

**WAC 110-302-0443 Enforcement actions—Notice and appeal.** (1)

Pursuant to RCW 43.216.325, the department is authorized to take enforcement actions when ONB providers fail to comply with this chapter or chapter 43.216 RCW. Enforcement actions are taken pursuant to RCW 43.216.020, 43.216.065, and 43.216.250. Enforcement actions include civil monetary penalties and the denial, suspension, revocation, modification, or nonrenewal of a license.

(2) ONB providers subject to an enforcement action have the right to appeal by requesting an adjudicative proceeding pursuant to chapter 110-03 WAC, DCYF administrative hearing rules.

(3) The department must issue a notice of violation to ONB providers when commencing enforcement actions. A notice of violation must be sent by certified mail or personally served and must include:

- (a) The reason why the department is taking the action;
- (b) The rules the ONB provider failed to comply with;
- (c) The ONB provider's right to appeal enforcement actions; and
- (d) How the ONB provider may appeal and request a hearing.

(4) Fines must not exceed \$250 per day per violation for an ONB program, or as otherwise set by the legislature. Fines may be:

- (a) Assessed and collected with interest for each day a violation occurs;
- (b) Imposed in addition to other enforcement actions; and
- (c) Withdrawn or reduced if an ONB provider comes into compliance during the notification period.

(5) ONB providers must pay fines within 28 calendar days after receiving a notice of violation unless:

- (a) The office of financial recovery establishes a payment plan for the ONB provider;
- (b) A later due date is specified on the notice of violation, pursuant to RCW 43.216.335(2); or
- (c) The ONB provider requests a hearing, pursuant to chapter 110-03 WAC, DCYF hearing rules and RCW 43.216.335(3).

(6) The department may suspend or revoke a license if ONB providers fail to pay assessed fines within 28 calendar days or become delinquent in making payments, pursuant to RCW 43.216.327 and 43.216.335. If an ONB provider's license is due for renewal, the department may elect not to continue the license for failure to pay a fine.

[Statutory Authority: RCW 43.216.742. WSR 23-10-059, § 110-302-0443, filed 5/1/23, effective 6/1/23.]