

**Model State Administrative Procedure Act
Revision Process—Invitation to Participate**

The National Conference of Commissioners on Uniform State Laws (NCCUSL) is revising its Model State Administrative Procedure Act (MSAPA). NCCUSL invites organizations and individuals interested in state administrative agency processes to participate in this effort.

NCCUSL is a 117 year old national organization of lawyers, judges and law professors who are appointed to represent their states in drafting and seeking enactment of uniform laws to facilitate commerce and certainty in the law among the states. For more information about NCCUSL, visit <http://www.nccusl.org/>.

The goal of the MSAPA drafting committee is to make the administrative process more efficient, accessible and fair. The most recent draft of MSAPA is available at <http://www.nccusl.org/Update/CommitteeSearchResults.aspx?committee=234>. The drafting process will not be completed until the spring of 2009. The MSAPA drafting committee invites interested parties to attend committee meetings as an observer and make comments and suggestions at the meetings or by submitting them in writing. To become an observer, please contact Ms. Leang Sou at NCCUSL at (312) 450-6606 or at leang.sou@nccusl.org. Submit written comments about the MSAPA to Commissioner Francis J. Pavetti, 18 The Strand, Goshen Point, Waterford, CT 06385.

**WSR 08-01-015
RULES OF COURT
STATE SUPREME COURT
[December 6, 2007]**

IN THE MATTER OF THE ADOPTION) ORDER
OF THE AMENDMENTS TO APR 11—) NO. 25700-A-888
CONTINUING LEGAL EDUCATION)
AND APR 11 REGULATIONS 101)
THROUGH 112 OF THE CONTINUING)
LEGAL EDUCATION BOARD)

The Washington State Bar Association having recommended the adoption of the proposed amendments to APR 11—Continuing Legal Education and APR 11 Regulations 101 through 112, and the Court having approved the proposed amendments for publication;

Now, therefore, it is hereby
ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as attached hereto are 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 6th day of December, 2007.

For the Court

Gerry L. Alexander

CHIEF JUSTICE

GR 9 COVER SHEET

**Suggested Amendments
ADMISSION TO PRACTICE RULES (APR)
Rule 11 and Appendix APR 11:
Continuing Legal Education
Submitted by the Board of Continuing Legal Education**

Purpose: Admission to Practice Rule (APR) 11 establishes the Board of Continuing Legal Education (herein referred to as the MCLE Board) and sets forth its duties and responsibilities. It also establishes the continuing legal education requirements for Washington-licensed lawyers, and sets forth rules relating to administration of the compliance aspects of mandatory continuing legal education for lawyers.

The suggested amendments to APR 11 would:

- change the official title of the Board of Continuing Legal Education to the "Mandatory Continuing Legal Education Board" or "MCLE Board";
- bring all of the credit requirements for mandatory continuing legal education for lawyers into one rule (APR 11.2), pulling some out of the existing regulations;
- reduce the number of credits that must be earned as "live" credits;
- do away with a three-month grace period for lawyers to become compliant with their MCLE requirements after the end of their actual reporting period; and
- separately set out provisions of APR 11.4 and 11.6 regarding enforcement and appeals from decisions, to make them easier to locate and understand.

The suggested amendments to APR 11 Appendix - Regulations of the Washington State Board of Continuing Legal Education (herein APR 11 Appendix) substantially modify the existing APR 11 Appendix regulations for determining accreditation and administration of the mandatory CLE system. The suggested amendments would:

- make the requirements for course accreditation and the requirements imposed on all sponsors more uniform, assuring quality education through a system of advance submission of agendas, review of course materials (when appropriate), evaluations by attendees, and spot audits of seminars;
- eliminate the existing limits on the number of credits that can be earned through open and closed in-house CLE seminars sponsored by private law firms, corporate legal departments, and government agencies, addressing concerns raised by those groups regarding current Regulation 104;

- increase the list of topics eligible for accreditation, allowing for accreditation of more topics applicable to small- and solo-practices and more topics related to mental health issues;
- revise requirements for sponsors to become "accredited sponsors" (sponsors allowed to set credit awards for their own courses, subject to review by MCLE Board);
- streamline some regulatory processes; and
- clarify and simplify the wording of the regulations.

RULE 11. CONTINUING LEGAL EDUCATION

RULE 11.1 PURPOSE

It is of primary importance to the members of the Washington State Bar Association (referred to in these rules as the Bar Association) and to the public that ~~attorneys~~ lawyers continue their legal education throughout the period of their active practice of law. These rules ~~will establish state~~ the minimum requirements for continuing legal education.

[Adopted effective January 1, 1977; amended effective May 2, 2000.]

RULE 11.2 EDUCATIONAL REQUIREMENT

(a) **Minimum Requirement.** Each active member of the Bar Association, ~~and other lawyers who are required by the APRs to complete continuing legal education credits, shall must~~ complete a minimum of 45 credit hours of ~~approved or~~ accredited legal education (as provided in APR 11.4) ~~every 3 years, as provided in the regulations to this rule by December 31 of the last year of the lawyer's three-year reporting period as assigned by the Bar Association. Specific requirements are the following, and are described in Appendix APR 11 - Regulations of the Washington State Board of Mandatory Continuing Legal Education: If a member completes more than 45 credits in a 3-year reporting period, up to 15 of the excess credits may be carried forward and applied to that member's education requirement for the next reporting period.~~

(1) A lawyer may earn all of the required credit hours, and must earn at least half of the required credits, as live credits, as described in Regulation 103(b) of Appendix APR 11.

(2) A lawyer must earn a minimum of six of the required 45 credit hours of accredited legal education in the area of ethics, as that is defined in Regulation 101(g) of Appendix APR 11.

(3) A lawyer may earn a maximum of one-half of the required credit hours for any reporting period through self-study, as defined in Regulation 103(h) of Appendix APR 11.

(4) A lawyer may earn a maximum of six credit hours annually through pro bono training and service carried out strictly in compliance with Regulation 103(f) of Appendix APR 11.

(5) A lawyer may earn a maximum of six of the required credit hours for any reporting period for participation in law school competitions, moot court, or mock trials programs, as described in Regulation 103(g) of Appendix APR 11.

(b) **New Admission.** Newly admitted members ~~shall~~ must complete 45 continuing legal education credits ~~anytime after the member's date of admission or the next 4 full~~ during the four full calendar years ~~after the member's date of admission.~~ If the newly admitted member earns more than 45 credits during that new admission period, up to 15 of the excess credits may be carried forward to the next reporting period. Following the new admission period, the member shall complete 45 credits every ~~3~~ three years as required by APR 11.2(a).

~~(c) Ethics/Professionalism Component. The 45 continuing legal education credit hours required in section (a) shall include a minimum of 6 credit hours devoted to the areas of legal ethics, professionalism, or professional responsibility. The 15 credit hours that may be carried forward pursuant to section (b) may include 2 credit hours toward the legal ethics, professionalism, or the professional responsibility requirement of this section.~~

Carryover of excess earned credits. If a member completes more than the required credits for any one reporting period, up to 15 of the excess credits may be carried forward and applied to that member's education requirement for the next reporting period. Of the 15 credit hours that may be carried forward to the next reporting period, pursuant to sections (a) and (b) of this rule:

(1) A maximum of two credit hours may be applied toward the ethics requirement; and

(2) A maximum of five credit hours may be applied to self-study credits.

[Amended effective September 1, 1992; September 1, 1995; May 2, 2000.]

RULE 11.3 BOARD OF MANDATORY CONTINUING LEGAL EDUCATION

There is hereby established a Board of Mandatory Continuing Legal Education (~~referred to herein as the CLE~~ MCLE Board) consisting of seven members. Six of the members of the CLE MCLE Board must be active members of the Bar Association. The seventh member shall not be a member of the Bar Association. The Supreme Court shall designate a chairperson of the CLE MCLE Board, who shall serve at the pleasure of the Court ~~court~~. The members of the CLE MCLE Board shall be nominated by the Board of Governors of the Bar Association and appointed by the Supreme Court. Appointments shall be staggered for a 3-year term. No member may serve more than two consecutive terms. Terms shall end on September 30 of the applicable year.

[Adopted effective January 1, 1977; amended effective May 2, 2000.]

RULE 11.4 POWERS OF THE MCLE BOARD OF CONTINUING LEGAL EDUCATION

The CLE MCLE Board shall: approve individual courses and may accredit all or portions of the entire legal educational program of a given organization which, in the CLE Board's judgment, will satisfy the education requirements of these rules. It shall determine the number of credit hours to be allowed for each such course. The CLE Board

may adopt regulations pertinent to these powers subject to the approval of the Board of Governors and the Supreme Court. Individual compliance with the educational or time requirements of these rules may be waived or modified by the CLE Board upon a showing of undue hardship, age, or infirmity. The CLE Board may set fees and fines for failure to comply with these rules, and may from time to time adjust such fees and fines, with the approval of the Board of Governors. The CLE Board has authority to waive or reduce the fee or fine on a proper showing by the petitioner.

(a) Accredit and determine the number of credit hours to be allowed for all or portions of individual courses that satisfy the education requirements of these rules and Appendix APR 11 Regulations;

(b) Accredit all or portions of the entire legal educational program of a given organization that satisfy the education requirements of these rules and Appendix APR 11 Regulations;

(c) Adopt regulations pertinent to these powers subject to the approval of the Board of Governors and the Supreme Court;

(d) Waive or modify individual compliance with the educational or time requirements of these rules upon a showing of undue hardship, age, or infirmity;

(e) Set and adjust fees and fines for failure to comply with these rules and to defray the reasonably necessary costs of administering these rules with the approval of the Board of Governors; and

(f) Waive or reduce fees or fines on a proper showing by the petitioner.

[Adopted effective January 1, 1977; amended effective May 2, 2000.]

RULE 11.5 EXPENSES OF THE CLE MCLE BOARD

Members of the CLE MCLE Board shall not be compensated for their services, ~~but for~~ their actual and necessary expenses incurred in the performance of their duties, they shall be reimbursed by the Bar Association in a manner consistent with the Bar Association's reimbursement of its committee members. The Bar Association shall furnish the CLE MCLE Board with the necessary staff and clerical help to carry out its duties, ~~and shall pay all expenses reasonably and necessarily incurred by the CLE Board, pursuant to a budget for the CLE Board which the~~ The CLE MCLE Board, ~~directly or through the staff provided, annually shall submit a budget annually to the Bar Association, which shall be subject to approval by the Board of Governors. The CLE Board and Board of Governors shall clarify in writing their relationship regarding the CLE Board's budget and personnel issues.~~

[Amended effective May 2, 2000.]

RULE 11.6 REPORTS AND ENFORCEMENT

(a) Reports Reporting and Other Activities.

(1) Sponsor Report Reports. The sponsor of each approved program (or each program for which approval is sought) ~~will~~ must make available attendance reports to be

completed by those ~~attorneys~~ lawyers in attendance to show the actual time spent by each lawyer in attendance. The form of the reports will be determined by the CLE MCLE Board. ~~Attorneys who wish credit for attending the program will complete the report and return it to the sponsor at the conclusion of the program (or earlier if the attorney does not attend the entire program). Attorneys who fail to return their forms to the sponsor may send them directly to the Bar Association. All forms must be sent~~ The sponsor must send a report, consisting of a compilation of the information contained in these forms, to the Bar Association not later than 30 days after conclusion of the program.

(2) Other Activities. Consistent with the provisions of Appendix APR 11 Regulations, in ~~the~~ the case of some programs for which approval has not been sought or obtained by the sponsor, or for other activities which may qualify for CLE credit under these rules, individual ~~attorneys~~ lawyers may apply for credit by direct application to the CLE MCLE Board, using the form or forms specified by the CLE MCLE Board for that purpose.

(3) Confidential Member Credit Status Reports.

(A) Not later than July 1, of each year, the Bar Association shall advise each active member and other lawyers required to report in the current reporting cycle of the number of earned credit hours and courses posted to their credit reflected in that lawyer's records with the Bar Association.

(i) If the lawyers do not request changes to their records within forty-five days of the mailing of the report, the reported credits will be deemed correct.

(ii) After 45 days, the records may be changed upon a showing of good cause.

(B) By not later than December 15 of each year, a similar report shall be provided to all active members and other lawyers required to report continuing education credits, of the Bar not later than December 15 of each year. Attorneys may request changes to the reported credits for a period of forty-five days from the receipt of the report, after which the reported credits will be considered to be correct. They may be changed by a showing of good cause

[Moved to APR 11.6.(a)(3)(A)(i) and (ii).]

(b) Compliance Report Certification. Each active member or other lawyer required to complete and report continuing legal education requirements ~~must~~ shall submit an CLE MCLE compliance report certification form by February 1 following the end of the lawyer's three-year reporting period as specified in the regulations, or as approved by the CLE MCLE Board pursuant to rule 11.4. If a member lawyer has not completed the minimum education requirement for that member lawyer's reporting period, ~~compliance may still be accomplished, as specified in the regulations, the lawyer may complete and return to the MCLE Board a petition, which shall be accompanied by a declaration(s) or affidavit(s) in support of the request, for an extension of time to complete the requirements. If the petition is approved, the lawyer by making shall make up the deficiency, within the first 4 months of the next succeeding calendar year, filing file a supplemental report with the Bar Association by May 1 of that year, and by paying pay a special filing late compliance filing fee by the date set forth in the agreement or order extending the time for compliance.~~

(c) **Delinquency.** Any ~~member lawyer~~ required to do so who has not complied by ~~May 1 of each year, or such other~~ the certification deadline, or by the date as is set forth in an agreement or order extending the time for compliance, may be ordered suspended from the practice of law by the Supreme Court.

(1) Pendency Notice. ~~To effect such suspension removal the CLE~~ The MCLE Board may shall by ~~send a~~ written notice to the ~~non-complying member~~ advise of the pendency of suspension ~~removal~~ proceedings by certified mail to any lawyer who has not complied with either the educational or certification requirements of APR 11 and the Appendix APR 11 Regulations by the certification deadline for that lawyer's reporting period or extended deadline granted by the MCLE Board. It will be sent to the lawyer's address of record with the Bar Association. The notice shall advise the member of the pendency of suspension proceedings and state that the MCLE Board will recommend suspension of the lawyer's license to practice law unless the lawyer becomes compliant or completes and returns to the MCLE Board a petition for extension of time, exemption from compliance, or ruling of complete compliance as set forth below. The MCLE Board shall include with the pendency notice a copy of the form of petition to be used.

(2) Petition for extension, waiver, modification or finding of compliance.

(A) Timing. ~~Within unless within~~ 10 days of receipt of such the pendency notice, such ~~member shall a~~ lawyer may complete and return to the CLE MCLE Board an ~~accompanying form of a~~ petition which may be accompanied by affidavit(s) in support of request for requesting an extension of time, a waiver of compliance, modifications to the requirements, or a for or exemption from compliance with Section (a) above or for a ruling by the CLE MCLE Board of complete compliance therewith with the standard requirements.

(B) Supporting documents. The petition may be accompanied by supporting affidavit(s) or declaration(s).

~~(1)~~ **(3) No timely petition filed; suspension recommendation.** Unless such petition be so is filed, the noncompliance is deemed agreed. The CLE MCLE Board shall report such fact the lawyer's noncompliance to the Supreme Court with its recommendations for appropriate action. The Supreme Court shall enter such order(;) as it deems appropriate. The provisions of RAP 17.4 and RAP 17.5 shall apply to any motion for reconsideration of such order.

~~(2)~~ **(4) Petition Filed.** If such petition be so is filed, in its consideration of the petition, the CLE MCLE Board shall consider factors of undue hardship, age, or disability. One of the following shall result from consideration of a petition:

(A) Approval without hearing. The MCLE Board may, in its discretion, approve the same petition without hearing, or

(B) Agreement with lawyer. The MCLE Board may enter into agreement on terms with such member lawyer as to time and requirements for achieving compliance with the provisions of APR 11.2(a) and APR 11.6(b) Section (a); or

(C) (3) Hearing on petition. If the CLE MCLE Board does not so approve such petition or enter into such an agreement with terms, the CLE MCLE Board (or a subcommittee

of one or more CLE MCLE Board members) shall hold a hearing upon the petition.

(i) The Board and shall give the member lawyer at least 10 days notice of the time and place thereof.

(ii) Testimony taken at the hearing shall be under oath, and audio recorded an audio or stenographic record will be made at the request and expense of the lawyer. The oath shall be administered by the chairperson of the CLE MCLE Board or the chairperson of the subcommittee subcommittee.

(iii) For good cause shown the CLE MCLE Board may rule that the member lawyer has substantially complied with these rules for the year reporting period in question or, if he or she has not done so, it may grant the member lawyer an extension of time within which to comply, and may do so upon terms as it may deem deems appropriate.

(iv) For each hearing, ~~As to each such application the~~ CLE MCLE Board shall enter written findings of fact and an appropriate order. The MCLE Board shall mail a copy of the findings and order which shall be mailed forthwith to the member lawyer at the address on file with the Bar Association.

(v) The MCLE Board's ~~Any such~~ order shall be is final unless within 10 days from the date thereof the member lawyer shall file files a written notice of appeal with the Supreme Court and serve serves a copy of on the Washington State Bar Association. The member lawyer shall pay to the clerk Clerk of the Supreme Court; a docket fee of \$250.00.

~~(4) In its consideration of petitions for relief hereunder, the CLE Board shall consider factors of hardship such as age or disability, or of restricted practice. [Moved to Rule 11.4(d).]~~

(d) Review to by the Supreme Court. To perfect such review the member shall at the members expense, within Within 15 days of the filing of the a notice with the Supreme Court for review of the MCLE Board's findings and order, after a non-compliance petition hearing, the lawyer shall cause the record or a narrative report of such reviews, cause to be transcribed and filed with the Bar Association a narrative report of proceedings in compliance with RAP 9.3 to be transcribed and filed with the Bar Association.

(1) The CLE MCLE Board chairperson or chairperson of the subcommittee shall certify that any such record or narrative report of proceedings contains a fair and accurate report of the occurrences in and evidence introduced in the cause.

(2) The CLE MCLE Board shall prepare a transcript of all orders, findings, and other documents pertinent to the proceeding, before the CLE MCLE Board; which transcript shall must be certified by the CLE MCLE Board chairperson or chairperson of the subcommittee.

(3) The CLE MCLE Board shall then file promptly with the Clerk of the Supreme Court the record or narrative report of proceedings and the transcripts pertinent to the proceedings before the CLE MCLE Board.

(4) The matter shall be heard in the Supreme Court pursuant to procedures established by order of the Court.

(e) Time. The times set forth in this rule for filing notices of appeal are jurisdictional. The Supreme Court, as to appeals pending before it, may, for good cause shown:

(1) Extend ~~extend~~ the time for the filing or certification of said statement of facts record or narrative report of proceedings and transcripts; or

(2) Dismiss ~~dismiss~~ the appeal for failure to prosecute the same diligently.

(f) **Costs.** If the ~~member~~ lawyer prevails in his or her appeal before the Supreme Court, the ~~member~~ lawyer shall be awarded costs against the Bar Association in an amount equal to his or her reasonable expenditures for the preparation of the statement or statements of facts record or narrative report of proceedings.

(g) **Change of Status.** Once ~~an attorney~~ a lawyer has been ordered suspended from practice for noncompliance with these rules, the ~~attorney~~ lawyer affected must comply with the then applicable regulations of the ~~CLE~~ MCLE Board and the WSBA Bylaws for ~~transfer from suspended inactive in order to return~~ to active status.

[Amended effective May 14, 1982; September 1, 1992; January 1, 2001.]

RULE 11.7
CONFIDENTIALITY

The files and records of the Bar Association, as they may relate to or arise out of any failure of a member of the Association, or other lawyers, to satisfy these continuing legal education requirements, shall be deemed confidential and shall not be disclosed except in furtherance of its duties, or upon request of the ~~attorney~~ lawyer affected, or pursuant to a proper subpoena duces tecum, or as directed by this ~~Court~~ court. The records and information contained therein should not be available to any ~~sponsoring~~ sponsoring organization, including the Continuing Legal Education Department of the Bar Association. In any matter referred to the Supreme Court under these rules, the file, record, briefs, and arguments shall not be subject to this confidentiality rule.

[Adopted effective January 1, 1977; amended effective May 14, 1982; May 2, 2000.]

REGULATIONS OF THE
WASHINGTON STATE BOARD OF MANDATORY CONTINUING
LEGAL EDUCATION BOARD

Approved as Amended by the Board of Governors and
Supreme Court

Regulation 101. Definitions

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

(a) "Legal education" shall mean training obtained by lawyers already admitted to practice that maintains or enhances their competence as lawyers. It is recognized that education is important to lawyers. However, not all education is legal education within the meaning of these rules.

(~~a~~) (b) "Approved" or a Accredited legal education activity shall mean any method by which a lawyer may earn MCLE credits, and includes individual seminar, courses, self-study, teaching, pro bono legal services, law school competitions, nexus, and writing and editing, as described in these regulations or other continuing legal education activity

approved by the Washington State Board of Continuing Legal Education (Continuing Legal Education Board).

(e) "Active member" shall mean any person licensed to practice law in the state of Washington as an active member of the Washington State Bar Association.

(~~b~~) (d) "Accredited sponsor" shall mean an organization that meets the requirements of Regulation 105 for accreditation of its ~~whose~~ entire continuing legal education program subject to review by the MCLE Board has been accredited by the Washington State Board of Continuing Legal Education, pursuant to Regulation 106 herein. A specific, individual continuing legal education activity presented by such a sponsor constitutes an "approved" legal education activity.

(c) "APR 11" means Admission to Practice Rule 11, including subsequent amendments.

(d) "Attending" means:

(1) Presenting for or being present in an audience, either in person or through an electronic medium, at an accredited live continuing legal education course at the time the course is actually being presented; or

(2) Engaging in self-study using pre-recorded audiovisual or audio-only courses that have been accredited by the MCLE Board.

(e) "Chairperson" means the chairperson of the MCLE Board, except where otherwise indicated. "CLE Board" shall mean the Washington State Board of Continuing Legal Education.

(f) "Course" means an organized program of learning dealing with matter directly relating to the practice of law or legal ethics, including anti-bias and diversity training, and substance abuse prevention training. "Quorum" of the CLE Board shall consist of four (4) or more members of the Board.

(g) "Ethics" includes discussion, analysis, interpretation, or application of the Rules of Professional Conduct, Rules for Enforcement of Lawyer Conduct, Code of Judicial Conduct, judicial decisions interpreting these rules, and ethics opinions published by bar associations relating to these rules. It also includes the general subject of professional conduct standards for lawyers representing clients and the public interest. Ethics credits may also be awarded for creditable activities in the areas of diversity and anti-bias with respect to the practice of law, or the risks to ethical practice associated with diagnosable conditions of stress, anxiety, depression, and addictive behavior. "Chairperson" shall mean the chairperson of the CLE Board, except where other usage of that term is indicated.

(h) "Executive Secretary" shall mean the executive secretary of the MCLE Board.

(i) "Form 1" means the CLE course accreditation application form. "APR 11" shall mean Admission to Practice Rule 11, together with any subsequent amendments thereto, as adopted by the Supreme Court of the State of Washington.

(j) "Governmental agency" means federal, state, local, and military agencies and organizations, and organizations primarily funded by one or more of the preceding, but excludes colleges, universities, law schools, and graduate schools. "Teaching" in an approved continuing legal education activity shall mean and encompass the delivery of a prepared talk, lecture or address at such activity.

(k) "Groups 1, 2, and 3" means three groups of lawyers for purposes of the reporting periods to which they are assigned: Group 1 consists of lawyers admitted through 1975 and in 1991, 1994, 1997, 2000, etc.; Group 2 consists of lawyers admitted 1976 through 1983, and in 1992, 1995, 1998, etc.; and Group 3 consists of lawyers admitted 1984 through 1990 and in 1993, 1996, 1999, etc. New admittees shall be assigned to these Groups in the same manner upon admission. "Participating" in an approved continuing legal education activity shall mean and encompass taking part in such activity as a member of a panel discussion, without the preparation of written materials or the delivery of a prepared talk, lecture or address.

(l) "Legal education" means activities that meet the requirements of these regulations and that maintain or enhance the competence of lawyers with respect to the practice of law.

"Attending" an approved continuing legal education activity shall include and encompass:

(1) Presence in an audience of two or more persons being addressed by participants in an approved continuing legal education activity, and

(2) Viewing or listening individually to video or audio tapes, CD-ROM, motion pictures, simultaneous broadcast or other such systems or devices approved by the CLE Board.

(m) "MCLE Board" means the Washington State Board of Mandatory Continuing Legal Education. "Groups 1, 2, and 3": the active members of the bar shall be divided into three groups. Group 1 shall be those admitted through 1975 and in 1991, 1994, 1997, 2000. Group 2 shall be those admitted 1976 through 1983, and in 1992, 1995, 1998. Group 3 shall be those admitted 1984 through 1990 and in 1993, 1996, 1999. Members shall continue to be assigned to Groups upon admission in the same consecutive manner.

(n) "Participating" means taking part in an accredited continuing legal education course as a contributing member of a panel. "Professionalism" is no more, and no less, than conducting one's self at all times in such a manner as to demonstrate complete candor, honesty, courtesy and avoidance of unnecessary conflict in all relationships with clients, associates, courts and the general public. It is the personification of the accepted standard of conduct that a lawyer's word is his or her bond. It includes respectful behavior towards others, including sensitivity to substance abuse prevention, anti-bias or diversity concerns. It encompasses the fundamental belief that a lawyer's primary obligation is to serve his or her clients' interests faithfully and completely, with compensation only a secondary concern, acknowledging the need for a balance between the role of advocate and the role of an officer of the court, and with ultimate justice at a reasonable cost as the final goal. The area of professionalism shall include the issues of and training in diversity, anti-bias, and substance abuse training in order to improve public confidence in the legal profession and to make lawyers more aware of their ethical and professional responsibilities.

(o) "Qualified legal services provider" means a not-for-profit legal services organization whose primary purpose is to provide legal services to low income clients, as defined in APR 8 (c)(2). "Ethics" shall include discussion, analysis, interpretation, or application of the Rules of Professional

Conduct, Rules for Enforcement of Lawyer Conduct, Code of Judicial Conduct, judicial decisions interpreting these rules, and ethics opinions published by bar associations relating to these rules, as well as the general subject of standards of professional conduct expected of lawyers acting in the representation of clients and in the public interest.

(p) "Quorum of the MCLE Board" means four or more members of the Board. "Practicing law," for the purpose of this rule, is defined as the representation of one or more clients under the authority of a license to practice law in the state of Washington.

(q) "Teaching" means the delivery of a prepared talk, lecture or address at an accredited continuing legal education course.

[Regulation 101 amended effective May 2, 2000; October 1, 2002.]

Regulation 102. Continuing Legal Education Requirement

(a) As provided for in APR 11.2, each active member shall complete a minimum of 45 credit hours of approved legal education every three years. At least six of the 45 continuing legal education credit hours required during the reporting period shall be devoted exclusively to the areas of legal ethics, professionalism, or professional responsibility. If an active member completes more than 45 credits during a three-year reporting period, 15 of the excess credits may be carried forward and applied to that member's education requirement for the next reporting period. The fifteen credit hours that may be carried forward may include two credit hours toward the legal ethics, professionalism, or professional responsibility requirement.

(b) **Ethics/Professionalism Requirement.** As provided for in APR 11.2(e)

(c) All active members shall complete and report a minimum of six credit hours of approved or accredited legal ethics, professionalism, or professional responsibility continuing education for the reporting period terminating on December 31, 1998 and for each reporting period thereafter.

[Regulation 102 adopted effective July 26, 1995; amended effective May 2, 2000.]

Regulation 102. Standards for Approval and Accreditation. To be approved for credit, all courses must meet all of the following criteria, except where otherwise stated.

(a) A course must have significant intellectual or practical content relating to the practice of law or legal ethics. In determining whether courses have such content, the following factors should be considered:

(1) The topic, depth, and skill level of the material;

(2) The level of practical or academic experience or expertise of the presenters or faculty;

(3) The intended audience, which may include others besides lawyers;

(4) The written materials, which must be of high quality, in a hardcopy or electronic format, and distributed to all attendees at or before the course is presented. In some unusual cases, written materials may not be necessary, but that is the exception and not the rule; and

(5) The physical setting, which must be suitable to the educational activity and free from unscheduled interruption.

(b) Any written, electronic, or presentation materials must be available for submission and review upon request by the MCLE Board. However, in the case of government-sponsored, closed seminars, where materials are subject by law to confidentiality rules or regulations, those portions of the materials subject to confidentiality may be redacted from the overall submission, provided that a list of the redacted materials, a general summary of the redacted materials, and the basis for confidentiality, is supplied.

(c) The course must be open to audit by the MCLE Board or its designees at no charge. However, this requirement may be waived in cases of government-sponsored, closed seminars if the reason stated on the Form 1, as required by Reg 104 (a)(3), is approved by the MCLE Board.

(d) The sponsor must keep accurate attendance records and retain them for six years. The sponsor must provide copies to the MCLE Board upon request. In addition, the sponsor must report attendance within 30 days of the end of the program as required by APR 11.6 (a)(1).

(e) The attendees must be provided with a critique form or evaluation sheet to complete. The completed forms, or a compilation of all numerical ratings and comments, must be retained by the sponsor for two years and copies must be provided to the MCLE Board upon request.

(f) There must be no marketing of any law firm or any company that provides goods or services to lawyers or law firms during the presentation of the program in the room where the program is being held.

(g) Aside from indicating that an activity has been accredited for the number and type of credits approved by the MCLE Board, people and organizations must not state or imply that the WSBA or the MCLE Board approves or endorses any person, law firm, or company providing goods or services to lawyers or law firms.

(h) A course must not focus directly on a pending case, action or matter currently being handled by the sponsor if the sponsor is a private law firm, corporate legal department, or a government agency.

(i) If the course is sponsored by a private law firm, no client, former client, or prospective client of the private law firm may directly or indirectly pay for or underwrite the course, in whole or in part.

Regulation 103. Earning and Calculating Credits: Computation WSBA MCLE staff, the Executive Secretary, or the MCLE Board will apply APR 11 and these regulations to determine approval or denial of accreditation, and to determine the number of credits a lawyer can earn for each activity.

(a) **Accreditable activities.** A lawyer may earn continuing legal education credit may be obtained by attending, or teaching, or participating in; accredited continuing legal education activities, subject to all restrictions, limitations, and conditions set forth in APR 11 and these regulations, which have been (1) approved by the CLE Board, (2) afforded retroactive approval by the CLE Board pursuant to APR 11 and these Regulations, or (3) conducted by an accredited sponsor, as set forth herein.

(1) A lawyer may earn credits through an accreditable activity even if neither the lawyer nor the activity is in Washington State (see Regulation 103 (e)(1), 103(k), and 107(e)); and

(2) To be accreditable, an activity must have no attendance restrictions based on race, color, national origin, religion, creed, gender, age, disability, sexual orientation, or marital status.

(3) A lawyer may earn teaching and preparation credits through teaching a pre-admission course required by APR 5(b) and APR 18 (c)(1)(i).

(b) **Live credits.** A lawyer may earn "live credits" by attending in person or via an electronic medium, or teaching or participating in an accredited course at the time the course is actually being presented.

(1) Teleconferences, videoconferences, and webcasts are considered "live" if there are presenters or expert moderators available to all course attendees at the time the course is actually being presented and all attendees can hear or see other attendees' questions and the resultant responses at the time they happen.

(2) Viewings of pre-recorded courses, presented by one or more expert moderators qualified and available at the time of the viewing to answer questions and expand on topics may also be considered "live".

(3) Writing credits, as defined in Regulation 103(j), are considered to be live credits. Credit shall be awarded on the basis of one (1) hour for each sixty (60) minutes actually spent by a member in attendance at an approved activity. Otherwise stated, a "credit hour" equals one (1) clock hour of actual attendance.

(c) **Credit for attending accredited courses.** A lawyer may earn one credit for each 60 minutes spent attending actual instruction at an accredited course. A lawyer may earn no more than eight credits per day spent attending courses. A lawyer may earn credit only once for attending the same approved course. Meals and Banquets.—Credit may not be denied merely because continuing legal education activities are presented at a meal or banquet.

(d) **Credit for Teaching or participating in accredited courses.** A lawyer may earn credit toward the continuing legal education requirement set forth in APR 11.2(a) and Regulation 102 may be earned through by teaching or participating in an approved accredited continuing legal education course, activity on the following basis:

(1) ~~An active member~~ Additionally, a lawyer who is teaching or participating in an approved accredited activity course shall ~~may receive earn~~ credit on the basis of one credit for each sixty (60) minutes actually spent by ~~such member the lawyer in attendance at and teaching in preparing for the presentation of the course, such activity.~~ Additionally, an active member teaching in such an activity shall also be awarded further credit on the basis of one credit hour for each sixty (60) minutes actually spent in preparation time, *provided that in no event shall more than up to a maximum of ten (10) hours of credits per course.* be awarded for the preparation of one hour or less of actual presentation. A lawyer may earn credit only once for teaching or participating in the same accredited course, regardless of the number of times the course is presented.

EXAMPLES: Attorney Lawyer X, an active member, gives a one hour lecture presentation and attends the other five hours at a six (6) credit hour seminar course presented in each of three cities, and attends the rest of the course on each of those days. Attorney If Lawyer X is entitled to one credit hour for each sixty (60) minutes of actual attendance and teaching at presentation of the seminar. In addition, attorney X may be awarded up to ten (spent 10) additional credits for time spent in preparation. Accordingly, Attorney X, if he attends and teaches in an entire presentation of the seminar, may claim a total of sixteen (hours preparing for the presentation, Lawyer X may earn a total of 16) credits, maximum for his involvement in the three-city series of seminars.

EXAMPLE: Attorney Y, Lawyer X an active member, gives a two (2) hour presentation and attends the other four hours at a six credit hour course presented in three cities, and attends the rest of the course on each of those days. If Lawyer X spent 15 hours preparing for the presentation, Lawyer X may earn a total of 16 credits. lecture at the same seminar. Attorney Y is entitled to one credit hour for each sixty (60) minutes of actual attendance and teaching at presentation of the seminar. In addition, Attorney Y may be awarded up to twenty (20) additional credits for time spent in preparation. Accordingly, Attorney Y, if he attends and teaches in an entire presentation of the seminar, may claim a total of twenty-six (26) credits maximum for his involvement in the three-city series of seminars.

(2) An active member participating in an approved activity shall receive credit on the basis of one credit hour for each sixty (60) minutes actually spent by such member in attendance at presentation of such activity. Additionally, an active member participating in such an activity shall also be awarded further credit on the basis of one hour for each sixty (60) minutes actually spent in preparation time, provided that in no event shall more than five (5) hours of credit be awarded for such preparation time in any one such continuing legal education activity.

EXAMPLE: Attorney Z, an active member, participates in a one hour panel discussion at a six (6) credit hour seminar presented in each of three cities. Attorney Z is entitled to one credit hour for each sixty (60) minutes of actual attendance at presentation of the seminar. In addition, Attorney Z may be awarded additional credits for preparation time for the panel discussion. Accordingly, Attorney Z, if he actually attends an entire presentation of the seminar, may claim a total of eleven (11) credits maximum for his involvement in the three-city series of seminars.

(e) Credit for attending or teaching Law School Courses.

(1) Attending. A lawyer may earn Credit under the provisions of APR 11 shall be computed on the basis of one (1) credit for each ~~one hour~~ 60 minutes of instructed law school class time actually the lawyer attended in law school courses at the J.D. or advanced education level. The course may be taken within or outside the United States, and the lawyer is not required to take or be successful on any examination given in connection with the course in order to earn CLE credits for attending the course. To earn credit, the lawyer must: up to a maximum of 15.00 hours per course. For example, under this formula an active member who actually

attends 30 hours of instruction in a law school course may claim a maximum of 15.00 hours of credit under APR 11, with the remaining 15.00 hours being inapplicable toward the requirement and not capable of being carried over to the next reporting period. However, an active member attending two separate courses may earn a maximum of 15.00 hours of credit per course and in such instance may carry the excess 15.00 hours of credit over to the next reporting period.

(A) An active member taking such a course shall arrange with for the instructor or law school registrar to for verification of the active member's lawyer's actual attendance at the various sessions of the course and for the to reporting of such attendance to the MCLE Board; and

(B) Comply with the applicable regulations of the law school or university involved.

Success on any examination given in connection with such a course is not a prerequisite to obtaining CLE credit for attendance at the a course under the provisions of APR 11.

(2) Teaching. Full time teachers and lawyers whose primary employment is teaching law school courses may not earn credit for teaching or preparation of law school courses, but a lawyer who is acting as a part-time adjunct professor or lecturer may earn credit in connection with that lawyer's first presentation of a specific law school course, as follows:

(A) Presentation time- one credit for each 60 minutes of presentation time for that lawyer's first presentation of a specific law school course, up to a maximum 15 credits for actual presentation time; and

(B) Preparation time- one credit for each 60 minutes the lawyer spends preparing for each 60 minutes of presentation time, up to a maximum of 10 credits of actual preparation time for each 60 minutes of presentation time.

(f) An active member shall receive a maximum of one-third of the continuing legal education required under APR 11.2(a) through self-study credits or audio/videotaped instruction (defined in Regulations Section 104 (b)(1)).

(f) (e) Credit for Pro Bono Legal Services: A member lawyer may earn up to six (6) hours of credits annually if: by certifying that the member has fulfilled the following requirements under the auspices of a qualified legal services provider:

(1) Each attorney seeking CLE credit will have The lawyer receives at least two (2) hours of education in a given calendar year, under the auspices of a qualified legal services provider, which may consist of:

(A) (i) Not less than two (2) hours of training in MCLE Board-approved with live presentation(s); or

(B) (ii) Not less than two (2) hours individually viewing or listening individually to video or audio tapes pre-recorded training courses approved by the MCLE Board; or

(C) (iii) Not less than two hours of any combination of the foregoing training; or

(D) (iv) Not less than two hours serving as a mentor to a participating attorney lawyer who has completed the foregoing training; and

(2) Each attorney seeking CLE credit also will have subsequently The lawyer completes not less than four (4) hours of pro bono work in that same calendar year by:

(A) ~~p~~ Providing legal advice, representation, or other legal assistance to low-income client(s) through a qualified legal services provider; or

(B) ~~in s~~ Serving as a mentor to other participating attorney(s) ~~lawyer(s)~~ who are providing such legal advice, representation, or assistance to low-income client(s) through a qualified legal services provider.

[Regulation 103 amended effective May 2, 2000; August 3, 2004.]

(g) ~~(h)~~ Credit for Law School Competitions. A lawyer Credit may be earned one general - not ethics - credit for each 60 minutes spent judging or for preparing Law School students for and judging law competitions, mock trials, and or moot court arguments at an ABA accredited law school. Up to a maximum of six credits per reporting period may be earned provided the following conditions are met: Ethics and professionalism credit hours are not available for participation in this type of CLE activity. CLE credit hours are not available for grading written briefs or other written papers in connection with this type of CLE activity. No additional credit may be earned for preparation time. The sponsor of the CLE activity is responsible for issuing appropriate certification documenting the name of the attorney, name, date and location of the course or program and the number of CLE credit hours earned.

(1) Prior to the event, the sponsor provides the lawyer "judge" training in the feedback process to be used by Law School Competitions. One (1) credit hour may be earned for each sixty (60) minutes of participation in an ABA accredited law school competition provided that the law school training activity is structured to require that the "judge" provide specific to give performance review feedback to each student participant during the event. Such training must incorporate the requirements of Regulation 102(a), and it can be conveyed. The performance review must conform to a redetermined "feedback process" to be established and agreed upon by the Law School and the participating attorney through a prior to the activity communication (e.g. watching a by live or video-taped training, reviewing a written outline of for points to be covered by the "judge", or other acceptable method, etc.). The educational elements must be structured into the competition and must be consistent with Regulation 104.

(2) The lawyer "judge" provides specific performance feedback to each student participant during the event. Maximum of six (6) CLE credit hours may be earned for participation in this type of CLE activity during any one reporting cycle.

(3) The sponsor issues appropriate certification documenting the name of the lawyer, the activity name, date, and location, and the number of CLE credits earned.

(4) The lawyer does not earn credits for preparation time or for grading written briefs or other written papers in connection with this type of activity.

Regulation 104. Standards for Approval

(a) ~~Basis for approval of courses.~~ Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the practice of law. In evaluating content, course presenters

and audience may be considered but those will not be the principal criteria for approval. Courses involving federal or state taxation issues, arbitration or alternative dispute resolution, as examples, may appeal to persons from disciplines other than law, but may still be approved courses.

(1) Definition. The course shall constitute an organized program of learning dealing with matter directly relating to the practice of law, legal ethics, or professionalism, including anti-bias and diversity training, and substance abuse prevention training.

(2) Factors in evaluating. Factors which should be considered in evaluating a course include:

(i) The topic, depth, and skill level of the material.

(ii) The level of practical or academic experience or expertise of the presenters or faculty.

(iii) The intended audience.

(iv) The quality of the written, electronic, or presentation materials, which should be high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented. In some cases, written material may not be necessary, but that is the exception and not the rule.

(v) The physical setting is suitable to the educational activity, free from unscheduled interruption, and should include a writing surface where feasible.

(b) ~~Basis for approval of activities.~~ Credit will also be given for certain activities which are not approved courses. The following activities will qualify for continuing legal education credit, subject to the restrictions set forth below:

(h) ~~(+)~~ Credit for Self-Study Credits. A lawyer Attorneys may receive earn credit for self study by completing MCLE Board-approved pre-recorded audiovisual or audio-only courses, under the following conditions: watching or listening to video or audio tapes, CD-ROM, motion pictures, simultaneous broadcast, electronic or other such systems or devices approved by the CLE Board or by engaging on computer assisted legal study programs, which meet the content requirements of (a), above.

(1) Requirements for lawyers.

(A) ~~(i)~~ For all To claim CLE credits earned through self-study courses, the lawyer must attorneys are required to report on their CLE Certification a Form I for each activity:

(i) The sponsor and title of the course;

(ii) The original date the activity was recorded;

(iii) The date the lawyer completed the course; and

(iv) The number of credits for which the course tape, CD-ROM, motion pictures, electronic or other such systems or devices, or computer assisted self-study program was approved, the sponsor, the title of the seminar or program, and the date the seminar or program was originally recorded or, in the case of computer assisted self-study programs, its most recent edition year.

(B) The lawyer must declare on the reporting period By signing the CLE Certification form, attorneys will declare that they lawyer did not knowingly have not violated any copyright laws in earning the credits reported in the Certification.

(2) ~~(ii)~~ Requirements for sponsors regarding accreditation of self-study courses.

For all pre-recorded courses approved for credit by the MCLE Board:

~~(A) The Sponsors are required to must affix on the outside of the recording: each audio or video tape, CD-ROM, motion pictures, electronic or other such systems or devices approved for credit by the Board;~~

~~(i) The name of the sponsor;~~

~~(ii) The name of the program course;~~

~~(iii) The date originally recorded;~~

~~(iv) The total running time length of the tape in hours and minutes; and~~

~~(v) The number of credits for which it has been approved. Computer assisted self-study programs are not subject to this provision.~~

~~(B) (iii) Sponsors are not required to submit a copies of the self-study course audio or video tape, CD-ROM, motion pictures, electronic or other such systems or devices with applications for approval the Form 1, but must provide copies to. The MCLE Board on request, however, reserves the right to obtain on demand a copy of any tape, CD-ROM, motion pictures, electronic or other such systems or devices, submitted for approval.~~

~~(C) (iv) If a live seminar course was is approved by the Board, the video or audio tape pr electronic recorded version of that seminar course is deemed automatically approved if the sponsor creates a "duplicate" Form 1 at the MCLE web site or submits a paper Form 1 for the recorded version of the course without the sponsor submitting a second application for approval.~~

~~(D) Written materials distributed at the live course seminar must also be distributed with the pre-recorded course taped or electronic seminar.~~

~~(v) Regulation 104(a) regarding the distribution of written materials applies to taped or electronic seminars as well as live seminars. It does not necessarily apply to computer assisted self-study programs.~~

~~(E) (vi) As a general rule, The accreditation of all tapes, the pre-recorded course expires five years after the date the course was originally recorded, except those determined by the MCLE Board to be purely skills training tapes courses; expires five years after the date the tape was originally recorded.~~

~~(2) Attendance at courses that have not applied for or received approval as courses. Applicants may receive individual approval for attendance at a course which would have been approved if the sponsor had applied for credit by submitting Form 1.~~

~~(i) (3) Credit for Nexus courses credit. A lawyer may earn credits for actually Attending, or teaching, or participating at a course that does not qualify for approval under these regulations and does not directly deal with the practice of law but that where there is a substantially relationship to the lawyer's field area of practice. To earn such credits, and the lawyer must demonstrates that the topic, depth, and skill level will improve the lawyer's competence to practice law. A course which does not directly deal with the practice of law, such as a medical course, a child abuse program or some similar offering, may not qualify for approval of a course under Regulation 104(a). Individual attorneys who practice in those areas will have a direct benefit from attending such a course, however. Upon a showing of nexus between an individual's law practice and such a course. CLE credit may be~~

~~given to that individual attorney even though the course itself does not qualify for credit.~~

~~(j) (4) Credit for Writing and Editing Activities. Credit for writing and or editing activities may be is granted sparingly, and only on a case by case basis. A lawyer may earn one live credit for every 60 minutes spent in writing and editing activities, up to a maximum of 10 live credits per writing activity, under the following conditions:~~

~~(1) that prior approval is secured and The writing or editing in question meets the standards of Regulation 104(a) these regulations;~~

~~(2) and that it The writing is actually published for the education of the Bar by an entity recognized in the legal community as a publisher of legal works; and~~

~~(3) The Writing or editing is not performed for or on behalf of a client or prospective client, for marketing purposes, or in the course of the regular practice of law, is not eligible for credit. See Regulation 104 (d)(3). Credit for writing or editing activities shall be granted sparingly, and only on a case by case basis. In appropriate circumstances, the CLE Board may waive the prior approval requirement and grant credit retroactively if the quality standards are met. The CLE Board may also waive the prior approval requirement where the publisher has demonstrated uniform adherence to the Standards of 104(a). Writers or editors, whose work has been approved, may claim up to a maximum of 10.00 CLE credit hours. The number of actual hours claimed should be based on the number of hours spent in preparing the material, but in no case may more than 10.00 credit hours be claimed.~~

~~(k) Credit for courses for lawyers in foreign countries and/or remote locations in the United States.~~

~~(1) A lawyer may earn credit for programs outside the United States, including courses concerning laws of jurisdictions outside the United States, if those courses are approved for credit by the MCLE Board.~~

~~(2) A lawyer residing in a foreign country where standard live CLE courses are unavailable may earn credit for courses that do not fully meet the standards of these regulations and which would not be approved if offered within the United States. In determining whether to grant credit for such courses, the MCLE Board shall consider, among other things, the availability of courses in the area involved and the good faith attempts of the lawyer to comply with the requirements of APR 11 and these regulations.~~

~~(3) With approval from the MCLE Board, a lawyer in a foreign country with no reasonable opportunities for attendance at live CLE programs may earn a maximum of 45 credits per reporting period through approved self-study courses or by attending informal CLE programs developed and presented by lawyers in the foreign jurisdiction.~~

~~(4) With approval from the MCLE Board, a lawyer in a location within the United States that is very remote and removed from reasonable opportunities for attendance at live CLE programs may earn a maximum of 45 credits per reporting period through approved self-study courses. Such approval will be granted sparingly.~~

~~(l) (e) Examples of courses or activities that may qualify for credit. The following types of activities may be~~

approved for credit, subject to the other provisions of these regulations:

(1) ~~Courses about attending or participating in programs that deal with the problems of running a law office may be approved.~~ In particular, docket control, malpractice avoidance, and education on substance abuse by lawyers and other legal professionals, or assistants will qualify for approval, time management, increasing office efficiency, business planning, office financial management, billing and collections procedures, office technology, and customer service, as each relates to the practice of law.

(2) ~~Programs~~ Courses that are designed to improve an attorney's ~~lawyer's~~ communication skills for communicating with his or her clients and or to improve the attorney lawyer-client relationship will be approved.

(3) ~~(2)~~ Courses or self study programs on how to conduct electronic legal research may be approved subject to the other provisions of these regulations.

(4) ~~(3)~~ Alternate dispute resolution courses may be approved subject to the other provisions of these regulations.

(4) CLE credit will be given for attending law school courses, including courses offered at the J.D. or advanced education levels based upon the actual hours of attendance. Applicants need not take exams to qualify for credit, but must otherwise comply with the applicable regulations of the law school or university involved. Credit for teaching law school courses by full time teachers will not qualify for credit. However, for the first preparation leading to the teaching of a specific law school course by an adjunct (not a full-time) professor, credit will be given on the basis of ten hours of preparation credit for each hour of presentation time, and one credit will be given for each hour of class presentation time to a maximum of 15 credit hours of presentation time each year.

(5) Credit will not be given for A lawyer's attendancing at Bbar review/refresher courses offered in preparation for the Washington State Bar examination, but credit may be given for attending bar review/refresher course offered in jurisdictions other than Washington, on the basis of 1.00 one credit for each classroom hour of actual instruction or audio/videotaped instruction.

(6) Courses sponsored by or involving participation by a company that provides services or products to the legal community, but only if the written material does not include prepared promotional literature, and:

(A) There is no marketing of that company during the program; or

(B) There is equal treatment in any discussion and written materials of alternate vendors of the particular product or service.

Programs outside the United States may be given credit, subject to the following provisions:

(i) Seminars concerning laws of jurisdictions outside the United States can qualify for CLE credit. It is not necessary to return to the United States or to Washington State in order to obtain CLE credits.

(ii) In recognition of the potential unavailability, in certain geographical areas, or courses and programs meeting the criteria of Regulation 104, the CLE Board, or its Executive Secretary, may grant approval of courses, offered in such areas, which do not fully meet the standards of Regulation

~~104 and which, accordingly, would not be approved if offered within the United States. Decisions relative to the approval of such courses are within the discretion of the CLE Board, which shall, among other things, consider the availability of programs in the area involved and the good faith attempts of the member affected to comply with the requirements of APR 11.~~

(iii) If the foreign location is very remote and removed from reasonable opportunities for attendance at live CLE programs, it is possible to fully comply with CLE requirements by viewing videotapes, listening to audiotapes or by attending informal CLE programs developed and presented by lawyers in the foreign jurisdiction, with approval of the CLE Board. Under any of these circumstances, CLE credits may be awarded on the basis of 1.00 credit per hour. Applications should be made in advance of the activity in question, in order to confirm that CLE credit is available, prior to the commitment of time and resources to the activity.

(iv) CLE credit may be given for attending law school courses, including courses offered at the J.D. or advanced education levels based upon actual hours of attendance. Applicants need not take exams to qualify for credit, but must otherwise comply with the applicable regulations of the law school or university involved.

(m) (d) Examples of The following activities will that do not qualify for credit: The following types of activities will not be approved for credit:

(1) Teaching a legal subject to non-lawyers in an activity or course that would not qualify those attending be approved for CLE credit if taught to lawyers.

(2) Programs that are primarily designed to teach attorneys lawyers how to improve market share, attract clients or increase profits will not be approved, unless the program primarily focuses on topic areas that include, but are not limited to, marketing ethics, case law updates, conflicts of interest, or conflicts of law.

(3) nor will pPrograms primarily designed to be a sales vehicle for a service or product. While a company which provides services or products to the legal community may wish to participate in or sponsor law office management seminars, those courses will be approved for credit only if there is no discussion or literature promoting that company, other than the biographical material about the speakers, or there is equal treatment in discussion and written materials of alternate vendors of the particular product or service, and the written material does not include prepared promotional literature.

(4) ~~(3)~~ Writing for or on behalf of a client, or for the regular practice of law.

(5) ~~(4)~~ As a reward for mMeritorious legal work, such as pro bono work, except as provided in Reg. 103(f)(g).

(6) Bar review/refresher courses offered in preparation for the Washington State Bar examination.

(7) ~~(5)~~ Jury duty.

(8) ~~(6)~~ Programs primarily designed to enhance a person's ability to present or prepare a continuing education program will not be approved.

(9) Private law firm, corporate legal department, or government agency sponsored courses that are focused directly on a pending case, action or matter being handled by the pri-

vate law firm, corporate legal department or government agency sponsor.

~~(e) **Private Law Firm, Legal Department, and Government Agency Education.** In addition to compliance with the requirements of Regulation 104(a) and the limitations described below, courses presented by Private Law Firms ("Law Firms"), in-house Legal Departments ("Legal Departments"), and federal, state, local, and military agencies and organizations ("Government Agencies") may be approved for credit under the provisions of APR 11 on the following bases:~~

~~(1) Approval of such courses may be granted only on a case by case basis. Accredited Sponsor status (as set forth in Regulation 106) will not be available for Law Firm, Legal Department, or Government Agency sponsors. The CLE Board may, however, consider the sponsoring organization's experience in presenting similar programs.~~

~~(i) If a Private Legal Sponsor contracts with an outside CLE provider to present a CLE, then the Private Legal Sponsor must register as the sponsor of the CLE program. The outside CLE provider is not the sponsor in this situation.~~

~~(ii) Nothing herein, however, shall be construed to prohibit or discourage Private Legal Sponsors from contracting with CLE providers to provide training, nor shall a CLE sponsor lose its accredited status because it provides courses or training to Private Legal Sponsors.~~

~~(2) All information called for by Form 1, including a complete course schedule with time allocations, must be submitted at least thirty (30) days prior to the date scheduled for the class. High quality written materials are required and should be distributed to all attendees at or before the time the course is presented. A critique form or evaluation sheet and an attendance sheet, which attendees will complete, must be submitted to the CLE Board within 30 days after the program.~~

~~(3) The course must be attended by five (5) or more lawyers admitted to any Bar Association, excluding the instructors.~~

~~(4) Courses sponsored by Private Legal Sponsors may be open or closed to non-members of the Private Legal Sponsor provided that notice of such courses shall be published on the WSBA's MCLE web page.~~

~~(5) Marketing of the Private Legal Sponsor in any manner is not permitted including but not limited to the display of brochures, pamphlets or other Private Legal Sponsor advertising. Persons or organizations may not state or imply that the WSBA or the CLE Board approves or endorses any person or organization.~~

~~(6) No course provided by a Private Legal Sponsor shall focus directly or indirectly on a pending case, action or matter being handled by the Private Legal Sponsor.~~

~~(7) Additional regulations pertaining to Law Firms:~~

~~(i) No course provided by a Law Firm shall be paid for or in any way underwritten in whole or part, directly or indirectly by a client or prospective or former client of the Law Firm.~~

~~(ii) Members shall be entitled to a maximum of fifteen (15) credit hours in any reporting period for courses provided by a Law Firm.~~

~~(8) Additional regulation pertaining to Legal Departments – Members shall be entitled to a maximum of fifteen~~

~~(15) credit hours in any reporting period for courses provided by a legal Department.~~

~~(9) Additional regulation pertaining to Government Agencies – If a course is closed, any written materials need to be made available to any inquirer.~~

~~[Regulation 104 adopted effective July 26, 1995; amended effective May 2, 2000; July 11, 2000; March 30, 2004; amended effective November 8, 2005.]~~

Regulation 1045. Procedure Applying for Approval Accreditation of Continuing Legal Education an Activities. Subject to the requirements and restrictions of APR 11 and these regulations, sponsoring organizations or individual lawyers may apply for accreditation of an activity. The MCLE Board, with the approval of the WSBA Board of Governors, may adopt and assess a fee on sponsoring organizations or individuals for the purpose of defraying the costs of processing applications for accreditation of courses or activities.

(a) Application by sponsor.

(1) Submitting Form 1. An active member or sponsoring organization desiring approval may apply for accreditation of a continuing legal education course or activity shall by submitting a completed Form 1 to the WSBA MCLE Board staff, together with payment of the required fee, if any all information called for by Form No. 1.

(2) Private law firm and corporate legal department sponsors. Private law firms and corporate legal departments must:

(A) Register as the sponsor of a course if they either present the course or contract with an outside CLE provider to present the course.

(B) Submit completed Form 1s by no later than 14 days before the first presentation day of the activity. Failure to submit the Form 1 at least 14 days in advance of the activity may result in imposition of a late fee and/or denial of accreditation for the activity.

(3) Government sponsors. Government sponsors must:

(A) Register as the sponsor of a course if they either present the course or contract with an outside CLE provider to present the course;

(B) Submit completed Form 1s by no later than 14 days before the first presentation day of the activity. Failure to submit the Form 1 at least 14 days in advance of an activity may result in imposition of a late fee and/or denial of the accreditation of the activity; and

(C) If a closed course cannot be audited by the MCLE Board or its designees due to confidentiality rules or regulations, this must be stated on the Form 1.

(4) Accreditation of same course. A sponsor may apply for accreditation of a course that is the same as an accredited course presented by that sponsor within 12 months from the original date of accreditation, by creating a duplicate Form 1 on the MCLE website or submitting a paper Form 1 for each subsequent presentation. Such duplicate or paper Form 1s must be submitted by no later than one day before the subsequent presentation of the previously approved activity.

(b) Approval shall be granted or denied in accordance with the provisions of Regulation 108 herein.

(5) (e) Accreditation statement in brochures. If a course that has been approved and accredited within the last twelve months, the sponsoring organization may announce, in informational brochures and/or registration materials: "This course has been approved for _____ hours of Washington MCLE credit, including _____ hours of ethics/professionalism credit."

(6) Reporting attendance. After the conclusion of the presentation of a course, the sponsor must submit an attendance report showing the actual attendance time of each lawyer, either through the MCLE website or by submitting it to the Executive Secretary, within 30 days after the program.

(b) Application by individual lawyer.

(1) Submitting Form 1. A lawyer may apply to receive credit for a continuing legal education course or activity by submitting a completed Form 1 to the WSBA MCLE staff for that activity, along with any other materials or information required by these regulations or requested by the WSBA MCLE staff, the Executive Secretary, or the MCLE Board.

(2) No individual application for private law firm or corporate legal department sponsored course. A lawyer who is associated with or employed by a private law firm or corporate legal department that maintains an office within Washington State may not apply to receive credit for a continuing legal education course sponsored by that private law firm or corporate legal department for which the sponsor did not submit a completed Form 1.

(3) Individual lawyer as sponsor. A lawyer who is the sponsor of a CLE program must submit a Form 1 as a sponsor, not as an individual lawyer, and follow all rules and regulations applicable to sponsors.

(d) The CLE Board may establish and assess sponsoring organizations or individuals a fee for the purpose of defraying the costs of processing applications for accreditation of courses submitted for CLE credit, such fee to be established from time to time by the CLE Board and approved by the Board of Governors.

[Regulation 105 amended effective May 2, 2000.]

Regulation 1056. Accredited Sponsoring Organizations

(a) General provisions. The Executive Secretary CLE Board may extend approval to a sponsoring organizations as for all of the continuing legal education activities sponsored by such organization which conform to Regulation 104. A sponsoring agency to which such general approval has been extended shall be known as an "accredited sponsors". The following apply to all accredited sponsors:

(1) Accredited sponsors are not required to seek approval for individual courses that they sponsor.

(2) All courses sponsored by an accredited sponsor and in compliance with APR 11 and these regulations are considered approved by the MCLE Board, subject to review by the MCLE Board.

(3) For any course it is sponsoring, an accredited sponsor may state the following (or something substantially similar) in the promotional or registration materials: This activity has been approved for Washington State MCLE credit in the amount of _____ hours (of which _____ hours will apply to ethics credit requirements).

(4) Approval of a course and/or the award of credits made by an accredited sponsor may be reviewed at any time, and accepted or rejected by the MCLE Board, Executive Secretary, and/or WSBA MCLE staff, based on the course's conformance to Regulation 102.

(5) The MCLE Board may set and assess fees and fines, or revoke an organization's accredited sponsor status, for repeated failure to correctly award credit for courses, failure to pay the annual accredited sponsor fee, or for failure to comply with accredited sponsor reporting or other requirements.

(6) Except as specified in this regulation, an accredited sponsor shall continue to be subject to and governed by all provisions of APR 11 and these regulations.

(b) Duties of accredited sponsors. Any sponsoring organization desiring to apply for status that is approved as an accredited sponsor must: shall submit to the CLE Board all information called for in the form required by the Board. Accreditation shall be granted or denied in accordance with the provisions of Regulation 108. A primary consideration in the evaluation of such a request for status as an accredited sponsor shall be the previous experience of the organization in sponsoring and presenting continuing legal education activities. A reasonable fee may be assessed by the CLE Board, with approval of the Board of Governors, with regard to the application. A private law firm shall not qualify for accredited sponsor status.

(e) Once a sponsoring organization has been granted the status of an accredited sponsor, it is not required to seek approval for individual educational activities sponsored while an accredited sponsor. Accredited sponsors

(1) (i) Accurately Shall be responsible for calculating the number of credits hours to be awarded for each course, by applying the provisions of Regulations 102 and 103.

(2) Submit an accurately completed electronic Form 1 for a course at least one day prior to presentation of the live course or one day prior to making a pre-recorded course available to lawyers.

(3) Keep accurate attendance records for each live course and retain them for six years. An attendance report showing the actual attendance of each lawyer must be submitted through the MCLE website within 30 days of completion of the course.

(4) Provide a critique form or evaluation sheet to all live course attendees. The accredited sponsor must retain the completed forms, or a compilation of all numerical ratings and comments, for two years and provide copies to the MCLE Board upon request.

(5) Demonstrate a continuing ability to provide high-quality continuing legal education activities and to correctly determine credit awards for those activities.

(6) (ii) Shall be responsible for reporting those determinations to the CLE Board prior to the event in such manner as the CLE Board determines.

(iii) Are entitled to include in any materials which promote such activity, language that indicates the activity has been approved for Washington State MCLE credit in the amount of _____ hours (of which _____ hours will apply to ethics credit requirements).

(d) The CLE Board may set fees and fines for failure to comply with accredited sponsor reporting requirements, including revocation of the accredited sponsor status.

(e) A sponsoring organization which has been granted the status of an accredited sponsor shall, except as otherwise provided in this Regulation 106, continue to be subject to and governed by all provisions of APR 11 and these Regulations.

(f) A sponsoring organization which has been granted the status of accredited sponsor shall provide the CLE Board ~~a~~At least yearly annually, provide to the MCLE Board with a list of all its course offerings, identifying the number of ~~lawyers attorneys~~ and non-lawyers attorneys attending each program, and ~~providing any such~~ additional information required by as the MCLE Board may require. The sponsoring organization shall also solicit critiques or evaluations from participants at each program, retain copies, and provide them to the CLE Board upon request. The CLE Board may, upon review of such information, advise the organization that its manner of compliance is improper, and may terminate the organization's status as an accredited sponsor for future offerings.

(7) Pay any required annual accredited sponsor fee.

(8) Permit course audits by the MCLE Board or its designees at no charge.

(9) For any pre-recorded programs not originally offered as a live program by the sponsor, the sponsor must:

(A) Review the content and materials of each such course; and

(B) Ensure that the course is in compliance with all provisions of APR 11 and these regulations.

(c) Applying to become an accredited sponsor.

(1) To apply to become an accredited sponsor, an organization must:

(A) Submit a completed application form and all required documentation, in the required format, to the Executive Secretary, along with payment of any required fee; and

(B) Provide proof to the Executive Secretary that the sponsoring organization has at least three years of previous experience in sponsoring and presenting at least 30 unique continuing legal education activities a year, and that the organization can correctly apply APR 11 and these regulations to determine and award credit for such activities; and

(C) Provide on request information about 10 courses from the previous three years, selected by the Executive Secretary, for evaluation of course content and attendee evaluations.

(2) No private law firm or corporate legal department may be an accredited sponsor.

(3) A request for accredited sponsor status shall be granted or denied by the Executive Secretary after consideration of the application and other materials submitted.

(4) An adverse determination by the Executive Secretary regarding an application for accredited sponsor status may be appealed to the MCLE Board for a final review and decision on the application in a manner consistent with the provisions of Regulation 106.(c).

[Regulation 106 amended effective May 2, 2000; amended effective November 8, 2005.]

Regulation 1067. Delegation by MCLE Board and Executive Secretary

(a) To committees: The MCLE Board may delegate tasks and duties to committees for the purpose of administering and enforcing APR 11 and these regulations.

(b) To Executive Secretary.

(1) Subject to review by the MCLE Board, To facilitate the orderly and prompt administration of APR 11 and these Regulations, and to expedite the processes of, inter alia, course approval, sponsor accreditation and the interpretation of these Regulations, the Executive Secretary is authorized to may act on behalf of the MCLE Board, in reviewing, granting or denying applications for accreditation of continuing legal education activities or applications for accredited legal sponsor status, ensuring compliance with reporting and other requirements and regulations, granting or denying petitions for waivers or for extension of time deadlines, and in providing interpretations of APR 11 and these regulations. The Executive Secretary may delegate to WSBA MCLE staff such of these duties and responsibilities as may be appropriate for timely and orderly administration of the Board's work, subject to review by the Executive Secretary and MCLE Board, pursuant to delegated authority from the Board, under APR 11 and these Regulations. Any adverse determinations and all questions of interpretation of these Regulations or APR 11 by the Executive Secretary shall be subject to review by the CLE Board upon written application by the person adversely affected.

(b) The CLE Board may organize itself into committees for the purpose of considering and deciding matters arising under APR 11 and these Regulations.

[Regulation 107 amended effective May 2, 2000.]

Regulation 108. Executive Secretary's Determinations and Review

(2) ~~(a)~~ Pursuant to guidelines established by the MCLE Board, the Executive Secretary shall provide a written description of any action taken; in response to written requests for approval of courses or accreditation of sponsors, awarding of credit for attending, teaching or participating in approved courses, writing and editing, waivers, extensions of time deadlines and interpretations of APR 11 and these regulations, make a written response describing the action taken. The Executive Secretary may seek a determination of the Board before making such response.

(3) Upon request by At each meeting of the MCLE Board, the Executive Secretary shall report on all determinations made since the last meeting of the MCLE Board.

(c) ~~(b)~~ Review of Executive Secretary's actions.

(1) Any person or organization affected by The CLE Board shall review any appeals of adverse determinations or any question of interpretation of these regulations or APR 11 made by the Executive Secretary or his or her delegate may seek MCLE Board review by filing a written petition.

(2) The petitioning active member person or the sponsoring organization affected may present information to the MCLE Board in writing or in person or both.

(3) ~~If~~ The MCLE Board shall review petitions for review of adverse determinations made by the Executive Secretary.

(4) ~~The MCLE Board finds that the Executive Secretary has incorrectly interpreted the facts, the provisions of APR 11, or the provisions of these Regulations, it may take such appropriate action as may be appropriate after review of a petition and any other relevant information presented to it, and the. The CLE Board shall advise the active affected person member or sponsoring organization affected in writing of its findings and any action taken.~~

[Regulation 108 amended effective May 2, 2000.]

Regulation 109. Submission of Information – Credit for Teaching or Participating

~~An active member who seeks credit for teaching or participating in an approved continuing legal education activity shall report additional credits pursuant to Regulation 103(d) in the member's CLE certification every three years.~~

[Regulation 109 amended effective May 2, 2000.]

Regulation 10740. Exemptions, Waivers, Modifications

(a) ~~Undue hardship, age, or disability. As a general proposition, a~~ All active members of the Bar Association WSBA and other lawyers as established from time to time by the APRs or these regulations, are required to comply with the provisions of APR 11 and these regulations. ~~The alternative to compliance is transfer to inactive status. The MCLE Board may grant extensions, waivers or modifications of the time deadlines or education requirements because of undue hardship, age, or disability of a lawyer, specified in APR 11 and these Regulations Applications for extensions, waivers or modifications shall be made in writing and supported by a sworn statement in the form of an affidavit or declaration.~~

(b) ~~Undue Hardship, Age, or Disability.~~ Exemptions from the continuing legal education requirement, or waivers, or modifications of such requirement, based upon undue hardship, age or disability should be granted only sparingly. All applications for exemptions, waivers and modifications shall be retained by the MCLE Board.

(1) Applications for extensions, waivers or modifications must be made in writing and supported by a sworn statement in the form of an affidavit or declaration.

(2) Consequently, before the CLE Board will consider granting an application for exemption, waiver or modification based upon these grounds, ~~†~~ The applicant must establish to the satisfaction of the MCLE Board that ~~(†)~~ such condition of undue hardship, age, or disability warrants granting an exemption, waiver, or modification.;

(3) ~~and (2) the applicant has not been in and will not be engaged in the unsupervised practice of law during the relevant period.~~

An application for exemption, waiver, or modification, including the sworn statement in support thereof, ~~shall~~ must be filed for each reporting period for which the exemption, waiver or modification is sought and shall be retained in the files of the CLE Board.

(4) Neither a lawyer's status with the WSBA, nor the lawyer's other duties and obligations as established by the WSBA bylaws or by court rules and regulations, are affected by the ~~Individuals~~ granted of an exemption, waiver, or modification from of the continuing legal education require-

ments under this regulation, on the above-stated basis may continue to hold the status of active member of the Bar Association. The granting of such an exemption does not, in any way, affect or diminish active member's duties and obligations as established by the bylaws, rules and regulations of the Bar Association or the Supreme Court.

(5) The MCLE Board may revoke an Exemptions, waivers, or modification from the continuing legal education requirements may be revoked by the CLE Board upon if there is a change in the facts or circumstances upon which such exemption, waiver, or modification was granted.

(b) (e) Judicial exemption Status.

(1) Full time. Full-time judges, magistrates, court commissioners, administrative law judges, and the Washington State Supreme Court clerk or assistant clerk members of the judiciary, who are prohibited by statute, code, regulation, or court rule from practicing law, are exempt from the continuing legal education requirement established by APR 11. The exemption ends when the full-time judicial position ends, if the member is on active status with the WSBA.

(2) Part time. Part-time or pro-tem judges, magistrates, court commissioners, administrative law judges, and court clerks who are active members of the WSBA Bar Association, are fully subject to the requirements of APR 11.

Judges who have been exempt, upon return to active membership status, are fully subject to the continuing legal education requirements during the year in which they return to practice.

(c) (d) Legislative Status and gubernatorial exemption.

(1) Active WSBA Members otherwise subject to the continuing legal education requirements of APR 11, who are also members of the Washington State Congressional Delegation and or Members of the Washington State Legislature, or who are currently serving as the Governor of Washington State otherwise subject to the continuing legal education requirements of APR 11 as active members of the Bar Association, are specifically exempted, during terms of office and while otherwise members in good standing of the Bar Association, from the requirements of APR 11 for the reporting period(s) during which they are in office.

(2) This exemption applies only to the members of the Washington State Congressional Delegation, and to members of the Washington State Legislature, under the terms and conditions stated above. The exemption does not apply extend to active lawyers members who are of the Bar Association:

(A) ~~(1)~~sServing in the legislature of any other state;

(B) ~~(2)~~sServing in the administrative branch of any state government; or

(C) ~~(3)~~sServing on the staff of any member of the Washington State Congressional Delegation or the Washington State Legislature, or the Washington State Governor.

(d) Active military duty. Active lawyers who are employed in the armed forces of the United States may be granted an exemption, waiver, or modification of the continuing legal education requirement established by APR 11, upon proof of undue hardship.

(e) No exemption for Active lawyers members living outside the United States. Active lawyers members of the

Bar Association who live or are employed outside the United States are required to comply with the continuing legal education requirements of APR 11, unless they otherwise qualify under these regulations for an exemption for a different reason, as provided for in Reg. 104 (c)(6), or to transfer to inactive status until such time as compliance can be attained.

(f) **Active Military Duty.** Members employed by the military may be granted an exemption, waiver, or modification upon proof of undue hardship.

[Regulation 110 amended effective August 3, 2004]

Regulation 108. Reinstatement of Continuing Education Requirements.

(a) A lawyer who was not required to comply with the education or reporting requirements of APR 11 and these regulations for any reason, who returns to being subject to those requirements, retains the lawyer's original assigned reporting group (Group 1, 2, or 3), and is subject to the requirements immediately.

(b) Reinstatement is conditioned on compliance with the reinstatement requirements of the WSBA Bylaws.

Regulation 111. Noncompliance: Board Procedures

An active member who has not complied with the educational or reporting requirements of APR 11 and these Regulations by May 1 of each calendar year, may be ordered suspended from the practice of law by the Supreme Court pending compliance with APR 11.

To effect such removal, the CLE Board shall send to the non-complying active member, by certified mail directed to the member's last known address as maintained on the records of the Washington State Bar Association, a written notice of non-compliance advising such active member of the pendency of suspension proceedings unless within ten (10) days of receipt of such notice such active member completes and returns to the CLE Board an accompanying form of petition, which may itself be accompanied by supportive affidavit(s), in support of a request for extension of time for, or waiver of, compliance with the requirements of APR 11 and these Regulations or for a ruling by the CLE Board of substantial compliance with said requirements.

(a) If such petition is not so filed, such lack of action shall be deemed acquiescence by the active member in the finding of non-compliance. The CLE Board shall, pursuant to APR 11.6 (c)(1), report such fact to the Supreme Court with the CLE Board's recommendations for appropriate action. The Supreme Court shall enter such order as it deems appropriate.

(b) If such petition be so filed, the CLE Board may, in its discretion, approve the same without hearing, or may enter into an agreement on terms with such active member as to time and other requirements for achieving compliance with APR 11 and these Regulations.

(c) If the CLE Board does not so approve such petition or enter into such agreement, the CLE Board shall hold a hearing upon the petition and shall give the active member at least ten (10) days notice of the time and place thereof. Such hearing shall be conducted in accordance with APR 11.6 (c)(3). At the discretion of the chairperson, the hearing may be held before the entire Board or before a committee thereof. A full stenographic or tape record of the hearing may be taken at the

request and expense of the active member affected. Testimony taken at the hearing shall be under oath and the oath shall be administered by the chairperson. The CLE Board or committee thereof may admit any relevant evidence, including hearsay evidence. As to each such petition and hearing, the CLE Board or committee thereof shall enter written findings of fact and an appropriate order, a copy of which shall be transmitted by certified mail to the active member affected at the address of such member on file with the Washington State Bar Association. Any such order shall be final and, in case of an adverse determination, shall be transmitted to the Supreme Court unless within ten (10) days from the date thereof the active member shall file a written appeal of the CLE Board's decision to the Supreme Court.

[Regulation 111 amended effective May 2, 2000.]

Regulation 112. Appeal

(a) **Appeal to Supreme Court.** An adverse decision of the CLE Board may be appealed, by the active member affected, to the Supreme Court in accordance with the applicable provisions of APR 11.6. As to such appeals, the CLE Board shall be represented by its chairperson, such other member of the CLE Board as shall be designated by the chairperson, or by the Executive Secretary, or other counsel designated by the chairperson.

[Regulation 112 amended effective May 2, 2000.]

Regulation 113. Reinstatement of Members Who Voluntarily Transferred to Inactive Status

(a) A person who transferred to inactive status while in full compliance with APR 11 and who desires reinstatement to active status must comply with the applicable bylaws and procedures of the Washington State Bar Association pertaining to such change of membership status, including the filing of an application with the Board of Governors of the Bar Association in such form as is prescribed by the Board of Governors. The Board of Governors shall determine whether such application shall be granted and compliance with APR 11 and these Regulations is only one factor pertaining to such determination. Upon reinstatement to active status, if the person missed a reporting period during the time he or she was on inactive status, the person must report 15.00 credit hours per year since the person last reported credits.

(b) An active member who voluntarily transfers to inactive status when he or she has not complied with APR 11 and its Regulations, must make up any deficiency remaining at the time of the transfer to inactive status, complete an additional 15.00 credit hours for each year following the transfer to inactive status, and fully comply with the provisions of APR 11 and these Regulations before he or she can be reinstated as an active member.

(1) Upon compliance with the immediately preceding provision of this Regulation, the CLE Board shall notify the Board of Governors of the Bar Association that the inactive member has satisfied the minimum continuing legal education requirements of APR 11 and these Regulations. A copy of that notification shall be sent to the inactive member.

(2) Once notification of compliance has been received, the inactive member may seek reinstatement pursuant to Regulation 114(a).

~~(c) A person who has been transferred from inactive to active status by the Board of Governors shall, immediately upon transfer, be subject to the provisions of APR 11 and these Regulations as any other active member of the Bar Association.~~

~~(d) The reinstated member retains the original reporting period to which he or she was initially admitted to the Bar Association.~~

~~(e) An inactive member who is reinstated to active status in the second or third year of the member's assigned group reporting period will be required to report 15.00 credits per year of active status within the reporting period, i.e. second year reinstatement – 30.00 credits; third year reinstatement – 15.00 credits. These credits must be reported at the end of the reporting period.~~

[Regulation 113 amended effective May 2, 2000.]

Regulation 10914. Reinstatement of Lawyers Members Suspended from Practice for Failure to Comply with APR 11

~~(a) To be reinstated to active status with the WSBA after being An active member who, pursuant to APR 11.6 (e) – (g); Regulation 112 or 113, is suspended from practice for failure to comply with APR 11 and its Rregulations, a lawyer must:~~

~~(1) File a completed application to return to active status with the WSBA, together with any required application fee;~~

~~(2) ~~m~~Make up the any deficiency and fully comply with the provisions APR 11 and these Rregulations before he or she can be reinstated as an active member.;~~

~~(3) Pay all required fees, late fees, and/or penalties; and~~

~~(4) Fully comply with any additional requirements imposed by the Admission to Practice Rules or the WSBA Bylaws.~~

~~(b) Once a suspended lawyer member has complied with the immediately preceding provisions of this Regulation 109(a), the MCLE Board shall recommend to notify the Supreme Court that the suspended member lawyer be reinstated to active status, and refer the matter to the Supreme Court for entry of an appropriate order, has satisfied the requirements of APR 11 and these Regulations. A copy of that notification shall be sent to the suspended member.~~

~~(c) Once the Supreme Court has reinstated the suspended member, the reinstated member shall be subject to all provisions of APR 11 and its regulations and retains the original reporting period to which he or she was initially admitted to the Bar.~~

~~(d) A suspended member who is reinstated to active status in the second or third year of the member's assigned group reporting period will be required to report 15.00 credits per year of active status within the reporting period, i.e. second year reinstatement – 30.00 credits; third year reinstatement – 15.00 credits. These credits must be reported at the end of the reporting period.~~

[Regulation 114 amended effective May 2, 2000.]

Regulation 11045. Rulemaking Authority

~~(a) The MCLE Board, subject to the approval of the Board of Governors and the Supreme Court, has continuing authority to make Rregulations consistent with APR 11 in furtherance of the development and and regulation of continuing~~

~~legal education for Washington attorneys and the regulation thereof lawyers.~~

~~(b) The MCLE Board may adopt policies; consistent with these regulations; to provide guidance in the administration of these regulations and APR 11. The MCLE Board will notify the Board of Governors of any policies that which it adopts. The Board of Governors will review any such policies at their next regularly scheduled meeting. Unless the Board of Governors objects, such policies~~y~~ will become effective 60 days after promulgation by the MCLE Board~~

~~(c) Subject to approval by the WSBA Board of Governors, the MCLE Board may adopt and assess any fees that may be required to timely and appropriately administer APR 11 and these regulations, as well as to offset the reasonably necessary costs of all functions under APR 11 and these regulations that are performed by the MCLE Board and its designees.~~

[Regulation 115 amended effective May 2, 2000.]

Regulation 1116. Confidentiality

~~The files and records of the MCLE Board and/or the WSBA, as they may relate to or arise out of any lawyer's failure of a member of the Washington State Bar Association to satisfy comply with the continuing legal education requirements of APR 11 and these Rregulations, shall be deemed are confidential. Such records ~~and~~ shall not be disclosed except in furtherance of the MCLE Board's or WSBA's duties, or upon the affected lawyer's request of the member affected, the Supreme Court's direction, or pursuant to a proper subpoena duces tecum, or as directed by the Supreme Court.~~

[Regulation 116 amended effective May 2, 2000.]

Regulation 1127. Out-of-State Compliance

~~(a) The MCLE Board has determined that the Mandatory Continuing Legal Education requirements in Oregon, Idaho, and Utah substantially meet Washington's continuing legal education requirements. These states are designated as comity states.~~

~~(b) An active member lawyer whose principal office for the practice of law place of business is not in the State of Washington may comply with these rules and regulations by filing a certificate of compliance report from a comity state MCLE office as required by APR 11.6(b) in which the member that certifies that the member lawyer is subject to the MCLE Rrequirements of that other jurisdiction and that the member has complied with that other jurisdiction's the MCLE Rrequirements of that jurisdiction during the member's lawyer's reporting period, provided that the CLE Board has determined that the requirements established by these rule are substantially met by the requirements of the other jurisdiction.~~

~~(b) The CLE Board has determined that the Continuing Legal Education requirements in Washington are substantially met by the Continuing Legal Education requirements of the following other jurisdictions: Oregon, Idaho, and Utah.~~

[Regulation 117 amended effective May 2, 2000.]

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

Reviser's note: The typographical 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.

Next month's meeting reminder: Thursday, February 7, 2008.

WSR 08-03-001
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
HISPANIC AFFAIRS
 [Filed January 2, 2008, 2:42 p.m.]

Following are the dates for our 2008 public meetings and study sessions:

April 25-26	Omak
June 27-28	Shelton
August 22-23	Mt. Vernon
October 24-25	Tacoma

Please don't hesitate to call Alicia Luna at (360) 725-5661 if you have any questions.

WSR 08-03-003
NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE
 [Filed January 3, 2008, 9:28 a.m.]

The board of trustees of Whatcom Community College, District Number Twenty-one, will hold its regularly scheduled January board meeting on Wednesday, January 9, 2008, at 2:00 p.m. on the campus of Whatcom Community College in the Laidlaw Building Boardroom #143, 237 West Kellogg Road, Bellingham, WA 98226. The board of trustees meeting is open to the public.

If you are a person with a disability and require an accommodation while attending the meeting, please contact the president's office at 752-6777 (or TDD 647-3279) as soon as possible to allow sufficient time to make arrangements.

WSR 08-03-004
NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY SITE
EVALUATION COUNCIL
 [Filed January 3, 2008, 10:02 a.m.]
Monthly Council Meetings 2008

Meeting Date
January 8
February 12
March 11
April 8
May 13
June 10
July 8
August 12
September 9
October 14
December 9

WSR 08-03-005
PUBLIC RECORDS OFFICER
WHATCOM COMMUNITY COLLEGE
 [Filed January 3, 2008, 11:10 a.m.]

Following is the correct information for the public records officer for Whatcom Community College: Keri Parriera, Executive Assistant to the President, 237 West Kellogg Road, Bellingham, WA 98226, direct line (360) 752-6777, fax (360) 676-2171, e-mail kparrier@whatcom.ctc.edu.

Trish Onion
 Vice-President for
 Educational Services

WSR 08-03-006
NOTICE OF PUBLIC MEETINGS
LIQUOR CONTROL BOARD
 [Filed January 3, 2008, 2:32 p.m.]

2008 Public Meeting Schedule

DATE	TIME	MEETING TYPE	LOCATION
January 2	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
January 2	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia

DATE	TIME	MEETING TYPE	LOCATION
January 7	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
January 8	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
January 9	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
January 9	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
January 14	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
January 15	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
January 16	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
January 16	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
January 22	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
January 23	10:30 a.m.	Business Advisory Council	Board Room 3000 Pacific Avenue S.E. Olympia
January 28	8:00 a.m.	Strategic Planning Session	TBA
January 30	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
January 30	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
January 31	1:45 p.m.	Staff Open Forum	Distribution Center 4401 East Marginal Way Seattle
February 4	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
February 5	10:00 a.m.	Staff Open Forum	Board Room 3000 Pacific Avenue S.E. Olympia
February 6	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia

DATE	TIME	MEETING TYPE	LOCATION
February 6	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
February 11	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
February 12	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
February 13	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
February 13	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
February 15	8:00 a.m.	Strategic Planning Session	TBA
February 19	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
February 20	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
February 20	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
February 25	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
February 26	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
February 27	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
February 27	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
March 3	8:00 a.m.	Strategic Planning Session	TBA
March 4	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
March 5	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
March 5	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
March 10-12	8:00 a.m.	National Alcohol Beverage Control Association Legal Symposium	Marriott Gateway 1700 Jefferson Davis Highway Arlington, VA

DATE	TIME	MEETING TYPE	LOCATION
March 11	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
March 12	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
March 17	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
March 18	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
March 19	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
March 19	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
March 24	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
March 25	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
March 26	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
March 26	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
March 31	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
April 1	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
April 2	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
April 2	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
April 7	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
April 8	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
April 9	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia

DATE	TIME	MEETING TYPE	LOCATION
April 9	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
April 10	1:45 p.m.	Staff Open Forum	Distribution Center 4401 East Marginal Way Seattle
April 14	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
April 15	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
April 16	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
April 16	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
April 18	8:00 a.m.	Strategic Planning Session	TBA
April 21	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
April 22	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
April 23	10:30 a.m.	Business Advisory Council	TBD
April 28	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
April 29	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
April 30	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
April 30	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
May 5	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
May 6	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
May 7	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
May 7	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia

DATE	TIME	MEETING TYPE	LOCATION
May 12	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
May 13	10:00 a.m.	Staff Open Forum	Board Room 3000 Pacific Avenue S.E. Olympia
May 14	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
May 14	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
May 17-21	8:00 a.m.	National Alcohol Beverage Control Association	Marriott 400 South Collier Boulevard Marco Island, FL
May 27	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
May 28	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
May 28	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
June 2	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
June 3	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
June 4	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
June 4	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
June 9	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
June 10	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
June 11	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
June 11	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
June 16	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia

DATE	TIME	MEETING TYPE	LOCATION
June 17	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
June 18	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
June 18	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
June 23	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
June 24	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
June 25	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
June 25	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
June 30-July 3	8:00 a.m.	National Conference of State Liquor Administrators	Fairmont 200 North Columbus Drive Chicago, IL
June 30	10:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
July 1	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
July 2	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
July 2	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
July 7	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
July 8	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
July 9	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
July 9	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
July 10	1:45 p.m.	Staff Open Forum	Distribution Center 4401 East Marginal Way Seattle

DATE	TIME	MEETING TYPE	LOCATION
July 21	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
July 22	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
July 23	10:30 a.m.	Business Advisory Council	TBA
July 25	8:00 a.m.	Washington Beer and Wine Wholesalers Association	3600 Suncadia Trail Cle Elum, WA
July 28	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
July 29	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
July 30	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
July 30	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
August 4	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
August 5	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
August 6	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
August 6	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
August 11	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
August 12	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
August 13	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
August 13	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
August 18	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
August 19	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia

DATE	TIME	MEETING TYPE	LOCATION
August 19	10:00 a.m.	Staff Open Forum	Board Room 3000 Pacific Avenue S.E. Olympia
August 20	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
August 20	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
August 25	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
August 26	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
August 27	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
August 27	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
September 2	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
September 3	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
September 3	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
September 8	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
September 9	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
September 10	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
September 10	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
September 15	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
September 16	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
September 17	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia

DATE	TIME	MEETING TYPE	LOCATION
September 17	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
September 22	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
September 23	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
September 24	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
September 24	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
September 29	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
September 30	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
October 1	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
October 1	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
October 6	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
October 7	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
October 8	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
October 8	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
October 9	1:45 p.m.	Staff Open Forum	Distribution Center 4401 East Marginal Way Seattle
October 13	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
October 14	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
October 15	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia

DATE	TIME	MEETING TYPE	LOCATION
October 15	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
October 20	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
October 21	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
October 22	10:30 a.m.	Business Advisory Council	TBA
October 27	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
October 28	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
October 29	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
October 29	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
November 3	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
November 4	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
November 5	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
November 5	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
November 10	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
November 12	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
November 12	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
November 17	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
November 18	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia

DATE	TIME	MEETING TYPE	LOCATION
November 18	10:00 a.m.	Staff Open Forum	Board Room 3000 Pacific Avenue S.E. Olympia
November 19	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
November 19	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
November 24	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
November 25	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
November 26	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
November 26	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
December 1	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
December 2	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
December 3	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
December 3	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
December 8	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
December 9	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
December 10	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
December 10	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
December 15	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
December 16	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia

DATE	TIME	MEETING TYPE	LOCATION
December 17	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
December 17	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
December 22	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
December 23	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
December 24	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
December 24	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia
December 29	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
December 30	9:00 a.m.	Board Caucus	Board Offices 3000 Pacific Avenue S.E. Olympia
December 31	10:00 a.m.	Board Meeting	Board Room 3000 Pacific Avenue S.E. Olympia
December 31	1:30 p.m.	Executive Management Team	Board Room 3000 Pacific Avenue S.E. Olympia

WSR 08-03-007
NOTICE OF PUBLIC MEETINGS
PUBLIC DISCLOSURE COMMISSION
 [Filed January 3, 2008, 4:31 p.m.]

The following is a list of the meeting[s] currently scheduled for the public disclosure commission for the year of 2008.

- Thursday, January 24
- Thursday, February 28
- March/April, Thursday, April 17
- Thursday, May 22 [27]
- Thursday, June 26
- Thursday, July 25
- Thursday, August 28
- Thursday, September 25
- Thursday, October 23
- November/December, Thursday, December 11

WSR 08-03-008
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Filed January 4, 2008, 10:21 a.m.]

A regular meeting of the Washington state convention and trade center board of directors will be held on Tuesday, January 15, 2008, at 2:00 p.m. in the Administrative Boardroom of the Convention Center, Level 5, 800 Convention Place, Seattle.

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

WSR 08-03-012
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Filed January 4, 2008, 1:21 p.m.]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 08-04 issue of the Register.

WSR 08-03-013

**NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE**

(Salmon Recovery Funding Board)

[Filed January 4, 2008, 3:26 p.m.]

The next public meeting of the salmon recovery funding board (RCO) will be Thursday, February 14, 2008, from 8:00 a.m. to 5:00 p.m., and February 15, 2008, from 8 a.m. to 2:00 p.m. in the Natural Resources Building, 1111 Washington Street S.E., Olympia.

For further information, please contact Amie Fowler, RCO, (360) 902-3086 or check the web page at <http://www.rco.wa.gov/srfb/board/schedules.htm>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Amie Fowler at the number listed above or by e-mail at amief@rco.wa.gov.

WSR 08-03-014

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING**

(Real Estate Appraiser Commission)

[Filed January 4, 2008, 3:32 p.m.]

Per WAC 308-125-225, regular commission meetings are scheduled in February, May, August and November on the third Friday.

The schedule was filed with the office of the code reviser on January 4, 2008, however, the location of the November 21, 2008, meeting has not been determined. Following is the location for those dates:

FEBRUARY 15, 2008
Everett Planning Department
2930 Westmore Avenue
8th Floor Hearing Room
Everett, WA 98201

MAY 16, 2008
Department of Labor and Industries
7273 Linderson Way S.W.
Tumwater, WA

AUGUST 14, 2008
Best Western Summit Inn
603 SR 906
Summit Room I

Snoqualmie Pass, WA
NOVEMBER 21, 2008
Yakima, Washington
Location to be determined

WSR 08-03-017

**NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE**

[Filed January 7, 2008, 9:42 a.m.]

Listed below is the meeting schedule for 2008 for the board of trustees of Community College District 9. All meetings are held in Building 25 and begin with a study session followed by the regular meeting. These meeting dates were approved by the board at the December 13, 2007, meeting.

DATE	STUDY SESSION	MEETING
January 17, 2008	8:00 a.m.	10:00 a.m.
February 14, 2008	8:00 a.m.	10:00 a.m.
March 13, 2008	8:00 a.m.	10:00 a.m.
April 10, 2008	8:00 a.m.	10:00 a.m.
May 8, 2008	8:00 a.m.	10:00 a.m.
June 12, 2008	8:00 a.m.	10:00 a.m.
July 10, 2008	8:00 a.m.	10:00 a.m.
August 2008 - NO MEETING		
September 11, 2008	8:00 a.m.	10:00 a.m.
October 9, 2008	8:00 a.m.	10:00 a.m.
November 13, 2008	8:00 a.m.	10:00 a.m.
December 11, 2008	8:00 a.m.	10:00 a.m.

WSR 08-03-019

**NOTICE OF PUBLIC MEETINGS
FRUIT COMMISSION**

[Filed January 8, 2008, 8:44 a.m.]

At their December 2007 board meeting, the Washington state fruit commission (WSFC) approved the following meeting dates and places for the 2008 year:

March 12, 2008	11:00 a.m.	Yakima, Washington
May 7, 2008	9:00 a.m.	Pasco, Washington
July 23, 2008	11:00 a.m.	Wenatchee, Washington
December 10, 2008	11:00 a.m.	Yakima, Washington

If there are any questions, please contact the WSFC offices at (509) 453-4837.

WSR 08-03-020

**NOTICE OF PUBLIC MEETINGS
SENTENCING GUIDELINES COMMISSION**

[Filed January 8, 2008, 8:44 a.m.]

MEETING SCHEDULE FOR 2008

January 18, 2008
February 8, 2008
March 14, 2008

April 11, 2008
 May 9, 2008
 June 13, 2008
 July 11, 2008
 August 8, 2008
 September 12, 2008
 October 10, 2008
 November 14, 2008
 December 12, 2008

WSR 08-03-021
NOTICE OF PUBLIC MEETINGS
PUGET SOUND PARTNERSHIP

[Filed January 8, 2008, 8:45 a.m.]

At a regular meeting on December 17, 2007, the Puget Sound Partnership adopted the following meeting schedule:

Date	Days	Location
January 28 and 29, 2008	Monday-Tuesday	SW WA Pipe Trades Training Center 8501 Zenith Court N.E. Lacey
March 3 and 4, 2008	Monday-Tuesday	Olympia area
April 29 and 30, 2008	Tuesday-Wednesday	Action area to be determined
June 12 and 13, 2008	Thursday-Friday	Action area to be determined
July 23 and 24, 2008	Wednesday-Thursday	Whidbey action area
September 4 and 5, 2008	Thursday-Friday	Action area to be determined
October 22 and 23, 2008	Wednesday-Thursday	Action area to be determined
December 1 and 2, 2008	Monday-Tuesday	Action area to be determined

WSR 08-03-022
AGENDA
DEPARTMENT OF LICENSING

[Filed January 8, 2008, 9:03 a.m.]

Following is the rule-making agenda for the department of licensing. This agenda is sent to you as a requirement of RCW 34.05.314.

Feel free to contact Ramona Provost if you need any assistance concerning this matter at 902-3640.

RULE-MAKING AGENDA FOR RULES UNDER DEVELOPMENT
JANUARY 2008

CR-101	CR-102	PROGRAM	SUBJECT
97-11-002		Driver responsibility	Procedural rules regarding the revocation and restoration of driving privileges of those forced to be an habitual traffic offender under chapter 46.65 RCW, including rules regarding the right to a hearing.
01-14-089		Cosmetology	Chapter 308-20 WAC, Cosmetology
01-22-061		Professional athletics	Fee adjustment, chapters 36-12, 36-13, 36-14 WAC
02-24-074		Auctioneers	Update to chapter 308-11 WAC.
03-15-108		UCC	Possible adjustments to fees changed by the program, WAC 308-30-100.
03-17-026		Cosmetology	Fee adjustment to chapter 308-20 WAC, regulating cosmetologist, barber, manicurists, and esthetician professions.
03-17-029		Camping resorts	Fee adjustment to chapter 308-420 WAC, regulating camping resorts.
03-20-065		Bail bond agent	Change fees for ail [bail] bond agents and bail bond agency company application and renewal fees.
03-22-059		Employment agency	Possible adjustments to fees charged by the employment agency program.
04-07-054		Title and registration	Chapter 308-93 WAC to include but not limited to WAC 308-93-030 and 308-93-050.
04-16-116		Cosmetology	Update to chapter 308-20 WAC due to chapter 51, Laws of 2004.
04-24-003		Security guard	Fee increase for security guard program.
04-17-064		Title and registration	WAC 308-56A-500 and 308-56A-530.

CR-101	CR-102	PROGRAM	SUBJECT
05-04-102		Cemeteries	New Title 98 WAC, brief adjudicative proceedings.
05-07-044		Dealers	WAC 308-66-110, 308-66-155, 308-66-157, and 308-66-190.
05-07-070		Dealers	WAC 308-90-120.
05-07-071		Dealers	WAC 308-66-180.
05-11-012		Landscape architect	WAC 308-13-020, 308-13-024, and 308-13-100.
05-11-104		Title and registration	Chapters 308-56A and 308-96A WAC, implementing 2SSB 5916.
06-01-079		Security guards	Repeal duplicative rules relating to brief adjudicative proceedings.
06-05-044		Bail bond	Amend prelicense training requirements for bail bond recovery agents, chapter 308-19 WAC.
06-06-112		Geologists	Adjudicative proceedings, WAC 308-15-100, 308-15-101, and 308-15-103.
06-06-113		Architects	Adjudicative proceedings, WAC 308-12-210, 308-12-220, and 308-12-230.
06-06-114		Landscape architects	Adjudicative proceedings, WAC 308-13-210, 308-13-220, and 308-13-230.
06-08-027		Private investigator	Fee increase for private investigator company licenses.
06-09-046		On-site	Chapter 196-33 WAC, rules of professional practice for licensees designing on-site wastewater treatment systems.
06-18-069		Engineer	Chapter 196-12 WAC.
06-22-105		Motorcycle	Establish basic requirements governing the operation and scope of motorcycle education courses offered by commercial businesses.
06-23-080	07-21-024	Engineers	Chapter 196-23 WAC.

CR-101	CR-102	PROGRAM	SUBJECT
07-03-147		Appraisers	Chapter 308-125 WAC.
07-10-016		Driver training schools	Driver training school program, professional development education, school and instructor approval.
07-10-053		Architects	Chapter 308-12 WAC.
07-10-054		Landscape architects	Chapter 308-13 WAC.
07-13-081		Title and registration	WAC 308-56A-140.
07-14-058		Real estate	WAC 308-124A-460.
07-14-152		Engineers	Chapter 196-12 WAC.
07-15-011		Dealers	Chapter 308-63 WAC.
07-19-066	07-23-037	Title and registration	WAC 308-56A-150.
07-20-035		Title and registration	Chapter 308-93 WAC.
07-23-013		Court reporters	Chapter 308-14 WAC, Court reporters.

Ramona Provost
Rules Coordinator

WSR 08-03-026
NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
TECHNICAL COLLEGE
[Filed January 8, 2008, 12:03 p.m.]

Pursuant to RCW 42.30.075, the following are the amended 2008 board meeting dates for the Lake Washington Technical College board of trustees.

Original Date: March 3, 2008 New Date: March 10, 2008
Original Date: May 5, 2008 New Date: May 12, 2008

Appropriate advertising of this meeting change will take place ten days prior to the meeting. Work sessions begin at 5:00 p.m. in Room W302E at the college; the regular meeting agenda begins at 5:45 p.m. in Room W305 at the college.

WSR 08-03-034
RULES COORDINATOR
EXECUTIVE ETHICS BOARD
[Filed January 8, 2008, 3:20 p.m.]

I recently became the executive director of the executive ethics board. Please remove Susan Harris' name from your list of rules coordinators and replace it with my name. Here is my contact information: Melanie de Leon, P.O. Box

40149, Olympia, WA 98504-0149, phone (360) 586-6759,
 fax (360) 586-3955, melanied@atg.wa.gov.

Melanie de Leon
 Executive Director

WSR 08-03-035

**NOTICE OF PUBLIC MEETINGS
 OFFICE OF THE STATE ACTUARY
 (Select Committee on Pension Policy)**

[Filed January 8, 2008, 3:21 p.m.]

2008 SELECT COMMITTEE ON PENSION POLICY MEETINGS

<p>Select Committee on Pension Policy Full and Executive Committee <i>January 15, 2008 - meeting cancelled</i> February 12, 2008 Senate A/B/C 8:00 a.m. - 5:00 p.m. March 18, 2008 SHR 4/A/B/C 8:00 a.m. - 5:00 p.m. April 15, 2008 SHR 4/A/B/C 8:00 a.m. - 5:00 p.m. May 13, 2008 SHR 4/A/B/C 8:00 a.m. - 5:00 p.m. June 17, 2008 SHR 4/A/B/C 8:00 a.m. - 5:00 p.m. July 15, 2008 SHR 4/A/B/C 8:00 a.m. - 5:00 p.m. August 12, 2008 SHR 4/A/B/C 8:00 a.m. - 5:00 p.m. September 16, 2008 SHR 4/A/B/C 8:00 a.m. - 5:00 p.m. October 21, 2008 SHR 4/A/B/C 8:00 a.m. - 5:00 p.m. November 18, 2008 SHR 4/A/B/C 8:00 a.m. - 5:00 p.m. December 16, 2008 SHR 4/A/B/C 8:00 a.m. - 5:00 p.m.</p>	<p>Select Committee on Pension Policy Subgroup Meetings (<i>As formed</i>) <i>January - no meeting scheduled</i> February - no meeting scheduled March - no meeting scheduled April 14, 2008 - <i>As needed</i> Senate A/B/C 8:00 a.m. - 5:00 p.m. May 12, 2008 - <i>As needed</i> Senate A/B/C 8:00 a.m. - 5:00 p.m. June 16, 2008 - <i>As needed</i> Senate /A/B/C 8:00 a.m. - 5:00 p.m. July 14, 2008 - <i>As needed</i> Senate /A/B/C 8:00 a.m. - 5:00 p.m. August 11, 2008 - <i>As needed</i> Senate /A/B/C 8:00 a.m. - 5:00 p.m. September 15, 2008 - <i>As needed</i> Senate A/B/C 8:00 a.m. - 5:00 p.m. October 20, 2008 - <i>As needed</i> Senate A/B/C 8:00 a.m. - 5:00 p.m. November 17, 2008 - <i>As needed</i> Senate A/B/C 8:00 a.m. - 5:00 p.m. December 15, 2008 - <i>As needed</i> Senate A/B/C 8:00 a.m. - 5:00 p.m.</p>
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WSR 08-03-038

**NOTICE OF PUBLIC MEETINGS
 BELLEVUE COMMUNITY COLLEGE**

[Filed January 9, 2008, 1:00 p.m.]

The board of trustees of Community College District VIII, State of Washington, 3000 Landerholm Circle S.E., Bellevue, WA, will meet on March 5, 2008, instead of March 12, 2008.

Please contact Lucinda Taylor, (425) 564-2302, if you have any questions.

WSR 08-03-039

**NOTICE OF PUBLIC MEETINGS
 DEPARTMENT OF
 GENERAL ADMINISTRATION
 (Capitol Campus Design Advisory Committee)**

[Filed January 9, 2008, 1:00 p.m.]

General Administration Building
 210 11th Avenue Southwest
 Room 207
 Olympia, WA

January 10, 2008
 (10:00 - 2:00)

WSR 08-03-040

**NOTICE OF PUBLIC MEETINGS
 COMMUNITY ECONOMIC
 REVITALIZATION BOARD**

[Filed January 9, 2008, 4:40 p.m.]

The meeting room for CERB meetings has changed to the Central Auditorium in SeaTac Airport, SeaTac, Washington. This is the only change to the remaining meetings in the 2007-09 biennium schedule. The remaining schedule with the meeting room change follows below.

2008 Meetings	Venue Location
January 17, 2008	SeaTac Airport Central Auditorium
March 20, 2008	SeaTac Airport Central Auditorium
May 15, 2008	Bellingham Port of Bellingham
July 17, 2008	SeaTac Airport Central Auditorium
September 18, 2008	SeaTac Airport Central Auditorium
November 20, 2008	SeaTac Airport Central Auditorium

2009 Meetings	Venue Location
January 15, 2009	SeaTac Airport Central Auditorium
March 19, 2009	SeaTac Airport Central Auditorium
May 21, 2009	SeaTac Airport Central Auditorium

June 30, 2009, is the end of the 2007-2009 biennium.

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if requested at least ten working days in advance.

Any questions regarding the CERB meetings should be sent to Kate Rothschild, Manager, Community Economic Revitalization Board, CTED, 128 10th Avenue S.W., P.O. Box 42525, Olympia, WA 98504-2525.

If you have any questions, Kate Rothschild can be reached at (360) 725-4058 or by e-mail at KateR@cted.wa.gov.

WSR 08-03-042

AGENDA

**DEPARTMENT OF
NATURAL RESOURCES**

[Filed January 10, 2008, 12:02 p.m.]

Following is the department of natural resources' semi-annual rules development agenda for publication in the Washington State Register, pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

Please call Jamey Taylor at (360) 902-1561, or e-mail at jamey.taylor@dnr.wa.gov if you have questions.

RULES DEVELOPMENT AGENDA

January 2008 to June 2008

WAC Chapter or Section	Purpose of Rule Being Developed or Amended
332-08 and 344-08	Clarify administrative practice and procedure rules.
332-10	Recodify and consolidate proprietary fee sections out of public records section into its own section; update region office addresses.
332-24-710	Update boundary of forest protection zone in Kitsap County.
332-24-720	Update boundary of forest protection zone in Pierce County.
332-24-730	Update boundary of forest protection zone in King County.

WAC Chapter or Section	Purpose of Rule Being Developed or Amended
332-52	Revise and update rules to reflect current recreation and public access policy.
332-120 and 332-130	Update minimum standards for survey monuments and land boundary surveys.
332-140	Repeal Forest Products Industry Recovery Act of 1982.
344-12	Update oil and gas rules.

Bonnie B. Bunning
Executive Director
Policy and Administration

WSR 08-03-043

NOTICE OF PUBLIC MEETINGS

**LAKE WASHINGTON
TECHNICAL COLLEGE**

[Filed January 10, 2008, 11:56 a.m.]

Pursuant to RCW 42.30.075, we are hereby notifying you that a board retreat will be held on February 4, the same day as the regularly scheduled and approved board meeting date. The time and place for the meeting, however, will be changed for this meeting only:

Meeting Time: 8:30 a.m. - 9:30 a.m.
Meeting Date: February 4, 2008
Meeting Place: Redmond Campus
6505 176th Avenue N.E.
Redmond, WA 98052-4943

Appropriate advertising of this meeting change will take place ten days prior to the meeting.

WSR 08-03-047

**PUBLIC RECORDS OFFICER
WESTERN WASHINGTON UNIVERSITY**

[Filed January 10, 2008, 2:02 p.m.]

Pursuant to RCW 42.56.580, listed below is the contact information for Western Washington University's public records officer: Jerry Boles, Acting Dean of Libraries, Western Washington University, Haggard Hall 231, 516 High Street, Bellingham, WA 98225-9103, phone (360) 650-3051, fax (360) 650-3044, e-mail Jerry.Boles@wwu.edu.

Suzanne M. Baker
Rules Coordinator

WSR 08-03-054
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE

[Filed January 11, 2008, 2:01 p.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, January 17, 2008, 9:00 - 11:00 a.m., in the College Services Board Room on the Bellingham Technical College campus. Call 752-8334 for information.

WSR 08-03-056
RULES COORDINATOR
DEPARTMENT OF PERSONNEL

[Filed January 11, 2008, 2:26 p.m.]

In accordance with RCW 34.05.312 please publish the following information in the state register: Agency Rules Coordinator, Kristie Wilson, Department of Personnel, P.O. Box 47500, Olympia, WA 98504, (360) 664-6408.

Eva Santos
 Director

WSR 08-03-057
PUBLIC RECORDS OFFICER
DEPARTMENT OF PERSONNEL

[Filed January 11, 2008, 2:26 p.m.]

In accordance with RCW 42.56.580 please publish the following information in the state register: Agency Public Records Officer, Andy Colvin, Department of Personnel, P.O. Box 47500, Olympia, WA 98504, phone (360) 664-6270, fax (360) 586-4694.

Should you have any questions regarding this matter, please contact Kristie Wilson at (360) 664-6408.

Eva Santos
 Director

WSR 08-03-058
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY

(Natural Resource Damage Assessment Committee)

[Filed January 11, 2008, 3:41 p.m.]

May 2008 Meeting Date Change Notice

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.

The meeting previously scheduled for May 14, 2008, has been changed to May 7, 2008.

The meeting will start at 9:00 a.m. at the Department of Ecology, Headquarters Building, 300 Desmond Drive S.E., Room ROA-09, Lacey, WA.

For more information, contact Dale Davis at (360) 407-6972, dald461@ecy.wa.gov, or Rebecca Post at (360) 407-7114, repo461@ecy.wa.gov.

WSR 08-03-059
NOTICE OF PUBLIC MEETINGS
ARTS COMMISSION

[Filed January 13, 2008, 3:21 a.m.]

Schedule of Quarterly Meetings

Please note that the dates and times listed 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.arts.wa.gov

	Convenes	Adjourns	Location
Wednesday, February 20, 2008	8:30 a.m.	3:30 p.m.	Room 103 ESD 212 Maple Park Olympia, WA
Tuesday, May 13, 2008	9:00 a.m.	5:00 p.m.	Vancouver School District Learning Center 2921 Falk Road Vancouver, WA
Tuesday, August 5, 2008	12:30 p.m.	5:00 p.m.	Sun Mountain Lodge
Wednesday, August 6, 2008	9:00 a.m.	12:30 p.m.	604 Patterson Lake Road Winthrop, WA
Thursday, November 6, 2008	9:00 a.m.	5:00 p.m.	To be determined Everett, Washington

WSR 08-03-060
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed January 14, 2008, 9:45 a.m.]

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

Health and Recovery Services Administration
Division of Legal Services

Document Title: Public Notice.
 Subject: Title XIX medicaid state plan amendment (SPA) 07-017.

Effective Date: February 1, 2008.

Document Description: The department of social and health services (DSHS) health and recovery services administration (HRSA) is updating the Title XIX medicaid state

plan via SPA 07-017 to reflect the termination of the contract with Medco for mail order delivery of prescription drugs, as described in Attachment 3.1-A page 32, Attachment 3.1-B page 32, and Attachment 4.19-B page 12. Please send written comments to Doug Porter, Assistant Secretary, HRSA, DSHS, P.O. Box 45502, Olympia, WA 98504-5502. For more information, contact Siri Childs, Pharm D, P.O. Box 5506, Olympia, WA 98504-5506.

To receive a copy of the interpretive or policy statements, contact Ann Myers, Chief, Office of Rules and Publications, Health and Recovery Services Administration, Division of Legal Services, Office of Rules and Publications, DSHS/HRSA/DLS, P.O. Box 45504, Olympia, WA 98504-5504, phone (360) 725-1345, TDD/TTY 800-848-5429, fax (360) 586-9727, e-mail myersea@dshs.wa.gov, web site [weblnk http://maa.dshs.wa.gov](http://maa.dshs.wa.gov).

WSR 08-03-069

ATTORNEY GENERAL'S OFFICE

[Filed January 14, 2008, 2:51 p.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 February 13, 2008. 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 Office of the Attorney General, Solicitor General Division, Attention James Pharris, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

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

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

Opinion Docket No. 08-01-01 Request by Honorable Gregory Banks Island County Prosecutor

1. Does a county extension program conducted in cooperation with Washington State University (WSU) under RCW 36.50.010, or any other applicable law for county extension programs, authorize a county and a city to enter into an agreement under RCW 39.34 (Interlocal Cooperation Act) for the county extension program to provide services to the city, its residents, and businesses in the subject area of climate protection?

WSR 08-03-078

NOTICE OF PUBLIC MEETINGS RECREATION AND CONSERVATION OFFICE

(Forum on Monitoring)

[Filed January 15, 2008, 2:16 p.m.]

The next public meeting of the forum on monitoring (Executive Order #04-03) has been scheduled for Thursday, January 8, 2008, from 9:00 a.m. to 3:00 p.m. in room #172 of the Natural Resources Building in Olympia.

For further information, please contact Amie Fowler, Recreation and Conservation Office (RCO), (360) 902-3086.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance, such as large type materials, may contact Amie Fowler at the number listed above or by e-mail at AmieF@rco.wa.gov.

WSR 08-03-080

AGENDA RECREATION AND CONSERVATION OFFICE

(Recreation and Conservation Funding Board)

(Salmon Recovery Funding Board)

[Filed January 15, 2008, 2:36 p.m.]

To comply with RCW 34.05.314, the recreation and conservation office (RCO), on behalf of the recreation and conservation fund board and salmon recovery funding board, has prepared the following agenda for rules under development. As required, filing will be made with the code reviser for publication in the state register by January 31 and July 31 each year. Within three days of publication, the RCO will provide copies to each person so requesting, the director of the office of financial management, the rules review committee, and other state agencies that may reasonably be expected to have an interest in this subject.

Contact Greg Lovelady, rules coordinator, (360) 902-3008, GregL@rco.wa.gov.

Rules Development Agenda January - July 2008	
Subject of possible rule making	Reasons why rules on this subject may be needed and what might be accomplished
Title 286 WAC	Change the agency's name from interagency committee for outdoor recreation to the recreation and conservation funding board and RCO as required in HB 1813 (2007).
Title 286 WAC	Update code references such as the state's public disclosure law, recently changed from chapter 42.17 RCW to chapter 42.56 RCW.

Title 286 WAC	Update section titles to an easier to understand format. Many titles have already been improved to this new format.
Title 286 WAC	Change the term "project sponsor" to the more easily understood "project grantee" or "grantee."
WAC 286-06-045	Move to a more logical location and clarify the text.

Greg Lovelady

WSR 08-03-082

AGENDA

LIQUOR CONTROL BOARD

[Filed January 16, 2008, 8:35 a.m.]

**Semiannual Rule-making Agenda
January 1, 2008, through June 30, 2008**

Following is the liquor control board's semiannual rule-making agenda for publication in the Washington state register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Pam Madson, Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, phone (360) 664-1648, e-mail rules@liq.wa.gov.

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
314-01-050 Definitions. 314-11-025 What are the forms of acceptable identification?	Tribal enrollment cards - Clarifies process allowing use of tribal enrollment cards as official identification to prove age when purchasing alcohol and clarifies use of an expiration date on official documents.	WSR 06-19-118 filed 9/20/06	WSR 07-14-136 filed on 7/3/07 Supplemental filing WSR 07-21-102 filed on 10/19/07	Expect to file CR-103 1/16/08
314-42 314-29	Rules review - General cleanup of rules that outline what happens in an administrative hearing and other rules that implement the Administrative Procedure Act.	WSR 04-08-109 filed 4/6/04	Expect to file CR-102	
314-10	Rules review - Youth access to tobacco rules.	WSR 07-17-087 filed 8/15/07	Expect to file CR-102	

WAC Chapter or Section(s)	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposal (CR-102) or Expedited (CR-105)	Permanent (CR-103)
314-60 314-62	Rules review - Public records requests, annual reports, and liquor pamphlets.	WSR 07-21-101 filed 10/19/07	Expect to file CR-102	
314-48	Transportation of liquor.	Expect to file CR-101		
314-76	Special orders.	Expect to file CR-101		
314-07-010 Definition (public institution). 314-07-020 Liquor license qualifications and application process. 314-07-055 Temporary retail license.	Implementing SSB 6540/06 - Modifies the processing of liquor licenses.	WSR 06-09-102 filed 4/19/06	Expect to file CR-102	
314-09-010 314-09-015	Process for local government objections to liquor license renewals. (technical correction)	WSR 06-19-117 filed 9/20/06	May be incorporated with other license processing rule making	
314-09 (new sections)	Implementing EHB 2113/07 - Guidelines for interpreting the terms "pervasive pattern" and "unreasonably high number of DUI referrals" as part of the definition of chronic illegal activity included in a local government objection to a liquor license application or renewal of a liquor license.	WSR 07-17-085 filed 8/15/07		
314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Spirit, beer and wine restaurant operation.	Implementing HB 3154/06 - Allows a domestic brewery or microbrewery holding a spirits, beer, and wine restaurant license to sell kegs "to go" of its own production and to sell its beer in small containers from the tap in the restaurant "to go."	WSR 06-09-104 filed 4/19/06	Expect to file CR-102	
WAC sections to be identified.	Implementing SSB 5639/07 - Allows a domestic brewery or microbrewery holding a spirits, beer, and wine restaurant license to use its restaurant liquor stocks to "cater" at events off-site of the restaurant.	Expect to file CR-101		
WAC sections to be identified.	Implementing portions of E2SSB 5859 Establishing a hotel liquor license.	WSR 08-02-090 filed 1/2/08 with intent to complete process by July 1, 2008		

WSR 08-03-083
NOTICE OF PUBLIC MEETINGS
BEEF COMMISSION
 [Filed January 16, 2008, 8:48 a.m.]

The February 27-28, 2008, strategic planning meeting of the Washington state beef commission has been changed to February 26-27, 2008. Should you have questions, please contact Daniene Giessen at (206) 444-2902.

September 26, 2008 10 a.m. Davenport Hotel
 10 South Post Street
 Spokane, WA 99201
 December 5, 2008 10 a.m. WEDFA Offices
 1000 2nd Avenue
 Suite 2700
 Seattle, WA 98104

Please call Rodney Wendt at (206) 587-5634 if you have any questions.

WSR 08-03-084
NOTICE OF PUBLIC MEETINGS
ECONOMIC DEVELOPMENT
FINANCE AUTHORITY
 [Filed January 16, 2008, 8:48 a.m.]

The Washington economic development finance authority (WEDFA) is an independent agency (#106) within the executive branch of state government. The authority has four regular board meetings each year, one per quarter. The authority's meetings are open to the public, and access for persons with disabilities is provided at all meetings of the authority. We would like to notify you that the 2008 regular meetings of the board will be held at the locations, dates and times listed below:

March 21, 2008 10 a.m. Marcus Whitman Hotel
 Six West Rose Street
 Walla Walla, WA 99362
 June 27, 2008 10 a.m. Semiahmoo Resort
 9565 Semiahmoo Park-
 way
 Blaine, WA 98230

WSR 08-03-085
NOTICE OF PUBLIC MEETINGS
BLUEBERRY COMMISSION
 [Filed January 16, 2008, 8:49 a.m.]

The Washington blueberry commission has approved the following dates and places for their meetings in 2008.

January 23, 2008 Puyallup, Washington
 April 10, 2008 Pasco, Washington
 June 5, 2008 via teleconference
 October 30, 2008 Puyallup, Washington

All meetings will be at 10:30 a.m.
 If there are any questions, please feel free to contact the Washington blueberry commission.

WSR 08-03-089
AGENDA
HEALTH CARE AUTHORITY
 [Filed January 16, 2008, 1:40 p.m.]

January 31, 2008, Semi-Annual Rule-Making Agenda

WAC CHAPTER	TITLE	AGENCY CONTACT (Name and phone #)	PROPOSED TIMELINE				DESCRIPTION OF PROPOSED CHANGES	OTHER AGENCIES WHO MAY HAVE INTEREST IN THE SUBJECT OF RULE(S)
			CR-101	CR-102	CR-103	CR-105		
182-08 182-12	Procedures Eligible and noneligible employees	Barbara Scott PEBB Benefits Services Program P.O. Box 42684 Olympia, WA 98504-2684 e-mail barbara.scott@hca.wa.gov phone (360) 923-2642				2/08	The purpose of this rule making is to clarify special enrollment rights governed by federal HIPAA regulations and IRS cafeteria plan regulations.	None

WAC CHAPTER	TITLE	AGENCY CONTACT (Name and phone #)	PROPOSED TIMELINE				DESCRIPTION OF PROPOSED CHANGES	OTHER AGENCIES WHO MAY HAVE INTEREST IN THE SUBJECT OF RULE(S)
			CR-101	CR-102	CR-103	CR-105		
182-26	Health insurance partnership	Beth Walter P.O. Box 42686 Olympia, WA 98504-2686 e-mail beth.walter@hca.wa.gov phone (360) 923-2942	April 2008	July 2008	September 2008	n/a	Rules to implement and administer the health insurance partnership.	Office of the insurance commissioner
182-08 182-12 182-16	Procedures Eligible and noneligible employees Practice and procedure	Barbara Scott PEBB Benefits Services Program P.O. Box 42684 Olympia, WA 98504-2684 e-mail barbara.scott@hca.wa.gov phone (360) 923-2642	April 2008	July 2008	September 2008	n/a	Rules to comply with anticipated legislation transferring administration of the dependent care assistance program to health care authority from department of retirement systems and changing the criteria for K-12 school districts to enroll in PEBB benefits. This rule making will also address other changes which may arise from the 2008 legislative session.	Department of retirement systems

If you have any questions, contact Jason Siems, rules coordinator, (360) 923-2720.

Jason Siems
Rules Coordinator

WSR 08-03-097

**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Filed January 17, 2008, 2:19 p.m.]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regularly scheduled February board meeting on Thursday, February 7, 2008, at 2:00 p.m. on the campus of Whatcom Community College in the Laidlaw Building Boardroom #143, 237 West Kellogg Road, Bellingham, WA 98226. The board of trustees meeting is open to the public.

WSR 08-03-098

**NOTICE OF PUBLIC MEETINGS
WASHINGTON SCHOOL FOR THE DEAF**

[Filed January 18, 2008, 8:51 a.m.]

Below is information regarding the February board of trustees meeting:

Friday, February 8, 2008

7:30 a.m.

Coffee with the Washington School for the Deaf Board of Trustees
(Legislators have been invited to have coffee - no decisions will be made - very informal)
General Administration Building Room 207
Capitol Campus
Olympia, Washington

9:00 a.m. - 3:00 p.m.

Board of Trustees Meeting
General Administration Building Room 207
Capitol Campus
Olympia, Washington

WSR 08-03-099
NOTICE OF PUBLIC MEETINGS
OFFICE OF THE STATE ACTUARY

[Filed January 18, 2008, 4:56 p.m.]

2008 SELECT COMMITTEE ON PENSION POLICY MEETINGS

Please cancel the following select committee on pension policy meetings:

February 12, 2008	Senate A/B/C	8:00 a.m. - 5:00 p.m.
March 18, 2008	SHR 4/A/B/C	8:00 a.m. - 5:00 p.m.

Contact person: Kelly Burkhart, 786-6142.

WSR 08-03-118
AGENDA
UNIVERSITY OF WASHINGTON

[Filed January 22, 2008, 3:29 p.m.]

Semiannual Agenda for Rules Under Development
(Per RCW 34.05.314)
January 2008

1. Rule making for WAC 478-160-163 Waivers of tuition and fees, concerning legislative changes to specific tuition waivers and further adjustments by the University of Washington to the veteran's tuition waiver, will be completed during the first half of 2008.

2. Rule making concerning a new chapter for animal control, currently part of chapter 478-124 WAC, General conduct code for the University of Washington, will continue during the first half of 2008.

3. Rule making for new chapter 478-350 WAC, Alternative contracting process for the University of Washington, will begin during the first half of 2008.

4. Housekeeping amendments for several Title 478 WAC rules are anticipated during the first half of 2008.

5. Rule making for chapter 478-276 WAC, Governing access to public records, is anticipated during the first half of 2008.

For more information concerning the above rules contact Rebecca Goodwin Deardorff, Director of Rules Coordination, University of Washington, Box 355509, Seattle, WA 98195, phone (206) 543-9219, fax (206) 221-6917, e-mail rules@u.washington.edu.

WSR 08-03-138
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE

[Filed January 23, 2008, 9:25 a.m.]

Special Meeting

Board of Trustees, District No. 20
Walla Walla Community College

500 Tausick Way
Walla Walla, WA 99362
January 18, 2008
3:00 p.m.

Board Room and Conference Call

WSR 08-03-139
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION

[Filed January 23, 2008, 9:25 a.m.]

The transportation commission will hold a special meeting with the department of transportation to discuss the Columbia River crossing project:

Date: Wednesday, January 23, 2008
Time: 2:00 - 4:30 p.m.
Location: SW Region Headquarters
11018 N.E. 51st Circle
Conference Room 102
Vancouver, WA

All transportation commission and committee meetings are open to the public.

Americans with Disabilities Act (ADA) Information: Individuals requiring reasonable accommodations may request written materials in alternate formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodations by contacting the event sponsor (commission office at (360) 705-7070), by January 21, 2008. Persons who are deaf or hard of hearing may contact the event sponsor through the Washington Relay Service at 7-1-1.

WSR 08-03-144
ATTORNEY GENERAL'S OFFICE

[Filed January 23, 2008, 10:11 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 February 13, 2008. 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

Office of the Attorney General, Solicitor General Division, Attention James Pharris, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested; information about the attorney general's opinion process; information on how to submit your comments; and a due date by which your comments must be received to ensure that they are fully considered.

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

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

Opinion Docket No. 08-01-04
Request by Honorable Judy Clibborn
State Representative, 41st District

Does a water-sewer district have legal authority to condemn an interest in real estate for the purpose of providing right-of-way and access to meet local land use development codes?

WSR 08-03-145
DEPARTMENT OF ECOLOGY

[Filed January 23, 2008, 11:23 a.m.]

NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC WORKSHOPS
DRAFT WATER QUALITY ASSESSMENT
INCLUDING
THE SECTION 303(d) LIST, AVAILABLE FOR PUBLIC REVIEW

The water quality program of the department of ecology (ecology) is seeking public comment on the draft *Assessment of Water Quality for the Clean Water Act Sections 303(d) and 305(b) Integrated Report*. Ecology has compiled and assessed water quality data as of December 2006 on a state-wide basis in order to create a picture of water quality in Washington's waters. The assessment fulfills reporting requirements of the Clean Water Act, including the list of known polluted waters in the state referred to as the Section 303(d) list, and a status of water quality in the state required by Section 305(b). Ecology is conducting a public review on the water quality assessment from **February 5 through March 21, 2008**. The public is asked to comment on the draft assessment.

The assessment is presented as a package of internet tools that includes interactive maps and lists that allow the user to customize and sort an area of interest by geographic location, pollutant parameter, degree of concern, and other factors. Informational workshops on how to access the information using the interactive mapping tool and simple query tool will be held in locations across Washington. Ecology staff will explain the draft and the public will have an opportunity to ask questions and share their thoughts with ecology staff and other participants.

Each workshop will be the same, so it is only necessary to attend one.

Scheduled Workshops:

- February 8 (Friday), **Lacey**, Department of Ecology, 300 Desmond Drive, 10:00 a.m. - 12:00 p.m.
- February 11 (Monday), **Yakima**, Yakima Convention Center, 10 North 8th Street, 6:30 p.m. - 8:30 p.m.
- February 12 (Tuesday), **Spokane**, Spokane Falls Community College, Student Union Building Conference Room, West 3410 Fort George Wright Drive, 835 21st Avenue, 6:30 p.m. - 8:30 p.m.
- February 13 (Wednesday), **Bellevue**, Ecology Northwest Regional Office, 6:30 p.m. - 8:30 p.m.

If individuals or groups are interested in meeting with ecology at a time or location different from the workshops, please contact Ken Koch at (360) 407-6782 or by e-mail at 303d@ecy.wa.gov.

Ecology encourages the public to review waters that they are familiar with and provide comments on where they see problems or disagree with the assessment results. If the commenter disagrees with the assessment results, an explanation should be provided, and additional information submitted to support the finding.

The draft assessment can be found at www.ecy.wa.gov/programs/wq/303d/2008/index.html. Paper copies are also available. The deadline for public comments is **5:00 p.m., Friday, March 21, 2008**. Please submit comments in writing to the address below or at any of the public workshops.

What Happens After the Public Review? Ecology will review all comments and make changes to the preliminary list of categories as appropriate. After that, the final assessment will be submitted to the Environmental Protection Agency (EPA) for review. EPA has the authority to approve or reject Category 5 listed waters, which is the equivalent of the Section 303(d) list. Each of the water bodies on the Category 5 list will need water quality improvement reports developed, also known as a total maximum daily loads or TMDLs. A TMDL identifies how much pollution needs to be reduced or eliminated to achieve clean water.

How do I Learn More? To learn more about the draft water quality assessment of Washington's waters, visit our web site at www.ecy.wa.gov/programs/wq/303d/2008/index.html. Questions can also be addressed to Ken Koch at (360) 407-6782 or by e-mail at 303d@ecy.wa.gov.

To receive a paper copy of the draft policies, submit comments, or ask any other question about this process, please contact Becca Conklin, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, e-mail 303d@ecy.wa.gov, phone (360) 407-6413.

January 23, 2008

David C. Peeler

Water Quality Program Manager