief adjudicative proceedings (landscape architects), 308-13-260 Records required for the brief adjudicative proceeding (landscape architects), 308-15-105 Brief adjudicative proceedings (geologist), 308-15-107 Records required for the brief adjudicative proceeding (geologist), 308-17-180 Application of brief adjudicative proceedings (private investigative agencies/private investigator), 308-17-185 Preliminary record in brief adjudicative proceedings (private investigative agencies/private investigator), 308-18-180 Application of brief adjudicative proceedings (private security guards/guard companies), 308-18-185 Preliminary record in brief adjudicative proceedings (private security guards/guard companies), 308-19-400 Brief adjudicative proceeding (bail bond agencies/agents), 308-19-410 Records used in a brief adjudicative proceeding (bail bond agencies/agents), 308-29-090 Brief adjudicative proceedings—When they can be used (collection agencies), 308-48-810 Brief adjudicative proceedings—When they can be used (funeral directors and embalmers), and 308-124-310 Preliminary record in brief adjudicative proceedings (real estate brokers).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule repeals

the department's ability to suspend a professional license due to student loan default.

**Reasons Supporting Proposal:** This rule making is a result of the passage of 3SHB 1169 (2018), enacting the Student Opportunity, Assistance, and Relief Act, which repealed the department's authority to suspend professional licenses due to student loan default. This rule making cleans up the administrative law to match the authorizing statutes.

**Statutory Authority for Adoption:** RCW 46.01.110.

Rule is not necessitated by federal law, federal or state court decision.

**Name of Proponent:** DOL, governmental.

**Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement:** Stephanie Sams, Highways-Licenses Building, Olympia, 360-902-0131.

This notice meets the following criteria to use the expedited adoption process for these rules:

Content is explicitly and specifically dictated by statute.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

**Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate:** The expedited rule-making process is appropriate for these rule amendments because they do not make substantive changes and are a direct result of legislation. The legislation struck the department's authority to suspend a professional license due to student loan default so the corresponding administrative laws need to be updated to remove the erroneous information.

#### NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Stephanie Sams, DOL, P.O. Box 9020, Olympia, WA 98507-9020, phone 360-902-0131, email ssams@dol.wa.gov, AND RECEIVED BY October 1, 2018.

July 30, 2018  
Damon Monroe  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 05-23-149, filed 11/22/05, effective 12/23/05)

**WAC 98-08-005 Brief adjudicative proceedings—When they can be used.** (1) The board adopts RCW 34.05.-482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the board. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order,

or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(c) Whether a sanction proposed by the department is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(f) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

~~(g) ((Whether an applicant or licensee has defaulted on educational loans;~~

~~(h))~~ (h) Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

~~((+))~~ (i) Whether a licensee has committed recordkeeping violations;

~~((+))~~ (j) Whether a licensee has committed trust account violations;

~~((+))~~ (k) Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising; or

~~((+))~~ (l) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

AMENDATORY SECTION (Amending WSR 06-11-121, filed 5/19/06, effective 6/19/06)

**WAC 196-09-050 Brief adjudicative proceedings.** (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapter 18.43 RCW,

chapter 18.210 RCW, chapter 18.235 RCW, administrative rules in Title 196 WAC or any statutes or rules that specifically govern the defined practices of engineering, land surveying and on-site wastewater treatment system designs. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

~~((2))~~ (2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

- (a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;
- (b) Whether an applicant is eligible to sit for a professional licensing examination;
- (c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;
- (d) Whether an applicant meets minimum requirements for an initial or renewal application;
- (e) Whether an applicant has failed the professional licensing examination;
- (f) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;
- (g) Whether an applicant or licensee failed to cooperate in an investigation by the board
- (h) Whether an application or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;
- (i) ~~((Whether an applicant or licensee has defaulted on educational loans;~~
- (j)) Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;
- ~~((k))~~ (j) Whether a person has engaged in false, deceptive or misleading advertising; or
- ~~((h))~~ (k) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

AMENDATORY SECTION (Amending WSR 06-11-121, filed 5/19/06, effective 6/19/06)

**WAC 196-09-055 Records required for brief adjudicative proceeding.** The records for the brief adjudicative proceeding shall include:

- (1) Renewal or reinstatement of license:
  - ~~((+))~~ • All correspondence between the applicant and the board about the renewal or reinstatement;

- ~~((+))~~ • Copies of renewal notice(s) sent by the department of licensing to the licensee;

- ~~((+))~~ • All documents received by the board from or on behalf of the licensee relating to information, payments, or explanations that have been provided to the board.

- (2) Applicants for certification/licensing:

- ~~((+))~~ • Original complete application with all attachments as submitted by the applicant;

- ~~((+))~~ • Copies of all supplementary information related to application review by staff or board member;

- ~~((+))~~ • All documents relied upon in reaching the determination of ineligibility;

- ~~((+))~~ • All correspondence between the applicant and the board about the application or appeal.

- (3) ~~((Default of student loan payments:~~

- ~~[•] Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;~~

- ~~[•] Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;~~

- ~~[•] All documents received by the board from or on behalf of the licensee relating to rebutting such identification [identification];~~

- ~~[•] Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state guaranteed student loan or service conditional scholarship; or~~

- ~~[•] A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.~~

- (4)) Determination of compliance with previously issued board order:

- ~~((+))~~ • The previously issued final order or agreement;

- ~~((+))~~ • All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

- ~~((+))~~ • All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

- ~~((+))~~ • All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

AMENDATORY SECTION (Amending WSR 05-02-006, filed 12/22/04, effective 1/22/05)

**WAC 308-08-525 Brief adjudicative proceedings—When they can be used.** (1) The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the director. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the department issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudica-

tive proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(d) Whether a sanction proposed by the department is appropriate based on the stipulated facts;

(e) Whether an applicant meets minimum requirements for an initial or renewal application;

(f) Whether an applicant has failed the professional licensing examination;

(g) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;

(h) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(i) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

(j) ~~((Whether an applicant or licensee has defaulted on educational loans;~~

~~((k)))~~ Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

~~((H))~~ ~~(k)~~ Whether a licensee has committed recordkeeping violations;

~~((m))~~ ~~(l)~~ Whether a licensee has committed trust account violations;

~~((n))~~ ~~(m)~~ Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising; or

~~((o))~~ ~~(n)~~ Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the department may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

AMENDATORY SECTION (Amending WSR 11-11-019, filed 5/9/11, effective 7/1/11)

**WAC 308-12-345 Brief adjudicative proceedings.** (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease

and desist order alleges violations of chapters 18.08 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of architects. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

~~(h) ((Whether an applicant or licensee has defaulted on educational loans;~~

~~(i)))~~ Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

~~((H))~~ ~~(i)~~ Whether a person has engaged in false, deceptive, or misleading advertising; or

~~((K))~~ ~~(j)~~ Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

AMENDATORY SECTION (Amending WSR 11-11-019, filed 5/9/11, effective 7/1/11)

**WAC 308-12-350 Records required for the brief adjudicative proceeding.** The records for the brief adjudicative proceeding shall include:

(1) Renewal or reinstatement of a license:

(a) All correspondence between the applicant and the board about the renewal or reinstatement;

(b) Copies of renewal notice(s) sent by the department of licensing to the licensee;

(c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.

(2) Applicants for certification/licensing:

(a) Original complete application with all attachments as submitted by applicant;

(b) Copies of all supplementary information related to application review by staff or board member;

(c) All documents relied upon in reaching the determination of ineligibility;

(d) All correspondence between the applicant and the board about the application or the appeal.

(3) ~~((Default of student loan payments:~~

~~(a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;~~

~~(b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;~~

~~(c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;~~

~~(d) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state guaranteed student loan or service conditional scholarship; or~~

~~(e) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.~~

(4)) Determination of compliance with previously issued board order:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

AMENDATORY SECTION (Amending WSR 07-05-039, filed 2/15/07, effective 3/18/07)

**WAC 308-13-250 Brief adjudicative proceedings.** (1)

The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.96 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of landscape architects. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether an applicant or licensee failed to cooperate in an investigation by the board;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

~~(h) ((Whether an applicant or licensee has defaulted on educational loans;~~

~~(i))~~ Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

~~((j))~~ (i) Whether a person has engaged in false, deceptive, or misleading advertising; or

~~((k))~~ (j) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

AMENDATORY SECTION (Amending WSR 07-05-039, filed 2/15/07, effective 3/18/07)

**WAC 308-13-260 Records required for the brief adjudicative proceeding.** The records for the brief adjudicative proceeding shall include:

(1) Renewal or reinstatement of a license:

(a) All correspondence between the applicant and the board about the renewal or reinstatement;

(b) Copies of renewal notice(s) sent by the department of licensing to the licensee;

(c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.

(2) Applicants for certification/licensing:

(a) Original complete application with all attachments as submitted by applicant;

(b) Copies of all supplementary information related to application review by staff or board member;

(c) All documents relied upon in reaching the determination of ineligibility;

(d) All correspondence between the applicant and the board about the application or the appeal.

(3) ~~((Default of student loan payments:~~

~~(a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;~~

~~(b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;~~

~~(c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;~~

~~(d) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state guaranteed student loan or service conditional scholarship; or~~

~~(e) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.~~

(4)) Determination of compliance with previously issued board order:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

AMENDATORY SECTION (Amending WSR 07-13-038, filed 6/13/07, effective 7/14/07)

**WAC 308-15-105 Brief adjudicative proceedings.** (1)

The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.220 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of geologists. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues(±) including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether an applicant or licensee failed to cooperate in an investigation by the board;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

~~(h) ((Whether an applicant or licensee has defaulted on educational loans;~~

~~(i))~~ Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

~~((j))~~ (i) Whether a person has engaged in false, deceptive, or misleading advertising; or

~~((k))~~ (j) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

AMENDATORY SECTION (Amending WSR 07-13-038, filed 6/13/07, effective 7/14/07)

**WAC 308-15-107 Records required for the brief adjudicative proceeding.** The records for the brief adjudicative proceeding shall include:

(1) Renewal or reinstatement of a license:

(a) All correspondence between the applicant and the board about the renewal or reinstatement;

(b) Copies of renewal notice(s) sent by the department of licensing to the licensee;

(c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.

(2) Applicants for certification/licensing:

(a) Original complete application with all attachments as submitted by applicant;

(b) Copies of all supplementary information related to application review by staff or board member;

(c) All documents relied upon in reaching the determination of ineligibility;

(d) All correspondence between the applicant and the board about the application or the appeal.

~~(3) ((Default of student loan payments:~~

~~(a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;~~

~~(b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;~~

~~(c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;~~

~~(d) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state guaranteed student loan or service conditional scholarship; or~~

~~(e) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.~~

~~(4)) Determination of compliance with previously issued board order:~~

~~(a) The previously issued final order or agreement;~~

~~(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;~~

~~(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and~~

~~(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.~~

AMENDATORY SECTION (Amending WSR 97-17-051, filed 8/15/97, effective 9/15/97)

**WAC 308-17-180 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482 for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) A determination whether an applicant for a license meets the minimum criteria for a license to practice as a private investigator in this state and the department proposes to deny the application;

(2) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) A determination whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule; and

(4) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal(~~); and~~

~~(5) A determination whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state guaranteed student loan or service conditional scholarship)).~~

AMENDATORY SECTION (Amending WSR 97-17-051, filed 8/15/97, effective 9/15/97)

**WAC 308-17-185 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the program in proposing to deny the application, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

~~((3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state guaranteed student loan or service conditional scholarship shall consist of:~~

~~(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state guaranteed student loan or service conditional scholarship; or~~

~~(b) A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.))~~

AMENDATORY SECTION (Amending WSR 97-17-050, filed 8/15/97, effective 9/15/97)

**WAC 308-18-180 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request for the categories of matters set forth below or at the discretion of the director pursuant to RCW 34.05.482. If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter is limited solely to one or more of the following issues:

(1) A determination whether an applicant for a license meets the minimum criteria for a license to practice as a security guard in this state and the department proposes to deny the application;

(2) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) A determination whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule; and

(4) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal(~~); and~~

~~(5) A determination whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state guaranteed student loan or service conditional scholarship)).~~

AMENDATORY SECTION (Amending WSR 97-17-050, filed 8/15/97, effective 9/15/97)

**WAC 308-18-185 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with

respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the program in proposing to deny the application, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

~~((3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state guaranteed student loan or service conditional scholarship shall consist of:~~

~~(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state guaranteed student loan or service conditional scholarship; or~~

~~(b) A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.))~~

AMENDATORY SECTION (Amending WSR 05-08-027, filed 3/30/05, effective 4/30/05)

**WAC 308-19-400 Brief adjudicative proceeding.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a bail bond recovery agent, bail bond agency, qualified agent, branch office or bail bond agent in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule; and

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal(~~(-and~~

~~(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state guaranteed educational loan or service conditional scholarship)).~~

AMENDATORY SECTION (Amending WSR 05-08-027, filed 3/30/05, effective 4/30/05)

**WAC 308-19-410 Records used in a brief adjudicative proceeding.** (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the department in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the department regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department showing that the license holder has failed to comply with the previously issued final order or agreement.

~~((3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state guaranteed educational loan or service conditional scholarship shall consist of:~~

~~(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state guaranteed educational loan or service conditional scholarship; or~~

~~(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.))~~

AMENDATORY SECTION (Amending WSR 07-17-145, filed 8/21/07, effective 9/21/07)

**WAC 308-29-090 Brief adjudicative proceedings—When they can be used.** (1) The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the board. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudica-



tive proceedings can also be used whenever the statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant or licensee failed to cooperate in an investigation by the board;

(f) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

~~(g) ((Whether an applicant or licensee has defaulted on education loans;~~

~~(h))~~ Whether an applicant or licensee has violated the terms of a final order issued by the board;

~~((+))~~ ~~(h)~~ Whether a licensee has committed recordkeeping violations;

~~((+))~~ ~~(i)~~ Whether a licensee has committed trust account violations;

~~((+))~~ ~~(j)~~ Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising; or

~~((+))~~ ~~(k)~~ Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (1) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

AMENDATORY SECTION (Amending WSR 05-23-150, filed 11/22/05, effective 12/23/05)

**WAC 308-48-810 Brief adjudicative proceedings—When they can be used.** (1) The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted at the discretion of the board. Brief adjudicative proceedings can be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act. Brief adjudicative proceedings can also be used whenever the statement of

charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of any statute or rule that specifically governs disciplinary actions within a profession for which the applicant seeks a license or from which the licensee holds a license.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether an applicant or licensee has satisfied financial security requirements by providing adequate proof of surety bonds or other proof of financial security, as required by law;

(d) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(e) Whether an applicant meets minimum requirements for an initial or renewal application;

(f) Whether an applicant has failed the professional licensing examination;

(g) Whether a licensee has sufficient continuing education credits when the licensee submits a renewal application;

(h) Whether an applicant or licensee failed to cooperate in an investigation by the department;

(i) Whether an applicant or licensee was convicted of a crime that should disqualify the applicant or licensee from holding the specific license sought or held;

~~(j) ((Whether an applicant or licensee has defaulted on educational loans;~~

~~(+))~~ Whether an applicant or licensee has violated the terms of a final order issued by the director or director's designee;

~~((+))~~ ~~(k)~~ Whether a licensee has committed recordkeeping violations;

~~((+))~~ ~~(l)~~ Whether a licensee has committed trust account violations;

~~((+))~~ ~~(m)~~ Whether an applicant or licensee has engaged in false, deceptive, or misleading advertising;

~~((+))~~ ~~(n)~~ Whether a person has engaged in unlicensed practice; or

~~((+))~~ ~~(o)~~ Whether an education course or curriculum meets the criteria for approval when approval by the board is required or authorized by statute or rule.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

AMENDATORY SECTION (Amending WSR 10-06-078, filed 3/1/10, effective 7/1/10)

**WAC 308-124-310 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license,

for approval of an education course or curriculum, or for the proper issuance of a cease and desist order shall consist of:

(a) The application for the license, renewal, or approval and all associated documents; or the cease and desist order and all associated documents;

(b) All documents relied upon by the program in proposing to deny the license, renewal, or approval; or all documents relied upon by the program in issuing a cease and desist order; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application; or all correspondence between the respondent and the program regarding the issuance of the cease and desist order.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

~~(3) ((The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed education loan or service-conditional scholarship shall consist of:~~

~~(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed education loan or service-conditional scholarship; or~~

~~(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.~~

(4)) The preliminary record with respect to all other issues subject to a brief adjudicative hearing shall consist of:

(a) All documents relied upon by the program in proposing disciplinary action as provided under RCW 18.235.110; and

(b) All correspondence between the license holder and the program regarding alleged violations.

**WSR 18-16-089**  
**EXPEDITED RULES**  
**BOARD OF ACCOUNTANCY**

[Filed July 31, 2018, 9:23 a.m.]

Title of Rule and Other Identifying Information: WAC 4-30-024 Public records and 4-30-062 How do I apply to take the CPA examination?

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The board of accountancy proposes amending the board's contact information in the following sections due to recent changes: WAC 4-30-024 to correct the board's web site URL address; and

WAC 4-30-062 to correct the board's customer service email address. No affects or changes in existing rules will occur.

Reasons Supporting Proposal: See purpose above.

Statutory Authority for Adoption: RCW 18.04.055.

Statute Being Implemented: RCW 18.04.055, 34.05.353 (1)(c).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Board of accountancy, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Charles Satterlund, 711 Capitol Way South, Suite 400, Olympia, WA 98501, 360-753-2586.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The rule proposals are needed to correct the board's customer service email address and the web site URL.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kirsten Donovan, Rules Coordinator, Washington State Board of Accountancy, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-664-9191, fax 360-664-9190, email [Kirsten.Donovan@acb.wa.gov](mailto:Kirsten.Donovan@acb.wa.gov), AND RECEIVED BY October 7, 2018.

July 31, 2018

Charles E. Satterlund, CPA  
Executive Director

AMENDATORY SECTION (Amending WSR 18-04-071, filed 2/2/18, effective 3/5/18)

**WAC 4-30-024 Public records.** All public records of the agency are available for public inspection and copying pursuant to these rules and applicable state law (chapter 42.56 RCW), as follows:

(1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the office of the Washington State Board of Accountancy at 711 Capitol Way S., Suite 400, Olympia, Washington, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the agency's office when the requestor has been notified of the availability of the requested documents and an appointment is made with the public records officer.

(2) **Records index.** An index of public records, consisting of the retention schedules applicable to those records, is available to members of the public at the agency's office.

(3) **Organization of records.** The agency maintains its records in a reasonably organized manner. The agency will take reasonable actions to protect records from damage and disorganization. A requestor shall not take original records from the agency's office. A variety of records are also available on the agency's web site at ([www.cpaboard.wa.gov](http://www.cpaboard.wa.gov)) [www.acb.wa.gov](http://www.acb.wa.gov). Requestors are encouraged to view the documents available on the web site prior to submitting a public records request.

(4) Making a request for public records.

(a) Any person wishing to inspect or obtain copies of public records should make the request in writing by letter, fax, or email addressed to the public records officer. **Written requests must include the following information:**

- Date of the request;
- Name of the requestor;
- Address of the requestor and other contact information, including telephone number and any email address;
- Clear identification of the public records requested to permit the public records officer or designee to identify and locate the records.

(b) The public records officer may also accept requests for public records by telephone or in person. If the public records officer or designee accepts an oral or telephone request, he or she will confirm receipt of the request and the details of the records requested, in writing, to the requestor.

(c) If the requests received in (a) or (b) of this subsection are not sufficiently clear to permit the public records officer to identify the specific records requested, the public records officer will request clarification from the requestor in writing.

(d) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should make that preference clear in the request. Copies will be made by the agency's public records officer or designee.

(e) When fulfilling public records requests the agency will perform its public records responsibilities in the most expeditious manner consistent with the agency's need to fulfill its other essential functions.

(f) By law, certain records and/or specific content of any specific record or document may not be subject to public disclosure. Accordingly, a reasonable time period may occur between the date of the request and the ability of the public records officer to identify, locate, retrieve, remove content not subject to disclosure, prepare a redaction log that includes the specific exemption, a brief explanation of how the exemption applies to the records or portion of the records being withheld, and produce the records for inspection and/or copying. The requestor will be kept informed of the expected delivery timetable.

(g) If the request includes a large number of records, the production of the records for the requestor may occur in installments. The requestor will be informed, in writing, of the agency's anticipated installment delivery timetable.

(h) In certain instances the agency may notify affected third parties to whom the record relates. This notice allows the affected third party to seek an injunction within fifteen days from the date of the written notice. The notice further

provides that release of the records to the requestor will be honored unless timely injunctive relief is obtained by the affected third party on or before the end of the fifteen-day period.

(i) Requests for lists of credentialed individuals by educational organizations and professional associations:

In order to obtain a list of individuals under the provisions of RCW 42.56.070(9), educational organizations and professional associations must apply for and receive recognition by the board before requests will be honored. The requesting organization must provide sufficient information to satisfy the approving authority that the requested list of individuals is primarily for educational and professionally related uses.

Board forms are available on the board's web site or upon request for your use.

**AMENDATORY SECTION** (Amending WSR 16-10-019, filed 4/22/16, effective 5/23/16)

**WAC 4-30-062 How do I apply to take the CPA examination? (1) Application process and due dates:** Your application to take the CPA examination must be submitted to the board's examination administrator. Applicants must submit all required information, documents, and fees to complete their application within sixty days of the date their application is submitted to the board's examination administrator. Your application is not considered complete until all of the following are provided:

- Complete application information and requested documents;
- Fee(s).

(2) **Fee refund and forfeiture:** Upon submission of your application to the examination administrator, no portion of the board's administrative fee is refundable. Upon the examination administrator's authorization to test, no portion of the total exam fee (both administrative fee and section fee(s)) is refundable. If you fail to meet the board's scheduling or admission requirements, you forfeit all of the exam fee(s) and you must reapply to take the section(s) of the exam.

(3) **Notice of admittance to the examination or denial of your application:** You must contact the approved test provider to schedule the time and location for your examination. The notice of eligibility to take the examination is called a Notice to Schedule (NTS), the NTS will be valid for one taking of the examination within the six months following the date of the NTS.

Notice of a denial of your application, or notice of your eligibility to take the examination will be sent to you by the examination administrator.

(4) **Examination content and grading:** The CPA examination shall test the knowledge and skills required for performance as an entry-level certified public accountant. The examination shall include the subject areas of accounting and auditing and related knowledge and skills as the board may require. The examination will consist of the following four sections: Auditing and attestation; financial, accounting and reporting; regulation; and business environment and con-

cepts. The board may accept the advisory grading services of the American Institute of Certified Public Accountants.

**(5) Examination process:**

**(a) Conditions for examinations held prior to January 1, 2004:** Contact a customer service representative at (([customerservice@cpaboard.wa.gov](mailto:customerservice@cpaboard.wa.gov))) [customerservice@acb.wa.gov](mailto:customerservice@acb.wa.gov) or by phone at 360-753-2586.

**(b) For examinations taken after December 31, 2003:** The board uses all parts of the uniform CPA examination and the advisory grading services of the American Institute of Certified Public Accountants.

(i) To satisfy the examination requirement for a license you must have achieved a score of seventy-five on all four sections of the examination within a rolling eighteen-month period.

(ii) You may take the required four sections individually and in any order. Credit for any section(s) taken and passed after December 31, 2003, will be valid for eighteen months from the actual date you successfully passed any particular section of the examination.

(iii) You must pass all four sections of the examination within a rolling eighteen-month period, which begins on the date that the first section(s) is passed. A section is considered passed on the date that you took the exam section and not the date that your grade is released.

(iv) You may not retake a failed section(s) in the same examination window. An examination window refers to a three-month period in which candidates have an opportunity to take the examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the examination is refreshed).

(v) In the event you do not pass all four sections of the examination within the rolling eighteen-month period, credit for any section(s) passed prior to the eighteen-month period will expire and you must retake any expired section.