

**WAC 308-13-250 Brief adjudicative proceedings.** (1) The board will conduct brief adjudicative proceedings as provided for in RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act. Brief adjudicative proceedings may be used whenever a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleges violations of chapters 18.96 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of landscape architects. Brief adjudicative proceedings may also be used in place of formal adjudicative hearings whenever the board issues a statement of charges, notice of intent to issue a cease and desist order, or temporary cease and desist order alleging that an applicant or licensee's conduct, act(s), or condition(s) constitute unlicensed practice or unprofessional conduct as that term is defined under chapter 18.235 RCW, the Uniform Regulation of Business and Professions Act.

(2) Brief adjudicative proceedings may be used to determine the following issues, including, but not limited to:

(a) Whether an applicant has satisfied terms for reinstatement of a license after a period of license restriction, suspension, or revocation;

(b) Whether an applicant is eligible to sit for a professional licensing examination;

(c) Whether a sanction proposed by the board is appropriate based on the stipulated facts;

(d) Whether an applicant meets minimum requirements for an initial or renewal application;

(e) Whether an applicant has failed the professional licensing examination;

(f) Whether an applicant or licensee failed to cooperate in an investigation by the board;

(g) Whether an applicant or licensee was convicted of a crime that disqualifies the applicant or licensee from holding the specific license sought or held;

~~(h) ((Whether an applicant or licensee has defaulted on educational loans;~~

~~(i))~~ Whether an applicant or licensee has violated the terms of a final order issued by the board or the board's designee;

~~((+j))~~ (i) Whether a person has engaged in false, deceptive, or misleading advertising; or

~~((+k))~~ (j) Whether a person has engaged in unlicensed practice.

(3) In addition to the situations enumerated in subsection (2) of this section, the board may conduct brief adjudicative proceedings instead of formal adjudicative hearings whenever the parties have stipulated to the facts and the only issues presented are issues of law, or whenever issues of fact exist but witness testimony is unnecessary to prove or disprove the relevant facts.

**WAC 308-13-260 Records required for the brief adjudicative proceeding.** The records for the brief adjudicative proceeding shall include:

- (1) Renewal or reinstatement of a license:
  - (a) All correspondence between the applicant and the board about the renewal or reinstatement;
  - (b) Copies of renewal notice(s) sent by the department of licensing to the licensee;
  - (c) All documents received by the board from or on behalf of the licensee relating to information, payments or explanations that have been provided to the board.
- (2) Applicants for certification/licensing:
  - (a) Original complete application with all attachments as submitted by applicant;
  - (b) Copies of all supplementary information related to application review by staff or board member;
  - (c) All documents relied upon in reaching the determination of ineligibility;
  - (d) All correspondence between the applicant and the board about the application or the appeal.
- (3) ~~((Default of student loan payments:~~
  - ~~(a) Copies of notices to the board showing the name and other identification information of the individual claimed to be in default on student loan payments;~~
  - ~~(b) Copies of identification information corresponding to the person who is certified/licensed by the board that relate to the identity of the individual in default;~~
  - ~~(c) All documents received by the board from or on behalf of the licensee relating to rebutting such identification;~~
  - ~~(d) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service conditional scholarship; or~~
  - ~~(e) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.~~
- ~~(4))~~ Determination of compliance with previously issued board order:
  - (a) The previously issued final order or agreement;
  - (b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;
  - (c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and
  - (d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.