

Judge orders Bainbridge City Council members turn over emails on personal computers

By Ethan Fowler

Monday, November 4, 2013

BAINBRIDGE ISLAND — Three Bainbridge City Council members have been ordered by a judge to hand over their personal computer hard drives to get access to personal emails.

The lawmakers are Steve Bonkowski, Debbi Lester and David Ward.

Friday's Kitsap Superior Court decision followed a public records request for emails from May 1 to June 22 made by plaintiff Althea Paulson, who is a political blogger, and Bob Fortner, a self-proclaimed community watchdog. Their lawsuit alleges council members failed to release emails from personal accounts that were allegedly used to conduct city business.

"They're still going to be held accountable and their personal emails — where they've done city business on personal emails — they're going to have to turn those over," Fortner said. "...They were all instructed to use only their city-provided email accounts for city business and none of them followed that rule exclusively."

Superior Court Judge Jeannette Dalton requested a conference with the parties in the case Nov. 22.

"Government employees and public officials who conduct business on private computers cannot reasonably expect those records to be classified as private," Dalton wrote in her decision. "Business conducted in the employees' or public officials' official capacities is not the personal property of that employee and is not subject to protections afforded to private property."

In Friday's ruling, Dalton dismissed the council members from the lawsuit.

"I'm pleased that's occurred," Bonkowski said of Dalton's dismissal of council members individually. "But we still have more issues with the lawsuit against the city still pending legal action. The city continues to cooperate and fulfill its obligation with the public records."

Ward said he had no comment on the case because he's a party in the case. Lester couldn't be reached for comment.

Paulson and her attorney, husband Daniel Mallove, also couldn't be reached for comment.



© 2013 Scripps Newspaper Group — Online