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## Judge to decide Friday about releasing Level 1 sex offender records

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By Tyler Richardson, Tri-City Herald

This Friday, a Benton County judge is to decide if a class-action lawsuit can be formed to try to block the release of the personal information of 420 low-level sex offenders.

County officials delayed the release of the registration information to give the court time to rule on a motion filed by Richland attorney Greg Dow.

Dow represents 10 Level 1 sex offenders who want to keep their names, addresses and phone numbers from being released to a Mesa woman, Donna Zink.

Information about higher-risk offenders, ranked a Level 2 and 3, are readily available to the public, but not Level 1 offenders.

Zink requested the information from Benton and Franklin counties under the state's public records law.

Franklin County officials gave her the information, but Benton County officials said the offenders had the right to be notified about the request before the information was released.

A class-action case could potentially provide representation and temporary protection to the majority of Level 1 offenders, Dow said.

Only 12 out of the reported 420 offenders were represented by an attorney during a recent hearing.

Dow said he decided to lead a class-action lawsuit to give all the offenders a fair chance to be represented, he said.

"They all have the same claim to their privacy. I think these guys are being made an example of. I really do," he said. "I just feel the need to (lead) it. The holy spirit works in my life and it is one of the things I feel strongly about."

The information now is tentatively scheduled to be released Sept. 16 unless a judge certifies Dow's class-action lawsuit, said Deputy Prosecutor Ryan Lukson.

If a judge rules in Dow's favor, it could be a while before a ruling is made on whether to release the information.

"We are months away," Lukson said. "At least a couple months to (rule) on a permanent injunction. If Ms. Zink appeals, it could take longer than that."

A hearing is set for Friday. Zink could not be reached but has said she plans to put the information online because the more people know, the safer they will be.

Dow has re-filed his motion to form the class-action case since Judge Bruce Spanner ruled Aug. 30 that Dow didn't provide enough information.

Dow told the Herald he believes the legal research his firm has been doing since Spanner's ruling will convince the judge to certify the class-action suit and grant a temporary injunction.

"I don't think the Legislature was thinking about sex offenders when they drafted the Public Records Act," he said. "We have found two statutes that we think trump the Public Records Act.

On Aug. 30, Spanner granted the 12 offenders a temporary injunction to block the release of their registration information.

The order does not apply to the more than 400 others.

Spanner based his initial ruling on a state Supreme Court case, State V. Ward, which found registration information is considered confidential and can only be released to the public if there is a necessary threat.

More than 150 offenders have called the prosecutor's and sheriff's offices, claiming the release of information would affect their jobs, living situations and personal lives. But a majority of them didn't have the means to hire an attorney or adequate knowledge of the legal system, Lukson said.

One of Dow's clients, listed as John Doe C in court documents, said he committed his offense 17 years ago when he was 11 years old. He said his victim was a family member who was 7 at the time.

The offender now works at a church and believes the release of his information could cause him to lose his job.

"If my status is known to the public, I believe getting jobs and promotions will be affected," the offender said in court documents. "I have also been a burden to my family and want that to stop at some point. I do not think the neighbors need to know everything about you. Some things can and should remain private."

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