

Patrick L. Vanquathem

94-03-091CD

ADJUDICATIVE PROCEEDINGS

Timeliness

RCW 34.05.413

The actual hearing does not need to take place within 90 days of receipt of a request for an adjudicative proceeding. The proceeding needs to be commenced within 90 days, however. RCW 34.05.413(5) clearly provides that an adjudicative proceeding commences when the agency or presiding officer notifies a party that a prehearing conference, hearing, or other stage of an adjudicative proceeding will be conducted. . . .
Patrick I. Vanquathem, 94-03-091CD (Chiropractic; July 6, 1994)

ADJUDICATIVE PROCEEDINGS

Dismissal for lack of Timeliness

Respondent's request for dismissal of the Statement of Charges, based on his claim that the Department failed to timely hold the adjudicative hearing, is an inappropriate remedy. The Department has alleged that the Respondent committed serious acts of unprofessional conduct and the purpose of the Uniform Disciplinary Act is to assure the public of professional competence for their protection. To conclude that the scheduling requirements of the APA are mandatory and jurisdictional would deprive the Commission of the ability to enforce the Uniform Disciplinary Act for the protection of the public. . . .
Patrick I. Vanquathem, 94-03-091CD (Chiropractic; July 6, 1994)