

**WAC 212-80-215 Citations and penalties.** (1) The director may at his or her discretion issue either a monetary penalty and/or take an action against a license or certificate depending on the severity of the violation(s) evidenced in the investigation. Each violation is classified and penalties assessed according to the violation type as provided by the chart below:

Violation Level	Action Against the License	Monetary Penalty	Action Against the Certification	Penalty
1	No Action	\$300 to \$7,500	No Action	Warning
2	Suspended immediately for 30 calendar days.	\$400 to \$10,000	Suspended immediately for 30 calendar days.	Warning
3	Suspended immediately for 90 calendar days.	\$1,500 to \$15,000	Suspended immediately for 90 calendar days.	Warning

(2) If a licensed contractor or certificate of competency holder has incurred multiple findings of the same violation over a period of time, the director may classify the licensed contractor or certificate of competency holder as a habitual offender and issue either an increased monetary penalty or the action against the license or certificate depending on the severity of the violation(s) evidenced in multiple investigations as provided by the chart below:

Violation Level	Violation Threshold	Monetary Penalty	Action Against the License	Action Against the Certification
1	Evidence of three or more Level 1 violations without compliance over a period of 24 months constitutes an increase to a Level 2 violation.	\$1,000	Warning	Warning
2	Evidence of three or more Level 2 violations without compliance over a period of 24 months constitutes an increase to a Level 3 violation.	\$7,500 per violation	Suspended immediately for 60 calendar days.	Suspended immediately for 60 calendar days.
3	Evidence of two or more Level 3 violations without compliance over a period of 36 months.	\$15,000 per violation	Suspended immediately for 180 calendar days.	Suspended immediately for 180 calendar days.

(3) Any fire protection sprinkler system contractor found to engage in the sprinkler trade using individuals not certified as a certificate of competency holder consistent with RCW 18.160.040 or this rule shall be assessed additional penalties based upon severity as follows:

Instance Using an Uncertified Certificate of Competency Holder	Penalty Range
First time	\$1,500 - \$7,500
Second time	\$2,500 - \$10,000
Third time and any instance subsequent	\$5,000 - \$25,000

(4) Level 1 violations include, but are not limited to:

(a) Failing to inform the director of the loss of their primary certificate of competency holder, as required by RCW 18.160.040.

(b) Failing to have the certificate of competency holder stamp plans, calculations, and/or test certificates.

(c) Allowing an employee to certify, install, inspect, maintain, and/or service water-based fire sprinkler systems or equipment contrary to NFPA codes, standards, or manufacturers' specifications without specific written permission from the location authority having jurisdiction.

(d) Working without a permit, or permission to do so, by the local authority having jurisdiction.

(5) Level 2 violations include, but are not limited to:

(a) Performing work on a sprinkler system where the employee's certificate of competency holder under RCW 18.160.040 does not have a current or valid license.

(b) Working without the appropriate level of license or certificate of competency.

(c) Permitting his or her license to be used in connection with the preparation of any technical drawings that have not been prepared by him or her personally, or under their direct supervision.

(d) Working with an expired license or permit (more than 90 days).

(6) Level 3 violations include, but are not limited to:

(a) Demonstrating gross incompetency or gross negligence in the preparation of technical drawings, the installation, inspection, testing, maintenance, repair, alteration, service, and/or addition to a fire sprinkler system.

(b) Allowing an employee to demonstrate gross incompetency or gross negligence in the installation, inspection, testing, maintenance, repair, alteration, service and/or addition to a fire sprinkler system.

(c) Charging a customer for fire sprinkler work not performed.

(d) Offering to contract for fire sprinkler work without a certificate of competency holder, as described in RCW 18.160.040.

(e) Allowing an employee to falsify any fire sprinkler tags, labels, or inspection reports.

(f) Working without a certified full-time certificate of competency holder on staff, or, in the case of an inspection and testing contractor, allowing any employee not certified by the chief of the Washington state patrol, through the director of fire protection, as an inspection and testing technician.

(g) Falsifying an application or document submitted to the chief of the Washington state patrol, through the director of fire protection, to obtain a sprinkler contractor license or certificate of competency.

(h) Committing three or more level II offenses within a three year period either as a company, through an employee of the company, through an employee acting as a certificate of competency holder for the company, and/or any combination thereof.

(i) Permitting his or her license to be used in connection with the stamping of any test certificates for work performed by someone other than his or her full-time employees.

(7) Civil penalties shall be resolved through the following:

(a) **Pay the penalty** by returning the notice and payment to the director at State Fire Marshal's Office, P.O. Box 42642, Olympia, WA 98504-2642 within 30 days from the date the penalty was issued. Payments must be made by check or money order payable to the Washington state patrol.

(b) **Request an informal conference** as outlined in WAC 212-80-235.

(c) **Request a formal hearing** as outlined in WAC 212-80-205 or 212-80-240.

[Statutory Authority: RCW 18.160.030. WSR 24-08-004, § 212-80-215, filed 3/21/24, effective 4/21/24. Statutory Authority: Chapters 18.160 and 18.270 RCW. WSR 22-22-072, § 212-80-215, filed 10/31/22, effective 1/1/23. Statutory Authority: RCW 18.270.900 and 18.160.030. WSR 14-03-019, § 212-80-215, filed 1/7/14, effective 2/7/14. Statutory Authority: RCW 18.270.900. WSR 09-01-114, § 212-80-215, filed 12/19/08, effective 1/19/09. Statutory Authority: Chapters 43.43 and 18.160 RCW. WSR 05-05-006, § 212-80-215, filed 2/4/05, effective 3/7/05.]