**APR 12 APPENDIX**

**RULES FOR ENFORCEMENT OF LIMITED PRACTICE OFFICER CONDUCT (ELPOC)**

**ELPOC 2.3**

**LIMITED PRACTICE BOARD**

**(a)-(b)** [Unchanged.]

**(c) Disqualification.**

(1) A Board member should self-disqualify him- or herself from a particular matter in which the member’s impartial­ity might reasonably be questioned, including, but not lim­ited to, instances in which:

(A)-(D) [Unchanged.]

**(d)-(f)** [Unchanged.]

**ELPOC 2.8**

**REMOVAL OF APPOINTEES**

The power granted by these rules to any person, commit­tee, or board to make any appointment includes the power to remove the person appointed whenever that person ap­pears unwilling or unable to perform his or her their duties, or for any other cause, and to fill the resulting vacancy.

**ELPOC 4.1**

**SERVICE OF PAPERS**

**(a)** [Unchanged.]

**(b) Methods of Service.**

(1) *Service by Mail*.

(A)-(B) [Unchanged.]

(C) The address for service by mail is as follows:

(i) for the respondent, or his or her their attorney of re­cord, the address in the answer, a notice of appearance, or any subsequent document filed by the respondent or his or her their attorney; or, in the absence of an answer, the re­spondent’s address on file with the Association;

(ii) [Unchanged.]

(2) [Unchanged.]

(3) *Personal Service*. Personal service on a respondent is accomplished as follows:

(A) [Unchanged.]

(B) if the respondent cannot be found in Washington State, service may be made either by:

(i) [Unchanged.]

(ii) mailing by registered or certified mail, postage pre­paid, a copy addressed to the respondent at his or her their last known place of abode, office address maintained for the practice as an LPO, post office address, or address on file with the Association.

(C) [Unchanged.]

**(c) Service Where Question of Mental Competence.** If a guardian or guardian ad litem has been appointed for a respondent who has been judicially declared to be of un­sound mind incapacitated or incapable of conducting his or her their own affairs, service under sections (a) and (b) above must also be made on the guardian or guardian ad litem.

**(d)** [Unchanged.]

**ELPOC 5.1**

**GRIEVANTS**

**(a)-(c)** [Unchanged.]

**(d) Grievant Duties.** A grievant must do the following, or the grievance may be dismissed:

(1) give the person assigned to the grievance documents or other evidence in his or her the grievant’s possession, and witnesses’ names and addresses;

(2)-(3) [Unchanged.]

**ELPOC 5.7**

**ADVISORY LETTER**

An advisory letter may be issued when a hearing does not appear warranted but it appears appropriate to caution a respondent LPO concerning his or her their conduct. An ad­visory letter may be issued by the discipline committee but may not be issued when a grievance is dismissed following a hearing. An advisory letter does not constitute a finding of misconduct, is not a sanction, is not disciplinary action, and is not public information.

**ELPOC 8.1**

**ACTION ON ADJUDICATION OF INCOMPETENCE**

**(a) Grounds.** The Board must automatically transfer an LPO from active to disability inactive membership status upon receipt of a certified copy of the judgment, order, or other appropriate document demonstrating that the LPO:

(1) was found to be incapable of assisting in his or her their own defense in a criminal action;

(2) [Unchanged.]

(3) had a guardian (but not a limited guardian) appointed for his or her person themself or their estate on a finding of incompetency; or

**(b) Notice to LPO.** The Board must forthwith notify the disabled LPO and his or her their guardian, if one has been appointed, of the transfer to disability inactive status. The Association must also notify the Supreme Court of the transfer and provide a copy of the judgment, order, or other appropriate document on which the transfer was based.

**ELPOC 8.3**

**DISABILITY PROCEEDINGS DURING THE COURSE OF DISCIPLINARY PROCEEDINGS**

**(a)** [Unchanged.]

**(b) Purpose of Supplemental Proceedings.** In a sup­plemental proceeding, the hearing officer or panel deter­mines if the respondent:

(1) is incapable of defending himself or herself themself in the disciplinary proceedings because of mental or physi­cal incapacity;

(2)-(3) [Unchanged.]

**(c)** [Unchanged.]

**(d) Procedure for Supplemental Proceedings.**

(1)-(6) [Unchanged.]

(7) *Hearing Officer Decision*.

(A) Capacity To Defend and Practice as an LPO. If the hearing officer or panel finds that the respondent is capable of defending himself or herself themself and has the mental and physical capacity to practice as an LPO, the disciplin­ary proceedings resume.

 (B) Capacity To Defend with Counsel. If the hearing of­ficer or panel finds that the respondent is not capable of defending himself or herself themself in the disciplinary proceedings but is capable of adequately assisting counsel in the defense, the supplemental proceedings are dismissed and the disciplinary proceedings resume. If counsel does not appear on behalf of the respondent within 20 days of service of the hearing officer’s decision, the Chair must appoint a member of the Association as counsel for the respondent in the disciplinary proceeding.

(C) [Unchanged.]

(8) [Unchanged.]

**(e)** [Unchanged.]

**ELPOC 9.2**

**VOLUNTARY CANCELLATION IN LIEU OF REVOCATION**

**(a) Grounds.** A respondent LPO who desires not to con­test or defend against allegations of misconduct may, at any time before the answer in any disciplinary proceeding is due, voluntarily cancel his or her their certification as an LPO in lieu of further disciplinary proceedings.

**(b)-(g)** [Unchanged.]

**ELPOC 10.14**

**EVIDENCE AND BURDEN OF PROOF**

**(a) Proceedings Not Civil or Criminal.** Hearing of­ficers should be guided in their evidentiary and procedural rulings by the principle that disciplinary proceedings are neither civil nor criminal but are sui generis hearings to determine if an LPO’s conduct should have an impact on his or her their license to practice as an LPO.

**(b)-(e)** [Unchanged.]

**ELPOC 11.12**

**DECISION OF BOARD**

**(a)-(b)** [Unchanged.]

**(c) Oral Argument.** The Board hears oral argument if requested by either party or the Chair. A party’s request must be filed no later than the deadline for that party to file his or her their last brief, including a response or re­ply, under rule 11.8 or 11.9. The Chair’s notice of oral argu­ment must be filed and served on the parties no later than 14 days before the oral argument. The Chair sets the time, place, and terms for oral argument.

**(d)-(h)** [Unchanged.]

**ELPOC 12.6**

**BRIEFS**

**(a) Brief Required.** The party seeking review must file a brief stating his or her their objections to the Board’s decision.

**(b)-(g)** [Unchanged.]

**ELPOC 14.1**

**NOTICE TO CLIENTS IN WHICH LPO IS PROVIDING SERVICES; PROVIDING PROPERTY BELONGING TO CLIENTS IN WHICH LPO IS PROVIDING SERVICES**

**(a)-(c)** [Unchanged.]

**(d) Notice if Transferred to Disability Inactive Sta­tus.** An LPO transferred to disability inactive status, or his or her their guardian if one has been appointed, must give all notices required by section (c), except that the notices need not refer to disability.

**ELPOC 14.2**

**LPO TO DISCONTINUE PRACTICE AS AN LPO**

A revoked or suspended LPO, or an LPO transferred to disability inactive status, must not practice as an LPO after the effective date of the revocation, suspension, or transfer to disability inactive status, and also must take whatever steps are necessary to avoid any reasonable likelihood that anyone will rely on him or her them as an LPO. This rule does not preclude a revoked or suspended LPO, or an LPO transferred to disability inactive status, from disbursing assets held by the LPO to parties to transactions or other persons.

**ELPOC 14.4**

**LPO TO KEEP RECORDS OF COMPLIANCE**

When an LPO’s certification has been revoked, suspend­ed, or transferred to disability inactive status, the LPO must maintain written records of the various steps they have taken by him or her under this title, so that proof of compliance will be available in any subsequent proceeding.