

**WAC 67-35-430 Reasons for suspension of operating agreement prior to evidentiary hearing.** If the department determines that its right, title to and interest in a vending facility is in eminent jeopardy due to the action, or lack of action of the vendor or licensee, the department may suspend the operating agreement of the vendor or licensee and remove the vendor or licensee from the vending facility, pending an informal resolution of the problem, a full evidentiary hearing, or the decision of an ad hoc arbitration panel. The department may suspend a vendor or licensee for the following reasons:

(1) Failure to provide the department with vendor financial reports, and to provide them within the established time frame.

(2) Failure to purchase vendor liability insurance for his/her vending facility as required in WAC 67-35-310 and/or failure to provide the department with proof of said insurance.

(3) The vendor ceases to meet any of the requirements to qualify as a licensee or vendor as required in chapter 67-35 WAC.

(4) The vendor or licensee abandons the vending facility. The vending facility shall be considered abandoned when no services are provided for three or more consecutive working days and/or when there is no designated employee in charge of the operation.

(5) When the department decides that the vending facility is not being operated in accordance with the law, applicable regulations, terms and conditions of the permit, and/or contract or the vendor agreement governing such vending facilities.

(6) Any willful or malicious destruction of, theft of, or any failure to exercise necessary care for the equipment furnished by the department or agency named in the permit and/or contract, inclusive of all repairs and maintenance as outlined in WAC 67-35-215 and 67-35-230.

(7) When the conduct of the vendor seriously interferes with any aspect of the operation of the vending facility. Such conduct includes, but is not limited to, the following:

(a) Fraud.

(b) Consumption of controlled substances and/or alcohol on the job.

(c) Inexcusable neglect of duties as a vendor.

(d) Embezzlement.

(e) Falsifying reports.

(f) Failure to submit to a medical eye examination when requested by the department.

(g) Any other actions or behavior which would seriously jeopardize the vending facility.

(h) Failure to pay taxes, fees, and/or debts arising from the operation of the vending facility.

[Statutory Authority: Chapter 74.18 RCW. WSR 95-12-007, § 67-35-430, filed 5/25/95, effective 6/25/95; WSR 89-21-046, § 67-35-430, filed 10/13/89, effective 11/13/89. Statutory Authority: 1983 c 194 § 18. WSR 84-01-043 (Order 83-09), § 67-35-430, filed 12/15/83. Formerly WAC 67-32-430.]