

WAC 446-08-415 Form and content of final decision. Every final decision issued by the chief of the Washington state patrol shall:

(1) Name of the agency and name of proceeding;
(2) List all parties and counsel participating in the proceeding;
(3) Include a concise statement of the nature and background of the proceeding;

(4) Contain appropriate numbered findings of fact meeting the requirements of RCW 34.05.461 and 43.43.090:

(a) However, where the chief adopts, in whole or in part, the factual findings of the trial board, the chief may so state;

(b) Where the chief changes a finding of fact as allowed in RCW 43.43.090, the chief shall set forth the reasons for the different factual findings, as set forth in RCW 34.05.461.

(5) In the chief's findings and conclusions, the legal standard for determining whether the charges are sustained shall be the existence or nonexistence of cause as provided in RCW 43.43.070;

(6) Contain a statement of the discipline to be imposed and the basis of such discipline:

(a) The chief may review additional information contained in files maintained by the agency and relevant to determining the appropriate level of discipline, whether or not such evidence was before the trial board; and

(b) If the chief reviews additional information that is not contained in the trial board record when determining the appropriate level of discipline, such information shall be stated in the final order and placed in the administrative record.

[Statutory Authority: RCW 304-05-020 [34.05.020] and chapter 43.43 RCW. WSR 14-03-020, § 446-08-415, filed 1/7/14, effective 2/7/14.]