

WAC 44-14-00003 Model rules and comments are nonbinding. The model rules, and the comments accompanying them, are advisory only and do not bind any agency. Accordingly, many of the comments to the model rules use the word "should" or "may" to describe what an agency or requestor is encouraged to do. The use of the words "should" or "may" are permissive, not mandatory, and are not intended to create any legal duty.

The model rules and comments are a useful guide in fulfilling the requirement to publish procedures and rules for making records available for inspection and copying. RCW 42.56.040, 42.56.070(1), and WAC 44-14-01002. While the model rules and comments are nonbinding, they should be carefully considered by requestors and state agencies. Local agencies should consider them in establishing local ordinances implementing the act. RCW 42.56.570. The Washington courts have also considered the model rules in several appellate decisions.¹

Note: ¹ See, e.g., *Mechling v. City of Monroe*, 152 Wn. App. 830, 222 P.3d 808 (2009); *Mitchell v. Washington State Dep't of Corr.*, 164 Wn. App. 597, 277 P.3d 670 (2011); *Rental Hous. Ass'n of Puget Sound v. City of Des Moines*, 165 Wn.2d 525, 199 P.3d 393 (2009).

[Statutory Authority: RCW 42.56.570. WSR 18-06-051, § 44-14-00003, filed 3/2/18, effective 4/2/18. Statutory Authority: 2005 c 483 § 4, RCW 42.17.348. WSR 06-04-079, § 44-14-00003, filed 1/31/06, effective 3/3/06.]