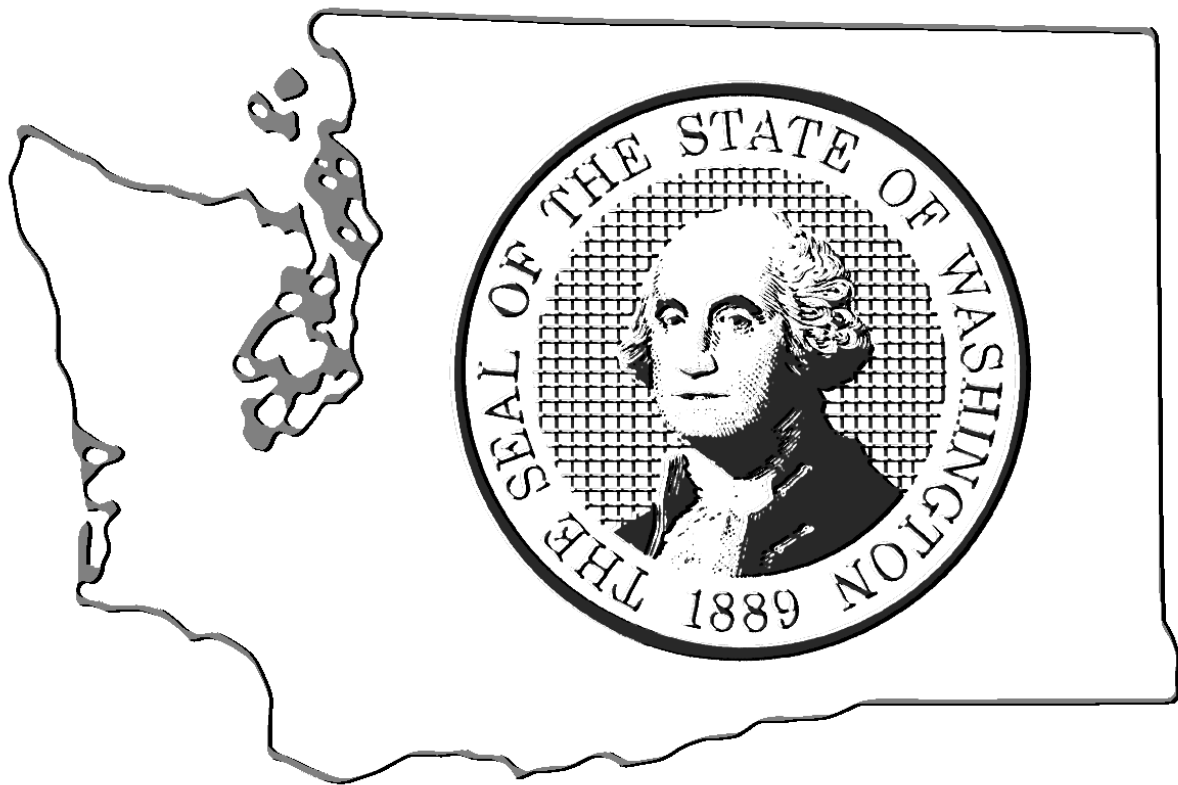


# Security Guard Licensing Instructions

Desk Manual

2011-2012



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**Note to the users of this desk manual.**

This purpose of this desk manual is to assist security business employers and their employees in understanding the Washington State security guard licensing requirements.

The information in this desk manual provides a step-by-step process to assist you in hiring eligible security guard applicants and for submitting accurate applications. By using these processes you will learn how to obtain licenses efficiently and maintain compliance with the licensing regulations.

This licensing instruction manual should be used in conjunction with the security guard laws and rules (RCW 18.170, WAC 308-18, and RCW 18.235).

## **Security Guard Licensing Requirements**

### **Who needs a security guard license in Washington State?**

A person or an entity engaged in the business of providing the services of security guards must be licensed as a security guard company. And, individuals employed by a licensed security guard company to provide security.

### **Applicants must meet the following requirements to qualify for a security guard license.**

1. To qualify, applicants for an unarmed security guard license must be at least 18 years of age and at least 21 years old for an armed security guard license.
2. Applicants must be U.S. residents, or a resident alien.
3. Applicants cannot have a disqualifying criminal conviction. See page 32 for more information about criminal history records.

In our efforts to assist you, the Department of Licensing has made licensing records available to the public on the Internet. The information on this web site can help you save time and money.

### **Why you should search the Internet to prescreen security guard applicants.**

- Do you want to hire someone with dual licensure?
- Do you want to know if the person you are about to hire has already been denied their security guard license because of a criminal conviction?
- Do you want to make sure you are sending in the correct fee?

## Searching the Internet for Licensing Information

The link on the Department of Licensing website to search for records is titled **Check Status of a Business or Professional License**. This tool will show you the current status of a security guard application or license. You may access the web site at:

**<http://www.dol.wa.gov/business/checkstatus.html>**

To find a license status, choose “Security Guards” from the “Profession” drop down box. Next, enter a portion of the applicant’s first and last name. You do not need to enter information in all the fields. The less information you enter, the easier it will be to complete your search. The status types and definitions are as follows:

<b>Status Name</b>	<b>Status Definition</b>
Active	License status current
Child Support Suspension	Suspension due to failure to pay child support
Delinquent	Licensee (individual or business) not renewed, and owes penalty fee
Denied	Application for license was denied
Denied with Provisions	Individual can reapply after certain conditions are met
Inactive – Due to Company Inaction	Company is Inactive, so employee is inactive – due to company inaction
Inactive – Hold	Account is “holding” licensure pending requirement(s) or employment
Insurance/Bond Suspended	Company’s insurance coverage has been suspended or expired
Military	Used to signify those licensees that are on active military duty since obtaining a license
Pending BAP	Applicant/Licensee does not meet minimum qualifications or requirements and is given an opportunity for due process
Pending Documentation	Waiting for background check to be completed or other documentation or fees
Pending Fingerprints	Fingerprints were rejected – waiting for a new set of fingerprints
Request for Information	Additional information is needed regarding applicant/licensee’s criminal history
Rejected Application	Applicant failed to respond to request for information in a pre-brief adjudicative proceeding
Revoked	License has been revoked for an infraction of the laws or cause
Revoked with provisions	Individual can reapply after certain conditions are met
Student Loan Suspension	Student Loan Suspension
Suspended	License Suspension for violation of the licensing laws
Terminated	Company or employee has terminated employment relationship – Individual is now inactive
Unknown Address	Unknown Address

## **Preassignment Training Preassignment Testing Requirements**

All security guard applicants must complete eight hours of preassignment training **before** they can work as a security guard.

All security guards, except any person who was employed as a full time peace officer within the last five years, must complete at least eight hours of preassignment training. Four hours of the preassignment training classroom and/or on-the-job training shall be in subjects determined by the security guard company principal. Training should fit the specific type of duty required by the post. The additional four hours of the preassignment training classroom instruction shall be in the following listed subjects. For more information read RCW 18.170.105 and WAC 308-18-300.

### **Preassignment Training Topic**

#### **(a) Basic principles.**

- (i) Basic role of the security guard;
- (ii) Washington state licensing laws;
- (iii) Observation;
- (iv) Proper actions, reactions;
- (v) Homeland security - terrorism and surveillance.

#### **(b) Legal powers and limitations.**

- (i) Citizens arrest;
- (ii) Authority to detain, question, or search a private citizen;
- (iii) Authority to search or seize private property;
- (iv) Use of force;
- (v) Avoiding liability.

**(c) Emergency response.**

- (i) How to define what is or is not an emergency situation;
- (ii) Response to fires;
- (iii) Response to medical emergencies;
- (iv) Response to criminal acts;
- (v) Bomb threats.

**(d) Safety and accident prevention.**

- (i) Hazardous materials including Material Safety Data Sheet (MSDS);
- (ii) Accident reporting.

**(e) Report writing.**

- (i) Elements and characteristics of a report.

**Preassignment testing is required for new security guards.**

After receiving the preassignment training and prior to working as a guard, all security guard applicants must successfully complete the state examination. This examination was designed to demonstrate understanding and retention of the information studied in the training course. The Department of Licensing provides the examination document. The exam must have oversight by a licensed security guard certified trainer. The examination consists of multiple-choice questions based on the training topics starting on page 5.

The certified trainer must review all incorrect answers with the applicant to ensure they have a full understanding of the correct answers. Both the applicant and the certified trainer must initial all incorrect answers after the review, verifying knowledge of the correct information.

The signature, license number, and license expiration date of the certified trainer that administered the written examination is required on each state security guard application form. This signature is only valid if the license of the certified trainer is current and in good standing with the state. For more detail on the responsibilities of the certified trainer, see page 20.



## **Temporary Registration Cards**

Temporary registration cards permit applicants to work as unarmed security guards while their application for a permanent license is being processed.

- A licensed security company may issue a new employee a temporary registration card provided by the Department of Licensing only after the employee has completed preassignment training and testing and has submitted to the security guard company a completed state application for a security guard license and fingerprint card.
- The application, fingerprint card and fee must be mailed to the Department of Licensing within three (3) business days after issuance of the temporary registration card. The temporary registration card is valid for a maximum period of 60 days and does not authorize a person to carry firearms during the performance of his or her duties as a security guard.
- The certified trainer that provides the preassignment training certification for the security guard applicant must sign the temporary registration card at the time of issuance. The temporary registration card permits the applicant to perform the duties of a security guard for the issuing company only.
- Temporary registration cards can be placed in the employee's file after they receive their permanent license.
- Call the program if you have not received your permanent license within 60 days.
- If the applicant receives a letter from the Department of Licensing that their permanent license is being withheld the applicant must surrender his or her temporary registration card to the security guard company. The temporary license should be filed in the employee's file.

### **Temporary registration cards, record keeping, and audits**

The security guard company must keep a log of each temporary registration card issued. The log must include the date the card was issued, the name of the guard and the date the application was sent to the Department of Licensing. The temporary registration card log is required to be retained and available for inspection for a minimum of three years.

A good temporary registration card log would look like the example in the table below. Remember, the data and logs are required by RCW 18.170.

Temp card #	Last Name	First Name	Middle Initial	Date of Birth	Date Temp Card Issued	Expiration Date	Date Application Sent to DOL
098998	Smith	Jane	R.	1/1/46	3/25/2003	5/25/2003	3/28/2003
098999	Jones	Jim	M	2/12/78	3/26/2003	5/26/2003	3/28/2003

Whether you print or type your log, use correct spelling and make the information legible. Logging the temporary registration cards in numerical order is very helpful in the reconciliation process.

**Follow the rules for using the temporary registration cards.**

The Department of Licensing may suspend the authority to use temporary registration cards for a period of one year for any security guard company that fails to comply with the requirements concerning temporary registration cards. After the suspension period, the Department of Licensing may reinstate the company's use of temporary registration cards after receipt of a written request from the company.

**Ordering temporary registration cards**

To order temporary registration cards submit your request to the Department of Licensing using the Security Guard Supply Order Form and fax it to (360) 570-7888. The order form can be downloaded from our website at [www.dol.wa.gov/forms/690019.pdf](http://www.dol.wa.gov/forms/690019.pdf).

You must submit a copy of the temporary registration card log from your *previous* order of cards along with the order form for the Department of Licensing's review. All temporary registration cards from the preceding order must be accounted for.

The Department of Licensing must receive all applications for those applicants before additional temporary registration cards will be processed.

## **Security Guard Application Process**

- Print clearly. If we can't read it, we can't process it.
- Write the last and first names in the appropriate boxes. This is very important, especially if the person has a name where it is hard to tell which the first or last name is.
- Date of birth must be on the application. Please make sure to write the date of birth, not the date of the application.
- Social Security Number is required by RCW 26.23.150.
- Certified trainer signature – required on application.
- Temporary card number and issue date.
- Personal Data – Answer all questions truthfully in the personal data section of the application form. Although not all convictions will prevent qualifying for a license some convictions may cause a delay or denial in licensing. If you answer yes to any question, attach a separate sheet with an explanation and enclose copies of court documents.
- Applicant must sign the application.
- Application process will be delayed if the program has to send a letter requesting for additional information.

**You can help decrease delays in the processing of your licenses.** Incorrect fees delay issuing licenses and increase workloads. Issuing refunds for overpayments or sending a bill for short-paid fees cost applicants, employers, and the state time and money.

## **Fingerprint Requirements Rejected Fingerprints**

All security guards must complete a Washington State Patrol (WSP) and Federal Bureau of Investigation (FBI) background check before they can be licensed. Whether applying for an unarmed or armed license at the same time, only one fingerprint card should be submitted.

On page 11 is a copy of what type of fingerprint card is acceptable. Other types of fingerprint card forms will be rejected. The cards are available for free from our office.

### **Reasons for rejected fingerprints:**

- 1.** Fingerprint is smudged or smeared, possibly due to slippage during roll or fingers not clean and dry.
- 2.** Insufficient ink/pressure. Image too light.
- 3.** Excessive ink/pressure. Image too dark.
- 4.** Finger not fully inked or rolled. Insufficient pattern area(s) recorded for identification purposes.
- 5.** Sequence Error: Fingerprint(s) not in correct sequences as spaces indicated, same finger or hand printed twice, or hands have been reversed.
- 6.** Fingerprint is missing with no notation of injury or amputation. Note “UP” (for unable to print) or “XX” (for amputation) in finger block.
- 7.** Each rolled fingerprint must have corresponding plain or slap fingerprint. If slap fingerprints can be obtained, but due to injury or other reason a rolled fingerprint is not possible, note “UP” (unable to print) in the rolled finger block.
- 8.** Unable to determine sequence of rolled fingerprints due to quality of the slap fingerprints.
- 9.** Fingerprint not black on standard white fingerprint card stock.



## **Rejected fingerprint cards slow down the licensing processes.**

If you receive a notice from the Department of Licensing stating the Washington State Patrol (WSP) or the Federal Bureau of Investigations (FBI) has rejected your fingerprint card, you must resubmit a new fingerprint card for the applicant as soon as possible.

Failure to reply within the requested time frame may result in an administrative termination of the application by the Department of Licensing. All notices are faxed or mailed to the employee and the companies in which the applicants are employed.

### **Chain of Custody Practices for Submitting Fingerprints**

The FBI and WSP are encouraging that security guard companies implement the practice of Proper Chain of Custody when taking and mailing fingerprints of security guard applicants.

#### **Chain of Custody**

- The person who takes the fingerprints must request some type of photo identification card as verifying an individual's identity. We recommend that only current, valid, and unexpired picture identification documents be accepted. As a primary form of picture identification, a state-issued driver's license or a state identification card are acceptable. In the absence of a driver's license, one or more secondary documents used to verify United States Citizenship or Legal Presence may be accepted.

#### **The following must be filled out in order for a card to be processed:**

- **Name** - Print or type your Last Name, First Name and Middle Name.
- **Signature of Person Being Fingerprinted** – The applicant must sign the legal name in this block. The card should be signed prior to rolling the fingerprints to prevent smearing. **The card must be signed in the presence of the official taking the fingerprints.**
- **Aliases (AKA)** - List any aliases used in the past (e.g. Dutch, Tex, Bunny) Female applicants using a married name should enter their maiden name in this block.
- **Date of Birth (DOB)** - Date of birth must be entered as month, day, year.
- **Residence of Person Fingerprinted** - List the street address, city and state of where you reside.

- **Social Security Number (SOC)** - Enter your social security number
- **Citizenship (CTZ)** - Enter the country of which you are a citizen.
- **Sex** - Use M for Male and F for Female
- **The Federal Bureau of Investigation has standardized the following race codes. Use only the following letters -**

**A** – Asian or Pacific Islander - a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian sub-continent or the Pacific Islands.

**B** – Black - a person having origins in any of the black racial groups of Africa.

**I** – American Indian or Alaskan Native - a person having origins in any of the original peoples of the Americas and who maintains cultural identification through tribal affiliations or community recognition.

**W** – White - a person having origins in any of the original peoples of Europe, North Africa or Middle East. You may notice that Hispanic is not included in these codes. The FBI classifies Hispanic as an ethnic indicator, not a race.

**Note: Hispanics should be entered with the race code most clearly representing the individual.**

- **HGT (Height)** - Enter height in feet and inches such as 5’11” as 511. Do not use fractions.
- **WGT (Weight)** - Enter weight in pounds such as 180 lbs. as 180
- **EYES - eye color. Use the following abbreviations:**

**BLK** – Black

**BLU** – Blue

**BRO** – Brown

**GRY** – Gray

**GRN** – Green

**HZL** – Hazel

- **HAIR - hair color. Use the following abbreviations:**

**BLK** – Black

**BRO** – Brown

**GRY** – Gray

**RED** – Red

**WHI** – White

**BAL** – Bald

**BLD** – Blonde

- **Place of Birth (POB)** - Enter the state, territorial possession, province or country of birth.
- **Reason for Fingerprints** - Enter Private Security Guard

**IF THE REQUIRED DATA FIELDS ARE ILLEGIBLE OR INCOMPLETE, THE CARD COULD BE REJECTED.**

The person taking the fingerprints must sign and date the card in the space provided. Once the prints have been rolled, the application and fees along with the fingerprint card should then be placed in an envelope and the envelope sealed. Once the envelope has been sealed, it must arrive to the Department of Licensing unopened. Envelopes that arrive with the seal broken will be considered a break in the Chain of Custody and could be returned.

### **Armed Endorsement**

Individuals applying for the security guard license with an armed endorsement must submit the fee, a fingerprint card, and Private Security Guard application form to the Department of Licensing and a firearm certificate issued by the Criminal Justice Training Commission.

#### **Armed license requirements:**

- The Department of Licensing must receive verification of a current Firearms Certificate before the armed endorsement can be issued. The Criminal Justice Training Commission provides the Firearms Certification. (See page 15 for more information.)
- Applicants must be at least 21 years old to qualify for an armed endorsement on their security guard license.
- Applicants cannot work as an armed security guard until a permanent license with the armed endorsement from the Department of Licensing has been received.
- Licensees must carry the security guard license with the armed endorsement on their person while on active armed security guard duty.

Expiration dates of the security guard licenses do not change with the addition of the armed security guard endorsement. The expiration date that the unarmed license was issued will remain the same.



## **Criminal Justice Training Commission Firearms Certifications**

To apply for an armed security guard license endorsement, all applicants must complete an eight-hour Security Guard Firearms Certification Course. The Criminal Justice Training Commission (CJTC) provides the Firearm Certification courses and firearms certificates.

CJTC is a separate state agency, not a part of the Department of Licensing. Do not submit applications or fees for Firearm Certifications to the Department of Licensing.

The Department of Licensing requires documentation of Firearm Certification only for the original license.

All armed licensees must re-certify each year with CJTC before renewing the armed license, and documentation of the current Firearm Certification must be kept in the employee's file for three years.

For more information about the Firearm Certification process and application forms and fees contact:

Criminal Justice Training Commission  
19010 1<sup>st</sup> Ave South  
Burien, WA 98148  
Division Secretary: (206) 835-7300  
<http://www.cjtc.state.wa.us>

## **Summary of Hiring Procedures**

**The following licensing requirements must be completed before assigning a new security guard employee to duty.**

1. The security guard company employer must provide 8 hours of preassignment training to each security guard applicant before the employee works guard duty. A certified trainer must administer or provide oversight to the training. The training subjects are listed beginning on page 5.
2. A certified trainer must provide and administer the preassignment state exam to each security guard applicant. A certified trainer must review any incorrect answers with the applicant.
3. The security guard principal or a certified trainer and the applicant must complete the security guard application form and a fingerprint card.
4. At this point, the security guard company employer can issue a temporary registration card to the security guard applicant. The temporary registration card number must be entered on the application form.
5. Mail the application, fingerprint card and fees to the Department of Licensing within 3 business days after the temporary registration card is issued.

## **Postassignment Training Requirements**

All security companies must provide eight hours of post assignment training to licensed security guards in the second year of security guard employment. In each of the following years, four hours of annual refresher training is required. (See RCW 18.170.110 (4)). This is training that takes place after the security guard is working guard duty.

The topic areas that must be used for postassignment training are as follows. Postassignment training may also include the subject topics listed beginning on page 5 of this manual under WAC 308-18-300 Preassignment Training.

### **Postassignment Training Topics – WAC 308-18-305**

#### **(a) Basic role of private security guards**

- (i) Security awareness
- (ii) Private security guards and the criminal justice system
- (iii) Information sharing
- (iv) Crime and loss prevention

#### **(b) Legal aspects of private security**

- (i) Evidence and evidence handling
- (ii) Use of force
- (iii) Court testimony
- (iv) Incident scene preservation
- (v) Equal employment opportunity (EEO) and diversity
- (vi) State and local laws

#### **(c) Security officer conduct**

- (i) Ethics

(ii) Honesty

(iii) Professional image

**(d) Observation and incident reporting**

(i) Observation techniques

(ii) Note taking

(iii) Report writing

**(e) Principles of communications**

(i) Interpersonal skills

(ii) Verbal communication skills

(iii) Building relationships with law enforcement

(iv) Customer services and public relations

(v) Workplace violence

**(f) Principles of access control**

(i) Enter and exit control procedures

(ii) Electronic security systems

**(g) Principles of safeguarding information**

(i) Proprietary and confidential

**(h) Emergency response procedures**

(i) Critical incident response (e.g., natural disasters, accidents, human caused events)

**(i) Evacuation processes**

**(j) Life safety awareness**

(i) Safety hazards in the workplace/surroundings

(ii) Emergency equipment placement

(iii) Fire prevention skills

(iv) Hazardous materials

(v) Occupational safety and health requirements (e.g., OSHA related training, bloodborne pathogens, etc.)

**(k) Job assignment and post orders**

(i) Assignments and tasks

(ii) Patrol

## **Certified Trainer Application Process and Responsibilities**

### **Certified trainers are required to be licensed.**

A certified trainer is a licensed security guard that has met the requirements to hold the authority to provide the preassignment training and examination to security guard applicants as required under RCW 18.170. The certified trainer has an endorsement on their security guard license that states they possess the certification.

- To apply for a certified trainer endorsement, an individual must be a licensed security guard or a security guard company principal. The application form titled 'Certified Trainer Examination' must be completed and submitted with the application fee.
- When the application is received by the Department of Licensing, we will call the applicant with instructions for taking the exam. The exams are given at a Licensing Services Office location of the applicant's choice.
- The applicant must score at least 85 percent on the certified trainer examination to become a certified trainer. Individuals who fail to obtain an 85 percent score must wait a minimum of seven days before they can retake the exam.
- When the exam is passed, a letter of confirmation and a copy of the preassignment training exam and answer key are sent by the Department of Licensing to the new certified trainer. This is the written exam the certified trainer will give to security guard applicants after the preassignment training. A revised security guard license is issued and mailed to the certified trainer's company with the certified trainer endorsement on the license. The company is responsible for giving the license to the certified trainer.

There is no limit to the number of certified trainers a security guard company may have.

### **What to study to pass the Private Security Guard Principal and Certified Trainer Examination?**

All principals and certified trainers must demonstrate knowledge and proficiency in the following areas:

- All topics in the security guard presassignment training course
- Washington state laws regarding security guard licensing and regulations
- Legal and liability issues related to the security guard industry
- General security management

### **Where can I find the study material to prepare for the examination?**

1. Washington State Laws Regulating Private Security Guards  
Chapter 18.170 RCW  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=18.170>
2. Washington Administrative Code for Private Security Guards  
WAC 308-18  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=308-18>
3. Washington State Patrol, WATCH  
<https://fortress.wa.gov/wsp/watch>
4. Uniform Regulation of Business and Professions Act  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=18.235>
5. Firearms and Dangerous Weapons  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=9.41>
6. Master Business License, Secretary of State, US Department of Revenue, and Trade Names  
[www.dol.wa.gov/business](http://www.dol.wa.gov/business)
7. Equal Employment Opportunity Commission  
[www.eeoc.gov](http://www.eeoc.gov)
8. Criminal Justice Training Commission – Use of Force Continuum  
<https://fortress.wa.gov/cjtc/www/>
9. Washington Criminal Code Title 9A  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=9A>
10. Occupational Safety & Health Administration  
[www.osha.gov](http://www.osha.gov)

11. Material Safety Data Sheet (MSDS)  
[www.ilpi.com/msds/faq/parta.html#whatis](http://www.ilpi.com/msds/faq/parta.html#whatis)

12. Protection Officers Training Manual  
[www.loc.gov/catdir/toc/els051/2003050337.html](http://www.loc.gov/catdir/toc/els051/2003050337.html)

**Certified trainers have several responsibilities.**

- Protect the integrity of the preassignment written exam.
- Provide preassignment training to employees of licensed security guard companies.
- Administer the test to employees after the preassignment training is completed
- Review all incorrect answers with the individual to ensure they understand what the correct responses are and sign the reviewed exam.
- Sign the temporary registration cards issued to applicants trained by the certified trainer.
- Certify completion of the preassignment training and testing on the applicant's security guard license application form.
- Oversee, record, and attest to all pre and postassignment training requirements and annual refresher training.
- Maintain records of all pre and postassignment training and exams for three years.



## **License Renewals**

### **Procedures for renewing are easy.**

Renewal notices are provided as a courtesy 90 days before expiration. If a license is transferred inside the 90 days prior to the expiration of the license, you will not receive a renewal notice. This is because the renewal notice was sent to the previous employer. When this happens, the renewal should be paid at the time of transfer. If you don't have a renewal notice for whatever reason within 20 days of expiration, send in your renewal payment with the form stating the name and the license number you are renewing.

Options for renewing licenses.

- Send the renewal notice with the return envelope and fee.
- Send the request to renew the license on a Private Security Guard Application form. Mark the box that says renewal and submit the appropriate fees with the application.

### **Late renewal fees can be avoided by renewing on time.**

- Licenses issued to security guards expire one year from the date of issuance.
- Licenses issued to security guard companies expire one year from the date of issuance.
- Licenses must be renewed each year on or before the expiration date by paying a license renewal fee.
- If the license renewal fee is not received by the Department of Licensing on or before the renewal date, an additional penalty fee must be paid.

### **Cancelled records require individuals to apply as new applicants.**

The renewal fee must be received by the Department of Licensing within one year of the license expiration date. If the late-renewal fee is not received within one year, the license and record are cancelled. After a record is cancelled, the person must start over as a new applicant.

When starting over as a new applicant, all requirements for initial licensing must be met. This includes the successful completion of any applicable training, examination requirements, background check and required fee.

## **Termination of Security Guard Employees Transfers/Rehires**

**Termination of employment requires notification from the employer.**

- A person may only perform duties and activities of a security guard while in compliance with security guard licensing laws and while under the direction and supervision of a licensed security guard company.
- At any time, either the company principal or the security guard may terminate their employee-employer relationship.
- The company must notify the Department of Licensing within 30 days that the relationship has been terminated. The notification must include the security guard's license that was held by the company. The termination date and the signature of the company principal or authorized representative must be written on the license.
- If the license held by the company cannot be surrendered to the Department of Licensing because the license has been lost, the company principal or authorized representative must send us a written notice reporting the termination and that the license was lost.

**Transfers and rehires of security guards require forms and fees.**

A license transfer is when a security guard employee moves from one security guard company to another security guard company.

- A transfer or rehire of a security guard is like a reactivation of the license. This process requires a notification to the Department of Licensing. To do this you must send a completed Private Security Guard Application form. Mark the Transfer/Rehire box at the top of the application and include the listed fee. The license expiration date doesn't change. A license will be not be issued if the license is expired.
- When the Department of Licensing receives the transfer or rehire application, the license will be reactivated and mailed to the security guard company.
- Temporary registration cards can be issued for unarmed security guard transfer applicants because they are new hires, but must still be signed by a certified trainer and recorded on the temporary registration card log, and

only if proof of preassignment training with a prior employer can be verified.

- Fingerprint cards do not need to be submitted with a transfer application unless you have been told specifically to do so by the Department of Licensing for a particular individual.

**Access the Professional License Query website on the Internet.**

Make sure you go to the web address,

<https://fortress.wa.gov/dol/dolprod/bpdLicenseQuery/> to see if the license you are transferring is due for renewal or has already expired. The transfer and the renewal should be processed at the same time. See page 4 for more details.

This is also a good time to check the status of the applicant before hiring.

## **Security Guard Company Principal License Change of Company Principal**

In addition to meeting the minimum requirements to obtain a license as a security guard, a sole proprietor applicant, or if a partnership, each partner, or, if a corporation, the qualifying agent for the corporation, must meet the following requirements to obtain a security company license:

- Possess 3 years experience as a manager, supervisor, or administrator in the private security business or a related field approved by the Department of Licensing, or be at least 21 years of age and pass an examination.
- A licensed private security company must file and maintain with the Department of Licensing a current certificate of insurance as evidence that it has minimum comprehensive general liability coverage of \$50,000 – at least \$25,000 for bodily or personal injury and \$25,000 for property damage.
- Pay any additional fees established by the Department of Licensing.
- The security guard company must have an in-state physical address.

Licenses to own or operate a private security guard company may not be issued to an applicant if the name of the company portrays the company as a public law enforcement agency, or in association with a public law enforcement agency, or includes the word “police”.

Security guard company licenses are non-transferable.

### **Security guard companies can change principals as needed.**

If the principal or also called qualified agent, stops working as the principal on a regular basis, the principal must promptly notify the Department of Licensing in writing.

Within 60 days of sending notification to the Department of Licensing, the company must obtain a replacement principal who meets the requirements of this section and submit a Change of Principal application and required fees and fingerprint cards. The Department of Licensing may extend the period for obtaining a replacement principal.

## **Branch Offices and Notification Requirements**

### **Branch offices for security guard companies must be identified.**

A principal of a private security guard company must notify the Department of Licensing of the addresses of all branch offices in the space provided on the initial company application. The Department of Licensing will issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch.

Each branch license shall be displayed in the office for which it is issued. The principal must notify the Department of Licensing by mail, within 30 days, of any changes to branch office addresses. This includes additions or deletions of branches. There are no fees required for branch security guard company licenses.

### **There are several occasions when a notification is required.**

- A private security company must notify the Department of Licensing and their local law enforcement agency within 72 hours from receipt of information affecting the company or the security guard's continuing eligibility to hold a license under the provisions of RCW 18.170.110.
- A private security guard company must notify the local law enforcement agency whenever an employee who is an armed private security guard discharges his or her firearm while on duty. This does not include on a supervised firearm range. The notification must be made within 10 business days of the date the firearm is discharged.
- The principal of a private security guard company must notify the Department of Licensing of the change of location and mailing address of the company office within 10 working days. Notification must be made in writing by submitting a change of address form which is available on the Department of Licensing website at:  
<http://www.dol.wa.gov/forms/690004.pdf>.

## Criminal History

### **What happens when an applicant or licensee has criminal history?**

When background check results are returned to the Department of Licensing from WSP and/or FBI with a criminal history record, the conviction(s) are reviewed. A determination is then made regarding whether the applicant/licensee meets the minimum qualifications to be licensed as a security guard in this state.

### **What are the specific criteria that would determine that an applicant/licensee does not meet the minimum qualifications or requirements?**

**Washington State Law RCW 18.235.130 Unprofessional Conduct.** The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's professions or operation of the person's business, whether the act constitutes a crime or not . . . For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere (no contest) is the basis for the conviction and all proceeding in which the sentence is deferred or suspended. . . ;

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

(6) Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

(a) not furnishing any papers or documents requested by the disciplinary authority.

(13) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession or operation of the person's business. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere (no contest) is the basis for the conviction and all proceeding in which the sentence is deferred or suspended.

**Washington State Law RCW 18.170.170 Unprofessional Conduct.** In addition to the unprofessional conduct described in RCW 18.235.130, a list is provided for "conduct, acts, or conditions" which "constitute unprofessional conduct for any license holder or applicant under the jurisdiction of" these chapters.

**What happens if the applicant/licensee falls under these criteria?**

They will be offered due process called a Brief Adjudicative Proceeding (BAP).

**Request for Required Information and  
Request for Disposition of Record(s) to the Court**

An applicant/licensee will be sent a **Request for Required Information** letter if the Department of Licensing has received criminal history back from WSP and/or FBI with no criminal classification, arrest data only or no disposition. The intent of this letter is to give the applicant/licensee an opportunity to demonstrate that the findings on his/her criminal history report are incorrect or incomplete.

During this process, the applicant can continue to work on their temporary registration card. If the 60 day time frame is about to expire, please call the program at (360) 664-6611 to extend the temporary registration card until this process is complete.

Enclosed with the Request for Information letter is a **Request for Disposition of Record(s)** form. This form is to be used in acquiring conviction or dismissal information from the court. This form needs to be filled out and signed by a court authority, **not by the applicant/licensee**. We will also accept court documentation of the final disposition.

The applicant/licensee is required to respond to this request for information within 30 days from the date of service of the letter. Service is deemed complete upon deposit in the United States mail.

If a response from the applicant is not received within the 30 days, the Department of Licensing will reject the application and stop processing the license application. If in the future, the applicant decides they want a license, they must reapply with a new application and pay the required fee.

If a response from the licensee is not received within the 30 days, the Department of Licensing will initiate administrative procedures to revoke his/her application/licensee for failure to respond.

The applicant/licensee can call the program to request an extension if they are unable to meet the 30 day time frame.

If the applicant/licensee **does** respond and sends the Department of Licensing court documents that indicate that the criminal history has been vacated, dismissed,

expunged, charges not file, etc. or the courts filled out the disposition form with proof that the criminal history has been (same as above), applicant/licensee may qualify for licensure.

If the applicant/licensee meets the requirements, the license is issued by the Department of Licensing.



## **Brief Adjudicative Proceeding (BAP)**

### **Notice of Intent to Deny or Statement of Charges**

An applicant will be sent a **Notice of Intent to Deny** and the licensee will be sent a **Statement of Charges** if:

1. The Department of Licensing has received criminal history from WSP and FBI with a complete criminal conviction record. The Department of Licensing determines that the applicant/licensee particular crime directly relates to his or her capacity to perform the duties of a private security guard, and determines that the license should be withheld to protect the citizens of Washington State. *Per RCW 18.170.030(3) and RCW 18.235.130(13).*

### **Request for Brief Adjudicative Proceeding form**

The applicant/licensee is offered the opportunity to request a BAP to contest the decision made by the Department of Licensing regarding denial of their application/license.

Enclosed with the **Notice of Intent to Deny** is a form entitled **Request for Brief Adjudicative Proceeding**. In order to request a BAP, the applicant/licensee must complete this form, attach any evidence including a written statement explaining why the conviction information is incorrect, and provide any court documents. *Per RCW 34.05 and WAC 308-18.*

The request and attachments must be received back to the Department of Licensing within 20 days. Failure to request a BAP within 20 days will result in the loss of their rights to a BAP and a denial/revocation of their application/license.

If the applicant/licensee needs more time to collect their information, they will need to send in the Request for Brief Adjudicative Proceeding and then call the Department of Licensing and ask for an extension to the time frame.

When the applicant has received a **Notice of Intent to Deny**, the applicant must immediately surrender their temporary registration card to their employer and can no longer work until this matter is taken care of. *Per RCW 18.170.090(2).*

When the licensee has received a **Statement of Charges**, the licensee can continue to work until the matter is resolved.

### **Order of Default**

If a Request for Brief Adjudication Proceeding Form is not received back within the 20 days, an **Order of Default** is mailed to the applicant/licensee and employer. The Order of Default is a signed order by the Administrator of the Public Protection Services Section informing them of the denial/revocation of their application/licensee. The original Order of Default is filed in the applicant's/licensee's file.

### **The BAP Hearing**

If the Request for Brief Adjudicative Proceeding Form is received to proceed with the BAP within the 20-day time frame, a **Notification of BAP Schedule letter** will be sent to the applicant/licensee with the date the BAP will be conducted.

The applicant/licensee does not come to the proceeding. It is very important for them to provide the department court documents, written explanation, etc. to prove their case.

A Presiding Officer that has been designated by the Director of the Department of Licensing will conduct the BAP. The Presiding Officer will have agency expertise in the subject matter, but has not personally participated in the decision determined by the Department of Licensing. The Presiding Officer will review the applicant/licensee file and documentation provided by the applicant/licensee. The Presiding Officer will issue an Initial Order to the applicant/licensee within 10 days.

The Initial Order is called, The Findings of Fact, Conclusion of Law, and Order of Brief Adjudicative Proceeding. It explains the background and basis for the decision in this, the first step of the appeal of the department's proposed action against a license. The Initial Order will state whether the applicant/licensee is eligible for licensure or not eligible. The signed original Initial Order is filed in the applicant/licensee file. A copy of the Initial Order is sent certified and through the US mail to the applicant/licensee. A copy of the cover letter of the Initial Order is sent to employer.

### **What if the applicant/licensee does not agree with the Initial Order?**

You have a right to appeal. It is called an Administrative Review. An Administrative Review is limited to re-evaluating the record (including any new information or documents submitted with the appeal). The Department must receive the request within 21 days of service of the Initial Order.

**Administrative Review**

The Reviewing Officer reviews the file. The Reviewer can overturn the decision of the Presiding Officer and the license is issued; or the Reviewing Officer agrees (sustains) with the decision of the Presiding Officer and the license is denied/revoked. If a request for review of the Initial Order is not received within 20 days, the Initial Order will be the Final Order.

The applicant/licensee can petition for review of his/her file all the way to superior court.

**Recommended sanctions used to determine length of time that must pass before an applicant can reapply for licensure as a private security guard. 1 – 10 represent years**

**The first chart below also represents how much time must pass from the date of the conviction before an applicant would qualify for a security guard license. The applicant must admit to having the conviction on the state application form.**

Date of Conviction	1	2	3	4	5	6	7	8	9	10
*Gross Misdemeanor - Property	Blue	Blue	Blue	Blue	Blue	Blue	White	White	White	White
Gross Misdemeanor - Person	Blue	Blue	Blue	Blue	Blue	Blue	Blue	White	White	White
C/Felony – Property	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
C/Felony - Person	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
B/Felony - Property	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
B/Felony - Person	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
A/Felony	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue

**\*Two to six years - determined on a case by case basis.**

Date of Order	1	2	3	4	5	6	7	8	9	10
A/Felony	Maroon	Maroon	Maroon	Maroon	Maroon	Maroon	Maroon	Maroon	Maroon	Maroon
Sex Offenders – Never issued	Maroon	Maroon	Maroon	Maroon	Maroon	Maroon	Maroon	Maroon	Maroon	Maroon
*Misrepresentation	Maroon	Maroon	Maroon	Maroon	Maroon	White	White	White	White	White

**\*Up to four years – determined on a case by case basis.**

The above represents a suggested guideline in establishing requests for sanctions after a finding to deny or revoke in a Brief Adjudicative Proceeding. Most final orders are expressed in the manner of “you have no right to re-apply until \_\_\_\_\_;” rather than a specified time frame. Two points of time were selected as a beginning point in establishing sanctions, from the date of conviction and the date of the final order.

**Date of conviction** is used as a beginning date for sanctions for gross misdemeanor offenses, “C,” “B,” and “A” class felonies as displayed above and range from six to ten years.

**Date of the order** is used as a beginning date for sanctions regarding misrepresentation. The date of the order may represent a finding by the Hearing Officer of a violation of administrative law.

**Date of the order** is used as a beginning date for sanctions regarding failure to respond to the Request for Information by the licensee and represents one year. The date of the order may represent a finding by the Hearing Officer of a violation of administrative law.

Individual instances of several past offenses or serious offenses outside established time frames, but constitute a propensity to re-offend, will be considered on a case to case basis.

# The Law Relating to Private Security Guards

18.170 RCW  
308-18 WAC  
18.235 RCW



July 2011

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# Chapter 18.170 RCW

## SECURITY GUARDS

### Sections

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18.170.290	Uniform regulation of business and professions act.
18.170.300	Reciprocity agreements.
18.170.900	Severability—1991 c 334.
18.170.901	Severability—1995 c 277.
18.170.902	Effective date—1995 c 277.

**18.170.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Armed private security guard" means a private security guard who has a current firearms certificate issued by the commission and is licensed as an armed private security guard under this chapter.

(2) "Armored vehicle guard" means a person who transports in an armored vehicle under armed guard, from one place to another place, valuables, jewelry, currency, documents, or any other item that requires secure delivery.

(3) "Burglar alarm response runner" means a person employed by a private security company to respond to burglar alarm system signals.

(4) "Burglar alarm system" means a device or an assembly of equipment and devices used to detect or signal unauthorized intrusion, movement, or exit at a protected premises, other than in a vehicle, to which police or private security guards are expected to respond.

(5) "Chief law enforcement officer" means the elected or appointed police administrator of a municipal, county, or state police or sheriff's department that has full law enforcement powers in its jurisdiction.

(6) "Classroom instruction" means training that takes place in a setting where individuals receiving training are assembled together and learn through lectures, study papers, class discussion, textbook study, or other means of organized formal education techniques, such as video, closed circuit, or other forms of electronic means, and as distinguished from individual instruction.

(7) "Commission" means the criminal justice training commission established in chapter 43.101 RCW.

(8) "Department" means the department of licensing.

(9) "Department-certified trainer" means any person who has been approved by the department by receiving a passing score on a department-administered examination, to administer department-provided examinations and attest that training or testing requirements have been met.

(10) "Director" means the director of the department of licensing.

(11) "Employer" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent of any of the foregoing that employs or seeks to enter into an arrangement to employ any person as a private security guard.

(12) "Firearms certificate" means the certificate issued by the commission.

(13) "Individual instruction" means training that takes place either on-the-job or through formal education techniques, such as video, closed circuit, internet, or other forms of electronic means, and as distinguished from classroom instruction.

(14) "Licensee" means a person granted a license required by this chapter.

(15) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

(16) "Primary responsibility" means activity that is fundamental to, and required or expected in, the regular course of employment and is not merely incidental to employment.

(17) "Principal corporate officer" means the president, vice president, treasurer, secretary, comptroller, or any other person who performs the same functions for the corporation as performed by these officers.

(18) "Private security company" means a person or entity licensed under this chapter and engaged in the business of providing the services of private security guards on a contractual basis.

(19) "Private security guard" means an individual who is licensed under this chapter and principally employed as or typically referred to as one of the following:

- (a) Security officer or guard;
- (b) Patrol or merchant patrol service officer or guard;
- (c) Armed escort or bodyguard;
- (d) Armored vehicle guard;
- (e) Burglar alarm response runner; or
- (f) Crowd control officer or guard.

(20) "Qualifying agent" means an officer or manager of a corporation who meets the requirements set forth in this chapter for obtaining a license to own or operate a private security company.

(21) "Sworn peace officer" means a person who is an employee of the federal government, the state, a political subdivision, agency, or department branch of a municipality, or other unit of local government, and has law enforcement powers. [2007 c 306 § 1; 2007 c 154 § 1; 2004 c 50 § 1; 1991 c 334 § 1.]

**Reviser's note:** This section was amended by 2007 c 154 § 1 and by 2007 c 306 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**18.170.020 Exemptions.** The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs the functions of a private security guard solely in connection with the affairs of that employer, if the employer is not a private security company;

(2) A sworn peace officer while engaged in the performance of the officer's official duties;

(3) A sworn peace officer while employed by any person to engage in off-duty employment as a private security guard, but only if the employment is approved by the chief law enforcement officer of the jurisdiction where the employment takes place and the sworn peace officer does not employ, contract with, or broker for profit other persons to assist him or her in performing the duties related to his or her private employer; or

(4) A person performing crowd management or guest services including, but not limited to, a person described as a ticket taker, usher, door attendant, parking attendant, crowd monitor, or event staff who:

(a) Does not carry a firearm or other dangerous weapon including, but not limited to, a stun gun, taser, pepper mace, or nightstick;

(b) Does not wear a uniform or clothing readily identifiable by a member of the public as that worn by a private security officer or law enforcement officer; and

(c) Does not have as his or her primary responsibility the detainment of persons or placement of persons under arrest.

The exemption provided in this subsection applies only when a crowd has assembled for the purpose of attending or taking part in an organized event, including preevent assembly, event operation hours, and postevent departure activities. [2007 c 154 § 2; 2006 c 173 § 1; 1991 c 334 § 2.]

**18.170.030 Security guard license—Requirements.** An applicant must meet the following minimum requirements to obtain a private security guard license:

- (1) Be at least eighteen years of age;
- (2) Be a citizen of the United States or a resident alien;
- (3) Not have been convicted of a crime in any jurisdiction, if the director determines that the applicant's particular crime directly relates to his or her capacity to perform the duties of a private security guard, and the director determines that the license should be withheld to protect the citizens of Washington state. The director shall make her or his determination to withhold a license because of previous convictions notwithstanding the restoration of employment rights act, chapter 9.96A RCW;
- (4) Be employed by or have an employment offer from a licensed private security company or be licensed as a private security company;
- (5) Satisfy the training requirements established by the director;
- (6) Submit a set of fingerprints;
- (7) Pay the required nonrefundable fee for each application; and
- (8) Submit a fully completed application that includes proper identification on a form prescribed by the director for each company of employment. [1995 c 277 § 1; 1991 c 334 § 3.]

**18.170.040 Armed private security guard license—Requirements.** (1) An applicant must meet the following minimum requirements to obtain an armed private security guard license:

- (a) Be licensed as a private security guard;
- (b) Be at least twenty-one years of age;
- (c) Have a current firearms certificate issued by the commission; and
- (d) Pay the fee established by the director.

(2) An armed private security guard license may take the form of an endorsement to the security guard license if deemed appropriate by the director. [1991 c 334 § 4.]

**18.170.050 Armed private security guard license authority—Registration of firearms.** (1) An armed private security guard license grants authority to the holder, while in the performance of his or her duties, to carry a firearm with which the holder has met the proficiency requirements established by the commission.

(2) All firearms carried by armed private security guards in the performance of their duties must be owned or leased by the employer and, if required by law, must be registered with the proper government agency. [1991 c 334 § 5.]

**18.170.060 Private security company license—Requirements, restrictions—Qualifying agent—Assignment or transfer of license.** (1) In addition to meeting the minimum requirements to obtain a license as a private security guard, an applicant, or, in the case of a partnership, each partner, or, in the case of a corporation, the qualifying agent must meet the following requirements to obtain a license to own or operate a private security company:

- (a) Possess three years' experience as a manager, supervisor, or administrator in the private security business or a related field approved by the director, or be at least twenty-one years of age and pass an examination determined by the



director to measure the person's knowledge and competence in the private security business;

- (b) Meet the insurance requirements of this chapter; and
- (c) Pay any additional fees established by the director.

(2) If the qualifying agent upon whom the licensee relies to comply with subsection (1) of this section ceases to perform his or her duties on a regular basis, the licensee must promptly notify the director by certified or registered mail. Within sixty days of sending notification to the director, the licensee must obtain a substitute qualifying agent who meets the requirements of this section. The director may extend the period for obtaining a substitute qualifying agent.

(3) A company license issued pursuant to this section may not be assigned or transferred without prior written approval of the director.

(4) No license to own or operate a private security guard company may be issued to an applicant if the name of the company portrays the company as a public law enforcement agency, or in association with a public law enforcement agency, or includes the word "police." [1995 c 277 § 4; 1991 c 334 § 6.]

**18.170.070 License cards and certificates—Issuance and requirements.** (1) The director shall issue a private security guard license card to each licensed private security guard and an armed private security guard license card to each armed private security guard.

(a) The license card may not be used as security clearance.

(b) A private security guard shall carry the license card whenever he or she is performing the duties of a private security guard and shall exhibit the card upon request.

(c) An armed private security guard shall carry the license card whenever he or she is performing the duties of an armed private security guard and shall exhibit the card upon request.

(2) The director shall issue a license certificate to each licensed private security company.

(a) Within seventy-two hours after receipt of the license certificate, the licensee shall post and display the certificate in a conspicuous place in the principal office of the licensee within the state.

(b) It is unlawful for any person holding a license certificate to knowingly and willfully post the license certificate upon premises other than those described in the license certificate or to materially alter a license certificate.

(c) Every advertisement by a licensee that solicits or advertises business shall contain the name of the licensee, the address of record, and the license number as they appear in the records of the director.

(d) The licensee shall notify the director within thirty days of any change in the licensee's officers or directors or any material change in the information furnished or required to be furnished to the director. [1995 c 277 § 5; 1991 c 334 § 7.]

**18.170.080 Licensed private security companies—Certificate of insurance required.** A licensed private security company shall file and maintain with the director a certificate of insurance as evidence that it has comprehensive gen-

eral liability coverage of at least twenty-five thousand dollars for bodily or personal injury and twenty-five thousand dollars for property damage. [1991 c 334 § 8.]

**18.170.090 Temporary registration cards—Requirements—Expiration—Suspension.** (1) A licensed private security company may issue an employee a temporary registration card of the type and form provided by the director, but only after the employee has completed preassignment training and submitted a full and complete application for a private security guard license to the department. The application must be mailed to the department within three business days after issuance of the temporary registration card. The temporary registration card is valid for a maximum period of sixty days and does not authorize a person to carry firearms during the performance of his or her duties as a private security guard. The temporary registration card permits the applicant to perform the duties of a private security guard for the issuing licensee.

(2) Upon expiration of a temporary registration card or upon the receipt of a permanent registration card or notification from the department that a permanent license is being withheld from an applicant, the applicant shall surrender his or her temporary registration card to the licensee.

(3) The director may suspend the authority to use temporary registration cards for a period of one year for any private security guard company that fails to comply with the provisions of this section. After the suspension period, the director may reinstate the company's use of temporary registration cards after receipt of a written request from the company. [1995 c 277 § 6; 1991 c 334 § 9.]

**18.170.105 Training requirements.** (1) To promote the safety of persons and the security of property, the director shall meet with interested parties to develop lists of suggested preassignment, postassignment, and postassignment refresher training by rule.

(2) All security guards licensed on or after July 1, 2005, must complete at least eight hours of preassignment training, comprised of at least four hours of classroom instruction and an additional four hours of classroom instruction or individual instruction, or both. The preassignment training may be waived for any individual who was most recently employed full time as a sworn peace officer not more than five years prior to applying to become licensed as a private security guard and who passes the examination typically administered to applicants at the conclusion of the preassignment training.

(3)(a) All security guards licensed on or after July 1, 2005, must complete at least eight hours of initial postassignment training that shall be administered to each security guard. The initial postassignment training must be in the topic areas established by the director and may be classroom instruction or individual instruction, or both. A company may waive the initial postassignment training for security guards already licensed who transfer from another company, if the security guard presents appropriate training records signed by a department-certified trainer from the previous company, or a signed affidavit that the individual has already completed the required initial postassignment training provided by his or her previous company.

(b) Security guards who received their temporary security guard registration card on or before July 22, 2007, must receive their initial postassignment training before June 30, 2008. Security guards who received their temporary security guard registration card after July 22, 2007, must receive their initial postassignment training as specified in (c) and (d) of this subsection.

(c) Security guards licensed between January 1st and June 30th of any calendar year may receive eight hours of initial postassignment training any time between the day following the issuance of a temporary security guard registration card with their company and June 30th of the year following initial issuance of their license by the department.

(d) Security guards initially licensed between July 1st and December 31st of any calendar year may receive eight hours of initial postassignment training at any time between the day following the issuance of a temporary security guard registration card with their company and December 31st of the year following initial issuance of their license by the department.

(4) Following completion of the preassignment and postassignment training, at least four total hours of annual refresher training shall be administered to security guards each subsequent year. The subsequent year begins, for refresher training purposes, the day following the last date the security guard is required to receive the eight hours of initial postassignment training. No more than one hour per year of annual refresher training may focus directly on customer service-related skills or topics and the remaining three hours per year of annual refresher training must focus on emergency response concepts, skills, or topics including but not limited to knowledge of site post orders or life safety.

(5) Companies must maintain records regarding the training hours completed by each employee. All such records are subject to inspection by the department. The training requirements and test results must be recorded and attested to by a department-certified trainer. Training records must contain a description of the topics covered, the name and signature of the trainer, and the name and signature of the security guard. [2007 c 306 § 2.]

#### **18.170.110 Required notice of certain occurrences.**

(1) A private security company shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed private security guard or armed private security guard by returning the license to the department with the word "terminated" written across the face of the license, the date of termination, and the signature of the principal or the principal's designee of the private security guard company.

(2) A private security company shall notify the department within seventy-two hours and the chief law enforcement officer of the county, city, or town in which the private security guard or armed private security guard was last employed immediately upon receipt of information affecting his or her continuing eligibility to hold a license under the provisions of this chapter.

(3) A private security guard company shall notify the local law enforcement agency whenever an employee who is an armed private security guard discharges his or her firearm while on duty other than on a supervised firearm range. The

notification shall be made within ten business days of the date the firearm is discharged. [2000 c 171 § 39; 1995 c 277 § 8; 1991 c 334 § 11.]

#### **18.170.120 Out-of-state licensees—Application—Fee—Temporary assignment.**

(1) Any person from another state that the director determines has selection, training, and other requirements at least equal to those required by this chapter, and who holds a valid license, registration, identification, or similar card issued by the other state, may apply for a private security guard license card or armed private security guard license card on a form prescribed by the director. Upon receipt of a processing fee to be determined by the director, the director shall issue the individual a private security guard license card or armed private security guard license card.

(2) A valid private security guard license, registration, identification, or similar card issued by any other state of the United States is valid in this state for a period of ninety days, but only if the licensee is on temporary assignment as a private security guard for the same employer that employs the licensee in the state in which he or she is a permanent resident.

(3) A person from another state on temporary assignment in Washington may not solicit business in this state or represent himself or herself as licensed in this state. [1995 c 277 § 9; 1991 c 334 § 12.]

**18.170.130 Investigation of applicants.** (1) Applications for licenses required under this chapter shall be filed with the director on a form provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria.

(2) After receipt of an application for a license, the director shall conduct an investigation to determine whether the facts set forth in the application are true and shall request that the Washington state patrol compare the fingerprints submitted with the application to fingerprint records available to the Washington state patrol. The Washington state patrol shall forward the fingerprints of applicants for an armed private security guard license to the Federal Bureau of Investigation for a national criminal history records check. The director may require that fingerprint cards of licensees be periodically reprocessed to identify criminal convictions subsequent to registration.

(3) The director shall solicit comments from the chief law enforcement officer of the county and city or town in which the applicant's employer is located on issuance of a permanent private security guard license.

(4) A summary of the information acquired under this section, to the extent that it is public information, shall be forwarded by the department to the applicant's employer. [1995 c 277 § 10; 1991 c 334 § 13.]

#### **18.170.140 Regulatory provisions exclusive—Authority of the state and political subdivisions.**

(1) The provisions of this chapter relating to the licensing for regulatory purposes of private security guards, armed private security guards, and private security companies are exclusive. No governmental subdivision of this state may enact any laws or

rules licensing for regulatory purposes such persons, except as provided in subsections (2) and (3) of this section.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business license fee, business and occupation tax, or other tax upon private security companies if such fees or taxes are levied on other types of businesses within its boundaries.

(3) This section shall not be construed to prevent this state or a political subdivision of this state from licensing or regulating private security companies with respect to activities performed or offered that are not of a security nature. [1991 c 334 § 14.]

**18.170.150 Out-of-state private security guards operating across state lines.** Private security guards or armed private security guards whose duties require them to operate across state lines may operate in this state if they are properly registered and certified in another state with training, insurance, and certification requirements that the director finds are at least equal to the requirements of this state. [1991 c 334 § 15.]

**18.170.160 Licenses required—Use of public law enforcement insignia prohibited—Penalties—Enforcement.** (1) After June 30, 1992, any person who performs the functions and duties of a private security guard in this state without being licensed in accordance with this chapter, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the director in obtaining a license, or any person who falsely impersonates any other licensee, or any person who attempts to use an expired or revoked license, or any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor.

(2) After January 1, 1992, a person is guilty of a gross misdemeanor if he or she owns or operates a private security company in this state without first obtaining a private security company license.

(3) After June 30, 1992, the owner or qualifying agent of a private security company is guilty of a gross misdemeanor if he or she employs an unlicensed person to perform the duties of a private security guard without issuing the employee a valid temporary registration card if the employee does not have in his or her possession a permanent private security guard license issued by the department. This subsection does not preclude a private security company from requiring applicants to attend preassignment training classes or from paying wages for attending the required preassignment training classes.

(4) After June 30, 1992, a person is guilty of a gross misdemeanor if he or she performs the functions and duties of an armed private security guard in this state unless the person holds a valid armed private security guard license issued by the department.

(5) After June 30, 1992, it is a gross misdemeanor for a private security company to hire, contract with, or otherwise engage the services of an unlicensed armed private security guard knowing that he or she does not have a valid armed private security guard license issued by the director.

(6) It is a gross misdemeanor for a person to possess or use any vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign, shield, marking, accessory, or insignia that indicates that the equipment or vehicle belongs to a public law enforcement agency.

(7) It is a gross misdemeanor for any person who performs the functions and duties of a private security guard to use any name that includes the word "police" or "law enforcement" or that portrays the individual or a business as a public law enforcement agency.

(8) It is the duty of all officers of the state and political subdivisions thereof to enforce the provisions of this chapter. The attorney general shall act as legal adviser of the director, and render such legal assistance as may be necessary in carrying out the provisions of this chapter. [1995 c 277 § 11; 1991 c 334 § 16.]

**18.170.163 License or certificate suspension—Non-payment or default on educational loan or scholarship.**

The director shall suspend the license or certificate of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license or certificate shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure or certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose. [1996 c 293 § 23.]

**Severability—1996 c 293:** See note following RCW 18.04.420.

**18.170.164 License suspension—Noncompliance with support order—Reissuance.**

The director shall immediately suspend any license issued under this chapter if the holder has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a \*residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. [1997 c 58 § 838.]

**\*Reviser's note:** 1997 c 58 § 887 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for non-compliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

**Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58:** See RCW 74.08A.900 through 74.08A.904.

**Effective dates—Intent—1997 c 58:** See notes following RCW 74.20A.320.

**18.170.165 Transfer of license.** A licensee who transfers from one company to another must submit a transfer application on a form prescribed by the director along with a transfer fee established by the director. [1995 c 277 § 2.]

**18.170.170 Unprofessional conduct.** In addition to the unprofessional conduct described in RCW 18.235.130, the following conduct, acts, or conditions constitute unprofessional conduct:

- (1) Knowingly violating any of the provisions of this chapter or the rules adopted under this chapter;
- (2) Practicing fraud, deceit, or misrepresentation in any of the private security activities covered by this chapter;
- (3) Knowingly making a material misstatement or omission in the application for a firearms certificate;
- (4) Not meeting the qualifications set forth in RCW 18.170.030, 18.170.040, or 18.170.060;
- (5) Failing to return immediately on demand a firearm issued by an employer;
- (6) Carrying a firearm in the performance of his or her duties if not the holder of a valid armed private security guard license, or carrying a firearm not meeting the provisions of this chapter while in the performance of his or her duties;
- (7) Failing to return immediately on demand any uniform, badge, or other item of equipment issued to the private security guard by an employer;
- (8) Making any statement that would reasonably cause another person to believe that the private security guard is a sworn peace officer;
- (9) Divulging confidential information that may compromise the security of any premises, or valuables shipment, or any activity of a client to which he or she was assigned;
- (10) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in RCW 18.170.060;
- (11) Failure to maintain insurance; and
- (12) Failure to have a qualifying principal in place. [2002 c 86 § 248; 1997 c 58 § 837; 1995 c 277 § 12; 1991 c 334 § 17.]

**Effective dates—2002 c 86:** See note following RCW 18.08.340.

**Part headings not law—Severability—2002 c 86:** See RCW 18.235.902 and 18.235.903.

**Short title—Part headings, captions, table of contents not law—Exemptions and waivers from federal law—Conflict with federal requirements—Severability—1997 c 58:** See RCW 74.08A.900 through 74.08A.904.

**Effective dates—Intent—1997 c 58:** See notes following RCW 74.20A.320.

**18.170.175 Display of firearms while soliciting clients.** No licensee, employee or agent of a licensee, or anyone accompanying a licensee, employee, or agent may display a firearm while soliciting a client. [1995 c 277 § 3.]

**18.170.180 Authority of director.** The director or the director's designee has the following authority in administering this chapter:

- (1) To adopt, amend, and rescind rules as deemed necessary to carry out this chapter;
- (2) To adopt standards of professional conduct or practice; and
- (3) To employ such administrative and clerical staff as necessary for the enforcement of this chapter. [2007 c 256 § 9; 2002 c 86 § 249; 1991 c 334 § 18.]

**Effective dates—2002 c 86:** See note following RCW 18.08.340.

**Part headings not law—Severability—2002 c 86:** See RCW 18.235.902 and 18.235.903.

**18.170.210 Application of administrative procedure act to hearings.** The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the director. [1991 c 334 § 21.]

**18.170.220 Inability to practice by reason of a mental or physical condition—Statement of charges—Hearing—Sanctions—Examinations—Presumed consent.** (1) If the director believes a license holder or applicant may be unable to practice with reasonable skill and safety to the public by reason of a mental or physical condition, a statement of charges shall be served on the license holder or applicant and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder or applicant to practice with reasonable skill or safety. If the director determines that the license holder or applicant is unable to practice with reasonable skill and safety for one of the reasons stated in this subsection, the director shall impose such sanctions as are deemed necessary to protect the public.

(2) In investigating or adjudicating a complaint or report that a license holder or applicant may be unable to practice with reasonable skill or safety by reason of a mental or physical condition, the department may require a license holder or applicant to submit to a mental or physical examination by one or more licensed or certified health professionals designated by the director. The cost of the examinations ordered by the department shall be paid by the department. In addition to any examinations ordered by the department, the licensee may submit physical or mental examination reports from licensed or certified health professionals of the license holder's or applicant's choosing and expense. Failure of the license holder or applicant to submit to examination when directed constitutes grounds for immediate suspension or withholding of the license, consequent upon which a default and final order may be entered without the taking of testimony or presentations of evidence, unless the failure was due to circumstances beyond the person's control. A determination by a court of competent jurisdiction that a license holder or applicant is mentally incompetent or mentally ill is presumptive evidence of the license holder's or applicant's inability to practice with reasonable skill and safety. An individual affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate that the individual can resume competent practice with reasonable skill and safety to the public.

(3) For the purpose of subsection (2) of this section, an applicant or license holder governed by this chapter, by making application, practicing, or filing a license renewal, is

deemed to have given consent to submit to a mental, physical, or psychological examination if directed in writing by the department and further to have waived all objections to the admissibility or use of the examining health professional's testimony or examination reports by the director on the ground that the testimony or reports constitute hearsay or privileged communications. [1991 c 334 § 22.]

**18.170.230 Unprofessional conduct or inability to practice—Penalties.** Upon a finding that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the director may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) Monitoring of the practice by a supervisor approved by the director;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Withholding a license request;
- (9) Other corrective action;
- (10) Refund of fees billed to and collected from the consumer; or
- (11) The assessment of administrative penalties.

Any of the actions under this section may be totally or partly stayed by the director. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant. [1995 c 277 § 15; 1991 c 334 § 23.]

**18.170.280 Application of administrative procedure act to acts of the director.** The director, in implementing and administering the provisions of this chapter, shall act in accordance with the administrative procedure act, chapter 34.05 RCW. [1991 c 334 § 28.]

**18.170.290 Uniform regulation of business and professions act.** The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 § 250.]

**Effective dates—2002 c 86:** See note following RCW 18.08.340.

**Part headings not law—Severability—2002 c 86:** See RCW 18.235.902 and 18.235.903.

**18.170.300 Reciprocity agreements.** The director has the authority to negotiate reciprocity agreements with other states allowing licensed security officers from Washington to work in those other states. [2004 c 50 § 3.]

**18.170.900 Severability—1991 c 334.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the

provision to other persons or circumstances is not affected. [1991 c 334 § 30.]

**18.170.901 Severability—1995 c 277.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1995 c 277 § 40.]

**18.170.902 Effective date—1995 c 277.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 9, 1995]. [1995 c 277 § 41.]



# Chapter 308-18 WAC

## PRIVATE SECURITY GUARD COMPANIES AND PRIVATE SECURITY GUARDS

### WAC

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-18-145 Comments by chief law enforcement officers and employers. [Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-145, filed 11/6/91, effective 12/7/91.] Repealed by 07-20-075, filed 10/1/07, effective 11/1/07. Statutory Authority: Chapter 18.170 RCW.

#### PART A GENERAL

**WAC 308-18-010 Promulgation—Authority.** The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by RCW 18.170.180, does hereby promulgate the following rules and regulations relating to the licensing of private security guard

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companies, private security guards, and armed private security guards.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-010, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-020 Organization.** The principal location of the private security guard licensing program is at 405 Black Lake Boulevard S.W., Olympia, Washington 98504. The department of licensing administers the Washington private security guard license law, chapter 18.170 RCW. Submissions and requests for information regarding private security guard company licenses, private security guard licenses, and armed private security guard licenses may be sent in writing to the Private Security Guard Program, Department of Licensing, P.O. Box 9649, Olympia, Washington 98507-9649.

[Statutory Authority: Chapter 18.170 RCW. 05-09-036, § 308-18-020, filed 4/14/05, effective 7/1/05. Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-020, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-020, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-030 Definitions.** (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.170 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private security guard company.

(3) "Principal partner" means the partner who exercises operational control over a private security guard company.

(4) "Certified trainer" means a principal or a licensed private security guard or armed private security guard who has fulfilled the requirements of WAC 308-18-320.

(5) "Other item of equipment" in RCW 18.170.170(7), shall include the license card issued by the director to a private security guard or armed private security guard.

(6) "Qualifying agent" means the person who officially represents a private security guard company in obtaining a license to operate and who meets the qualifications of RCW 18.170.060. The qualifying agent of a corporation or a partnership must be authorized to operate and represent the corporation or partnership as a legal agent, such as a managing officer, agent, employee or partner.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-030, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-030, filed 11/6/91, effective 12/7/91.]

**PART B  
LICENSING APPLICATION AND FEES**

**WAC 308-18-100 Company applications—Conditions.** Any person desiring to be licensed as a private security guard company must substantiate the experience requirements in RCW 18.170.060, or pass an examination as provided in this chapter. Persons meeting the experience requirements shall make application for a license on a form prescribed by the director. Persons who do not meet the experience requirements shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

(1) Pay a nonrefundable fee or fees as prescribed by WAC 308-18-150.

(2) If the applicant is the qualifying agent of a corporation, he or she shall furnish a certified copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is the qualifying agent of a foreign corporation, he or she shall furnish a certified copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a partnership or limited partnership, each partner shall apply and furnish their addresses.

(3) When a license is issued to a principal owner he or she shall act as the principal of the company without the payment of additional license fees. When a license is issued to a corporation the qualifying agent shall act as the principal of the company without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the principal of the company without the payment of additional fees.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-100, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-100, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-105 Branch office notification—Conditions.** A principal of a private security guard company shall notify the director of the addresses of all branch offices under the same name as the main office as a part of the company application. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. The principal shall notify the director by mail, within thirty days, of any changes to branch office addresses to include additions or deletions of branches.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-105, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-110 Private security guard applications—Conditions.** Any person desiring to be a private security guard shall make application for a license on a form prescribed by the director and pay a nonrefundable fee as prescribed by WAC 308-18-150.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-110, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-110, filed 11/6/91, effective 12/7/91.]

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**WAC 308-18-120 Armed private security guard applications—Conditions.** (1) Any person desiring to be an armed private security guard shall obtain a firearms certificate from the criminal justice training commission, make application on a form prescribed by the director, and pay a nonrefundable fee as prescribed by WAC 308-18-150.

(2) If the applicant is an alien resident, the applicant must provide proof of their alien firearm license when they submit an application for original or renewal of their armed security guard license. Proof of alien firearm license may be provided by submitting a copy of their current alien firearm license.

[Statutory Authority: Chapter 18.170 RCW. 02-24-026, § 308-18-120, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-120, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-120, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-130 Application for private security guard and armed private security guard license, licensed in another state—Conditions.** Any person applying for a private security guard or armed private security guard license who holds a valid license, registration, identification, or similar card issued by another state that the director has determined has selection, training, and other requirements at least equal to those required by chapter 18.170 RCW shall make application on a form prescribed by the director, pay the fee as prescribed by WAC 308-18-150 for a private security guard or armed private security guard, and submit evidence of licensure in another state by a license verification form completed by an administrative officer of the licensure authority of such state.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-130, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-140 Private security guard temporary registration card—Conditions.** Only those temporary registration cards provided by the department and preprinted with an assigned number and the company's name and address may be used. A private security guard temporary registration card issued by a private security guard company, as authorized by RCW 18.170.090, shall show, as a minimum, the following information:

- (1) Private security guard name.
- (2) Date of issue.
- (3) Date of expiration.
- (4) Name and signature of the certified trainer.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-140, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-140, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-150 Private security guard company, private security guard, and armed private security guard fees.** Licenses issued to private security guard companies and private security guards expire one year from the date of issuance and must be renewed each year. The fees are as follows:

Title of Fee	Fee
Private security guard company/principal:	
Application/includes first examination	\$ 350.00
Reexamination	25.00

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Title of Fee	Fee
License renewal	300.00
Late renewal with penalty	400.00
Change of principal/includes first examination	100.00
Principal armed endorsement	10.00
Private security guard:	
Original license	111.00
Armed endorsement	10.00
Transfer fee	25.00
Licensees with inactive licenses are not required to pay late renewal penalty fees.	
License renewal	85.00
License late renewal with penalty.	90.00
Late fee is not due if submitting a renewal with a transfer or rehire application.	
Certified trainer endorsement examination/reexamination	25.00
Certified trainer endorsement renewal	15.00
Duplicate license	10.00

[Statutory Authority: Chapter 18.170 RCW. 08-19-056, § 308-18-150, filed 9/12/08, effective 11/1/08. Statutory Authority: Chapter 18.170 RCW and Federal Anti Terrorism and Prevention Act 2004. 07-01-032, § 308-18-150, filed 12/12/06, effective 2/15/07; 05-24-121, § 308-18-150, filed 12/7/05, effective 1/9/06. Statutory Authority: Chapter 18.170 RCW. 04-12-023, § 308-18-150, filed 5/26/04, effective 7/1/04. Statutory Authority: RCW 43.24.086 and chapter 18.170 RCW. 02-07-068, § 308-18-150, filed 3/18/02, effective 7/1/02. Statutory Authority: Chapter 18.170 RCW. 98-24-045, § 308-18-150, filed 11/25/98, effective 1/1/99. Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-150, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170 [18.170.180](1). 93-11-025, § 308-18-150, filed 5/7/93, effective 7/1/93. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-150, filed 11/6/91, effective 12/7/91.]

#### **WAC 308-18-160 Expiration and renewal of licenses.**

Licenses issued to private security guards and armed private security guards expire one year from the date of issuance which date will be the renewal date. Licenses issued to private security guard companies expire one year from the date of issuance which date will be the renewal date, except that if the corporation registration or certificate of authority filed with the secretary of state expires, the company license issued to the corporation shall expire on that date. Licenses must be renewed each year on or before the date established herein and a renewal license fee as prescribed by the director in WAC 308-18-150 must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-18-150 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be cancelled. This person may obtain a new license by satisfying the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-160, filed 11/6/91, effective 12/7/91.]

#### **WAC 308-18-165 Private security guard and armed private security guard—Termination of services.**

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son licensed as a private security guard or armed private security guard may perform duties and activities as licensed only under the direction and supervision of a licensed company principal and as a representative of such principal. This relationship may be terminated unilaterally by either the company principal or private security guard or armed private security guard. Notice of such termination shall be by the company principal to the director without delay and such notice shall be accompanied by, and include the surrender of, the private security guard's or armed private security guard's license held by the company. Notice of termination shall be provided by signature of the company principal, or a person authorized by the principal to sign for such principal, on the surrendered license. The termination date shall be the postmark date or date the license is hand delivered to the department. If the license held by the company cannot be surrendered to the department because the license has been lost, the company principal or authorized representative shall complete and submit an affidavit of lost license on a form provided by the department.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-165, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-170 Inactive license.** (1) Any license issued under chapter 18.170 RCW and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with the rules adopted pursuant to chapter 18.170 RCW.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated and renewed within one year of the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

(4) The provisions of chapter 18.170 RCW relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-170, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-170, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-180 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request for the categories of matters set forth below or at the discretion of the director pursuant to RCW 34.05.482. If an adjudicative proceeding is requested, a brief adjudicative proceeding will be conducted where the matter is limited solely to one or more of the following issues:

(1) A determination whether an applicant for a license meets the minimum criteria for a license to practice as a secu-

rity guard in this state and the department proposes to deny the application;

(2) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) A determination whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal; and

(5) A determination whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service-conditional scholarship.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-180, filed 8/15/97, effective 9/15/97.]

**WAC 308-18-185 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the program in proposing to deny the application, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

(b) A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-185, filed 8/15/97, effective 9/15/97.]

**WAC 308-18-190 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceed-

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ings designated by the director. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-190, filed 8/15/97, effective 9/15/97.]

## PART C OFFICE REQUIREMENTS AND LICENSEE'S RESPONSIBILITIES

**WAC 308-18-200 Office identification.** Every private security guard company office shall be identified by displaying the name, visible to the public, of the company name as licensed at the address appearing on the license.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-200, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-205 Filing of licenses.** Licenses of all private security guards and armed private security guards shall be on file in the office located at the address appearing on the individual license.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-205, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-210 Change of office location.** The principal of a private security guard company shall notify the department of the change of location and mailing address of the company office within ten working days by filing a completed change of address application with the department.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-210, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-220 Licensee's responsibilities.** It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.170 RCW.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-220, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-230 Complaint notification.** Every licensee shall, within twenty days after service or knowledge thereof, notify the private security guard program manager of any criminal complaint, information, indictment, or convic-

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tion (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-230, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-240 Required records.** The minimum records the principal of a private security guard company shall be required to keep are:

(1) Preassignment, postassignment, and annual refresher training and testing records for each private security guard.

(2) Private security guard temporary registration card ledger showing the department-supplied registration number, applicant's name, date of issue, date of expiration and date card was forwarded to the director.

(3) The company principal shall maintain proof of annual shooting requirements for each armed security guard employed by the security guard company in the armed security guard's training files or employee's files.

These records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

[Statutory Authority: Chapter 18.170 RCW. 07-20-075, § 308-18-240, filed 10/1/07, effective 11/1/07; 05-09-036, § 308-18-240, filed 4/14/05, effective 7/1/05; 02-24-026, § 308-18-240, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-240, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-240, filed 11/6/91, effective 12/7/91.]

## PART D

### PREASSIGNMENT AND POSTASSIGNMENT TRAINING AND EXAMINATION REQUIREMENTS

**WAC 308-18-300 Minimum preassignment training and testing requirements.** Preassignment training must consist of eight hours of training.

(1) At least four hours of the training must take place in an organized and formal setting. The remaining four hours of training can be continued in the organized and formal setting or it can be individual instruction.

(2) The preassignment organized and formal training must be from the following listed subjects. These training topics are the source of the questions in the preassignment examination issued by the department.

**(a) Basic principles.**

- (i) Basic role of the security guard;
- (ii) Washington state licensing laws;
- (iii) Observation;
- (iv) Proper actions, reactions;
- (v) Homeland security - terrorism and surveillance.

**(b) Legal powers and limitations.**

- (i) Citizens arrest;
- (ii) Authority to detain, question, or search a private citizen;
- (iii) Authority to search or seize private property;
- (iv) Use of force;
- (v) Avoiding liability.

**(c) Emergency response.**

- (i) How to define what is or is not an emergency situation;
- (ii) Response to fires;
- (iii) Response to medical emergencies;

(iv) Response to criminal acts;

(v) Bomb threats.

**(d) Safety and accident prevention.**

(i) Hazardous materials including MSDS;

(ii) Accident reporting.

**(e) Report writing.**

Elements and characteristics of a report.

(3) All private security guard applicants, after receiving preassignment training and prior to receiving their license or temporary registration card, must successfully complete an exam designed and provided by the department to demonstrate understanding and retention of the information learned in the training course on the subjects listed in WAC 308-18-300. The exam shall consist of multiple choice questions. All applicants must answer all questions correctly on the preassignment training exam or questions incorrectly answered must be reviewed to ensure the applicant's understanding and then initialed by both the applicant and the trainer verifying knowledge of the correct answer(s).

[Statutory Authority: Chapter 18.170 RCW. 07-20-075, § 308-18-300, filed 10/1/07, effective 11/1/07; 05-09-036, § 308-18-300, filed 4/14/05, effective 7/1/05. Statutory Authority: RCW 18.170.180(1), 43.24.086 and 34.05.482. 97-17-050, § 308-18-300, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-300, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-305 Minimum postassignment training requirements and training topics.** Postassignment training must consist of eight hours of training in any topics contained in this section. These topics may also be used in the annual refresher training. Training requirements are described in chapter 18.170 RCW.

(1) The topic areas that must be used for postassignment training are as follows and may also include the subject topics listed under WAC 308-18-300:

**(a) Basic role of private security guards.**

- (i) Security awareness;
- (ii) Private security guards and the criminal justice system;

(iii) Information sharing;

(iv) Crime and loss prevention.

**(b) Legal aspects of private security.**

- (i) Evidence and evidence handling;
- (ii) Use of force;
- (iii) Court testimony;
- (iv) Incident scene preservation;
- (v) Equal employment opportunity (EEO) and diversity;
- (vi) State and local laws.

**(c) Security officer conduct.**

- (i) Ethics;
- (ii) Honesty;
- (iii) Professional image.

**(d) Observation and incident reporting.**

- (i) Observation techniques;
- (ii) Note taking;
- (iii) Report writing.

**(e) Principles of communications.**

- (i) Interpersonal skills;
- (ii) Verbal communication skills;
- (iii) Building relationships with law enforcement;
- (iv) Customer services and public relations;

- (v) Workplace violence.
  - (f) **Principles of access control.**
  - (i) Enter and exit control procedures;
  - (ii) Electronic security systems.
  - (g) **Principles of safeguarding information.** Proprietary and confidential.
  - (h) **Emergency response procedures.** Critical incident response (e.g., natural disasters, accidents, human caused events).
  - (i) **Evacuation processes.**
  - (j) **Life safety awareness.**
  - (i) Safety hazards in the workplace/surroundings;
  - (ii) Emergency equipment placement;
  - (iii) Fire prevention skills;
  - (iv) Hazardous materials;
  - (v) Occupational safety and health requirements (e.g., OSHA related training, bloodborne pathogens, etc.).
  - (k) **Job assignment and postorders.**
  - (i) Assignments and tasks;
  - (ii) Patrol.
- (2) The required postassignment training records must be attested to by a licensed certified trainer and retained by the company. The postassignment training records must include the following information:
- (a) Security guard name and signature;
  - (b) Training topics covered;
  - (c) Number of training hours received;
  - (d) Date training was completed;
  - (e) Certified trainer attesting to the training.
- (3) Electronic records and signatures are permitted. The postassignment training records are not required to be submitted to the department, but must be available upon request from the company for three years.
- (4) Security guard companies are required to maintain complete detailed training records. The training records must include the name and signature of the department certified trainer attesting to the training provided.
- Transferring security guards may provide a copy of their training records to another security guard company. Security guard companies may accept the records as proof that the security guards have completed the required postassignment training and not repeat postassignment training.

[Statutory Authority: Chapter 18.170 RCW. 07-20-075, § 308-18-305, filed 10/1/07, effective 11/1/07; 05-09-036, § 308-18-305, filed 4/14/05, effective 7/1/05.]

**WAC 308-18-310 Private security guard company principal examination requirements.** (1) All principals of a company who do not meet the experience requirements required by RCW 18.170.060, must pass an examination demonstrating their knowledge and proficiency in the following areas:

- (a) All topics contained in the private security guard pre-assignment training course.
  - (b) Washington state law as it applies to private security guard licensing and regulation.
  - (c) Legal/liability issues related to the private security guard industry.
  - (d) General security management.
- (2) The examination shall consist of a minimum of fifty questions based on information in the above required areas. A

score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of seven days before reexamination.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-310, filed 11/6/91, effective 12/7/91.]

**WAC 308-18-320 Certification of preassignment training trainers.** An individual must successfully score at least eighty-five percent on the agency principal examination to become a certified trainer. Individuals who fail to obtain an eighty-five percent score will be required to wait a minimum of seven days before reexamination. There is no limit on the number of certified trainers an individual private security guard company may have certified.

[Statutory Authority: RCW 18.170.180. 91-22-112, § 308-18-320, filed 11/6/91, effective 12/7/91.]

# Chapter 18.235 RCW

## UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT

### Sections

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18.235.900	Short title.
18.235.901	Effective date—2002 c 86 §§ 101-123.
18.235.902	Part headings not law—2002 c 86.
18.235.903	Severability—2002 c 86.

**18.235.005 Intent.** It is the intent of the legislature to consolidate disciplinary procedures for the licensed businesses and professions under the department of licensing by providing a uniform disciplinary act with standardized procedures for the regulation of businesses and professions and the enforcement of laws, the purpose of which is to assure the public of the adequacy of business and professional competence and conduct.

It is also the intent of the legislature that all businesses and professions newly credentialed by the state and regulated by the department of licensing come under this chapter. [2007 c 256 § 10; 2002 c 86 § 101.]

**18.235.010 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means those boards specified in RCW 18.235.020(2)(b).

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

(3) "Director" means the director of the department or director's designee.

(4) "Disciplinary action" means sanctions identified in RCW 18.235.110.

(5) "Disciplinary authority" means the director, board, or commission having the authority to take disciplinary action

against a holder of, or applicant for, a professional or business license upon a finding of a violation of this chapter or a chapter specified under RCW 18.235.020.

(6) "License," "licensing," and "licensure" are deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.118.020. Each of these terms, and the term "appointment" under chapter 42.44 RCW, are interchangeable under the provisions of this chapter.

(7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a person, through offerings, advertisements, or use of a professional title or designation, that the individual or business is qualified to practice a profession or operate a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so. [2007 c 256 § 11; 2002 c 86 § 102.]

**18.235.020 Application of chapter—Director's authority—Disciplinary authority.** (1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Whitewater river outfitters under chapter 79A.60 RCW; and

(xx) Home inspectors under chapter 18.280 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board of registration for architects established in chapter 18.08 RCW;

(ii) The cemetery board established in chapter 68.05 RCW;

(iii) The Washington state collection agency board established in chapter 19.16 RCW;

(iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(v) The state board of funeral directors and embalmers established in chapter 18.39 RCW;

(vi) The state board of registration for landscape architects established in chapter 18.96 RCW; and

(vii) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority. [2008 c 119 § 21; 2007 c 256 § 12; 2006 c 219 § 13; 2002 c 86 § 103.]

**Effective date—2006 c 219:** See note following RCW 46.82.285.

**18.235.030 Disciplinary authority—Powers.** The disciplinary authority has the power to:

(1) Adopt, amend, and rescind rules as necessary to carry out the purposes of this chapter, including, but not limited to, rules regarding standards of professional conduct and practice;

(2) Investigate complaints or reports of unprofessional conduct and hold hearings as provided in this chapter;

(3) Issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) Take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(5) Compel attendance of witnesses at hearings;

(6) Conduct practice reviews in the course of investigating a complaint or report of unprofessional conduct, unless the disciplinary authority is authorized to audit or inspect applicants or licensees under the chapters specified in RCW 18.235.020;

(7) Take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice or business pending proceedings by the disciplinary authority;

(8) Appoint a presiding officer or authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct hearings. The disciplinary authority may make the final decision regarding disposition of the license unless the disciplinary authority elects to delegate, in writing, the final decision to the presiding officer;

(9) Use individual members of the boards and commissions to direct investigations. However, the member of the board or commission may not subsequently participate in the hearing of the case;

(10) Enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) Grant or deny license applications, secure the return of a license obtained through the mistake or inadvertence of the department or the disciplinary authority after providing the person so licensed with an opportunity for an adjudicative proceeding, and, in the event of a finding of unprofessional conduct by an applicant or license holder, impose any sanction against a license applicant or license holder provided by this chapter;

(12) Designate individuals authorized to sign subpoenas and statements of charges;

(13) Establish panels consisting of three or more members of the board or commission to perform any duty or authority within the board's or commission's jurisdiction under this chapter; and

(14) Contract with licensees, registrants, endorsement or permit holders, or any other persons or organizations to provide services necessary for the monitoring or supervision of licensees, registrants, or endorsement or permit holders who are placed on probation, whose professional or business activities are restricted, or who are for an authorized purpose subject to monitoring by the disciplinary authority. If the subject licensee, registrant, or endorsement or permit holders may only practice or operate a business under the supervision of another licensee, registrant, or endorsement or permit holder under the terms of the law regulating that occupation or business, the supervising licensee, registrant, or endorsement or permit holder must consent to the monitoring or supervision under this subsection, unless the supervising licensee, registrant, or endorsement or permit holder is, at the time, the subject of a disciplinary order. [2002 c 86 § 104.]

**18.235.040 Director's authority.** The director has the following additional authority:

(1) To employ investigative, administrative, and clerical staff as necessary for the enforcement of this chapter, except as provided otherwise by statute;

(2) Upon request of a board or commission, to appoint not more than three pro tem members as provided in this subsection. Individuals appointed as pro tem members of a board or commission must meet the same minimum qualifications as regular members of the board or commission. While serving as a pro tem board or commission member, a person so appointed has all the powers, duties, and immunities, and is entitled to the entitlements, including travel

expenses in accordance with RCW 43.03.050 and 43.03.060, of a regular member of the board or commission; and

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation or adjudicative proceedings as authorized by RCW 34.05.446. [2007 c 256 § 13; 2002 c 86 § 105.]

**18.235.050 Statement of charges—Hearing.** (1) If the disciplinary authority determines, upon investigation, that there is reason to believe that a license holder or applicant for a license has violated RCW 18.235.130 or has not met a minimum eligibility criteria for licensure, the disciplinary authority may prepare and serve the license holder or applicant a statement of charge, charges, or intent to deny. A notice that the license holder or applicant may request a hearing to contest the charge, charges, or intent to deny must accompany the statement. The license holder or applicant must file a request for a hearing with the disciplinary authority within twenty days after being served the statement of charges or statement of intent to deny. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a decision on the facts available to it.

(2) If a license holder or applicant for a license requests a hearing, the disciplinary authority must fix the time of the hearing as soon as convenient, but not earlier than thirty days after the service of charge, charges, or intent to deny. The disciplinary authority may hold a hearing sooner than thirty days only if the disciplinary authority has issued a summary suspension or summary restriction. [2007 c 256 § 14; 2002 c 86 § 106.]

**18.235.060 Procedures governing adjudicative proceedings.** The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the disciplinary authority. The disciplinary authority has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.05 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions. [2002 c 86 § 107.]

**18.235.070 Previous denial, revocation, or suspension of license.** The department shall not issue a license to any person whose license has been previously denied, revoked, or suspended by the disciplinary authority for that profession or business, except in conformity with the terms and conditions of the certificate or order of denial, revocation, or suspension, or in conformity with any order of reinstatement issued by the disciplinary authority, or in accordance with the final judgment in any proceeding for review instituted under this chapter. [2002 c 86 § 108.]

**18.235.080 Orders.** An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.05 RCW, or an order of summary suspension entered under this chapter, takes effect immediately upon its being served. The final order, if appealed to the court, may not be stayed pending the

appeal unless the disciplinary authority or court to which the appeal is taken enters an order staying the order of the disciplinary authority, which stay shall provide for terms necessary to protect the public. [2007 c 256 § 15; 2002 c 86 § 109.]

**18.235.090 Appeal.** A person who has been disciplined or has been denied a license by a disciplinary authority may appeal the decision as provided in chapter 34.05 RCW. [2007 c 256 § 16; 2002 c 86 § 110.]

**18.235.100 Reinstatement.** A person whose license has been suspended or revoked under this chapter may petition the disciplinary authority for reinstatement after an interval of time and upon conditions determined by the disciplinary authority in the order suspending or revoking the license. The disciplinary authority shall act on the petition in accordance with the adjudicative proceedings provided under chapter 34.05 RCW and may impose such conditions as authorized by RCW 18.235.110. The disciplinary authority may require successful completion of an examination as a condition of reinstatement. [2007 c 256 § 17; 2002 c 86 § 111.]

**18.235.110 Unprofessional conduct—Finding.** (1) Upon finding unprofessional conduct, the disciplinary authority may issue an order providing for one or any combination of the following:

- (a) Revocation of the license for an interval of time;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Satisfactory completion of a specific program of remedial education or treatment;
- (e) Monitoring of the practice in a manner directed by the disciplinary authority;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Payment of a fine for each violation found by the disciplinary authority, not to exceed five thousand dollars per violation. The disciplinary authority must consider aggravating or mitigating circumstances in assessing any fine. Funds received must be deposited in the related program account;
- (i) Denial of an initial or renewal license application for an interval of time; or
- (j) Other corrective action.

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

(3) Any of the actions under this section may be totally or partly stayed by the disciplinary authority. In determining what action is appropriate, the disciplinary authority must first consider what sanctions are necessary to protect the public health, safety, or welfare. Only after these provisions have been made may the disciplinary authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compli-

ance with orders issued under this section are the obligation of the license holder or applicant.

(4) The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct. The stipulations entered into under this subsection are considered formal disciplinary action for all purposes. [2007 c 256 § 18; 2002 c 86 § 112.]

**18.235.120 Payment of a fine.** Where payment of a fine is required as a result of a disciplinary action under RCW 18.235.060 or 18.235.150 and timely payment is not made as directed in the final order, the disciplinary authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement is in addition to any other rights the disciplinary authority may have as to any licensee ordered to pay a fine but may not be construed to limit a licensee's ability to seek judicial review under RCW 18.235.090. In any action for enforcement of an order of payment of a fine, the disciplinary authority's order is conclusive proof of the validity of the order of a fine and the terms of payment. [2002 c 86 § 113.]

**18.235.130 Unprofessional conduct—Acts or conditions that constitute.** The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of the person's business, whether the act constitutes a crime or not. At the disciplinary hearing a certified copy of a final holding of any court of competent jurisdiction is conclusive evidence of the conduct of the license holder or applicant upon which a conviction or the final holding is based. Upon a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

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

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

(4) Incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or damage to another;

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

(6) Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

(a) Not furnishing any papers or documents requested by the disciplinary authority;

(b) Not furnishing in writing an explanation covering the matter contained in a complaint when requested by the disciplinary authority;

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

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

(7) Failure to comply with an order issued by the disciplinary authority;

(8) Violating any of the provisions of this chapter or the chapters specified in RCW 18.235.020(2) or any rules made by the disciplinary authority under the chapters specified in RCW 18.235.020(2);

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

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

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

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

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

(14) Interference with an investigation or disciplinary action by willful misrepresentation of facts before the disciplinary authority or its authorized representatives, or by the use of threats or harassment against any consumer or witness to discourage them from providing evidence in a disciplinary action or any other legal action, or by the use of financial inducements to any consumer or witness to prevent or attempt to prevent him or her from providing evidence in a disciplinary action; and

(15) Engaging in unlicensed practice as defined in RCW 18.235.010. [2007 c 256 § 19; 2002 c 86 § 114.]

**18.235.140 Final order issued under RCW 18.235.130—Failure to comply.** If a person or business regulated by this chapter violates or fails to comply with a final



order issued under RCW 18.235.130, the attorney general, any prosecuting attorney, the director, the board or commission, or any other person may maintain an action in the name of the state of Washington to enjoin the person from violating the order or failing to comply with the order. The injunction does not relieve the offender from criminal prosecution, but the remedy by injunction is in addition to the liability of the offender to criminal prosecution and disciplinary action. [2002 c 86 § 115.]

**18.235.150 Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited.** (1)

The disciplinary authority may investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.235.020. In the investigation of the complaints, the director has the same authority as provided the disciplinary authority under RCW 18.235.030.

(2) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in the unlicensed practice of a profession or operation of a business for which a license is required by the chapters specified in RCW 18.235.020.

(3) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in an act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters.

(4) The person to whom such a notice is issued may request an adjudicative proceeding to contest the allegations. The notice shall include a brief, plain statement of the alleged unlicensed activities, act, or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(5) If the disciplinary authority makes a final determination that a person has engaged or is engaging in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters, the disciplinary authority may issue a permanent cease and desist order. In addition, the disciplinary authority may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in the unlicensed practice of a profession or operation of a business for which a license is required by one or more of the chapters specified in RCW 18.235.020. The proceeds of such a fine shall be deposited in the related program account.

(6) The disciplinary authority may issue a temporary cease and desist order if a person is engaged or is about to

engage in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters if the disciplinary authority makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. A temporary cease and desist order shall remain in effect until further order of the disciplinary authority. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine.

(7) The cease and desist order is conclusive proof of unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(8) The attorney general, a county prosecuting attorney, the director, a board or commission, or any person may, in accordance with the laws of this state governing injunctions, maintain an action in the name of the state of Washington to enjoin any person practicing a profession or business without a license for which a license is required by the chapters specified in RCW 18.235.020. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be deposited in the related program account.

(9) The civil remedies in this section do not limit the ability to pursue criminal prosecution as authorized in any of the acts specified in RCW 18.235.020 nor do the civil remedies limit any criminal sanctions. [2007 c 256 § 20; 2002 c 86 § 116.]

**18.235.160 Violation of injunction—Contempt of court—Civil penalty.** A person or business that violates an injunction issued under this chapter may be found in contempt of court under RCW 7.21.010. Upon a finding by a court of competent jurisdiction that the person or business is in contempt, the court may order any remedial sanction as authorized by RCW 7.21.030. Further, the court may, in addition to the remedial sanctions available under RCW 7.21.030,

order the person or business to pay a civil penalty to the state in an amount not to exceed twenty-five thousand dollars, which shall be deposited in the related program account. For the purposes of this section, the superior court issuing any injunction retains jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties. [2002 c 86 § 117.]

**18.235.170 Misrepresentation—Gross misdemeanor.**

A person who attempts to obtain, obtains, or attempts to maintain a license by willful misrepresentation or fraudulent representation is guilty of a gross misdemeanor. [2002 c 86 § 118.]

**18.235.180 Crime or violation by license holder—Disciplinary authority may give notification.** If the disciplinary authority has reason to believe that a license holder has committed a crime, or violated the laws of another regulatory body, the disciplinary authority may notify the attorney general or the county prosecuting attorney in the county in which the act took place, or other responsible official of the facts known to the disciplinary authority. [2002 c 86 § 119.]

**18.235.190 Immunity from suit.** The director, members of the boards or commissions, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary actions or other official acts performed in the course of their duties. [2002 c 86 § 120.]

**18.235.200 Use of records—Exchange of information—Chapter does not affect or limit.** This chapter does not affect the use of records, obtained from the director or the disciplinary authorities, in any existing investigation or action by any public agency. Nor does this chapter limit any existing exchange of information between the director or the disciplinary authorities and other public agencies. [2002 c 86 § 121.]

**18.235.210 Application of chapter—January 1, 2003.**

(1) This chapter applies to any conduct, acts, or conditions occurring on or after January 1, 2003.

(2) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to January 1, 2003. The conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

(3) Notwithstanding subsection (2) of this section, this chapter applies to applications for licensure made on or after January 1, 2003. [2007 c 256 § 21; 2002 c 86 § 122.]

**18.235.900 Short title.** This chapter may be known and cited as the uniform regulation of business and professions act. [2002 c 86 § 123.]

**18.235.901 Effective date—2002 c 86 §§ 101-123.** Sections 101 through 123 of this act take effect January 1, 2003. [2002 c 86 § 124.]

**18.235.902 Part headings not law—2002 c 86.** Part headings used in this act are not any part of the law. [2002 c 86 § 402.]

**18.235.903 Severability—2002 c 86.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [2002 c 86 § 404.]