

**WAC 391-45-070 Amendment.** (1) A complaint may be amended upon motion made by the complainant if:

(a) The proposed amendment only involves the same parties as the original complaint;

(b) The proposed amendment is timely under any statutory limitation as to new facts;

(c) The subject matter of the proposed amendment is germane to the subject matter of the complaint as originally filed or previously amended; and

(d) Granting the amendment will not cause undue delay of the proceedings.

(2) A motion to amend a complaint is subject to the following limitations:

(a) Before the appointment of an examiner, amendment is freely allowed upon motion;

(b) After the appointment of an examiner but before the opening of a hearing, amendment may be allowed upon motion to the examiner and subject to due process requirements;

(c) After the opening of a hearing, amendment may only be allowed to conform the pleadings to evidence received without objection, upon motion made before the close of the hearing.

(3) If a motion for amendment is denied, the proposed amendment will be processed as a separate case.

[Statutory Authority: RCW 28B.52.080, 41.56.090, 41.58.050, 41.59.110, 41.76.060, 41.80.080, 47.64.135, and 49.39.060. WSR 22-23-101, § 391-45-070, filed 11/16/22, effective 1/1/23. Statutory Authority: RCW 28B.52.080, 41.56.090, 41.59.110, 41.58.050, 28B.52.073, 41.56.140, 41.56.150, 41.56.170, 41.59.140 and 53.18.015. WSR 00-14-048, § 391-45-070, filed 6/30/00, effective 8/1/00; WSR 90-06-074, § 391-45-070, filed 3/7/90, effective 4/7/90. Statutory Authority: RCW 28B.52.080, 41.56.040, 41.58.050, 41.59.110 and 47.64.040. WSR 80-14-048 (Order 80-7), § 391-45-070, filed 9/30/80, effective 11/1/80.]