

WAC 246-360-035 Authority of the department. (1) The department shall:

(a) Conduct an on-site survey prior to issuing an initial transient accommodation license or reinstating an invalid license;

(b) Conduct announced or unannounced on-site surveys during routine business hours and conduct complaint investigations at any time of its choosing to determine compliance with chapter 70.62 RCW and this chapter;

(c) Issue or renew a license when the applicant or licensee and the transient accommodation meet the requirements in chapter 70.62 RCW and this chapter;

(d) Allow self-inspections to encourage compliance with chapter 70.62 RCW and this chapter;

(e) Comply with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC when denying, suspending, modifying, or revoking a transient accommodation license; and

(f) Comply with RCW 43.70.095 when assessing civil fines.

(2) The department may deny, suspend, or revoke a transient accommodation license if the department finds the applicant, licensee, its agents, officers, directors, or any person with any interest therein:

(a) Knowingly or with reason to know, makes a misrepresentation of, false statement of, or fails to disclose, a material fact to the department:

(i) In an application for licensure or renewal of licensure;

(ii) In any matter under department investigation, including in any plan of correction or other document required to be provided to the department;

(iii) During an on-site survey; or

(iv) In a self-inspection;

(b) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(c) Fails or refuses to comply with the requirements of chapter 70.62 RCW or this chapter;

(d) Knowingly, or with reason to know, compromises the health or safety of a guest;

(e) Fails to pay a fine within thirty days after the assessment becomes final or as agreed to by the department and the licensee; or

(f) Operates with a suspended or revoked license.

(3) In addition to any other rights allowed under applicable law, the department may address violations by an applicant or a licensee of chapter 70.62 RCW or this chapter by:

(a) A plan of correction may be offered if the department determines that identified deficiencies are not major, broadly systemic, or of a recurring nature. Under this chapter, a "plan of correction" is a proposal devised by the applicant or licensee that includes specific corrective actions that must be taken to correct identified deficiencies and a time frame in which to complete them. The plan of correction must be approved. Implementation is required within the approved time frame, and is subject to verification by the department;

(b) A directed plan of correction may be offered if the department determines that identified deficiencies are broadly systemic, recurring, or of a significant threat to public health and safety. Under this chapter, a "directed plan of correction" is a plan of correction based on a statement of deficiencies, and includes specific corrective actions that must be taken and a time frame in which to complete them. Under this chapter, a "statement of deficiencies" is a survey or in-

vestigation report completed by the department identifying one or more deficiencies. The final content of the directed plan of correction will be reached during meetings between the department and the licensee, following an initial statement of general requirements by the department. Timelines will be reduced to the minimum necessary, even prior to formalization of the directed plan of correction, to redress problems; and/or

(c) Initiating administrative action, under chapter 34.05 RCW, RCW 43.70.115 and chapter 246-10 WAC, either as the department's primary alternative, or in the event the department requires corrective action under (a) or (b) of this subsection, and the applicant or licensee fails to correct identified deficiencies to the department's satisfaction within the approved time frame.

(4) In lieu of or in addition to license suspension or revocation, the department may assess a civil fine in accordance with RCW 43.70.095.

(5) The department may summarily suspend a license if the department determines a deficiency is an imminent threat to public health, safety or welfare.

[Statutory Authority: Chapter 70.62 RCW. WSR 04-24-002, § 246-360-035, filed 11/18/04, effective 4/1/05.]