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No. 92161-0

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IN THE WASHINGTON SUPREME COURT

MIKE BELENSKI,

Appellant

v.

JEFFERSON COUNTY,

Respondent.

AMICUS CURIAE BRIEF OF
ALLIED DAILY NEWSPAPERS OF WASHINGTON,
THE WASHINGTON NEWSPAPER PUBLISHERS ASSOCIATION,
THE BELLINGHAM HERALD, THE OLYMPIAN,
THE NEWS TRIBUNE, THE TRI-CITY HERALD, AND THE
WASHINGTON COALITION FOR OPEN GOVERNMENT
IN SUPPORT OF APPELLANT BELENSKI

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WASHINGTON STATE
SUPREME COURT byh

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ORIGINAL

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I. IDENTITY AND INTEREST OF AMICUS

Amicus curiae are newspaper associations, daily newspapers, and the Washington Coalition for Open Government (“WCOG”), collectively “Amicus Curiae” or “Amici”.¹ Amici and their members are frequent users of the Public Records Act (“PRA”).

II. LEGAL AUTHORITY AND ARGUMENT

A. The Issues Here Were Preserved.

This case addresses whether the two year statute of limitations (“SOL”) found in RCW 4.16.130 applies in a Public Record Act (“PRA”) claim when an agency intentionally and silently withholds public records, and if so, when the cause of action accrues. These issues were preserved by Appellant in the trial court and Court of Appeals. See CP 165-173, 184-185 (trial court briefing); App.’s Reply Br. at 20-21.² This Court has the rare opportunity here to address the two year SOL argument in a published case where the parties admit the agency knowingly and intentionally withheld records in the response held to trigger the SOL.

B. Division Two’s Opinion Conflicts with the PRA and with Decisions of this Court.

The PRA requires agencies to produce **all** non-exempt public

¹ The identity and interest of Amici are further described in the accompanying Motion to File Amicus Curiae Brief.

² The trial court did not reach the issue of the SOL, and so the Appellant’s opening appellate brief did not, and could not, have addressed that issue; it was raised by the County in its appellate Response and addressed by the requestor in his appellate Reply.

records.³ It requires agencies to conduct a reasonable search for records as part of its response obligations. Neighborhood Alliance v. County of Spokane, 172 Wn.2d 702, 261 P.3d 119 (2011). It requires agencies to identify with specificity **all** responsive records not being produced along with the exemption authorizing their withholding and an explanation of how the exemption applies to each document. Rental Housing Ass’n v. City of Des Moines, 165 Wn.2d 525, 199 P.3d 393 (2009) (“**RHA**”); Sanders v. State, 169 Wn.2d 827, 240 P.3d 120 (2010). A PRA action may be brought when the requestor was “denied an opportunity to inspect or copy a public record by an agency” (RCW 42.56.550(1)) or denied an adequate response. RCW 42.56.550; Neighborhood Alliance, 172 Wn.2d 702; Sanders, 169 Wn.2d 827; City of Lakewood v. Koenig, 182 Wn.2d 87, 343 P.3d 335 (2014); Yakima County v. Yakima Herald–Republic, 170 Wn.2d 775, 809–10, 246 P.3d 768 (2011).

A requestor who does not receive a sufficient response to a request—either because the response does not identify the records that exist or state and explain the exemptions alleged to apply to them—is entitled to an award under the PRA of his fees and costs regardless of whether or not records are eventually held to have been improperly withheld. City of Lakewood, 182 Wn.2d 87; Yakima County, 170

³ RCW 42.56.070; see also RCW 42.56.030.

Wn.2d at 809–10; Wade’s Eastside Gun Shop v. Dept. of Labor & Industries and Seattle Times, __ Wn.2d __, __ P.3d __, 2016 WL 1165441 at *7-8, 13 (Wash., March 24, 2016). If a requestor also was deprived of a record that was not exempt, he is further entitled to an award of statutory penalties. Lakewood, 182 Wn.2d 87; Yakima County, 170 Wn.2d at 809–10; Sanders, 169 Wn.2d 827; Wade’s Eastside Gun Shop v. Dept. of Labor & Industries and Seattle Times, __ Wn.2d __, 2016 WL 1165441 at *7-13 .

PRA claims have a stated statute of limitations. RCW 42.56.550(6). A requestor is required to sue within one year of the agency producing the last responsive record or within one year of the agency’s statement of exemption for all the records withheld. RCW 42.56.550(6) An exemption claim that does not provide sufficient detail prevents the one year clock from starting. RHA, 165 Wn.2d 525 Further, the “last production” trigger requires that the agency has actually produced all responsive records. RCW 42.56.550(6). A requestor is “denied the opportunity to inspect or copy a public record” thus entitling him to sue under the PRA by virtue of an agency’s omission of such a record from a production and failure to identify it as surely as the requestor was “denied the opportunity to inspect or copy a public record” by a deliberate statement of exemption.

The one year clock on a PRA claim never starts when a record was silently withheld or an inadequate withholding index was provided. RHA, 165 Wn.2d 525; Progressive Animal Welfare Society v. University of Washington, 125 Wn.2d 243, 884 P.2d 592 (1992) (“PAWS II”); see also Tobin v. Wordin, 156 Wn. App. 507, 515, 233 P.3d 906 (Div. I 2010) As this Court held in RHA:

Silent withholding would allow an agency to retain a record or portion without providing the required link to a specific exemption, and without providing the required explanation of how the exemption applies to the specific record withheld. The Public Records Act does not allow silent withholding of entire documents or records, any more than it allows silent editing of documents or records. Failure to reveal that some records have been withheld in their entirety gives requesters the misleading impression that all documents relevant to the request have been disclosed. Moreover, without a specific identification of each individual record withheld in its entirety, the reviewing court's ability to conduct the statutorily required de novo review is vitiated.

RHA, 165 Wn.2d at 537, quoting PAWS II, 125 Wn.2d at 270 (emphasis added). This Court continued:

We emphasized the need for particularity in the identification of records withheld and exemptions claimed:

The plain terms of the Public Records Act, as well as proper review and enforcement of the statute, make it imperative that all relevant records or portions be identified with particularity. Therefore, in order to ensure compliance with the statute and to create an adequate record for a reviewing court, an agency's response to a requester must include specific means of

identifying any individual records which are being withheld in their entirety. Not only does this requirement ensure compliance with the statute and provide an adequate record on review, it also dovetails with the recently enacted ethics act.

RHA, 165 Wn.2d at 537-38, quoting PAWS II, 125 Wn.2d at 271.

Our analysis in PAWS II, however, underscores we were concerned with the need for sufficient identifying information about withheld documents in order to effectuate the goals of the PRA. To sever this important concern from the statute of limitations would undermine the PRA by creating an incentive for agencies to provide as little information as possible in claiming an exemption and encouraging requesters to seek litigation first and cooperation later.

RHA, 165 Wn.2d at 538 n.2. The above language makes clear the overall concern of the Court was that requestors have sufficient information about the records being withheld before a SOL clock even begins. Under this Court's precedents and the clear language of the PRA an agency must do one of two things, therefore, to start the SOL clock for any PRA claim: (1) it must produce all responsive records actually in existence at the time of the request, or (2) identify all such responsive records and state an exemption to withhold them explaining how the exemption applies.

In this case, the requestor Mike Belenski made a PRA request on September 27, 2010, at 8:06 a.m. to Jefferson County for the Internet Access Logs ("IALs") of the County from February 1, 2010, to September 27, 2010. CP 358. At 2:28 pm Jefferson County Information Services

Manager David Shambley forwarded the request by email to County Internet Technician Chris Grant and Sara McIntyre asking “Do you guys have this on your radar?” CP 358. On September 28, 2010—one day after Mr. Belenski made the relevant request for IALs in this case—the County’s Internet Technician Chris Grant sent an email to the Public Records Officer (“PRO”) Lorna Delaney and Deputy Prosecuting Attorney David Alvarez stating “**We have Internet Access Logs**, but they are not natively viewable. They must be pulled out of a database and generated in a human readable format by the firewall reporting system (Viewpoint).” CP 138 (emphasis added). Nonetheless, on October 4, 2010, six days later, the County through the same PRO Delaney responded that it had “no responsive records.” CP 214.

After it was sued, the agency admitted that it did have “records”—the IALs, and Mr. Grant’s email to PRO Delaney and Deputy Prosecutor Alvarez on September 28, 2010, establishes the County knew that it did have such records when it said there were “no responsive records” on October 4, 2010. The County has since claimed in litigation that it did not believe the records would constitute “public records” under the PRA (although it had produced IALs in the past to requestors). See CP 471-480, CP 31-40, 353-357. The County has not explained why it did not admit the records existed and state instead the records were not deemed to

be “public records” and thus were not deemed to be “responsive” when it responded in October 2010 rather than stating merely that there were “no responsive records”.

Internet Access Logs or “IALs” contain a record of every single contact between a county-issued personal computer and the World Wide Web from the County-provided internet connection. CP 361 ¶ 14 (Shambley Decl.). At a minimum, an individual IAL record contains the date, time and duration, user, full name of the URL reached (rather than just the IP address) and the category of the URL (i.e. sports, news, retail, etc.). CP 368 ¶ 62 (Shambley Decl.); CP 92 ¶ 10 (Thiersch Decl.); CP 17-18, 211. The County had previously been cited by the State Auditor for employees’ excessive personal usage of the internet during working hours to follow Mariner games, and Mr. Belenski had documented hours upon hours of usage by employees of inappropriate sites during working hours in the past. See, e.g., CP 31-40, 353-357. For example, in a March 2005 letter, Mr. Belenski informed the County it had employees repeatedly accessing a site then called “www.ogrish.com” that featured footage of rapes, beheadings and other graphic and violent footage. CP 356-357. Mr. Belenski asked that the site be blocked. CP 356-357. He also documented in his March 2005 letter excessive usage by employees of an online game sites including one “game-a-thon” by an employee of four

and a half hours in a single day during working hours, and repeated visits during working hours by a computer located in the Prosecuting Attorney's Office to two Jennifer Aniston fan sites. **Id.**

The County knew it had a problem with employee internet usage even before it was cited by the State Auditor for employees' consistent streaming during work hours of Mariner's games. On October 12, 2000, Jefferson County employee Gary Rowe sent an email to all Jefferson County elected officials and department heads related to the County's monitoring of employee internet usage via the Internet Access Logs. CP 353. It read in relevant part as follows:

Dear Elected Officials/Department Heads: I just sent you an e-mail requesting you to remind staff to not use the internet for listening to Mariners games. I am writing the second e-mail confidentially to let you know that **we are getting a lot of internet use to sites that are obviously not county business related. We all would be pretty embarrassed (sic) if information about internet usage were published in the local newspaper. The Information Services staff is currently monitoring to see which sites are receiving the heaviest usage and if these sites are clearly not related to county business we are blocking access to them.** If for some reason you feel that a web-site may be blocked check with Mark Peil and he can tell you if it is. I think, though, you will find that the sites are blocked would have no legitimate reason for county employees to access.

CP 353 (emphasis added). Mr. Belenski's March 2005 investigation and letter reveals the County's blocking effort missed the repeated visits to

online gaming sites, Jennifer Aniston fan sites, and the graphic videos on www.ogrish.com.

Mr. Belenski's request on September 27, 2010, for the IALs from February 1, 2010, through September 27, 2010, is examined against this backdrop. It was clear the County knew in 2010 it could be embarrassed by public access to its IALs, and had been embarrassed in the past by public scrutiny of such IALs. The same day Mr. Belenski made his request, Mr. Shambley was asking key County employees whether they had his request "on their radar". The day after Mr. Belenski's request, Internet Technician Grant confirmed to the Public Records Officer and Deputy Prosecuting Attorney Alvarez that "**We have Internet Access Logs**, but they are not natively viewable. They must be pulled out of a database and generated in a human readable format by the firewall reporting system (Viewpoint)." CP 138 (emphasis added). Nonetheless six days later, the County through the same Public Record Officer told Mr. Belenski that it had "no responsive records." CP 214.

On January 3, 2012, one year and three months after the County claimed IALs for 2010 did not exist, Mr. Belenski learned that the County had in fact possessed IALs for the 2010 period when he requested them. CP 124, 166, 195-96, 307. In a meeting with Mr. Belenski, a County employee admitted for the first time that the IALs had existed when

requested in 2010 but that Mr. Grant had “decided” without confirming that Mr. Belenski “didn’t have the software to look at them.” CP 124, 166, 195-96, 307. Mr. Belenski subsequently received a copy of the September 28, 2010, email from Mr. Grant (CP 138) in response to a different PRA request, and Mr. Belenski filed suit on November 19, 2012—less than a year after the January 3, 2012, meeting where Mr. Belenski first learned the County did possess IALs in 2010 and had lied to him on October 4, 2010, when it claimed the records did not exist.

On appeal, the County argued that the one year SOL stated in the PRA should apply and was allegedly triggered even though the County did not produce or identify the 2010 records and did not cite any exemptions. The County alternatively argued that the two-year SOL for claims without any SOL should apply to a PRA claim despite there being a clear one year stated limitation period in the PRA. The County argued the two year SOL required a requestor to sue within two years of any response, no matter how inaccurate, incomplete or untruthful, and within two years of the last production an agency intends to make or a statement that no records existed to be produced regardless of whether other responsive records existed that were being silently withheld. The County argued for the first time during the litigation that its “no responsive records” response was supposed to alert Mr. Belenski that there were records but that the County

had determined they were not “public” records and so not “responsive” even though their actual response to him said only “no responsive records” without any indication records existed and were being withheld.

Division Two, in a published opinion that impacts every member of the public, applied the two year SOL to the case in a scant three lines saying:

[T]he two-year ‘catch-all’ statute controls when there are no other applicable statutes of limitation. *Johnson*, 164 Wn. App. [769], 777[, 265 P.3d 216 (2011)]... Although it is not immediately clear whether [the County’s ‘no responsive records’] response would trigger the PRA’s one-year statute [of limitations], we need not answer this question because Belenski’s suit was untimely under the latter two-year statute.

Belenski v. Jefferson County, 187 Wn. App. 724, 739, 350 P.3d 689, 697 (Div. II 2015). In short, Division Two held (a) the two year SOL applied to a PRA case even though the PRA has its own stated limitation period, and (b) that this unstated and imported two year SOL starts with any response, no matter how untruthful and no matter how inadequate, even when the requestor has no reason to believe the Act has been violated by the time the two years pass.

This Court’s cases discussed above clearly address the level of detail required to start the SOL clock on a PRA claim. This Court’s previous case law discussed above make clear that withholding a record

that is deemed by a court to be a public record without an adequate identification of the record and explanation of exemptions relied upon to withhold it is itself a PRA violation. Here, Jefferson County did not identify the records, did not cite any exemptions, and did not explain how such exemptions applied. Instead, it stated merely “no responsive records” arguing much later when it was sued that it meant there were records, just that it did not think they were “public” records. This County has now offered three separate contradictory reasons for why Mr. Belenski was not provided the records requested. It has claimed it did not do anything with them and so did not keep them—something now shown to be untrue. It has claimed IT technician Grant thought Mr. Belenski would not have the software to view them—something the County never asked Mr. Belenski—and that same IT technician in his September 28, 2010, email contradicted that claim and acknowledged the records could be “pulled out of a database and generated in a human readable format by the firewall reporting system (Viewpoint).” CP 138.⁴ And finally it claimed, after it was sued, that the County secretly decided the records—which it

⁴ Even had Mr. Belenski not had software to view the records in their native electronic format, this would not have excused the County from producing them. The Public Records Model Rules states that “When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record.” WAC 44-14-050(2); see also WAC 44-14-05001 (“if the records are not in a generally commercially available format, the agency should provide them in a reasonably translatable electronic format if possible...”).

had released in the past—were not “public records” and so did not have to be identified or produced.

The County seeks to shift the blame, and responsibility, to Mr. Belenski arguing he should have known the County was lying to him when it said there were no records, and should have sued the County alleging records existed that were being silently withheld. No requestor could file suit against the agency without risk of violating CR 11 on the suspicion an agency might be lying and records might be being silently withheld. The fact Mr. Belenski obtained IALs in the past does not mean he automatically knew that the County was lying when it claimed there were no IALs in 2010. Mr. Belenski continued to investigate and determine why there were no records in 2010, which led to the discovery in January 2012 that gave him the evidence needed to sue.

This Court made clear in RHA the need to tie the disclosure of “sufficient identifying information about withheld records” with the statute of limitations.

To sever this important concern from the statute of limitations would undermine the PRA by creating an incentive for agencies to provide as little information as possible in claiming an exemption and encouraging requesters to seek litigation first and cooperation later.

RHA, 165 Wn.2d at 538 n.2 Here the County provided no information, and misleadingly stated there were “no responsive records” and it now

argues that PRA requestors should be compelled to sue only with that answer or forever lose the right to sue under the PRA for the secret withholding. That is not the law. That is not what the PRA says, and is directly contrary to what this Court has said. The Division Two Opinion should be reversed and the matter remanded for a determination of penalties and costs and any attorney's fees the requestor has incurred.

C. The Decision Conflicts with Previous Decisions of the Courts of Appeals.

The Division Two Opinion is further in conflict with other decisions of the courts of appeal. Division One in **Tobin v. Worden**, held that the SOL clock on a PRA claim does not begin to run if the agency fails to produce a requested record. 156 Wn. App. 507, 515, 233 P.3d 906 (Div. I 2010). The agency claimed it mistakenly did not include the record and had produced the wrong record. 156 Wn. App. at 511-512. When the requestor brought a PRA case more than a year after the last production of the erroneous record, the agency moved to dismiss on SOL grounds and the trial court granted the motion. The trial court was overturned on appeal by Division One stating in relevant part:

[T]he record is clear that the county did not produce the requested record at all, much less on a partial or installment basis; instead it twice produced documents that were not even requested....

The county asserts that RCW 42.56.550(6) simply

contemplates the agency's last response and contends that its last response, admittedly incorrect, was when it sent the second wrong document. But as discussed above, the statutory language is clear that the one-year statute of limitations is only triggered by two specific agency responses—a claim of exemption and the last partial production—not simply the agency's “last” response. Had the legislature determined that the agency's last response would suffice, it would have expressly so stated.

Id. at 514-515 (emphasis added). Division Two's two year SOL holding triggered by the “no records” response conflicts with Division One's holding in Tobin.

Previously published Division Two cases dealing with the SOL issue are cases where all responsive records were produced with the triggering response date and there was no evidence any record existed that had not been provided with the response. See, e.g., Johnson v. Department of Corrections, 164 Wn. App. 769, 776 n. 11, 265 P.3d 216 (Div. II 2011) (“The record does not show that when Johnson made his request three years earlier the DOC had possessed any responsive documents other than the single one-page record it provided to him at the time.”); Greenhalgh v. DOC 170 Wn. App. 137, 282 P.2d 1175 (Div. II 2012)(no record withheld); Bartz v. Department of Corrections, 173 Wn. App. 522, 297 P.3d 373 (Div. II 2013) (same).

The instant case does deal with records that existed and were not

identified or produced, and is thus clearly distinguishable from the cases cited by Division Two and the County where no record existed that had been withheld. This case is thus more akin to Tobin. The Tobin case recognized broadly that one cannot be forced to sue a year from a response when the response was not an adequate response and a responsive record had not been produced. Agencies seek to distance themselves from that case focus on the single production versus multiple installment language, but at its heart the case focused on records that had not been produced when an agency claimed all records had been provided and the argument that that faulty and inadequate response was the trigger for the SOL. Tobin and RHA both recognized that an adequate response is required to trigger the PRA. Both cases, like here, involved requests where records existed and had not been provided. The Court need not overturn Tobin as other amici request; it need only confirm its own holdings in its own cases and overturn Division Two here.

D. The Two Year Statute of Limitations Cannot Apply to a PRA Claim.

The County argued, and Division Two held, that the two year statute of limitation of RCW 4.16.130 applied to PRA cases when an agency had not triggered the one year SOL in the PRA by producing records or adequately citing exemptions. Even one of the County's own

amici disagree with this argument, as noted in the proposed Amicus Brief of Amicus WSAMA. WSAMA Amicus Br. at 3-9.

RCW 4.16.130 only applies to “an action for relief not hereinbefore provided for...” The PRA creates specific causes of action. RCW 42.56.550. The PRA also sets forth the statute of limitations for PRA claims: one year after specific triggering events. RCW 42.56.550(6). The fact that a litigant has yet to perform the triggering event—here a failure to truthfully reveal that records in fact exist and to cite and explain any exemption relied upon to deny such records—does not mean the claim lacks a statute of limitation. It simply means the agency has not taken the steps necessary to start the SOL clock clicking. It is not a “loophole” in the law to require an agency to fulfill its triggering duties under the PRA before the SOL clock for claims against it can begin to run. An agency can start the SOL clock by producing the records or providing a clear identification of withheld records and an explanation of exemptions relied upon to withhold them. Requiring an agency to perform these triggering events before an SOL clock begins makes sense for numerous reasons. First, the plain language of the PRA makes clear these triggering events must be performed before the SOL begins. Second, agencies have the power to perform these events, and are to be encouraged to comply with the PRA, and require incentive to adequately search, fully disclose, and

fully produce public records. Third, a contrary reading leaves agencies with no incentive to comply with the law and every incentive to perform inadequate searches, inadequate disclosures, and inadequate productions and wait out the clock to see if a requestor will sue.

Importing the two year SOL from RCW 4.16.130 runs afoul of the plain language of that statute but will also seriously damage the PRA by removing incentives to comply with the law, and depriving the public of the ability to enforce the Act and challenge improper denials when records are secretly withheld as they were here. The Division Two Opinion on the SOL should be overturned.

Requestors are litigating, and often losing, in courtrooms throughout this State their right to bring a PRA lawsuit such as this one. Agencies are arguing that any response, even an inaccurate one like here, starts the clock by which a requestor must sue, forcing requestors into courts on vague speculative assumptions records might have been withheld or risk having such claims time barred. The holding of Division Two and cases like it in courts below are unnecessarily burdening our courts with suits that might have been avoided, and such holdings are further unfairly depriving requestors of their right of access to public records or remedies for improper denials when they sue one or two years and a day after an inaccurate claim of production of all records or

inaccurate statement that no records exist. This Court should state the law for courts below so all will know that the only limitation period for a PRA claim is the one year period in RCW 42.56.550(6) and to know that strict compliance is required to trigger that one year clock.

E. The Discovery Rule

If this Court rejects the argument that RCW 4.16.130 applies to PRA cases, then it need not grapple with the issue of whether a discovery rule applies to PRA cases. Strict compliance with the requirement of the PRA means strict compliance with the triggering events for a PRA claim, and that compliance will provide discovery to requestors of all facts necessary to bring a claim. If an agency lies and says no records or no more records exist than have been disclosed or produced, the agency has not complied with the triggering events since it has not produced all responsive records and has not provided an adequate disclosure and exemption statement. If the agency fails to locate all responsive records, it has not complied with the triggering events since it has not produced all responsive records and has not provided an adequate disclosure and exemption statement. Requestors will not be forced to sue until the triggering events have occurred, and it will become irrelevant when a requestor suspected the agency may have violated the law.

Trial courts have broad discretion to fashion penalties under the

PRA, and courts have discretion to award no penalties in cases. A trial court will have the ability to fashion a penalty to fit the circumstances of a given case after consideration of the facts specific to that case, and the actions of the agency. Every agency that is sued will have its day in court to argue why it should be penalized little or not at all for its failure to disclose or produce records to requestors in cases such as this. But the requestor must be granted his or her or its day in court to hold the agency accountable in the first place. Agencies can dispose of PRA cases and avoid the risk of PRA lawsuits far down the road by doing their jobs now and responding adequately and completely. They cannot be allowed to cut the requestors' rights short to sue when the agency does not fully comply with the PRA.

III. CONCLUSION

For the foregoing reasons, Amicus Curiae herein ask that the Court overturn the Division Two Opinion on the issue of the Statute of Limitations and remand the case for a determination by the trial court of appropriate fees, costs and penalties.

Respectfully submitted this 28th day March, 2016.

Allied Law Group LLC

By: 
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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on March 28, 2016, I delivered a copy of the foregoing document by email pursuant to agreement to:

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Dated this 28th day of March, 2016, at Seattle, Washington.



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From: Michele Earl-Hubbard [mailto:michele@alliedlawgroup.com]
Sent: Monday, March 28, 2016 4:37 PM
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Cc: Michele Earl-Hubbard <michele@alliedlawgroup.com>
Subject: RE: Belenski v. Jefferson County, Supreme Ct #92161-0, filing of Amicus Motion & Brief

Good afternoon.

Attached please find for filing the Motion to file Amicus Brief and Amicus Brief of Allied Daily Newspapers of Washington, Washington Newspaper Publishers Association, The Bellingham Herald, The Olympian, The News Tribune, The Tri-City Herald, and the Washington Coalition for Open Government in support of Appellant Belenski in case number 92161-0, case name: Belenski v. Jefferson County.

These documents are also being provided herein to the parties and attorneys for the other prospective Amici.

These documents are filed by Michele Earl-Hubbard WSBA #26454. My contact information is below.

Please contact me should you have any questions. Thank you.

Michele Earl-Hubbard



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