



MEMORANDUM

DATE: February 21, 2013

TO: Pat Kohler, Administrative Director
Justin Nordhorn, Chief, Enforcement and Education Division

CC: Alan Rathbun, Director of Licensing and Regulation Division

FROM: Sharon Foster, Board Chair
Ruthann Kurose, Board Member
Chris Marr, Board Member

SUBJECT: **Delegation of Authority for Brief Adjudicative Proceedings Presiding Officer**

The provisions of WAC 314-42-120 prescribe that brief adjudicative proceedings (BAP) shall be conducted by a presiding officer and the use of the BAP procedure applies to those adjudicative matters outlined in WAC 314-42-110. It is the responsibility of the presiding officer to issue a written initial order following the BAP proceeding. The presiding officer is to be designated by the Board.

Under the provisions of WAC 314-42-130, a decision by the presiding officer may be appealed to a reviewing officer, which shall be the Board chair, or designee. An appeal by the reviewing officer is an administrative review. The written order issued by the reviewing officer is the final agency decision.

In accordance with WAC 314-42-120, the Board delegates the position of presiding officer to the Enforcement and Education Division Hearing Officer.

In accordance with WAC 314-42-130, the Board retains the position of reviewing officer.

Sharon Foster,
Board Chair

Ruthann Kurose,
Board Member

Chris Marr,
Board Member