

WSR 07-22-080
RULES OF COURT
STATE SUPREME COURT

[November 1, 2007]

IN THE MATTER OF THE ADOPTION) ORDER
 OF THE AMENDMENTS TO GR 23) NO. 25700-A-881

The Certified Professional Guardian Board having recommended the adoption of the proposed amendment to GR 23, and the Court having approved the proposed amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Office of the Administrator for the Court's websites in January, 2008.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2008. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or Camilla.Faulk@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 1st day of November, 2007.

For the Court
 Gerry L. Alexander

 CHIEF JUSTICE

GENERAL RULES (GR)
RULE 23. RULE FOR CERTIFYING
PROFESSIONAL GUARDIANS

(A) **Purpose:** The purposes of the suggested amendments are twofold: (1) to address issues not addressed by GR 23 which the Board has encountered over the past several years in implementing the rule; and (2) to increase education and experience requirements for persons wishing to practice as certified professional guardians in this state.

Introduction

An RCW 11.88 guardian is a person appointed by the superior court to make decisions on behalf of an incapacitated person. A guardian may be appointed as the "guardian of the person", or as the "guardian of the estate", or to fulfill both roles on behalf of the incapacitated person. *See* Chapter 11.88 RCW. Whether the guardian is appointed to fill one or both roles, the responsibilities of the guardian are substantial. The duties of the guardian of the person include making decisions regarding the healthcare, residence, and day-to-day social life of the incapacitated person. Guardians of the person make decisions about income and investments, expenditures, and estate planning for the incapacitated person. All of these decisions are made under the overall supervision of the superior court by means of regular reporting by the guardian. *See* RCW 11.92.

A guardian may be a family member, friend, or volunteer, or may be a "professional guardian" who earns his or her living from the fees charged for providing services in a guardianship. *See* RCW 11.88.008. To qualify for appointment by the superior court, a professional guardian must meet the certification requirements established by the administrator for the courts. *See* RCW 11.88.020(1).

The certification requirements for professional guardians, set forth in GR 23 (1)(d), have not changed since the effective date on January 25, 2000, of GR 23. Subsections (i), (ii), and (iii), repeat the first three statutory criteria for all guardians (professional and nonprofessional) set forth in RCW 11.88.020(1): a guardian must be at least 18 years of age, be of sound mind and have no felony or misdemeanor convictions involving moral turpitude. Subsection (iv) mandates minimum education and experience requirements and subsection (v) mandates certification training.

I. Assessment of Fitness to Practice as a Certified Professional Guardian.

A. Applicant's Ability to Manage His or Her Financial Affairs.

Suggested Amendments to GR 23 (d)(1) and (d)(8)(vi).

The Board is vested with the authority to investigate an applicant for certification as a professional guardian to determine whether the applicant meets certification requirements. GR 23 (c)(2)(ix). Currently, General Rule 23 requires that applicants for certification comply with the provisions governing guardians contained in Chapters 11.88 and 11.92 RCW, and meet additional specific requirements. GR (d)(1).

The specific requirements are that the applicant be an adult of sound mind, have no convictions of crimes involving moral turpitude, and have completed required education. GR 23 (d)(1). To facilitate the Board's investigation of the applicant's ability to perform the guardian's fiduciary duties to account for, protect and preserve the guardianship estate (RCW 11.92.040), the Board proposes adding the requirements that the applicant submit a personal credit report and disclose whether he or she has filed for bankruptcy. *See* suggested amendments to GR 23 (d)(1) and (d)(8)(vi).

This information will provide the Board with some of the applicant's history of managing their own financial affairs. An applicant's credit history is a useful tool in assessing the applicant's ability to manage another person's financial affairs. The legislature has recognized that the Department of Financial Institutions, which licenses escrow officers, has the same need to review an individual's credit and civil judgment history to assess an applicant's qualifications for an escrow agent license. Escrow agents perform similar, but far less intrusive, fiduciary duties than professional guardians — both must protect and preserve their clients' funds, *see* RCW 18.44.031 (5) and (6), but a certified professional guardian's obligations far exceed those of escrow agents, since the guardian must gather together all assets, safeguard the client's funds for the client's lifetime, and make prudent expenditure and investment decisions.

B. Disclosure - Applicants and Certified Professional Guardians and Agencies.

Suggested New Subsection GR 23 (d)(8) and Suggested Amendments to GR 23 (d)(9) and GR 23(e).

Currently, GR 23(e) requires certified professional guardians and agencies to disclose to the Board, on a continuing basis: commission of crimes, acts of moral turpitude, licensing or disciplinary actions, adjudications specified in RCW 43.43.830 and .842, judgments or findings related to a guardian's performance, address and employment changes, and changes in certified professional guardians in their employ. All of this information is important and necessary for the Board to perform its duty to ensure professional guardians are qualified for certification.

The Board's proposed amendments separate the disclosure requirements for applicants and currently certified professional guardians and agencies, and provide a limited time period within which disclosure must occur, rather than relying on disclosure on a continuing basis. The Board proposes that disclosure occur within 30 days of any of the listed occurrences, and also requires an annual disclosure statement from certified professional guardians and agencies.

In addition, the Board proposes to expand the current disclosure requirement of judgments or findings related to the applicant's performance as a *guardian*, to include those related to his or her performance as a *fiduciary*. Failure to perform fiduciary duties while acting in any fiduciary capacity, such as a trustee, under a power of attorney, or as a representative payee, is an important determinant of whether the individual is fit for certification as a professional guardian.

New subsection GR 23 (d)(8) sets forth the disclosure requirements for applicants, and proposed amended section GR 23(e) sets forth disclosure requirements for certified professional guardians and agencies. For consistency, the criteria for denial of certification in GR 23 (d)(9)¹ have been amended to reflect the same provisions set forth in the disclosure requirements.

¹ This subsection was renumbered from subsection (8) as a result of the suggested amendments.

C. Conflicts of Interest.

Suggested New Subsection GR 23 (c)(6).

The Board currently has no rule on when it is appropriate for a member to disqualify himself or herself from participating in Board decisions due to a conflict of interest. Because the Board is not only a policy-making Board, but also an adjudicatory decision-maker on discipline and licensing matters, it is vital that the Board's decisions be made fairly and impartially. The suggested new subsection in GR 23 (c)(6) is based on the standard in the Code of Judicial Conduct (CJC) for when a judicial officer should disqualify himself or herself from making a decision on a disputed matter. *See* CJC 3 (d)(1)(a). A similar standard is used by the Washington State Bar Association's Disciplinary Board in determining when a member of that Board has a conflict of interest. *See* ELC Rule 2.3 (h)(1)(A).

D. Leave of Absence.

Suggested New Subsection GR 23 (c)(7).

The Board currently has no procedure to address how to proceed when a Board member is the subject of a disciplinary investigation. The Washington State Bar Association's Dis-

ciplinary Board operates under procedures set forth in the Rules for Enforcement of Lawyer Conduct (ELC) 2.3 (b)(5) for a leave of absence in such circumstances. The suggested new subsection at GR 23 (c)(7) allows the Board to adopt regulations providing for such a leave of absence. The suggested new subsection also provides that a Board member may no longer serve on the Board if the Board has imposed a final disciplinary sanction on the Board member.

E. Denial for Lack of Requisite Moral Character.

Suggested New Subsection GR 23 (d)(9)(vi).

A guardian must be an individual of the highest integrity, due to the authority the guardian wields over the life of the incapacitated person. Should any facts come to the Board's attention during the course of the Board's investigation of a person's application for certification that cause the Board to doubt that the applicant possesses the necessary good moral character or is otherwise unqualified to work as a professional guardian, the Board should have the authority to deny certification. New subsection GR 23 (d)(9)(vi) gives the Board that authority. This subsection is based on the rule setting forth the qualifications for admission to practice law in Washington, which also requires that applicants possess good moral character. *See* APR 5(a).

II. The Board's Authority to Implement the Regulatory Framework.

Suggested Amendments to GR 23(c).

The suggested amendments to GR 23(c) address issues related to Board service and administration that are not currently addressed in the rule:

- Subsection (c)(1)(i), specifying the areas of expertise from which Board members should be drawn, updates the term "guardian advocates" to "advocates for incapacitated persons" to more accurately describe this area of expertise. The proposed amendment also provides that no more than one-third of the Board membership shall be practicing professional guardians so that Board members are drawn from wide areas of expertise related to the work of the Board and the Board avoids the appearance of guardians having undue influence over the regulatory process.
- Subsection (c)(1)(ii) limits service to (3) - three-year terms, not to exceed nine consecutive years.
- Subsection (c)(1)(iv) provides that vacancies will be filled for any unexpired term.
- Use of the term "disciplinary" in subsections (c)(2)(viii) & (xii) in referring to the proceedings and sanctions that may result from a grievance process provides consistency throughout the rule and the Board's regulations.
- Additional subsections (c)(4), (6) and (7) address: expense reimbursement, conflict of interest, and leave of absence.
- Subsection GR 23 (c)(2)(xi) relates to the disclosure of confidential information and has been amended to authorize the Board to adopt regulations pertaining to the disclosure of records. This will allow the Board to regularly update its disclosure provisions to comply with changes in public disclosure laws applicable to other similar state-licensed profession-

als. The Board's proposed public records regulations include the confidentiality protections currently in GR 23, as well as provisions for release of records. The proposed regulations are posted for comment on the Board's website² and are slated for adoption at the Board's January 14, 2008 meeting. (A copy of the proposed regulations are attached as Exhibit A.).

² See Proposed Regulations Posted for Comment - New Administrative Regulations 003 at http://www.courts.wa.gov/programs_orgs/guardian/.

III. Increased Education and Experience Requirements for Certified Professional Guardians Are Needed to Ensure Professional Guardians Are Capable of Performing Their Duties on Behalf of Incapacitated Persons.

Suggested Amendments to GR 23 (d)(1)(iv) & (v).

The Certified Professional Guardian Board has concluded that there is a need to increase the education and experience requirements for certification as a professional guardian under GR 23 (d)(1)(iv). The Board is aware that in 2006 the Supreme Court declined to adopt suggested changes to the education and experience requirements for certification. The Court's action led to over a year of discussion and debate by the Board regarding the necessity of the suggested changes. The result is that the Board respectfully requests that the Court once again consider the rationale for those changes and publish the suggested changes for comment. We believe that those most familiar with guardianships will champion better-qualified certified professional guardians.

The current certification rules require only that applicants have a high school diploma, or GED, and five years' experience working in a discipline pertinent to the provision of guardianship services; or an Associate of Arts degree and three years' experience working in a discipline pertinent to the provision of guardianship services; or a Bachelor of Arts degree and one year of experience working in a discipline pertinent to the provision of guardianship services. The Board proposes that the minimum qualification requirement be changed to require an associate's degree and four years' experience working in a discipline pertinent to providing guardian services. Applicants with a bachelor's degree would be required to have two years of pertinent experience.

Increasing the qualifications to become certified distinguishes certified professional guardians from volunteer and non-professional guardians through education and experience. The Board seeks to help protect incapacitated persons and to provide assurance to courts, families, and the public that members of the profession possess adequate education and experience to properly address the complex issues faced by guardians. Using the term "professional" for individuals who lack specialized knowledge or academic preparation is misleading. The duties of a certified guardian are varied and complex given the guardian's absolute fiduciary responsibility for the incapacitated person's health and welfare. On a daily basis, guardians make investment, health care, residential and other decisions that govern the lives of the incapacitated persons and, often, also their deaths.

In 1997, Washington State took a leadership position nationwide when it began the process of establishing certification requirements for professional guardians in response to the Legislature's desire to assure quality services provided by

professional guardians. The Legislature directed the administrator for the courts to establish certification requirements by January 1, 1999. (Chapter 312, Laws of 1997.) The Supreme Court established provisional certification requirements by January 1, 1999 and adopted the current certification requirements effective January 25, 2000. At that time, there were many people interested in becoming certified guardians who had been working as court-appointed guardians for years. They had accumulated many years of experience in the field and the Board had no wish to bar those people from becoming certified, despite their lack of educational credentials. The Board recommended to the Supreme Court that a level be set for educational requirements that allowed those highly-experienced guardians to become certified.

Now, all of those experienced guardians have been certified under the current GR 23 certification requirements. The new applicants do not have years of qualifying experience as actual court-appointed guardians. Instead, applicants often meet only the bare minimum requirement of experience in a discipline pertinent to the provision of guardian services, such as legal, financial, social service or health care, with no actual experience as a guardian. These applicants, even after they become certified, need significant continuing education to learn how to be guardians. It has become apparent to the Board that these applicants need stronger educational and experience backgrounds to ensure that they are able to learn and fulfill the varied and complex duties of a certified professional guardian. Requiring a minimum of an associate's degree is not unreasonable. Community colleges offer coursework at a reasonable cost throughout Washington.

Over the past ten years, it has become apparent to the Board and to the public that the expanded lifestyle choices available for incapacitated persons demand that professional guardians possess more advanced knowledge and decision-making ability. The options available to incapacitated persons are the result of societal changes. Advances in medicine have made health-care decisions more complex. Simply choosing between Medicare's prescription drug programs, a decision required for every senior citizen, requires significant analysis and decision-making ability.³ The Medicaid application process alone is confusing and complicated. Often, we find that guardians do not have a clue about how to secure payments even for the incapacitated person's housing or medical care. In addition, the next generation of retirees, baby boomers who have retirement income, pensions, and IRAs will need professional guardians with the ability to make sound financial management decisions and who understand the complicated regulations and laws relating to use, gifting, and devising these benefits. These needs require more sophisticated professional guardians who are better qualified by education and experience to carry out the guardian's duties.

³ *Picking a Part D Plan: Dj vu All Over Again?* (last retrieved October 3, 2007, from <http://familiesusa.org/issues/prescription-drugs/publications/> - copy attached as Exhibit B.).

The complex eligibility rules for Medicaid, Social Security, and other public entitlement programs, as well as tax rules, and an overall understanding of investment alternatives and strategies, all dictate higher minimum educational requirements for new professional guardians. A guardian

must possess reasonable oral and written communication skills and be able to (1) draft, implement, adjust, and maintain care plans, (2) understand medical alternatives, including the relative medical/guardian understanding of "No Code" orders, (3) draft petitions for instructions, (4) complete public benefit applications, (5) correspond with care providers and governmental agencies, and (6) provide complete reports to the court.

Data to support the need for increased minimum requirements for certified professional guardians was shown by a recent study.⁴ The study investigated the relationship between professional guardian certification requirements and the likelihood and severity of sanctions. The results showed that the severity of sanctions imposed against a certified professional guardian had a statistically significant positive association with lower levels of education.⁵

⁴ W. Schmidt, F. Akinci & S. Wagner, *The Relationship between Guardian Certification Requirements and Guardian Sanctioning: A Research Issue in Elder Law and Policy*, Behav. Sci. Law 25: 641-653 (2007) (copy attached as Exhibit C).

⁵ *Id.* at 649 (Though the results also indicated that the likelihood of sanctions, rather than severity of sanctions, was associated with higher levels of education).

Additional data supporting the need for increased minimum certification requirements can be found in two national studies on the duties of public guardians completed in 1981 and 2005. Public guardians provide guardian services to clients using public funds. In the 1981 national study of public guardianship, public guardians tended to be either social workers or attorneys.⁶ In the 2005 national study of public guardianship, it was found that three out of four (75%) of the independent state office models of public guardianship had public guardians with at least a bachelor's degree or master's degree; 26 out of 36 (72%) of the responding division of a social service agency models of public guardianship had public guardians with at least a bachelor's degree or master's degree; and five out of six (83%) of the responding county models of public guardianship had public guardians with at least a bachelor's degree or master's degree.⁷ Based on the available research, the Board believes the prevailing national standard for professional public guardian services is at least an associate's degree.

⁶ W. Schmidt, K. Miller, W. Bell & E. New, *PUBLIC GUARDIANSHIP AND THE ELDERLY*, Cambridge, MA: Ballinger Publishing Co. (1981), p. 169.

⁷ P. Teaster, E. Wood, N. Karp, S. Lawrence, W. Schmidt & M. Mendiondo, *WARDS OF THE STATE: A NATIONAL STUDY OF PUBLIC GUARDIANSHIP*, Lexington, KY: University of Kentucky Graduate Center for Gerontology, pp. 73-89 (March 31, 2005).

Finally, a survey conducted by the Board asked certified professional guardians to articulate the duties they perform on a regular basis. The responses are daunting, as they reveal that CPGs are routinely required to make sophisticated medical, social, psychological, and financial decisions for people with whom they are not acquainted, but for whom life decisions must be made.

Additionally, the current rule requires that a candidate hold a "Bachelor of Arts degree." However, there is no rational reason to exclude applicants who hold a Bachelor of Science from becoming certified guardians. The suggested rule change would require a certified professional guardian appli-

cant to have a baccalaureate degree and two years of pertinent work experience. This proposed change increases the work experience for persons with a baccalaureate degree from one year to two years.

The requirement for a minimum qualification of an associate's degree provides assurance that the holder has obtained a basic foundation in reading comprehension, writing and mathematics. The proposed rule change also increases the number of years of experience required from two years to four years. Combining these increased requirements with existing criteria provides greater assurance of competent performance of job duties by a guardian and protection for incapacitated persons.

IV. Recommendation

The Board carefully considered each amendment before making these suggestions. The Board's Rules Committee worked on the amendments over the past two years and the Board considered drafts of the proposed amendments between June and September, 2007. The need for increased education and experience requirements are, and have been for some time, a weighty concern for the Board. In examining this need for increased education and experience, the Board identified the other suggested amendments that explain the necessary fitness qualifications for certified professional guardians.

With the increase in qualifications, and clarification of the Board's authority to implement the regulatory framework, the Board will continue to be able to fulfill its duty to ensure the competency of certified professional guardians and protect incapacitated persons.

GR 23

Rule for Certifying Professional Guardians

(a) **Purpose and Scope.** This rule establishes the standards and criteria for the certification of professional guardians as defined by RCW 11.88.008 and prescribes the conditions of and limitations upon their activities. This rule does not duplicate the statutory process by which the courts supervise guardians nor is it a mechanism to appeal a court decision regarding the appointment or conduct of a guardian.

(b) **Jurisdiction.** All professional guardians who practice in the state of Washington are subject to these rules and regulations. Jurisdiction shall continue whether or not the professional guardian retains certification under this rule, and regardless of the professional guardian's residence.

(c) **Certified Professional Guardian Board.**

(1) **Establishment.**

(i) **Membership.** The Supreme Court shall appoint a Certified Professional Guardian Board ("Board") of 12 or more members. The Board shall include representatives from the following areas of expertise: professional guardians; attorneys; ~~guardianship~~ advocates for incapacitated persons; courts; state agencies; and those employed in medical, social, health, financial, or other fields pertinent to guardianships. No more than one-third of the Board membership shall be practicing professional guardians.

(ii) **Terms.** The term for a member of the Board shall be three years. No member may serve more than three consecutive full three-year terms, not to exceed nine consecutive years, including any unfilled term. Terms shall be estab-

lished such that one-third shall end each year. All terms of office begin October 1 and end September 30 or when a successor has been appointed, whichever occurs later.

(iii) Leadership. The Supreme Court shall designate the Chair of the Board. The Board shall designate the Vice-Chair, who shall serve in the absence of or at the request of the Chair.

(iv) Vacancies. Any vacancy occurring in the terms of office of Board members shall be filled for the unexpired term.

(2) *Duties and Powers.*

(i) Applications. The Board shall process applications for professional guardian certification under this rule. The Board may delay or deny certification if an applicant fails to provide required basic or supplemental information.

(ii) Standards of Practice. The Board shall adopt and implement policies or regulations setting forth minimum standards of practice which professional guardians shall meet.

(iii) Training Program. The Board shall adopt and implement regulations establishing a professional guardian training program.

(iv) Examination. The Board may adopt and implement regulations governing the preparation and administration of certification examinations.

(v) Recommendation of Certification. The Board may recommend certification to the Supreme Court. The Supreme Court shall review the Board's recommendation and enter an appropriate order.

(vi) Denial of Certification. The Board may deny certification. If the Board denies certification, it shall notify an applicant in writing of the basis for denial of certification and inform the applicant of the appeal process.

(vii) Continuing Education. The Board may adopt and implement regulations for continuing education.

(viii) Grievances and Disciplinary Sanctions. The Board shall adopt and implement procedures to review any allegation that a professional guardian has violated an applicable statute, fiduciary duty, standard of practice, rule, or regulation, or other requirement governing the conduct of professional guardians authority. The Board may take disciplinary action and impose disciplinary sanctions based on upon a findings that establish a of violation of an applicable statute, duty, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians. Sanctions may include decertification or lesser remedies or actions designed to ensure compliance with duties, standards, and requirements for professional guardians.

(ix) Investigation. The Board may investigate to determine whether an applicant for certification meets the certification requirements established in this rule. The Board may also investigate to determine whether a professional guardian has violated any the statute, duty, standard of practice, rule, regulation, or other requirement statute governing the conduct of professional guardians.

(x) Authority to Conduct Hearings. The Board may adopt regulations pertaining to the orderly conduct of hearings.

a) Subpoenas. The Chair of the Board, Hearing Officer, or ~~designated a party's~~ attorney shall have the power to issue subpoenas.

b) Orders. The Chair or Hearing Officer may make such pre-hearing or other orders as are necessary for the orderly conduct of any hearing.

c) Enforcement. The Board may refer a Subpoena or order to the Supreme Court for enforcement.

~~(xi) Confidentiality.~~ Information in the Board's possession shall be disclosed upon request, except that the following information shall not be disclosed without a court order:

a) ~~Personal information, including, but not limited to, home address, financial information, medical information, or Social Security number;~~

b) ~~Records required by law, regulation, or court order to be confidential;~~

c) ~~Records of reviews or investigations by the Board which did not result in sanctions;~~

d) ~~Professional guardian examination questions, answers, or scores;~~

e) ~~Records of investigations shall remain confidential except for documents showing the results of the investigation where there has been an appeal; and~~

f) ~~Records of disciplinary actions shall remain confidential except all formal complaints and the process after filing the formal complaint shall be public.~~

(xi) Disclosure of Records. The Board may adopt regulations pertaining to the disclosure of records in the Board's possession.

(xii) Meetings. The Board shall hold meetings as determined to be necessary by the chair. Meetings of the Board will be open to the public except for executive sessions of the Board, and review panel, or and disciplinary meetings prior to filing of a formal disciplinary complaint.

(xiii) Fees. The Board shall establish and collect fees in such amounts as are necessary to ~~carry out~~ support the duties and responsibilities of the Board.

(3) Board Expenses. Board members shall not be compensated for their services. Consistent with the Office of Financial Management rules, Board members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid pursuant to a budget submitted to and approved by the Supreme Court. Funds accumulated from examination fees, annual fees, and other revenues shall be used to defray Board expenses.

(4) Agency. Hearing officers are agents of the Board and are accorded rights of such agency.

(5) ~~(xiv) Immunity from Liability.~~ No cause of action against the Board, its members, or agents, including hearing officers appointed by the Board or its Chair, shall accrue in favor of a professional guardian or any other person arising from any act taken pursuant to this rule, provided that the Board or individual acted in good faith. The burden of proving that the acts were not taken were not in good faith shall be on the party so asserting it.

(6) Conflict of Interest. A Board member should disqualify himself or herself from making any decisions in a proceeding in which his or her impartiality might reasonably be questioned, such as when the Board member has a per-

sonal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding.

(7) Leave of Absence. The Board may adopt regulations specifying that a Board member who is the subject of a disciplinary investigation by the Board must take a leave of absence from the Board. A Board member may not continue to serve as a member of the Board if the Board or Supreme Court has imposed a final disciplinary sanction on the Board member.

(8) Administration. The Administrative Office of the Courts (AOC) ~~Office of the Administrator for the Courts (OAC)~~ shall provide administrative support to the Board; and may contract with agencies or organizations to carry out the Board's administrative functions.

(d) Certification Requirements. Applicants, Certified Professional Guardians, and Certified Agencies shall comply with the provisions of Chapter 11.88 and 11.92 RCW. In addition, individuals and agencies must meet the following requirements.

(1) Individual Certification. An individual applicant shall:

- (i) Be at least 18 years of age;
- (ii) Be of sound mind;
- (iii) Have no felony or misdemeanor convictions involving moral turpitude;

(iv) Possess an ~~high school diploma or equivalency (GED)~~ associate's degree from an accredited institution and at least four ~~five~~ full years' experience working in a discipline pertinent to the provision of guardianship services, such as legal, financial, social service, or health care; or an Associate of Arts degree and three years experience working in a discipline pertinent to the provision of guardianship services, such as legal, financial, social service, or health care; or a Bachelor of Arts ~~baccalaureate~~ degree from an accredited institution and at least two ~~one~~ full years' of experience working in a discipline pertinent to the provision of guardianship services, such as legal, financial, social service, or health care; and;

(v) The experience required by this rule must include decision-making or the use of independent judgment on behalf of client(s) in the area of legal, financial, social services or healthcare or other disciplines pertinent to the provision of guardianship services;

(vi) Have completed the mandatory certification training.

(vii) Provide a personal credit report from a recognized credit reporting bureau satisfactory to the Board;

(2) Agency Certification. Agencies must meet the following additional requirements:

(i) All officers and directors of the corporation must meet the qualifications of Chapter 11.88.020 RCW for guardians;

(ii) Each agency shall have at least two (2) individuals in the agency certified as professional guardians, whose residence or principal place of business is in Washington State and who are so designated in minutes or a resolution from the Board of Directors; and

(iii) Each agency shall file and maintain in every guardianship court file a current designation of each certified professional guardian with final decision-making authority for the incapacitated person or their estate.

(3) Training Program and Examination. Applicants must satisfy the Board's training program and examination requirements.

(4) Insurance Coverage. In addition to the bonding requirements of Chapter 11.88 RCW, applicants must be insured or bonded at all times in such amount as may be determined by the Board and shall notify the Board immediately of cancellation of required coverage.

(5) Financial Responsibility. Applicants must provide proof of ability to respond to damages resulting from acts or omissions in the performance of services as a guardian. Proof of financial responsibility shall be in such form and in such amount as the Board may prescribe by regulation.

(6) Application ~~and~~ Under Oath. Applicants must execute and file with the Board an approved application under oath.

(7) Application Fees. Applicants must pay fees as the Board may require by regulation.

(8) Disclosure. An applicant for certified professional guardian or certified agency shall disclose upon application:

(i) The existence of a judgment against the applicant arising from the applicant's performance of services as a fiduciary;

(ii) A court finding that the applicant has violated its duties as a fiduciary, or committed a felony or any crime involving moral turpitude;

(iii) Any adjudication of the types specified in RCW 43.43.830, and RCW 43.43.842;

(iv) Pending or final licensing or disciplinary board actions or findings of violations;

(v) The existence of a judgment against the applicant within the preceding eight years in any civil action;

(vi) Whether the applicant has ever filed for bankruptcy;

(vii) The existence of a judgment against the applicant or any corporation, partnership or limited liability corporation for which the applicant was a managing partner, controlling member or majority shareholder within the preceding eight years in any civil action.

(89) Denial of Certification. The Board may deny certification of an individual or agency based on any of the following criteria:

(i) ~~Removal as guardian by a court order where~~ Failure to satisfy certification requirements provided in section (d) of this rule;

(~~aii~~) The existence of a judgment has been entered against the guardian applicant arising from a result of the applicant's performance of services as a guardian fiduciary;

(~~bi~~) There is a court finding by the a court that the guardian applicant has violated its fiduciary duties or committed malfeasance, nonfeasance, misfeasance, a felony or any crime involving of moral turpitude;

(~~ii~~) Any adjudication of the types specified in RCW 43.43.830, and RCW 43.43.842;

(~~iii~~) Finding by the court that the professional guardian has violated the guardian's duties to the incapacitated person or their estate; and

(iv) Pending or final ~~professional~~ licensing or disciplinary board actions or findings of violations;

(vi) A Board determination based on specific findings that the applicant lacks the requisite moral character or is otherwise unqualified to practice as a professional guardian;

(vii) A Board determination based on specific findings that the applicant's financial responsibility background is unsatisfactory.

(10) Designation/Title. An individual certified under this rule may use the initials "CPG" following the individual's name to indicate status as "Certified Professional Guardian." An agency certified under this rule may indicate that it is a "Certified Professional Guardian Agency" by using the initials "CPGA" after its name. An individual or agency may not use the term "certified professional guardian" or "certified professional guardian agency" as part of a business name.

(e) Guardian Disclosure Requirements.

(1) A Certified Professional Guardian or Certified Agency shall disclose to the Board in writing upon application within 30 days of occurrence and on a continuing basis:

(1) Removal as guardian by a court order where;

(ai) The existence of a judgment has been entered against the professional guardian arising as a result of from the professional guardian's performance of services as a guardian fiduciary;

(bii) There is a A court finding by a court that the professional guardian violated its fiduciary duties, or has committed malfeasance, nonfeasance, misfeasance, a felony; or any crime of involving moral turpitude;

(2iii) Any adjudication of the types specified in RCW 43.43.830, and RCW 43.43.842;

(3) Finding by a court that the professional guardian has violated the guardian's duties to the incapacitated person or their estate;

(4iv) Pending or final professional licensing or disciplinary board actions or findings of violations;

(5v) Residential or business moves or changes in employment; and

(6vi) Names of Certified Professional Guardians they employ or who leave their employ.

(2) Not later than June 30 of each year, each professional guardian and guardian agency shall complete and submit an annual disclosure statement providing information required by the Board.

(f) Regulations. The Board shall adopt regulations to implement this rule.

(g) Provisional Certification. The Board may adopt and implement regulations permitting provisional certification of professional guardians and the initial certification of successful applicants.

(hg) Personal Identification Number. The Board shall establish an identification numbering system for professional guardians. The Personal Identification Number shall be included with the professional guardian's signature on documents filed with the court.

(i) Expenses of the Board. Members of the Board shall not be compensated for their services. Consistent with the Office of Financial Management rules, Board members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid pursuant to a budget submitted to and approved

by the Supreme Court. Funds accumulated from examination fees, annual fees, and other revenues shall be used to defray expenses of the Board.

(j) Administration. The Office of the Administrator for the Courts (OAC) shall provide administrative support to the Board, and may contract with agencies or organizations to carry out the Board's administrative functions.

(k) Title. An individual certified under this rule may use the initials "CPG" following the individual's name to indicate status as "Certified Professional Guardian." An agency certified under this rule may indicate that it is a "Certified Professional Guardian Agency" by using the initials "CPGA" after its name.

(l) Existing Law Unchanged. This rule shall not expand, narrow, or otherwise affect existing law, including but not limited to, Title 11 RCW.

(mh) Ethics Advisory Opinions.

(1) The Board may issue written ethics advisory opinions to inform and advise Certified Professional Guardians and Certified Agencies of their ethical obligations.

(2) Any Certified Professional Guardian or Certified Agency may request in writing an ethical advisory opinion from the Board. Compliance with an opinion issued by the Board shall be considered as evidence of good faith in any subsequent disciplinary proceeding involving a Certified Professional Guardian or Certified Agency.

(3) The Board shall publish opinions issued pursuant to this rule in electronic or paper format. The identity of the person requesting an opinion is confidential and not public information.

(i) Existing Law Unchanged. This rule shall not expand, narrow, or otherwise affect existing law, including but not limited to, Title 11 RCW.

[Adopted effective January 25, 2000; amended effective April 30, 2002; amended effective April 1, 2003; September 1, 2004.]

[Proposed amendments October 15, 2007.]

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

WSR 07-23-005

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER**

[Filed November 8, 2007, 10:29 a.m.]

A regular meeting of the Washington state convention and trade center board of directors will be held on Tuesday, November 20, 2007, at 2:00 p.m. in Room 303 of the Convention Center, 800 Convention Place, Seattle.

If you have any questions regarding this meeting, please call (206) 694-5000.

WSR 07-23-014
RULES OF COURT
STATE SUPREME COURT

[November 7, 2007]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO APR 19(e)) NO. 25700-A-883

The Rule Committee having recommended the adoption of the proposed amendment to APR 19(e), and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 7th day of November, 2007.

Alexander, C. J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Sanders, J.

Fairhurst, J.

Bridge, J.

J. M. Johnson, J.

ADMISSION TO PRACTICE RULES (APR)
RULE 19
LAWYER SERVICES DEPARTMENT

(e) Ethics Professional Responsibility Program.
[Reserved.]

(1) Authorization. The Washington State Bar Association is authorized to maintain a program to assist lawyers in complying with their obligations under the Rules of Professional Conduct, thereby enhancing the quality of legal representation provided by Washington lawyers.

(2) Professional Responsibility Counsel. "Professional responsibility counsel" denotes a lawyer employed or appointed by the Bar Association to act as counsel on the Bar Association's behalf in performing duties under part (e) of this rule, and any other lawyer employed or appointed by the Bar Association, including but not limited to disciplinary counsel or general counsel, whenever such lawyer is temporarily performing those duties.

(3) Ethics Inquiries. Any member of the Bar Association, or any lawyer or legal intern permitted by rule to practice law in this state, may direct an ethics inquiry to professional responsibility counsel. Such inquiries should be made by telephone to the Bar Association's designated ethics inquiry telephone line. The provisions of this rule also apply to ethics inquiries initially submitted in writing, including facsimile, e-mail, or other electronic means, but do not apply

to requests for written ethics opinions directed to the Bar Association's Rules of Professional Conduct Committee or its equivalent.

(4) Scope. An inquirer may request the guidance of professional responsibility counsel in identifying, interpreting or applying the Rules of Professional Conduct as they relate to his or her prospective ethical conduct. If the inquiry presents a set of facts, those facts should ordinarily be presented in hypothetical format. Professional responsibility counsel provides only informal guidance. Professional responsibility counsel provides no legal advice or opinions, and the inquirer is responsible for making his or her own decision about the ethical issue presented. The inquiry shall be declined if it (i) requires analysis or resolution of legal issues other than those arising under the Rules of Professional Conduct; (ii) seeks an opinion about the ethical conduct of a lawyer other than the inquirer; or (iii) seeks an opinion about the ethical propriety of the inquirer's past conduct.

(5) Limitations and Inadmissibility. Neither the making of an inquiry nor the providing of information by professional responsibility counsel under this rule creates a client-lawyer relationship. Any information or opinion provided during the course of an ethics inquiry is the informal, individual view of professional responsibility counsel only. No information relating to an ethics inquiry, including the fact that an inquiry has been made, its content, or the response thereto, may be asserted in response to any grievance or complaint under the Rules for Enforcement of Lawyer Conduct, nor is such information admissible in any proceeding under the Rules for Enforcement of Lawyer Conduct.

(6) Records. Professional responsibility counsel shall not make or maintain any permanent record of the identity of an inquirer or the substance of a specific inquiry or response. Professional responsibility counsel may keep records of the number of inquiries and the nature and type of inquiries and responses. Such records shall be used solely to aid the Bar Association in developing the Professional Responsibility Program and developing additional educational programs. Such records shall be exempt from public inspection and copying and shall not be subject to discovery or disclosure in any proceeding.

(7) Confidentiality. Communications between an inquirer and professional responsibility counsel are confidential and shall be privileged against disclosure except by consent of the inquirer or as authorized by the Supreme Court. Professional responsibility counsel shall not use or reveal information learned during the course of an ethics inquiry except as RPC 1.9 would permit with respect to information of a former client. The provisions of RPC 8.3 do not apply to information received by professional responsibility counsel during the course of an ethics inquiry.

WSR 07-23-015
RULES OF COURT
STATE SUPREME COURT

[November 7, 2007]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO GR 30) NO. 25700-A-884

The Judicial Information System (JIS) Committee having recommended the adoption of the proposed amendment to GR 30, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective upon publication.

DATED at Olympia, Washington this 7th day of November, 2007.

Alexander, C.J.
C. Johnson, J. Chambers, J.
Madsen, J.
Sanders, J. Fairhurst, J.
Bridge, J. J. M. Johnson, J.

[SUGGESTED AMENDMENTS]
GR 30
ELECTRONIC FILING

GR 30.1 (a) Definitions.

(a1) "Digital signature" is defined in RCW 19.34.020.

(b2) "Electronic Filing" is the electronic transmission of information to a court or clerk for case processing.

(e3) "Electronic Document" is an electronic version of information traditionally filed in paper form, except for documents filed by facsimile which are addressed in GR 17. An electronic document has the same legal effect as a paper document.

(4) "Electronic Filing Technical Standards" are those standards, not inconsistent with this rule, adopted by the Judicial Information System Committee to implement electronic filing.

(5) "Filer" is the person whose user ID and password are used to file an electronic document.

Comment

The form of "digital signature" that is acceptable is not limited to the procedure defined by chapter 19.34 RCW, but may include other equivalently reliable forms of authentication as adopted by local court rule or general order.

GR 30.2 (b) Electronic filing authorization, exception, service, and technology equipment.

(a1) The clerk may accept for filing an electronic document that complies with the Court Rules and the Electronic Filing Technical Standards.

(b2) A document that is required by law to be filed in non-electronic media may not be electronically filed.

Comment

Certain documents are required by law to be filed in non-electronic media. Examples are original wills, certified records of proceedings for purposes of appeal, negotiable instruments, and documents of foreign governments under official seal.

(e3) Electronic Transmission from the Court. The clerk may electronically transmit notices, orders, or other documents to the party filing a party who has filed electronically, and to any other person who agrees or has agreed to accept electronic documents from the court, and has provided the clerk the address of the party's electronic mailbox. It is the responsibility of the filing or agreeing party to maintain an electronic mailbox sufficient to receive electronic transmissions of notices, orders, and other documents.

(e4) Electronic Service by Parties. Parties may electronically serve documents on other parties of record only by agreement.

(e5) Electronic filing is voluntary. An attorney, party, court, or clerk is not required to accept or file electronic documents. A court may adopt a local rule that mandates electronic filing by attorneys provided that the attorneys are not additionally required to file paper copies except for those documents set forth in (b)(2). The local rule shall not be inconsistent with this Rule and the Electronic Filing Technical Standards, and the local rule shall permit paper filing upon a showing of good cause. Electronic filing should not serve as a barrier to access.

Comment

When adopting electronic filing requirements, courts should refrain from requiring counsel to provide duplicate paper pleadings as "working copies" for judicial officers.

GR 30.3 An electronic document has the same legal effect as a paper document.

GR 30.4 (c) Time of Filing, Confirmation, and Rejection.

(a1) An electronic document is filed when it is received by the clerk's designated computer during the clerk's business hours; otherwise the document is considered filed at the beginning of the next business day.

(b2) The clerk shall issue confirmation to the filing party that an electronic document has been received.

(e3) The clerk may reject a document that fails to comply with the court's applicable electronic filing requirements. The clerk must notify the filing party of the rejection and the reason therefor.

GR 30.5 (d) Authentication of Electronic Documents.

(a1) Procedures

(A) A person seeking to file file or authenticate an electronic document must have first apply either to the Administrative Office of the Courts or a clerk, approved by the Administrative Office of the Courts for a password and personal identification number, applied for and received a user ID and password from the applicable electronic filing service provider.

Comment

The committee encourages local clerks and courts to develop a protocol for uniform statewide single user ID's and passwords.

(B) All electronic documents must be filed by using the user ID and password of the filer.

(C) A filer is responsible for all documents filed with his or her user ID and password. No one shall use the filer's user ID and password without the authorization of the filer.

~~(b) All electronic documents must be filed using the password and personal identification number authorized in subsection (a). An electronic document is presumed to have been signed and authorized when the filer uses the authorized password and personal identification number to file the electronic document. The password and personal identification number cannot be used by, or on behalf of, anyone other than the person to whom it is assigned.~~

(2) Signatures

(A) **Attorney signatures** - An electronic document which requires an attorney's signature may be signed with a digital signature or signed in the following manner:

s/ John Attorney
State Bar Number 12345
ABC Law Firm
123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206) 123-4567
Fax: (206) 123-4567
E-mail: John.Attorney@lawfirm.com

(B) **Non-attorney signatures** - An electronic document which requires a non-attorney's signature and is not signed under penalty of perjury may be signed with a digital signature or signed in the following manner:

s/ John Citizen
123 South Fifth Avenue
Seattle, WA 98104
Telephone: (206) 123-4567
Fax: (206) 123-4567
E-mail: John.Citizen@email.com

(C) **Non-Attorney signatures on documents signed under penalty of perjury** - Except as set forth in (d)(2)(D) of this rule, if the original document requires the signature of a non-attorney signed under penalty of perjury, the filer must either:

(i) Scan and electronically file the entire document, including the signature page with the signature, and maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter; or

(ii) Ensure the electronic document has the digital signature of the signer.

(D) Arresting or citing officer signatures on citations and notices of infraction filed electronically in courts of limited jurisdiction - A citation or notice of infraction initiated by an arresting or citing officer as defined in IRLJ 1.2(j) and in accordance with CrRLJ 2.1 or IRLJ 2.1 and 2.2 is presumed to have been signed when the arresting or citing officer uses his or her user id and password to electronically file the citation or notice of infraction.

(E) Multiple signatures - If the original document requires multiple signatures, the filer shall scan and electronically file the entire document, including the signature page with the signatures, unless:

(i) The electronic document contains the digital signatures of all signers; or

(ii) For a document that is not signed under penalty of perjury, the signator has the express authority to sign for an attorney or party and represents having that authority in the document.

If any of the non-digital signatures are of non-attorneys, the filer shall maintain the original signed paper document for the duration of the case, including any period of appeal, plus sixty (60) days thereafter.

(F) Court Facilitated Electronically Captured Signatures - An electronic document that requires a signature may be signed using electronic signature pad equipment that has been authorized and facilitated by the court. This document may be electronically filed as long as the electronic document contains the electronic captured signature.

~~(e) A document that is required by law to be executed under penalty of perjury must be electronically authenticated by the affiant/declarant using the affiant/declarant's password and personal identification number authorized in subsection (a). All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in RCW 9A.72.085 and GR 13.~~

~~(e)3~~ An electronic document filed in accordance with this rule shall bind the Signatory signer and function as the Signatory's signer's signature for any purpose, including CR 11. An electronic document shall be deemed the equivalent of an original signed document if the filer has and the affiant/declarant have complied with this rule. All electronic documents signed under penalty of perjury must conform to the oath language requirements set forth in RCW 9A.72.085 and GR 13.

GR 30-6 (e) Filing fees, electronic filing fees.

~~(a)1~~ The clerk is not required to accept electronic documents that require a fee. If the clerk does accept electronic documents that require a fee, the local courts must develop procedures for fee collection that comply with the payment and reconciliation standards established by the Administrative Office of the Courts and the Washington State Auditor.

~~(b)2~~ Anyone entitled to waiver of non-electronic filing fees will not be charged electronic filing fees. The court or clerk shall establish an application and waiver process consistent with the application and waiver process used with respect to non-electronic filing and filing fees.

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

WSR 07-23-016
RULES OF COURT
STATE SUPREME COURT

[November 7, 2007]

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENT TO GR 26 AND) NO. 25700-A-885
THE WASHINGTON STATE JUDICIAL)
EDUCATION MANDATORY CONTINU-)
ING JUDICIAL EDUCATION STAN-)
DARDS)

The Board for Court Education having recommended the adoption of the proposed amendment to GR 26 and the Washington State Judicial Education Mandatory Continuing Judicial Education Standards, and the Court having determined that the proposed amendment will aid in the prompt and orderly administration of justice and further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the amendment will be published expeditiously and become effective December 31, 2007.

DATED at Olympia, Washington this 7th day of November, 2007.

Alexander, C. J.

C. Johnson, J.

Chambers, J.

Madsen, J.

Bridge, J.

Fairhurst, J.

J. M. Johnson, J.

MANDATORY CONTINUING JUDICIAL EDUCATION RULE

GR 26

MANDATORY CONTINUING JUDICIAL EDUCATION*

Preamble. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. The challenge of maintaining judicial competence requires ongoing education of judges in the application of legal principles and the art of judging in order to meet the needs of a changing society. This rule establishes the minimum requirements for continuing judicial education of judicial officers.

(a) Minimum Requirement. Each judicial officer shall complete a minimum of 45 credit hours of continuing judicial education approved by the Board for Court Education (BCE) every three years, commencing January 1 of the calendar year following the adoption of this rule. If a judicial officer com-

pletes more than 45 such credit hours in a three-year reporting period, up to 15 hours of the excess credit may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. At least six credit hours for each three-year reporting period shall be earned by completing programs in judicial ethics approved by the BCE. The fifteen credit hours that may be carried forward may include two credit hours toward the judicial ethics requirement.

(b) Judicial College Attendance.

1) A judicial officer shall attend and complete the Washington Judicial College program within twelve months of the initial appointment or election to the judicial office.

2) A judicial officer who attended the Washington Judicial College during his or her term of office in a court of limited jurisdiction shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election to the Superior Court. A judicial officer who attended the Washington Judicial College during his or her term of office in the Superior Court shall attend and complete the Washington Judicial College within twelve months of any subsequent appointment or election as a judicial officer in a court of limited jurisdiction. A judicial officer who attended the Washington Judicial College during his or her term of office in a superior court or court of limited jurisdiction and is subsequently appointed or elected to an appellate court position is not required to attend the Washington Judicial College.

3) A judicial officer of a District Court, Municipal Court, Superior Court, or an Appellate Court, who has been a judicial officer at the time of the adoption of this rule for less than four years but has not attended the Washington Judicial College shall attend and complete the Washington Judicial College program within twelve months of the adoption of this rule.

(c) Accreditation. BCE shall, subject to the approval of the Supreme Court, establish and publish standards for accreditation of continuing judicial education programs and may choose to award continuing judicial education credits for self-study or teaching. Continuing Judicial education credit shall be given for programs BCE determines enhance the knowledge and skills that are relevant to the judicial office.

(d) Compliance Report. Each judicial officer shall file a report with the Administrative Office of the Courts (AOC) on or before January 31 each year in such form as the Administrative Office of the Courts shall prescribe concerning the judicial officer's progress toward the continuing judicial education requirements of sections a) and (b) of this rule during the previous calendar year. If a judicial officer does not respond by January 31, their credits will be confirmed by default. By April 15, BCE shall send a reminder of the requirements of this rule to any judicial officer who has not filed the annual progress report. Judicial officers who do not have the requisite numbers of hours at the end of their three-year reporting period will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period. AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a) and (b) of this rule. The AOC report shall be dissem-

inated by means that may include, but are not limited to, publishing on the Washington Courts Internet web site, publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout Washington State.

(e) Delinquency. Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

(f) Definition. The term "judicial officer" as used in this rule shall not include judges pro tempore but shall otherwise include all full or part time appointed or elected justices, judges, court commissioners, and magistrates.

[Adopted effective July 1, 2002.]

*As amended November 7, 2002.

Amended December 31, 2003.

**WASHINGTON STATE JUDICIAL EDUCATION
MANDATORY CONTINUING JUDICIAL
EDUCATION STANDARDS**

Section 1: Organization and Administration

1. Supreme Court

The Supreme Court is the rule-making authority for the integrated judicial branch of government in Washington.

2. Board for Judicial Administration (BJA)

The Board for Judicial Administration provides policy review and program leadership for the courts at large, including recommending rules to the Supreme Court that improve the judicial branch of government in our state.

3. Board for Court Education (BCE)

The Board for Court Education assists the Supreme Court and BJA in developing educational policies and standards for the court system, and monitors the quality of educational programs, coordinates in-state, out-of-state education programs and services, recommends changes in policies and standards, and approves guidelines for accrediting training programs.

4. Mandatory Continuing Judicial Education Committee (MCJEC)

The BCE shall appoint a seven-member advisory committee, the Mandatory Continuing Judicial Education Committee (MCJEC), consisting of two members from the appellate courts, two members from the general jurisdiction courts, two members from the courts of limited jurisdiction, and one judicial officer such as a commissioner or magistrate from any of those jurisdictions. The responsibilities of this Committee will be to:

- a) Administer General Rule (GR) 26;
- b) Establish operating procedures consistent with this rule;
- c) Report annually to the Supreme Court and publicly release names of judicial officers who have not complied with the rule.

5. Administrative Office of the Courts (AOC)

a) **Administrative Office the Courts.** Under the direction of the Supreme Court and BCE, the Administrative Office of the Courts (AOC) shall develop guidelines for the implementation of the standards, and shall develop, administer, and coordinate judicial education programs throughout

the state. AOC will also track and monitor attendance at continuing judicial education programs accredited by the MCJEC.

b) **Judicial Education Unit.** The Judicial Services Division - Judicial Education Unit of AOC shall work with the BCE educational committees of the judicial associations and other ad hoc groups to prepare and implement judicial education programs. The unit shall coordinate all BCE judicial education programs, provide staff for the Board for Court Education, and evaluate educational programs. Further, the Judicial Education Unit staff shall provide support and assistance to judicial advisory committees in the planning, development, implementation, and evaluation of education programs consistent with established standards and requirements for judicial education.

The unit shall maintain the official transcript for each judicial officer based on: 1) attendance records at all BCE accredited education programs; 2) the attendance records of accredited sponsors based on their submissions; and 3) the individual education reports. Based on that official record, AOC will report annually to the Supreme Court.

Section 2: General Standards for Continuing Judicial Education

1. Credit for Continuing Judicial Education (CJE)

The CJE requirement may be met either by attending approved courses or completing other continuing judicial or legal education activity approved for credit by the MCJEC.

a) The CJE requirement may be met by attending approved courses. Self-study (including the use of technology-based programs), teaching, and writing for judicial/legal publications may be considered for credit when they meet the conditions set forth in this rule.

b) Forty-five hours are required for the three-year reporting period, six credits of which are in the area of judicial ethics.

c) No more than five hours and one hour in the area of ethics can be completed through self-study (including technology based programs), teaching, or published judicial/legal writing. The National Judicial College Web-based programming is exempt from this limitation.

d) Judicial officers may attend a combination of approved local, state, or national programs.

2. Carry-Over

If a judicial officer completes more than 45 such credit hours in a three-year reporting period, up to 15 hours of excess credits may be carried forward and applied to the judicial officer's education requirement for the following three-year reporting period. The 15 credit hours that may be carried forward may include two credit hours toward the ethics requirement.

3. Judicial College Attendance

Each judicial officer shall attend and complete the Washington Judicial College program within 12 months of initial appointment or election to the judicial office.

a) A judicial officer subject to the rules as noted above, who has been elected or appointed to their judicial office since July 1, 1998, but has not attended the Washington Judicial College, must attend the 2003 college. A judicial officer who is unable to attend due to medical disability or extreme

hardship may apply to BCE for permission to attend the 2004 college.

4. Credit Calculation

Credit is calculated on the basis of 1 credit for each 60 minutes of actual subject presentation/participation, not including introductions, overviews, closing remarks, presentation during meals, or keynote addresses unless clearly identified in the agenda as a substantive legal presentation.

Section 3: Program Accreditation

1. Washington State Judicial Branch Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) Washington State Supreme Court
- b) Administrative Office of the Courts
- c) Judicial education programs of the Board for Court Education (BCE)
- d) Court of Appeals (COA)
- e) Superior Court Judges' Association (SCJA)
- f) District and Municipal Court Judges Association (DMCJA)
- g) Minority and Justice Commission
- h) Commission on Gender and Justice

2. Other Judicial Education Sponsors

Attendance at any education program sponsored by the following shall be presumed to meet standards and be accredited:

- a) The National Judicial College in Reno, including the University of Nevada Masters and Ph.D. in Judicial Studies and Web-based programs.
- b) American Academy of Judicial Education
- c) New York University's Appellate Judges Seminar
- d) University of Virginia's Master of Laws in the Judicial Process (LLM)
- e) The National Center for State Courts (NCSC) programs such as those sponsored by the American Judges Association, the Institute for Court Management, National Council of Probate Judges, and the National Association of Women Judges
- f) Programs approved for Tuition Assistance by BCE
- g) The Judicial Division of the American Bar Association (ABA)
- h) The Judicial Divisions of all National Bar Associations
 1. National Asian Pacific Bar Association
 2. National Bar Association
 3. Hispanic National Bar Association.

3. Other Continuing Professional Education Programs

To receive credit for attending or serving as faculty at a program sponsored by an organization other than those listed above, a judicial officer may file with the Administrative Office of the Courts Judicial Education Unit an agenda of the program, which will be submitted to the MCJEC for possible accreditation. Courses approved by the Washington State Bar Association for continuing legal education credits that deal with substantive legal topics, statutory, constitutional, or procedural issues that come before the judicial officer will usually qualify for CJE.

4. Basis for Accreditation of Courses

Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the duties of the judicial officer.

Definitions. The course shall constitute an organized program of learning dealing with matters directly relating to the judicial officer's duties, including but not limited to substantive legal topics, statutory, constitutional and procedural issues that come before

a) the judicial officer, judicial ethics or professionalism, anti-bias and diversity training, and substance abuse prevention training.

b) **Factors in Evaluating.** Factors which should be considered in evaluating a course include:

- 1) The topic, depth, and skill level of the material.
- 2) The level of practical and/or academic experience or expertise of the presenters or faculty.
- 3) The intended audience.
- 4) The quality of the written, electronic, or presentation materials, which should be of high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented.

5. Basis for Approval of Other Educational Activities

The following activities will be judged on a case-by-case basis and shall make up no more than five (5) credits per year, one (1) of which may be in the area of judicial ethics.

a) **Teaching.** Serving as faculty at any of the aforementioned accredited programs may be used to partially fulfill education requirements. Three credit hours will be allocated for each hour of instruction, ~~the first time a program is presented. Each time the program is repeated, two credit hours will be allocated for each hour of instruction.~~ The three credit hours per each hour of instruction includes preparation time.

b) **Published Judicial/Legal Writing.** Credit may be earned through published legal writing with approval by the MCJEC.

c) **Self-Study.** Judicial officers may apply to the MCJEC to receive credit for self-study. For example, judicial officers may receive credit by accessing educational activities through technology - audiotape and videotape, CD-Rom, Web-based programs, etc. To claim CJE credits earned through self-study, judicial officers must report independently.

The following will also qualify for CJE credit:

a) **Institutional Visits.** Up to a maximum of three credits per three-year reporting period.

b) **Other Continuing Professional Education Programs.** Other program courses that directly aid the judicial officer in performing his or her specific judicial duties.

6. Programs That Do Not Qualify

The following activities will not qualify for CJE credit:

a) Continuing Professional Education courses that do **not** relate to substantive legal topics, statutory, constitutional or procedural issues that come before the judicial officer when performing his or her specific judicial duties.

b) Teaching a legal subject to non-lawyers in an activity or course that would not qualify those attending for CJE/CLE credit.

c) Jury duty.

d) Judging or participating in law school or mock trial competitions.

e) Serving on professional (judicial or legal) committees/associations.

7. Appeals

A judicial officer may appeal the denial of program accreditation by the MCJEC to the full BCE. The appeal may be in the form of a letter addressed to the Chair of BCE that outlines the basis for the judicial officer's request. BCE shall notify the judicial officer in writing of its decision to sustain or overrule the decision of the Mandatory Continuing Judicial Education Committee.

Section 4: Responsibilities

1. Sponsors of Accredited Programs

It is the responsibility of the Washington State judicial branch sponsors of a judicial education program to report judicial officer attendance and credits for all approved CJE courses to the Judicial Education Unit of AOC.

2. Individuals

a) It is the responsibility of **individual judicial officers** to file a report of their attendance when it is less than the full program provided, for programs sponsored by Washington State Judicial Branch entities.

b) It is the responsibility of the judicial officer to request accreditation for attendance for programs of other judicial educational sponsors (see Section 4.2. list of sponsors).

c) It is the responsibility of the **individual judicial officers** to submit requests for accreditation for other continuing professional education programs, credit for teaching, published judicial legal writing, or self-study to the Judicial Education Unit of AOC who shall present those to the MCJEC for review and determination.

3. Deadline

Absent exigent circumstances, sponsors and individual judicial officers must report attendance within 30 days after completion of a CJE activity.

Section 5: Certification

1. Compliance

The Judicial Education Unit of the AOC will send out a reminder of the end-of-the-year reporting requirement via judicial officers Listservs each year in August. The Judicial Education Unit of AOC will provide a progress report to every judicial officer of the programs they have attended during the previous calendar year by January 1. After reviewing that progress report, judicial officers must either:

a) Confirm it as an accurate record of their progress toward compliance with the rule, or;

b) Provide additional information on programs attended with accompanying documentation and;

c) File that report with the Administrative Office of the Courts (AOC) on or before January 31 each year. If a judicial officer does not respond by January 31, their credits will be confirmed by default.

~~By April 15, BCE shall send a reminder of the requirements of GR 26 to any judicial officer who has not filed the annual progress report.~~

AOC shall publish a report with the names of all judicial officers who do not fulfill the requirements of sections (a)

and (b) of GR 26. The AOC report shall be disseminated by means that may include, but are not limited to, publishing on the Washington Courts Internet Web site, publishing the information as part of any voter's guide produced by or under the direction of the Administrative Office of the Courts, and releasing the information in electronic or printed form to media organizations throughout Washington State.

The report will include the names of all judicial officers who fail to obtain the requisite number of education credits during their three-year reporting period, or the requirements of Judicial College attendance.

2. Three-Year Reporting Periods

Three-year reporting periods will be created as follows:

a) Group 1 are those judicial officers present as of January 1, 2003, and those who begin service every subsequent third year: 2006, 2009, 2012, 2015, 2018, 2021, 2024, 2027, 2030, etc.;

b) Group 2 are those judicial officers who begin service in 2004, 2007, 2010, 2013, 2016, 2019, 2022, 2025, 2028, 2031, etc.;

c) Group 3 are those judicial officers who begin service in 2005 and every subsequent third year: 2008, 2011, 2014, 2017, 2020, 2023, 2026, 2029, 2032, etc.

The three-year reporting period for each new judicial officer begins on January 1 nearest their appointment or election.

3. Delinquency

Failure to comply with the requirements of this rule may be deemed a violation of the Code of Judicial Conduct that would subject a judicial officer to sanction by the Commission on Judicial Conduct.

Section 6: Approval

These standards were approved by the Board for Court Education on August 25, 2003, and by Washington Supreme Court in Court Order 786 on December 4, 2003.

Comments or suggestions regarding the application of the standards or revisions of the standards can be sent to the Manager of Judicial Education or the Chair of the BCE.

These Standards were last reviewed by the Board for Court Education on September 11, 2006.

These Standards were last modified and approved by the Washington State Supreme Court on December 31, 2003

These Standards were last modified and approved by the Washington State Supreme Court on November 7, 2002

These Standards were adopted by the Washington State Supreme Court on July 1, 2002

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 brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 07-23-019

**NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE**
[Filed November 9, 2007, 8:52 a.m.]

The board of trustees of Bates Technical College has rescheduled its regularly scheduled meeting of December 18, 2007, to December 4, 2007, at Bates Technical College, South Campus, 2201 South 78th Street, Tacoma, WA 98409, in Building E. The meeting will begin at 3:00 p.m. In addition, the regularly scheduled meeting on November 27, 2007, has been cancelled.

| | | |
|----------------------|------------|----------------------|
| Thursday, June 26 | 3:30 p.m. | Tawanka 215 B & C |
| Friday, September 12 | 12:30 p.m. | Tawanka 215 B & C |
| Friday, December 5 | 12:30 p.m. | Tawanka 215 B & C |

Committee meetings will be held the afternoon prior to and the morning of the board meetings. Committees will not meet in June.

Executive session will be held from approximately 11:30 a.m. - 12:30 p.m. on the day of the board meetings.

If you have questions concerning this schedule, please contact Julie Thayer at (509) 359-4648.

WSR 07-23-035

**NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY**
[Filed November 13, 2007, 8:59 a.m.]

The Eastern Washington University board of trustees' meeting schedule for 2008 (adopted at the August 23, 2007, meeting of the board) is as follows:

| | | |
|-------------------------------------|--|----------------------|
| Friday, February 22 | 12:30 p.m. | Tawanka 215 B & C |
| Board Committee of the Whole | 12:30 p.m. | Tawanka 215 B & C |
| Friday, May 9 | | |
| Friday, May 9 | 2:00 p.m. | Tawanka 215 B & C |
| Board of Trustees Retreat | | |
| June 25 and 26 | | |
| January 16, 2008 Special Meeting | 1-5 p.m. Work Session 6-8 p.m. Interaction Dinner | |
| January 17, 2008 Regular Meeting | 8:30 a.m. - 4:30 p.m. WSSC Business Meeting | |
| March 19, 2008 Special Meeting | 1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner | |

WSR 07-23-038

**NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION**
[Filed November 13, 2007, 12:10 p.m.]

Per WAC 135-04-020, the Washington state conservation commission shall hold regular bimonthly meetings on the third Thursday of the month at various locations in the state of Washington. The regular business conservation commission meetings are held on the third Thursday of every other month with the exception of the November/December meeting.

The commission meeting schedule for 2008 was adopted by the conservation commission at its September 20, 2007, meeting held in Prosser, Washington. Please note that the dates and times listed [below] are estimated and may vary. Every effort will be made, however, to adhere to the proposed timelines. Please check our web site for any changes that may affect this schedule, www.scc.wa.gov.

If you are a person with a disability and need special accommodations, please contact the conservation commission at (360) 407-6200.

Shelton
Little Creek Resort
Skookum A
91 West State Route 108
Shelton, WA

Shelton
Little Creek Resort
Skookum A & B
91 West State Route 108
Shelton, WA

Coordinated by:
Grays Harbor Conservation District
330 Pioneer Avenue West
Montesano, WA 98563-4499
(360) 249-5900

| | | |
|---------------------------------------|--|--|
| March 20, 2008 Regular Meeting | 8:30 a.m. - 4:30 p.m. WSCC Business Meeting | Location Chateau Westport 710 Hancock Westport, WA 98595 |
| May 13, 2008 Special Meeting | 1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner | Coordinated by: Central & Eastern Klickitat Conservation Districts 1107 South Columbus Avenue Goldendale, WA 98620-9296 |
| May 14, 2008 Planning Meeting | 9:00 a.m. - 4:30 p.m. WSCC Planning Meeting | Location Klickitat PUD 1313 South Columbus Avenue Goldendale, WA 98620-9578 |
| May 15, 2008 Regular Meeting | 8:30 a.m. - 4:30 p.m. WSCC Business Meeting | Location Klickitat PUD 1313 South Columbus Avenue Goldendale, WA 98620-9578 |
| July 16, 2008 Special Meeting | 1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner | Coordinated by: (Eric) Stevens County Conservation District 232 Williams Lake Road Colville, WA 99114-2629 |
| July 17, 2008 Regular Meeting | 8:30 a.m. - 4:30 p.m. WSCC Business Meeting | Location TBD - Colville, Washington |
| September 17, 2008 Special Meeting | 1-5 p.m. Field Tour 6-8 p.m. Interaction Dinner | Coordinated by: (Stu) San Juan Islands Conservation District 350 Court Street, #10 Friday Harbor, WA 98250-7910 |
| September 18, 2008 Regular Meeting | 8:30 a.m. - 4:30 p.m. WSCC Business Meeting | Location Best Western - Friday Harbor Suites 680 Spring Street Friday Harbor, WA 98250 |
| December 4, 2008 Regular Meeting | 1:00 - 4:30 p.m. WSCC Business Meeting | Location Coast Wenatchee Center Hotel 201 North Wenatchee Avenue Wenatchee, WA 98801 |

WSR 07-23-039

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES**

(Industrial Insurance Chiropractic Advisory Committee)
[Filed November 14, 2007, 9:40 a.m.]

As per chapter 42.30 RCW, the Open Public Meetings Act, the industrial insurance chiropractic advisory committee meeting originally scheduled for December 20, 2007, has changed. The new date, time, and location are as follows:

| COMMITTEE | DATE | TIME | LOCATION |
|---------------------------|----------------------|-----------------|----------------------|
| IICAC Meetings | December 13, 2007 | 10:00 - noon | N209 L&I Building |

Please call Sandy Rains at (360) 902-5024 if you have any questions about these meetings.

WSR 07-23-047

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**

(Natural Resource Damage Assessment Committee)
[Filed November 14, 2007, 4:00 p.m.]

January - December 2008 Meeting Schedule

The Washington state natural resource damage assessment (NRDA) committee, which is chaired by the department of ecology, includes representatives of the state departments of fish and wildlife, natural resources, health, archaeology and historic preservation, and the parks and recreation commission. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evaluates restoration projects proposed by responsible parties in lieu of monetary claims.

Meetings for January through December 2008 will be held on the second Wednesday of each month as follows:

| <u>Date</u> | <u>Room Number</u> |
|--------------|--------------------|
| January 9 | ROA-09 |
| February 13 | R2B-09 |
| March 12 | ROA-09 |
| April 9 | ROA-09 |
| May 14 | ROA-09 |
| June 11 | ROA-09 |
| July 9 | ROA-09 |
| August 13 | ROA-09 |
| September 10 | ROA-09 |
| October 8 | ROA-09 |
| November 12 | ROA-09 |
| December 10 | ROA-09 |

Meetings start at 9:00 a.m. at the Department of Ecology, Headquarters Building, 300 Desmond Drive S.E., Lacey, WA.

For more information, contact Dale Davis at (360) 407-6972, dald461@ecy.wa.gov.

WSR 07-23-049

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF

NATURAL RESOURCES

(Natural Heritage Advisory Council)

[Filed November 15, 2007, 9:13 a.m.]

The natural heritage advisory council will meet on the following dates:

| | |
|------------------|---|
| January 30, 2008 | 9:30 a.m. to 4:30 p.m. Natural Resources Building 1111 Washington Street S.E. Room 172 |
| March 26, 2008 | 9:30 a.m. to 4:30 p.m. Natural Resources Building 1111 Washington Street S.E. Room 172 |
| June 5 - 6, 2008 | Field trip - to be determined |
| October 22, 2008 | 9:30 a.m. to 4:30 p.m. Natural Resources Building 1111 Washington Street S.E. Room 172 |

Regular council business generally includes consideration of proposals for new natural areas, additions to existing natural areas, and management activities within existing natural areas.

For further information contact the Department of Natural Resources, Natural Heritage Program, 1111 Washington Street S.E., Olympia, WA 98504-7014, (360) 902-1661.

WSR 07-23-051

NOTICE OF PUBLIC MEETINGS

RECREATION AND

CONSERVATION OFFICE

(Invasive Species Council)

[Filed November 15, 2007, 2:05 p.m.]

The 2008 public meetings of the Washington invasive species council (WISC) will be as follows:

| | | |
|--------------------------------|------------------------|-----------------|
| Wednesday January 23, 2008 | 9:00 a.m. to 3:00 p.m. | Location TBD |
| Thursday March 13, 2008 | 9:00 a.m. to 3:00 p.m. | Location TBD |
| Wednesday May 7, 2008 | 9:00 a.m. to 3:00 p.m. | Location TBD |
| Wednesday August 20, 2008 | 9:00 a.m. to 3:00 p.m. | Location TBD |
| Wednesday November 19, 2008 | 9:00 a.m. to 3:00 p.m. | Location TBD |

For further information, please contact Rachel Utley, WISC, (360) 902-3012.

WISC schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Rachel Utley at the number listed above or by e-mail at rachelu@rcow.wa.gov.

WSR 07-23-052

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF

GENERAL ADMINISTRATION

(Capitol Campus Design Advisory Committee)

[Filed November 15, 2007, 2:06 p.m.]

Please record the following quarterly capitol campus design advisory committee (CCDAC) meeting dates for the 2008 calendar year in the Washington state register:

- Thursday, February 7
- Thursday, May 22
- Thursday, September 18
- Thursday, November 20

Please record in the Washington state register that the CCDAC meetings will be held in Room 207, Second Floor, General Administration Building, 210 11th Avenue S.W., Olympia, WA. Meetings will begin at 10:00 a.m.

If you have any questions, please contact Tom Evans at (360) 902-0972.

WSR 07-23-064

**NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD**

[Filed November 16, 2007, 3:46 p.m.]

**Clemency & Pardons Board Hearing
John L. O'Brien Building, Hearing Room A
December 14, 2007 - 10:00 a.m.**

1. Maxwell Apata Petition to Restore Civil Rights
2. Sue Cameron Petition to Restore Civil Rights
3. Jeremy Johnson Petition for Commutation
4. Steven Marlowe Petition for Commutation
5. William Carter Petition for Pardon
6. Augstin Cortes Petition for Pardon
7. Hien Pham Petition for Pardon

WSR 07-23-075

**NOTICE OF PUBLIC MEETINGS
RENTON TECHNICAL COLLEGE**

[Filed November 19, 2007, 2:44 p.m.]

Pursuant to RCW 42.30.075, the Renton Technical College board of trustees' regular meetings during 2008 will be held as follows:

The second Tuesday of each month except for the months of July and August Meetings will be held at 8:00 a.m.
Roberts Campus Center Board Room
Room 202

- Renton Technical College
3000 Northeast 4th Street
Renton, WA 98056-4195
- January 8, 2008
~~February 12, 2008~~ February 19, 2008
March 11, 2008
April 8, 2008
May 13, 2008
June 10, 2008
July/August - No regular meetings
September 9, 2008
October 14, 2008
~~November 11, 2008~~ November 18, 2008
December 9, 2008

The February 12, 2008, date conflicts with the ACCT National Conference in Washington D.C. and the November 11, 2008, date is the national holiday for Veterans Day.

If you need further information, please contact Karen DeBruyn at (425) 235-2426.

WSR 07-23-076

**NOTICE OF PUBLIC MEETINGS
LIFE SCIENCES
DISCOVERY FUND AUTHORITY**

[Filed November 19, 2007, 2:45 p.m.]

Below are the 2008 board meeting dates for the life sciences discovery fund authority (agency #3560).
2008 Board Meeting Dates

| | | |
|-----------------------|--------------------|---|
| Tuesday, January 8 | 8:30 a.m. - 6 p.m. | Watertown Hotel 4242 Roosevelt Way N.E. Seattle, WA 98105 |
| Tuesday, April 8 | 8:30 a.m. - 6 p.m. | Talaris Conference Center 4000 N.E. 41st Street Seattle, WA 98105 |
| Tuesday, July 29 | 8:30 a.m. - 6 p.m. | Watertown Hotel 4242 Roosevelt Way N.E. Seattle, WA 98105 |
| Tuesday, September 16 | 8:30 a.m. - 6 p.m. | Watertown Hotel 4242 Roosevelt Way N.E. Seattle, WA 98105 |
| Tuesday, December 9 | 8:30 a.m. - 6 p.m. | Watertown Hotel 4242 Roosevelt Way N.E. Seattle, WA 98105 |

WSR 07-23-077

**NOTICE OF PUBLIC MEETINGS
BEEF COMMISSION**

[Filed November 19, 2007, 2:45 p.m.]

Following are the meeting dates for the Washington state beef commission:

2008 Scheduled Meeting Dates

| | | |
|--|------------|----------------------------------|
| January 23, 2008 (Wednesday) | Ellensburg | Regular Board Meeting |
| February 27 and 28, 2008 (Wed/Thursday) | Seattle | Strategic Planning/Board Meeting |
| April 23, 2008 (Wednesday) | Ellensburg | Budget Meeting |
| May 28, 2008 (Wednesday) | Ellensburg | Annual Meeting |
| September 17, 2008 (Wednesday) | Ellensburg | Regular Board Meeting |
| November 13, 2008 (Thursday) | Pasco | Regular Board Meeting |

(in conjunction with Washington Cattlemen's Association Convention)

Should you have questions, please contact Daniene Giesen at (206) 444-2902.

WSR 07-23-089
**STATE BOARD FOR COMMUNITY
 AND TECHNICAL COLLEGES**

[Filed November 20, 2007, 10:24 a.m.]

Administration of the Washington state displaced homemaker program was transferred to the state board for community and technical colleges from the higher education coordinating board in 2004.

We are requesting chapter 250-44 WAC, pertaining to the regulations for the administration for the displaced homemaker program, be transferred and recodified to the state board for community and technical colleges under new chapter 131-49 WAC.

If you should have any questions, please do not hesitate to contact DelRae Oderman at (360) 704-4309 or doderman@sbctc.edu.

DelRae Oderman
 Executive Assistant and
 Agency Rules Coordinator

WSR 07-23-091
ATTORNEY GENERAL'S OFFICE

[Filed November 20, 2007, 10:42 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
 WASHINGTON ATTORNEY GENERAL**

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by December 12, 2007. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by calling (360) 664-3027, or by writing to the Solicitor General, Office of the Attorney General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you will be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our opinions List-Serv.

The attorney general's office seeks public input on the following opinion request(s):

Opinion Docket No. 07-11-03
Request by Judy Schurke
Director, Labor & Industries

Do the terms "person, firm, partnership, corporation, or other entity" apply to a single entity or allow, in the case of a general contractor registered under RCW 18.27, multiple tiers of subcontracting of the exempt electrical work?

WSR 07-23-093
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Boarding Home Advisory Board)
 [Filed November 20, 2007, 11:15 a.m.]

Updated 2008 Meeting Schedule

In 2008, the boarding home advisory board will meet on January 11, April 24, June 26, September 25, and December 5.

All meetings are from 9:00 a.m. to noon.

All meetings will be held in Lacey, Washington, at the residential care services (RCS) headquarters. The RCS headquarters is located at 4500 10th Avenue S.E. in Blake Office Building East.

Meetings will be held in the Rose Conference Room (first floor).

A map with driving directions to the RCS headquarters may be found at <http://www.aasa.dshs.wa.gov/Resources/rcshelp.htm>.

The boarding home advisory board is established under RCW 18.20.260.

If you have questions, you may address them to Todd Erik Henry, Boarding Home Advisory Board/Residential Care Services, at (360) 725-2580 or henryte@dshs.wa.gov.

WSR 07-23-096
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Apprenticeship and Training Council)

[Filed November 20, 2007, 2:43 p.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the Washington state apprenticeship and training council meetings for 2008 have been scheduled for:

| DATE | LOCATION |
|---------------------|---|
| January 17-18, 2008 | Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA |

| DATE | LOCATION |
|---------------------|---|
| April 17-18, 2008 | Duwamish Apprenticeship and Training Center 6770 East Marginal Way S. Seattle, WA 98108 |
| July 17-18, 2008 | Heathman Lodge 7801 Northeast Greenwood Drive Vancouver, WA |
| October 16-17, 2008 | Spokane, Washington Location to be determined |

Please call (360) 902-6411, if you have any questions.

WSR 07-23-097
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES

(Board of Boiler Rules)

[Filed November 20, 2007, 2:45 p.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the board of boiler rules board meetings for 2008 have been scheduled for:

| DATE | TIME | LOCATION |
|-----------------------|------------|---|
| January 22-23, 2008 | 10:00 a.m. | Labor and Industries 950 Broadway Avenue Tacoma, WA |
| March 18-19, 2008 | 10:00 a.m. | Labor and Industries 950 Broadway Avenue Tacoma, WA |
| May 13-14, 2008 | 10:00 a.m. | Labor and Industries 950 Broadway Avenue Tacoma, WA |
| September 16-17, 2008 | 10:00 a.m. | Labor and Industries 950 Broadway Avenue Tacoma, WA |
| November 11-12, 2008 | 10:00 a.m. | Labor and Industries 950 Broadway Avenue Tacoma, WA |

Please call (360) 902-6411, if you have questions.

WSR 07-23-098
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES

(Electrical Board)

[Filed November 20, 2007, 2:51 p.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the electrical board meetings for 2008 have been scheduled for:

| DATE | TIME | LOCATION |
|------------------|-----------|---|
| January 31, 2008 | 9:00 a.m. | Department of Labor and Industries 7273 Linderson Way S.W. Auditorium Tumwater, WA |
| April 24, 2008 | 9:00 a.m. | Comfort Inn and Conference Center 1620 74th Avenue S.W. Tumwater, WA |
| July 31, 2008 | 9:00 a.m. | Department of Labor and Industries 7273 Linderson Way S.W. Auditorium Tumwater, WA |
| October 30, 2008 | 9:00 a.m. | Department of Labor and Industries 7273 Linderson Way S.W. Auditorium Tumwater, WA |

Please call (360) 902-6411, if you have questions.

WSR 07-23-099
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES

(Elevator Advisory Committee)

[Filed November 20, 2007, 2:53 p.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the elevator advisory committee meetings for 2008 have been scheduled for:

| DATE | TIME | LOCATION |
|-------------------|-----------|--|
| February 19, 2008 | 9:00 a.m. | Department of Labor and Industries 12806 Gateway Drive Tukwila, WA |
| May 20, 2008 | 9:00 a.m. | Department of Labor and Industries 12806 Gateway Drive Tukwila, WA |
| August 19, 2008 | 9:00 a.m. | Department of Labor and Industries 12806 Gateway Drive Tukwila, WA |
| November 18, 2008 | 9:00 a.m. | Department of Labor and Industries 12806 Gateway Drive Tukwila, WA |

Please call (360) 902-6411, if you have questions.

WSR 07-23-100
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed November 20, 2007, 3:15 p.m.]

Following are the 2008 meeting dates for the Washington state criminal justice training commission (WSCJTC). All of the meetings will be held at the WSCJTC located at 19010 1st Avenue S., Burien, WA 98148.

| Date | Time | Location |
|----------------------------------|------------|------------|
| Wednesday, March 12, 2008 | 10:00 a.m. | Room E-154 |
| Wednesday, June 11, 2008 | 10:00 a.m. | Room E-154 |
| Wednesday, September 10, 2008 | 10:00 am. | Room E-154 |
| Wednesday, December 10, 2008 | 10:00 a.m. | Room E-154 |

If you have questions, please call Sonja Hirsch at (206) 835-7372.

WSR 07-23-101
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Prevailing Wage Advisory Committee)
 [Filed November 20, 2007, 3:48 p.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the prevailing wage advisory committee will be holding meetings on:

| DATE | TIME | LOCATION |
|--------------------|-----------|---|
| March 13, 2008 | 9:00 a.m. | Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA |
| June 19, 2008 | 9:00 a.m. | Department of Labor and Industries 12806 Gateway Drive Tukwila, WA |
| September 18, 2008 | 9:00 a.m. | Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA |
| December 11, 2008 | 9:00 a.m. | Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA |

Please call (360) 902-6411, if you have questions.

WSR 07-23-102
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Factory Assembled Structure Advisory Board)
 [Filed November 20, 2007, 4:00 p.m.]

In accordance with chapter 42.30 RCW, Open [Public] Meeting[s] Act, the time and place of regular meetings for the factory assembled structure advisory board for 2008 have been scheduled.

| DATE | TIME | LOCATION |
|-------------------|-----------|---|
| February 14, 2008 | 1:00 p.m. | Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA |
| May 15, 2008 | 1:00 p.m. | Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA |
| August 21, 2008 | 1:00 p.m. | Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA |
| November 20, 2008 | 1:00 p.m. | Department of Labor and Industries 7273 Linderson Way S.W. Tumwater, WA |

Please call (360) 902-6411, if you have questions.

WSR 07-23-103
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
 (Advisory Board of Plumbers)
 [Filed November 20, 2007, 4:16 p.m.]

In accordance with chapter 42.30 RCW, Open [Public] Meeting[s] Act, the quarterly meetings for the advisory board of plumbers have been scheduled for 2008. The meetings are to begin at 9:30 a.m. on the third Tuesday of January, April, July and October at the Department of Labor and Industries, 12806 Gateway Drive, Tukwila, WA 98168.

The dates are January 15, April 15, July 15, and October 21, 2008.

WSR 07-23-104
NOTICE OF PUBLIC MEETINGS
BELLEVUE COMMUNITY COLLEGE
 [Filed November 21, 2007, 9:27 a.m.]

The 2008 meetings of the board of trustees of Community College District VIII will be held at 12:30 p.m. in the Board Room (B201), Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA on the following dates:

Thursday, February 14
 Wednesday, March 12
 Wednesday, May 14
 Wednesday, June 11
 Wednesday, June 18
 (tentative, pending budget process needs)
 Wednesday, September 10
 Wednesday, October 15
 Wednesday, November 12

WSR 07-23-105
NOTICE OF PUBLIC MEETINGS
BELLEVUE COMMUNITY COLLEGE
 [Filed November 21, 2007, 9:27 a.m.]

A special meeting of the board of trustees of Community College District VIII, State of Washington, 3000 Landerholm Circle S.E., Bellevue, WA, will be held on Friday, November 16, 2007, in Room A201 at 8:00 a.m. The agenda will include one action item; to approve the purchase of property to enable expansion of college programs.

WSR 07-23-106
NOTICE OF PUBLIC MEETINGS
WHEAT COMMISSION
 [Filed November 21, 2007, 9:28 a.m.]

The Washington wheat commission hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting information of the board of directors for publication in the state register for the period January through December 2008. The meetings will take place in the commission conference room located at 907 West Riverside Avenue, Spokane, WA. The meetings will begin at 10:00 a.m. on the first day and will reconvene at 8:00 a.m. on the second day.

| | |
|---------|---------------------|
| Regular | January 16 and 17 |
| Regular | March 19 and 20 |
| Annual | May 14 and 15 |
| Regular | September 17 and 18 |
| Regular | November 19 and 20 |

We understand that should any changes to this meeting schedule become necessary, we will provide the information at least twenty days prior to the rescheduled meeting date for publication in the state register.

WSR 07-23-107
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE
 [Filed November 21, 2007, 9:28 a.m.]

In compliance with the Open Public Meetings Act, the Shoreline Community College board of trustees will hold a special meeting, beginning at 10:00 a.m. on Tuesday, November 27, 2007, for the purpose of discussing the board's self-evaluation, policy governance, goals, travel, and the college's master plan.

This special meeting will take place in the conference room at Shoreline Bank, 16001 Aurora Avenue N., Shoreline, WA.

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