

WSR 12-06-011
EXPEDITED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS
 (Securities Division)
 [Filed February 27, 2012, 10:53 a.m.]

Title of Rule and Other Identifying Information: The division is considering amending WAC 460-44A-501 and 460-80-108 to reflect recent amendments by the Securities and Exchange Commission (SEC) to its net worth standards for accredited investors. The amendments the division is considering affect the regulation of securities and franchises. Securities are subject to regulation by the SEC under federal law. The offer and sale of franchises are regulated by the Federal Trade Commission (FTC) under federal law. The division is considering amending its rules to conform to the federal rules.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Michelle Webster, Staff Attorney, Department of Financial Institutions, Securities Division, P.O. Box 9033, Olympia, WA 98507-9033, AND RECEIVED BY May 8, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: On both the federal and state level, accredited investor standards are used to determine the availability of certain exemptions to securities registration. As mandated by the Dodd-Frank Wall Street Reform and Consumer Protection Act enacted July 21, 2010, the SEC has recently revised its net worth standards to determine whether an individual is an accredited investor. Washington exemptions from registration, both under the Washington Securities Act and the Washington Franchise Investment Protection Act, incorporate the federal definition of accredited investor. The proposed rule making would realign Washington's definition with the federal definition of accredited investor. Expedited rule making is authorized by RCW 34.05.353 (1)(b) as the proposed amendments adopt without material change the amendments to the "accredited investor" definition recently enacted under federal law.

Reasons Supporting Proposal: The proposed amendments should be adopted to conform the definitions of "accredited investor" contained in the securities division rules to federal law. Without adoption of the federal standard, entities may be denied registration exemptions that are intended to be available under corresponding state regulations in Washington.

Statutory Authority for Adoption: For WAC 460-44A-501 is RCW 21.20.450, 21.20.320 (1), (9) and (17); and for WAC 460-80-108 is RCW 19.100.250 and 19.100.030(5).

Statute Being Implemented: For WAC 460-44A-501 is chapter 21.20 RCW; and for WAC 460-80-108 is chapter 19.100 RCW.

Rule is necessary because of federal law, [no further information supplied by agency].

Name of Proponent: Department of financial institutions, governmental.

Name of Agency Personnel Responsible for Drafting: Michelle Webster, 150 Israel Road S.W., Olympia, WA 98501, (360) 902-8736; Implementation: Scott Jarvis, 150 Israel Road S.W., Olympia, WA 98501, (360) 902-8707; and Enforcement: William Beatty, 150 Israel Road S.W., Olympia, WA 98501, (360) 902-8723.

February 17, 2012

Scott Jarvis
Director

AMENDATORY SECTION (Amending WSR 11-01-139, filed 12/21/10, effective 1/21/11)

WAC 460-44A-501 Definitions and terms. As used in rules WAC 460-44A-501 through 460-44A-508, the following terms shall have the meaning indicated:

(1) "Accredited investor" shall mean any person who comes within any of the following categories, or who the issuer reasonably believes comes within any of the following categories, at the time of the sale of the securities to that person:

(a) Any bank as defined in section 3 (a)(2) of the Securities Act of 1933, or any savings and loan association or other institution as defined in section 3 (a)(5)(A) of the Securities Act of 1933 whether acting in its individual or fiduciary capacity; any broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934; any insurance company as defined in section 2(13) of the Securities Act of 1933; any investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2 (a)(48) of that act; any small business investment company licensed by the U.S. Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958; any plan established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees, if such plan has total assets in excess of \$5,000,000; any employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974 if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such act, which is either a bank, savings and loan association, insurance company, or registered investment adviser, or if the employee benefit plan has total assets in excess of \$5,000,000 or, if a self-directed plan, with investment decisions made solely by persons that are accredited investors;

(b) Any private business development company as defined in section 202 (a)(22) of the Investment Advisers Act of 1940;

(c) Any organization described in section 501 (c)(3) of the Internal Revenue Code, corporation, Massachusetts or similar business trust, or partnership, not formed for the spe-

cific purpose of acquiring the securities offered, with total assets in excess of \$5,000,000;

(d) Any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer, or general partner of a general partner of that issuer;

(e) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds \$1,000,000 (~~excluding the value of the primary residence of such natural person~~);

(i) Except as provided in (e)(ii) of this subsection, for purposes of calculating net worth under (e) of this subsection:

(A) The person's primary residence shall not be included as an asset;

(B) Indebtedness that is secured by the person's primary residence, up to the estimated fair market value of the primary residence at the time of the sale of securities, shall not be included as a liability (except that if the amount of such indebtedness outstanding at the time of sale of securities exceeds the amount outstanding sixty days before such time, other than as a result of the acquisition of the primary residence, the amount of such excess shall be included as a liability); and

(C) Indebtedness that is secured by the person's primary residence in excess of the estimated fair market value of the primary residence at the time of the sale of securities shall be included as a liability;

(ii) (e)(i) of this subsection will not apply to any calculation of a person's net worth made in connection with a purchase of securities in accordance with a right to purchase such securities, provided that:

(A) Such right was held by the person on July 20, 2010;

(B) The person qualified as an accredited investor on the basis of net worth at the time the person acquired such right; and

(C) The person held securities of the same issuer, other than such right, on July 20, 2010.

(f) Any natural person who had an individual income in excess of \$200,000 in each of the two most recent years or joint income with that person's spouse in excess of \$300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year;

(g) Any trust, with total assets in excess of \$5,000,000, not formed for the specific purpose of acquiring the securities offered, whose purchase is directed by a sophisticated person as described in 17 CFR Sec. 230.506 (b)(2)(ii); and

(h) Any entity in which all of the equity owners are accredited investors.

(2) "Affiliate" an "affiliate" of, or person "affiliated" with, a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified;

(3) "Aggregate offering price" shall mean the sum of all cash, services, property, notes, cancellation of debt, or other consideration to be received by an issuer for issuance of its securities. Where securities are being offered for both cash and noncash consideration, the aggregate offering price shall be based on the price at which the securities are offered for cash. Any portion of the aggregate offering price attributable

to cash received in a foreign currency shall be translated into United States currency at the currency exchange rate in effect at a reasonable time prior to or on the date of the sale of the securities. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or, in the absence of sales, on the fair value as determined by an accepted standard. Such valuations of noncash consideration must be reasonable at the time made;

(4) "Business combination" shall mean any transaction of the type specified in paragraph (a) of Rule 145 under the Securities Act of 1933 and any transaction involving the acquisition by one issuer, in exchange for all or a part of its own or its parent's stock, of stock of another issuer if, immediately after the acquisition, the acquiring issuer has control of the other issuer (whether or not it had control before the acquisition);

(5) "Calculation of number of purchasers." For purposes of calculating the number of purchasers under WAC 460-44A-504 and 460-44A-505 the following shall apply:

(a) The following purchasers shall be excluded:

(i) Any relative, spouse or relative of the spouse of a purchaser who has the same principal residence as the purchaser;

(ii) Any trust or estate in which a purchaser and any of the persons related to him as specified in WAC 460-44A-501 (5)(a)(i) or (ii) collectively have more than fifty percent of the beneficial interest (excluding contingent interests);

(iii) Any corporation or other organization of which a purchaser and any of the persons related to him as specified in WAC 460-44A-501 (5)(a)(i) or (ii) collectively are beneficial owners of more than fifty percent of the equity securities (excluding directors' qualifying shares) or equity interests; and

(iv) Any accredited investor.

(b) A corporation, partnership or other entity shall be counted as one purchaser. If, however, that entity is organized for the specific purpose of acquiring the securities offered and is not an accredited investor under WAC 460-44A-501 (1)(h), then each beneficial owner of equity securities or equity interests in the entity shall count as a separate purchaser for all provisions of WAC 460-44A-501 through 460-44A-508, except to the extent provided in (a) of this subsection.

(c) A noncontributory employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974 shall be counted as one purchaser where the trustee makes all investment decisions for the plan.

Note: The issuer must satisfy all the other provisions of WAC 460-44A-501 through 460-44A-505 for all purchasers whether or not they are included in calculating the number of purchasers. Clients of an investment adviser or customers of a broker-dealer shall be considered the "purchasers" under WAC 460-44A-501 through 460-44A-505 regardless of the amount of discretion given to the investment adviser or broker-dealer to act on behalf of the client or customer.

(6) "Executive officer" shall mean the president, any vice-president in charge of a principal business unit, division or function (such as sales, administration or finance), or any other officer who performs a policy making function, or any other person who performs similar policy making functions

for the issuer. Executive officers of subsidiaries may be deemed executive officers of the issuer if they perform such policy making functions for the issuer.

(7) "Issuer" as defined in Section 2(4) of the Securities Act of 1933 or RCW 21.20.005(7) shall apply, except that in the case of a proceeding under the Federal Bankruptcy Code (11 U.S.C. 101 et seq.), the trustee or debtor in possession shall be considered the issuer in an offering under a plan or reorganization, if the securities are to be issued under the plan.

(8) "Purchaser representative" shall mean any person who satisfies all of the following conditions or who the issuer reasonably believes satisfies all of the following conditions:

(a) Is not an affiliate, director, officer or other employee of the issuer, or beneficial owner of ten percent or more of any class of the equity securities or ten percent or more of the equity interest in the issuer, except where the purchaser is:

(i) A relative of the purchaser representative by blood, marriage or adoption and not more remote than a first cousin;

(ii) A trust or estate in which the purchaser representative and any person related to him as specified in WAC 460-44A-501 (8)(a)(i) or (iii) collectively have more than fifty percent of the beneficial interest (excluding contingent interest) or of which the purchaser representative serves as trustee, executor, or in any similar capacity; or

(iii) A corporation or other organization of which the purchaser representative and any persons related to him as specified in WAC 460-44A-501 (8)(a)(i) or (ii) collectively are the beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests;

(b) Has such knowledge and experience in financial and business matters that he is capable of evaluating, alone, or together with other purchaser representatives of the purchaser, or together with the purchaser, the merits and risks of the prospective investment;

(c) Is acknowledged by the purchaser in writing, during the course of the transaction, to be his purchaser representative in connection with evaluating the merits and risks of the prospective investment; and

(d) Discloses to the purchaser in writing a reasonable time prior to the sale of securities to that purchaser any material relationship between himself or his affiliates and the issuer or its affiliates that then exists, that is mutually understood to be contemplated, or that has existed at any time during the previous two years, and any compensation received or to be received as a result of such relationship.

Note 1: A person acting as a purchaser representative should consider the applicability of the registration and anti-fraud provisions relating to broker-dealers under chapter 21.20 RCW and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended) and relating to investment advisers under chapter 21.20 RCW and the Investment Advisers Act of 1940.

Note 2: The acknowledgment required by paragraph (8)(c) and the disclosure required by paragraph (8)(d) of this WAC 460-44A-501 must be made with specific reference to each prospective investment. Advance blanket acknowledgment, such as for "all securities transactions" or "all private placements," is not sufficient.

Note 3: Disclosure of any material relationships between the purchaser representative or his affiliates and the issuer or its

affiliates does not relieve the purchaser representative of his obligation to act in the best interest of the purchaser.

AMENDATORY SECTION (Amending WSR 11-01-139, filed 12/21/10, effective 1/21/11)

WAC 460-80-108 Exemption for offer and sale to accredited investors pursuant to RCW 19.100.030(5). For the purpose of the exemption of RCW 19.100.030(5), an "accredited investor" shall mean any person who comes within any of the following categories, or who the franchisor reasonably believes comes within any of the following categories, at the time of the sale of the franchise to that person:

(1) Any bank as defined in section 3 (a)(2) of the Securities Act of 1933, or any savings and loan association or other institution as defined in section 3 (a)(5)(A) of the Securities Act of 1933 whether acting in its individual or fiduciary capacity; any broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934; any insurance company as defined in section 2(13) of the Securities Act of 1933; any investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2 (a)(48) of that act; any small business investment company licensed by the U.S. Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958; any plan established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees, if such plan has total assets in excess of \$5,000,000; any employee benefit plan within the meaning of the Employee Retirement Income Security Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such act, which is either a bank, savings and loan association, insurance company, or registered investment adviser, or if the employee benefit plan has total assets in excess of \$5,000,000 or, if a self-directed plan, with investment decisions made solely by persons that are accredited investors;

(2) Any private business development company as defined in section 202 (a)(22) of the Investment Advisers Act of 1940;

(3) Any organization described in section 501 (c)(3) of the Internal Revenue Code, corporation, Massachusetts or similar business trust, or partnership, not formed for the specific purpose of acquiring the franchise offered, with total assets in excess of \$5,000,000;

(4) Any director, executive officer, or general partner of the franchisor of the franchises being offered or sold, or any director, executive officer, or general partner of a general partner of that franchisor;

(5) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds \$1,000,000 (~~excluding the value of the primary residence of such natural person;~~).

(a) Except as provided in (b) of this subsection, for purposes of calculating net worth under subsection (5) of this section:

(i) The person's primary residence shall not be included as an asset;

(ii) Indebtedness that is secured by the person's primary residence, up to the estimated fair market value of the pri-

mary residence at the time of the sale of the franchise, shall not be included as a liability (except that if the amount of such indebtedness outstanding at the time of sale of the franchise exceeds the amount outstanding sixty days before such time, other than as a result of the acquisition of the primary residence, the amount of such excess shall be included as a liability); and

(iii) Indebtedness that is secured by the person's primary residence in excess of the estimated fair market value of the primary residence at the time of the sale of the franchise shall be included as a liability.

(b) Subsection (5)(a) of this section will not apply to any calculation of a person's net worth made in connection with a purchase of additional franchises in accordance with a right to purchase such franchises, provided that:

(i) Such right was held by the person on July 20, 2010;

(ii) The person qualified as an accredited investor on the basis of net worth at the time the person acquired such right; and

(iii) The person operated a franchise of the franchisor, other than such right, on July 20, 2010.

(6) Any natural person who had an individual income in excess of \$200,000 in each of the two most recent years or joint income with that person's spouse in excess of \$300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year;

(7) Any trust, with total assets in excess of \$5,000,000, not formed for the specific purpose of acquiring the franchise offered, whose purchase is directed by a sophisticated person as described in 17 CFR Sec. 230.506 (b)(2)(ii); and

(8) Any entity in which all of the equity owners are accredited investors.

WSR 12-06-026

EXPEDITED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed March 1, 2012, 11:16 a.m.]

Title of Rule and Other Identifying Information: WAC 390-16-050 Forms for contributions and expenditures of out-of-state political committees.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lori Anderson, Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908 or lori.anderson@pdc.wa.gov, AND RECEIVED BY May 8, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Correct typo-

graphical/math errors following the recodification of chapter 42.17 RCW to chapter 42.17A RCW.

Reasons Supporting Proposal: The public disclosure commission (PDC) is required to annually adjust the disclosure threshold contained in RCW 42.17A.250 [(1)](g). The last adjustment, adopted by the commission on December 8, 2011, set the threshold at \$2,700. 2SHB 2016 recodified chapter 42.17 RCW to chapter 42.17A RCW effective January 1, 2012, and set the disclosure threshold at \$2,550, which was the threshold in 2008 when the bill was drafted. The proposed amendment calculates the 2012 adjustment using the base amount of \$2,550.

Statutory Authority for Adoption: RCW 42.17A.110 and 42.17A.250 (1)(g).

Statute Being Implemented: RCW 42.17.250.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: PDC, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Lori Anderson, 711 Capitol Way, Room 206, Olympia, WA 98504-0908, (360) 664-2737; Enforcement: Phil Stutzman, 711 Capitol Way, Room 206, Olympia, WA 98504-0908, (360) 664-8853.

March 1, 2012

Lori Anderson

Communications and
Training Officer

AMENDATORY SECTION (Amending WSR 12-01-047, filed 12/14/11, effective 1/14/12)

WAC 390-16-050 Forms for contributions and expenditures of out-of-state political committees. The official form for the report required by RCW 42.17A.250 of contributions and expenditures of an out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW ((42.17A.250)) 42.17A.205 through 42.17A.240 is designated "C-5," revised ((4/12)) 6/12. Copies of this form are available at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908. Any paper attachments shall be on 8 1/2" x 11" white paper.

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Form C5 (1/12)	This space for office use P M O A S R T K R E C E I V E D
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Out-of-State Political Committee Campaign Finance Report

1. Name and full address of committee making the contribution Name Street address City / State / Zip	2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 20__ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
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3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., a State Committee of the Oregon Republican Party, Idaho committee of United Workers Union or federal PAC of XYZ Trade Assn.)

4. Officers or responsible leaders of committee:
Name and full address Title

5. States where this political committee is registered and has been actively reporting campaign finance information for the preceding two years:
Name of state(s) & administrative agency(s) Agency(s) website address

6. Candidate contributions: List each Washington candidate for state, local or judicial office to whom you have made a contribution of more than \$50.00.

Candidate name	Office sought	Political party	Date	Amount

7. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name & full address	Ballot number	For or Against?	Date	Amount

8. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state, local or judicial candidate, ballot measure or political committee.

Recipient name & full address	Purpose	Date	Amount

Check here if continued on an attached sheet

9. Total contributions and expenditures (Add parts 6, 7, 8)

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10. Aggregate contributions and expenditures made during this calendar year in Washington State.

Include amounts shown on this report and C5 reports previously submitted this calendar year. _____

Does this aggregate total represent 20% or more of the committee's nationwide campaign activity to date for this calendar year? Y N

11. Contributions received from Washington residents. List all contributions of more than \$25.00 in the aggregate to this out-of-state committee during the current calendar year from Washington residents or corporations with their headquarters or a primary place of business in Washington.

Name and full address	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

12. Contributions received from persons residing outside of Washington. List the name, address, and employer of each person or corporation residing outside the state of Washington who has made contributions of more than \$2,700 in the aggregate to this out-of-state committee during the current calendar year.

Name and full address	Employer name, city and state	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

13. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters.

A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees and/or state office candidates.

14. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official _____

Name – Typed or Printed _____

Title _____

Daytime Telephone No. () _____

E-Mail Address _____

(STRICKEN GRAPHIC))



Form <b style="font-size: 2em;">C5 (6/12)	This space for office use P M O A S R T K R E C E I V E D
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Out-of-State Political Committee Campaign Finance Report

1. Name and full address of committee making the contribution Name Street address City / State / Zip	2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 20__ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
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3. Provide the purpose of the committee and the identity of any business, union, association or person with which the committee is affiliated (e.g., a State Committee of the Oregon Republican Party, Idaho committee of United Workers Union or federal PAC of XYZ Trade Assn.)

4. Officers or responsible leaders of committee: Name and full address	Title
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5. States where this political committee is registered and has been actively reporting campaign finance information for the preceding two years: Name of state(s) & administrative agency(s)	Agency(s) website address
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6. Candidate contributions: List each Washington candidate for state, local or judicial office to whom you have made a contribution of more than \$50.00.

Candidate name	Office sought	Political party	Date	Amount

7. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name & full address	Ballot number	For or Against?	Date	Amount

8. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state, local or judicial candidate, ballot measure or political committee.

Recipient name & full address	Purpose	Date	Amount

Check here if continued on an attached sheet

9. Total contributions and expenditures (Add parts 6, 7, 8)

10. Aggregate contributions and expenditures made during this calendar year in Washington State.
 Include amounts shown on this report and C5 reports previously submitted this calendar year. _____

Does this aggregate total represent 20% or more of the committee's nationwide campaign activity to date for this calendar year? Y N

11. Contributions received from Washington residents. List all contributions of more than \$25.00 in the aggregate to this out-of-state committee during the current calendar year from Washington residents or corporations with their headquarters or a primary place of business in Washington.

Name and full address	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

12. Contributions received from persons residing outside of Washington. List the name, address, and employer of each person or corporation residing outside the state of Washington who has made contributions of more than \$2,615.00 in the aggregate to this out-of-state committee during the current calendar year.

Name and full address	Employer name, city and state	Date	Amount	Aggregate Total

Check here if continued on an attached sheet

13. Eligibility to Give to Political Committees and State Office Candidates: A committee must receive \$10 or more each from ten Washington State registered voters before contributing to a Washington State political committee. Additionally, during the six months prior to making a contribution to a state office candidate your committee must have received contributions of \$10 or more each from at least ten Washington State registered voters.

A check here indicates your awareness of and pledge to comply with these provisions. Absence of a check mark means your committee does not qualify to give to Washington State political committees and/or state office candidates.

14. Certification: I certify the information contained in this report is true, complete and correct to the best of my knowledge.

Signature of Committee Official _____ Name – Typed or Printed _____

Title _____ Daytime Telephone No. () _____

E-Mail Address _____

Instructions – (Statutory reference: RCW 42.17A.250)

Who Must Report on C5 Form: An out-of-state political committee, including political committees filing with the Federal Election Commission, organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17A.205 through 42.17A.240 which has made contributions or expenditures to or on behalf of a state, local or judicial candidate or political committee in Washington state. See WAC 390-16-049 reprinted below. A political committee making contributions or expenditures to or on behalf of a state, local or judicial candidate or political committee in Washington state that fails to satisfy all of the conditions of WAC 390-16-049(3) shall not use the C5 form but instead shall register and report as a political committee pursuant to RCW 42.17A.205 through 42.17A.240 and as otherwise required by RCW 42.17A.

When to Report: A C5 report is due no later than the 10th day of the month following any month in which a contribution or other expenditure of more than \$50 is made to or on behalf of a Washington state candidate or political committee. After filing an initial C5 report, subsequent reports during the same calendar year shall be filed updating or amending the information previously reported. These follow-up reports are also due no later than the 10th day of the month following any month in which an additional contribution or other expenditure of more than \$50 is made. The C5 report is considered filed as of the postmark date.

Send Report to: Public Disclosure Commission, 711 Capitol Way, Room 206, PO Box 40908, Olympia, Washington 98504-0908

Questions? Contact PDC at www.pdc.wa.gov, toll free at 1-877-601-2828 or 1-360-753-1111

WAC 390-16-049 Out-of-state political committees – Implementation of RCW 42.17A.250

(1) RCW 42.17A.250 governs campaign reporting in Washington State by committees located outside of Washington. The statute directs that an out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state (and that is not otherwise required to report as an in-state committee) reports the information listed in RCW 42.17A.250 on a C5 form (WAC 390-16-050). The committee begins reporting on a C5 form when it makes an expenditure supporting or opposing a Washington state candidate or political committee.

(2) To file as an out-of-state political committee, all the criteria in (a) and (b) below must be satisfied:

(a) **Out-of-State.** First, the committee must be located out-of-state. It must be maintaining its office or headquarters in another U.S. state or the District of Columbia, and has no office, street address or corporate registered agent in Washington State. If there is no office or headquarters in another state or the District of Columbia, and no corporate registered agent in Washington State, the political committee is deemed out-of-state if its treasurer resides in another U.S. state or the District of Columbia.

(b) **Organizational Purpose and Campaign Activities.** Second, the committee must also be currently organized primarily for engaging in campaign activities in another state. The political committee may be described in other states as a political committee, political action committee (PAC), group (Alaska) or similar terms to describe a committee. Therefore, to qualify as a current out-of-state committee, the committee must also:

(i) Be currently registered and actively filing campaign disclosure reports in one or more other states and has been so filing for the preceding two years; and,

(ii) Have organizational documents showing it was originally formed and is currently organized for the purpose of making expenditures in another state or soliciting contributions for use in another state's election campaigns; and,

(iii) Have spent less than 20 percent of its aggregate expenditures for all political campaign activity nationwide at any point in any calendar year to support and/or oppose Washington candidates for state, local and judicial office, Washington ballot measures and/or Washington political committees.

(3) A committee that does not satisfy the criteria subsection (2) shall file as an in-state committee under RCW 42.17A, including RCW 42.17A.205 – RCW 42.17A.240.

(4) Out-of-state political committees reporting under RCW 42.17A.250 are also subject to reporting pursuant to RCW 42.17A.260 (political advertising independent expenditures) and 42.17A.305 through 42.17A.315 (electioneering communications).

WSR 12-06-028
EXPEDITED RULES
DEPARTMENT OF
NATURAL RESOURCES

[Filed March 1, 2012, 12:09 p.m.]

Title of Rule and Other Identifying Information: Department of natural resources (DNR) administrative appeals related to derelict and abandoned vessels, surface mining, and decisions from forest practices brief adjudicative proceedings (BAP).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Peggy Murphy, Department of Natural Resources, P.O. Box 47014, Olympia, WA 98504-7014, fax (360) 902-1789, AND RECEIVED BY May 7, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend rules in chapter 332-08 WAC to:

- Incorporate provisions of 2010 natural resources reform (chapter 210, Laws of 2010) pertaining to adjudicative proceedings under the Derelict and Abandoned Vessel Act, chapter 79.100 RCW, changing proceedings to the pollution control hearings board (PCHB).
- Incorporate provisions of 2010 natural resources reform (chapter 210, Laws of 2010) pertaining to adjudicative proceedings of surface mining decisions, chapter 78.44 RCW, changing proceedings to the PCHB.
- Incorporate provisions of 2010 natural resources reform (chapter 210, Laws of 2010) pertaining to appeals from forest practices BAP, chapter 76.09 RCW, changing appeals of DNR forest practices BAP decisions from the forest practices appeals board to the PCHB.
- Incorporate provisions of 2010 natural resources reform (chapter 210, Laws of 2010) eliminating DNR adjudicative proceedings except where specifically retained by statute, and changing proceedings to the PCHB.

Amend rules in chapter 332-18 WAC to:

- Incorporate provisions of 2010 natural resources reform (chapter 210, Laws of 2010) pertaining to adjudicative proceedings of surface mining penalties, chapter 78.44 RCW, changing proceedings related to mitigation of penalties.

Reasons Supporting Proposal: The intent is to make DNR rules consistent with Washington state statutes.

Statutory Authority for Adoption: RCW 34.05.220.

Statute Being Implemented: Statutes amended in chapter 210, Laws of 2010.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DNR, governmental.

Name of Agency Personnel Responsible for Drafting: Peggy Murphy, 1111 Washington Street S.E., Olympia, (360) 902-1393; Implementation and Enforcement: Pamela Krueger, 1111 Washington Street S.E., Olympia, (360) 902-1424.

January 29, 2012

Peter Goldmark

Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 08-16-095, filed 8/5/08, effective 9/5/08)

WAC 332-08-101 Applicability to department actions under the Derelict and Abandoned Vessel Act, chapter 79.100 RCW. When is this chapter applicable to department actions relating to the Derelict and Abandoned Vessel Act? This chapter applies when a challenge to the action of a state agency acting as an authorized public entity is filed with the ~~((department))~~ pollution control hearings board under the Derelict and Abandoned Vessel Act as provided in RCW 79.100.120 (2)(a).

AMENDATORY SECTION (Amending WSR 08-16-095, filed 8/5/08, effective 9/5/08)

WAC 332-08-111 Derelict and abandoned vessel—Appeal deadline. When must my appeal be filed? ~~((An application for an adjudicative proceeding))~~ A notice of appeal regarding an agency action under chapter 79.100 RCW ~~((can))~~ may be filed with the ~~((department as soon as the department issues its notice of its intent))~~ pollution control hearings board upon receipt of the department's notice of intent to take custody of a vessel, but the ~~((application))~~ notice of appeal must be filed no later than ~~((twenty))~~ thirty days after the date the authorized public entity took custody of the vessel, or if the vessel was redeemed before the authorized public entity took custody, no later than ~~((twenty))~~ thirty days after the date of redemption.

AMENDATORY SECTION (Amending WSR 08-16-095, filed 8/5/08, effective 9/5/08)

WAC 332-08-121 Derelict and abandoned vessel—Filing location ~~((and presiding officer))~~. ~~((+))~~ Where must my appeal be filed? ~~((An application for adjudicative proceeding concerning a decision to take temporary possession or custody of a vessel or the amount owed to an authorized public entity under chapter 79.100 RCW must be filed at the following address:~~

Department of Natural Resources
 Aquatic Resources Division
 Derelict Vessel Removal Program
 P.O. Box 47027
 Olympia, WA 98504-7027

~~(2) Who may serve as the presiding officer?~~ Adjudicative proceedings governed by subsection (1) of this section will be initially decided through the office of administrative hearings unless the commissioner of public lands decides that he/she will enter a decision.)) A notice of appeal concerning

Pollution Control Hearings Board

Physical Address:

1111 Israel Road S.W., Suite 301

Tumwater, WA 98501

Mailing Address:

P.O. Box 40903

Olympia, WA 98504-0903

AMENDATORY SECTION (Amending WSR 08-16-095, filed 8/5/08, effective 9/5/08)

WAC 332-08-201 Applicability to department actions under forest practices laws and rules. When is this chapter applicable to the department's forest practices actions? This chapter applies to challenges of notices to comply that the department issues under chapter 76.09 RCW (Forest Practices Act) and chapter 222-46 WAC. These challenges are initially reviewed through brief adjudicative proceedings (BAPs). Other department actions regarding forest practices, including appeals from department BAP actions on notices to comply, are generally subject to review by the ~~((forest practices appeals))~~ pollution control hearings board under chapter ~~((223-08))~~ 371-08 WAC.

AMENDATORY SECTION (Amending WSR 08-16-095, filed 8/5/08, effective 9/5/08)

WAC 332-08-265 Forest practices—Appeal of BAP decision. (1) How do I administratively appeal a BAP decision? The operator, forest land owner, or timber owner subject to a final order of the department on a forest practices notice to comply may, within thirty days from the date of ~~((the))~~ receipt of such final order, appeal to the ~~((forest practices appeals))~~ pollution control hearings board.

(2) Who reviews the BAP decision? The ~~((forest practices appeals))~~ pollution control hearings board will conduct the review. The provisions of chapter ~~((223-08))~~ 371-08 WAC govern such appeals.

AMENDATORY SECTION (Amending WSR 08-16-095, filed 8/5/08, effective 9/5/08)

WAC 332-08-401 Applicability to department actions under surface mining laws and rules. When is this chapter applicable to department determinations relating to the Surface Mining Act, chapter 78.44 RCW? This chapter applies when a challenge is filed with the pollution control hearings board against a department determination made under the Surface Mining Act, chapter 78.44 RCW.

a decision to take temporary possession or custody of a vessel or the amount owed to an authorized public entity under chapter 79.100 RCW must be filed with the pollution control hearings board and served on the department at the following addresses:

Department of Natural Resources

Aquatic Resources Division

Derelict Vessel Removal Program

P.O. Box 47027

Olympia, WA 98504-7027

AMENDATORY SECTION (Amending WSR 08-16-095, filed 8/5/08, effective 9/5/08)

WAC 332-08-415 Surface mining—Appeal deadline. When must my appeal be filed? ~~((Time limits for filing applications for adjudicative proceedings regarding department determinations under the Surface Mining Act, chapter 78.44 RCW, are as follows:~~

~~(1) Concerning approval or disapproval of a new or revised reclamation permit, a new, modified, or revised reclamation plan, or reclamation permit transfer—filed within thirty days of the department's determination;~~

~~(2) Concerning a civil penalty—served on the department and filed with the pollution control hearings board within thirty days of the date the applicant receives the civil penalty notice, or within thirty days of the date the applicant receives the department's notice of disposition of a timely application for remission or mitigation of the civil penalty under WAC 332-18-05007. The pollution control hearings board's practice and procedure rules govern these proceedings;~~

~~(3) Concerning a stop work order to rectify deficiencies, an emergency notice and order to rectify deficiencies or emergency order to suspend surface mining, a suspension order, a cancellation of a permit, an order to submit performance security, or any other appealable surface mining determination—filed within thirty days of the date of the department's service of the order or notice.)) A notice of appeal regarding a department under chapter 78.44 RCW may be filed with the pollution control hearings board within thirty days from the date of receipt of the decision being appealed.~~

AMENDATORY SECTION (Amending WSR 08-16-095, filed 8/5/08, effective 9/5/08)

WAC 332-08-421 Surface mining—Filing location ~~((and presiding officer)).~~ Where must my appeal be filed? Applications for adjudicative proceedings relating to surface mining must be filed ~~((at the location identified below for each of the issues listed below:~~

~~(1) Civil penalty:~~

~~(a) File with:~~

Pollution Control Hearings Board

4224 6th Avenue S.E., Building 2, Rowe Six

P.O. Box 40903
Lacey, WA 98504-0903

(b) And serve:

Assistant Division Manager
Division of Geology and Earth Resources
Department of Natural Resources
P.O. Box 47007
Olympia, WA 98504-7007

(c) ~~Who considers my appeal?~~ The pollution control hearings board will consider properly filed appeals and enter the final decision on appeals of department civil penalties. Chapter 371-08 WAC will govern the proceedings conducted by the pollution control hearings board, except that the burden of proof and standard of proof will be as provided in this chapter.

Pollution Control Hearings Board
Physical Address:
1111 Israel Road S.W., Suite 301
Tumwater, WA 98501

Mailing Address:
P.O. Box 40903
Olympia, WA 98504-0903

~~(2) Where must my appeal of other department surface mining actions be filed?~~ All other surface mining related determinations including requests for brief adjudicative proceedings governed by WAC 332-08-445:

(a) File with:

Assistant Division Manager
Division of Geology and Earth Resources
Department of Natural Resources
P.O. Box 47007
Olympia, WA 98504-7007

~~(b) Who considers my appeal?~~ Adjudicative proceedings governed by this subsection will be initially decided through the office of administrative hearings unless subject to a brief adjudicative proceeding through WAC 332-08-445 or the commissioner of public lands decides that he/she will enter a decision.)) with the pollution control hearings board and served on the department at the following addresses:

Department of Natural Resources
Division on Geology and Earth Resources
P.O. Box 47007
Olympia, WA 98504-7007

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 332-08-102 Derelict and abandoned vessel—Contents of appeal.
- WAC 332-08-135 Derelict and abandoned vessel—Burden of proof.
- WAC 332-08-145 Derelict and abandoned vessel—Summary judgment.
- WAC 332-08-155 Derelict and abandoned vessel—Administrative review of initial orders.
- WAC 332-08-165 Derelict and abandoned vessel—Petition for reconsideration of a final order.
- WAC 332-08-411 Surface mining—Contents of appeal.
- WAC 332-08-425 Surface mining—Burden of proof.
- WAC 332-08-431 Surface mining—Summary judgment.
- WAC 332-08-435 Surface mining—Administrative review of initial orders.

- WAC 332-08-441 Surface mining—Petition for reconsideration of final order.
- WAC 332-08-442 Surface mining—Appeal procedures for stop work orders.
- WAC 332-08-443 Surface mining—Appeal procedures for emergency orders.
- WAC 332-08-445 Surface mining—Availability of brief adjudicative proceedings (BAPs).
- WAC 332-08-451 Surface mining—BAP presiding officer.
- WAC 332-08-455 Surface mining—Conversion of BAP to formal adjudicative proceeding.
- WAC 332-08-461 Surface mining—BAP scheduling.
- WAC 332-08-465 Surface mining—Timing of a BAP decision.
- WAC 332-08-471 Surface mining—Appeal of BAP decision and reviewing officer.
- WAC 332-08-501 Applicability to other department actions.

- WAC 332-08-511 Other department actions—
Contents of appeal.
- WAC 332-08-521 Other department actions—
Appeal deadline.
- WAC 332-08-531 Other department actions—
Filing location and presiding
officer.
- WAC 332-08-541 Other department actions—
Burden of proof.
- WAC 332-08-555 Other department actions—
May the parties move for
summary judgment on some
or all issues?
- WAC 332-08-575 Other department actions—
Administrative review of ini-
tial orders.
- WAC 332-08-585 Other department actions—
Petition for reconsideration
of a final order.

cation of chapter 200-01 WAC. GA's public records proce-
dures are no longer required.
Statutory Authority for Adoption: RCW 43.19.011.
Statute Being Implemented: Chapter 42.56 RCW.
Rule is not necessitated by federal law, federal or state
court decision.
Name of Proponent: DES, governmental.
Name of Agency Personnel Responsible for Drafting,
Implementation and Enforcement: Harold Goldes, 1500 Jef-
ferson, Olympia, WA, (360) 407-8768.

March 5, 2012
Jack Zeigler
Rules Coordinator

WSR 12-06-049
EXPEDITED RULES
DEPARTMENT OF
ENTERPRISE SERVICES

[Filed March 5, 2012, 10:13 a.m.]

Title of Rule and Other Identifying Information: Public records.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Jack Zeigler, Department of Enterprise Services (DES), 1500 Jefferson, P.O. Box 41401, Olympia, WA 98504-1401, AND RECEIVED BY May 7, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to repeal the department of general administration's (GA) procedures dealing with public records as laid out under chapter 236-56 WAC.

Reasons Supporting Proposal: Chapter 43, Laws of 2011 1st sp. sess. (ESSB 5931), created DES as a state agency by consolidating several state agencies, including GA.

Chapter 42.56 RCW requires state agencies to publish procedures dealing with public records. DES fulfilled its statutory duties under chapter 42.56 RCW through the publi-

WSR 12-06-060
EXPEDITED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed March 5, 2012, 3:17 p.m.]

Title of Rule and Other Identifying Information: Technical edits to WAC 181-79A-206. Removing references to transition dates and procedure between the time the professional certification programs were eliminated and the implementation of the external assessment and its September 2011, effective date. Change to external assessment was legislatively initiated.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO David Brenna, Professional Educator Standards Board (PESB), 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY May 8, 2012.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Removes language related to transition from program requirements to assessment requirements. Statutory requirements.

Reasons Supporting Proposal: Technical clarification.

Statutory Authority for Adoption: RCW 28A.410.210.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: PESB, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, 600 Washington Street South, Room 400, Olympia, WA 98504, (360) 725-6238.

March 5, 2012
David Brenna
Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 09-20-088, filed 10/6/09, effective 11/6/09)

WAC 181-79A-206 Academic and experience requirements for certification—Teachers. Candidates for teachers' certificates shall complete the following requirements in addition to those set forth in WAC 181-79A-150.

(1) Initial/residency.

Candidates for the initial or residency certificate shall hold an approved baccalaureate degree from a regionally accredited college or university pursuant to WAC 181-79A-030(5).

(2) Continuing.

(a) Candidates who apply for a continuing certificate shall have at least forty-five quarter hours (thirty semester hours) of upper division and/or graduate work completed from a regionally accredited institution of higher education subsequent to the conferral of the baccalaureate degree: Provided, That if the individual is pursuing study in a new subject matter area or specialization, lower division (freshmen or sophomore level) credit hours in that subject area or specialization shall be accepted toward continuing certification upon completion of the requirements for an endorsement in that subject area or specialization.

(b) Candidates applying for a continuing certificate prior to September 1, 2000, shall have been granted at least two subject area endorsements.

(c) Candidates who apply for a continuing certificate who have not successfully completed course work or an in-service program on issues of abuse, must complete the abuse course work requirement as defined in WAC 181-79A-030(6).

(d) Candidates for continuing teachers' certificates shall provide documentation of one hundred eighty days or full-time equivalent or more satisfactory teaching experience with an authorized employer—i.e., school district, state agency, college or university, private school, or private school system—and at least thirty days of such employment with the same employer.

(3) Professional.

(a) ~~((Beginning January 1, 2010 and pursuant to WAC 181-79A-206 (3)(f)))~~ Candidates for the professional certificate shall have successfully completed ~~((a professional educator standards board approved, professional certificate program, or submit to))~~ the external portfolio of evidence assessment as directed by RCW 28A.410.220(2). The professional certificate requires successful demonstration of the three standards (effective teaching, professional development, and professional contributions) and twelve criteria, pursuant to WAC 181-79A-207.

~~((Individuals who hold a teaching certificate issued by the National Board for Professional Teaching Standards (NBPTS) shall be deemed to have met the requirements of the professional certificate, in recognition that NBPTS certification is issued only to individuals who have demonstrated highly advanced skills as a teacher.~~

~~((ii)))~~ A candidate may submit a portfolio of evidence to the external assessment for evaluation as per RCW 28A.410.220(2) following two years of successful teaching in a state-approved public, private or state operated education program for children as defined in Title 28A RCW: Provided, the can-

didate was employed at least three-quarters time each year or a total of one and one-half full-time equivalent over a minimum of two years as defined in WAC 392-121-212. The portfolio assessment elements shall be determined by the professional educator standards board and include requirements for the candidates to prepare and submit a professional growth plan approved and supported by a professional growth team.

~~((b)))~~ ~~((ii))~~ A professional growth plan identifying the specific competencies, knowledge, skills and experiences needed to meet the standards set forth in WAC 181-79A-207 is prepared by the candidate for a professional certificate, in collaboration with members of the professional growth team. The candidate will identify a professional growth team as defined in WAC 181-79A-030(11).

~~((c)))~~ ~~((iii))~~ Teacher professional certificate portfolio evidence of assessment pilot participants who have not attended a program but received a "met criteria" on all entries submitted to the pilot assessment would receive the professional certificate and not be required to attend a program.

~~((d)))~~ ~~((b))~~ Provided, individuals who hold a teaching certificate issued by the National Board for Professional Teaching Standards (NBPTS) shall be deemed to have met the requirements of the professional certificate, in place of the requirements in (a) of this subsection.

~~((c))~~ Candidates who apply for a professional certificate who have not successfully completed course work or an in-service program on issues of abuse, must complete the abuse course work requirement as defined in WAC 181-79A-030(6).

~~((e))~~ ~~Prior to January 1, 2010, candidates pursuing the professional certificate will submit a portfolio to the professional educator standards board approved professional certificate program.~~

~~((f))~~ ~~Between January 1, 2010, and September 1, 2011, candidates pursuing the professional certificate will have two options:~~

~~((i))~~ ~~Submit a portfolio for evaluation to the college or university professional certificate program. The college or university has until December 31, 2011, to verify completion.~~

~~((ii))~~ ~~Submit a portfolio for evaluation to the uniform and external portfolio of evidence assessment as administered by the professional educator standards board.~~

~~((g))~~ ~~After September 1, 2011, candidates pursuing the professional certificate must submit a portfolio for evaluation to the uniform and external portfolio of evidence assessment as administered by the professional educator standards board.~~

~~((d))~~ Candidates who have successfully completed the requirements for the professional certificate prior to the expiration of their residency certificate which would subject them to reinstatement according to WAC 181-79A-251 (1)(a)(iii) but failed to apply for the certificate may apply for the professional certificate. Individuals who are subject to reinstatement according to WAC 181-79A-251 (1)(a)(iii) who do not meet requirements for the professional certificate prior to the expiration of the residency certificate may apply for the professional certificate following not less than five years from the final residency expiration.