

---

**SUBSTITUTE HOUSE BILL 2667**

---

**State of Washington**

**57th Legislature**

**2002 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Veloria, Darneille, Haigh, Delvin, Tokuda, Chase and Santos)

Read first time 02/08/2002. Referred to Committee on .

1 AN ACT Relating to foreign social referral service agencies; adding  
2 a new chapter to Title 18 RCW; prescribing penalties; and providing an  
3 effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that businesses that  
6 match foreign women for marriage to men in the United States promote  
7 and advertise women as commodities and perpetuate sexist and racist  
8 stereotypes of foreign women. The legislature further finds that  
9 foreign women entering the United States and the state of Washington as  
10 brides through businesses that match foreign women to men in the United  
11 States often suffer emotional and physical abuse at the hands of their  
12 husbands. These women are less likely than citizens of the United  
13 States to report this abuse because of a number of factors, including  
14 lack of knowledge of their rights under the laws of the state of  
15 Washington and laws of the United States, fear of deportation, and  
16 isolation from society because of a lack of English language skills and  
17 unfamiliarity with the culture.

18 It is therefore the intent of the legislature to provide protection  
19 to these women by regulating businesses that match foreign women to men

1 in the United States by requiring these businesses to provide: To  
2 foreign women, information about their rights under the laws, including  
3 the right to be free from emotional and physical abuse and the  
4 resources available to them to combat such abuse; and to men in the  
5 United States who are seeking social referral services with foreign  
6 women, information on the culture and customs of the foreign women.

7 NEW SECTION. **Sec. 2.** The definitions in this section apply  
8 throughout this chapter unless the context clearly requires otherwise.

9 (1) "Client" means a person seeking foreign social referral  
10 services through a foreign social referral service agency.

11 (2) "Department" means the department of licensing.

12 (3) "Director" means the director of licensing or the director's  
13 designee.

14 (4) "Foreign social referral service agency" means a person or  
15 business entity that provides domestic clients with social referral  
16 service matches to foreign clients for compensation, such as computer  
17 dating agencies, video dating agencies, and mail dating agencies, but  
18 does not include newspapers offering personal advertisement services.

19 (5) "Foreign social referral services" means those services  
20 primarily intended to introduce or match domestic persons with foreign  
21 persons for social, recreational, or romantic encounters.

22 (6) "Person" means an individual, firm, association, corporation,  
23 partnership, limited liability company, or other business entity.

24 NEW SECTION. **Sec. 3.** The director has the following authority in  
25 administering this chapter:

26 (1) To adopt, amend, and rescind rules as deemed necessary to carry  
27 out this chapter;

28 (2) To issue subpoenas and administer oaths in connection with an  
29 investigation, hearing, or proceeding held under this chapter;

30 (3) To take or cause depositions to be taken and use other  
31 discovery procedures as needed in an investigation, hearing, or  
32 proceeding held under this chapter;

33 (4) To compel attendance of witnesses at hearings;

34 (5) In the course of investigating a complaint or report of  
35 unprofessional conduct, to conduct practice reviews;

1 (6) To take emergency action ordering summary suspension of a  
2 license, or restriction or limitation of the licensee's practice  
3 pending proceedings by the director;

4 (7) To use the office of administrative hearings as authorized in  
5 chapter 34.12 RCW to conduct hearings. However, the director or the  
6 director's designee shall make the final decision in the hearing;

7 (8) To enter into contracts for professional services determined to  
8 be necessary for adequate enforcement of this chapter;

9 (9) To adopt standards of professional conduct or practice;

10 (10) In the event of a finding of unprofessional conduct by an  
11 applicant or license holder, to impose sanctions against a license  
12 applicant or license holder as provided by this chapter;

13 (11) To enter into an assurance of discontinuance in lieu of  
14 issuing a statement of charges or conducting a hearing. The assurance  
15 shall consist of a statement of the law in question and an agreement to  
16 not violate the stated provision. The applicant or license holder  
17 shall not be required to admit to any violation of the law, and the  
18 assurance shall not be construed as such an admission. Violation of an  
19 assurance under this subsection is grounds for disciplinary action;

20 (12) To designate individuals authorized to sign subpoenas and  
21 statements of charges;

22 (13) To employ such investigative, administrative, and clerical  
23 staff as necessary for the enforcement of this chapter; and

24 (14) To compel the attendance of witnesses at hearings.

25 NEW SECTION. **Sec. 4.** A person or business may not offer foreign  
26 social referral services in the state of Washington without having  
27 first obtained a foreign social referral service license issued by the  
28 department.

29 NEW SECTION. **Sec. 5.** (1) The director may investigate complaints  
30 concerning practice by unlicensed persons or business for which a  
31 license is required by this chapter. In the investigation of the  
32 complaints, the director has the same authority as provided under  
33 section 3 of this act.

34 (2) The director may issue a notice of intent to issue a cease and  
35 desist order to any person whom the director has reason to believe is  
36 engaged in the unlicensed practice for which a license is required by  
37 this chapter. The person to whom such a notice is issued may request

1 an adjudicative proceeding to contest the allegations. The notice  
2 shall include a brief, plain statement of the alleged unlicensed  
3 activities. The request for hearing must be filed within twenty days  
4 after service of the notice of intent to issue a cease and desist  
5 order. The failure to request a hearing constitutes a default,  
6 whereupon the director may enter a permanent cease and desist order,  
7 which may include a civil fine. All proceedings shall be conducted in  
8 accordance with chapter 34.05 RCW.

9 (3) If the director makes a final determination that a person has  
10 engaged or is engaging in unlicensed practice, the director may issue  
11 a permanent cease and desist order. In addition, the director may  
12 impose a civil fine in an amount not exceeding one thousand dollars for  
13 each day upon which the person engaged in the unlicensed practice or  
14 operation of a business for which a license is required by this  
15 chapter. The proceeds of such a fine shall be deposited in the social  
16 referral service account.

17 (4) If the director makes a written finding of fact that the public  
18 interest will be irreparably harmed by delay in issuing an order, the  
19 director may issue a temporary cease and desist order. The person  
20 receiving a temporary cease and desist order shall be provided an  
21 opportunity for a prompt hearing. A temporary cease and desist order  
22 remains in effect until further order of the director. The failure to  
23 request a prompt or regularly scheduled hearing constitutes a default,  
24 whereupon the director may enter a permanent cease and desist order,  
25 which may include a civil fine.

26 (5) The cease and desist order is conclusive proof of unlicensed  
27 practice and may be enforced under RCW 7.21.060. This method of  
28 enforcement of the cease and desist order or civil fine may be used in  
29 addition to, or as an alternative to, any provisions for enforcement of  
30 agency orders set out in chapter 34.05 RCW.

31 (6) The attorney general, a county prosecuting attorney, the  
32 director, or any person may, in accordance with the laws of this state  
33 governing injunctions, maintain an action in the name of the state of  
34 Washington to enjoin any person practicing without a license for which  
35 a license is required by this chapter. All fees, fines, forfeitures,  
36 and penalties collected or assessed by a court because of a violation  
37 of this section shall be deposited in the social referral service  
38 account.

1 (7) The civil remedies in this section do not limit the ability to  
2 pursue criminal prosecution as authorized in this chapter.

3 NEW SECTION. **Sec. 6.** A person who attempts to obtain, obtains, or  
4 attempts to maintain a license by willful misrepresentation or  
5 fraudulent representation is guilty of a gross misdemeanor.

6 NEW SECTION. **Sec. 7.** An application for license must be made to  
7 the department on forms provided by the department and must contain  
8 that information as the department reasonably requires. An application  
9 for license must be accompanied by a license fee established by the  
10 department under RCW 43.24.086.

11 NEW SECTION. **Sec. 8.** Upon receipt of an application for a license  
12 and the license fee, the department must issue a license if the  
13 applicant meets the requirements established under this chapter. A  
14 license issued under this chapter must expire one year from the date of  
15 issuance. A licensee may renew a license by filing a renewal  
16 application with the department on forms provided by the department  
17 thirty days before the license expiration date and paying a license  
18 renewal fee in an amount determined by the department under RCW  
19 43.24.086.

20 NEW SECTION. **Sec. 9.** An applicant must meet the following minimum  
21 requirements to obtain a foreign social referral service license:

- 22 (1) Be at least eighteen years of age;  
23 (2) Be a citizen or lawful permanent resident of the United States;  
24 (3) Be of good moral character;  
25 (4) Pay the required application fee; and  
26 (5) Comply with this chapter.

27 NEW SECTION. **Sec. 10.** A foreign social referral service agency  
28 shall:

- 29 (1) Require a client to provide information on the client's  
30 employment, age, health status, and marital history;  
31 (2) Require a client to provide information on a conviction or  
32 deferred prosecution for a domestic violence offense, as defined in RCW  
33 10.99.020, and information on a restraining order or no-contact order  
34 issued in connection with a domestic violence charge;

1 (3) Provide to a client, upon the client's request, the employment,  
2 age, health status, and marital history of another client with whom the  
3 client has been matched or selected;

4 (4) Provide to a client, upon the client's request, information on  
5 another client with whom the client is matched or selected regarding a  
6 conviction or deferred prosecution for a domestic violence offense, as  
7 defined in RCW 10.99.020, and information regarding a restraining order  
8 or no-contact order issued in connection with a domestic violence  
9 charge;

10 (5) Inform a client that the client may request the information  
11 listed in subsections (1) through (4) of this section; and

12 (6) Require that a United States citizen or lawful permanent  
13 resident who is matched to a resident of a foreign country complete a  
14 cultural diversity education and training course in the culture and  
15 customs of the foreign client.

16 NEW SECTION. **Sec. 11.** The following conduct, acts, or conditions  
17 constitute unprofessional conduct for any license holder or applicant  
18 under the jurisdiction of this chapter:

19 (1) The commission of any act involving moral turpitude,  
20 dishonesty, or corruption relating to the practice of the person's  
21 profession or operation of the person's business, whether the act  
22 constitutes a crime or not. Upon a conviction, the judgment and  
23 sentence is conclusive evidence at the ensuing disciplinary hearing of  
24 the guilt of the license holder or applicant of the crime described in  
25 the indictment or information, and of the person's violation of the  
26 statute on which it is based. For the purposes of this section,  
27 conviction includes all instances in which a plea of guilty or nolo  
28 contendere is the basis for the conviction and all proceedings in which  
29 the sentence has been deferred or suspended. Except as specifically  
30 provided by law, nothing in this section abrogates the provisions of  
31 chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person  
32 who is required to register as a sex offender under RCW 9A.44.130;

33 (2) Misrepresentation or concealment of a material fact in  
34 obtaining a license or in reinstatement thereof;

35 (3) Advertising that is false, deceptive, or misleading;

36 (4) Incompetence, negligence, or malpractice that results in harm  
37 or damage to a consumer or that creates an unreasonable risk that a  
38 consumer may be harmed or damaged;

1 (5) The suspension, revocation, or restriction of a license to  
2 engage in any business or profession by competent authority in any  
3 state, federal, or foreign jurisdiction. A certified copy of the  
4 order, stipulation, or agreement is conclusive evidence of the  
5 revocation, suspension, or restriction;

6 (6) Failure to cooperate with the director by:

7 (a) Not furnishing any papers or documents requested by the  
8 director;

9 (b) Not furnishing in writing an explanation covering the matter  
10 contained in a complaint when requested by the director;

11 (c) Not responding to a subpoena issued by the director, whether or  
12 not the recipient of the subpoena is the accused in the proceeding; or

13 (d) Not providing authorized access, during regular business hours,  
14 to representatives of the director conducting an investigation,  
15 inspection, or audit at facilities utilized by the license holder or  
16 applicant;

17 (7) Failure to comply with an order issued by the director;

18 (8) Violating any lawful rule made by the director;

19 (9) Aiding or abetting an unlicensed person to practice or operate  
20 a business or profession when a license is required;

21 (10) Practice or operation of a business or profession beyond the  
22 scope of practice or operation as defined by law or rule;

23 (11) Misrepresentation in any aspect of the conduct of the business  
24 or profession;

25 (12) Failure to adequately supervise or oversee auxiliary staff,  
26 whether employees or contractors, to the extent that consumers may be  
27 harmed or damaged;

28 (13) Conviction of any gross misdemeanor or felony relating to the  
29 practice of the person's profession or operation of the person's  
30 business. For the purposes of this subsection, conviction includes all  
31 instances in which a plea of guilty or nolo contendere is the basis for  
32 conviction and all proceedings in which the sentence has been deferred  
33 or suspended. Except as specifically provided by law, nothing in this  
34 section abrogates the provisions of chapter 9.96A RCW. However, RCW  
35 9.96A.020 does not apply to a person who is required to register as a  
36 sex offender under RCW 9A.44.130; and

37 (14) Interference with an investigation or disciplinary action by  
38 willful misrepresentation of facts before the director or the  
39 director's authorized representatives, or by the use of threats or

1 harassment against any consumer or witness to discourage them from  
2 providing evidence in a disciplinary action or any other legal action,  
3 or by the use of financial inducements to any consumer or witness to  
4 prevent or attempt to prevent him or her from providing evidence in a  
5 disciplinary action.

6 NEW SECTION. **Sec. 12.** (1) Upon finding unprofessional conduct,  
7 the director may issue an order providing for one or any combination of  
8 the following:

9 (a) Revocation of the license;

10 (b) Suspension of the license for a fixed or indefinite term;

11 (c) Restriction or limitation of the practice;

12 (d) Satisfactory completion of a specific program of remedial  
13 education or treatment;

14 (e) Monitoring of the practice in a manner directed by the  
15 director;

16 (f) Censure or reprimand;

17 (g) Compliance with conditions of probation for a designated period  
18 of time;

19 (h) Payment of a fine for each violation found by the director, not  
20 to exceed five thousand dollars per violation. The director must  
21 consider aggravating or mitigating circumstances in assessing any fine.  
22 Funds received must be deposited in the social referral service  
23 account;

24 (i) Denial of an initial or renewal license application; or

25 (j) Other corrective action.

26 (2) The director may require reimbursement for the investigative  
27 costs incurred in investigating the matter that resulted in issuance of  
28 an order under this section, but only if any of the sanctions in  
29 subsection (1)(a) through (j) of this section is ordered.

30 (3) Any of the actions under this section may be totally or partly  
31 stayed by the director. In determining what action is appropriate, the  
32 director must first consider what sanctions are necessary to protect  
33 the public health, safety, or welfare. Only after these provisions  
34 have been made may the director consider and include in the order  
35 requirements designed to rehabilitate the license holder or applicant.  
36 All costs associated with compliance with orders issued under this  
37 section are the obligation of the license holder or applicant.



1 (4) The licensee or applicant may enter into a stipulated  
2 disposition of charges that includes one or more of the sanctions of  
3 this section, but only after a statement of charges has been issued and  
4 the licensee has been afforded the opportunity for a hearing and has  
5 elected on the record to forego such a hearing. The stipulation shall  
6 either contain one or more specific findings of unprofessional conduct  
7 or a statement by the licensee acknowledging that evidence is  
8 sufficient to justify one or more specified findings of unprofessional  
9 conduct. The stipulations entered into under this subsection are  
10 considered formal disciplinary action for all purposes.

11 NEW SECTION. **Sec. 13.** An order pursuant to proceedings authorized  
12 by this chapter, after due notice and findings in accordance with this  
13 chapter and chapter 34.05 RCW, or an order of summary suspension  
14 entered under this chapter, takes effect immediately upon its being  
15 served. The order, if appealed to the court, may not be stayed pending  
16 the appeal unless the director or court to which the appeal is taken  
17 enters an order staying the order of the director, which stay shall  
18 provide for terms necessary to protect the public.

19 NEW SECTION. **Sec. 14.** An individual who has been disciplined or  
20 whose license has been denied by a director may appeal the decision as  
21 provided in chapter 34.05 RCW.

22 NEW SECTION. **Sec. 15.** A foreign social referral service agency  
23 may not condition payment, compensation, or other benefit to a client  
24 on marriage between its clients.

25 NEW SECTION. **Sec. 16.** The social referral service account is  
26 created in the state treasury. All fees received by the department for  
27 licenses, registrations, renewals, examinations, and audits must be  
28 forwarded to the state treasurer who must credit the money to the  
29 account. All fines and civil penalties ordered pursuant to this  
30 chapter against holders of licenses, certificates, or registrations  
31 issued under the provisions of this chapter must be paid to the  
32 account. All expenses incurred in carrying out the licensing and  
33 registration activities of the department under this chapter must be  
34 paid from the account as authorized by legislative appropriation. Any  
35 residue in the account shall be accumulated and shall not revert to the

1 general fund at the end of the biennium. All earnings of investments  
2 of balances in the account shall be credited to the general fund.

3 NEW SECTION. **Sec. 17.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 18.** This act takes effect July 1, 2003.

8 NEW SECTION. **Sec. 19.** Sections 1 through 18 of this act constitute  
9 a new chapter in Title 18 RCW.

--- END ---