



## CR 102 Memorandum

### Regarding Electronic Transmission of Documents for Service and Filing.

Date: May 11, 2022  
Presented by: Audrey Vasek, Policy and Rules Coordinator

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#### Background

On February 2, 2022, the Washington State Liquor and Cannabis Board (WSLCB) filed a CR 101 preproposal statement of inquiry (WSR# 22-05-001) to consider creating or amending sections in Title 314 WAC to allow the WSLCB to serve and receive certain documents by electronic transmission.

RCW 34.05.010(19), which defines “service” for the purpose of the Administrative Procedure Act, allows state agencies to authorize service by electronic transmission through rule. RCW 34.05.010(6), which defines “filing,” also specifies that state agencies may designate by rule a place for receipt of official documents. Additionally, the WSLCB has rulemaking authority under RCW 66.08.030(9) to designate the manner of giving and serving notices.

A new rule section authorizing service and filing of documents by electronic transmission is needed to streamline and modernize business and adjudicative processes and bring a consistent approach to this issue across the agency. This approach will benefit anyone that interacts with the agency, including but not limited to licensees, permit holders, and any interested parties. This approach will also reduce the risks and impacts to the agency technology systems modernization project.

#### Stakeholder Engagement

The CR 102 rule proposal was developed through a collaborative rule development process. During the initial CR 101 public comment period from February 2, 2022 to March 18, 2022, no public comments were received. Conceptual draft rules were developed through a series of internal project team meetings including WSLCB staff from the Board Adjudications Unit, Licensing Division, Enforcement and Education Division, and Finance Division.

The agency shared the conceptual draft rules publicly through GovDelivery on April 11, 2022, and requested public feedback by April 25, 2022. This messaging is included as Attachment A to this memorandum. During the two week response window, three public

comments were received. These comments are included in Attachment B to this memorandum and were taken into consideration as the rule proposal was developed.

## **Estimated Costs of Compliance**

Under the Regulatory Fairness Act in chapter 19.85 RCW, agencies are required to consider the costs that complying with proposed rules would impose on businesses. In this case, the agency anticipates that businesses will not have any costs associated with complying with the proposed rules, so the estimated cost of compliance is zero dollars. The proposed rules authorize electronic transmission as an *additional means* for service and filing of documents. All other existing options for service and filing, such as by mail or in-person, would remain viable options. The CR 102 form describes this analysis in more detail.

## **Rule Necessity**

New rules are needed to authorize electronic transmission for service and filing of documents, consistent with RCW 34.05.010(6) and (19). These rules are needed to streamline and modernize business and adjudicative processes and bring an approach to service and filing of documents by electronic transmission that is consistent across the agency. This approach will benefit anyone that interacts with the agency, including but not limited to licensees, permit holders, and any other interested parties. This approach will also reduce the risks and impacts to the agency technology systems modernization project.

## **Description of Rule Changes**

**New Section WAC 314-42-005.** Electronic Transmission of Documents for Service and Filing. The proposed rule adopts electronic transmission as an additional means for service and filing of documents, and authorizes electronic transmission as an approved method for service and filing wherever terms such as, but not limited to, “delivery,” “service,” “filing,” “notice,” “notification,” “request,” “letter,” “in writing,” “submit,” and “received,” are used throughout Title 314 WAC. “Electronic transmission” is defined as including, but not limited to, email, web portal, fax, or other similar methods. The proposed rule also outlines procedures for service and filing of documents by electronic transmission, and describes how the date and time of delivery or receipt will be determined.

### **Attachments:**

Attachment A. *GovDelivery message requesting public feedback on conceptual draft rules, sent April 11, 2022.*

Attachment B. *Table containing public feedback received on the conceptual draft rules.*



## Feedback requested on Electronic Service and Filing Conceptual Draft Rules

Washington State Liquor and Cannabis Board sent this bulletin at 04/11/2022 11:33 AM PDT

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**April 11, 2022**

The Washington State Liquor and Cannabis Board (WSLCB) is seeking public feedback on conceptual draft rules related to service and filing of documents by electronic transmission.

### Background

On February 2, 2022, the WSLCB filed a preproposal statement of inquiry (CR 101) to consider creating rules to allow the WSLCB to serve documents electronically and accept documents filed electronically. For more information, see:

- [Notice to Stakeholders](#)
- [Memorandum](#)
- [CR 101 Filed as WSR 22-05-001 on February 2, 2022](#)

The WSLCB invites and encourages feedback on electronic service and filing conceptual draft rules, located at the following link: [Conceptual Draft Rules WAC 314-42-005](#).

This is not a rule proposal. These conceptual draft rules are designed for discussion only. All feedback will be considered before a rule proposal (CR 102) is developed.

### How to Provide Feedback

Please email feedback to [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov) by **April 25, 2022**.

More information about the rulemaking process is available on the WSLCB current [rulemaking activity webpage](#).

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**CR 101 Public Comment Table—Electronic Transmission of Documents for Service and Filing**

This table includes comments received related to the [CR 101 filed as WSR 22-05-001 on February 2, 2022](#). Although no public comments were received during the initial CR 101 public comment period from February 2, 2022, to March 18, 2022, the comments below were received in response to an [April 11 GovDelivery message](#) requesting public feedback on conceptual draft rules by a deadline of April 25.

	Name	Date Received	Comment
1.	Lukas Hunter	April 14, 2022	<p><u>Email received April 14, 2022—Direct quotation included below (highlights and emphasis from the original):</u></p> <p>“Good afternoon,                      Glad to see this section of rule to get updated, more so modernized. I wanted to illuminate an issue we have faced here at Harmony with contact information and challenges with updating contact information with the WSLCB. Under section 3 of the proposed rule language:</p> <p><i>(3) Service. Documents will be sent by electronic transmission to a <b>person’s email address as specified in the board’s records</b>. The date and time indicated on the electronic transmission from the board shall be evidence of the date and time of delivery.</i></p> <p>We have experienced multiple instances where we were not notified correctly during licensing change requests, appeal processes, and AVN’s because our contact information at the WSLCB was not updated. Now I see how this could be easily addressed through policy and not rule, but I thought it would be good to illuminate as we move towards electronic transmission. Our frustration comes from multiple attempts to update our contact information, with verbal and written conformation of correction, however there has been a track record of our contact information with the board never getting officially changed.</p> <p>What I am expressing is a need for a better documented way for licensees (or other entities who interact with the Board) to submit a request to change of contact information, to assure contact information is accurate for both parties.</p> <p>-Thanks and we are appreciative of this rulemaking project and the ease of accessibility and workflow it will bring,</p> <p>Lukas S. Hunter”</p>

2.	Katie Doyle, Washington Food Industry Association	April 15, 2022	<p><u>Email received April 15, 2022—Direct quotation included below:</u></p> <p>“Hi Audrey,</p> <p>I hope new momma life is everything you dreamed of and more! Our team has a few questions on this rulemaking.</p> <ol style="list-style-type: none"> <li>1. What issue is this attempting to address?</li> <li>2. What kinds of documents will this rule be addressing? Just licensing? Violations?</li> <li>3. Will the electronic docs be in place of paper or in addition to?</li> </ol> <p>It seems pretty straightforward and like we would not have issues, but I thought I would ask all the questions before we engage.</p> <p>Thanks! Katie</p> <p>Katie Doyle Washington Food Industry Association”</p>
3.	Josh McDonald, Washington Wine Institute	April 18, 2022	<p><u>Email received April 18, 2022—Direct quotation included below:</u></p> <p>“Good morning – Please count me in as interested in the CR 101 filed last week to consider creating rules to allow the WSLCB to serve documents electronically and accept documents filed electronically. Thank you for the opportunity to be a part of the process.</p> <p>Best</p> <p>Josh McDonald Executive Director WA Wine Institute”</p>