

NO. 50185-6-II

[Thurston County No. 16-2-04861-34]

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STATE OF WASHINGTON

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COURT OF APPEALS, DIVISION II
OF THE STATE OF WASHINGTON

BRYAN LEE STETSON,
Appellant,

v.

WASHINGTON STATE DEPARTMENT OF CORRECTIONS,
Respondent.

APPELLANT'S REPLY BRIEF
[Appellant-Bryan Lee Stetson]

BRYAN LEE STETSON, #339734
Stafford Creek Corr. Ctr.
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Aberdeen, WA 98520
(Appellant, Pro se)

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I. INTRODUCTION

By the States own version of events, WDOC violated the 5-day PRA rule, (RCW 42.56.520). They also violated the 15-day UHCIA rule (RCW 70.02.080(1)(a)). Surprisingly, they do not deny that Stetson raises a justicable issue and the lower Courts 12(c) motion should be reversed.

II. REPLY TO STATE'S ISSUES

A: The State does not, and cannot reach the Stranger Creek analysis to claim Oliver Harborview is bad law, and thus, their claim that RCW 70.02 is the sole remedy for Mr. Stetson to review his medical records should be denied.

B: RCW 70.02 does not require an allegation of "actual injury" to garner relief. While specious, this claim would foreclose almost every inmate review of their medical records, something the legislature clearly never intended.

C: Honorable James Dixon abused his discretion by denying Mr. Stetson Discovery. This stopped him from gathering the information he could have used to shore up any deficiency's in his Complaint. This effectively denied Mr. Stetson the bedrock of all civil litigation, cutting off all avenues of information that would have helped fill in the holes in his case as well as his Complaint.

D: This Court should consider any issues it deems to be in the "interest of justice".

E: This Court should award costs and fees to Mr. Stetson, because he has proved multiple scenarios and sets of facts that would entitled him to the "GVR" vehicle under the 12(c) lense.

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III. ARGUMENT

A. The State has failed to meet the Stranger Creek factors to prove Oliver is bad law, thus Oliver controls on Mr. Stetson's PRA Request.

The State admits that the records Stetson was seeking were public records. [Brief or Resp. at p11, 1.3-6]. They only claim RCW 42.56.360(2), and a few differences in RCW 70.02 (UHCIA) and RCW 42.56 (PRA) make the PRA an improper vehicle for relief for the admittedly public records that Stetson sought. They fail to recognize that in the event of a statutory controversy, the PRA controls in all questions of law [RCW 42.56.030]. And they also did not claim Oliver v. Harborview is bad law. 94 Wn.2d 559,

It is also worth noting that RCW 42.56.360 falls smack dab in the middle of the exemption section of the PRA (.230 - .480). In fact, section (1) reads:

The following health care information is exempt from disclosure under this chapter:

RCW 42.56.360(1)(a), (Records and information supplied by drug manufactures to the pharmacy quality assurance commission) (1989, 2013 c19 s47).

RCW 42.56.360(1)(b), (Pharmaceutical manufacturer information obtained by the pharmacy quality assurance commission) (1989, 2013 c19 s47).

RCW 42.56.360(1)(c), (Information and documents created, collected, and maintained by the Health Care Services Quality Improvement Program and Medical Malpractice Prevention Program) (1995).

RCW 42.56.360(1)(d), (Property financial and commercial information provided to Dept. of Health relating to an antitrust exemption) (1997).

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RCW 42.56.360(1)(e), (Physicians in the impaired physicians program) (1987, 1994, 2001).

RCW 42.56.360(1)(f), (Complaints filed under the Health Care Professions Uniform Disciplinary Act) (1997).

RCW 42.56.360(1)(g), (Information obtained by DOH under RCW 70.225 RCW, prescription monitoring program) (2007, c259 s49).

RCW 42.56.360(1)(h), (Information collected by the department of health under 70.245 RCW) (2009, c1 s1)

RCW 42.56.360(1)(i), (Cardiac stroke system performance data submitted pursuant to RCW 70.168.150(2)(b)) (2010, c52 s6).

RCW 42.56.360(1)(j), (All documents pertaining to a wellness program under RCW 41.04.362, except for statistical reports that do not identify an individual) (2010, c128 s3).

RCW 42.56.360(1)(k), (Claims data and information provided to the statewide all-payer health care claims database and the database that is exempt from disclosure under 43.371.040) (2014, c223 s17).

As seen in section(1), the caveat is exempt(ions) under this chapter, not production. It's also worth noting that all cases the Department uses to bolster its position that the UHCIA is the sole vehicle for patient review and coping of their medical file, are construing RCW 13.50 (Juvenile Records Act). This act's language expressly provides for exclusivity. (See RCW 13.50.100, "juvenile records shall be released only pursuant to" chapter 13.50) Nowhere in either the PRA or the UHCIA will you find such an exclusivity provision, thus the States claims, while specious, must be denied.

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In 1970, Our States Highest Court set out to establish the "requisite elements of stability in court-made law." In re Rights to Waters of Stranger Creek & Tributaries, 77 Wn.2d 649, 466, P.2d 508 (1970). Ten years latter, in a seminal PRA decision, Our Supreme Court ruled that "Sharma Oliver[s]" search for her own "records regarding her medical treatment" to "convince her employer that her work record had been affected by illness" was an actionable cause "pursuant to RCW 42.17, the Public Disclosure Act." Oliver v. Harborview, 94 Wn.2d 559, 618 P.2d 76 (1980). Oliver controls in the facts of Mr. Stetson's case, and the State has not proved otherwise. Nor have they claimed Oliver to be incorrect or harmful.

A1. The holding in Oliver, must remain intact because it is neither Incorrect or Harmful.

In arguendo, "[w]here this court has been urged to abandon a long-established Washington doctrine and to adopt a new rule, we have repeatedly recognized that stare decisis requires a clear showing that an established rule is incorrect and harmful before it is abandoned." Riehl v. Foodmaker, Inc., 152 Wn.2d 138, 147, 94 P.3d 930 (2004) (quoting Stranger Creek, 77 Wn.2d at 653).

Further, "the legislature is presumed to be aware of judicial interpretation of its enactment," and where Statutory language remains unchanged after a court decision the court will not overrule clear precedent interpreting the same statutory language. Friends of Snoqualmie Valley v. King County Boundary Review Bd., 118 Wn.2d 488, 496-97, 825 P.2d 300 (1992).

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We therefore, "do not lightly set aside precedent." State v. Kier, 164 Wn.2d 798, 804, 194 P.3d 212 (2008). Instead, we require "a clear showing the an established rule is incorrect and harmful before it is abandoned." Stranger-Creek, 77 Wn.2d at 653. We may also abandon our precedent "when [its] legal understanding... have changed or disappeared altogether." W.G. Clark Constr. Co. v. p. NW. Reg'l Council of Carpenters, 180 Wn.2d 54, 66, 322 P.3d 1207 (2014) Neither of these circumstances applies here.

The Court of Appeals, Division II, in 2010, in Kitsap County Prosecuting Attorneys Guild v. Kitsap County, 156 Wn.App. 110, 118, 231 P.3d 219 (2010) tied together 20 years of key cases about the purpose of the PRA and governmental accountability though full access to information:

"The purpose of the PRA is to ensure the sovereignty of the people and the accountability of the governmental agencies that serve them" by providing full access to information concerning the conduct of government. Amren v. City of Kelama, 131 Wn.2d 25, 31, 929 P.2d 389 (1997). The PRA begins with a mandate of full disclosure of public records. That mandate is limited only by the precise, specific, and limited exemptions the PRA describes. Progressive Animal Welfare Soc'y v. Univ. of Wash. (PAWS II), 125 Wn.2d 243, 258, 884 P.2d 592 (1994). If public records do not fall within those exemptions, their disclosure must be timely. Spokane Research & Def. Fund. v. City of Spokane, 155 Wn.2d 89, 102, 117 P.3d 1117 (2005). None of these exemptions apply to Mr. Stetson's review of HIS OWN medical records.

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As crazy as this seems to Stetson, he has yet to receive access to his full medical file/electronic files. [See Appeal Brief at pp 3, 5, 7, 11-13, 15-16, and 24-25]. But sometimes, "judicial oversight is essential to ensure government agencies comply with the [PRA]." "Spokane Research, at 100. Stetson's claims this portion of his request to be governed by RCW 42.56.550(1). In American Civil Liberties Union v. Blaine School Dist. No. 503, 86 Wn.App. 688, 695, 937 P.2d 1176 (1997), and agency refused to mail the records to a requestor across the state in violation of the PRA. See RCW 42.56.080. The court held that the agency "effectively denied" access to the public records by not mailing them, and thus the requestor was denied an "opportunity to inspect of copy" them and had a cause of action under RCW 42.56.550(1). ACLU, at 695. Stetson's situation is analogous. He was only allowed 30 minutes to review his medical file. This Court should order WDOC to produce a full copy of Stetson's medical records/health information.

Stetson has had most of his electronic files silently withheld, and no Exemption log provided.

Mr. Stetson was denied, and the State admits, access to his x-rays and medical images. Although these CD's were inside his physical file, he was denied access to them [See Appeal Brief at pp 3, 7, 11-13, 15-16, and 24-26; See also Brief response at pp16-17 and fn#5]. Notwithstanding the discrete "no exemption log" argument set forth in Stetson appeal, the State's silent withholding of Stetson's "computer notes" is an egregious PRA violation. This violation is continuing and ongoing, and will probably take a court order to rectify.

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APPELLANT'S REPLY BRIEF--6

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Electronic Files are Public Records Under the PRA

Our Courts have always broadly defined what constitutes a "public record". They include "existing data compilations from which information may be obtained" regardless of it's physical form or characteristics. RCW 42.56.010(3)(4). This broad definition includes electronic information in a database. Fisher Broadcasting-Seattle TV LLC v. City of Seattle, 180 Wn.2d 515, 326 P.3d 688 (2014). See also WAC 44-14-04001. Mr. Stetson's electronic medical records file/records fits squarely in this ambit.

Mr. Stetson, requested to review his "medical images" and "doctor notes". This is reasonably related to any document created by a WDOC medical officer and kept in a native electronic format. The right to inspect records includes the right to inspect electronic records. This inspection could easily be accomplished on the computer that was in the very same (file review) room Stetson had his reviews in and because the State did not provide him an exemption log in violation of the PRA this case should be remanded to the trial court for further proceedings.

B. RCW 70.02 does not require an "actual injury" to garner relief under this chapter.

"The Uniform Health Care Information Act. (UHCIA) allows for actions to be maintained against a health care provider or facility who has not complied with this chapter," RCW 70.02.170(1). "The court may order the health care provider or other person to comply with this chapter. Such relief may include actual damages." [emphasis mine] RCW 70.02.170(2), "The court shall award reasonable attorneys' fees and all other expenses reasonably incurred

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to the prevailing party." RCW 70.02.170(2) [emphasis mine]. So clearly, Mr. Stetson could claim any violations of RCW 70.02, and maintain an action against WDOC without claiming "actual damages".

The State misrepresents the proceeding in Jeckle. The sole question in Jeckle was "whether appellant, Milan Jeckle, M.D., has stated a cause of action against the respondent attorneys and law firms that can survive a CR12(b)(6) motion..." Jeckle v. Crotty, 120 Wn.App. 374, 85 P.3d 931 (2004). In fact, Jeckle was based on unlawful production of documents, Stetson's UHCIA claims revolve around unlawful non-production of his own medical records. This of course is governed by RCW 70.02.170, .080 and not .050, and .060. In fact, Stetson complained of violations of RCW 70.02.080(1)(a) [see 4.6 of complaint], Explanations to his medical codes, .080(2) [see 4.10 of complaint], no exemption explanation, .090(1), and 42.56.550, [see 4.3 of complaint] Stetson has claimed multiple causable actions under UHCIA.

RCW 70.02.170 - civil remedies states in pertinent part:

(1) A person who has complied with this chapter may maintain an action for the relief provided in this section against a health care provider or facility who has not complied with this chapter.

(2) The court may order the health care provider or other person to comply with this chapter. such relief may include actual damages, but shall not include consequential or incidental damages. This court shall award reasonable attorneys' fees and all other expenses reasonably incurred to the prevailing party.

The footnote #9 in Jeckle is illustrative, "the only remedy provided by the Uniform Health Care Information Act (Chapter 70.02 RCW) for a violation thereof is an action against a health care provider or a health care facility for actual, but not consequential, damages. The act does not provide a remedy against any other parties." Jeckle at footnote #9 supra. The State admits they are the correct party in their response, to both the PRA and UHCIA claims [States response at 4.1] The State speciously claims that Stetson could not be granted any relief to his claims. This is false and misleading, as Stetson has yet to be provided a full review of his medical files, with explanations to the codes, and the Department refuses to put out a "conspicuously placed notice" that explains to patients how to go about reviewing their files. RCW 70.02.080(1)(a); .080(2); .100. Because Stetson has claimed multiple violations of the UHCIA, that are continuous and ongoing, this Court should reverse the CR12(c) findings and remand back for further proceedings.

C. By denying Stetson discovery, Honorable Dixon his effectively denied him the chance to amend his complaint, and rewarded the Department for their malfeasance.

While the Departments arguments that Dixon did not "abuse his discretion" --at first blush seem plausible-- when looked at objectively, are specious and false.

In some circumstances, staying discovery until after a 12(c) motion might be reasonable, in Stetson's case, this was an abuse of discretion.

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APPELLANT'S REPLY BRIEF--9

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In this case Dixon abused his discretion by denying Stetson the chance to participate in meaningful discovery. Clarke v. Office of the Attorney General, 133 Wn.App. 767, 777, 138 P.3d 144 (June 27, 2006), "It is within the trial court's discretion to deny a motion to compel discovery and we will not disrupt the ruling absent an abuse of discretion. Shields v. Morgan Fin., Inc., 130 Wn.App. 750, 759, 125 P.3d 164 (2005). A court abuses its discretion when it bases its decision on unreasonable or untenable grounds. Brand v. Dep't of Labor & Indus., 139 Wn.2d 659, 665, 989 P.2d 111 (1999).

Parties to a lawsuit may discover any relevant mater. CR 26(b)(1). Evidence is relevant if it has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence." Evidence Rule ER 401.

The purpose of CR 26(i) is to facilitate non-judicial solution to discovery problems by requiring the parties to conduct a conference before attempting to obtain a court order. Case v. Dundom, 115 Wn.App. 199, 203, 58 P.3d 919 (2002).

Laughingly, the State's attorney never comported with CR 26(i) (meet to confer) before moving Honorable Dixon for an order denying discovery. This shows an abuse of discretion on his part, and a flaunting of court rules on her (State's attorney) part. When Stetson asked her for a discovery conference, she answered with her TRO motion.

Mr. Stetson's Complaint was not resolved in a 12(b)(6) motion it was resolved under CR 12(c). For most intents and purposes, they are treated the same, but not all. The problem here is, WDOC held "all the cards" and Dixon helped

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WDOC by denying discovery. Classically, to combat a 12(b) or 12(c) motion, you can do one of two things, defend against it, or amend the complaint.

Mr. Stetson was denied discovery and denied one avenue of defending against his CR12(c) motion. This is how Dixon "abused his discretion." Prison inmates have even harder times (then average litigants) finding, procuring and locating documents and articles needed to amend pleadings without the help of civil discovery. See generally Faretta v. California, 422 US 806, 45 L.Ed 2d 562, 95 S.Ct 2525 (1975).

Dixon was Unspecific in his order.

To get relief under CR 12(b)(6), there are 7 enumerated valves for relief. (a) Lack of jurisdiction over the subject matter (nonwaivable); (b) Lack of jurisdiction over the person (waivable); (c) Improper venue (waivable); (d) Insufficiency of process (waivable); (e) Insufficiency of service of process (waivable); (f) Failure to state a claim upon which relief can be granted (nonwaivable); (g) Failure to join an indispensable party under rule 19 (nonwaivable). Washington State Bar Association Civil Procedures Manual (2016). §12.6(2)(a-g).

In Washington Jurisprudence, "a plaintiff states a claim upon which relief can be granted if it is possible that the facts could be established to support the allegations in the complaint." McCury v. Chevy Chase Bank FSB, 169 Wn.2d 96, 101, 233 P.3d 861 (2010) (rejecting federal "plausibility" standard, which provides that the motion should be granted unless the claim is plausibly based upon the factual allegations in the complaint).

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Dismissal under CR 12(b)(6) should only be granted sparingly and with great care. Bravo v. Dolsen Cos., 125 Wn.2d 745, 888 P.2d 147 (1995). Hypothetical facts can be used to defeat the motion, and the hypothetical facts can be raised for the first time of appeal. Id. If the court determines there is some theory that would support a plaintiff's claim that has not been advanced by the plaintiff, then the motion should be denied. This may occur on appeal. Berg v. Gorton, 88 Wn.2d 756, 567 P.2d 187 (1977). (emphasis mine). Stetson has stated multiple theories that have not been refuted by the State in their response and would entitle him to relief on appeal. The following should be considered verities in this appeal:

1: WDOC failed to provide Stetson with an exemption log for the documents / records they withheld. [See Appellant's brief at page 3, 7, 11-13, 15-16, 21, 25, 26, and 27]

2: WDOC failed to provide Stetson adequate time to review his Health Care Information contrary to the plain language of RCW 70.02 & 42.56 [See Appellant's brief at page 3, 4, 7, 10-12, 14, 16, 26-27]

3: WDOC failed to locate or dispute missing records from Stetson's Health Care Information, while also failing to provide him with any exemptions or explanations. In violation of RCW 42.56.210 & 70.02. [See Appellant's brief at page 3, 4, 11, 16, 21, 26-27]

4: WDOC failed to provide Stetson with access to his electronic files of Health Care Information as well as review/inspection of CD's in his file. In violation of 42.56 & 70.02 [See Appellant's brief at page 3, 12-16, 25, 27]

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5: WDOC subjected Stetson to disperate treatment when reviewing his Health care Information. This too is a violation of RCW 42.56 (PRA) & 70.02 (UHCIA) [See Appellant's brief at page 4, 10-12]

6: WDOC canceled 3 records review appointments which effectively denied Stetson access to his Health Care Information [See Appellant's brief at page 3, 4, 10, 13, and 14]

7: WDOC failed to provide Stetson with explanation to the codes contained in his Health Care Information. The State only touched briefly on this issue, thus denying the Appellant Court proper review. [See Appellant's brief at page 4-5, 7, 14, 16, 17, 26-27]

8: WDOC does not comply with the "Notice of Information Practices" requirments found in the UHCIA. This is a violation of RCW 70.02.120(1)

9: WDOC failed to make the records AVAILABLE, to Stetson within 5 - 15 days in violation of RCW 42.56.520 & 70.02.080(1)(a). [See Appellant's brief at page 7, 10, 11, 14-15, 26, 27]

**Per: Webster's Encylopedic Unabridged Dictionary
(Deluxe Edition)**

Available 1. suitable of ready for use; of service; at hand: I used whatever tools were available. 2. readily obtainable; accessible: available resources. 3. having sufficient power of efficacy; valid. 4. Archaic. efficacious; profitable; advantageous. [1425-75; late ME; see AVAIL, -ABLE]... adv. --Syn. 1. accessible, usable, handy...

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10: WDOC failed to provide Stetson with UNLIMITED Reviews / Access to his Health Care Information in violation of RCW 42.56 & 70.02.080 [See Appellant's brief at page 3, 10, 12-13 (3.9), and 14]

**Per: Webster's Encyclopedic Unabridged Dictionary
(Deluxe Edition)**

Unlimited 1. not limited; unrestricted; unconfined: unlimited trade. 2. boundless; infinite; vast: the unlimited skies. 3. without any qualification or exception; unconditional. [1400-50; late ME; see UN - LIMITED] ...adv. -- Syn. 1. unconstrained, unrestrained, unfettered.

11: WDOC records staff are not properly trained to comply with the requirements of the PRA and UHCIA. (argued below) [See Appellant's brief at page 15, 16, 17; see also March 24th VRP at page 7]

12: WDOC does not provide the fullest assistance to inmates when reviewing records. [See Appellant's brief at page 10, 15, 16, 25-26]

D. This Court should consider anything it wants to in the best "interest of justice".

This court has the authority to review anything it deems in the "interest of justice." RAP 2.5(3). Also in Dragonslayer Inc. v. Wash. State Gambling Comm'n., this court noted that when preceding's below move swiftly, they can rule on issues not raised below. 139 Wn.App. 433, 161 P.3d 428 (2007). This court can rule on cases of "important issue[s] capable of reoccurring". PRA case often fit within this exception. See Oliver v. Harborview Medical Center, 94 Wn.2d 559, 564, 618 P.2d 76 (1980); see also Limstrom v. Ladenburg, 110 Wn.App. 133, 139, 39 P.3d 351 (2002).

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"Where the record consist only of affidavits, memoranda of law, other documentary evidence, and where the trial court has not seen or heard testimony requiring it to access the witnesses' credibility or competency, we... stand in the same position as the trial court." Dragonslayer, at 441-42, (citing PAWS II, at 252-53 (plurality opinion)). Furthermore, whether RCW 4.24.550 is an "other statute" for purposes of the PRA is a question of law that this court reviews de novo. See Henne v. City of Yakima, 182 Wn.2d 447, 453, 341 P.3d 284 (2015) (question of statutory interpretation review de novo). John Doe A v. Washington State Patrol, 185 Wn.2d 363 (Sept. 17, 2015)

Most of the ancillary issues Stetson raised are of public importance, and ripe for review.

WDOC's failure to train should be "per se" violation of the PRA and UHCIA

The WDOC has continued to ignore the mandate that all records officers/staff be trained, this may be one of the reasons they continue to not comply with both acts, thus denying Stetson access to to full Health Care Information. When looked at in conjunction with the allegations raised by Mr. Stetson this case should be remanded back for further proceedings.

There is no published case that Appellant could find on this 2014 amendment to the 2014 amendment to the PRA. RCW 42.56.152 titled "Training Public Records Officers" reads:

- (1) Public records officers designated under RCW 42.56.580 and records officers under RCW 40.14.040 must complete a training course regarding the provisions of this chapter, and also chapter 40.14 RCW for records retention.

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- (2) Public records officers must:
- (a) Complete training no later than ninety days after assuming responsibilities as a public records officer or manager; and
 - (b) Complete refresher training at intervals of no more than four years as long as they maintain designation.
- (3) Training must be consistent with the attorney general's model rules for compliance with the public records act.
- (4) Training may be completed remotely with technology including but not limited to internet-based training
- (5) Training must address particular issues related to the retention, production, and disclosure of electronic documents, including updating and improving technology information services. [Effective date 2014 c.66; 2017 c.303 §2 eff. July 23, 2017 add (5)] [underline mine].

The spirit of this enactment is very telling. It reads:

"This act may be known and cited as the open government training act." [2014 c.66 §6]

"The legislature finds that the rights of citizens to observe the actions of their public officials and to have timely access to public records are the underpinning of democracy and are essential for meaningful citizen participation in the democratic process. All too often, however, violations of the requirements of the public records act and the open public meetings act by public officials and agencies result in citizens being denied the important information and materials to which they are legally entitled. Such violations are often the result of inadvertent error or a lack of knowledge on the part of officials and agencies regarding their legal duties to the public pursuant to these acts. Also, whether due to error or ignorance, violations of the public records act and open public meetings act are very costly for state and local governments, both in terms of litigation expenses and administrative costs. The legislature also finds that the implementation of simple, cost-effective training programs will greatly increase the likelihood that public officials and agencies will better serve the public by improving

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citizens access to public records and encouraging public participation in governmental deliberations. Such improvements in public service will, in turn, enhance the public's trust in its government and result in significant cost saving by reducing the number of violations of the public records act and open public meeting act." [2014 c.66 §1].

Mr. Stetson posits that lack of training should be a "per se" violation of the PRA and UHCIA. He recognizes this to be an "issue of first impression", but reason and logic personifies the logical leap. "An agency compliance with the Public Records Act is only as reliable as the weakest link in the chain." PAWS II at 269. T. Bundy and E. Sansom was definitely untrained and ill-prepared for their duties. "If an agency employee along the line fails to comply, the agency's response will be incomplete, if not illegal." Id. For this reason Stetson's case should be remanded back for further proceedings.

E: Mr. Stetson should be awarded reasonable attorney fees and costs incurred on this Appeal.

Appellant Mr. Stetson request reasonable costs & attorney fees pursuant but not limited to Rule 14.1, 14.2, 18.1, and RCW 26.09.140 et. seq., RCW 42.56.550. Gendler v. Batiste, 174 Wn.2d 244, 274 P.3d 346 (2012) The prevailing party in an action against a State agency to obtain access to a public record is entitled to cost[s], including reasonable attorney fees. RCW 42.56.550(4). "Attorney fees incurred on appeal are included" in this provision. PAWS II at 277. Because Mr. Stetson should be reversed on the Trial Court Honorable James Dixon's 12(c) findings, thus making him the prevailing party on appeal. He respectfully request this Honorable Court award him reasonable costs & attorney fees on appeal.

IV. CONCLUSION

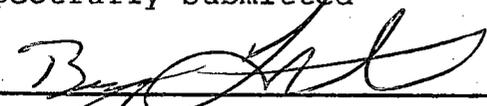
Stetson's 12(c) ruling should be reversed because he has presented multiple claims that would entitle him to relief. To wit: No exemption log, lack of training, silent withholding, 5-day rule violations, 30 minute reviews, electronic records withheld, cursory search, no posting of notice of procedures, and many other discrete claims.

Stetson has brought two "issues of first impression" to this Court for review. Whether the UHCIA and PRA can be concurrently and offensively used; and whether RCW RCW 42.56.152 (failure to train) should be a "per se" PRA and UHCIA violation. These issues should be fully considered by this Honorable Court.

Lastly, this court could (RAP 5.5(b)) demand a settlement conference, but deminimus, Stetson respectfully requests costs and fees.

Signed and submitted this 24 day of February, 2018, in Aberdeen, Washington.

Respectfully submitted

BY: 

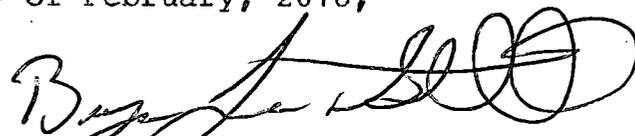
BRYAN LEE STETSON, #339734
Stafford Creek Corr. Ctr.
191 Constantine way, H4-A-77
Aberdeen, WA 98520

V. CERTIFICATION OF SERVICE

I Bryan Lee Stetson, Appellant, pro se, do hereby declare that on the date below I did send true and correct copies of this Appellant's Reply Brief [COA No.50185-6-II] through the legal mail system at Stafford Creek Corrections Center (SCCC). One copy went to AAG - Katherine J. Faber WSBA#49726 (Washington State Attorney General) at P.O.Box 40116, Olympia, WA 98504-0116, And One (original) copy to the Court of Appeals Division II, (Clerk of the Court), at 950 Broadway, Suite 300, Tacoma, WA 98402-4454

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 24 day of February, 2018,
at Aberdeen, WA.



BRYAN LEE STETSON, #339734
Stafford Creek Corr. Ctr.
191 Constantine Way, H4-A-77
Aberdeen, WA 98520

(Appellant, Pro se)

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DIVISION II

2018 FEB 27 AM 10:52

I, BRYAN LEE STETSON, declare and say STATE OF WASHINGTON

That on the 24 day of February, 2018, I deposited the following documents in the Stafford Creek Correction Center Legal Mail system, by First Class Mail pre-paid postage, under cause No. Wash. Ct. of App. Div. II 50185-6-II:

- 1, Appellant's Reply Brief...;
- (CR 12(c) findings By Hon. Dixon) [dated 2/22/2018];
- _____;
- _____;

addressed to the following:

AAG - Katherine J. Faber, WSBA#49726
(Washington State Atty. General)
P.O. Box 40116
Olympia, WA 98504-0116

Clerk of the Court
Washington State Court of Appeals,
Division Two
950 Broadway, Suite 300
Tacoma, WA 98402-4454

(Cover letter)

(Clerk's Letter)

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS 24 day of February, 2018, in the City of Aberdeen, County of Grays Harbor, State of Washington.


Signature

BRYAN LEE STETSON

Print Name

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