No. 92846-1

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

ALYNE FORTGANG,
Petitioner,

v.

WOODLAND PARK ZOOLOGICAL SOCIETY a/k/a WOODLAND PARK ZOO
Respondent.

RESPONDENT'S ANSWER TO PETITION FOR REVIEW

PACIFICA LAW GROUP LLP

Paul J. Lawrence, WSBA #13557
Gregory J. Wong, WSBA #39329
Tania M. Culbertson, WSBA #45946
1191 Second Avenue, Suite 2000
Seattle, WA 98101-3404
(206) 245-1700

Attorneys for Respondent

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I. INTRODUCTION

Over the past 17 years, Washington courts have developed and consistently applied a four-factor test, the *Telford* test, to determine, on a case-by-case basis, whether a private entity is the functional equivalent of a state or local agency for purposes of Washington's Public Records Act ("PRA"), ch. 42.56 RCW.[1] Petitioner Alyne Fortgang ("Fortgang") does not seek review of the appropriateness of the *Telford* test. Nor does Fortgang argue that the Court of Appeals' decision is inconsistent with any prior decision of this Court or any Washington Court of Appeals. Rather Fortgang seeks review from this Court because she disagrees with the outcome of the *Telford* test as applied to the Woodland Park Zoological Society ("WPZS"), an independent, private, non-profit corporation that receives the majority of its support from private funds and that manages and operates the Woodland Park Zoo (the "Zoo").

In support of her Petition, Fortgang misstates the Court of Appeals' holdings in this case and ignores consistent prior authority. The Court of Appeals' decision reflects a straightforward application of the

[1] *See Telford v. Thurston Cnty. Bd. of Comm'rs*, 95 Wn. App. 149, 974 P.2d 886, *review denied*, 138 Wn.2d 1015 (1999); *Spokane Research & Def. Fund v. W. Cent. Cmty. Dev. Ass'n* ("*Spokane*"), 133 Wn. App. 602, 137 P.3d 120 (2006), *review denied*, 160 Wn.2d 1006 (2007); *Clarke v. Tri-Cities Animal Care & Control Shelter*, 144 Wn. App. 185, 181 P.3d 881 (2008); *Cedar Grove Composting, Inc. v. City of Marysville* ("*Cedar Grove*"), 188 Wn. App. 695, 354 P.3d 249 (2015). *Cedar Grove* does not rely exclusively on *Telford* but the court's analysis of the *Telford* factors is consistent with prior authority.

Telford test—recently acknowledged by this Court in *Worthington v. Westnet*, 182 Wn.2d 500, 508, 341 P.3d 995 (2015)—to the unique facts of this case. That Fortgang does not like the Court of Appeals' factual analysis does not create an "issue of substantial public interest that should be determined by the Supreme Court." RAP 13.4(b)(4). As demonstrated below, the Court of Appeals' decision in this case is correct and fully accords with the case law and the purposes of the PRA. This Court should deny review of the well-reasoned Court of Appeals decision.

II. IDENTITY OF RESPONDENT

Respondent is the Woodland Park Zoological Society, appellee and defendant in the proceedings below.

III. STATEMENT OF THE CASE

A. WPZS—a private non-profit organization—manages and operates the Zoo.

In 1965, private citizens formed WPZS to support the Zoo. Supp. CP 170, 177. WPZS is, and has always been, a private, nonprofit organization incorporated under the laws of Washington and registered with the Secretary of State as a charity. *Id.* WPZS reports to the Internal Revenue Service as a tax-exempt 501(c)(3) charitable organization. *Id.* at 181. Throughout its over fifty years of operation WPZS has been governed by an independent, volunteer Board of Directors. *Id.* at 171.

In 2000, consistent with a national trend toward privatizing accredited zoos, the State Legislature authorized cities to contract with non-profit corporations for the overall management and operation of zoos and aquariums. RCW 35.64.010. In response, the City of Seattle (the "City") enacted an ordinance authorizing the Superintendent of Parks and Recreation to enter into a management agreement with WPZS. Supp. CP 266-67. In March 2002, the City entered into a long-term contract (the "Management Agreement" or "Agreement") for WPZS to "exclusively manage and operate the Zoo." *Id.* at 210, 217.

Under the Management Agreement, WPZS "administer[s], plan[s], manage[s] and operate[s] the Zoo". *Id.* at 211. WPZS does so as an independent contractor. The Agreement specifically disclaims any "relationship of employment or agency" between the City and WPZS. *Id.* at 242. The City provides fixed levels of financial support designated generally for "operations" and "maintenance." *Id.* at 219-21. The City owns the grounds, while WPZS owns the Zoo animals. *Id.* at 226.

The Management Agreement does not grant the City control over day-to-day Zoo operations. Rather, WPZS controls, among other things: the operations, employment, and supervision of Zoo staff, including the decision whether to staff the Zoo with WPZS's own employees or independent contractors; the decision to fund and build new structures,

exhibits, and visitor facilities; the decision to acquire, sell, or otherwise dispose of Zoo animals; and the housing and care of the animals. *See id.* at 217, 224, 226-29. The Management Agreement assigned all Zoo-related leases from the City to WPZS, giving it "the exclusive option (if the City had such option) of renewing such leases . . . ." *Id.* at 219

WPZS sets charges for admission—subject only to a bargained-for right of approval by the City for increases beyond standards for comparable attractions—retains all admission proceeds, and spends them at its discretion. *Id.* at 224. Likewise, WPZS decides whether to offer services such as souvenirs and food to the public, determines the price of such services, chooses whether to grant franchises or concessions for their provision, and decides how to spend the resultant income. *Id.* at 229-30.

In 2013, almost three-quarters of WPZS's revenue came from non-public sources. Earned revenue (revenue from admissions, membership, souvenirs, concessions, community events, investments, etc.) accounted for 51 percent of total revenue. *Id.* at 171, 183-208. Private contributions provided 23 percent of the Zoo's support. *Id.* Non-City funding from public sources accounted for 10 percent. *Id.* Funding from the City accounted for 16 percent of the Zoo's revenues. *Id.* Pursuant to typical oversight measures employed when private entities receive public funds, WPZS provides monthly, quarterly, and annual reports to the City. *Id.* at

230-32. WPZS is subject to annual, independent audits. *Id.* at 231. The Management Agreement does not require WPZS to observe the requirements of the PRA; instead, it specifies only that one category of documents—"Zoo Animal Records", which pertain to the veterinary management and treatment of Zoo animals in WPZS's care—must be made available to the public upon request. *Id.* at 231-32.

WPZS is governed by an independent, volunteer Board; in 2014 the Board was made up of 38 Directors. *Id.* at 171. The Management Agreement provides that the City may appoint three members of the Board (subject to the Board's normal election procedures). *Id.* The City has no veto power over the Board's actions. The Superintendent of Parks sits *ex officio* on the Board in a non-voting role. *Id.* WPZS's President and CEO, who is responsible for all Zoo staff, reports to the Board rather than to the City. *Id.* The City does not have the power to dissolve WPZS; rather, WPZS is an independent non-profit corporation terminable according to law. *See* RCW 24.03.220.

B. Fortgang sends a self-styled public records request to WPZS and both the trial court and the Court of Appeals confirm that WPZS is not subject to the PRA.

On November 6, 2013, Fortgang, in her capacity as co-founder of Friends of Woodland Park Zoo Elephants ("FWPZE"), sent a letter to WPZS seeking internal WPZS documents concerning the Zoo's

elephants.[2] CP 24-25. The November 6 letter requests: 1) keeper notes and medical records for the Zoo's elephants; 2) information on the calculation of time averages the elephants spend in the barn; 3) the records WPZS used to establish the annual cost of keeping and housing the elephants at the Zoo; 4) information on when the elephant keepers staff the barn; 5) the records WPZS relied upon to calculate funds expended on fighting criticism of the Zoo's elephant program; 6) the total cost to WPZS of the Task Force on the Woodland Park Zoo Elephant Exhibit & Program; 7) the contract between WPZS and Cocker Fennessey for services related to the Task Force; and 8) information on polling and surveying regarding the Zoo's elephant program. *Id.*

WPZS responded to Fortgang's letter on November 13, 2013, and explained that it would provide documents "consistent with [its] obligations under the Operating Agreement with the City of Seattle." *Id.* at 26. On December 20, 2013, WPZS again responded to Fortgang's letter, reiterating that WPZS "is a private company and based on [its] Management Agreement with the City [it is] only required to disclose animal records." *Id.* at 27. WPZS provided the requested Zoo Animal Records and, in an effort to be transparent, voluntarily provided some

[2] Fortgang's Co-Coordinator at FWPZE has filed two prior lawsuits related to the Zoo's elephant program, both of which were dismissed as a matter of law. *See* Supp. CP 261-62; *Sebek v. City of Seattle*, 172 Wn. App. 273, 290 P.3d 159 (2012).

additional requested documents despite the lack of a legal obligation under the PRA to do so. *Id.*

On March 12, 2014, Fortgang filed suit alleging violations of the PRA. *Id.* at 1-6. On cross-motions for summary judgment the trial court held as a matter of law that WPZS is not the functional equivalent of a public agency under *Telford* and that WPZS is not subject to the PRA. *Id.* at 162-64. On August 20, 2014, Fortgang appealed the trial court's ruling to the Court of Appeals, Division One. The Court of Appeals affirmed the trial court on February 1, 2016. The court reached its conclusion by engaging in *Telford*'s "'practical analysis' . . . grounded in the unique factual circumstances present" in the case. App. 8 (quoting *Worthington*, 182 Wn.2d at 508). The court carefully applied the reasoning of *Telford*, *Spokane*, and *Clarke*, and determined that WPZS is not the functional equivalent of a public agency because it is not engaged in a government function, it receives the majority of its revenue from non-public sources, it has exclusive authority to manage and operate the Zoo, and the government played no role in its creation.

Fortgang petitions this Court to review the Court of Appeals' analysis, claiming only that the court's "unduly narrow construction of the PRA" creates an issue of substantial public importance. Pet. at 5. Fortgang does not claim review is warranted on any other basis.

IV. ARGUMENT

A. Straightforward application of the *Telford* test to the facts of this case is not an "issue of substantial public interest that should be determined by the Supreme Court" under RAP 13.4(b)(4).

The Court of Appeals' decision in this case is entirely consistent with its four prior opinions addressing whether a private entity is the functional equivalent of a public agency for purposes of the PRA.[3] Under *Telford*, whether a private entity is engaged in the conduct of government such that citizens have a right to access the entity's records is determined by balancing four factors—1) whether the entity performs a governmental function, 2) the level of government funding, 3) the extent of government involvement or regulation, and 4) whether the entity was created by government. 95 Wn. App. at 162. This Court has explicitly acknowledged the *Telford* test, indicating that it requires a "practical analysis"—that is, a fact specific, case-by-case inquiry. *Worthington*, 182 Wn.2d at 508. Moreover, this Court implicitly endorsed the Court of Appeals' prior applications of the test when it denied review in *Telford* and in *Spokane*.[4] Fortgang's disagreement with the outcome reached by the Court of Appeals under the particular facts of this case does not

[3] Fortgang concedes as much because she does not seek review from this Court on the basis of RAP 13.4(b)(2).

[4] Review was not sought in *Clarke* or *Cedar Grove* but the analysis in those cases was consistent with *Telford* and *Spokane*.

transform what is otherwise a straightforward application of the *Telford* test into a case involving an "issue of substantial public interest that should be determined by the Supreme Court." RAP 13.4(b)(4).

The fact that access to records under the PRA, generally, is an important issue does not mean that access to WPZS records is an issue requiring Supreme Court review. WPZS, an independently formed and governed non-profit organization, manages and operates the Zoo pursuant to a simple contractual relationship with the City and receives 74 percent of its funding from private sources. WPZS is not administering public programs nor does operation of the Zoo implicate core or essential government functions. The City does not regulate the Zoo's day-to-day operations and has no right of control over WPZS. *See Sebek*, 172 Wn. App. at 279-80. Simply put, WPZS's operation of the Zoo implicates none of the factors that might militate for public access to all WPZS records. Indeed, WPZS operates just like numerous other non-profits throughout the state that receive some government funds to provide benefits to the public such as housing, social services, museum and aquarium management, and arts and cultural programming.

Fortgang's claim that the Court of Appeals has unduly narrowed the application of the PRA is unsupported by the actual language of the opinion and likewise does not support the need for review under RAP

13.4(b)(4). To the contrary, the opinion reflects a thoughtful review of the underlying purposes of the PRA and a consistent application of the *Telford* factors in deciding whether WPZS, as a private entity providing a benefit to the public, should be subject to public disclosure laws. The opinion is in line with the Court of Appeals' prior decisions on this issue in concluding that the PRA does not apply to WPZS.

As the Court of Appeals pointed out in its opinion, the "myriad organizational arrangements for getting the business of government done" mean that "each new arrangement must be examined anew and in its own context." App. 9 (quoting *Wash. Research Project, Inc. v. Dep't of Health, Educ. & Welfare*, 504 F.2d 238, 245-46 (D.C. Cir. 1974) (a case cited in *Telford*)). Given the necessarily fact-specific practical analysis required in light of "the various ways in which a government may partner with a private entity," App. 8, the "definitive guidance" Fortgang claims to seek on this issue derives from the Court of Appeals' consistent application of the four-factor test in *Telford* and its progeny, including in this case. Under *Telford*, *Spokane*, and *Clarke*, WPZS is not the functional equivalent of a public agency and therefore is not subject to the PRA; no further review of the *Telford* test as applied to the facts of this case is warranted.

B. The Court of Appeals correctly applied the *Telford* factors to WPZS and its decision accords with the purposes and underlying intent of the PRA.

The PRA seeks to "promote government accountability" by assuring "access to information concerning the conduct of government." RCW 42.17A.001. Its goal is "to assure continuing public confidence of fairness of . . . governmental processes." *Id.* (quoting text of Initiative 276) (emphasis added). The PRA as enacted in 1972, and as amended many times since by the Legislature, has not been extended to private non-profit corporations that contract with government agencies or that accept funds from government agencies. Instead, in order to identify the limited instances where private entities are acting in the same governmental capacity as a state or local agency, courts in Washington apply the four-factor *Telford* test examining the entity's functions, funding, control, and origin. *Telford*, 95 Wn. App. at 162. Where the balance of these four factors demonstrates that the private entity is, in essence, a government agency in character and operation, the entity is subject to the PRA.

The Court of Appeals analyzed the particular facts and circumstances of this case to conclude that in light of all four *Telford* factors, WPZS is not a government agency in character and operation notwithstanding the fact that its management and operation of the Zoo "undoubtedly provide[s] a public benefit." App. 9. Although the PRA is a

"strongly worded mandate aimed at giving interested members of the public wide access to public documents to ensure governmental transparency," *Worthington*, 182 Wn.2d at 506 (citation omitted), that mandate applies only to entities engaged in "the business of government." *Wash. Research Project, Inc.*, 504 F.2d at 245-46. Because WPZS, in operating and managing a zoo, is not engaged in "the business of government," the purposes and intent of the PRA are not implicated here.

Fortgang misrepresents the Court of Appeals' holdings in order to argue that its opinion unduly narrows the scope of the PRA and contravenes the Act's intent. She also ignores the consistent prior holdings in *Telford*, *Spokane*, and *Clarke*. As demonstrated below, the result in this case flows directly and logically from the Court of Appeals' prior applications of the *Telford* test to private entities that partner with the government to benefit the public interest.

1. The Court of Appeals correctly determined WPZS does not perform a governmental function.

The Court of Appeals' holding that this factor weighs against application of the PRA because zoo operations are not "a core government function that [can]not be wholly delegated to the private sector," App. 13, is drawn directly from *Telford* and its progeny. *See, e.g.*, *Clarke*, 144 Wn. App. at 193-94 (private animal care and control agency performs a

governmental function not wholly delegable to the private sector where its officers execute police powers); *Spokane*, 133 Wn. App. at 609 (providing community services to benefit low to moderate income residents is not a governmental function and "may be delegated to the private sector"); *Telford*, 95 Wn. App. at 163-64 (providing "statewide coordination of county administrative programs" is a governmental function).

Rather than acknowledging this consistent line of precedent, Fortgang posits that under the Court of Appeals' reasoning, "the mere act of executing a contract with a third party immediately reduces public access to information about the vast majority of services traditionally provided by governments . . . simply because same or similar services might also be available in the private sector." Pet. at 12. This statement is inaccurate and wholly misses the mark. As the Court of Appeals explained, there is a difference between a government contracting away "performance *authority*" to a private entity and delegating away "its statutory *responsibility*" under the PRA. App. 12 (quoting *Clarke*, 144 Wn. App. at 194). *Telford*'s "governmental function" factor addresses precisely this distinction by examining whether a government is contracting away a "core" or "essential" government function—for example, a function that involves police powers (as in *Clarke*) or the administration of public services it is incumbent upon the government to

provide (as in *Telford*). In those circumstances, the PRA continues to apply regardless of whether the function is being performed by the public or private sector—i.e., the function cannot be "wholly delegated to the private sector." App. 13. Here, by contrast, as the Court of Appeals correctly recognized, operating a zoo is not a core government function; the City has no statutory or constitutional duty to continue operating a zoo; and zoos are routinely operated by private parties. *Id.*

Fortgang cites no authority for the proposition that the existence of an enabling statute means a private entity is performing a governmental function that cannot be delegated to the private sector. The enabling statutes cited in *Telford* explicitly declare "the public necessity of coordinating county administrative programs." 95 Wn. App. at 159 (citing RCW 36.32.335, .47.010). RCW 16.52.015, cited in *Clarke*, permits private animal care and control agencies to administer the provisions of Washington's laws for the prevention of cruelty to animals but mandates that officers of such agencies "shall comply with the same constitutional and statutory restrictions concerning the execution of police powers imposed on law enforcement officers. RCW 35.64.010, however, declares no public purpose and imposes no restrictions on a private-sector entity that operates a zoo or aquarium; rather, the statute imposes requirements upon the contracting city to implement financial oversight

measures designed to ensure accountability in the expenditure of city funds "consistent with the contract." There is nothing in RCW 35.64.010 to suggest that cities may not wholly delegate the operation of zoos to the private sector. The Court of Appeals correctly analyzed this factor and further review is unwarranted.

2. The Court of Appeals correctly determined that the level of government funding WPZS receives does not weigh in favor of applying the PRA.

All of the prior Washington cases applying the *Telford* test support the Court of Appeals' holding that because WPZS receives the majority of its funding from private sources, this factor does not weigh in favor of applying the PRA. App. 14-15. Fortgang, however, dismisses the analysis contained in those cases as merely "passing references to public funding."[5] Pet. at 13. According to Fortgang, the level of public funding received by a private entity should be ignored in favor of the total dollar amount of public funding and the form of public funding—two elements found neither in *Telford* and its progeny nor in the text of the PRA.

Fortgang mischaracterizes the court's resolution of this factor, claiming that under the decision here "disclosure is automatically disfavored unless government funds comprise 'a majority' of the entity's

[5] It is difficult to conceive how the discussions of government funding in these cases can be considered mere "passing references" when the level of government funding is one of the four factors essential to determining whether a private entity is the functional equivalent of a public agency for purposes of the PRA.

funds." *Id.* at 14. The Court of Appeals stated no such rule. Instead, the court observed that "the rule consistently applied by Washington courts following *Telford* [is that] the government funding factor weighs in favor of applying the PRA when the entity at issue receives the majority of its revenue from public funds" but that even in *Spokane*, 25 percent of private funding was sufficient to weigh against application of the PRA. App. 14-15. Here, non-public funding accounts for 74 percent of WPZS's revenue. There is nothing "automatic" or "binary" about the court's analysis of the funding factor in this case; to the contrary, the court distilled the analysis in the prior cases and applied it correctly to the facts at issue here. Fortgang's invitation to depart from the established government funding analysis and instead examine the total dollar amount or form of government funding finds no support in the case law and should be rejected.

3. The Court of Appeals correctly determined that the government control factor does not weigh in favor of applying the PRA to WPZS.

Fortgang also misstates the Court of Appeals' holding with respect to the government control factor. The court did not hold, as Fortgang claims, that the government control factor only weighs in favor of applying the PRA where "the government's control over the entity is so substantial that its employees are entitled to government employee

benefits and the government would be liable for the entity's unlawful acts." Pet. at 14. While such substantial control likely would be sufficient to weigh in favor of applying the PRA, nothing in the court's decision here makes such substantial control necessary for disclosure. Regardless, the City exercises virtually no control over the Zoo's operations therefore the Court of Appeals was correct that this factor does not weigh in favor of applying the PRA to WPZS.

In *Sebek*, the Court of Appeals indicated that the question of whether WPZS operates as an arm of the City or de facto City agency "turns on whether [the City] exerts a 'right of control' over [WPZS]." 172 Wn. App. at 280 (citing *Dolan v. King County*, 172 Wn.2d 299, 312-13, 258 P.3d 20 (2011)). To answer this question, the court examined the Management Agreement, observing that its terms provide WPZS "shall exclusively manage and operate the Zoo" and control "what exhibits are to be displayed, how they are to be displayed, what animals [WPZS] decides to purchase, and how [WPZS] decides to care for the animals." *Id.* at 279-80. Contrasting this with the "stringent control" the City exercised over the organizations at issue in *Dolan*, the court ultimately concluded that under the Agreement the City has no "right of control" over WPZS. *Id.*

In this case, the court considered the same "indicia of control for purposes of the PRA analysis" as those it considered in *Sebek*—for

example, that the Agreement gives the City no control over day-to-day operations at the Zoo, that WPZS owns and cares for the Zoo animals, and that WPZS exclusively controls what exhibits are to be displayed.[6] App. 18 & n.14. The court did not state that the government control factor only weighs in favor of applying the PRA when the level of control is sufficient to impose municipal liability. Indeed, the court discussed and rejected Fortgang's specific arguments regarding control outside of the holding in *Sebek*. The court then explained that the City's level of control over WPZS already had been determined in a similar prior case therefore there was "no reason to apply a different analysis of government control to the facts presented here." *Id.* After a thorough analysis, and on "the unique facts presented here," the court correctly concluded that nothing in the Agreement demonstrates "sufficient City control over WPZS' exclusive authority to manage and operate the Zoo" to weigh in favor of disclosure under the PRA. App. 16-21. Further review is not warranted.

4. The Court of Appeals correctly focused on WPZS's origin.

Washington case law is clear that in determining whether a private entity is the functional equivalent of a public agency for purposes of the PRA, courts are to examine "whether the entity was created by

[6] The court also noted, among other things, that WPZS "exercises complete control over its employees," and controls "setting price for admission, collecting and spending admission proceeds, and contracting vendors for visitor services." App. 18.

government." *Telford*, 95 Wn. App. at 162 (emphasis added); *Clarke*, 144 Wn. App. at 195 ("TCAC . . . is not an entity created by the government."); *Cedar Grove*, 188 Wn. App. at 719 (under *Telford*'s fourth factor, courts ask "if the government created the entity"). Fortgang would rewrite this factor as "whether the entity's operations involve a facility that has ever been run by the government." This approach was rejected in *Spokane*, and has never been adopted by any Washington court.

In *Spokane*, the city built and operated a community center on public property pursuant to the city's municipal code. 133 Wn. App. at 609. A city employee operated the center until a city advisory committee recommended the center be independently operated by the West Central Community Development Association, a private entity. *Id.* at 609-10. Analyzing the origin factor under *Telford*, the court found it weighed against application of the PRA despite the fact that the City had originally developed the community center. *Id.* at 610.

Here, it is "undisputed that the government played no role in WPZS' creation." App. 22. Fortgang has cited no persuasive authority that "the Zoo's origin" or its "public-facility attributes" are relevant to the PRA analysis—moreover, *Spokane* holds to the contrary. *Id.* Fortgang's disingenuous claim that she requested information "pertaining to the operation of the municipal Zoo" carries no significance in the origin

analysis. Pet. at 17. There is no municipal zoo in Seattle; rather, there is Woodland Park Zoo, since 2002 entirely operated by WPZS, a registered 501(c)(3) non-profit corporation for the entirety of its over 50 years of existence. The Court of Appeals correctly focused on WPZS's origin to determine that this factor does not weigh in favor of applying the PRA.[7]

V. CONCLUSION

Applying the well-established *Telford* test, the Court of Appeals conducted a straightforward and practical analysis of the facts of this case to determine that WPZS is not the functional equivalent of a public agency for purposes of the PRA. Fortgang does not seek review of the *Telford* test and does not assert the Court of Appeals' decision is contrary to any prior Washington decision applying the *Telford* test. Application of the test is intensely factual in nature and the result will vary depending on the unique facts of each case. Fortgang's disagreement with the Court of Appeals' factual analysis does not create an "issue of substantial public interest that should be determined by the Supreme Court." RAP 13.4(b)(4). Indeed, that analysis was thorough and sound. WPZS respectfully requests the Court deny the Petition for Review.

[7] Moreover, examination of the Zoo's origin would yield the same result. Contrary to Fortgang's claim, the Zoo was not created by the City. Guy Phinney developed a private zoo at what is now Woodland Park as part of his residence estate and sold it to the City in 1900. *See* http://www.seattle.gov/parks/history/WoodlandPk.pdf at 2.

RESPECTFULLY SUBMITTED this 1st day of April, 2016.

PACIFICA LAW GROUP LLP

By _____
Paul J. Lawrence, WSBA #13557
Gregory J. Wong, WSBA #39329
Tania M. Culbertson, WSBA #45946

Attorneys for Respondent

CERTIFICATE OF SERVICE

I am and at all times hereinafter mentioned was a citizen of the United States, a resident of the State of Washington, over the age of 21 years, competent to be a witness in the above action, and not a party thereto; that on the 1st day of April, 2016 I caused a true and correct copy of the foregoing document to be filed with the Court of Appeals and served electronically, via email, per the electronic service agreement, to the parties listed below:

Rob Roy Smith Christopher T. Varas KILPATRICK, TOWSEND & STOCKTON, LLP 1420 Fifth Avenue, Suite 4400 Seattle, WA 98101	Email: rrsmith@kilpatricktownsend.com Email: cvaras@kilpatricktownsend.com

Attorneys for Plaintiff

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

DATED this 1st day of April, 2016.

Katie Dillon

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Subject: Fortgang v. WPZS: Respondent's Answer to Petition for Review

On behalf of Gregory J. Wong (WSBA No. 39329), attorney for Woodland Park Zoological Society, attached please find Respondent's Answer to Petition for Review.

Please note that our reception, address suite number and zip code have changed.

Katie Dillon
Paralegal

PACIFICA
LAW GROUP

T 206.245.1700 D 206.245.1707
1191 Second Avenue, Suite 2000 Seattle, WA 98101-3404
Katie.Dillon@PacificaLawGroup.com