

**Chapter 16-575 WAC
WINE COMMISSION**

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WAC

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WAC 16-575-005 Definitions. "Commission" means the Washington wine commission.

"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 15.88.070, 42.56.040, and chapter 34.05 RCW. WSR 18-16-035, § 16-575-005, filed 7/25/18, effective 8/25/18.]

WAC 16-575-010 Time—Place—Method for payment and collection of assessments. Effective with the growing season of 1990, the following procedure is established for the reporting and paying of the assessment of three dollars per ton of vinifera grapes harvested, levied pursuant to RCW 15.88.130:

(1) All first handlers of vinifera grapes for resale or for processing shall withhold the amount of the assessment from their remittance to growers and transmit same to the commission. All such assessments accumulated will be due and payable to the commission on or before December 31 of each year. First handlers shall submit to the commission on or before December 31 of each year, a report listing the name, address, tons of vinifera grapes handled or purchased, and amount deducted or collected for each grower on forms provided by the commission.

(2) All growers selling vinifera grapes for export, shall pay the assessment directly to the commission, on or before December 31 of each year. Such growers shall submit to the commission on or before December 31 of each year, a report listing the name and address of the exporter, tons sold, and assessment due, on forms provided by the commission.

[Statutory Authority: RCW 15.88.130. WSR 90-23-042, § 16-575-010, filed 11/15/90, effective 12/16/90.]

WAC 16-575-015 Rate of assessment—Method of adjustment—Notice.

(1) Beginning on July 1, 2007, the assessment rate for vinifera grapes grown in this state shall not be less than three dollars per ton nor more than twelve dollars per ton. The assessment rate for wine produc-

ers shall not be less than \$0.02 per gallon nor more than \$0.08 per gallon. The Washington wine commission may adjust the assessment amount levied on wine producers and grape growers as needed to fund necessary commission activities. Provided, that any adjustment in the assessment rate by the commission be levied in an equal and proportional manner upon both the wine producers and grape growers. In determining whether to adjust the assessment amount the commission shall consider the following factors:

(a) The commission's budgetary needs, including but not limited to a qualitative and quantitative review of programs carried out in the preceding year by the commission. This review should consider whether the program met its goals, benchmarks and objectives and whether the program constitutes the best use of the wine commission's finite resources;

(b) Projected grape production;

(c) Changes in administrative costs;

(d) Changes in the industry outside the control of the wine commission.

(2) The commission shall provide grape growers and wine producers notice of changes in assessment rates in a timely and reasonable manner and in no instance shall the notice be less than thirty days from the date the assessment is due.

[Statutory Authority: RCW 15.88.110, 66.24.215 and chapter 34.05 RCW. WSR 07-08-079, § 16-575-015, filed 4/2/07, effective 5/3/07. Statutory Authority: Chapter 15.88 RCW and 1997 c 303. WSR 99-12-104, § 16-575-015, filed 6/2/99, effective 7/3/99.]

WAC 16-575-020 Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the commission pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the commission on December 31 of each year.

In the event any person fails to pay the commission the full amount of such assessment or such other sum on or before the date due, the commission may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collection of the same.

In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

[Statutory Authority: RCW 15.88.130. WSR 90-23-042, § 16-575-020, filed 11/15/90, effective 12/16/90.]

WAC 16-575-030 Washington wine commission—Travel reimbursement policy. 1. Except as provided in section 9 below, all travel by commissioners and by commission staff must be approved in advance of departure.

2. Except as provided in section 9 below, each commissioner or commission employee expecting to travel on official wine commission business shall prepare a detailed, written description of the purpose of the proposed trip together with an estimate of expenses to be incurred for transportation, lodging, meals, promotional hosting, and all other costs which he/she expects to incur in connection with such travel.

3. Reimbursement for transportation expenses shall be at actual cost subject to the following limitations. Air travel must be on US carriers if available. No business or first class air travel will be approved or reimbursed. If a commissioner or commission employee uses his/her automobile for transportation, mileage shall be reimbursed at the current rate established by the Internal Revenue Service for business travel.

4. Reimbursement for lodging expenses shall be at actual cost up to a maximum of two hundred percent of the per diem lodging rates for US federal agency employees established by the US General Services Administration.

5. Reimbursement for meals shall be at actual cost, provided that such costs are reasonable for the particular market in which the expense is incurred.

6. Travel by commissioners and by the executive director of the Washington wine commission must be approved in advance by the chairperson of the commission. Travel by other commission staff must be approved in advance by the executive director of the commission.

7. Each person traveling on official commission business shall submit a written request for reimbursement within forty-five days after returning to the office from such trip. Written receipts for each expense in excess of twenty-five dollars for which reimbursement is requested must accompany the reimbursement request. Expenses will not be reimbursed unless such a request, accompanied by receipts where required, is timely submitted.

8. Expenses which have not been approved in advance will not be reimbursed unless the employee establishes, to the satisfaction of the person who reviewed and approved the estimated expenses, that the expense was both unanticipated and reasonably incurred.

9. No advance approval of estimated travel expenses is required for attendance at a regular or special meetings of the commission or a committee thereof within the state of Washington. If attendance at such a meeting requires the commissioner/employee to travel at least one hundred miles from his/her usual place of business, he/she is entitled to be reimbursed for the actual cost of one night's lodging, subject to the limits set forth in section 4 above. He/she is also entitled to reimbursement for costs of transportation and meals as provided in sections 3 and 5.

[Statutory Authority: Chapter 15.88 RCW. WSR 03-01-048, § 16-575-030, filed 12/10/02, effective 1/10/03.]

WAC 16-575-040 Rules for implementation of promotional hosting by the Washington wine 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. "Promotional hosting" means the hosting of individuals or groups of individuals at meetings, meals, events, tours, or other gatherings for the purpose of agricultural develop-

ment, trade promotion, cultivating trade relations, or in the aid of the marketing, advertising, or sale of Washington state wine or wine grapes.

The rules governing promotional hosting expenditures for the Washington wine commission shall be as follows:

(1) Budget approval. Commission expenditures for agricultural development, trade promotion, and promotional hosting shall be pursuant to specific budget items in the commission's annual budget as approved by the commission and the director.

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

(a) Commissioners;

(b) Executive director;

(c) Commission staff, as authorized in writing by the executive director.

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, provided that in a group of ten or more persons, then only the name of the group hosted shall be required;

(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, executive director, and commission staff, as authorized in writing by the executive director, are authorized to approve direct payment or reimbursements submitted in accordance with these rules: Provided, That the chair, executive director, and commission staff are not authorized to approve their own vouchers.

(5) The following persons may be hosted when it is reasonably believed such hosting will promote agricultural development, promote trade, cultivate trade relations, or aid in the marketing, advertising, or sale of Washington state wine or wine grapes: Provided, That such hosting shall not violate federal or state conflict of interest laws:

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

(b) Members of the media and accompanying staff and interpreter(s);

(c) Foreign government officials and accompanying staff and interpreter(s);

(d) Federal, state, or local 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;

(e) The general public, at meetings or gatherings open to the general public;

(f) Commissioners and employees of the commission when their attendance at meetings, meals, and gatherings at which the persons described in (a) through (e) of this subsection are being hosted, will promote agricultural development, promote trade, cultivate trade relations, or aid in the marketing, advertising, or sale of Washington state wine or wine grapes;

(g) Spouses, partners, or significant others of the persons listed in (a), (b), (c), (d), and (f) of this subsection when attendance of such spouse, partner, or significant other is customary and expected or will serve to promote agricultural development, promote trade, cultivate trade relations, or aid in the marketing, advertising, or sale of Washington state wine or wine grapes.

[Statutory Authority: RCW 15.04.200, chapters 15.88 and 34.05 RCW. WSR 11-01-003, § 16-575-040, filed 12/2/10, effective 1/2/11.]

WAC 16-575-050 Description of commission, address and telephone number of the Washington wine commission. Headquartered at:

Washington Wine Commission
1201 Western Avenue, Suite 450
Seattle, WA 98101-3402
Phone: 206-326-5759

The Washington wine commission serves Washington wine producers and wine grape growers by engaging directly or indirectly in the promotion of Washington wine.

[Statutory Authority: RCW 15.88.070, 42.56.040, and chapter 34.05 RCW. WSR 18-16-035, § 16-575-050, filed 7/25/18, effective 8/25/18.]

WAC 16-575-055 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 disclosure of public records, and generally insuring 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 and in accordance with RCW 42.56.580 and is published in the *Washington State Register*.

[Statutory Authority: RCW 15.88.070, 42.56.040, and chapter 34.05 RCW. WSR 18-16-035, § 16-575-055, filed 7/25/18, effective 8/25/18.]

WAC 16-575-060 Request for public records. (1) All requests for disclosure of public records must be submitted in writing directly to the commission's public records officer by mail to:

Washington Wine Commission
1201 Western Avenue, Suite 450
Seattle, WA 98101-3402

The request may also be submitted by email to: Cchonette@washingtonwine.org. The written request must include:

- (a) The name, address, and telephone number or other contact information of the person requesting the records;
- (b) The calendar date on which the request is made; and
- (c) Sufficient information to readily identify records being requested.

(2) Any 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.

[Statutory Authority: RCW 15.88.070, 42.56.040, and chapter 34.05 RCW. WSR 18-16-035, § 16-575-060, filed 7/25/18, effective 8/25/18.]

WAC 16-575-065 Response to public records requests. (1) The public records officer shall respond to public records requests within five business days by:

- (a) Making the records available for inspection or copying;
- (b) Providing a link or address for a record available on the internet under 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;
- (d) Sending the copies to the requestor if copies are requested and payment of a deposit for the copies is made or terms of payment have been agreed upon; or
- (e) 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.

(4) In the event the requested records name a specific person or pertain to a specific person and may be exempt from disclosure, the commission may, prior to providing the records, give notice to others whose rights may be affected by the disclosure. Sufficient notice will be given to allow affected persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

[Statutory Authority: RCW 15.88.070, 42.56.040, and chapter 34.05 RCW. WSR 18-16-035, § 16-575-065, filed 7/25/18, effective 8/25/18.]

WAC 16-575-070 Fees—Inspection and copying. (1) No fee will be charged for the inspection of public records.

(2) Pursuant to RCW 42.56.120(2), the commission declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study to calculate actual costs and the commission lacks the necessary funds to perform a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential agency functions.

(3) The commission may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120. 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 wine commission. The commission may require that all charges be paid in advance of release of the copies of the records.

(4) The commission or its designee may waive any of the foregoing copying costs.

[Statutory Authority: RCW 15.88.070, 42.56.040, and chapter 34.05 RCW. WSR 18-16-035, § 16-575-070, filed 7/25/18, effective 8/25/18.]

WAC 16-575-075 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 15.88 RCW (reference RCW 42.56.380(3));

(2) Financial and commercial information and records supplied by persons to the commission under chapter 15.88 RCW with respect to domestic or export marketing activities or individual producer's production information (reference RCW 42.56.380(5));

(3) Lists of individuals requested for commercial purposes (reference RCW 42.56.070);

(4) 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);

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required or governed by other law (reference RCW 42.56.230(5)).

[Statutory Authority: RCW 15.88.070, 42.56.040, and chapter 34.05 RCW. WSR 18-16-035, § 16-575-075, filed 7/25/18, effective 8/25/18.]

WAC 16-575-080 Review of denial of public records requests. (1)

Any person who objects to the initial denial of a request to copy or inspect public records may petition the commission for review of such decision by submitting a written request to the commission. The request shall specifically refer to the statement which constituted or accompanied the denial.

(2) The commission's executive director or designee shall immediately consider the matter and either affirm or reverse the denial 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.

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

[Statutory Authority: RCW 15.88.070, 42.56.040, and chapter 34.05 RCW. WSR 18-16-035, § 16-575-080, filed 7/25/18, effective 8/25/18.]

WAC 16-575-085 Records index. The commission shall establish a records index, which shall be made available for public review.

[Statutory Authority: RCW 15.88.070, 42.56.040, and chapter 34.05 RCW. WSR 18-16-035, § 16-575-085, filed 7/25/18, effective 8/25/18.]