

**POLITICS & GOVERNMENT**    JANUARY 15, 2016 4:04 PM

# Former Puyallup councilman loses Washington Supreme Court appeal request over email disclosure

## HIGHLIGHTS

Ex-Puyallup city councilman lost another round in fight to avoid disclosing city-related emails

Superior Court ordered him to make emails public

Open government advocate predicts appeals court will affirm disclosure order

BY JOHN GILLIE

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A former Puyallup city councilman has been denied direct access to the Washington Supreme Court to appeal a lower court order to disclose city-related emails sent to his private email account.

The state Supreme Court declined to review Pierce County Superior Court Judge Stanley Rumbaugh's 2014 decision ordering former councilman Steve Vermillion to make public communications he received and sent from his personal email account. The court instead referred the case to the State Court of Appeals for review.

Arthur West, an open government advocate from Olympia who filed the original suit to force Vermillion to reveal the messages, predicted that the appeals court would uphold Rumbaugh's decision. The issues in the Puyallup case are nearly identical to those the court recently considered in a case involving Pierce County Prosecutor Mark Lindquist, said West.

In a unanimous decision, the court ruled that Lindquist's text messages were public under the state's Public Records Act if they pertained to public business. The Supreme Court in September had deferred a decision in the Vermillion case until it had ruled on the Lindquist matter.

Vermillion's city-paid attorney, Ramsey Ramerman, said Thursday he will take the case to the appeals court unless he is instructed otherwise. The case involves substantial issues regarding personal privacy and freedom of expression, he said.

West noted in his submission to the Supreme Court that Vermillion had been warned in 2012 by then Puyallup City Manager Ralph Dannenburg that if he continued to use his private email account for city business after his swearing-in, those messages would be subject to public records disclosure.

Vermillion opted to continue to use an email account tied to his election website, [stevevermillion.com](http://stevevermillion.com), to communicate with city staffers and constituents.

The city had offered to set up a new email address for city-related communications.

West contends that if Vermillion is allowed to shield city-related messages sent and received at his own website from public disclosure, that decision would be contrary to both the letter and spirit of the Public Records Act.

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