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SENATE BILL 5252

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Winsley

Read first time 01/20/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to condominiums; adding a new section to chapter  
2 64.32 RCW; and adding a new section to chapter 64.34 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 64.32 RCW  
5 to read as follows:

6 (1) If any person is charged with violating any provision of this  
7 chapter, the director of licensing shall investigate the charges. If,  
8 upon investigation, the director has reasonable cause to believe that  
9 the person charged has violated the provision, the director shall issue  
10 and cause to be served upon the person, a complaint stating the  
11 charges. A hearing on the charges shall be conducted in accordance  
12 with the provisions of chapter 34.05 RCW concerning contested cases.

13 (2) No complaint may be issued based solely upon any act occurring  
14 more than six months before the filing of the charge with the director  
15 of licensing. At the discretion of the director, any other person may  
16 be allowed to intervene in the proceeding and to present testimony and  
17 other evidence.

18 (3) If upon the preponderance of the evidence taken, the director  
19 of licensing is of the opinion that any person named in the complaint

1 has engaged in or is engaging in any prohibited practice, the director  
2 shall make and enter findings of fact and shall issue and cause to be  
3 served on that person a notice summarizing those findings of fact and  
4 stating that such person may be liable for damages or subject to  
5 penalties as provided in this chapter. If, upon the preponderance of  
6 the testimony and other evidence, the director determines that the  
7 person named in the complaint has not engaged in or is not engaging in  
8 any prohibited practice, the director shall make and enter findings of  
9 fact and an order dismissing the complaint.

10 (4)(a) If required to carry out the objectives of this chapter,  
11 including the conduct of any investigations or hearing, the director of  
12 licensing may require any person to provide other information as may be  
13 reasonably required.

14 (b) Any person subject to the provisions of this chapter shall  
15 provide the information, records, and reports reasonably required by  
16 the director, or make such material available to the director for  
17 inspection and/or copying at reasonable times and places.

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.34 RCW  
19 to read as follows:

20 (1) If any person is charged with violating any provision of this  
21 chapter, the director of licensing shall investigate the charges. If,  
22 upon investigation, the director has reasonable cause to believe that  
23 the person charged has violated the provision, the director shall issue  
24 and cause to be served upon the person, a complaint stating the  
25 charges. A hearing on the charges shall be conducted in accordance  
26 with the provisions of chapter 34.05 RCW concerning contested cases.

27 (2) No complaint may be issued based solely upon any act occurring  
28 more than six months before the filing of the charge with the director  
29 of licensing. At the discretion of the director, any other person may  
30 be allowed to intervene in the proceeding and to present testimony and  
31 other evidence.

32 (3) If upon the preponderance of the evidence taken, the director  
33 of licensing is of the opinion that any person named in the complaint  
34 has engaged in or is engaging in any prohibited practice, the director  
35 shall make and enter findings of fact and shall issue and cause to be  
36 served on that person a notice summarizing those findings of fact and  
37 stating that such person may be liable for damages or subject to  
38 penalties as provided in this chapter. If, upon the preponderance of

1 the testimony and other evidence, the director determines that the  
2 person named in the complaint has not engaged in or is not engaging in  
3 any prohibited practice, the director shall make and enter findings of  
4 fact and an order dismissing the complaint.

5 (4)(a) If required to carry out the objectives of this chapter,  
6 including the conduct of any investigations or hearing, the director of  
7 licensing may require any person to provide other information as may be  
8 reasonably required.

9 (b) Any person subject to the provisions of this chapter shall  
10 provide the information, records, and reports reasonably required by  
11 the director, or make such material available to the director for  
12 inspection and/or copying at reasonable times and places.

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