

WAC 246-10-708 Failure to comply with a disciplinary order. (1)

If the disciplining authority alleges failure to comply with a disciplinary order, the department may file a motion for hearing with the adjudicative clerk's office and serve a copy on the respondent.

(2) Upon receipt of the motion, the adjudicative clerk's office shall issue a notice of hearing on motion notifying the parties of the time, place and date of the administrative hearing.

(3) The sole issue at the hearing shall be whether the respondent failed to comply with a disciplinary order.

(4) At the hearing, the department has the burden of proving it is more probable than not that the respondent failed to comply with a disciplinary order.

(5) The presiding officer will issue an order including findings of fact and conclusion of law.

(6) If the department has proven failure to comply with a disciplinary order, the sanction will be indefinite suspension until compliance is achieved as determined by the disciplining authority.

[Statutory Authority: RCW 43.70.040, 34.05.220, 34.05.410, 18.130.050, and 34.05.413 through 34.05.476. WSR 18-18-049, § 246-10-708, filed 8/29/18, effective 9/29/18.]