

WSR 19-11-041
RULES OF COURT
STATE SUPREME COURT
[May 1, 2019]

IN THE MATTER OF PROPOSED AMENDMENTS TO APR 28—LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS; APR 28 APPENDIX—REGULATION 2 PRACTICE AREAS—SCOPE OF PRACTICE AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE; APR 28 APPENDIX REGULATION 3—EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND APPROVAL OF EDUCATIONAL PROGRAMS; RULES OF PROFESSIONAL CONDUCT (RPC) 1.0B—ADDITIONAL WASHINGTON TERMINOLOGY; RPC 1.17—SALE OF LAW PRACTICE; RPC 4.3—DEALING WITH A PERSON NOT REPRESENTED BY A LAWYER; RPC 5.8—MISCONDUCT INVOLVING LAWYERS AND LLLTs NOT ACTIVELY LICENSED TO PRACTICE LAW; RPC 8.1—BAR ADMISSION AND DISCIPLINARY MATTERS; AND LLLT RULES OF PROFESSIONAL CONDUCT (LLLTP) LLLT RPC 1.0B—ADDITIONAL TERMINOLOGY; LLLT RPC 1.2—SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LLLT; LLLT RPC 1.5—FEES; LLLT RPC 1.17; LLLT RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES; LLLT RPC 1.15A—SAFEGUARDING POLICY; LLLT RPC 1.16—DECLINING OR TERMINATING REPRESENTATION; LLLT RPC 1.7 SALE OF A LAW PRACTICE; LLLT RPC 2.1; LLLT RPC 2.3 [RESERVED]; LLLT RPC 3.1—ADVISING AND ASSISTING CLIENTS IN PROCEEDINGS BEFORE A TRIBUNAL; LLLT RPC 3.6-3.9 [RESERVED]; LLLT RPC 4.1—TRUTHFULNESS IN STATEMENTS TO OTHERS; LLLT RPC 4.2—COMMUNICATION WITH PERSON REPRESENTED BY LAWYER; LLLT RPC 4.3—DEALING WITH PERSON NOT REPRESENTED BY LAWYER; LLLT RPC 5.4—PROFESSIONAL INDEPENDENCE OF A LLLT; LLLT RPC 5.5 UNAUTHORIZED PRACTICE OF LAW; LLLT RPC 8.1—LICENSING, ADMISSION, AND DISCIPLINARY MATTERS; LLLT RPC 8.4—MISCONDUCT

ORDER
NO. 25700-A-1258

tiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 1st day of May, 2019.

Fairhurst, C.J.
Johnson, J.
Madsen, J.
Stephens, J.
Wiggins, J.

GONZALEZ, J. (dissenting)—I cannot join the court's decision today. Any decision to expand the scope of the Limited License Legal Technician (LLLT) program requires careful evaluation of the program's sustainability, its potential benefits, and establishment of a methodology that will both ensure adherence to rules of professional conduct and ensure adequate client protection. We have the opportunity to do this as we are undertaking a comprehensive review of the structure of the Bar. Ironically, the majority fundamentally changes the LLLT program when, at the same time, we have required the Board of Governors to defer action on any proposed bylaw amendments concerning the role of LLLTs in the governance of the bar. Because the majority's ill-advised decision is a mistake and because it becomes effective on publication, I respectfully dissent.

The LLLT program was conceived as an effort to address the unmet civil legal needs of low-income Washingtonians. We ultimately determined that the area that needed most attention was family law and that assistance with preparing orders and assisting individuals with filling out forms would make a significant difference. It did not take long to realize that the business model adopted by the LLLT program was incompatible with meeting the needs of low-income individuals and so the program shifted to becoming a moderate means effort. Without any evidence of success, the program has begun expanding the scope of legal services that LLLTs are allowed to provide.

LLLTs were never meant to legally advocate on behalf of a client. The majority's hasty decision fundamentally alters the role of LLLTs, allowing LLLTs to immediately begin negotiating with opposing counsel, attending depositions, and appearing and responding to questions from the court without adequate legal training. Moreover, there is no training for judges or attorneys to accommodate this significant and immediate expansion of authority.

Further, even with this expansion, I have serious doubts that the LLLT program is financially sustainable for the Bar or provides a sustainable practice area for LLLTs themselves. It is entirely possible that we could tweak the program into financial sustainability, but we have been presented with no business plan or other meaningful evidence of how that might be done in a way that protects the public. Until the evidence supports a conclusion that the program can be sustainable without harm to the public, I am opposed to expanding its scope. The significant financial burden of the LLLT program on the Washington State Bar Association is not justified without a showing that there exists a sustainable business plan allowing LLLTs to meet the population's unmet legal needs.

The Washington State Supreme Court Limited License Legal Technician Board, having recommended the expeditious adoption of the proposed amendments to APR 28, APR 28 Appendix, RPCs and LLLT RPCs, and the Court having considered the amendments, 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 proposed amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the proposed amendments will be published expeditiously

We must address the issue of unmet legal needs, but we must do it wisely and carefully. I respectfully dissent.

- Gonzalez, J.
- Yu, J.
- Owens, J.
- Gordon McCloud, J.

SUGGESTED AMENDMENTS TO APR 28

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

A. Purpose.

[Unchanged.]

B. Definitions. For purposes of this rule, the following definitions will apply:

(1)-(3) [Unchanged.]

(4) "Limited License Legal Technician" (LLLT) means a person qualified by education, training, and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by this rule and related regulations. ~~The legal technician does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in this rule to a pro se client.~~

(5)-(10) [Unchanged.]

C. Limited License Legal Technician Board

[Unchanged.]

D. [Reserved.]

E. [Reserved.]

F. Scope of Practice Authorized by Limited Practice Rule.

The Limited License Legal Technician shall ascertain whether the issue is within the defined practice area for which the LLLT is licensed. ~~If it is not, the LLLT shall not render any legal assistance provide the services required on this issue and shall advise inform the client to that the client should seek the services of a lawyer. If the issue is within the defined practice area, the LLLT may render the following limited legal assistance to a pro se client undertake the following:~~

(1)-(2) [Unchanged.]

(3) Inform the client of and assist with applicable procedures for proper service of process and filing of legal documents;

(4) [Unchanged.]

(5) Review documents or exhibits that the client has received ~~from the opposing party~~, and explain them to the client;

(6)-(7) [Unchanged.]

(8) Draft letters setting forth legal opinions that are intended to be read by persons other than the client; ~~and~~

(9) ~~D~~raft documents beyond what is permitted in paragraph (6), if the work is reviewed and approved by a Washington lawyer;

(10) Advise ~~a~~ client as to other documents that may be necessary to the client's case, and explain how such additional documents or pleadings may affect the client's case;

(11) Assist the client in obtaining necessary ~~documents~~ or records, such as birth, death, or marriage certificates.

(12) Communicate and negotiate with the opposing party or the party's representative regarding procedural matters, such as setting court hearings or other ministerial or civil procedure matters;

(13) Negotiate the client's legal rights or responsibilities provided that the client has given written consent defining the parameters of the negotiation prior to the onset of the negotiation; and

(14) Render other types of legal assistance when specifically authorized by the scope of practice regulations for the approved practice area in which the LLLT is licensed.

G. Conditions Under Which A Limited License Legal Technician May Provide Services

(1) [Unchanged.]

(2) Prior 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, that includes the following provisions:

(a) An explanation of the services to be performed, including a conspicuous statement that the Limited License Legal Technician may not ~~appear or~~ represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process or negotiate the client's legal rights or responsibilities, unless permitted under GR 24(b) or specifically authorized by the scope of practice regulations for the approved practice area in which the LLLT is licensed;

(b)-(g) [Unchanged.]

(3) [Unchanged.]

(4) A document prepared by an LLLT shall include the LLLT's name, signature, and license number beneath the signature of the client. LLLTs do not need to sign sworn statements or declarations of the client or a third party, and do not need to sign documents that do not require a signature by the client, such as information sheets.

H. Prohibited Acts.

In the course of dealing with clients or prospective clients, a Limited License Legal Technician shall not:

(1)-(4) [Unchanged.]

(5) Represent a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process, unless permitted by GR 24 or specifically authorized by the scope of practice regulations for the approved practice area in which the LLLT is licensed;

~~(6) Negotiate the client's legal rights or responsibilities, or communicate with another person the client's position or convey to the client the position of another party, unless permitted by GR 24(b);~~

(6) Provide services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client;

(7) Represent or otherwise provide legal or law related services to a client, except as permitted by law, this rule, or associated rules and regulations;

(8) Conduct or defend a deposition;

(9) Initiate or respond to an appeal to an appellate court; and

(10 9) Otherwise violate the Limited License Legal Technician Rules of Professional Conduct.

I. - O.

[Unchanged.]

APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

REGULATION 1. [Reserved.]

REGULATION 2. Approved Practice Areas—Scope of Practice Authorized by Limited License Legal Technician Rule

In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions defining the scope of practice as found in APR 28 and as described herein.

A. Issues Beyond the Scope of Authorized Practice.

[Unchanged.]

1. - 4. [Unchanged.]

After an issue beyond the LLLT's scope of practice has been identified, if the client engages a lawyer with respect to the issue, then an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. If the client does not engage a lawyer with respect to the issue, then the LLLT may prepare documents that relate to the issue if:

1. ~~1. The client informs the LLLT how the issue is to be determined and instructs the LLLT how to complete the relevant portions of the document, and~~

2. ~~2. Above the LLLT's signature at the end of the document, the LLLT inserts a statement to the effect that the LLLT did not advise the client with respect to any issue outside of the LLLT's scope of practice and completed any portions of the document with respect to any such issues at the direction of the client.~~

~~The LLLT may proceed in the manner described above only if no other defined prohibitions apply.~~

B. Domestic Relations.

1. *Domestic Relations, Defined.* For the purposes of these regulations, domestic relations shall include only the following actions: (a) divorce and dissolution child support modification actions, (b) parenting and support dissolution actions, (c) parentage or paternity domestic violence actions, except as prohibited by Regulation 2 (B)(3), (d) child support modification committed intimate relationship actions only as they pertain to parenting and support issues, (e) parenting plan modification legal separation actions, (F f) domestic violence protection orders major parenting plan modifications when the terms are agreed to by the parties before the onset of the representation by the LLLT, (g) committed intimate relationships only as they pertain to parenting and support issues minor parenting plan modifications, (h) legal separation parenting and support actions, (i) nonparental and third party custody paternity actions, and (j) other protection or restraining orders arising from a domestic relations case, and (k) relocation actions, except as prohibited by Regulation 2 (B)(3).

2. *Scope of Practice for LLLTs—Domestic Relations.* LLLTs licensed in domestic relations may render provide legal services to clients as provided in APR 28(F) and this

regulation, except as prohibited by APR 28(H) and Regulation 2 (B)(3).

(a) Unless an issue beyond the scope arises or a prohibited act would be required, LLLTs may advise and assist clients with (1) to initiating and responding to actions and related (2) regarding motions, discovery, trial preparation, temporary and final orders, and modifications of orders.

(b) LLLT legal services regarding the division of real property shall be limited to matters where the real property is a single family residential dwelling with owner equity less than or equal to twice the homestead exemption (see RCW 6.13.030). LLLTs shall use the form for real property division as approved by the LLLT Board.

(c) LLLTs may advise as to the allocation of retirement assets for defined contribution plans with a value less than the homestead exemption, and as provided in United States Internal Revenue Code (IRC) sections 401a, 401k, 403b, and 457; and Individual Retirement Accounts as set forth in IRC section 408.

(d) LLLTs may include language in a decree of dissolution awarding retirement assets as described in APR 28 Regulation 2 (B)(2)(c) when the respondent defaults, when the parties agree on the award or when the court awards the assets following trial. The award language in the decree shall identify (1) the party responsible for having the qualified domestic relations order (QDRO) or supplemental order prepared and by whom, (2) how the cost of the QDRO or supplemental order preparation is to be paid, (3) by what date the QDRO or supplemental order must be prepared, and (4) the remedy for failure to follow through with preparation of the QDRO or supplemental order.

(e) LLLTs may prepare paperwork and accompany and assist clients in dispute resolution proceedings including mediation, arbitration, and settlement conferences where not prohibited by the rules and procedures of the forum.

(f) LLLTs, when accompanying their clients, may assist and confer with their pro se clients at depositions.

(g) LLLTs may present to a court agreed orders, uncontested orders, default orders, and accompanying documents.

(h) LLLTs, when accompanying their clients, may assist and confer with their pro se clients and respond to direct questions from the court or tribunal regarding factual and procedural issues at the hearings listed below:

i. domestic violence protection orders and other protection or restraining orders arising from a domestic relations case;

ii. motions for temporary orders, including but not limited to temporary parenting plans, child support, maintenance, and orders to show cause;

iii. enforcement of domestic relations orders;

iv. administrative child support;

v. modification of child support;

vi. adequate cause hearings for nonparental custody or parenting plan modifications;

vii. reconsiderations or revisions;

viii. trial setting calendar proceedings with or without the client when the LLLT has confirmed the available dates of the client in writing in advance of the proceeding.

3. *Prohibited Acts.* In addition to the prohibitions set forth in APR 28(H), in the course of rendering legal services

to ~~dealing with~~ clients or prospective clients, LLLTs licensed to practice in domestic relations:

- a. shall not ~~render legal services to represent~~ more than one party in any domestic relations matter;
- b. shall not ~~render provide~~ legal services in:
 - i. ~~in~~ de facto parentage ~~or nonparental custody~~ actions; ~~and~~
 - ii. ~~actions that involve~~ § 25 U.S.C. chapter 21, the Indian Child Welfare Act of 1978, or chapter 13.38 RCW, the Washington State Indian Child Welfare Act, applies to the matter;
 - e. ~~shall not advise or assist clients regarding:~~
 - iii. ~~division or conveyance of owned real estate, formal business entities, commercial property, or residential real property except as permitted by Regulation 2(B) or retirement assets that require a supplemental order to divide and award, which includes division of all defined benefit plans and defined contribution plans;~~
 - iv. ~~preparation of QDROs and supplemental orders dividing retirement assets beyond what is prescribed in Regulation 2 (B)(2)(d);~~
 - v. ~~any retirement assets whereby the decree effectuates the division or the implementation of the division of the asset;~~
 - vi. ~~in~~ bankruptcy, including obtaining a stay from bankruptcy;
 - viii. ~~disposition of debts and assets, if one party is in bankruptcy or files a bankruptcy during the pendency of the proceeding, unless: (a) the LLLT's client has retained a lawyer to represent him/her in the bankruptcy, (b) the client has consulted with a lawyer and the lawyer has provided written instructions for the LLLT as to whether and how to proceed regarding the division of debts and assets in the domestic relations proceeding, or (c) the bankruptcy has been discharged;~~
 - iv. ~~antiharassment orders, criminal no contact orders, antistalking orders, and sexual assault protection orders in domestic violence actions;~~
 - viii. ~~jointly acquired committed intimate relationship property issues in committed intimate domestic relationship actions;~~
 - ix. ~~major parenting plan modifications and nonparental custody actions beyond the adequate cause hearing unless the terms are were agreed to by the parties or one party defaults before the onset of the representation by the LLLT;~~
 - x. ~~the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under chapter 26.27 RCW or Uniform Interstate Family Support Act issues under chapter 26.21A RCW unless and until jurisdiction has been resolved;~~
 - xix. ~~objections or responses in contested relocation actions objections to relocation petitions, responses to objections to relocation petitions, or temporary orders in relocation actions; and~~
 - xii. ~~final revised parenting plans in relocation actions except in the event of default or where the terms have been agreed to by the parties.~~
 - d. ~~shall not appear or participate at the taking of a deposition; and~~
 - e. ~~shall not initiate or respond to an appeal to an appellate court.~~

REGULATION 3: Education Requirements for LLLT Applicants and Approval of Educational Programs

An applicant for admission as an LLLT shall satisfy the following education requirements:

A. Core Curriculum.

[Unchanged.]

B. Practice Area Curriculum

[Unchanged.]

C. Required Supplemental Education. The LLLT Board has discretion to require all LLLTs to complete supplemental education in order to maintain their licenses due to changes in the permitted scope of practice for LLLTs. The LLLT Board shall provide notice to LLLTs of the supplemental education requirement and the deadline for completion of the requirement, allowing at least 12 months to complete the required supplemental education. LLLTs may be administratively suspended pursuant to the procedures set forth in APR 17 if they fail to comply with the supplemental education requirements by the stated deadline.

REGULATION 4 - 20

[Unchanged.]

AMENDMENTS TO RULES OF PROFESSIONAL CONDUCT

TITLE

RULES OF PROFESSIONAL CONDUCT (RPC)

RPC 1.0B Additional Washington Terminology

(a) [Unchanged.]

(b) "Legal practitioner" denotes a lawyer or a limited license legal technician ~~licensed under APR 28.~~

(c) "Limited License Legal Technician" or "LLLT" denotes a person qualified by education, training, and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by APR 28 and related regulations. ~~The LLLT does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in APR 28 to a pro se client.~~

(d)-(e) [Unchanged.]

Washington Comments (1-3)

[1]-[2] [Unchanged.]

[3] LLLTs are authorized to engage in the limited practice of law in explicitly defined areas. Unlike a lawyer, an LLLT may perform only limited services for a client. See APR 28 (F)-(H). A lawyer who interacts with an LLLT about the subject matter of that LLLT's representation or who interacts with an otherwise pro se client represented by an LLLT should be aware of the scope of the LLLT's license and the ethical obligations imposed on an LLLT by the LLLT RPC. See APR 28 (F)-(H); ~~Appendix APR 28 Regulation 2 and related regulations~~; LLLT RPC 1.2, 1.5, 4.2, 4.3. See also RPC 5.10.

RPC 1.17 SALE OF LAW PRACTICE

(a)-(d) [Unchanged.]

Comment [1]-[18] [Unchanged.]

[19] ~~An LLLT is not authorized to purchase a law practice that requires provision of legal services outside the scope of the LLLT's practice. See APR 28 (F)-(H); Appendix APR 28 Regulation 2. Consequently, There are some restrictions on a lawyer's ability to sell a law practice to an LLLT when the legal services provided are outside the scope of the~~

LLLT's practice. As such, a lawyer may not participate in or facilitate such a sale that is in violation of LLLT RPC 1.17. See LLLT RPC 1.17 cmt. [2]; RPC 8.4 (f)(2).

RPC 4.3 DEALING WITH PERSON NOT REPRESENTED BY A LAWYER

[Unchanged.]

Comment

[1]-[2] [Unchanged.]

Additional Washington Comments (3-6)

[3]-[4] [Unchanged.]

[5] For purposes of this Rule, a person who is assisted by an LLLT is not represented by a lawyer and is an unrepresented person. See APR 28 (B)(4).

[6] When a lawyer communicates with an LLLT who represents an opposing party about the subject of the representation, the lawyer should be guided by an understanding of the limitations imposed on the LLLT by APR 28, related Regulations (H)(6) (an LLLT shall not "negotiate the client's legal rights or responsibilities, or communicate with another person the client's position or convey to the client the position of another party") and the LLLT RPC. The lawyer should further take care not to overreach or intrude into privileged information. APR 28 (K)(3) ("The Washington law of attorney-client privilege and law of a lawyer's fiduciary responsibility to the client shall apply to the Limited License Legal Technician-client relationship to the same extent as it would apply to an attorney-client relationship.")

RPC 5.8 MISCONDUCT INVOLVING LAWYERS AND LLLTS NOT ACTIVELY LICENSED TO PRACTICE LAW

(a)-(b) [Unchanged.]

Washington Comment

[1] [Unchanged.]

[2] The prohibitions in paragraph (b) of this Rule apply to suspensions, revocations, and voluntary cancellations in lieu of discipline under the disciplinary procedural rules applicable to LLLTs. See Rules for Enforcement of Limited License Legal Technician LLLT Rules for Enforcement of Conduct (REG ELLLTC).

RPC 8.1 BAR ADMISSION AND DISCIPLINARY MATTERS

An applicant for admission to the Bar, or a lawyer in connection with an application for reinstatement or admission to the Bar or a disciplinary matter involving a legal practitioner bar admission, reinstatement application, or LLLT limited licensure, or in connection with a lawyer or LLLT disciplinary matter, shall not:

(a)-(b) [Unchanged.]

Comment

[1] - [5] [Unchanged.]

AMENDMENTS TO LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT

TITLE

LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT (LLL RPC)

PREAMBLE AND SCOPE

PREAMBLE: An LLLT's Responsibilities.

[1] [Unchanged.]

[2] As a representative of clients within a limited scope, an LLLT performs various functions. As advisor, an LLLT provides a client with an informed understanding of the client's legal rights and obligations and explains their practical

implications. As an evaluator, an LLLT acts by examining a client's legal affairs and reporting about them to the client or to others. ~~While an LLLT is not authorized to act as advocate or negotiator, To the extent an LLLT is allowed to act as an advocate or as a negotiator under APR 28,~~ an LLLT conscientiously acts in the best interest of the client, and seeks a result that is advantageous to the client but consistent with the requirements of honest dealings with others.

[3]-[13] [Unchanged.]

SCOPE

[Unchanged.]

LLL RPC 1.0B ADDITIONAL TERMINOLOGY

(a) "APR" denotes the Washington Supreme Court's Admission ~~to~~ and Practice Rules.

(b) [Unchanged.]

(c) "Lawyer" denotes a person licensed as a lawyer and eligible to practice law in any United States jurisdiction.

(d) [Unchanged.]

(e) "Legal practitioner" denotes a lawyer or a limited license legal technician ~~licensed under APR 28~~.

(f) "Limited License Legal Technician" or "LLLT" denotes a person qualified by education, training, and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by APR 28 and related regulations. ~~The LLLT does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in APR 28 to a pro se client.~~

(g) ~~"LLL RPC ELLLTC"~~ denotes the Washington Supreme Court's Rules for Enforcement of Limited License Legal Technician Rules for Enforcement of Conduct.

(h) [Unchanged.]

Comment

[1] - [3] [Unchanged.]

LLL RPC 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LLLT

(a) Subject to paragraphs (c), (d), and (g), an LLLT shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. An LLLT may take such action on behalf of the client as is impliedly authorized to carry out the representation. An LLLT shall abide by a client's decision whether to settle a matter.

(b) [Unchanged.]

(c) An LLLT must limit the scope of the representation and provide disclosures informing a potential client as required by these Rules and APR 28.

(d)-(g) [Unchanged.]

Comment

[1] [Unchanged.]

[2] ~~Negotiation on behalf of a client and representation in court are beyond the authorized scope of an LLLT's practice. See APR 28(H). Accordingly, p~~ Paragraph (a) was modified from the Lawyer RPC to exclude references to ~~settlements and~~ criminal cases, and paragraph (d) was modified from the Lawyer RPC to exclude (and therefore prohibit) an LLLT from discussing with a client the legal consequences of any proposed criminal or fraudulent conduct and assisting a client in determining the validity, scope, meaning, or applica-

tion of the law with respect to any such conduct. In circumstances where a client has engaged or may engage in conduct that the LLLT knows is criminal or fraudulent, the LLLT shall not provide services related to such conduct and shall inform the client that the client should seek the services of a lawyer.

[3] Unlike a lawyer, an LLLT may perform only limited services for a client. ~~Under APR 28 (G)(3), b~~ Before performing any services for a fee, an LLLT must enter into a written contract with the client as required by APR 28 (G)(2), signed by both the client and the LLLT, that includes the following: (a) an explanation of the services to be performed, including a conspicuous statement that the LLLT may not appear or represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process, or negotiate the client's legal rights or responsibilities, unless permitted under GR 24(b); (b) identification of all fees and costs to be charged to the client for the services to be performed; (c) a statement that upon the client's request, the LLLT shall provide to the client any documents submitted by the client to the LLLT; (d) a statement that the LLLT is not a lawyer and may only perform limited legal services (this statement shall be on the first page of the contract in minimum twelve-point bold type print); (e) a statement describing the LLLT's duty to protect the confidentiality of information provided by the client and the LLLT's work product associated with the services sought or provided by the LLLT; (f) a statement that the client has the right to rescind the contract at any time and receive a full refund of unearned fees (this statement shall be conspicuously set forth in the contract); and (g) any other conditions to the LLLT's services that are required by the rules and regulations of the Limited License Legal Technician Board.

[4] Additional requirements concerning the authorized scope of an LLLT's practice are imposed by APR 28(F). An LLLT must ascertain whether the issue is within the defined practice area for which the LLLT is licensed. If not, the LLLT shall not ~~provide the services required~~ render any legal assistance on the issue and must ~~inform~~ advise the client that the client should seek the services of a lawyer. If the issue does lie within the defined practice area for which the LLLT is licensed, then the LLLT is authorized to ~~undertake~~ render the services that are enumerated in APR 28(F). ~~Those services include only the following:~~ (a) obtain relevant facts and explain the relevancy of such information to the client; (b) inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding; (c) inform the client of applicable procedures for proper service of process and filing of legal documents; (d) provide the client with self-help materials prepared by a Washington lawyer or approved by the Limited License Legal Technician Board, which contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements; (e) review documents or exhibits that the client has received from the opposing side, and explain them to the client; (f) select, complete, file, and effect service of forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by

statute; federal forms; forms prepared by a Washington lawyer; or forms approved by the Limited License Legal Technician Board; and advise the client of the significance of the selected forms to the client's case; (g) perform legal research; (h) draft legal letters and documents beyond what is permitted in (f) if the work is reviewed and approved by a Washington lawyer; (i) advise a client as to other documents that may be necessary to the client's case, and explain how such additional documents or pleadings may affect the client's case; and (j) assist the client in obtaining necessary documents, such as birth, death, or marriage certificates.

[5] An LLLT must personally perform the authorized services for the client and may not delegate those services to a person who is not either an LLLT or a lawyer. This prohibition, however, does not prevent a person who is neither an LLLT nor a lawyer from performing translation services. APR 28 (G)(2L).

[6] An LLLT may not provide services that exceed the scope of the LLLT's authority under APR 28. If an issue arises for which the client needs services that exceed the scope of the LLLT's authority, the LLLT must inform that client that the client should seek the services of a lawyer. APR 28 (G)(5J).

[7] A document that is prepared by an LLLT for the client's signature shall include the LLLT's name, signature, and license number beneath the signature of the client. APR 28 (G)(5). [Reserved.]

[8] Certain conduct and services are specifically prohibited to an LLLT by APR 28(H). In the course of dealing with clients or prospective clients, an LLLT shall not: (a) make any statement that the LLLT can or will obtain special favors from or has special influence with any court or governmental agency; (b) retain any fees or costs for services not performed; (c) refuse to return documents supplied by, prepared by, or paid for by the client, upon the request of the client (the documents must be returned upon request even if there is a fee dispute between the LLLT and the client); (d) represent or advertise, in connection with the provision of services, other legal titles or credentials that could cause a client to believe that the LLLT possesses professional legal skills beyond those authorized by the license held by the LLLT; (e) represent a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process, unless permitted by GR 24; (f) negotiate a client's legal rights or responsibilities, or communicate with another person the client's position or convey to the client the position of another party; unless permitted by GR 24(b); (g) provide services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client; (h) represent or otherwise provide legal or law related services to a client, except as permitted by law, APR 28, or associated rules and regulations; or (i) otherwise violate these Rules.

LLLT RPC 1.5 FEES

(a) - (f) [Unchanged.]

Comment

[1]-[3] [Unchanged.]

[4] Unlike a lawyer, an LLLT is required by APR 28 (G)(3E) to enter into a written contract with the client before the LLLT begins to perform any services for a fee that

includes, among other things, identification of all fees and costs to be charged to the client for the services to be performed. The provisions concerning a flat fee described in (f)(2) of this Rule, if applicable, should be included in that contract. The contract must be signed by both the client and the LLLT before the LLLT begins to perform any services for a fee. See ~~Comment [2] to Rule 1.2 for other provisions that are to be included in the contract.~~

[5] [Unchanged.]

LLLT RPC 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES

(a) - (m) [Unchanged.]

Comment

[1]-[2] [Unchanged.]

[3] ~~LLLTs may not advocate for, or appear in court on behalf of, a client.~~ LLLTs will have no role in class action litigation and Rule 1.8(e)(2) is accordingly reserved in this Rule. LLLT RPC 1.8(e) does not authorize activities that are beyond the scope of the LLLT's limited license. Nothing in Rule 1.8(e) is intended to prohibit lawyer members of a firm with which an LLLT is associated from engaging in conduct permitted by Lawyer RPC 1.8 (e)(2).

[4] Rule 1.8(g) is reserved. LLLTs ~~are not permitted to do not~~ engage in the making of aggregate settlements, or aggregated agreements as to guilty or nolo contendere pleas in criminal cases. Nothing in Rule 1.8(g) is intended to prohibit lawyer members of a firm with which an LLLT is associated from participating in such settlements if permitted by the Lawyer RPC.

[5]-[9] [Unchanged.]

LLLT RPC 1.15A SAFEGUARDING PROPERTY

(a)-(h) [Unchanged.]

(i) Trust accounts must be interest-bearing and allow withdrawals or transfers without any delay other than notice periods that are required by law or regulation and meet the requirements of ~~LLLT REC ELC~~ 15.7(d) and ~~LLLT REC 15.7(e)~~. In the exercise of ordinary prudence, an LLLT may select any financial institution authorized by the Legal Foundation of Washington (Legal Foundation) under ~~LLLT REC ELC~~ 15.7(c). In selecting the type of trust account for the purpose of depositing and holding funds subject to this Rule, an LLLT shall apply the following criteria:

(1) When client or third-person funds will not produce a positive net return to the client or third person because the funds are nominal in amount or expected to be held for a short period of time the funds must be placed in a pooled interest-bearing trust account known as an Interest on Limited License Legal Technician's Trust Account or IOLTA. The interest earned on IOLTA accounts shall be paid to, and the IOLTA program shall be administered by, the Legal Foundation of Washington in accordance with ~~LLLT REC ELLLTC~~ 15.4 and ~~LLLT REC ELC~~ 15.7(e).

(2)-(3) [Unchanged.]

(4) The provisions of paragraph (i) do not relieve an LLLT or law firm from any obligation imposed by these Rules or the ~~LLLT REC ELLLTC~~.

Comment

[1] - [2] [Unchanged.]

LLLT RPC 1.16 DECLINING OR TERMINATING REPRESENTATION

(a) - (d) [Unchanged.]

Comment

[1] This Rule was adapted from Lawyer RPC 1.16 with no substantive changes except to reflect ~~that LLLTs the limited scope of representation that an LLLT provides to pro se clients and that an LLLT does not enter a notice of appearance, are not authorized to represent clients in court or to advocate for clients.~~ For this reason, paragraph (c) is reserved and references to litigation or proceedings before a tribunal that appear in Lawyer RPC 1.16 do not apply and have been omitted from this Rule. Otherwise, this Rule Lawyer RPC 1.16 applies to LLLTs analogously.

LLLT RPC 1.17 SALE OF LAW PRACTICE

An LLLT, firm of LLLTs, or a law firm with which one or more LLLTs are associated may sell or purchase a law practice, or an area of law practice, including good will, if the following conditions are satisfied:

(a)-(c) [Unchanged.]

(d) ~~The legal fees and LLLT fees charged clients shall not be increased by reason of the sale.~~

Comment

[1] [Unchanged.]

[2] A law firm consisting solely of LLLT owners is not authorized to purchase a law practice that includes client matters requiring provision of legal services outside the authorized LLLT scope of practice or defined practice area(s). See APR 28 and related Regulations.

LLLT RPC 2.1 ADVISOR

[Unchanged.]

Comment

[1] [Unchanged.]

[2] This Rule and its requirement regarding the exercise of independent professional judgment do not expand the limitations on the authorized scope of an LLLT's practice under APR 28(H) and related regulations.

LLLT RPC 2.3 [Reserved]

Comment

[1] Lawyer RPC 2.3 pertains to a lawyer providing an evaluation of a matter affecting a client for the use of someone other than the client. ~~Unlike lawyers, LLLTs are not authorized to communicate the client's position to third parties. Drafting an opinion letter for the purposes of its use with a third party is the same as communicating the client's position to a third party and is prohibited by APR 28(H)(6). If the need for an evaluation arises in an LLLT's authorized scope of practice under APR 28, an LLLT should look to Lawyer RPC 2.3 for guidance. Accordingly, this Rule is reserved.~~

LLLT RPC 3.1 ADVISING AND ASSISTING CLIENTS IN PROCEEDINGS BEFORE A TRIBUNAL

(a) In a matter reasonably related to a pending or potential proceeding before a tribunal, an LLLT shall not engage, counsel a client to engage, or assist a client, in conduct involving:

(1)-(5) [Unchanged.]

(6) knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; or

(7) [Unchanged.]

(b) [Unchanged.]

Comment

[1] This Rule is substantially different from Lawyer RPC 3.1 because the role of the LLLTs as an advocate is limited. are not authorized to represent clients in the proceedings of a tribunal. Title 3 of the Lawyer RPC addresses a lawyer's duties as an advocate when representing a client in the proceedings of a tribunal. Because APR 28 (H)(5) expressly prohibits an LLLT from representing a client in a court or administrative adjudicative proceeding (unless permitted by GR 24), the Title 3 Rules do not apply directly to the conduct of LLLTs. Nevertheless, a number of the ethical principles located in Title 3 address conduct in connection with a proceeding that would be improper and repugnant whether engaged in by a lawyer or a party. In many instances, an LLLT will be providing assistance to a client who is a party to a court proceeding. In providing such assistance, an LLLT may be authorized within the scope of a specific practice area to accompany and assist a pro se client in certain proceedings. Assistance may include responding to factual and procedural questions from a tribunal. For this reason, as As a member of the legal profession, an LLLT is ethically bound to avoid advising or assisting a client in conduct that undermines the integrity of the adjudicative process or threatens the fair and orderly administration of justice. As applied to the indirect conduct of LLLTs, the ethical proscriptions of Lawyer RPC 3.1, 3.2, 3.3, and 3.4 are less nuanced. Accordingly, they have been consolidated within Rule 3.1(a) as a prohibition on counseling or assisting the client in such activities. Conduct relating to the impartiality and decorum of a tribunal, Lawyer RPC 3.5, should be prohibited whether engaged in by an LLLT directly or indirectly, and is separately addressed in paragraph (b) of this Rule. Although less comprehensive than Title 3 of the Lawyer RPC, the core Title 3 principles incorporated into Rule 3.1 address the issues likely to be encountered by an LLLT, with supplemental guidance available in the corresponding Title 3 of the Lawyer RPC and commentary thereto.

[2] ~~An LLLT acting as a "lay representative authorized by administrative agencies or tribunals" under GR 24 (b)(3) would not be acting pursuant to the authority of his or her LLLT license in that context, since such representation would be beyond the scope of LLLT practice authorized by APR 28(F). Should an LLLT engage in conduct as a lay advocate that would otherwise directly violate a Title 3 obligation—for example, by knowingly making a false statement of fact to an administrative tribunal—such conduct may violate the requirements of other rules. See, e.g., Rule 8.4(c) (prohibiting conduct involving dishonesty, fraud, deceit, and misrepresentation) and Rule 8.4(d) (prohibiting conduct prejudicial to the administration of justice).~~

[3] Certain provisions of Title 3 of the Lawyer RPC provisions, such as Lawyer as Witness in Rule 3.7 and the Special Responsibilities of a Prosecutor in Rule 3.8, do not apply to LLLTs. In these instances, the corresponding LLLT RPC has been reserved. Rules 3.6 and 3.9 represent ethical issues that would rarely if ever arise in the context of an LLLT's limited-scope representation. Accordingly, these provisions have been reserved as well, though guidance is available in the corresponding Lawyer RPC in the event that such an ethical dilemma does arise in an LLLT representation.

LLLT RPC 3.6

[Reserved]

Comment

[1] See Comment [32] to Rule 3.1.

LLLT RPC 3.7

[Reserved]

Comment

[1] See Comment [32] to Rule 3.1.

LLLT RPC 3.8

[Reserved]

Comment

[1] See Comment [32] to Rule 3.1.

LLLT RPC 3.9

[Reserved]

Comment

[1] See Comment [32] to Rule 3.1.

LLLT RPC 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS

[Unchanged.]

Comment

[1] [Unchanged.]

[2] ~~LLLTs are required by APR 28 (G)(5) to include the LLLT's name, signature, and license number beneath the signature of the client on all documents that the LLLT prepares. This will assure that judges and other court personnel, other parties to a matter, and lawyers representing those parties, are informed of the LLLT's role in the matter.~~

LLLT RPC 4.2 COMMUNICATION WITH PERSON REPRESENTED BY LAWYER

[Unchanged.]

Comment

[1] A person who has chosen to be represented by a lawyer should be protected against possible overreaching by another lawyer. See Lawyer RPC 4.2 and Comments to that rule. Rule 4.2 extends to LLLTs the prohibition on communicating with a person represented by a lawyer. This Rule differs from Lawyer RPC 4.2 in that the prohibition is absolute. While a lawyer may be permitted to communicate directly with a person who is represented by another lawyer with the other lawyer's consent, or if authorized to do so by law or court order, there are no exceptions to the prohibition as it applies to LLLTs, because any such communication would put an LLLT in a position of exceeding the authorized scope of the LLLT's practice under APR 28(H). Specifically, APR 28 (H)(6) prohibits negotiating a client's legal rights or responsibilities or communicating with another person the client's position, and APR 28 (H)(5) prohibits an LLLT from representing a client in court proceedings. In light of these limitations, there is no circumstance in which an LLLT could communicate with a person represented by a lawyer about the subject matter of the representation without transgressing the APR.

LLLT RPC 4.3 DEALING WITH PERSON NOT REPRESENTED BY LAWYER

(a) In dealing on behalf of a client with a person who is not represented by a lawyer, an LLLT shall not state or imply that the LLLT is disinterested. When the LLLT knows or reasonably should know that the unrepresented person misunderstands the LLLT's role in the matter, the LLLT shall make reasonable efforts to correct the misunderstanding. The LLLT shall not give legal advice to an unrepresented person,

other than the advice to secure the services of another legal practitioner, if the LLLT knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

~~(b) An LLLT shall not communicate about the subject of the representation with another party in the matter.~~

Comment

[1] ~~Paragraph (a) of this Rule was adapted from Lawyer RPC 4.3 with no substantive changes and applies to LLLTs analogously.~~

[2] ~~[Reserved.] Paragraph (b) of this Rule does not appear in the Lawyer RPC. It derives from the limitations on the authorized scope of an LLLT's practice under APR 28 (H)(6). See Comment [1] to Rule 4.2 for a discussion of the implications of APR 28 (H)(6).~~

[3] The client of an LLLT is an unrepresented person for purposes of Lawyer RPC 4.2 and 4.3. ~~The definition of an LLLT in APR 28 (B)(4) clarifies that an LLLT does not represent a client in court proceedings or negotiations, but provides limited legal assistance to a pro se client.~~

[4] ~~Although an LLLT is strictly prohibited by paragraph (b) from communicating with a party about the subject matter of the LLLT's representation, an An LLLT may have occasion to communicate directly with a nonparty who is assisted by another LLLT. A risk of unwarranted intrusion into a privileged relationship may arise when an LLLT deals with a person who is assisted by another LLLT. Client-LLLT communications, however, are privileged to the same extent as client-lawyer communications. See APR 28 (K)(3). An LLLT's ethical duty of confidentiality further protects the LLLT client's right to confidentiality in that professional relationship. See LLLT RPC 1.6(a). When dealing with a person who is assisted by another LLLT, an LLLT must respect these legal rights that protect the client-LLLT relationship.~~

LLLT RPC 5.4 PROFESSIONAL INDEPENDENCE OF AN LLLT

(a) An LLLT or LLLT firm shall not share legal fees with anyone who is ~~not an non~~ LLLT, except that:

(1)-(2) [Unchanged.]

(3) an LLLT or LLLT firm may include ~~non-LLLT~~ employees who are not LLLTs in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and

(4)-(5) [Unchanged.]

(b) An LLLT shall not form a partnership with ~~a non-LLLT~~ anyone who is not an LLLT if any of the activities of the partnership consist of the practice of law.

(c) [Unchanged.]

(d) An LLLT shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:

(1) a ~~non-LLLT~~ person who is not an LLLT owns any interest therein, except that a fiduciary representative of the estate of an LLLT may hold the stock or interest of the LLLT for a reasonable time during administration;

(2) a person who is not an LLLT ~~non-LLLT~~ is a corporate director or officer (other than as secretary or treasurer) thereof or occupies the position of similar responsibility in any form of association other than a corporation; or

(3) a person who is not an LLLT ~~non-LLLT~~ has the right to direct or control the professional judgment of an LLLT.

Comment

[1] This Rule was adapted from Lawyer RPC 5.4 with no substantive changes except to change references to a "non-lawyer" to "person who is not an LLLT ~~non-LLLT~~" to avoid confusion. It applies to LLLTs analogously.

[2] ~~Notwithstanding~~ Rule 5.4 does not prohibit; lawyers and LLLTs may from sharing fees and forming business structures to the extent permitted by Rule 5.9.

LLLT RPC 5.5 UNAUTHORIZED PRACTICE OF LAW

(a)-(d) [Unchanged.]

Comment

[1] Lawyer RPC 5.5(a) expresses the basic prohibition on a legal practitioner practicing law in a jurisdiction where that individual is not specifically licensed or otherwise authorized to practice law. It reflects the general notion (enforced through criminal-legal prohibitions and other law) that legal services may only be provided by those licensed to do so. This limitation on the ability to practice law is designed to protect the public against the rendition of legal services by unqualified persons. See Comment [2] to Lawyer RPC 5.5.

As applied to LLLTs, this principle should apply with equal force. An actively licensed LLLT should practice law as an LLLT only in a jurisdiction where he or she is licensed to do so, i.e., Washington State. An LLLT must not practice law in a jurisdiction where he or she is not authorized to do so. Unless and until other jurisdictions authorize Washington-licensed LLLTs to practice law, it will be unethical under this Rule for the LLLT to provide or attempt to provide legal services extraterritorially. Relatedly, it is unethical to assist anyone in activities that constitute the unauthorized practice of law in any jurisdiction. See also APR 28 (H)(76) (prohibiting an LLLT from providing services to a client in connection with a legal matter in another state unless permitted by the laws of that state to perform the services for the client).

[2] Lawyer RPC 5.5 (b) through (d) define the circumstances in which lawyers can practice in Washington despite being unlicensed here. For example, lawyers actively licensed elsewhere may provide services on a temporary basis in Washington in association with a lawyer admitted to practice here or when the lawyer's activities "arise out of or are reasonably related to the lawyer's practice in his or her home jurisdiction." These provisions also recognize that certain non-Washington-licensed lawyers may practice here on more than a temporary basis (e.g., lawyers providing services authorized by federal law), and otherwise prohibit non-Washington-licensed lawyers from establishing a systematic and continuous presence in Washington for the practice of law.

These provisions are, at this time, unnecessary in the LLLT RPC because there are no limited licenses programs in other jurisdictions tantamount to Washington's LLLT rules and no need to authorize ~~nonlawyers~~ limited license practitioners in other jurisdictions to practice law in Washington, either temporarily or on an ongoing basis. For this reason, paragraphs (b) through (d) are reserved.

LLLT RPC 8.1 ~~LIMITED-LICENSE~~ LICENSING, ADMISSION, AND DISCIPLINARY MATTERS

An applicant for an LLLT license ~~limited licensure~~, or an LLLT in connection with an application for limited licensure ~~or reinstatement application or admission to the Bar lawyer's bar admission~~, or a disciplinary matter involving a legal practitioner in connection with a lawyer or LLLT disciplinary matter, shall not:

(a)-(b) [Unchanged.]

Comment

[1] This Rule was adapted from Lawyer RPC 8.1 with no substantive changes, ~~except to reflect the difference between admission to the Bar (for a lawyer) and limited licensure (for an LLLT)~~. This Rule applies to LLLTs analogously.

LLLT RPC 8.4 MISCONDUCT

It is professional misconduct for an LLLT to:

(a)-(k) [Unchanged.]

~~(l)~~ violate a duty or sanction imposed by or under the ~~LLLT REC ELLLTC~~ in connection with a disciplinary matter; including, but not limited to, the duties catalogued at ~~LLLT REC ELLLTC 1.5~~;

(m)-(o) [Unchanged.]

Comment

[1] - [4] [Unchanged.]

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

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 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 19-12-001**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF REVENUE**

[Filed May 22, 2019, 12:45 p.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA):

ETA 3043.2019 - Low-Density Light and Power Utility Deduction

The department of revenue has revised ETA 3043. This ETA explains the public utility tax deduction provided by RCW 82.16.053 to qualifying power and light businesses.

RCW 82.16.053 requires the department to determine the state average electric power rate each year and inform taxpayers of this rate. This rate is used by power and light businesses to compute the amount of the deduction. The revised ETA 3043 updates the information to provide the rate for the period of July 1, 2019, through June 30, 2020.

A copy of this document is available via the internet at Rule and Tax Advisory Adoptions and Repeals.

Kevin Dixon
Program Manager

WSR 19-12-007**NOTICE OF PUBLIC MEETINGS
ENVIRONMENTAL AND
LAND USE HEARINGS OFFICE**

(Growth Management Hearings Board)

[Filed May 23, 2019, 11:59 a.m.]

Meeting Cancellation

The following regular meeting for the environmental and land use hearings office, growth management hearings board for 2019 has been cancelled: July 17, 11:00 a.m., at the Department of Ecology, 3190 160th Avenue S.E., Bellevue, WA 98008.

If you need further information contact Nancy Coverdell, 1111 Israel Road S.W., Tumwater, WA 98501, phone 360-664-9160, fax 360-586-2253, email eluho@eluho.wa.gov, and web site www.eluho.wa.gov.

WSR 19-12-009**NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE**

(Salmon Recovery Funding Board)

[Filed May 23, 2019, 1:23 p.m.]

The salmon recovery funding board is changing the **location and time** of the regular quarterly meeting scheduled for July 10-11, 2019:

FROM: July 10 and 11, 2019, from 9:00 a.m. to 5:00 p.m., location TBD.

TO: July 10, 2019, from 9:00 a.m. to 5:00 p.m., Yakima Convention Center, 10 North 8th Street, Yakima, WA; and July 11, 2019, from 8:00 a.m. to 3:30 p.m., Yakima Basin site tour, start and end location: Holiday Inn, 802 East Yakima Avenue, Yakima, WA 98901.

For further information, please contact Wyatt Lundquist, Wyatt.lundquist@rco.wa.gov or check the recreation and conservation's office (RCO) web page at http://www.rco.wa.gov/boards/srfb_meetings.shtml.

RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or email at leslie.frank@rco.wa.gov.

WSR 19-12-010**HEALTH CARE AUTHORITY**

[Filed May 23, 2019, 2:39 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 19-0017 Behavioral Rehabilitation Services Rates.

Effective Date: October 1, 2019.

Description: The health care authority (HCA) in conjunction with the department of children, youth, and families (DCYF) intend to submit medicaid SPA 19-0017 in order to reflect the increases to the behavioral rehabilitation services (BRS) rates as mandated in ESHB 1109 passed by the legislature and signed by the governor on May 21, 2019. The bill

appropriates \$10,828,000 in general funds-state for state fiscal year 2020, \$10,993,000 in general funds-state for state fiscal year 2021, and \$13,365,000 in general funds-federal for the biennium. BRS providers contracted with Washington state will begin receiving these new rates on October 1, 2019.

SPA 19-0017 is expected to increase the annual aggregate payments for behavioral rehabilitation services.

SPA 19-0017 is in the development process; therefore a copy is not yet available for review. HCA and DCYF would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact Michael Campbell, Intensive Resources, 1115 Washington Street S.E., Olympia, WA 98054, phone 509-654-4940, TRS 711, email Michael.campbell[@dcyf].wa.gov, web site www.dcyf.gov.

WSR 19-12-017

NOTICE OF PUBLIC MEETINGS HUMAN RIGHTS COMMISSION

[Filed May 24, 2019, 3:40 p.m.]

The following REVISED location and times: Washington state human rights commission, commission meeting information, on June 27, 2019, at 9:30 a.m., via conference call, phone 319-527-3510, Access Code 833014#.

Our office will accommodate walk-ins at 711 South Capitol Way, Suite 402, Conference Room, Olympia, WA 98504.

WSR 19-12-020

NOTICE OF PUBLIC MEETINGS LIQUOR AND CANNABIS BOARD

[Filed May 28, 2019, 1:48 p.m.]

This is to update the location of recurring meetings of the Washington state liquor and cannabis board (WSLCB). Beginning July 1, 2019, the following meetings will be held at 1025 Union Avenue, Olympia, WA 98501:

- WSLCB caucus meetings are scheduled every Tuesday 10:00 a.m. to 12:30 p.m.
- WSLCB board meetings are scheduled every other Wednesday 10:00 a.m. to 12:00 p.m.
- WSLCB EMT meetings are scheduled every Wednesday 1:30 to 3:30 p.m.

WSR 19-12-025

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed May 29, 2019, 9:46 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.

Economic Services Administration Division of Child Support (DCS)

Document Title: DCS Administrative Policy 10.14.0: Physical and Environmental Protection of Information & Systems.

Subject: Physical and environmental protection of information and systems.

Effective Date: May 23, 2019.

Document Description: This policy is a new administrative policy that implements security control requirements for the physical and environmental protection of information and systems control family as identified in the National Institute of Standards and Technology.

To receive a copy of the interpretive or policy statements, contact Lori Webb, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5263, TDD/TTY 360-753-9122, fax 360-586-3274, email webbla@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 19-12-028

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed May 29, 2019, 10:10 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.

Economic Services Administration Division of Child Support (DCS)

Document Title: Administrative Policy 1.21 DCS Building Visitor Sign-in.

Subject: DCS building visitor sign-in.

Effective Date: May 24, 2019.

Document Description: This policy explains DCS policy for signing in visitors to DCS buildings.

To receive a copy of the interpretive or policy statements, contact Lori Webb, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5263, TDD/TTY 360-753-9122, fax 360-586-3274, email webbla@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 19-12-030**NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY**

[Filed May 29, 2019, 11:43 a.m.]

The board of trustees has scheduled a work session to occur on Thursday, September 26, 2019, from noon to 5:00 p.m., and Friday, September 27, 2019, from 8:00 a.m. to 1:00 p.m., located at the Washington Athletic Club, 1325 6th Avenue, Seattle, WA 98101.

Any questions regarding the schedule may be directed to Rayne Rambo, assistant secretary to the board of trustees, at 360-650-3998 or Rayne.Rambo@wwu.edu. Updated information is also posted on the university's web site <https://trustees.wwu.edu/>.

WSR 19-12-032**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 29, 2019, 12:06 p.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.

**Economic Services Administration
Division of Child Support (DCS)**

Document Title: DCS Administrative Policy 10.13.0: Digital and Physical Media Protection.

Subject: Digital and physical media protection.

Effective Date: May 23, 2019.

Document Description: This policy implements security control requirements for the media protection control family and incorporates federal, state, and departmental information security requirements.

To receive a copy of the interpretive or policy statements, contact Lori Webb, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5263, TDD/TTY 360-753-9122, fax 360-586-3274, email webbla@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 19-12-033**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed May 29, 2019, 12:33 p.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.

**Economic Services Administration
Division of Child Support (DCS)**

Document Title: DCS Administrative Policy 1.26: Teleworking From Home.

Subject: Teleworking from home.

Effective Date: May 22, 2019.

Document Description: This DCS administrative policy explains procedures that are in place to provide clear guidance to DCS employees regarding teleworking from home.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 800-833-6384, fax 360-664-5342, email shaddrm@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 19-12-036**NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Health Technology Clinical Committee)**

[Filed May 29, 2019, 3:01 p.m.]

Following is the revised date for the health technology clinical committee's regular meeting in November 2019: On November 22, 2019, at 8:00 a.m. - 5 p.m., at The Conference Center at SeaTac International Airport, 17801 International Boulevard, Seattle, WA 98158.

If you need further information, contact Christine V. Masters, Program Specialist, Health Technology Assessment, P.O. Box [42712], 626 8th Avenue S.E., Olympia, WA 98504-2712, desk 360-735-5126 [360-725-5126], fax 360-586-8827, Christine.masters@hca.wa.gov.

WSR 19-12-039**NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE**

(Recreation and Conservation Funding Board)

[Filed May 29, 2019, 4:14 p.m.]

The recreation and conservation funding board is changing the **date** of the regular quarterly meeting scheduled for April 24-25, 2019:

FROM: June 26-27, 2019, from 9:00 a.m. to 5:00 p.m., at the Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA.

TO: Board retreat meeting, on June 26, 2019, from 9:00 a.m. to 5:00 p.m., at the DoubleTree by Hilton Hotel Olympia, 415 Capitol Way North, Olympia, WA 98501; and regular board meeting, on June 27, 2019, from 9:00 a.m. to 5:00 p.m., at the Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA.

For further information, please contact Wyatt Lundquist, Wyatt.lundquist@rco.wa.gov or check the recreation and conservation office's (RCO) web page at http://www.rco.wa.gov/boards/srfb_meetings.shtml.

RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or email leslie.frank@rco.wa.gov.

WSR 19-12-044
RULES COORDINATOR
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed May 30, 2019, 2:33 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the criminal justice training commission is Derek Zable, 19010 JS¹ [1st] Avenue South, Burien, WA 98148, 206-835-7356, dzable@cjtc.state.wa.us.

If you have questions, please contact Derek at the email address listed above or Susan L. Rahr at srahr@cjtc.state.wa.us.

Susan L. Rahr
 Executive Director

WSR 19-12-045
PUBLIC RECORDS OFFICER
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed May 30, 2019, 2:34 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the criminal justice training commission is Alma Perez, 19010 1st Avenue South, Burien, WA 98148, 206-835-7343, Aperez@cjtc.state.wa.us.

If you have questions, please contact Susan L. Rahr at srahr@cjtc.state.wa.us.

Susan L. Rahr
 Executive Director

WSR 19-12-052
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 31, 2019, 9:11 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.

Economic Services Administration
Division of Child Support (DCS)

Document Title: Administrative Policy 10.10.0: Information Security Definitions.

Subject: Information security definitions.

Effective Date: May 20, 2019.

Document Description: This policy ensures a common understanding of information security terms referenced in DCS policy by providing common information security terms.

To receive a copy of the interpretive or policy statements, contact Lori Webb, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5263, TDD/TTY 360-753-9122, fax 360-586-3274, email webbla@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 19-12-054
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 31, 2019, 9:19 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.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 1.06: Forms Approval Procedure.

Subject: Forms approval procedure.

Effective Date: May 23, 2019.

Document Description: This DCS administrative policy explains procedures for approving forms.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 800-833-6384, fax 360-664-5342, email shaddrm@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 19-12-057
NOTICE OF PUBLIC MEETINGS
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed May 31, 2019, 10:41 a.m.]

The dates in **bold** have changed in the following schedule of regular meetings of the public employment relations commission in 2019:

Date	Time	Location
January 15, 2019	10:00 a.m.	112 Henry Street N.E. Suite 300 Olympia, WA
February 12, 2019	10:00 a.m.	112 Henry Street N.E. Suite 300 Olympia, WA
March 2019	No meeting	

Date	Time	Location
April 9, 2019	10:00 a.m.	112 Henry Street N.E. Suite 300 Olympia, WA
May 14, 2019	10:00 a.m.	112 Henry Street N.E. Suite 300 Olympia, WA
June 11, 2019	10:00 a.m.	9757 Juanita Drive N.E. Suite 201 Kirkland, WA
July 16, 2019	10:00 a.m.	112 Henry Street N.E. Suite 300 Olympia, WA
Monday, August 19, 2019	10:00 a.m.	112 Henry Street N.E. Suite 300 Olympia, WA
September 10, 2019	10:00 a.m.	9757 Juanita Drive N.E. Suite 201 Kirkland, WA
October 8, 2019	10:00 a.m.	112 Henry Street N.E. Suite 300 Olympia, WA
November 12, 2019	10:00 a.m.	112 Henry Street N.E. Suite 300 Olympia, WA
December 2019	No meeting	

If you need further information contact Vanessa Smith at vanessa.smith@perc.wa.gov or 360-570-7332.

WSR 19-12-059
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed May 31, 2019, 11:25 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.

Economic Services Administration
Division of Child Support (DCS)

Document Title: Administrative Policy 10.16.0: Access to System and Information.

Subject: Access to system and information.

Effective Date: May 23, 2019.

Document Description: This policy is a new administrative policy that implements security control requirements for the access to systems and information control family as identified in the National Institute of Standards and Technology.

To receive a copy of the interpretive or policy statements, contact Lori Webb, DCS, P.O. Box 11520, Tacoma,

WA 98411-5520, phone 360-664-5263, TDD/TTY 360-753-9122, fax 360-586-3274, email webbla@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 19-12-073

NOTICE OF PUBLIC MEETINGS

CANCER RESEARCH ENDOWMENT AUTHORITY

[Filed June 3, 2019, 3:18 p.m.]

Andy Hill Cancer Research Endowment Board
2019 Meeting Change

The Andy Hill Cancer Research Endowment has changed the room of the August 27, 2019, regular board meeting:

From: Fred Hutchinson Cancer Research Center, 1100 Fairview Avenue North, Seattle, WA 98109, Thomas Building, Sze East Conference Room (D1-084).

To: Fred Hutchinson Cancer Research Center, 823 Yale Avenue North, Seattle, WA 98109, Yale Building, J2-108.

Please contact Peter Choi, peter@empirehealthfoundation.org, 509-309-3455, for additional information.

WSR 19-12-094

NOTICE OF PUBLIC MEETINGS

TACOMA COMMUNITY COLLEGE

[Filed June 4, 2019, 12:54 p.m.]

The Tacoma Community College board of trustees meeting schedule needs to reflect the addition of a study session on June 12, 2019, at 3:00 - 4:00 p.m.

WSR 19-12-095

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF
ENTERPRISE SERVICES

(State Capitol Committee)

[Filed June 4, 2019, 1:19 p.m.]

Following are the state capitol committee 2019 meeting dates, times and location(s):

Date	Time	Location
March 14, 2019	10:00 a.m. to 12:00 p.m.	Senate Rules Room 2nd Floor Legislative Building 416 Sid Snyder Avenue S.W. Olympia, WA
June 20, 2019 July 11, 2019	10:00 a.m. to 12:00 a.m. [p.m.]	Senate Rules Room 2nd Floor Legislative Building 416 Sid Snyder Avenue S.W. Olympia, WA

Date	Time	Location	Date	Time	Location
October 17, 2019	10:00 a.m. to 12:00 p.m.	Senate Rules Room 2nd Floor Legislative Building 416 Sid Snyder Avenue S.W. Olympia, WA	December 12, 2019	10:00 a.m. to 12:00 p.m.	Senate Rules Room 2nd Floor Legislative Building 416 Sid Snyder Avenue S.W. Olympia, WA

If you have any questions, please contact Shari Bartell at 360-407-9248 or Kevin Dragon at 360-407-7956.

WSR 19-12-099
AGENDA
BOARD OF ACCOUNTANCY
 [Filed June 4, 2019, 3:31 p.m.]

Semi-Annual Rules Development Agenda
 July through December 2019

The Washington state board of accountancy's semi-annual, rules development agenda follows for publication in the Washington State Register pursuant to RCW 34.05.314.

This agenda is for information purposes, and the noted dates of anticipated activity are estimates. Additional rule development activity not on the agenda may occur as conditions warrant.

If you have questions about this rule development agenda, please contact Charles Satterlund, CPA, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-586-0785, fax 360-664-9190, email Charles.Satterlund@acb.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
WAC 4-30-056	What are the limitations regarding individual and firm names?	August 2019	January 2020	February 2020
WAC 4-30-088	What is the effect on a Washington individual licensee or CPA-inactive certificateholder in the armed forces, reserves, or National Guard if the individual receives orders to deploy for active military duty?	August 2019	January 2020	February 2020
WAC 4-30-110	What are the allowable legal forms of organization and ownership requirements for a CPA firm?	October 2019	April 2020	May 2020
WAC 4-30-112	Must a firm holding a license from another state apply and obtain a Washington state license to hold out and practice in Washington state?	August 2019	January 2020	February 2020
WAC 4-30-114	How do I apply for and maintain a firm license?	August 2019	January 2020	April 2020
WAC 4-30-130	What are the quality assurance review (QAR) requirements for licensed CPA firms?	August 2019	January 2020	February 2020

Charles E. Satterlund, CPA, CIA
 Executive Director

WSR 19-12-104
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed June 5, 2019, 7:05 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has reissued the following excise tax advisory (ETA):

ETA 3055.2019 - BTA Non-acquiescence

This ETA announces the department's nonacquiescence to certain board of tax appeals (BTA) decisions. The ETA has been amended to add the department's nonacquiescence to the *Choice Regional Health Network* BTA decision.

A copy of this document is available via the internet at Rule and Tax Advisory Adoptions and Repeals.

Kevin Dixon
Program Manager

WSR 19-12-105
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed June 5, 2019, 7:07 a.m.]

INTERPRETIVE STATEMENT ISSUED

The department of revenue has issued the following excise tax advisory (ETA):

ETA 3213.2019 - Data Center Exemption Duration

This ETA explains the various durations and expirations of the data center exemption available under RCW 82.08.986 and 82.12.986.

A copy of this document is available via the internet at Rule and Tax Advisory Adoptions and Repeals.

Kevin Dixon
Program Manager

WSR 19-12-110
NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION

[Filed June 5, 2019, 9:27 a.m.]

The Washington traffic safety commission has changed the following regular meetings:

Date	Time	Location
July 18, 2019	10:30 a.m. - 12 noon New start time 10 a.m.	Washington Traffic Safety Commission Offices 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944
October 17, 2019	10:30 a.m. - 12 noon New start time 10 a.m.	Washington Traffic Safety Commission Offices 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944

If you need further information, please contact Geri M. Nelson by phone 360-725-9898 or email gnelson@wtsc.wa.gov.

WSR 19-12-111
NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION

[Filed June 5, 2019, 9:27 a.m.]

Following is the schedule of regular meetings for the Washington traffic safety commission for 2020:

Date	Time	Location
January 16, 2020	10 a.m. - 12 noon	Washington Traffic Safety Commission Offices 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944
April 16, 2020	10 a.m. - 12 noon	Washington Traffic Safety Commission Offices 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944
July 16, 2020	10 a.m. - 12 noon	Washington Traffic Safety Commission Offices 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944
October 15, 2020	10 a.m. - 12 noon	Washington Traffic Safety Commission Offices 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944

If you need further information, please contact Geri M. Nelson at 360-725-9898 or email gnelson@wtsc.wa.gov.

WSR 19-12-112
DEPARTMENT OF ECOLOGY

[Filed June 5, 2019, 9:28 a.m.]

PUBLIC NOTICE
Announcing the Final Municipal Stormwater General Permits

On July 1, 2019, the Washington state department of ecology (ecology) reissued the Phase I, Western Washington Phase II, and Eastern Washington Phase II municipal stormwater national pollution discharge elimination system and state waste discharge general permits (permits). The permits become effective on August 1, 2019, and expire on July 31, 2024.

Purpose of the Permits: Under federal and state water quality laws (Federal Clean Water Act and State Water Pollution Control Act), these permits require municipalities and secondary permittees to develop and implement a stormwater management program to control stormwater runoff into and from their municipal separate storm sewer system (MS4). The Phase I permit applies to all regulated large and medium

municipal MS4s. The Phase I permit covers the cities of Seattle and Tacoma, and unincorporated King, Pierce, Snohomish, and Clark counties. The Phase II permits apply to all regulated small MS4s and cover cities and portions of counties in urban areas of eastern and western Washington. All three permits also cover secondary permittees, which are MS4s in permitted cities and counties that are owned or operated by public entities, such as: Ports, irrigation districts, colleges and universities, state institutions, school districts, drainage districts, and park districts.

Public Notice Process and Comments: Ecology accepted comments on the draft permits, fact sheet, and related permit documents from August 15, 2018, until November 14, 2018. Ecology offered two hearings via online webinars and five in-person hearings with workshops. The in-person hearings took place in Moses Lake, Mount Vernon, Seattle, DuPont, and Vancouver.

Ecology received written comments during the public comment period. The comments and ecology's response to comments are included as an appendix to the fact sheet.

You may download the final permits, fact sheet, and supporting documents from the ecology web site at <https://ecology.wa.gov/ms4>. You may also request copies from Dena Jaskar, at 360-407-6401, or by email dena.jaskar@ecy.wa.gov.

Ecology Contact: Abbey Stockwell, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone 360-407-7221, email abbey.stockwell@ecy.wa.gov.

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

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

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

Street Addresses: Department of Ecology, Attn: Appeals Processing Desk, 300 Desmond Drive S.E., Lacey, WA 98503; or **Pollution Control Hearings Board, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501.**

Mailing Addresses: Department of Ecology, Attn: Appeals Processing Desk, P.O. Box 47608, Olympia, WA 98504-7608; or **Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903.**

Questions: If you have questions, please contact Abbey Stockwell at abbey.stockwell@ecy.wa.gov or 360-407-7221.

WSR 19-12-121
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 5, 2019, 11:16 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.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 1.19: Discovery and Public Disclosure Requests in Litigation.

Subject: Discovery and public disclosure requests in litigation.

Effective Date: May 20, 2019.

Document Description: This DCS administrative policy explains procedures regarding the discovery process and public disclosure processes in litigation cases.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 800-833-6384, fax 360-664-5342, email shaddrm@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 19-12-122
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed June 5, 2019, 11:19 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.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 1.20: Receiving Personal Mail at Work.

Subject: Receiving personal mail at work.

Effective Date: May 20, 2019.

Document Description: This DCS administrative policy explains the policy on receiving personal mail at work.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 800-833-6384, fax 360-664-5342, email shaddrm@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.