

Washington State
Department of Licensing

The Law Relating to Geologists

18.220 RCW
308-15 WAC
18.235 RCW



May 2016

dol.wa.gov

*We are committed to providing equal access to our services.
For information visit dol.wa.gov/access (TDD/TYY call 711).*

Chapter 18.220 RCW

GEOLOGISTS

Sections

18.220.005	Finding.
18.220.010	Definitions.
18.220.020	License required.
18.220.030	Geologist licensing board.
18.220.040	Director's authority.
18.220.050	Board's authority.
18.220.060	Requirements for licensure.
18.220.070	Application for licensure—Fee.
18.220.080	Examinations—Fee.
18.220.090	Certificate of licensure—Seal.
18.220.100	Licensure or certification without examination—Requirements.
18.220.110	License renewal—Fee—Reinstatement.
18.220.120	Geologists' account.
18.220.130	Unprofessional conduct.
18.220.160	Suspension of license/practice permit—Noncompliance with a child support order.
18.220.190	Permitted activities—Certificate of licensure not required.
18.220.200	Uniform regulation of business and professions act.
18.220.211	Military training or experience.
18.220.900	Severability—2000 c 253.
18.220.901	Effective date—2000 c 253.

18.220.005 Finding. The legislature finds it is in the public interest to regulate the practice of geology to safeguard life, health, and property and to promote the public welfare. [2000 c 253 § 1.]

18.220.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the geologist licensing board.
- (2) "Department" means the department of licensing.
- (3) "Director" means the director of the department of licensing.

(4) "Engineering geologist" means a geologist who, by reason of his or her knowledge of engineering geology, acquired by education and practical experience, is qualified to engage in the practice of engineering geology, has met the qualifications in engineering geology established under this chapter, and has been issued a license in engineering geology by the board.

(5) "Engineering geology" means a specialty of geology affecting the planning, design, operation, and maintenance of engineering works and other human activities where geological factors and conditions impact the public welfare or the safeguarding of life, health, property, and the environment.

(6) "Geologist" means a person who, by reason of his or her knowledge of geology, mathematics, the environment, and the supporting physical and life sciences, acquired by education and practical experience, has met the qualifications established under this chapter, and has been issued a certificate of licensure as a geologist by the board.

(7) "Geology" means the science that includes: Treatment of the earth and its origin and history, in general; the investigation of the earth's constituent rocks, minerals, solids, fluids, including surface and underground waters, gases, and

other materials; and the study of the natural agents, forces, and processes that cause changes in the earth.

(8) "Hydrogeology" means a science that involves the study of the waters of the earth, including the study of the occurrence, circulation, distribution, chemistry, remediation, or quality of water or its role as a natural agent that causes changes in the earth, and the investigation and collection of data concerning waters in the atmosphere or on the surface or in the interior of the earth, including data regarding the interaction of water with other gases, solids, or fluids.

(9) "Licensed specialty geologist" means a licensed geologist who has met the qualifications in a specialty of geology established under this chapter and has been issued a license in that specialty by the board.

(10) "Practice of engineering geology" means performance of geological service or work including but not limited to consultation, investigation, evaluation, planning, geological mapping, and inspection of geological work, and the responsible supervision thereof, the performance of which is related to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided by this chapter, and includes but is not limited to the commonly recognized geological practices of construction geology, environmental geology, and urban geology.

(11) "Practice of geology" means performance of geological service or work including but not limited to collection of geological data, consultation, investigation, evaluation, interpreting, planning, geological mapping, or inspection relating to a service or work that applies to geology, and the responsible supervision thereof, the performance of which is related to public welfare or the safeguarding of life, health, property, and the environment, except as otherwise specifically provided by this chapter.

(12) "Practice of geology for others" includes, but is not limited to:

(a) The preparation of geologic reports, documents, or exhibits by any commission, board, department, district, or division of the state or any political subdivision thereof or of any county, city, or other public body, or by the employees or staff members of the commission, board, department, district, or division of the state or any political subdivision thereof or of any county, city, or other public body when the reports, documents, or exhibits are disseminated or made available to the public in such a manner that the public may reasonably be expected to rely thereon or be affected thereby; and

(b) The performance of geological services by any individual, firm, partnership, corporation, or other association or by the employees or staff members thereof, whether or not the principal business of the organization is the practice of geology, which the geological reports, documents, or exhibits constituting the practice of geology are disseminated or made available to the public or any individual or organization in such a manner that the public or individual or combination of

individuals may reasonably be expected to rely thereon or be affected thereby.

However, geological reports, documents, or exhibits that are prepared by the employees or staff members of any individual, firm, partnership, corporation, or other association or commission, board, department, district, or division of the state or any political subdivision thereof or any county, city, or other public body that are for use solely within such organizations are considered in-house reports, documents, or exhibits and are not the practice of geology for others unless or until the reports are disseminated or made available as set forth in (a) or (b) of this subsection.

(13) "Practice of hydrogeology" means the performance of or offer to perform any hydrogeologic service or work in which the public welfare or the safeguarding of life, health, environment, or property is concerned or involved. This includes the collection of geological data, and consultation, investigation, evaluation, interpretation, planning, or inspection relating to a service or work that applies hydrogeology.

(14) "Responsible charge" means the exercise of fully independent control and direction of geological work or the supervision of such work, and being fully responsible, answerable, accountable, or liable for the results.

(15) "Specialty" means a branch of geology that has been recognized under this chapter for the purposes of licensure. Engineering geology is considered to be a specialty of geology.

(16) "Subordinate" means any person who assists in the practice of geology by a licensed geologist or an exempt person, without assuming the responsible charge of the work. [2000 c 253 § 3.]

18.220.020 License required. (1) It is unlawful for any person to practice, or offer to practice, geology for others in this state, or to use in connection with his or her name or otherwise assume or advertise any title or description tending to convey the impression that he or she is a licensed geologist, or other licensed specialty geologist title, unless the person has been licensed under the provisions of this chapter.

(2) A person shall be construed to practice or offer to practice geology, within the meaning and intent of this chapter, if the person:

(a) Practices any branch of the profession of geology;
 (b) By verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be a geologist;

(c) Through the use of some other title implies that he or she is a geologist or that he or she is licensed under this chapter; or

(d) Holds himself or herself out as able to perform or does perform any geological services or work recognized by the board as the practice of geology for others. [2000 c 253 § 2.]

18.220.030 Geologist licensing board. The state geologist licensing board is created. The board consists of seven members, six of whom shall be appointed by the director, who shall advise the director concerning the administration of this chapter. Of the initial appointments to the board, five shall be actively engaged in the practice of geology for at least ten years, five of which shall have been immediately

prior to their appointment to the board. Subsequent to the initial appointments, five members of the board must be geologists licensed under this chapter, two of whom shall be licensed in a specialty of geology recognized under this chapter. Insofar as possible, the composition of the appointed geologists serving on the board shall be generally representative of the occupational distribution of geologists licensed under this chapter. One member of the board must be a member of the general public with no family or business connection with the practice of geology. The supervisor of geology of the department of natural resources is an ex officio member of the board. Members of the board shall be appointed for terms of four years. Terms shall be staggered so that not more than two appointments are scheduled to be made in any calendar year. Members shall hold office until the expiration of the terms for which they were appointed and until their successors have been appointed and have qualified. A board member may be removed for just cause. The director may appoint a new member to fill a vacancy on the board for the remainder of the unexpired term.

Each board member shall be entitled to compensation for each day spent conducting official business and to reimbursement for travel expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060. [2000 c 253 § 4.]

18.220.040 Director's authority. The director has the following authority in administering this chapter:

(1) To adopt fees as provided in RCW 43.24.086; and
 (2) To administer licensing examinations approved by the board. [2007 c 256 § 5; 2002 c 86 § 261; 2000 c 253 § 5.]

Reviser's note: Chapter 1, Laws of 2000 (Initiative Measure No. 695) was declared unconstitutional in its entirety by *Amalgamated Transit Union Local 587 et al v. The State of Washington*, 142 Wash.2d 183 (2000). Therefore 2000 c 253 § 5 was not referred to the electorate.

Additional notes found at www.leg.wa.gov

18.220.050 Board's authority. The board has the following authority in administering this chapter:

(1) To adopt, amend, and rescind rules as deemed necessary to carry out this chapter;

(2) To establish the minimum qualifications for applicants for licensure as provided by this chapter;

(3) To approve the method of administration for examinations required by this chapter or by rule. To adopt or recognize examinations prepared by other organizations. To set the time and place of examinations with the approval of the director;

(4) To adopt standards of professional conduct and practice. Rules of professional conduct will be consistent with those outlined for engineers and land surveyors; and

(5) To designate specialties of geology to be licensed under this chapter. [2007 c 256 § 7; 2002 c 86 § 262; 2000 c 253 § 6.]

Additional notes found at www.leg.wa.gov

18.220.060 Requirements for licensure. In order to become a licensed geologist, an applicant must meet the following requirements:

(1) The applicant shall be of good moral and ethical character as attested to by letters of reference submitted by the applicant or as otherwise determined by the board;

(2) The applicant shall have graduated from a course of study in geology satisfactory to the board or satisfy educational equivalents determined by the board;

(3) The applicant shall have a documented record of a minimum of five years of experience in geology or a specialty of geology, obtained subsequent to completion of the academic requirements specified in this section, in geological work of a character satisfactory to the board, demonstrating that the applicant is qualified to assume responsible charge of such work upon licensing as a geologist. The board shall require that three years of the experience be gained under the supervision of a geologist licensed in this or any other state, or under the supervision of others who, in the opinion of the board, are qualified to have responsible charge of geological work;

(4) The applicant shall have passed an examination covering the fundamentals and practice of geology prescribed or accepted by the board;

(5) The applicant shall meet other general or individual requirements established by the board pursuant to its authority under this chapter;

(6) For licensing in any geological specialty recognized under this chapter, an applicant must first be a licensed geologist under this chapter, and then meet the following requirements:

(a) In addition to the educational requirements for licensing as a geologist defined in subsection (2) of this section, an applicant for licensing in any specialty of geology established by the board shall have successfully completed advanced study pertinent to their specialty, or equivalent seminars or on-the-job training acceptable to the board;

(b) The applicant's experience shall include a documented record of five years of experience, after completion of the academic requirements specified in this subsection, in geological work in the applicable specialty of a character satisfactory to the board, and demonstrating that the applicant is qualified to assume responsible charge of the specialty work upon licensing in that specialty of geology. The board shall require that three years of the experience be gained under the supervision of a geologist licensed in the specialty in this or any other state, or under the supervision of others who, in the opinion of the board, are qualified to have responsible charge of geological work in the specialty; and

(c) The applicant must pass an examination in the applicable specialty prescribed or accepted by the board;

(7) The following standards are applicable to experience in the practice of geology or a specialty required under subsections (3) and (6) of this section:

(a) Each year of professional practice of a character acceptable to the board, carried out under the direct supervision of a geologist who (i) is licensed in this state or is licensed in another state with licensing standards substantially similar to those under this chapter; or (ii) meets the educational and experience requirements for licensing, but who is not required to be licensed under the limitations of this chapter, qualifies as one year of professional experience in geology;

(b) Each year of professional specialty practice of a character acceptable to the board, carried out under the direct supervision of a (i) geologist who is licensed in a specialty under this chapter, or who is licensed as a specialty geologist

in another state that has licensing requirements that are substantially similar to this chapter; or (ii) specialty geologist who meets the educational and experience requirements for licensing, but who is not required to be licensed under the limitations of this chapter, qualifies as one year of practice in the applicable specialty of geology; and

(c) Experience in professional practice, of a character acceptable to the board and acquired prior to one year after July 1, 2001, qualifies if the experience (i) was acquired under the direct supervision of a geologist who meets the educational and experience requirements for licensing under this chapter, or who is licensed in another state that has licensing requirements that are substantially similar to this chapter; or (ii) would constitute responsible charge of professional geological work, as determined by the board;

(8) Each year of full-time graduate study in the geological sciences or in a specialty of geology shall qualify as one year of professional experience in geology or the applicable specialty of geology, up to a maximum of two years. The board may accept geological research, teaching of geology, or a geological specialty at the college or university level as qualifying experience, provided that such research or teaching, in the judgment of the board, is comparable to experience obtained in the practice of geology or a specialty thereof;

(9) An applicant who applies for licensing before July 1, 2003, shall be considered to be qualified for licensing, without further written examination, if the applicant possesses the following qualifications:

(a)(i) A specific record of graduation with a bachelor of science or bachelor of arts or higher degree, with a major in geology granted by an approved institution of higher education acceptable to the board; or

(ii) Graduation from an approved institution of higher education in a four-year academic degree program other than geology, but with the required number of course hours as defined by the board to qualify as a geologist or engineering geologist; and

(b) Experience consisting of a minimum of five years of professional practice in geology or a specialty thereof as required under subsections (3) and (7) of this section, of a character acceptable to the board;

(10) An applicant who applies for licensing in a specialty within one year after recognition of the specialty under this chapter shall be considered qualified for licensing in that specialty, without further written examination, if the applicant:

(a) Is qualified for licensing as a geologist in this state; and

(b) Has experience consisting of a minimum five years of professional practice in the applicable specialty of geology as required under subsections (3) and (7) of this section, of a character acceptable to the board; and

(11) The geologists initially appointed to the board under RCW 18.220.030 shall be qualified for licensing under subsections (7) and (8) of this section. [2003 c 292 § 1; 2000 c 253 § 7.]

Additional notes found at www.leg.wa.gov

18.220.070 Application for licensure—Fee. An application for licensing shall be filed with the director on a form provided by the director and must contain statements made under oath demonstrating the applicant's education and prac-

tical experience. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for licensing. The application fee for initial licensing shall be determined by the director as provided in RCW 43.24.086. The application, together with the fee, must be submitted to the department prior to the application deadline established by the director. Fees for initial licensing shall include the examination and issuance of a certificate. If the director finds an applicant ineligible for licensing, the fee shall be retained as an application fee. [2000 c 253 § 8.]

18.220.080 Examinations—Fee. Examinations of applicants for licensing, when required, shall be held at such times and places as determined by the board with the director's approval. The scope of the examination shall be directed to an applicant's ability to practice geology or any approved specialty of geology in a manner to ensure the safety of life, health, and property. A candidate failing an examination may apply for reexamination. Subsequent examinations will be granted upon payment of a fee to be determined by the director as provided in RCW 43.24.086. [2000 c 253 § 9.]

18.220.090 Certificate of licensing—Seal. The director shall issue a certificate of licensing to any applicant who has satisfactorily met all of the requirements of this chapter for licensing as a geologist or an approved specialty geologist. The certificate shall show the full name of the license holder, shall have a certificate number, and shall be signed by the director and an officer of the board. The issuance by the director of a certificate of licensing to an individual shall be prima facie evidence that the person is entitled to all the rights and privileges of a licensed geologist or specialty geologist while the certificate remains unrevoked or unexpired.

Each license holder shall obtain a seal of the design authorized by the director, bearing the licensee's name, certificate number, and the legend "licensed geologist" together with any specialty in which the individual may be authorized. Geological reports, plans, and other technical documents prepared by or under the responsible charge of the license holder shall be signed, dated, and stamped with the seal or facsimile thereof. Each signature and stamping constitutes a certification by the license holder that the document was prepared by or under his or her responsible charge and that to his or her knowledge and belief the document was prepared in accordance with the requirements of this chapter. [2000 c 253 § 10.]

18.220.100 Licensure or certification without examination—Requirements. The director may, upon application and payment of a fee determined by the director as provided in RCW 43.24.086, issue a license and certificate without further examination as a geologist or specialty geologist to any person who holds a license or certificate of qualification issued by proper authority of any state, territory, or possession of the United States, District of Columbia, or any foreign country, if the applicant's qualifications, as evaluated by the board, meet the requirements of this chapter and the rules adopted by the director. [2000 c 253 § 11.]

18.220.110 License renewal—Fee—Reinstatement.

Licenses issued in conformance with this chapter shall be renewed periodically on a date to be set by the director in conformance with RCW 43.24.140. A license holder who fails to pay the prescribed fee within ninety days following the date of expiration shall pay a renewal fee equal to the current fee plus an amount equal to one year's renewal fee. Any license that has been expired for five years or more may be reinstated in conformance with rules adopted by the director. Reinstatement conditions may include demonstration of continued practice or competency in the practice of geology or an approved specialty of geology. [2000 c 253 § 12.]

18.220.120 Geologists' account. (1) All fees and fines collected under the provisions of this chapter shall be paid into the geologists' account, created in subsection (2) of this section.

(2) The geologists' account is created in the custody of the state treasurer. All receipts from fines and fees collected under this chapter must be deposited into the account. Expenditures from the account may be used only to carry out the duties required for the operation and enforcement of this chapter. Only the director of licensing or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2000 c 253 § 13.]

18.220.130 Unprofessional conduct. In addition to the unprofessional conduct described in RCW 18.235.130, the following conduct, acts, and conditions constitute unprofessional conduct:

(1) Violating any of the provisions of this chapter or the rules adopted under this chapter;

(2) Not meeting the qualifications for licensing set forth by this chapter; or

(3) Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct or standard generally expected of those practicing geology. [2007 c 256 § 6; 2002 c 86 § 263; 2000 c 253 § 14.]

Additional notes found at www.leg.wa.gov

18.220.160 Suspension of license/practice permit—Noncompliance with a child support order.

The board shall immediately suspend the license or practice permit of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422. [2000 c 253 § 17.]

18.220.190 Permitted activities—Certificate of licensing not required. The following activities do not require a certificate of licensing under this chapter:

(1) Geological work performed by an employee or a subordinate of a geologist or specialty geologist licensed under this chapter, provided that the work does not include responsible charge of geological work as covered by this section, and is performed under the direct supervision of a geologist licensed under this chapter, who shall be and remains responsible for such work;

(2) Geological work performed by officers and employees of the United States practicing solely as such officers and employees;

(3) Geological work performed exclusively in the exploration for energy and mineral resources, insofar as such work has no substantial impact upon the public health, safety, and welfare as determined by regulations issued by the director;

(4) Geological research conducted through academic institutions, agencies of the federal or state governments, nonprofit research institutions, or for-profit organizations, including submission of reports of research to public agencies;

(5) Teaching geology or related physical or natural sciences;

(6) The practice of engineering or other licensed professions: (a) The acquisition of engineering data involving soil, rock, groundwater, and other earth materials; evaluation of the physical and chemical properties of soil, rock, groundwater, and other earth materials; and the utilization of these data in analysis, design, and construction by professional engineers appropriately registered or licensed in this state; and (b) similar work performed by persons or organizations licensed or registered in any other profession or occupation related to geology, provided that such work is permitted under the applicable licensing or registration law, and is incidental to the practice or the profession or occupation for which licensing or registration is required. Nothing in this section shall be construed to permit the use of the title geologist or engineering geologist, or any other specialty as defined by the director, by an engineer or other licensed professional except as licensed under this chapter;

(7) General scientific work customarily performed by such physical or natural scientists as chemists, archaeologists, geographers, hydrologists, oceanographers, pedologists, and soil scientists, providing such work does not include the design and execution of geological investigations, being in responsible charge of geological or specialty geological work, or the drawing of geological conclusions and recommendations in a way that affects the public health, safety, or welfare; or

(8) The giving of testimony, or preparation and presentation of exhibits or documents for the sole purpose of being placed in evidence before any administrative or judicial tribunal or hearing, providing such testimony, exhibits, or documents do not imply that the person is registered under the provisions of this chapter. [2000 c 253 § 20.]

18.220.200 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice,

the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 § 265.]

Additional notes found at www.leg.wa.gov

18.220.211 Military training or experience. An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the board determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 § 14.]

18.220.900 Severability—2000 c 253. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [2000 c 253 § 21.]

18.220.901 Effective date—2000 c 253. (1) Sections 1, 3, 7, 9, 10, 11, 12, 14, 15, 16, 17, 20, and 21 of this act take effect July 1, 2001.

(2) Sections 2, 18, and 19 of this act take effect July 1, 2002.

(3) Sections 4, 5, 6, 8, and 13 of this act take effect April 1, 2001. [2001 c 61 § 1; 2000 c 253 § 23.]

Additional notes found at www.leg.wa.gov

Chapter 308-15 WAC

GEOLOGIST LICENSING SERVICES

WAC

308-15-010	State board of licensing.
308-15-020	Definitions.
308-15-030	How do I apply for a geologist license?
308-15-040	What are the minimum requirements to be eligible for a geologist license?
308-15-050	What is the examination process to be licensed as a geologist?
308-15-053	What are the specialty licenses?
308-15-055	What are the minimum requirements to be eligible for an engineering geologist specialty license?
308-15-057	What are the minimum requirements to be eligible for a hydrogeologist specialty license?
308-15-060	What are the minimum requirements for obtaining a geologist or specialty license by reciprocity?
308-15-070	Do I need a seal?
308-15-075	When do I need to use my stamp/seal?
308-15-080	What do I need to know about renewing or reinstating my license?
308-15-103	How are brief adjudicative proceedings (BAPs) conducted?
308-15-105	Brief adjudicative proceedings.
308-15-107	Records required for the brief adjudicative proceeding.
308-15-140	What are the rules of professional conduct?
308-15-150	Fees.
308-15-160	Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-15-090	What are the specialty licenses, qualifications and processes for licensure? [Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-090, filed 5/25/01, effective 6/25/01.] Repealed by WSR 05-01-174, filed 12/21/04, effective 1/21/05. Statutory Authority: RCW 18.220.040, 18.220.050.
308-15-100	What is a brief adjudicative proceeding (BAP)? [Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-100, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-100, filed 5/25/01, effective 6/25/01.] Repealed by WSR 07-13-038, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040.
308-15-101	When can a brief adjudicative proceeding (BAP) be requested? [Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-101, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-101, filed 5/25/01, effective 6/25/01.] Repealed by WSR 07-13-038, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040.
308-15-102	What records are required for a brief adjudicative proceeding (BAP)? [Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-102, filed 5/25/01, effective 6/25/01.] Repealed by WSR 05-01-174, filed 12/21/04, effective 1/21/05. Statutory Authority: RCW 18.220.040, 18.220.050.

WAC 308-15-010 State board of licensing. (1) **Meetings:** The Washington state geologist licensing board, hereafter called the board, will hold quarterly regular public meetings each year. Special public meetings may be held at such times and places as the board finds necessary. Public notice of all public meetings will be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

(2) **Rules of order:** The latest edition of *Robert's Rules of Order* will govern the conduct of business at meetings and sessions of the board.

(3) **Officers:** The board will elect a chair, a vice-chair and a secretary at its regular quarterly meeting in March.

(4) **Quorum:** A quorum at any regular or special meeting or session will consist of four members of the board.

(5) **Licensed geologists:** The board will maintain a roster of licensed geologists.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-010, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-010, filed 5/25/01, effective 6/25/01.]

WAC 308-15-020 Definitions. (1) **"Board"** means the Washington state geologist licensing board.

(2) **"Department"** means the Washington state department of licensing.

(3) **"Geologic interpretation," as applied to the practice of geology and its specialties,** is the iterative process by which geologists, using generally accepted geologic principles, determine geologic history, origin and process from observation and testing of rock, soil and water characteristics, contents, distribution, orientation, lateral and vertical continuity; and resulting landforms.

(4) **"Geological work of a character satisfactory to the board"** means that the applicant's qualifying work history consists of professional experience in the practice of geology. Professional geological work is work performed at a professional level that requires the application of professional knowledge, principles and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. Implicit in this definition are the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision. Professional geological work specifically does not include routine activities by themselves such as drafting, sampling, sample preparation, routine laboratory work, or core logging, where the elements of initiative, scientific judgment and decision making are lacking, nor does it include activities which do not use scientific methods to process and interpret geologic data. It also does not include engineering or other physical sciences where geological investigation, analysis and interpretation are minimal or lacking. Professional specialty experience is considered to meet this definition.

(5) **"Geologist web site"** means the internet web site maintained by the department of licensing.

(6) **"National Association of State Boards of Geology" or "ASBOG"** means the organization responsible for developing, publishing and grading National Geologist Licensing Examinations.

(7) **"Professional specialty practice of a character satisfactory to the board"** means that the applicant has qualify-

ing work history pertinent to the specialty that meets the standards for professional geologic work defined above. Elements, typical applications, types of projects, for the engineering geologist and hydrogeologist specialties are outlined in WAC 308-15-053.

(8) "**Reciprocity**" means the issuance of a license without examination as a geologist or specialty geologist to a person who holds a license or certificate of qualifications issued by proper authority of any state, territory, or possession of the United States, District of Columbia, or any foreign country, if the applicant meets the requirements outlined in WAC 308-15-040 for a geologist license, in WAC 308-15-055 for an engineering geologist license, and in WAC 308-15-057 for a hydrogeologist license.

(9) "**Year of professional practice**" means at least 1600 hours of work in the practice during a year. Examples of a "year of professional practice" include 200 eight-hour days or 160 ten-hour days during a year. Part-time work will be counted on a prorated basis.

(10) "**Year of professional specialty practice**" means at least 1600 hours of work in a specialty during a calendar year, per examples given in subsection (9) of this section.

(11) "Geologist in training" means an individual who has met all the educational requirements outlined in WAC 308-15-040(2), and has passed the ASBOG Fundamentals of Geology examination, but does not meet the experience requirements outline in WAC 308-15-040(3).

[Statutory Authority: RCW 18.220.040, WSR 07-13-038, § 308-15-020, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040, 18.220.050, WSR 05-01-174, § 308-15-020, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW, WSR 01-12-023, § 308-15-020, filed 5/25/01, effective 6/25/01.]

WAC 308-15-030 How do I apply for a geologist license? (1) Review the available options for licensure:

- (a) Examination in WAC 308-15-050; and
- (b) Reciprocity in WAC 308-15-060.

(2) Complete and submit your application according to the directions in the geologist application packet, which is available on the geologist web site and upon request from the board office.

(3) Verify you meet minimum educational requirements by having your official sealed transcripts sent directly to the board office from your college or university. Transcripts from schools outside the United States or Canada must be evaluated by a board-approved evaluation service. The evaluation service must send the original evaluation and a copy of the transcripts directly to the board office.

(4) Solicit personal references and verifications of experience in the format and on the forms specified in the application instructions. Verifications must be sent to the board directly from the originating source.

(5) If applying for a license by reciprocity, solicit verification of your current license or certification and your examination scores on the form provided in the application packet. Verification must be sent directly to the board from the issuing jurisdiction.

(6) If applying for a specialty license, submit a project list on the forms provided in the application packet to show you meet the minimum requirements of professional specialty practice of a character satisfactory to the board.

(7) If requested by the board, submit one or more reports you contributed to or solely prepared.

(8) If applying for a license by examination, your complete application, as described in subsection (9) of this section, must be received by the board at least ninety calendar days before the date of the examination.

(9) An application is not complete and will not be considered until all of the following are received by the board:

(a) Application, signed and dated, and without omissions;

(b) Application fee and, if applying for a specialty by examination, the examination fee specified in WAC 308-15-150;

(c) Transcripts sent directly from the colleges or universities;

(d) Personal references sent directly from the originators;

(e) Verification of experience sent directly from the verifiers;

(f) If applying by reciprocity, verification of exam scores and license or certification in another jurisdiction;

(g) If applying for a specialty license, project list; and

(h) Other documentation requested by the board.

[Statutory Authority: RCW 18.220.040, 18.220.050, WSR 06-04-022, § 308-15-030, filed 1/23/06, effective 2/23/06; WSR 05-01-174, § 308-15-030, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW, WSR 01-12-023, § 308-15-030, filed 5/25/01, effective 6/25/01.]

WAC 308-15-040 What are the minimum requirements to be eligible for a geologist license? You are eligible for a geologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) **Personal references.** You are of good moral character, as attested to by two references.

(2) **Education.** You have graduated from an accredited college or university with:

(a) A degree in geology, engineering geology, hydrogeology with at least twenty-four semester/thirty-six quarter hours of upper division geology courses; or

(b) A degree in a related geological science approved by the board, and have either:

(i) Successfully completed classes in structural geology, mineralogy, petrology and sedimentary geology/stratigraphy. Twenty-four semester/thirty-six quarter hours must be upper division geology courses; or

(ii) Successfully completed coursework that is determined by the board to be educationally equivalent in content and rigor to the classes listed above. You must submit documentation that demonstrates your coursework is equivalent to the requirements in (b)(i) of this subsection acceptable to the board. Examples of documentation include course syllabi, copies of study materials, and the tables of contents of books used in the course.

(3) **Experience.** You have at least five years of professional geological experience satisfactory to the board after completing the educational requirements in subsection (2) of this section. Experience earned prior to meeting the minimum educational requirements will not be considered. At least three years of geological experience must be obtained under the supervision of state-licensed geologists or others who, in the opinion of the board, are qualified to have responsible

charge. The following may be considered qualifying experience:

(a) Geological research or teaching at the university or college level, which, in the judgment of the board, is comparable to experience obtained in the practice of geology; and

(b) Up to two years' credit for full-time graduate study in geology, engineering geology, hydrogeology or one of the related geological sciences approved by the board.

(4) **Examination.** You have passed the ASBOG examination according to WAC 308-15-050, or another examination acceptable to the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-040, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-040, filed 5/25/01, effective 6/25/01.]

WAC 308-15-050 What is the examination process to be licensed as a geologist? You must take and pass the ASBOG examination. The examination currently consists of two parts: Fundamentals of Geology and Practice of Geology. Each part of the examination is four hours long. Information on the examination is available on the ASBOG web site.

(1) **Applying for the examination:** You may either:

(a) Apply to take the Fundamentals of Geology exam after you meet the minimum educational requirements for licensure, and the Practice of Geology exam after you meet the experience requirements outlined in WAC 308-15-040.

(i) To apply to take the Fundamentals of Geology exam, you must provide the board with an application; a certified copy of your transcripts, sent directly from your college or university; and the application fee listed in WAC 308-15-150. You do not need to submit employment and experience verification forms or personal references.

(ii) After you meet the minimum experience requirements, you may apply for the Practice of Geology examination by submitting the remaining application documents and application fee; or

(b) Apply to take both parts of the ASBOG examination after you meet all other licensure requirements outlined in WAC 308-15-040 by submitting a completed license application packet and application fee.

(2) **Fees:** You must submit the application fee with your application prior to the application deadline. Fees are listed in WAC 308-15-150. Following approval of your application you must submit your examination fees directly to ASBOG prior to the deadline specified by ASBOG.

(3) **Special accommodations:** If you have a disability, the board will provide accommodations consistent with the Americans with Disabilities Act. You must request special accommodations at least ninety days before the examination date.

(4) **Notification of scoring:** The board will notify you by mail of your examination score within ninety days of taking the examination.

(5) **Failing the examination:** You may apply to retake the examination by submitting a written request and the administrative fee for reexamination specified in WAC 308-15-150. You must submit the examination fee directly to ASBOG by the deadline specified by ASBOG.

(5/8/14)

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 06-04-022, § 308-15-050, filed 1/23/06, effective 2/23/06; WSR 05-01-174, § 308-15-050, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-050, filed 5/25/01, effective 6/25/01.]

WAC 308-15-053 What are the specialty licenses?

The types of specialty licenses are engineering geologist and hydrogeologist.

(1) Engineering geologist.

(a) Elements of the engineering geologist specialty.

The practice of engineering geology involves the interpretation, evaluation, analysis, and application of geological information and data to civil works. Geotechnical soil and rock units are designated, characterized, and classified, using standard engineering soil and rock classification systems. Relationships are interpreted between landform development, current and past geologic processes, ground and surface water, and the strength characteristics of soil and rock. Processes evaluated include both surficial processes (for example, slope, fluvial, and coastal processes), and deep-seated processes (for example, volcanic activity and seismicity). Geotechnical zones or domains are designated based on soil and rock strength characteristics, common landforms, related geologic processes, or other pertinent factors. Proposed developmental modifications are evaluated and, where appropriate, analyzed to predict potential or likely changes in types and rates of surficial geologic processes. Proposed modifications may include such things as vegetation removal, using various types of earth materials in construction, applying loads to shallow or deep foundations, constructing cut or fill slopes and other grading, and modifying ground and surface water flow. The effects of surficial and deep-seated geologic processes are evaluated and analyzed to predict their potential effect on public health, public safety, land use, or proposed development.

(b) Typical engineering geologic applications and types of projects. Engineering geology is applied during all project phases, from conception through planning, design, construction, maintenance, and, in some cases, reclamation and closure. Planning-level engineering geologic work is commonly conducted in response to forest practice regulations, critical areas ordinances, and the State Environmental Policy Act. Typical planning-level engineering geologic applications include timber harvest planning, proposed location of residential and commercial developments and other buildings and facilities, and alternative route selection for roads, rail lines, trails, and utilities. Site-specific engineering geologic applications include cuts, fills, and tunnels for roads, trails, railroads, and utility lines; foundations for bridges and other drainage structures, retaining walls and shoring, dams, buildings, water towers, slope, channel and shoreline stabilization facilities, fish ladders and hatcheries, ski lifts and other structures; landings for logging and other work platforms; airport landing strips; rock bolt systems; blasting; and other major earthwork projects such as for aggregate sources and landfills.

(2) Hydrogeologist.

(a) Elements of the hydrogeologist specialty. In addition to tasks commonly performed by licensed geologists, the practice of hydrogeology involves the study of the movement of water and other fluids through geologic materials, the

[Ch. 308-15 WAC p. 3]

mechanical, physical, chemical, and thermal interaction of fluids with geologic materials, and the transport of energy and chemical constituents by fluids in the subsurface.

(b) **Typical hydrogeologic applications and types of projects.** Typical applications include regional or basin groundwater resource, quantity and quality, characterization, development and protection of groundwater resources, subsurface characterization; design of vadose and saturated zone cleanups; design, testing, and construction supervision of test, production, recharge, injection, remediation, dewatering and resource protection wells; fluid flow and transport modeling; dewatering system design; and evaluation of potential impacts caused by past, current, or future activities on the quantity and quality of groundwater and soil gas, and the range of potential mitigations.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-053, filed 12/21/04, effective 1/21/05.]

WAC 308-15-055 What are the minimum requirements to be eligible for an engineering geologist specialty license? You are eligible for an engineering geologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) You hold a current Washington state geologist license; and

(2) You have demonstrated knowledge of the engineering geology of Washington state; and

(3) You have completed advanced study pertinent to engineering geology and acceptable to the board as follows:

(a) Eighteen semester/twenty-seven quarter hours of graded academic coursework; or

(b) Two hundred seventy hours of seminars or workshops; or

(c) Five hundred forty hours of on-the-job training under the supervision of state-licensed engineering geologists or others who, in the opinion of the board, are qualified to have responsible charge of engineering geologic projects; or

(d) A combination of (a), (b), and (c) of this subsection; and

(4) You have five years of professional engineering geology experience after completion of the advanced study requirements specified in subsection (3) of this section. At least three years of engineering geological experience must be obtained under the supervision of state-licensed engineering geologists or others who, in the opinion of the board, are qualified to have responsible charge of engineering geologic projects. The following may be considered qualifying engineering geologic experience:

(a) Engineering geological research or teaching at the university or college level, which, in the judgment of the board, is comparable to experience obtained in the practice of engineering geology; and

(b) Up to two years' credit for full-time graduate study in engineering geology or a curriculum containing equivalent academic content approved by the board; and

(5) You have passed the Washington state engineering geologist specialty examination or an examination acceptable to the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-055, filed 12/21/04, effective 1/21/05.]

WAC 308-15-057 What are the minimum requirements to be eligible for a hydrogeologist specialty license? You are eligible for a hydrogeologist license if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) You hold a current Washington state geologist license; and

(2) You have demonstrated knowledge of the hydrogeology of Washington state; and

(3) You have completed advanced study pertinent to hydrogeology and acceptable to the board as follows:

(a) Eighteen semester/twenty-seven quarter hours of graded academic coursework; or

(b) Two hundred seventy hours of seminars or workshops; or

(c) Five hundred forty hours of on-the-job training under the supervision of state-licensed hydrogeologists or others who, in the opinion of the board, are qualified to have responsible charge of hydrogeologic projects; or

(d) A combination of (a), (b), and (c) of this subsection; and

(4) You have five years of professional hydrogeology experience after completion of the advanced study requirements specified in subsection (3) of this section. At least three years of hydrogeologic experience must be obtained under the supervision of state-licensed hydrogeologists or others who, in the opinion of the board, are qualified to have responsible charge of hydrogeologic projects. The following may be considered qualifying hydrogeologic experience:

(a) Hydrogeologic research or teaching at the university or college level, which, in the judgment of the board, is comparable to experience obtained in the practice of hydrogeology; and

(b) Up to two years' credit for full-time graduate study in hydrogeology or a curriculum containing equivalent academic content approved by the board; and

(5) You have passed the Washington state hydrogeology specialty examination or an examination acceptable to the board.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-057, filed 12/21/04, effective 1/21/05.]

WAC 308-15-060 What are the minimum requirements for obtaining a geologist or specialty license by reciprocity? You are eligible for a geologist or specialty license by reciprocity if you submit a complete application according to WAC 308-15-030, demonstrating:

(1) You meet the education and experience requirements in WAC 308-15-040 and, if applying for specialty geologist license, the experience requirements in WAC 308-15-055 or 308-15-057;

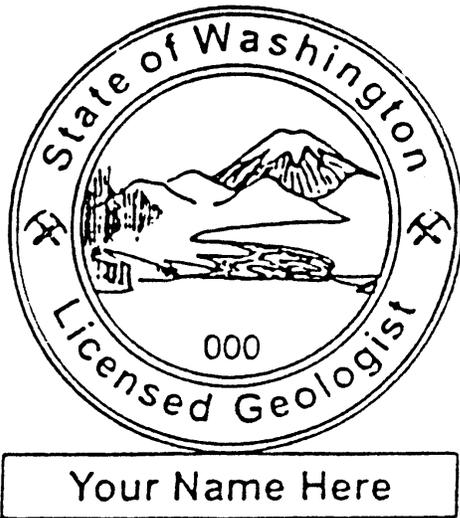
(2) You hold a current geologist, and if applicable, a specialty geologist license, registration, or certification in good standing, issued by a state or jurisdiction approved by the board; and

(3) You have passed the ASBOG examination or an examination acceptable to the board. If you are applying for a specialty geologist license, you must also verify that you have passed a specialty geologist examination adopted by or acceptable to the board.

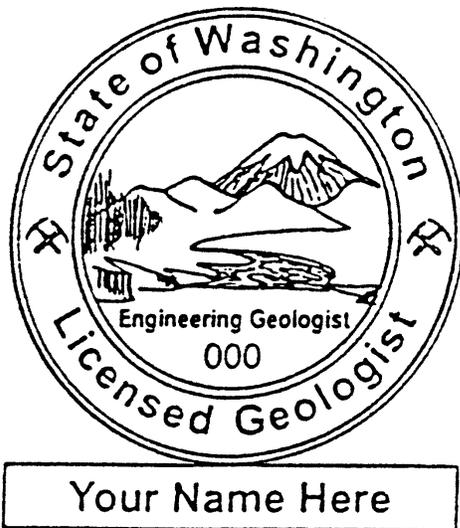
[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-060, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-060, filed 5/25/01, effective 6/25/01.]

WAC 308-15-070 Do I need a seal? Upon licensure, you must obtain a seal bearing your name, license number, and the legend "State of Washington Licensed Geologist." If you are licensed as an engineering geologist or hydrogeologist, the specialty must be noted on the seal. Seals may be rubber, embossed, or digitally produced. Facsimiles of the seal designs authorized by the director are shown below. Deviations to the authorized designs are not allowed.

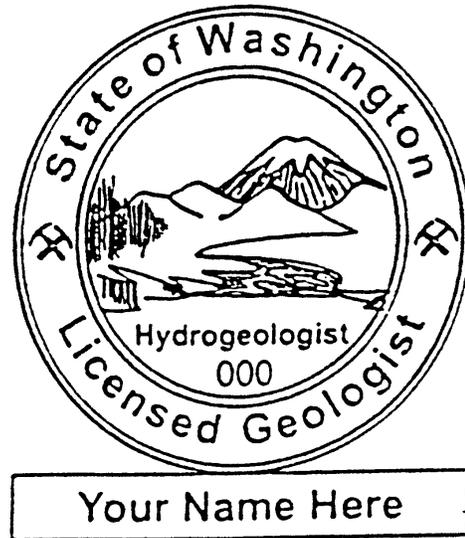
Geologist stamp here



Engineering geologist stamp here



Hydrogeologist stamp here



[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-070, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-070, filed 5/25/01, effective 6/25/01.]

WAC 308-15-075 When do I need to use my stamp/seal? (1) You must stamp/seal, sign, and date every final geology or specialty geology report, letter report, or document that is prepared by you or prepared under your supervision or direction and submitted to other parties.

(a) All figures, maps, and plates bound within final reports or documents do not need to be individually stamped/sealed, signed and dated. Unbound final figures, maps, and plates must be individually stamped/sealed, signed and dated.

(b) Draft geology or specialty geology work does not have to be stamped/sealed, but the documents and all associated figures, maps, and plates must be clearly marked as draft.

(2) You must stamp/seal, sign, and date every final geology or specialty geology design and specification that is prepared by you or prepared under your supervision or direction. Draft geology or specialty geology design and specification drawings do not have to be stamped/sealed, but each design and specification must be clearly marked as draft.

(3) If you stamp/seal, sign and date work performed by someone other than yourself, you are responsible to the same extent as if you prepared the report, design or specification.

[Statutory Authority: RCW 18.220.040. WSR 07-13-038, § 308-15-075, filed 6/13/07, effective 7/14/07. Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-075, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-075, filed 5/25/01, effective 6/25/01.]

WAC 308-15-080 What do I need to know about renewing or reinstating my license? (1) **Term of license:** Your license will be issued for a period of one year.

(2) **Initial license:** Your first license will expire on your next birthday unless your next birthday falls ninety days or less after the issuance date, in which case your first license

will expire on the second birthday following the issuance date.

(3) **Renewal date:** Your license renewal date is your birthday.

(4) **Timely renewal:** It is your responsibility to make a timely renewal whether or not you receive a renewal notice from the department. Your renewal is considered timely if you:

(a) Send the renewal fee to the department on or before your renewal date, as evidenced by the postmark;

(b) Deliver the renewal fee to the department before the close of business on your renewal date; or

(c) Renew your license over the internet on or before your renewal date.

(5) **Invalid license:** If you fail to renew your license according to subsection (4) of this section, your license is invalid. If your license is invalid, you are prohibited from offering and/or providing professional geologist services until the license is renewed or reinstated.

(6) **Late fee:** If you fail to pay your renewal fee within ninety days following your renewal date, you must pay the renewal fee plus a late fee equal to one year's renewal fee.

(7) **Reinstatement:** If you fail to renew your license for a period of five years or more, you may be reinstated upon payment of the current year's renewal fee and a late fee equal to one year's renewal fee. In addition to the payment of fees, you must submit the following:

(a) A signed statement that you are knowledgeable with the current laws and rules governing geologists in Washington state;

(b) A professional resume of your geologist activities during the delinquent period, including licensure in another jurisdiction, with sufficient detail to demonstrate to the board that you have maintained your skills; and

(c) A detailed explanation of the circumstances surrounding the reason you allowed your license to expire.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-080, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-080, filed 5/25/01, effective 6/25/01.]

WAC 308-15-103 How are brief adjudicative proceedings (BAPs) conducted? (1) A presiding officer, designated by the board, conducts brief adjudicative proceedings. The presiding officer will not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer will designate the date by which written documents must be submitted by the parties.

(3) The presiding officer may, at the presiding officer's discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer may employ board expertise as a basis for a decision.

(6) The presiding officer will not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer will enter an initial order.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-103, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-023, § 308-15-103, filed 5/25/01, effective 6/25/01.]

WAC 308-15-105 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 18.220 and 18.235 RCW, administrative rules in Title 308 WAC or any statutes or rules that specifically govern the defined practices of geologists. 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) Whether a person has engaged in false, deceptive, or misleading advertising; or

(k) 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.

[Statutory Authority: RCW 18.220.040. WSR 07-13-038, § 308-15-105, filed 6/13/07, effective 7/14/07.]

WAC 308-15-107 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.

[Statutory Authority: RCW 18.220.040, WSR 07-13-038, § 308-15-107, filed 6/13/07, effective 7/14/07.]

WAC 308-15-140 What are the rules of professional conduct? (1) What are the general responsibilities of a geologist?

(a) A geologist must undertake professional service or render expert opinion only when qualified by training or experience in the technical areas involved.

(b) When serving as an expert or technical witness before a court, commission, or other tribunal, a geologist must express only those opinions founded upon adequate professional knowledge of the matters at issue.

(c) A geologist must sign and stamp/seal only professional work, including, but not limited to, maps and reports

for which the geologist has direct professional knowledge, and for which the geologist is in responsible charge.

(d) A geologist must not take credit for work conducted by others. When using the results of other geologists' work in the performance of the practice of geology, a geologist must give due credit to the other geologists by citation or acknowledgement.

(e) A geologist must not make false statements or misrepresentations, or permit the publication or use of the geologist's name or work in association with any fraudulent activities.

(f) A geologist must make full disclosure to all parties concerned of any conflict of interest in projects or properties on which the geologist performs work.

(g) If a geologist's professional judgment is overruled or not adhered to under circumstances where the geologist has reasonable cause to believe there is an imminent threat to the public health, welfare, or property, the geologist must immediately notify the client/employer of the possible consequences. If the client/employer does not take action in a period of time consistent with the level of danger, the geologist must use best efforts to notify the apparent appropriate regulatory agency.

(h) A geologist must issue no statements, criticisms, or arguments on geological matters that are inspired or paid for by interested parties, unless the geologist indicates on whose behalf the statements are made.

(i) A geologist must continue the geologist's professional development throughout the geologist's career, and must provide opportunities for the professional development of those individuals under the geologist's supervision.

(2) What are the specific responsibilities of a geologist to an employer or client?

(a) A geologist must avoid conflicts of interest with a client/employer and must disclose the circumstances to the client/employer if a conflict is unavoidable.

(b) A geologist must not, during the time of the geologist's retention or employment by a client/employer, use information developed for, or the resources of, said client/employer for private gain or in any other manner that may conflict with the client/employer's interest without the knowledge and consent of the client/employer, except as specified in subsection (1)(h) of this section. In the case of former client/employers, a geologist must honor agreements with former client/employers with regard to proprietary information, except as specified by subsection (1)(h) of this section.

(c) A geologist must either engage or advise a client/employer to engage other experts or specialists if the client/employer's interests are best served by such service.

(d) A geologist must not accept compensation concurrently from more than one client/employer on a project, unless the circumstances of payment are fully disclosed and agreed to by all financially interested parties.

(e) A geologist must advise the geologist's employers or clients when, as a result of their studies, the geologist believes a project will not be viable.

(f) A geologist must negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of professional service required.

(g) A geologist must not request, propose or accept professional compensation on a contingent basis under circumstances in which the geologist's professional judgment may be compromised.

(3) What are the specific responsibilities of a geologist to the board?

(a) A geologist must respond to formal requests of the board within the time frame and in the manner specified by the board in its request.

(b) Geologists, when requested by the board, must present information and assistance to the board in pursuing violations of laws and rules relating to the practice of geology in the state of Washington.

(c) If a geologist has knowledge or reasonable cause to believe another person or geologist is in violation of the licensing law, chapter 18.220 RCW, or the related administrative rules, the geologist must present such information in writing to the board.

(4) What are prohibited acts? The prohibited acts are found in RCW 18.220.130, 18.220.170 and 18.235.130.

[Statutory Authority: RCW 18.220.040, 18.220.050. WSR 05-01-174, § 308-15-140, filed 12/21/04, effective 1/21/05. Statutory Authority: RCW 18.220.040(1), 18.220.050(1). WSR 02-20-072, § 308-15-140, filed 9/30/02, effective 10/31/02.]

WAC 308-15-150 Fees. (1) Suspension of fees. Effective July 1, 2014, the listed fees shown in subsection (2) of this section are suspended and replaced with the following:

Renewal Fees

Annual renewal fee for geologist	\$40.00
Annual renewal for each specialty	\$50.00
Annual renewal for geologist, with late fee (if paid ninety days or more after due date)	\$80.00
Annual renewal fee for each specialty, with late fee (if paid ninety days or more after due date)	\$100.00

The fees set forth in this section shall revert back to the fee amounts shown in WAC 308-15-150 on July 1, 2016.

(2) Fees.

Type of Fee	Amount
Application fees - includes initial license	
Application fee for geologist (applying by examination)	\$100.00
Application fee for each specialty (applying by examination)	\$100.00
Application fee for geologist (applying by reciprocity)	\$200.00
Application fee for each specialty (applying by reciprocity)	\$150.00

Examination fees

Fees for the fundamentals of geology and practice of geology examinations are submitted directly to ASBOG

Type of Fee	Amount
Administration fee for reexamination	\$65.00
Specialty examination (hydrogeologist or engineering geologist exam)	\$300.00

Renewal fees

Annual renewal fee for geologist	\$100.00
Annual renewal fee for each specialty	\$85.00
Annual renewal for geologist, with late fee (if paid ninety days or more after due date)	\$200.00
Annual renewal for each specialty, with late fee (if paid ninety days or more after due date)	\$170.00

Miscellaneous fees

Duplicate license or wall certificate . . .	\$25.00
Certification of license records to other jurisdictions.	\$45.00
Proctor examination for another jurisdiction	\$100.00

[Statutory Authority: RCW 18.220.040 and 43.24.086. WSR 14-11-013, § 308-15-150, filed 5/8/14, effective 7/1/14; WSR 11-08-054, § 308-15-150, filed 4/5/11, effective 7/1/11. Statutory Authority: RCW 18.220.040. WSR 08-12-039, § 308-15-150, filed 5/30/08, effective 7/1/08. Statutory Authority: RCW 18.220.040, 18.220.050. WSR 06-04-022, § 308-15-150, filed 1/23/06, effective 2/23/06; WSR 05-01-174, § 308-15-150, filed 12/21/04, effective 1/21/05. Statutory Authority: Chapter 18.220 RCW. WSR 01-12-022, § 308-15-150, filed 5/25/01, effective 6/25/01.]

WAC 308-15-160 Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions. (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity, or individual that is engaged in a transaction involving the board, the member shall:

- (a) Recuse him or herself from the board discussion regarding the specific transaction;
- (b) Recuse him or herself from the board vote on the specific transaction; and
- (c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

- (i) Is, or will be, the subject of board action; or
- (ii) Is one to which the board is or will be a party; or
- (iii) Is one in which the board has a direct and substantial proprietary interest.

(b) "Transaction involving the board" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to board member rules of conduct. Activities incompatible with public duties; financial interests in transactions.

(a) Example 1:

The geologist licensing board disciplines licensed geologists in Washington. The board is conducting an investigation involving the services provided by a licensed geologist. One of the members of the board is currently serving as a subcontractor to that geologist on a large project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed geologist services.

(b) Example 2:

The geologist licensing board makes licensing decisions on applications for licensure. An applicant for licensure owns a geotechnical consulting business which employs licensed geologists, including one of the board members. The board member employed by the business must recuse himself from any board investigation, discussion, deliberation and vote with respect to his employer's application for licensure.

(c) Example 3:

The geologist licensing board makes licensing decisions on applications from geologists registered in other states or territories of the United States, the District of Columbia, or other countries. The board can grant licensure if an individual's qualifications and experience are equivalent to the qualifications and experience required of a person licensed under Washington law. An out-of-state applicant is employed as a geologist by a multinational corporation that is planning to build its world headquarters in Washington and has hired a board member's firm as the geologist for the project. The board member must recuse himself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state geologist's qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to subsection (1) of this section, the member of the board shall disclose to the public the reasons for his or her recusal from any

board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

[Statutory Authority: RCW 18.220.040. WSR 07-13-038, § 308-15-160, filed 6/13/07, effective 7/14/07.]

Chapter 18.235 RCW

UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT

Sections

18.235.005	Intent.
18.235.010	Definitions.
18.235.020	Application of chapter—Director's authority—Disciplinary authority.
18.235.030	Disciplinary authority—Powers.
18.235.040	Director's authority.
18.235.050	Statement of charges—Hearing.
18.235.060	Procedures governing adjudicative proceedings.
18.235.070	Previous denial, revocation, or suspension of license.
18.235.080	Orders.
18.235.090	Appeal.
18.235.100	Reinstatement.
18.235.110	Unprofessional conduct—Finding.
18.235.120	Payment of a fine.
18.235.130	Unprofessional conduct—Acts or conditions that constitute.
18.235.140	Final order issued under RCW 18.235.130—Failure to comply.
18.235.150	Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited.
18.235.160	Violation of injunction—Contempt of court—Civil penalty.
18.235.170	Misrepresentation—Gross misdemeanor.
18.235.180	Crime or violation by license holder—Disciplinary authority may give notification.
18.235.190	Immunity from suit.
18.235.200	Use of records—Exchange of information—Chapter does not affect or limit.
18.235.210	Application of chapter—January 1, 2003.
18.235.900	Short title.
18.235.901	Effective date—2002 c 86 §§ 101-123.
18.235.902	Part headings not law—2002 c 86.
18.235.903	Severability—2002 c 86.

18.235.005 Intent. It is the intent of the legislature to consolidate disciplinary procedures for the licensed businesses and professions under the department of licensing by providing a uniform disciplinary act with standardized procedures for the regulation of businesses and professions and the enforcement of laws, the purpose of which is to assure the public of the adequacy of business and professional competence and conduct.

It is also the intent of the legislature that all businesses and professions newly credentialed by the state and regulated by the department of licensing come under this chapter. [2007 c 256 § 10; 2002 c 86 § 101.]

18.235.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means those boards specified in RCW 18.235.020(2)(b).

(2) "Department" means the department of licensing.

(3) "Director" means the director of the department or director's designee.

(4) "Disciplinary action" means sanctions identified in RCW 18.235.110.

(5) "Disciplinary authority" means the director, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or busi-

ness license upon a finding of a violation of this chapter or a chapter specified under RCW 18.235.020.

(6) "License," "licensing," and "licensure" are deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.118.020. Each of these terms, and the term "appointment" under chapter 42.44 RCW, are interchangeable under the provisions of this chapter.

(7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a person, through offerings, advertisements, or use of a professional title or designation, that the individual or business is qualified to practice a profession or operate a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so. [2007 c 256 § 11; 2002 c 86 § 102.]

18.235.020 Application of chapter—Director's authority—Disciplinary authority. (1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Scrap metal processors, scrap metal recyclers, and scrap metal suppliers under chapter 19.290 RCW;

(xvii) Security guards under chapter 18.170 RCW;

(xviii) Sellers of travel under chapter 19.138 RCW;

(xix) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xx) Whitewater river outfitters under chapter 79A.60 RCW;

(xxi) Home inspectors under chapter 18.280 RCW;

(xxii) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and

(xxiii) Appraisal management companies under chapter 18.310 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority. [2013 c 322 § 29; 2010 c 179 § 18. Prior: 2009 c 412 § 22; 2009 c 370 § 20; 2009 c 102 § 5; 2008 c 119 § 21; 2007 c 256 § 12; 2006 c 219 § 13; 2002 c 86 § 103.]

Severability—Effective date—2010 c 179: See RCW 18.310.900 and 18.310.901.

Short title—Implementation—2009 c 412: See RCW 18.300.900 and 18.300.902.

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Funeral directors and embalmers account and cemetery account abolished, moneys transferred to funeral and cemetery account—2009 c 102: See note following RCW 18.39.810.

Effective date—2006 c 219: See note following RCW 46.82.285.

18.235.030 Disciplinary authority—Powers. The disciplinary authority has the power to:

(1) Adopt, amend, and rescind rules as necessary to carry out the purposes of this chapter, including, but not limited to, rules regarding standards of professional conduct and practice;

(2) Investigate complaints or reports of unprofessional conduct and hold hearings as provided in this chapter;

(3) Issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) Take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(5) Compel attendance of witnesses at hearings;

(6) Conduct practice reviews in the course of investigating a complaint or report of unprofessional conduct, unless the disciplinary authority is authorized to audit or inspect applicants or licensees under the chapters specified in RCW 18.235.020;

(7) Take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice or business pending proceedings by the disciplinary authority;

(8) Appoint a presiding officer or authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct hearings. The disciplinary authority may make the final decision regarding disposition of the license unless the disciplinary authority elects to delegate, in writing, the final decision to the presiding officer;

(9) Use individual members of the boards and commissions to direct investigations. However, the member of the board or commission may not subsequently participate in the hearing of the case;

(10) Enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) Grant or deny license applications, secure the return of a license obtained through the mistake or inadvertence of the department or the disciplinary authority after providing the person so licensed with an opportunity for an adjudicative proceeding, and, in the event of a finding of unprofessional conduct by an applicant or license holder, impose any sanction against a license applicant or license holder provided by this chapter;

(12) Designate individuals authorized to sign subpoenas and statements of charges;

(13) Establish panels consisting of three or more members of the board or commission to perform any duty or authority within the board's or commission's jurisdiction under this chapter; and

(14) Contract with licensees, registrants, endorsement or permit holders, or any other persons or organizations to provide services necessary for the monitoring or supervision of licensees, registrants, or endorsement or permit holders who are placed on probation, whose professional or business activities are restricted, or who are for an authorized purpose subject to monitoring by the disciplinary authority. If the subject licensee, registrant, or endorsement or permit holders may only practice or operate a business under the supervision of another licensee, registrant, or endorsement or permit holder under the terms of the law regulating that occupation or business, the supervising licensee, registrant, or endorsement or permit holder must consent to the monitoring or supervision under this subsection, unless the supervising licensee, registrant, or endorsement or permit holder is, at the time, the subject of a disciplinary order. [2002 c 86 § 104.]

18.235.040 Director's authority. The director has the following additional authority:

(1) To employ investigative, administrative, and clerical staff as necessary for the enforcement of this chapter, except as provided otherwise by statute;

(2) Upon request of a board or commission, to appoint not more than three pro tem members as provided in this subsection. Individuals appointed as pro tem members of a board or commission must meet the same minimum qualifications as regular members of the board or commission. While serving as a pro tem board or commission member, a person so appointed has all the powers, duties, and immunities, and is entitled to the entitlements, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of a regular member of the board or commission; and

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation or adjudicative proceedings as authorized by RCW 34.05.446. [2007 c 256 § 13; 2002 c 86 § 105.]

18.235.050 Statement of charges—Hearing. (1) If the disciplinary authority determines, upon investigation, that there is reason to believe that a license holder or applicant for a license has violated RCW 18.235.130 or has not met a minimum eligibility criteria for licensure, the disciplinary authority may prepare and serve the license holder or applicant a statement of charge, charges, or intent to deny. A notice that the license holder or applicant may request a hearing to contest the charge, charges, or intent to deny must accompany the statement. The license holder or applicant must file a request for a hearing with the disciplinary authority within twenty days after being served the statement of charges or statement of intent to deny. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a decision on the facts available to it.

(2) If a license holder or applicant for a license requests a hearing, the disciplinary authority must fix the time of the hearing as soon as convenient, but not earlier than thirty days after the service of charge, charges, or intent to deny. The disciplinary authority may hold a hearing sooner than thirty days only if the disciplinary authority has issued a summary suspension or summary restriction. [2007 c 256 § 14; 2002 c 86 § 106.]

18.235.060 Procedures governing adjudicative proceedings. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the disciplinary authority. The disciplinary authority has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.05 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions. [2002 c 86 § 107.]

18.235.070 Previous denial, revocation, or suspension of license. The department shall not issue a license to any person whose license has been previously denied, revoked, or suspended by the disciplinary authority for that profession or business, except in conformity with the terms

and conditions of the certificate or order of denial, revocation, or suspension, or in conformity with any order of reinstatement issued by the disciplinary authority, or in accordance with the final judgment in any proceeding for review instituted under this chapter. [2002 c 86 § 108.]

18.235.080 Orders. An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.05 RCW, or an order of summary suspension entered under this chapter, takes effect immediately upon its being served. The final order, if appealed to the court, may not be stayed pending the appeal unless the disciplinary authority or court to which the appeal is taken enters an order staying the order of the disciplinary authority, which stay shall provide for terms necessary to protect the public. [2007 c 256 § 15; 2002 c 86 § 109.]

18.235.090 Appeal. A person who has been disciplined or has been denied a license by a disciplinary authority may appeal the decision as provided in chapter 34.05 RCW. [2007 c 256 § 16; 2002 c 86 § 110.]

18.235.100 Reinstatement. A person whose license has been suspended or revoked under this chapter may petition the disciplinary authority for reinstatement after an interval of time and upon conditions determined by the disciplinary authority in the order suspending or revoking the license. The disciplinary authority shall act on the petition in accordance with the adjudicative proceedings provided under chapter 34.05 RCW and may impose such conditions as authorized by RCW 18.235.110. The disciplinary authority may require successful completion of an examination as a condition of reinstatement. [2007 c 256 § 17; 2002 c 86 § 111.]

18.235.110 Unprofessional conduct—Finding. (1) Upon finding unprofessional conduct, the disciplinary authority may issue an order providing for one or any combination of the following:

- (a) Revocation of the license for an interval of time;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Satisfactory completion of a specific program of remedial education or treatment;
- (e) Monitoring of the practice in a manner directed by the disciplinary authority;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Payment of a fine for each violation found by the disciplinary authority, not to exceed five thousand dollars per violation. The disciplinary authority must consider aggravating or mitigating circumstances in assessing any fine. Funds received must be deposited in the related program account;
- (i) Denial of an initial or renewal license application for an interval of time; or
- (j) Other corrective action.

(2) The disciplinary authority may require reimbursement to the disciplinary authority for the investigative costs incurred in investigating the matter that resulted in issuance

of an order under this section, but only if any of the sanctions in subsection (1)(a) through (j) of this section is ordered.

(3) Any of the actions under this section may be totally or partly stayed by the disciplinary authority. In determining what action is appropriate, the disciplinary authority must first consider what sanctions are necessary to protect the public health, safety, or welfare. Only after these provisions have been made may the disciplinary authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

(4) The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct. The stipulations entered into under this subsection are considered formal disciplinary action for all purposes. [2007 c 256 § 18; 2002 c 86 § 112.]

18.235.120 Payment of a fine. Where payment of a fine is required as a result of a disciplinary action under RCW 18.235.060 or 18.235.150 and timely payment is not made as directed in the final order, the disciplinary authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement is in addition to any other rights the disciplinary authority may have as to any licensee ordered to pay a fine but may not be construed to limit a licensee's ability to seek judicial review under RCW 18.235.090. In any action for enforcement of an order of payment of a fine, the disciplinary authority's order is conclusive proof of the validity of the order of a fine and the terms of payment. [2002 c 86 § 113.]

18.235.130 Unprofessional conduct—Acts or conditions that constitute. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of the person's business, whether the act constitutes a crime or not. At the disciplinary hearing a certified copy of a final holding of any court of competent jurisdiction is conclusive evidence of the conduct of the license holder or applicant upon which a conviction or the final holding is based. Upon a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW

9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(2) Misrepresentation or concealment of a material fact in obtaining or renewing a license or in reinstatement thereof;

(3) Advertising that is false, deceptive, or misleading;

(4) Incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or damage to another;

(5) The suspension, revocation, or restriction of a license to engage in any business or profession by competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the revocation, suspension, or restriction;

(6) Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

(a) Not furnishing any papers or documents requested by the disciplinary authority;

(b) Not furnishing in writing an explanation covering the matter contained in a complaint when requested by the disciplinary authority;

(c) Not responding to a subpoena issued by the disciplinary authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing authorized access, during regular business hours, to representatives of the disciplinary authority conducting an investigation, inspection, or audit at facilities utilized by the license holder or applicant;

(7) Failure to comply with an order issued by the disciplinary authority;

(8) Violating any of the provisions of this chapter or the chapters specified in RCW 18.235.020(2) or any rules made by the disciplinary authority under the chapters specified in RCW 18.235.020(2);

(9) Aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required;

(10) Practice or operation of a business or profession beyond the scope of practice or operation as defined by law or rule;

(11) Misrepresentation in any aspect of the conduct of the business or profession;

(12) Failure to adequately supervise or oversee auxiliary staff, whether employees or contractors, to the extent that consumers may be harmed or damaged;

(13) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession or operation of the person's business. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(14) Interference with an investigation or disciplinary action by willful misrepresentation of facts before the disciplinary authority or its authorized representatives, or by the use of threats or harassment against any consumer or witness to discourage them from providing evidence in a disciplinary action or any other legal action, or by the use of financial inducements to any consumer or witness to prevent or

attempt to prevent him or her from providing evidence in a disciplinary action; and

(15) Engaging in unlicensed practice as defined in RCW 18.235.010. [2007 c 256 § 19; 2002 c 86 § 114.]

18.235.140 Final order issued under RCW 18.235.130—Failure to comply. If a person or business regulated by this chapter violates or fails to comply with a final order issued under RCW 18.235.130, the attorney general, any prosecuting attorney, the director, the board or commission, or any other person may maintain an action in the name of the state of Washington to enjoin the person from violating the order or failing to comply with the order. The injunction does not relieve the offender from criminal prosecution, but the remedy by injunction is in addition to the liability of the offender to criminal prosecution and disciplinary action. [2002 c 86 § 115.]

18.235.150 Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited. (1) The disciplinary authority may investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.235.020. In the investigation of the complaints, the director has the same authority as provided the disciplinary authority under RCW 18.235.030.

(2) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in the unlicensed practice of a profession or operation of a business for which a license is required by the chapters specified in RCW 18.235.020.

(3) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in an act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters.

(4) The person to whom such a notice is issued may request an adjudicative proceeding to contest the allegations. The notice shall include a brief, plain statement of the alleged unlicensed activities, act, or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(5) If the disciplinary authority makes a final determination that a person has engaged or is engaging in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters, the disciplinary authority may issue a permanent cease and desist order. In addition, the disciplinary authority may impose a

civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in the unlicensed practice of a profession or operation of a business for which a license is required by one or more of the chapters specified in RCW 18.235.020. The proceeds of such a fine shall be deposited in the related program account.

(6) The disciplinary authority may issue a temporary cease and desist order if a person is engaged or is about to engage in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters if the disciplinary authority makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. A temporary cease and desist order shall remain in effect until further order of the disciplinary authority. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine.

(7) The cease and desist order is conclusive proof of unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(8) The attorney general, a county prosecuting attorney, the director, a board or commission, or any person may, in accordance with the laws of this state governing injunctions, maintain an action in the name of the state of Washington to enjoin any person practicing a profession or business without a license for which a license is required by the chapters specified in RCW 18.235.020. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be deposited in the related program account.

(9) The civil remedies in this section do not limit the ability to pursue criminal prosecution as authorized in any of the acts specified in RCW 18.235.020 nor do the civil remedies limit any criminal sanctions. [2007 c 256 § 20; 2002 c 86 § 116.]

18.235.160 Violation of injunction—Contempt of court—Civil penalty. A person or business that violates an injunction issued under this chapter may be found in contempt of court under RCW 7.21.010. Upon a finding by a court of competent jurisdiction that the person or business is in contempt, the court may order any remedial sanction as authorized by RCW 7.21.030. Further, the court may, in addition to the remedial sanctions available under RCW 7.21.030, order the person or business to pay a civil penalty to the state in an amount not to exceed twenty-five thousand dollars, which shall be deposited in the related program account. For the purposes of this section, the superior court issuing any injunction retains jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name

of the state may petition for the recovery of civil penalties. [2002 c 86 § 117.]

18.235.170 Misrepresentation—Gross misdemeanor.

A person who attempts to obtain, obtains, or attempts to maintain a license by willful misrepresentation or fraudulent representation is guilty of a gross misdemeanor. [2002 c 86 § 118.]

18.235.180 Crime or violation by license holder—Disciplinary authority may give notification. If the disciplinary authority has reason to believe that a license holder has committed a crime, or violated the laws of another regulatory body, the disciplinary authority may notify the attorney general or the county prosecuting attorney in the county in which the act took place, or other responsible official of the facts known to the disciplinary authority. [2002 c 86 § 119.]

18.235.190 Immunity from suit. The director, members of the boards or commissions, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary actions or other official acts performed in the course of their duties. [2002 c 86 § 120.]

18.235.200 Use of records—Exchange of information—Chapter does not affect or limit. This chapter does not affect the use of records, obtained from the director or the disciplinary authorities, in any existing investigation or action by any public agency. Nor does this chapter limit any existing exchange of information between the director or the disciplinary authorities and other public agencies. [2002 c 86 § 121.]

18.235.210 Application of chapter—January 1, 2003.

(1) This chapter applies to any conduct, acts, or conditions occurring on or after January 1, 2003.

(2) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to January 1, 2003. The conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

(3) Notwithstanding subsection (2) of this section, this chapter applies to applications for licensure made on or after January 1, 2003. [2007 c 256 § 21; 2002 c 86 § 122.]

18.235.900 Short title. This chapter may be known and cited as the uniform regulation of business and professions act. [2002 c 86 § 123.]

18.235.901 Effective date—2002 c 86 §§ 101-123.

Sections 101 through 123 of this act take effect January 1, 2003. [2002 c 86 § 124.]

18.235.902 Part headings not law—2002 c 86. Part headings used in this act are not any part of the law. [2002 c 86 § 402.]

18.235.903 Severability—2002 c 86. If any provision of this act or its application to any person or circumstance is

held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [2002 c 86 § 404.]