

WAC 390-37-144 Brief enforcement hearing (brief adjudicative proceedings)—Process for full commission review. (1) The commission shall conduct a review of the initial order upon the electronic written request of a party if the commission receives the request within twenty-one days after the service of the initial order. "Service" is defined as the date the order was deposited in the U.S. mail per RCW 34.05.010(19), electronically distributed or personally served. The party seeking review shall state the reason for the review, and identify what alleged errors are contained in the initial order.

(2) If a party has not requested review, the commission may conduct a review of the initial order upon its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(3) The order on review shall be by electronic writing stating the findings made, and the reasons for the decision, and notice that reconsideration and judicial review are available. The order on review shall be entered within twenty days after the date of the initial order or of the request for review, whichever is later.

(4) If the commission is not scheduled to meet within twenty days after the date of the initial order or request for review and therefore cannot dispose of the request within that time period, the request is:

(a) Deemed denied under RCW 34.05.491(5) and the initial order becomes final;

(b) Considered a request for reconsideration under WAC 390-37-150; and

(c) Scheduled for consideration and disposition at the next commission meeting at which it is practicable to do so.

[Statutory Authority: RCW 42.17A.110(1) and 2018 c 304. WSR 18-24-074, § 390-37-144, filed 11/30/18, effective 12/31/18. Statutory Authority: RCW 42.17A.110. WSR 17-03-004, § 390-37-144, filed 1/4/17, effective 2/4/17. Statutory Authority: RCW 42.17.370. WSR 03-22-065, § 390-37-144, filed 11/4/03, effective 12/5/03; WSR 91-16-072, § 390-37-144, filed 8/2/91, effective 9/2/91.]