

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF PROFESSIONAL STANDARDS**

In the Matter of:)	
)	
)	Docket No. 97-06-C-1016DW
SOUTHWOOD WATER SYSTEM,)	
ID# 82844H)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW, AND
)	FINAL ORDER
Respondent,)	
)	

THIS matter came before Health Law Judge Arthur E. DeBusschere, Presiding Officer, for the Office of Professional Standards, Department of Health. Lilia Lopez, Assistant Attorney General, represents the Department of Health, Division of Drinking Water (Program). Richard A. Finnigan, Attorney at Law, represents the Respondent which is Rainier View Water Company, which owns and/or operates Southwood Water System.

I. FINDINGS OF FACT

1.1 On March 7, 1997, the Program served Southwood Water System, ID #82844H (the Respondent) an Order, Docket No.97-06-C-1016DW. In this order, the Program required the Respondent to take actions specified therein and notified the Respondent of penalties, if there was a failure to comply. On April 7, 1997, the Respondent filed a Request for an Adjudicative Proceeding. On April 21, 1997, a Scheduling Order/Notice of Hearing was issued scheduling, among other matters, the hearing for September 16, 1997. In Prehearing Order No. 1, the Presiding Officer modified the Scheduling Order to reschedule the prehearing conference to August 20, 1997.

1.2 On August 6, 1997, Mr. Finnigan file a Notice of Withdrawal of Request for Adjudicative Proceeding in which he stated that the Respondent voluntarily withdraws its Request for Adjudicative Proceedings.

II. CONCLUSIONS OF LAW

2.1 The Department of Health has jurisdiction over the Respondent's request for a hearing in this matter.

2.2 The Respondent may respond to the initiating document by filing an application for an adjudicative proceeding or by waiving the opportunity for adjudicative proceeding. WAC 246-10-203. In this case, the Respondent filed a Request for an Adjudicative Proceeding, but then withdrew that request. This withdrawal constitutes grounds for dismissal of the case.

III. ORDER

Based upon the above, the Presiding Officer hereby ORDERS that the above referenced case is DISMISSED. Accordingly, the hearing date of September 16, 1997 in the above referenced matter is STRICKEN.

THE PARTIES ARE FURTHER ADVISED, pursuant to RCW 34.05.461 and .470, that within ten (10) days of service of this Order you may file a petition for reconsideration with the Adjudicative Clerk Office, Department of Health, P.O. Box 47879, Olympia, Washington 98504-7879. The petition shall state the specific grounds upon which relief is requested. The petition for reconsideration shall not stay the effectiveness of this Final Order. The petition is deemed to have been denied if, within twenty (20) days of the date of its filing, the Department has not disposed of your

petition or has not served you with written notice specifying the date by which action will be taken on your petition.

“Filing” means actual receipt of the document by the Adjudicative Clerk Office. RCW 34.05.010(6). This Order was “served” upon you on the day it was deposited in the United States mail. RCW 34.05.010(18).

Proceedings for judicial review may be instituted by filing a petition in the Superior Court in accord with the procedures specified in Title 34 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review must be filed within thirty (30) days after you have been served with this Final Order, as provided by RCW 34.05.542.

DATED THIS 25th DAY OF SEPTEMBER, 1997.

_____/s/_____
ARTHUR E. DeBUSSCHERE, Health Law Judge
Presiding Officer

DECLARATION OF SERVICE BY MAIL

I declare that today I served a copy of this document upon the following parties of record:

BOB BLACKMAN , RICHARD A. FINNIGAN AND LILIA LOPEZ by mailing a copy properly addressed with postage prepaid.

DATED AT OLYMPIA, WASHINGTON THIS _____ DAY OF SEPTEMBER, 1997.

Adjudicative Clerk Office

cc: **DAVE CLARK**