

**WAC 391-95-150 Deficiency notice—Preliminary ruling.** The executive director or a designated staff member shall determine whether the facts alleged in the petition may constitute a basis for assertion of a right of nonassociation within the meaning of the applicable statute.

(1) If the facts alleged do not, as a matter of law, constitute a basis for assertion of a right of nonassociation, a deficiency notice shall be issued and served on all parties, identifying the defects and specifying a due date for the filing and service of an amended petition. If the defects are not cured in a timely manner, an order shall be issued and served, dismissing the defective allegation(s) and stating the reasons for that action. Unless appealed to the commission under WAC 391-95-270, an order of dismissal issued under this subsection shall be the final order of the agency on the defective allegation(s), with the same force and effect as if issued by the commission.

(2) If one or more allegations state a cause of action for nonassociation proceedings before the commission, a preliminary ruling summarizing the allegation(s) shall be issued and served on all parties.

[Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 28B.52.045, 34.05.419, 41.56.122 and 41.59.100. WSR 00-14-048, § 391-95-150, filed 6/30/00, effective 8/1/00; WSR 98-14-112, § 391-95-150, filed 7/1/98, effective 8/1/98. Statutory Authority: RCW 41.58.050, 28B.52.080, 41.56.090, 41.59.110, 28B.52.045, 41.56.122 and 41.59.100. WSR 90-06-075, § 391-95-150, filed 3/7/90, effective 4/7/90. Statutory Authority: RCW 34.04.022, 41.58.050, 41.56.090, 41.59.110 and 28B.52.080. WSR 85-19-059 (Resolution No. 85-01), § 391-95-150, filed 9/16/85. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. WSR 80-14-051 (Order 80-10), § 391-95-150, filed 9/30/80, effective 11/1/80.]