

WSR 26-08-029

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed March 24, 2026, 9:59 a.m., effective April 24, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 308-101-215 Attorney misconduct, and 308-111-240 Sanctions—Attorney misconduct, are new sections that define expectations for attorneys appearing in administrative hearings before the department of licensing (DOL). These rules provide clarity on what DOL considers prohibited attorney conduct during administrative proceedings.

Citation of Rules Affected by this Order: New WAC 308-101-215 Sanctions—Attorney misconduct, and 308-111-240 Sanctions—Attorney misconduct.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority, 46.20.245 Mandatory revocation—Persons subject to suspension, revocation, or denial who are eligible for certain full credit—Notice—Administrative, judicial review—Rules—Application, 46.25.140 Rules, 46.61.5056 Alcohol and drug violators—Information school—Evaluation and treatment, and 46.20.331 Hearing and decision by director's designee.

Other Authority: RCW 46.20.308(8) Implied consent—Test refusal—Procedures, 46.20.329 Formal hearing—Procedures, notice, stay; chapter 46.20 RCW, Drivers' licenses—Identificards; chapter 46.65 RCW, Washington Habitual Traffic Offenders Act; chapter 46.25 RCW, Uniform Commercial Driver's License Act; RCW 46.61.5056 Alcohol and drug violators—Information school—Evaluation and treatment, 46.61.5056 Alcohol and drug violators—Information school—Evaluation and treatment, and 46.20.331 Hearing and decision by director's designee.

Adopted under notice filed as WSR 25-24-021 on November 21, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 2, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: March 24, 2026.

Ellis Starrett
Rules and Policy Manager

RDS-6688.4

NEW SECTION**WAC 308-101-215 Sanctions—Attorney misconduct. (1) Authority.**

All attorneys appearing before the law judges within the department of licensing are prohibited from engaging in misconduct that abuses the legal process when practicing before the tribunal. Attorneys who, in the opinion of the presiding or reviewing judge, engage in misconduct during any stage of a department proceeding may be reprimanded or sanctioned.

(2) **Grounds for sanctions.** Misconduct includes, but is not limited to:

(a) Filing documents or media, or raising arguments for an improper purpose, including harassment or delay;

(b) Disruptive, disrespectful, or contemptuous behavior during any proceeding;

(c) Repeated presentation of frivolous motions, arguments, or evidence; or

(d) Engaging in conduct intended to disrupt the tribunal.

(3) Possible sanctions.

(a) The presiding judge may report violations to the appropriate licensing authority and/or impose one or more of the following sanctions:

(i) Verbal or written reprimand;

(ii) Excluding the attorney from further participation in the pending proceeding; or

(b) Upon referral from the presiding law judge, a reviewing law judge may temporarily or permanently exclude the attorney from future departmental proceedings if the conduct is egregious or reflects a pattern of unprofessional behavior.

(4) Procedure.

(a) The presiding judge must give the attorney notice of the alleged misconduct, the proposed sanction, and a reasonable opportunity to respond, either in writing or orally at hearing.

(b) Sanctions may be initiated by the presiding or reviewing judge.

(c) Any proposed sanction imposed must be stated on the record or in a written order, with the specific reasons and authority identified.

(d) The presiding or reviewing judge, after considering the full record, including any remarks and arguments made by the attorney at issue in their defense, shall render a written decision on the proposed sanction.

(5) Review.

(a) An attorney sanctioned under this section may request reconsideration of the final order. Such reconsideration request must be made within 10 days of the final order imposing the sanctions.

(b) If reconsideration is granted, the department's chief law judge, deputy director, or director may review the proposed sanction and take action that includes sustaining, dismissing, staying, or modifying the sanction. This action may also occur on the department's own motion.

RDS-6689.4

NEW SECTION**WAC 308-111-240 Sanctions—Attorney misconduct. (1) Authority.**

All attorneys appearing before the referees within the department of licensing are prohibited from engaging in misconduct before the tribunal that abuses the legal process. Attorneys who, in the opinion of the referee, engage in misconduct during any stage of a department proceeding may be reprimanded or sanctioned.

(2) **Grounds for sanctions.** Misconduct includes, but is not limited to:

(a) Filing documents or media, or raising arguments for an improper purpose, including harassment or delay;

(b) Disruptive, disrespectful, or contemptuous behavior during any proceeding;

(c) Repeated presentation of frivolous motions, arguments, or evidence; or

(d) Engaging in conduct intended to disrupt the tribunal.

(3) **Possible sanctions.**

(a) The referee may report violations to the appropriate licensing authority and/or impose one or more of the following sanctions:

(i) Verbal or written reprimand;

(ii) Excluding the attorney from further participation in the pending proceeding; or

(b) Upon referral from the presiding referee, the reviewer may temporarily or permanently exclude the attorney from future departmental proceedings if the conduct is egregious or reflects a pattern of unprofessional behavior.

(4) **Procedure.**

(a) The referee must give the attorney notice of the alleged misconduct, the proposed sanction, and a reasonable opportunity to respond, either in writing or orally at hearing.

(b) Sanctions may be initiated by the referee.

(c) Any proposed sanction imposed must be stated on the record or in a written order, with the specific reasons and authority identified.

(d) The presiding or reviewing judge, after considering the full record, including any remarks and arguments made by the attorney at issue in their defense, shall render a written decision on the proposed sanction.

(5) **Review.**

(a) An attorney sanctioned under this section may request reconsideration of the final order. Such reconsideration request must be made within 10 days of the date the final order imposing the sanctions is signed.

(b) If reconsideration is granted, the department's chief law judge, deputy director, or director may review the proposed sanction and take action that includes sustaining, dismissing, staying, or modifying the sanction. This action may also occur on the department's own motion.