

Chapter 16-531 WAC

WASHINGTON GRAIN COMMISSION

WAC

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WAC 16-531-005 Definitions. "Commission" means the Washington grain commission.

"Disclosure" means inspection or copying.

"Person" means any individual, firm, corporation, limited liability company, trust, association, partnership, society or any other organization of individuals, or any unit or agency of local or state government.

"Public records" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the commission regardless of physical form or characteristics.

[Statutory Authority: RCW 15.115.160, 42.56.040, and chapter 34.05 RCW. WSR 17-07-136, § 16-531-005, filed 3/22/17, effective 4/22/17.]

WAC 16-531-010 Rules for implementation of promotional hosting by the Washington grain commission. RCW 15.04.200 provides that agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents, or commissioners. The rules governing promotional hosting expenditures for the Washington grain commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development or trade promotion and promotional hosting shall be pursuant to specific budget items as approved by the commission at annual public hearings on the commission budget.

(2) Officials and agents authorized to make expenditures. The following officials and agents are authorized to make expenditures for agricultural development or trade promotion and promotional hosting in accordance with the provisions of these rules.

- (a) Commissioners;
- (b) Chief executive officer;
- (c) Vice president;
- (d) Program director;
- (e) Director of communications.

Individual commissioners shall make promotional hosting expenditures, or seek reimbursements for those expenditures, only in those instances where the expenditures have been approved by the commission.

(3) Payment and reimbursement. All payments and reimbursements shall be identified and supported by vouchers to

which receipts are attached. Voucher forms will be supplied by the commission, and shall require the following information:

- (a) Name and position (if appropriate) of each person hosted;
- (b) General purpose of the hosting;
- (c) Date of hosting;
- (d) Location of the hosting;
- (e) To whom payment was or will be made;
- (f) Signature of person seeking payment or reimbursement.

(4) The chair of the commission, chief executive officer, and/or treasurer are authorized to approve direct payment or reimbursements submitted in accordance with these rules: Provided, That the chair, chief executive officer and treasurer are not authorized to approve their own vouchers.

(5) The following persons may be hosted when it is reasonably believed such hosting will cultivate trade relations and promote sales of wheat or barley/malting barley or processed wheat or barley products: Provided, That such hosting shall not violate federal or state conflict of interest laws:

(a) Individuals from private business, associations, commissions, and accompanying interpreter(s);

(b) Foreign government officials and accompanying interpreter(s);

(c) Federal and state officials: Provided, That lodging, meals, and transportation will not be provided when such officials may obtain full reimbursement for these expenses from their government employer;

(d) The general public, at meetings and gatherings open to the general public;

(e) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (d) of this subsection are being hosted, will cultivate trade relations and promote sales of wheat or barley/malting barley or processed wheat or barley products;

(f) Spouses of the persons listed in (a), (b), (c), and (e) of this subsection when attendance of such spouse is customary and expected or will serve to cultivate trade relations, or promote the sale of wheat or barley/malting barley or processed wheat or barley products.

[Statutory Authority: RCW 15.04.200, 15.115.140, and chapter 34.05 RCW. WSR 10-01-195, § 16-531-010, filed 12/23/09, effective 1/23/10.]

WAC 16-531-020 Public records officer. (1) The commission's public records shall be in the charge of the public records officer designated by the commission. The commission or its executive director may appoint a temporary public records officer to serve during the absence of the designated records officer. The public records officer shall be responsible for implementing the commission's rules regarding disclosure of public records, coordination of staff regarding dis-

closure of public records, and generally ensuring compliance by staff with public records disclosure requirements.

(2) The name of the commission's current public records officer is on file with the office of the code reviser in accordance with RCW 42.56.580 and is published in the *Washington State Register*.

[Statutory Authority: RCW 15.115.160, 42.56.040, and chapter 34.05 RCW. WSR 17-07-136, § 16-531-020, filed 3/22/17, effective 4/22/17.]

WAC 16-531-030 Request for public records. (1)

Requests for disclosure of public records should be directed to the commission's public records officer by mail at 2702 W. Sunset Blvd., Suite A, Spokane, WA 99224; by email to wgc@wagrains.org; or by fax at 509-456-2812. The written request should include:

(a) The name of the person requesting the records and the person's contact information, i.e., address, telephone number or email address;

(b) The calendar date on which the request is made; and

(c) Sufficient information to readily identify records being requested.

(2) A person wishing to inspect the commission's public records may make an appointment with the public records officer to inspect the records at the commission office during regular business hours. In order to adequately protect the commission's public records, the following will apply:

(a) Public records made available for inspection may not be removed from the area the commission makes available for inspection;

(b) Inspection of any public record will be conducted in the presence of the public records officer or designee;

(c) Public records may not be marked or altered in any manner during the inspection; and

(d) The commission has the discretion to designate the means and the location for the inspection of records. The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission's office and the availability of authorized staff to operate that equipment.

(3) If a requestor cannot submit a request for public records in writing and desires to make an oral request either in person or by telephone, the public records officer or designee receiving the request will summarize the request in writing and then verify in writing with the requestor that the summary correctly memorializes the request.

[Statutory Authority: RCW 15.115.160, 42.56.040, and chapter 34.05 RCW. WSR 17-07-136, § 16-531-030, filed 3/22/17, effective 4/22/17.]

WAC 16-531-040 Response to public records requests. (1) The commission will respond promptly to requests for disclosure. Email requests will be handled in the same manner as other types of mail received by the commission. Public records requests received by email after regular business hours will be considered received on the next business day. Within five business days of receiving a public records request, the public records officer will respond by doing one or more of the following:

(a) Providing the record;

(b) Providing an internet address and link on the commission's web site to the specific records requested (reference RCW 42.56.520);

(c) Acknowledging receipt of the request and providing a reasonable estimate of the time the commission will require to respond to the request; or

(d) Denying the public records request. Responses refusing in whole or in part the inspection of a public record shall include a statement of the specific exemption authorizing withholding of the record (or any part of the record) and a brief explanation of how the exemption applies to the record withheld or to any redactions in records produced.

(2) Additional time to respond to the request may be based upon the need to:

(a) Clarify the intent of the request;

(b) Locate and assemble the information requested;

(c) Notify persons or agencies affected by the request; or

(d) Determine whether any of the information requested is exempt from disclosure and that a denial should be made as to all or part of the request.

(3) In acknowledging receipt of a public records request that is unclear, the public records officer may ask the requestor to clarify what records the requestor is seeking. The public records officer is not obligated to provide further response if the requestor fails to clarify the request.

[Statutory Authority: RCW 15.115.160, 42.56.040, and chapter 34.05 RCW. WSR 17-07-136, § 16-531-040, filed 3/22/17, effective 4/22/17.]

WAC 16-531-050 Fees—Inspection and copying. (1)

No fee will be charged for the inspection of public records.

(2) The commission reserves the right to charge a fee of fifteen cents per page of black and white photocopy plus postage to reimburse itself for the costs of providing copies of public records.

(3) Requests for records in special formatting, including color copies, will be charged at the amount necessary to reimburse the commission for its actual production costs. If the public records officer deems it more efficient to have copying or duplicating done outside the commission, the charges will be based on the actual cost of such outside copying or duplicating services. For all copying or duplicating service charges incurred, an invoice will be sent to the requestor. Reimbursement is payable within fifteen days of receipt of the invoice and is payable to the Washington grain commission. The commission may require that all charges be paid in advance of release of the copies of the records.

(4) The public records officer may waive the fee when the expense of processing payment exceeds the cost of providing copies.

[Statutory Authority: RCW 15.115.160, 42.56.040, and chapter 34.05 RCW. WSR 17-07-136, § 16-531-050, filed 3/22/17, effective 4/22/17.]

WAC 16-531-060 Exemptions. The commission's public records are available for disclosure except as otherwise provided under chapter 42.56 RCW or any other law. Requestors should be aware of the following exemptions to public disclosure specific to commission records. This list is not exhaustive and other exemptions may apply:

(1) Production or sales records required to determine assessment levels and actual assessment payments to the commission under chapter 15.115 RCW (reference RCW 42.56.380(3)).

(2) Financial and commercial information and records supplied by persons:

(a) To the commission for the purpose of conducting a referendum for the establishment of the commission; or

(b) To the commission under chapter 15.115 RCW with respect to domestic or export marketing activities or individual producer's production information (reference RCW 42.56.380(5)).

(3) Personal information in any files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy (reference RCW 42.56.230(3)).

(4) Lists of individuals requested for commercial purposes (reference RCW 42.56.070(9)).

(5) Records that are relevant to a controversy to which the commission is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts, including records involving attorney-client communications between the commission and the office of the attorney general (reference RCW 5.60.060(2) and 42.56.290).

(6) List of individuals requested for commercial purposes (reference RCW 42.56.070(9)).

(7) Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, Social Security numbers and emergency contact information of dependents of employees or volunteers of the commission that are held by the commission in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of the commission (reference RCW 42.56.250(3)).

[Statutory Authority: RCW 15.115.160, 42.56.040, and chapter 34.05 RCW. WSR 17-07-136, § 16-531-060, filed 3/22/17, effective 4/22/17.]

WAC 16-531-070 Review of denial of public records requests. (1) Any person who objects to the initial denial of a records request may petition in writing to the commission for review of that decision. The petition shall include a copy of, or reasonably identify, the written statement by the commission denying the request.

(2) The commission's executive director or designee will immediately consider the petition and either affirm or reverse the denial. In any case, the request shall be returned with a final decision within ten business days following the commission's receipt of the written request for review of the original denial.

(3) Under RCW 42.56.530, if the commission denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Any person may obtain court review of a denial of a public records request under RCW 42.56.550.

[Statutory Authority: RCW 15.115.160, 42.56.040, and chapter 34.05 RCW. WSR 17-07-136, § 16-531-070, filed 3/22/17, effective 4/22/17.]

WAC 16-531-080 Records index. The commission shall establish a records index, which shall be made available for public review. The records index may be accessed on the commission's web site at www.wagrains.org.