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No. 95937-4

WASHINGTON SUPREME COURT

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EDWARD KILDUFF,

*Appellant,*

v.

SAN JUAN COUNTY et al.,

*Respondents.*

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BRIEF OF AMICUS CURIAE

WASHINGTON COALITION FOR OPEN GOVERNMENT

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## **I. IDENTITY AND INTEREST OF AMICUS**

The Washington Coalition for Open Government (“WCOG”), a Washington nonprofit corporation, is an independent, nonpartisan organization dedicated to promoting and defending the public’s right to know in matters of public interest and in the conduct of the public’s business. WCOG’s mission is to help foster open government processes, supervised by an informed and engaged citizenry, which is the cornerstone of democracy. WCOG represents a cross-section of the Washington public, press, and government. Its board of directors exemplifies this diversity. A description of WCOG’s board of directors is attached to WCOG’s *Motion for Leave to File Brief of Amicus Curiae* as an **Appendix**.

## **II. STATEMENT OF THE CASE**

WCOG relies on the facts set forth in the parties’ briefs.

## **III. ARGUMENT**

SCC 2.108.130 is an invalid attempt by San Juan County to incorporate mandatory administrative remedies into the PRA. The policies underlying the doctrine of exhaustion of administrative remedies do *not* apply in PRA cases. Nothing in the PRA authorizes agencies to create mandatory review processes. SCC 2.108.130 is invalid because it directly conflicts with RCW 42.56.520(4), which requires agencies to

establish review processes, but does not require requestors to use such processes before seeking judicial review.

**A. The doctrine of exhaustion of administrative remedies is *not* applicable to PRA cases.**

Citing two land use cases the County erroneously assumes that the doctrine of exhaustion of administrative remedies applies in PRA cases. *Resp. Br.* at 17. But none of the five rationales for this doctrine, drawn from *Durland v. San Juan Cty.*, 182 Wn.2d 55, 340 P.3d 191 (2014), apply to PRA cases:

[The doctrine of exhaustion] (1) insure[s] against premature interruption of the administrative process; (2) allow[s] the agency to develop the necessary factual background on which to base a decision; (3) allow[s] exercise of agency expertise in its area; (4) provide[s] a more efficient process; and (5) protect[s] the administrative agency's autonomy by allowing it to correct its own errors and insuring that individuals were not encouraged to ignore its procedures by resorting to the courts.

*Durland v. San Juan Cty.*, 182 Wn.2d at (quoting *S. Hollywood Hills Citizens Ass'n for Pres. of Neighborhood Safety & Env't v. King Cty.*, 101 Wn.2d 68, 73-74, 677 P.2d 114 (1984)). On the contrary, the policies underlying the doctrine of exhaustion of administrative remedies conflict directly with the policies of the PRA.

First, concerns about the “premature interruption of the administrative process,” *Durland v. San Juan Cty.*, 182 Wn.2d 55, 68,340 P.3d 191 (2014) are not applicable to PRA cases because there is no

“administrative process” in PRA cases. A PRA request is not an application for a permit where the applicant has the initial burden to establish that the factual and legal predicates for the permit are met. A requestor has no obligation to prove that records exist or that the requested records are not exempt. A requestor is only required to state a PRA request with sufficient clarity to put the agency on notice that a PRA request has been made. *Beal v. Seattle*, 150 Wn. App. 865, 872-873 n.12, 209 P.3d 872 (2009) (citing *Wood v. Lowe*, 102 Wn. App. 872, 878, 10 P.3d 494 (2000)).

Second, there is no need to create an administrative factual record for an agency’s decision in a PRA case. The requestor in a PRA case does *not* have any burden of proof. RCW 42.56.550(1). Consequently, the requestor has no obligation to create or contribute to any administrative factual record. Indeed, SCC 2.108.130(A) does not require the requestor to submit any factual information to the County other than merely identifying the PRA response at issue.

Nor is there any reason for an agency to create a factual record prior to judicial review in a PRA case. Unlike in the administrative context, agencies have no authority to make findings of fact in PRA cases.

See RCW 36.70C.130(1)(c) (under LUPA<sup>1</sup> an agency's findings of fact are reviewed under the substantial evidence test). Nor is a reviewing court in a PRA case constrained by the agency's factual record. See RCW 36.70C.120(1) (judicial review under LUPA is confined to record created by quasi-judicial tribunal's factual record). Under the PRA, the agency has the burden of proof and judicial review is *de novo*. RCW 42.56.550(1), (3).

Third, agencies have no special "expertise" in complying with the PRA. The doctrine of exhaustion of administrative remedies applies in cases where an agency has particular expertise, either in a specialized area of regulation or in interpreting and applying local codes. See *Port of Seattle v. Pollution Control Hearings Bd.*, 151 Wn.2d 568, 595, 90 P.3d 659 (2004) (Pollution Control Hearing Board (PCHB) required to defer to the Department of Ecology on technical matters within Ecology's expertise); *Citizens to Preserve Pioneer Park LLC v. City of Mercer Island*, 106 Wn. App. 461, 475, 24 P.3d 1079 (2000) (courts defer to agency expertise in interpreting ambiguous local ordinance). Far from granting any deference to agencies, both the PRA and this Court's case law reject the notion that agencies have any expertise or discretion, or that they can even be trusted to comply with the PRA.

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<sup>1</sup> Land Use Petition Act, Chap. 36.70C RCW ("LUPA").

- In *Hearst v. Hoppe*, 90 Wn.2d 123, 130-131, 580 P.2d 246 (1978), this Court rejected the argument of the King County Assessor that his agency’s application of PRA exemptions should be reviewed under the deferential “abuse of discretion” standard.
- In 1987, the Legislature specifically overturned this Court’s decision in *In re Rosier*, 105 Wn.2d 606, 611-614, 717 P.2d 1353 (1986), which had interpreted former RCW 42.17.260(1) (now RCW 42.56.070(1)) to create a general personal privacy exemption. *Progressive Animal Welfare Society v. UW (PAWS II)*, 125 Wn.2d 243, 258-59, 884 P.2d 592 (1994). The 1987 legislation clarified that agencies “should rely only upon statutory exemptions or prohibitions for refusal to provide public records.” Laws of 1987, ch. 403, § 1.
- In 1992, the Legislature amended the PRA to state that “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.” Laws of 1992, ch. 139, § 2.
- In *PAWS II*, this Court rejected the agency’s argument that the injunction provision in former RCW 42.17.330 (now RCW 42.56.540) created a separate, substantive exemption. This Court observed that “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.” *PAWS II*, 125 Wn.2d at 260.

RCW 42.56.550(1) and *Hearst* confirm that agencies are not afforded any deference whatsoever. Under this section the burden of proof is on the agency, and the agency’s actions are reviewed *de novo*. Additionally, in interpreting the PRA court’s must follow the PRA’s directive to liberally construe the PRA and to narrow construe exemptions. RCW 42.56.030.

Fourth, allowing agencies to create mandatory administrative remedies for PRA requests does *not* create a “more efficient process,” *Durland*, 182 Wn.2d at 68, as far as the public policy of the PRA is concerned. Delaying judicial review and restricting requestors’ ability to recover fees and penalties might be “efficient” from the County’s selfish, financial perspective, but those are not the policy objectives of the PRA. The PRA is designed to place the burden of compliance on the agency, and to allow the requestor to quickly hale the agency into court if the requestor is unsatisfied with an agency’s response. RCW 42.56.210(3) (agencies must explain how exemptions apply to withheld records); RCW 42.56.520(4) (denials must include written statement of reasons; agency’s final action subject to judicial review in two days); RCW 42.56.550(1)

(agency may be required to show cause why records have been withheld; agencies have the burden of proof).

The attorney fee and daily penalty provisions of the PRA are not concerned with government “efficiency” but with deterring violations of the PRA. “[T]he purpose of the attorney’s fees provision...is to encourage broad disclosure and to deter agencies from improperly denying access to public records.” *Asotin County v. Eggleston*, 7 Wn. App. 2d 143, 152, 432 P.3d 1235 (2019) (quoting *Confederated Tribes of Chehalis Reservation v. Johnson*, 135 Wn.2d 734, 757, 958 P.2d 260 (1998)). Similarly, the purpose of the penalty provision in RCW 42.56.550(4) is to deter improper denials of access to public records. *Yousoufian v. Office of Ron Sims*, 168 Wn.2d 444, 462-463, 229 P.3d 735 (2010). Requiring a requestor to appeal to the County prosecutor before seeking judicial review hinders these policies.

Finally, the PRA is not concerned with an agency’s “autonomy” or with allowing an agency to correct its mistakes before being haled into court. *See Durland*, 182 Wn.2d at 68. On the contrary, state and local agencies are the unwilling subjects of the 1972 voters’ decision to impose the strictures of the PRA on the agencies by initiative.<sup>2</sup> And this Court

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<sup>2</sup> The Public Records Act, Chap. 42.56 RCW (“PRA”) was enacted by Washington voters in 1972 as Initiative Measure 276, and codified as Chapter 42.17 RCW. Laws of 1973, ch. 1; *see Progressive Animal Welfare Society v. UW (PAWS II)*, 125 Wn.2d 243, 884

has repeatedly recognized that agencies cannot be trusted to correctly interpret or comply with the PRA:

As we have previously noted, “leaving interpretation of the act to those at whom it was aimed would be the most direct course to its devitalization.”

*PAWS II*, 125 Wn.2d at 270 n.17 (quoting *Hearst Corp.*, 90 Wn.2d at 131). After taking final action on a PRA request an agency is not permitted to ‘correct its mistakes’ without incurring liability. In *Sanders v. State*, 169 Wn.2d 827, 847, 240 P.3d 120 (2010), this Court rejected an agency interpretation of RCW 42.56.210(3) that would have allowed an agency to avoid liability for failing to provide a proper explanation of exemptions or citing new exemptions. In *Cedar Grove Composting, Inc. v. City of Marysville*, 188 Wn. App. 695, 354 P.2d 249 (2015), the agency violated the PRA by improperly claiming attorney-client privilege even though the City later produced the record unredacted.

The Court should reject the County’s ill-conceived attempt to import the doctrine of exhaustion of administrative remedies into the PRA. Nothing in the PRA authorizes agencies to create mandatory administrative processes, and none of the policies underlying the doctrine of exhaustion apply to the PRA.

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P.2d 592 (1994). In 2005 the public records provisions of Chap 42.17 were re-codified as the Public Records Act, Chap. 42.56 RCW. Laws of 2005, ch. 274.

**B. SCC 2.108.130 is invalid because it directly conflicts with RCW 42.56.520(4).**

The key provision of the PRA in this case is RCW 42.56.520(4), which provides, in relevant part:

Agencies...shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action...for the purposes of judicial review.

Nothing in this section suggests that agencies may adopt administrative procedures that requestors are required to use. This section provides no guidance on what, if anything, a requestor would be required to do to trigger the agency's internal review. In contrast, this section is absolutely clear about how long a requestor must wait before seeking judicial review: *exactly two business days. Id.* This language was part of the original 1972 PRA. Laws of 1973, ch. 1, § 32. This language recognizes that some PRA requests are extremely time-sensitive, and that in some instances a delay in producing records effectively amounts to a denial of records.

SCC 2.108.130 is invalid because it directly conflicts with RCW 42.56.520(4) in several ways. First, the requirement that a requestor submit a "written request" to the County delays the judicial review authorized by RCW 42.56.520(4) except in those few instances where a

requestor submits a written request for internal review on the same day that the County denies a PRA request. SCC 2.108.130(B),(C). And even in those cases, a requestor willing and able to seek judicial review in just two business days faces an additional procedural hurdle not contemplated by the PRA.

SCC 2.108.130(D) also conflicts with RCW 42.56.520(4) by making administrative review mandatory. Nothing in RCW 42.56.520(4) suggests that a requestor is required to use an agency's review procedures. Furthermore, RCW 42.56.520(4) provides no guidance whatsoever on what requirements an agency may place on a requestor or what legal or factual information, if any, the requestor must provide. This lack of guidance is not an issue if agency review is optional for the requestor. If an agency's optional review process is too onerous a requestor can just skip the optional process and go to court.

But if agency review procedures can be mandatory then this Court must confront the fact that RCW 42.56.520(4) provides no guidance on what agencies may require under that section. SCC 2.108.130(A) does not require a requestor to provide any specific basis for the requested internal review. But the County's interpretation of RCW 42.56.520(4) suggests that an agency could require a requestor to provide a specific legal or factual basis for review and/or limit subsequent judicial review to just the

issues raised by the requestor. Indeed, the County's improper reliance on the doctrine of exhaustion of administrative remedies suggest that this was the County's purpose in enacting SCC 2.108.130.<sup>3</sup>

SCC 2.108.130 significantly weakens the deterrent effect of attorney's fees and penalties under RCW 42.56.550(4) by enabling the County to intentionally violate the PRA without incurring any liability. Consider the following hypothetical: The County silently withholds a handful of politically embarrassing records from what purports to be a complete, final response to a PRA request. The disappointed requestor then takes a couple months to find an attorney who helps the requestor conduct a pre-litigation investigation which indicates that responsive records have been silently withheld. By that time the relevant public controversy has died down and the records have lost much of their importance to the requestor. In the absence of SCC 2.108.130, the requestor could immediately file a lawsuit to obtain the records and to punish the County for its intentional PRA violations with attorney's fees and penalties under RCW 42.56.550(4). But under SCC 2.108.130(A) the requestor must give the County prosecutor two days warning, during

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<sup>3</sup> Because Kilduff declined to jump through the County's unauthorized hoop it is unclear what the County would have done if Kilduff had submitted a "written request for review" that merely identified the PRA request at issue. *See* SCC 2.108.230.

which time the County could simply produce the long overdue records and incur no PRA liability whatsoever.

Furthermore, SCC 2.108.130 could be interpreted to require a requestor to use the County's internal review procedure more than once. Although SCC 2.108.130(A) does not require the requestor to provide a reason for requesting agency review, the County argues that the purpose of the ordinance is to give the County an opportunity to remedy any "miscommunication" before the requestor sues. *Resp. Br.* at 22. Under the County's reasoning the County could respond to a PRA request without producing an exemption log, then wait until the requestor objects to the lack of an exemption log under SCC 2.108.130(A), then remedy that violation of the PRA by producing a meaningless, conclusory exemption log that does not comply with *Lakewood v. Koenig*, 182 Wn.2d 87, 95, 343 P.3d 335 (2014), then wait until the requestor objects to the inadequately explained exemptions, then remedy that violation of the PRA by producing a proper log. And no matter how long this process of addressing "miscommunication" drags on the County would incur no PRA liability.

The absence of any guidance on review procedures in RCW 42.56.520(4) and the policy of liberal interpretation of the PRA, RCW 42.56.030, require the Court to conclude that agency review under RCW

42.56.520(4) is optional for the requestor. Indeed, that is how the Attorney General has interpreted the statute in the model rules. WAC 44-14-08001 (noting that requestors are encouraged, not required, to use an agency's internal review procedures). Therefore SCC 2.108.130 directly conflicts with RCW 42.56.520(4) by making internal review mandatory.

Because SCC 2.108.130 directly conflicts with the PRA the ordinance is invalid regardless of whether the County has the general authority to adopt rules under RCW 42.56.100, some other section of the PRA. "Rules that are inconsistent with the statutes they implement are invalid." *Dep't of Labor & Indus. v. Granger*, 159 Wn.2d 752, 764, 153 P.3d 839 (2007).

**C. RCW 42.56.040 does not authorize agencies to adopt PRA rules.**

The County erroneously relies on RCW 42.56.040 as authority for the County to adopt PRA rules, including SCC 2.108.130. *Resp. Br.* at 13.

RCW 42.56.040 provides:

**Duty to publish procedures.**

(1) Each state agency shall separately state and currently publish in the Washington Administrative Code and each local agency shall prominently display and make available for inspection and copying at the central office of such local agency, for guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain

information, make submittals or requests, or obtain copies of agency decisions;

(b) Statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(e) Each amendment or revision to, or repeal of any of the foregoing.

(2) Except to the extent that he or she has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published or displayed and not so published or displayed.

Nothing in this section authorizes an agency to adopt PRA rules. The plain language of this section merely requires agencies to publish rules and procedures adopted pursuant to other legal authority. In *Resident Action Council v. Seattle Housing Authority*, 177 Wn.2d 417, 431-432, 327 P.3d 600 (2014), this Court correctly noted that RCW 42.56.040 requires agencies to publish rules while RCW 42.56.100 actually addresses what PRA rules agencies may adopt.<sup>4</sup>

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<sup>4</sup> The Court should not assume that RCW 42.56.040 only applies to an agency's PRA procedures. Although the cases addressing this section are largely PRA cases, the actual language of this statute is *not* limited to PRA procedures.

**D. RCW 42.56.100 does not authorize agencies to adopt rules that conflict with the PRA.**

RCW 42.56.100 is the provision of the PRA that explicitly authorizes agencies to adopt PRA procedures or rules. That section provides, in relevant part:

Agencies shall adopt and enforce reasonable rules and regulations, and the office of the secretary of the senate and the office of the chief clerk of the house of representatives shall adopt reasonable procedures allowing for the time, resource, and personnel constraints associated with legislative sessions, consonant with the intent of this chapter to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information...

RCW 42.56.100.

As a threshold matter, it is unclear whether this section gives agencies any authority to adopt administrative procedures that requestors may be required to follow. RCW 42.56.100 lists five (5) purposes to be achieved by any rules adopted under this section:

- to provide full public access to public records;
- to protect public records from damage or disorganization;
- to prevent excessive interference with other essential functions of the agency;

- to provide for the fullest assistance to inquirers; and
- to provide for the most timely possible action on requests for information.

RCW 42.56.100. SCC 2.108.130 does not advance any of these objectives. That ordinance advances the County's interest in avoiding or limiting PRA liability by requiring an unsatisfied requestor to give the County prosecutor two days warning before suing the County.

It is not necessary for the Court to determine whether a rule such as SCC 2.108.130 is properly within the scope of rulemaking required by RCW 42.56.100. As explained above, the ordinance invalidly conflicts with the PRA itself, specifically RCW 42.56.520(2). "Rules that are inconsistent with the statutes they implement are invalid." *Dep't of Labor & Indus.*, 159 Wn.2d at 752.

**E. This Court should expressly disapprove the erroneous dicta in *Hobbs v. State*, 183 Wn. App. 925, 335 P.3d 104 (2014).**

In *Hobbs v. State*, 183 Wn. App. 925, 335 P.3d 104 (2014), the requestor sued the agency almost immediately after receiving the first installment. The superior court concluded that the agency's exemption claims complied with the PRA, and that the agency did not violate the PRA. 183 Wn. App. 934-35. The Court of Appeals could have and should have affirmed that determination in an unpublished opinion. But

the Court of Appeals, Division II, elected to frame its published opinion in terms of final agency action, holding that a PRA case may not be brought until the agency engages in some final action. 183 Wn. App. at 936. Unfortunately, the *Hobbs* opinion included erroneous dicta about when a PRA case may be brought:

Thus, *Hobbs* takes the position that a requestor is permitted to initiate a lawsuit prior to an agency's denial and closure of a public records request. The PRA allows no such thing. Under the PRA, a requestor may only initiate a lawsuit to compel compliance with the PRA after the agency has engaged in some final action denying access to a record.

*Hobbs*, 183 Wn. App. at 935-936. This language erroneously conflates “denial and closure of a public records request” with “final action.” **“Final action” and the closure of a PRA request are *not* the same thing.** This *Hobbs* language erroneously suggests that an agency must be allowed to complete its response to a PRA request before the requestor can sue, even if the agency has already taken final action in violation of the PRA. According to the *Hobbs dicta*, an agency can intentionally violate the PRA in response to a PRA request, delay judicial review by producing installments of other records, and then correct its earlier intentional violation before the requestor sues.

The agencies did not wait long before attempting to exploit the unfortunate dicta in *Hobbs*. In *Cedar Grove, supra*, the agency

erroneously redacted emails based on a claim of privilege. Months later, after the requestor retained an attorney who threatened to sue, the agency produced the emails. *Cedar Grove*, 188 Wn. App. at 704-705. On appeal the agency cited *Hobbs* for the proposition that the requestor had no cause of action with respect to the emails. Division One disagreed, holding that the city's improper exemption claim was final action for purposes of RCW 42.56.520. *Id.* at 715. In *Hikel v. City of Lynnwood*, 197 Wn. App. 366, 380, 389 P.3d 677 (2016), Division One rejected the argument, under *Hobbs*, that the agency could not be liable for a PRA violation if the agency had "cured" the violation before taking final action to deny the requested records. The appellate court stated: "We disapprove of this view to the extent that it denies fees for procedural violations." *Id.*

Despite the criticism of *Hobbs* by Division One of the Court of Appeals, Division Two has continued to recycle its *Hobbs* dicta, erroneously implying that a PRA case cannot be brought until an agency has completed its response to a PRA request. In *John Doe L. v. Pierce County*, 7 Wn. App. 2d. 157, 196-197, 433 P.3d 838 (2018), Division II cited *Hobbs* for the following erroneous statement of the law:

**The PRA does not allow a requester "to initiate a lawsuit prior to an agency's denial and closure of a public records request."** *Hobbs*, 183 Wn. App. at 935. "Under the PRA, a requester may only initiate a lawsuit to compel compliance with the PRA after the agency has

engaged in some final action denying access to a record.” *Hobbs*, 183 Wn. App. at 935-36. **When an agency produces records in installments, the agency does not “deny” access to the records until it finishes producing all responsive documents.** *Hobbs*, 183 Wn. App. at 936-37. (Emphasis added).

The middle (non-highlighted) sentence correctly states that an agency must engage in some sort of final action. But the first and third sentences erroneously state that an agency cannot be sued under the PRA until the agency has actually completed its response to a PRA request. Subsequently, in *Freedom Foundation v. DSHS*, \_\_\_ Wn. App. \_\_\_, No. 51498-2-II, 2019 LEXIS 2054; 2019 WL 3562020 (2019), Division II cited *Hobbs* again:

**In an action challenging an agency’s denial of a records request, a requester cannot initiate a lawsuit until the agency has denied and closed the request at issue.** *John Doe L v. Pierce County*, 7 Wn. App. 2d 157, 197, 433 P.3d 838 (2018), review denied 193 Wn.2d 1015 (2019). If an agency has not yet produced the requested records but has not stated that it will refuse to produce them, the agency has not denied access to the records for purposes of judicial review. See *Hobbs v. State Auditor's Office*, 183 Wn. App. 925, 936-37, 335 P.3d 1004 (2014) **(holding that requester could not initiate a lawsuit while the agency was still providing installments of responsive records)**. (Emphasis added).

Again, the middle (non-highlighted) sentence is correct; if an agency has not actually stated that it will not produce a particular record then the agency has not denied access to such a record for purposes of judicial review. But the first sentence and the parenthetical citation to *Hobbs* are

both incorrect, erroneously stating that an agency cannot be sued under the PRA until the agency has completed its response.

This Court should disapprove of the erroneous dicta in *Hobbs*, *John Doe L.*, and *Freedom Foundation*. The Court should clearly state (i) that “final action” under RCW 42.56.520(4) and the closure of a PRA request are *not* the same thing, and (ii) that any agency action in violation of the PRA becomes “final action” in two business days regardless of whether the agency continues to produce installments of records.

#### IV. CONCLUSION

For all these reasons the Court should reject the County’s attempt to incorporate the doctrine of exhaustion of administrative remedies into the PRA. The Court should hold that SCC 2.108.130 invalidly conflicts with RCW 42.56.520(4). The Court should also take this opportunity to disapprove the erroneous dicta in *Hobbs*, 183 Wn. App. 925, and clarify that any violation of the PRA becomes “final action” in two business days regardless of whether the agency continues to produce installments of records. This Court should reverse the order of the superior court and remand this matter to that court for further proceedings.

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RESPECTFULLY SUBMITTED this 13th day of September, 2019.

By:

  
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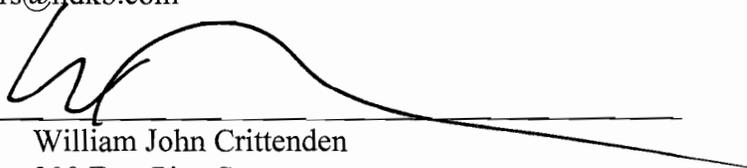
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