



## CR103 Memorandum

### Regarding electronic transmission of documents for service and filing.

Date: July 6, 2022  
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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 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.

### Rule Development

The CR 102 rule proposal was developed through a collaborative rule development process. 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.

During the initial CR 101 public comment period from February 2, 2022 to March 18, 2022, no public comments were received. However, after the agency shared conceptual draft rules publicly through GovDelivery on April 11, 2022, three comments were received. These comments, included in Attachment B to the [CR 102 memorandum](#), were neither for nor against the rulemaking—they consisted of questions, statements of interest, and operational feedback. These comments were taken into consideration as the rule proposal was developed.

On May 11, 2022, the WSLCB filed a CR 102 rule proposal (WSR# 22-11-033). During the CR 102 public comment period (May 11 through June 22, 2022), no written comments were received and no oral testimony was provided. A recording of the public hearing held during the Board meeting on June 22, 2022,

is available on the LCB website at [https://lcb.wa.gov/boardmeetings/2022jun\\_schedule](https://lcb.wa.gov/boardmeetings/2022jun_schedule).

## **Rule Necessity**

The final rules authorizing service and filing of documents by electronic transmission are needed to streamline and modernize business and adjudicative processes and bring a consistent approach to this issue across the agency. The agency anticipates that 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.

## **Description of Rule Changes**

**New Section WAC 314-42-005.** Electronic Transmission of Documents for Service and Filing. The new rule section 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 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.

## **Variance between proposed rule (CR102) and final rule:**

There were no changes from the proposed rules to the final rules as adopted.

## **Rule Implementation**

### Informing and Educating Persons Impacted by the Rule

To help inform and educate persons impacted by the rule, the WSLCB will:

- Email notice with the adoption materials to the rulemaking and licensee distribution lists through GovDelivery;
- Post rule adoption materials, including final rule language, final analysis (Concise Explanatory Statement), and any other relevant documents on the rulemaking webpage for public access.
- Provide information and training on request.

## Promoting and Assisting Voluntary Compliance

WSLCB will promote and assist voluntary compliance through technical assistance.

- WSLCB staff are available to respond to phone and email inquiries about the rule.
- Agency leadership and staff have actively participated in rule development and are familiar with the final product. Internal and external education efforts to share knowledge and assure consistent application of rule will be supported.
- Rule and guidance documents will be available on the WSLCB website.
- The WSLCB will use available and customary resources to disseminate materials and information to all persons impacted by the rules.

These actions are designed to inform and educate all persons impacted by the rules.

## Training and Informing WSLCB Staff

WSLCB staff responsible for implementing these rules are familiar with the rule changes. Internal guidance documents may be prepared as necessary. The WSLCB will also consider:

- Provision of internal and external training and education, as needed.
- Coordinating and centrally locating decisions to assure consistency between agency, staff, and industry.

## **Rule Effectiveness Evaluation**

The WSLCB will evaluate the effectiveness of these rules in the following ways, including but not limited to:

- Monitoring questions received after the effective date of these rules, and adjusting training and guidance accordingly;
- Monitoring requests for rule language revisions or changes;
- Monitoring requests for rule interpretation.