WAC 296-127-150 Notice of violation. (1) If the department determines after its investigation that there is reasonable cause to believe that the prevailing wage law has been violated, the department shall notify the violator of its determination. The notice of violation shall be served on the violator personally or by certified mail.

(2) The notice of violation shall:

(a) Describe concisely the violation;

(b) Specify which statute or statutes were violated;

(c) If known, identify the laborers, workers, and mechanics who are affected by the violation;

(d) If known, state the amount of unpaid prevailing wages the violator owes;

(e) State that an employee cannot by contract or agreement waive the right to receive the prevailing wage;

(f) State the penalty that the department will assess for a violation, if any, of RCW 39.12.065 and 39.12.050;

(g) State the date the complaint was filed with the department; and

(h) If applicable, state the substantially identical entity, however organized, with substantially identical operations, corporate, or management structure to an entity that has been found in violation under RCW 39.12.050, 39.12.055, or 39.12.065, or any associated rules.

(3) RCW 39.12.065 and 39.12.050 establish the penalty amounts.

(4) If the notice alleges a violation of RCW 39.12.065, the department shall serve a copy of the notice of violation on the violator's sureties under chapters 39.08, 18.27, 19.28, and 60.28 RCW.

(5) The notice of violation shall inform the violator and, if a violation of RCW 39.12.065 is alleged, its sureties that they may request a hearing on the violations, the amount of unpaid prevailing wages owed, or the penalties assessed. The notice shall specify that if no hearing is requested within 30 days of the date of the notice of violation, then it becomes final and binding, and not subject to further appeal.

(6) The director may issue a notice of violation under RCW 39.12.130 to extend the sanctions of a debarred or sanctioned entity imposed through a final and binding order or agreement to a substantially identical entity. A hearing must be held following a timely appeal of the notice of violation in accordance with chapter 34.05 RCW. The director shall issue a written determination including his or her findings after the hearing unless a notice of violation is not timely appealed. A notice of violation not timely appealed is final and binding, and is not subject to further appeal.

(7) For a notice of violation issued to a substantially identical entity pursuant to RCW 39.12.130, subsections (2)(a) through (g), and (4) of this section are not required if a notice of violation or other applicable order under RCW 39.12.050, 39.12.055, or 39.12.065 is attached.

[Statutory Authority: Chapter 39.12 RCW. WSR 25-09-126, s 296-127-150, filed 4/22/25, effective 1/1/26. Statutory Authority: RCW 39.12.050, 39.12.065, 43.22.270 and 51.04.020. WSR 86-03-063 (Order 85-28), § 296-127-150, filed 1/17/86.]