

NO. 94313-3

IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

(Division III Court of Appeals Cause Number 347222)

PALMER D. STRAND AND PATRICIA N.

Petitioner/Plaintiff

v.

SPOKANE COUNTY AND SPOKANE COUNTY ASSESSOR

Respondent/Defendant

PETITIONER PALMER D. AND PATRICIA N. STRAND'S MOTION
FOR DISCRETIONARY REVIEW

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Petitioner

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I. IDENTITY OF PETITIONER

II. THE PETITIONERS ARE PATRICIA (“PAT”) STRAND AND HER HUSBAND PALMER STRAND, PROPERTY OWNERS IN SPOKANE COUNTY AND THE PLAINTIFFS BELOW. THEY MADE THE PUBLIC RECORD ACT (“PRA”) REQUESTS THAT ARE ISSUE IN THIS CASE. DECISION BELOW

The Strands are seeking Discretionary Review of the Division Three Court of Appeals (“COA 3”) Order denying review of all Orders of the Trial Court – orders on summary judgment, reconsideration, penalty and costs in the Petitioners’ PRA case.¹ [A0422-436]².

III. ISSUES PRESENTED FOR REVIEW

1. Did COA 3 commit an obvious error which would render further proceedings useless when it denied review of all of the Trial Court’s Orders?
2. Did COA 3 commit probable error and did the decision of COA 3 substantially alter the status quo or substantially limit the freedom of a party to act in PRA cases?
3. Has COA 3 so far departed from the accepted and usual course of judicial proceedings or so far sanctioned such a departure by a trial court as to call for the exercise of revisory jurisdiction by the Supreme Court?

¹ The Commissioner of the Division Three Court of Appeals denied discretionary review on November 8, 2016, the order was amended on December 13, 2016 [A0431-433] and review was denied by a panel of the appellate court judges on on February 28, 2017 [A0434-436]

² [A0] is prefix and presentation of Appendix of records – [A0001 to A0436]

IV. STATEMENT OF THE CASE

In February 2009 Patricia Strand (“Pat”) asked the Assessor’s office why her property taxes went up \$1,367 on the five acres she owns along Long Lake in Nine Mile Falls. She was told to call the appraiser assigned her property. She called, emailed questions, called, and emailed record requests. Two weeks later her appraiser called to say he was too busy to talk but that she should appeal if she was not satisfied. So Pat asked her appraiser and then the Assessor for their policies and procedures on appeals and the basis of her valuations. The PRA requests also were ignored.

In March 2009 Pat appealed her valuation and received the Assessor’s Answer to Real Property Petition to the Spokane County Board of Equalization (“Answer”; “BOE”). RCW 84.48.150 required the Assessor identify the comparable sales or valuation criteria and addresses of the specific properties used to value her property. The Answer neither said or identified these things. The Answer was the Assessor’s only appeal filing.

In April 2009 Pat asked for and received appraisals from the Assessor – their opinion of value – on the properties in the Answer. Pat is a retired CPA who did taxes. She knew loan and Fannie Mae appraisals. Pat also monitors property values and property sales in her area to monitor her property’s market value. So, the Assessor’s appraisals should have been something familiar but they were not. The appraisals had problems. Her

appraisal had a lot of errors and omissions: (1) her property's address was wrong, (2) the city was wrong, (3) the ownership information was wrong, (4) the house was wrong (two-story versus an actual one-story, an unfinished partial basement versus an actual full-finished basement as shown on the building permit), and (5) there was no explanation of why her value changed from \$306,100 to \$417,100 (the land increased from \$100,000-to-\$200,000). The other appraisals had the same problems: (1) wrong addresses, (2) buildings were missing (structures, RCW 84.40.030 and WAC 173-27-030(15)), (3) in-property (private) roads were missing, (4) docks were missing. Pat notified the Assessor about their appraisal errors and requested more records. The PRA requests also were ignored.

The Answer, the appraisals and research showed Pat **38 properties** of interest including more than **25 properties similar** to hers – on the Charles Road plateau around 100 feet above Long Lake in Nine Mile Falls (emphasis added).

RCW 84.40.030 states that the basis for property valuation, assessment and appraisal is

One hundred percent of . . . (1) Any sales of the property being appraised or similar properties with respect to sales made within the past five years . . . (3) In valuing any tract or parcel of real property, the true and fair value of the land, exclusive of structures thereon .. also value structures.

The realty term for Pat's property is high-bank waterfront. The real

estate market crashed in 2007-2008. High-bank waterfront in Nine Mile Falls crashed harder.

In May 2009 Pat asked her appraiser to inspect her property to show him their errors: (1) her house was not two-story, (2) the Answer's other houses were substantially better than Pat's according to their appraisals' quality of construction and valuations, (3) the Answer's other properties had structures that she did not have, (4) the Answer's other properties were never valued and assessed at 100% of their sale prices (RCW 84.40.030) and, (5) the value of the missing structures appeared to be buried in the land value violating RCW 84.40.030. Pat's land value was raised because these properties sold between 2005-2007 at really high prices. The Assessor was valuing Pat's land at \$200,000 based on structures Pat did not have and a market that was dramatically less valuable.

Her appraiser and his supervisor inspected her property with no paper – no appraisals describing her property or the Answer's other properties – and they did no writing. At the end of their inspection they asked Pat if her basement was finished, to which she said yes, and then they left.

On July 31, 2009 as a result of this inspection the Assessor **increased** the value of Pat's house another \$32,800. The appraisal showed the Assessor kept their two-stories error and added a *partial-finished basement* (emphasis added) with an increase in taxes of \$510.60. Pat asked for the

inspection report, and the records for the basis of the \$32,800 increase, and the basis for the original valuation. The PRA requests were also ignored.

Pat lost this appeal at the BOE and State Board of Tax Appeals (“BTA”). Pat lost four more appeals through 2016. The appeal hearings educated Pat on the law and the Assessor. Example 1: In 2010 the WA. Department of Revenue stipulated revaluation would only be approved if inspection records were adequate. [A0262-263] Example 2: in January 2016, her appraiser testified before the BTA in Docket 13-179 that the basis of Pat’s 2013 \$200,000 land assessment was the 2008 assessment because there were no similar property sales so he just left the value alone. [A0282-289] Her appraiser had the authority to leave her value alone from 2008-to-2016. This testimony was the first and only time the Assessor identified any basis for Pat’s land value. RCW 84.40.030 does not allow basing assessments on assessments.

Pat has been requesting the basis for the valuation of the 38 properties of interest from 2009 through the present. The Assessor’s years of denying Pat the records resulted in three lawsuits proving PRA (RCW 42.56 et seq.) violations in Spokane County Superior Court, *Strand v. Spokane County and Spokane County Assessor* – 13-2-00123-8 (2014), 14-2-01079-1, and 16-2-01079-7 and in COA 3 Case Numbers 341909 and 347222.

Assessor Horton testified in January 2015 in *Case 14-2-01079-7* about

how her office does neighborhood statistical analysis for annual revaluations [A0327 No. 2] and creates and uses these records in physical inspections – pre-and-post inspection appraisals, aerial photographs, on-site notes, building permits, sketches, inspection schedules, maps, etc. – to identify the characteristics of value on property (RCWs 84.40.030, 84.41.041 and WAC 458-07-015(4)) [A0264-274] The majority of her testimony was elicited in cross examination and questions by the court. It was not volunteered and it did not group inspection records in anyway.

The testimony in BTA Docket 13-179 and *Case 14-2-01079-7* were the basis for the records Pat requested on March 2, 2015. [A0018-40] These are the records the Assessor denied existed on March 27, 2015. [A0042-46] This is the genesis of *Case 16-2-01079-7* and this appeal.

A. The Public Records Requests and Responses

On March 2, 2015, Pat made a PRA request for the records showing how the Assessor determined the land and structure values on nine Answer properties’ – valuation and inspection records. [A0018-40; A0264-274]

On March 27, 2015, the Assessor produced the following records in response [A0042-46] and closed their record production [A0042 (14)]:

(1) 121 pages of aerial photographs of neighborhoods.

(2) 123 appraisals that show assessments but no inspection reporting, no basis for valuing land or structures and an awesome inflation factor.

(3) A U. S. geological survey map for one of the three neighborhoods wherein the nine properties requested exist.

(4) 23 pages of two property's appeals that are completely responsive.

(5) 103 pages of assessment reports for neighborhood 231720. The nine properties are in three neighborhoods. These reports show the assessments not where the assessments came from.

(6) 558 pages of every sale in the County for years 2008-2010. The sales are for the wrong years. The sales do not identify what was sold (land, structures, residential, commercial, other). These sales are not the basis for valuing these nine properties under RCWs 84.40.030 and 84.48.150.

Three times between April 7-24, 2015 Pat notified the Assessor specifically why the responses were deficient. [A0321-323, 326-329, 332] The Assessor's Public Records Officer, Frank Oesterheld, repeatedly denied any additional records existed or would ever be produced. [A0324-25, 330-331, 333-334]

B. Pat Sued the Assessor for PRA Violations

On February 26, 2016 Allan Margitan the owner of parcel 17274.9110 – number one of the nine properties [A0018] – requested the Assessor's inspection records of his property and on March 11, 2016 the Assessor produced 111 inspection records for him. [A0089-167, 224-255] Mr. Margitan's inspection ended around January 26, 2015 [A0142] – within

Pat's request period. [A0018] The 111 records exactly conform to Assessor Horton's testimony in *Case 14-2-01079-1* [A0264-274] thereby proving false Mr. Oesterheld's denials such records exist [A0013 No. 6].

On March 18, 2016 Mr. Margitan gave Pat copies of his 111 inspection records.

On March 21, 2016, Pat filed *Case 16-2-01079-7*. [A001-3]

C. PRA Violations Proven by the Assessor

On May 6, 2016, Pat received 19 records from the Assessor with the following message:

In response to the lawsuit you recently filed . . . the Assessor's office has reviewed its public records response which is the subject of that lawsuit. During this review, we discovered four documents related to a 2011 State Board of Tax Appeals (SBTA) . . .

(emphasis added) [A0065]

These are 19 records [A0067-85] on the valuation appeal of the third of the nine parcels, Blair. [A0018] These records were produced because Pat sued.

D. Summary Judgment

On May 9, 2016, Defense filed for summary judgment. The memorandum [A004-10] argument, "The Plaintiff Has Failed to Show A PRA Violation". [A006] The motion is not in the record. [A0419] This mistake has never been corrected, CR 60. The Trial Court never advised or relieved Pat of the effects of this mistake. COA 3 ignored this mistake. The

Defense argument for summary judgment ignored the 19 Blair records that were produced after Pat sued, which established a clear PRA violation. There was also a Declaration of Frank Oesterheld in which he swore “under penalty of perjury” that “pre/post inspection appraisals downloaded for inspection” “do not exist”. [A0012-15, No. 6] This declaration is a materially false statement, RCW 9A.72.020.

On May 20, 2016, Pat opposed the summary judgment motion by introducing into evidence 79 [A0089-167] of the 111 Margitan records to prove: (1) PRA violations, (2) Mr. Oesterheld’s false statements and (3) the Assessor’s silent withholding of records.

The false statements are because 16 pages of “pre/post inspection appraisals downloaded for inspection are in evidence” [A0129-130, 135, 137-140, 144-153] and Mr. Oesterheld as Executive Assistant to Assessor Horton was involved in the inspection in 2015 that generated them and he gave the records to Mr. Margitan in March 2016 [A0089-90] before making the declaration that they did not exist in May 2016 [A013 No. 6].

Progressive Animal Welfare Society v. University of WA., 125 Wn.2d 243 at 270, 884 P.2d 592 (1994) (“*PAWS II*”), states:

the PRA prohibits silent withholding by agencies of records relevant to a public records request . . . 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 . . . 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.

Pat did not file 32 of the 111 Margitan records to see if the Assessor would produce them. They have never been produced.

E. Partial Summary Judgment

On June 24, 2016, Defense filed a memorandum [A0054-59] and another declaration [A0060-167] for partial summary judgment asserting: (1) timely production of records on March 27, 2015 [A0054, line 20], (2) the production of 17 Blair records on May 3, 2016 [A0061 #5], and (3) the belief that only 44 of the 79 Margitan records were responsive to Pat's PRA request and therefore acknowledged violations of the PRA [A0087].

This memorandum nullifies Defense argument for summary judgment, "The Plaintiff Has Failed to Show A PRA Violation". On June 27, 2016, Pat refuted all assertions in the defense memorandum for partial summary judgment. [A0168-172] Defense did not identify any RCW that exempted the records. No reason was given for why 19 Blair records allegedly became 17 (*id.*) or why a response on March 27 to a request on March 2 was timely. No motion for partial summary judgment is in the record. [A0420] This mistake has never been corrected, CR 60. The Trial Court never advised or relieved Pat of the effects of this mistake. COA 3

ignored this mistake.

Mr. Oesterheld's declaration says of the Margitan records,

Those types of records are not contained in the other parcels subject to Mrs. Strand's request because either there was no new construction or access was granted relative to those parcels.

These two memoranda and declarations are the only Defense filings for summary judgment and partial summary judgment.

On July 1, 2016, the Trial Court held a hearing for *Partial Summary Judgment* [A0190 lines 11-15] (emphasis added). [A0176-196] During the hearing Defense changed Blair to 19 records and the date produced [A0179 line 24], repeated its belief exemption [A0180 line 3-8], and said Pat's request is now completely satisfied. Pat said there are more records: photographs [A0182 line 9], inspection schedules [A0182 line 17], records of the basis for valuations [A0183 line 20], etc. The Trial Court's order, "*Order Granting Defendant's Motion for Partial Summary Judgment*" granted *Summary Judgment* in a hearing for *partial summary judgment* (emphasis added) based on nonexistent motions and ignoring Pat's and Defense filings and evidence precluding summary judgment. [A0174-175]

F. Reconsideration

On July 6 and 14, 2016, Pat filed a motion and memoranda for reconsideration against summary judgment that included the 32 withheld Margitan records [A0224-255] – new evidence proving the Assessor was

still silently withholding records. [A0197-223] These memoranda included interrogatories served in June and due back starting July 7, 2016 that the very fast pace of the Trial Court vitiated. [A0357-380]

On July 26, 2016, the Trial Court denied reconsideration of summary judgment with no findings and ignoring the 32 Margitan records that should have precluded summary judgment. [A0335-337].

G. Costs and Penalties

On August 22 and 26, 2016, Pat filed her memoranda for the determination of the amount of the penalty award for the few records the Court held had been denied based on her multi-factor *Yousoufian v. Sims* analysis of the record. [A0338-356] Her analysis addressed these aggravating factors:

- an Assessor not disclosing the basis for valuing real property undermines the public trust [A0340 A and B],
- silent withholding of records undermines court review [A0343 C.],
- the Assessor's negligent, reckless, wanton, bad faith and intentional noncompliance [A0343 lines 3-21; 347 lines 11-23],
- discrimination in the Assessor's disclosure of records to Margitan not Pat [A0342 line 20 to 344 line 17],
- asserting exemptions not in compliance with PRA [A0340 line 15-23, 343 line 22 to 344],

- an inadequate search for public records [A0345 line 12-25],

Pat requested a penalty of \$100/day and reimbursement for consultant-attorney fees (\$612) and costs totaling \$1,180.16.

On August 26, 2016 penalty and cost arguments were heard.

[A0384-407] The Defense argued there were just two PRA violations based on record-groupings – one Blair (BTA) and two Margitan – and that the Assessor did everything right so no penalty was appropriate. The Trial Court agreed to the argument and penalized them just \$1-per-day for two violations. [A0404 line 15 – 406 line 17] The Trial Court ruled legal fees were only due when the attorney appeared. [A0402 line 17 – 404 line 3]

H. Notice of Appeal

On September 8, 2016, Pat filed her Notice of Appeal of all three Trial Court orders. [A0408-417]

On February 28, 2017, COA 3 rejected review of the summary judgment order and denial of reconsideration order claiming the appeal notice had to have been made within 30 days of the order and not after the final order determining penalties.

V. ARGUMENT

The Court should grant discretionary review under RAP 13.5(b)(1)-(3). The Strands deserve to have the orders on summary judgment and denying reconsideration reviewed along with the order assessing penalties

and costs for the two groups of documents. The Trial Court's Orders deeming the silent withholding of dozens of records to not be a violation must be reviewed alongside its holding to award just \$1 a day for the two groups of records the Trial Court held had been secretly denied.

RCW 42.56.550(4) plainly states judicial review of all Assessor actions taken or challenged under RCW 42.56.030 - 42.56.520 is de novo. *West v. Dept. of Licensing*, 182 Wn. App. 500 at 507; 331 P.3d 72 (2014),

When interpreting a statute, we conduct a de novo review. We interpret a statute so as to ascertain and give effect to the legislative intent. "If the statute's meaning is plain, [the court] give[s] effect to that plain meaning as the expression of the legislature's intent." "Statutes must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous."

COA 3's ruling is contrary to the Supreme Court decision in *PAWS II* at 598,

Turning first to the nature of appellate review under the Public Records Act, the statute specifies that "judicial review of all agency actions taken or challenged under RCW 42.17.250 through 42.17.320 shall be de novo." RCW 42.17.340(3). In *Spokane Police Guild v. Liquor Control Bd.*, 112 Wn.2d 30, 35-36, 769 P.2d 283 (1989), we noted that the appellate court stands in the same position as the Trial Court where the record consists only of affidavits, memoranda of law, and other documentary evidence. This principle was drawn from the general rule that where the record both at trial and on appeal consists entirely of written and graphic material -- documents, reports, maps, charts, official data and the like -- and the Trial Court has not seen nor heard testimony requiring it to assess the credibility or competency of witnesses, and to weigh the evidence, nor reconcile conflicting evidence, then on appeal a court

of review stands in the same position as the Trial Court in looking at the facts of the case and should review the record de novo.

Reviewing the decisions de novo, it is clear that Pat proved PRA violations, and that Pat timely appealed the rulings as soon as the Trial Court issued a final ruling that could be appealed.

A. COA 3 Erred in Failing to Consider the *Yousoufian v. Sims* Multi-factor Test Means a Full Review that Inevitably Supports Modification of the Ruling Under RAP 18.8

Yousoufian v. Sims at 459 states:

Determining a PRA penalty involves two steps: "(1) determine the amount of days the party was denied access and (2) determine the appropriate per day penalty between \$5 and \$100 depending on the agency's actions." . .

The multi-factor test has seven mitigating factors and nine aggravating factors to consider in terms of the agency's actions – *the record* (emphasis added). [A0339] The test means a complete review of the record. Such a review inevitably discloses the Trial Court's *unlawful* orders for summary judgment/partial summary judgment and reconsideration (emphasis added).

B. COA 3 Erred In Not Considering Mistakes in Civil Rules By Defense That Damaged Plaintiff And Were Ignored by the Trial Court

Defense violated CR 5, CR 56 and CR 60. The record shows there are no Motions for Summary Judgment and Partial Summary Judgment. [A0419-420] It was error for the Trial Court to enter an Order for a Motion not in the record, and error for COA 3 to deny review of such Orders.

C. The Trial Court Abused Discretion in Ordering Summary Judgment/Partial Summary Judgment

Defense had *one argument for summary judgment* [A006 line 12] – “The Plaintiff Has Failed to Show A PRA Violation” – in its two filings for summary judgment [A004-10]. The argument was supported by the Declaration of Frank Oesterheld [A0012-15], the second summary judgment filing. Mr. Oesterheld made these materially false statements (RCW 9A.72.020) in his declaration –

6. The following documents could not be produced because they do not exist: Parcel - 17274.9110 – Records Requested – Pre/post inspection appraisals downloaded for inspection [A0013]
I hereby declare under the penalty of perjury and the laws of the State of Washington that the following statements are true.
[A0015]

Mr. Oesterheld’s statements destroy his credibility and the Assessor’s. Pat rebutted the summary judgment argument.³

D. The Trial Court Abused Discretion In Hearing Statements

The Court made no findings of fact to support the orders. The Orders were prepared by Defense Attorney Binger. [A0195 line 20; A0406 line 18]
The hearing transcripts are the Court’s record. On July 1, 2016, the Court spoke on summary judgment/partial summary judgment [A0190-196]

- (1) Summary judgment should be granted if the pleadings, depositions, interrogatories, declarations on file demonstrate that there is no

³ SEE: Petitioner Palmer D. and Patricia N. Strand Motion for Discretionary Review page 8, D. Summary Judgment

material issue of fact in dispute, and then, summary judgment should be granted as a matter of law. [A0190 line 2]

- (2) The Court's use of ***WE when stating the County's position*** indicates the Court identifies with the County; ***WE*** was used 16 times (emphasis added). [A0192 line 17 – A0194 line 13]
- (3) The Court knows Mr. Margitan. [A0193 lines 9-20]
- (4) The Court did not consider the Assessor and Mr. Oesterheld as relevant because except for stating the case neither appear. [A0194 line 11-13]
- (5) "I've studied this matter in detail. I read all the material that counsel and Ms. Strand provided to me. I'm satisfied that the County has provided to Ms. Strand everything it has, and ***the County has certified that they've given Ms. Strand everything*** they have (emphasis added). The only disagreement that's presented to that is Ms. Strand's argument, conjecture, and speculation. That does not defeat summary judgment, so I'm satisfied summary judgment should be granted as a matter of law." [A0195 line 5]

On August 26, 2016, the Court spoke about the penalty. [A0404-407]

- (6) "It's clear to me that the Assessor, and I'll just say the County, did not engage in any -- the nine aggravating factors . . ." [A0404 line 8]
"The only possible aggravator that could apply, of the nine, would be number three, which is the, quote, lack of training and supervision of the agency's personnel. That's the only aggravating factor that can even possibly apply to these circumstances. But, having said that, it's really a de minimis lack of training, if you will. I'm even hesitant to suggest that's what it is, but it's the only portion of the nine factors that fits. It's de minimis in the scheme of things." [A0404 line 15]

"When the Court lines up the aggravators with the seven mitigating factors, that is much, I suppose, a much more clear indication of the analysis and where we should go, the seven mitigating factors. And those mitigating factors, I'm satisfied, apply to this case across the board. And to sum it up, this is hardly a wanton or bad faith denial of records to Ms. Strand. And the County's explanation in that regard, despite an attempt, which I respect, to spin it a different way, the County's explanation is reasonable and in good faith under the circumstances. Did it comply

in total? No, but the explanation makes complete sense. It wasn't bad faith."

E. The Trial Court Erred In Accepting the Belief Exemption

PAWS II at 598,

an agency claiming an exemption must provide a link to a specific exemption. The agency claimed it believed the records were exempt, but it never identified the exemption and never showed where it had told the Strands the records were exempt, and this evidence was never never requested by the Court.

F. The Trial Court Erred In Exercising Judicial Exemptions

Pat introduced 32 new Margitan records silently withheld by the Assessor into evidence with her memorandum for reconsideration. The Trial Court exempted them by ignoring them as evidence of PRA violations. *PAWS II* at 260, states the Court does not have exemption authority,

Nor does it make sense to imagine the Legislature believed judges would be better custodians of open-ended exemptions because they lack the self-interest of agencies. The Legislature's response to our opinion in *Rosier* makes clear that it does not want judges any more than agencies to be wielding broad and maleable exemptions. The Legislature did not intend to entrust to either agencies or judges the extremely broad and protean exemptions that would be created by treating section .330 as a source of substantive exemptions.

G. The Trial Court Abused Its' Discretion in Finding Two PRA Violations at \$1-Per-Day and Not Reimbursing on All Plaintiff Costs

The 111 Margitan records are one violation according to the Defense and the Court because they are allegedly one record-group. The record

contradicts this. Assessor Horton introduced each record separately [A0264-274] – not a group. Pat requested and clarified her requests for separate records – not a group. [A0018, A0321-323, 326-329, 332] Mr. Oesterheld treated them as separate records in his response and denials. [A0042-46, A0321-323, 326-329, 332] He created four groups of records existing and not [A0013 No. 6] and belief exempt and not [A0087]. The Trial Court introduced another group – the ignored judicially exempt records. Pat concludes there are 11 groups of Margitan records.

Pat’s penalty memorandum [A0338-347] cites the record to prove an award of \$1-per-day is an abuse of discretion. The Assessor has lost three PRA lawsuits all based on silent withholding of the core records of their duty – valuing real property. The penalties have decreased with each case. [A0347 lines 11-2] Such penalty awards by trial courts bolster agencies breaking the law with impunity and justify distrust of these agencies.

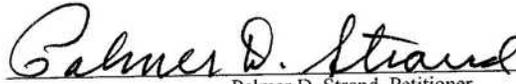
RCW 42.56.550(4) plainly states Pat is to be awarded all costs, including reasonable attorney fees because this Court determined she proved PRA violations. The PRA does not require Pat hire an attorney to appear for her in court. *West v. Dept. of Licensing* at 507, states:

If the statute's meaning is plain, [the court] give[s] effect to that plain meaning as the expression of the legislature's intent.

VI. RELIEF REQUESTED

Discretionary Review is requested to stop the train wreck of errors by Defense, the Trial Court and COA 3 and get the review process back on the rails. All of the Trial Court's Orders should be reviewed because that is the law. All of the Trial Court's Orders should be reviewed because that is established practice. And all of the Orders – COA 3 and the Trial Court – should be reviewed because the record shows they were wrong.

RESPECTFULLY SUBMITTED this 30th day of March, 2017.


Palmer D. Strand, Petitioner


Patricia N. Strand, Petitioner

CERTIFICATE OF SERVICE

I certify that on March 30, 2017 I served a true and correct copy of
Petitioner's Palmer D. and Patricia N. Strand's Motion for
Discretionary Review to:

Spokane County and
Spokane County Assessor
Prosecutor Binger
Civil Division of the Prosecutor's Office
1115 W. Broadway Avenue
Spokane, WA 99260-0010

BY: Hand Delivery

Division III Court of Appeals
500 N Cedar St
Spokane, WA 99201

BY: Hand Delivery

Supreme Court
Temple of Justice
PO Box 40929
Olympia, WA 98504-0929
Email: supreme@courts.wa.gov

BY: email for Motion
BY: U.S. mail for Appendices
(mailed 3/27/17)

DATED this 30th day of March, 2017



Patricia N. Strand, Petitioner