

WAC 212-17-461 Revocation of license. The state fire marshal may deny, suspend, or revoke a license:

(1) Upon receiving evidence that any appointee has failed to comply or no longer complies with any requirement or provision of law or this chapter. The following process must be used:

(a) The state fire marshal must give the licensee notice of the action and an opportunity to be heard as prescribed in chapter 34.05 RCW, before denial, suspension, or revocation of the license.

(b) Upon receiving notice of the action, the licensee may, within twenty days from the date of the notice of action, request in writing to the state fire marshal a hearing on the denial, suspension, or revocation of the letter of appointment. An adjudicative proceeding will be commenced within ninety days of the receipt of a hearing request. Failure to request a hearing, or failure to appear at a requested hearing, a prehearing conference, or any other stage of an adjudicative proceeding, will constitute default and may result in the entry of a final order under RCW 34.05.440.

(c) Upon receiving a hearing request, the state fire marshal's office may, at the request of the licensee, or on its own initiative, schedule an informal settlement conference which will be without prejudice to the rights of the parties. The informal settlement conference will be held in a mutually agreed upon location at a mutually agreed upon time and may result in a settlement agreement. If no agreement is reached, a hearing will be scheduled as provided in chapter 34.05 RCW.

(2) Without prior notification if the state fire marshal finds that there is danger to the public health, safety, or welfare which requires immediate action. In every summary suspension of a license, an order signed by the state fire marshal or designee must be entered, in compliance with the provisions of RCW 34.05.479. Administrative proceedings consistent with chapter 34.05 RCW for revocation or other action shall be promptly instituted and determined. The state fire marshal must give notice as is practicable to the licensee.

(3) Immediately if the licensee's insurance bond is canceled.

(4) If the licensee voluntarily relinquishes the letter, the state fire marshal will be advised in writing of this voluntary relinquishment. After receiving notice, the state fire marshal will attempt to obtain the licensee's license. If the licensee requests reissuance of the license, the state fire marshal may require a new application.

(5) If the licensee's violations are subject to suspension for the first violation are categorized as major violations any subsequent or continuing major violation may be cause for termination unless the state fire marshal imposes additional suspensions for longer periods, if deemed appropriate.

(a) When considering punitive action for a major violation, the state fire marshal may take into consideration all major and minor violations that occurred within thirty-six months before the date of the current violation.

(b) Terms of disciplinary action - Minor violations of this chapter may be cause for disciplinary action in the following manner:

(i) First violation within a twelve-month period - Letter of written reprimand;

(ii) Second violation within a twelve-month period - Thirty-day suspension;

(iii) Third violation within a twelve-month period - Sixty-day suspension;

(iv) Fourth violation within a twelve-month period - Revocation of the license.

(c) The state fire marshal may increase or decrease the suspension period based on finding aggravating or mitigating factors as provided in WAC 212-17-465.

[Statutory Authority: RCW 70.77.250. WSR 15-22-082, § 212-17-461, filed 11/3/15, effective 1/1/16.]