



Washington State
Liquor and Cannabis Board

Date: February 2, 2022

To: David Postman, Board Chair
 Ollie Garrett, Board Member

From: Jeff Kildahl and Robert DeSpain, Policy and Rules Coordinators

Copy: Rick Garza, Agency Director
 Toni Hood, Deputy Director
 Justin Nordhorn, Director of Policy and External Affairs
 Becky Smith, Director of Licensing and Regulation
 Chandra Brady, Director of Enforcement and Education
 Kathy Hoffman, Policy and Rules Manager

Subject: **Approval to file a pre-proposal statement of inquiry (CR 101) to consider rules to allow electronic service of notices.**

The Washington State Liquor and Cannabis Board (WSLCB) is considering creating or amending sections in Title 314 WAC to allow the WSLCB to serve certain notices electronically and also accept documents related to license applications and appeals through electronic systems.

Process

The Policy and Rules Coordinator requests approval to file the pre-proposal statement of inquiry (CR 101) for the rule making described above. A CR 101 Memorandum was presented at the Board meeting on February 2, 2022 and is attached to this order.

If approved for filing, the **tentative timeline** for the rule making process is outlined below:

February 2, 2022	Board is asked to approve filing pre-proposal statement of inquiry (CR 101). CR 101 filed with the Office of the Code Reviser. LCB webpage updated and notice circulated by GovDelivery distribution list. Informal comment period begins.
February 16, 2022	Notice is published in the Washington State Register under WSR #22-04.
March 18, 2022	The informal comment period ends.
March 30, 2022	Board is asked to approve filing proposed rules (CR 102).

	CR 102 is filed with the Office of the Code Reviser. LCB webpage is updated and notice is circulated by the rules distribution list. The formal comment period begins.
April 20, 2022	Notice is published in the Washington State Register under WSR #22-08.
May 11, 2022	Public hearing is held and the formal comment period ends.
May 25, 2022	Board is asked to adopt rules, if no substantive changes are made (CR 103). Concise explanatory statement is provided to individuals offering written or oral comment at the public hearing or during the formal comment period under RCW 34.05.325. CR 103 and adopted rules are filed with the Office of the Code Reviser. LCB webpage is updated and notice is circulated by the rules distribution list.
June 25, 2022	The rules are effective 31 days after filing unless otherwise specified. See RCW 34.05.380(2).

_____ Approve _____ Disapprove _____
David Postman, Chair Date

_____ Approve _____ Disapprove _____
Ollie Garrett, Board Member Date

Attachment: CR 101 Memorandum.



CR 101 Memorandum

Regarding Electronic Service and Filing of Legal Notices

Date: February 2, 2021
Presented by: Robert DeSpain and Jeff Kildahl, Policy and Rules Coordinators

Background

[RCW 66.08.030 \(9\)](#) grants authority to the WSLCB to designate the manner of giving and serving notices. The WSLCB is considering creating or amending sections in Title 314 WAC to allow the WSLCB to serve certain notices electronically, and to allow the WSLCB to also accept documents related to license applications and appeals for filing through electronic systems.

Reasons Why Rules May Be Needed

Rules are needed to allow the WSLCB to streamline business and adjudicative processes, and improve efficiency by establishing in rule the WSLCB's ability to serve legal or adjudicative notices electronically. Rules are also needed to allow the WSLCB to accept documents submitted electronically by renewing licensees and license applicants.

Process

The rule making process begins by announcing the Board's intent to consider changes to existing rules, adding new rule sections, or both by filing a CR 101 form with the Office of the Code Reviser. This allows staff, stakeholders, industry partners, and all members of the authorizing environment to begin discussing proposed rule changes.

At the CR 101 stage of the rulemaking process, no proposed language is offered. Any interested party may comment on the subject of this possible rulemaking during the designated comment period. Notice will be sent to all who have indicated that they want to receive notice of rule activity pertaining to this pre-proposal inquiry. The notice will identify the public comment period and where comments can be sent.



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

Agency: Washington State Liquor and Cannabis Board

Subject of possible rule making: The Washington State Liquor and Cannabis Board (WSLCB) is considering amending rule sections in title 314 WAC as may be required to allow the WSLCB to serve certain notices electronically. The WSLCB is also considering amending rules in these chapters to allow the WSLCB to accept documents related to license applications and appeals through electronic submission.

Statutes authorizing the agency to adopt rules on this subject: RCW 66.08.030

Reasons why rules on this subject may be needed and what they might accomplish: Rules on this subject are needed to allow the WSLCB to streamline business and adjudicative processes and improve efficiency by establishing in rule the ability to serve certain legal electronically, and to allow acceptance of documents submitted electronically to the WSLCB by licensees and license applicants.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The WSLCB will coordinate rulemaking and business processes as needed with the Office of Administrative Hearings.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Robert DeSpain, Policy and Rules Coordinator
Address: PO Box 43080, Olympia WA 98504
Phone: 360-664-1758
Fax: 360-664-9689
TTY:
Email: rules@lcb.wa.gov
Web site: www.lcb.wa.gov
Other:

(If necessary)

Name: Jeff Kildahl, Policy and Rules Coordinator
Address: PO Box 43080, Olympia WA 98504
Phone: 360-664-1781
Fax: 360-664-9689
TTY:
Email: rules@lcb.wa.gov
Web site: www.lcb.wa.gov
Other:

Additional comments: Interested persons can participate in the rule process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to the WSLCB website at lcb.wa.gov.

Date: February 2, 2022

Name: David Postman

Title: Chair

Signature:

Place signature here