



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Attorney General's Office	<input checked="" type="checkbox"/> Permanent Rule <input type="checkbox"/> Emergency Rule
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(1) Date of adoption: June 3, 1994

(2) Purpose: The proposed amendments update the provisions of chapter 44-06 WAC to accurately state the locations of the offices of the Attorney General where records may be obtained; to add provisions applicable to the Lemon Law Program created pursuant to chapter 19.118 RCW; to indicate the appropriate persons responsible for responding to requests (please see att.)

(3) Citation of existing rules affected by this order:
 Repealed:
 Amended: WAC 44-06-010, 020, 030, 040, 050, 060, 070, 080, 090, 110, 120, 140
 Suspended:

(4) Authority for adoption:
 Statute: RCW 43.10.110, chapter 42.17 RCW, chapter 19.118 RCW and chapter 34.05 RCW.
 Other Authority:

(5.1) **PERMANENT RULE ONLY**
 Pursuant to notice filed as WSR 94-06-050 on March 1, 1994 (date).
 Describe any changes other than editing from proposed to adopted version:
 None

(5.2) **EMERGENCY RULE ONLY**
 Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
 Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules	Emergency Rules
<input checked="" type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____ *	<input type="checkbox"/> Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

**CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED**

JUN 06 1994

TIME: 3:59 PM
 WSR 94-13-039

NAME (TYPE OR PRINT)
Christine O. Gregoire

SIGNATURE
Christine O. Gregoire

TITLE Attorney General DATE 6/3/94

Attachment to Rule-Making Order (Form CR-103)

(2) Purpose (continued): for public records, how to make such requests, how requests and any denials will be addressed; and to otherwise bring the WACs into compliance with the Public Records Act, chapter 42.17 RCW; the Administrative Procedure Act, chapter 34.05 RCW and other laws.

Chapter 44-06 WAC

(~~(CONSUMER PROTECTION DIVISION)~~) PUBLIC RECORDS

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-010 Purpose. The purpose of this chapter is to provide rules (~~(implementing sections 25 through 32, chapter 1, Laws of 1973 (RCW 42.17.250 through 42.17.320) for the Washington state attorney general's office)~~) for the Washington state attorney general's office, implementing the provisions of chapter 42.17 RCW relating to public records.

AMENDATORY SECTION (Amending Order 103, filed 4/30/84)

WAC 44-06-020 Definitions. (1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.

(2) "Intra-agency memoranda" includes but is not limited to memoranda from one member of the attorney general's staff to another and memoranda by members of the attorney general's staff to the particular state client which they represent.

(3) "Consumer (~~and business fair practices~~) protection division" is the division of the attorney general's office which enforces chapter 19.86 RCW and other trade and business regulation and consumer protection statutes.

(4) "Lemon law administration" means the agency created to administer the New Motor Vehicles Warranty Act, chapter 19.118 RCW within the office of the attorney general.

(5) "Office" is the attorney general's office.

AMENDATORY SECTION (Amending Order 103, filed 4/30/84)

WAC 44-06-030 Function--Organization--Administrative offices. The attorney general's office is charged by the constitution and statutes with the general obligation of advising and legally representing the state of Washington, its officials, departments, boards, commissions and agencies but not the local units of government. In response to requests from state officers, legislators and prosecuting attorneys, the attorney general's office issues attorney general opinions. The published opinions of

the attorney general's office are numbered as AGO (year of issue and number; i.e., AGO 1974 No. 1). (~~The attorney general's office also issues office opinions which are not published, which are numbered as AGLO (year of issue and number; i.e., AGLO 1974 No. 1).~~)

~~The organization of the office of the attorney general necessarily mirrors the organization of state government itself and a number of the assistant attorneys general are physically housed with the agency which they represent.)~~ Inquiries and correspondence concerning a matter where a specific assistant attorney general is identified as representing a specific agency should be directed to the specifically named assistant attorney(s) general, if known; or the appropriate section of the office, if known.

Consumer protection complaints should be directed to the Consumer ~~((and Business Fair Practices))~~ Protection Division, ((Dexter Horton Building)) 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012 or to local division offices located in Tacoma, Olympia, or Spokane. Communication concerning the New Motor Vehicles Warranty Act (the lemon law) should be directed to the Lemon Law Administration, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012. Other inquiries, including requests for attorney general's opinions, should be directed to the Attorney General's Office, ~~((Temple of Justice))~~ State of Washington, Olympia, Washington 98504-0100.

In addition to the areas mentioned above, the office is divided into several divisions which provide legal advice to state agencies in particular subject matter areas. Because regional office addresses may change from time to time, current division addresses and telephone numbers should be obtained from the local telephone directory or you may obtain an organizational chart and the addresses and telephone numbers of the regional offices of the attorney general by requesting it from the Attorney General's Office, State of Washington, Olympia, Washington 98504-0100, phone (206) 753-6200. Attorney general offices are located in other cities (~~are as follows:~~) in the state and are denominated as regional offices.

- | | |
|---|---|
| (((1)) — Everett Office
1411 Wall Street
Everett, Washington | Social and Health Services
Public Assistance |
| (2) — Tacoma Office
949 Market Street
Suite 380
Tacoma, Washington | Consumer Protection
(Pierce County) |
| (3) — Vancouver Office
500 West 8th Street
Suite 751
Vancouver, Washington | Social and Health Services
Public Assistance |
| (4) — Spokane Office
1116 West
Riverside Street
Spokane, Washington | Consumer Protection
(Eastern Washington)
Labor and Industries
Social and Health Services |
| (5) — Olympia Office
122 North Capitol Way
Olympia, Washington | Consumer Protection
(Thurston County) |

~~Offices of sections of the attorney general's office and their addresses are as follows (inquiries involving subject matters~~

described in the following list should be initially directed to the respective section):

- (1) — Agriculture — Legal Division
General Administration Bldg.
Olympia, Washington 98504
- (2) — Ecology — Legal Division
St. Martin's College
Lacey, Washington 98504
- (3) — Education — Legal Division
531 E. 15th
Olympia, Washington 98504
- (4) — Employment Security — Legal Division
Employment Security Building
Olympia, Washington 98504
- (5) — Departments of Game and Fisheries — Legal Division
600 North Capitol Way
Olympia, Washington 98504
- (6) — Highways — Legal Division
5th Floor — Highway Licenses Building
Olympia, Washington 98504
- (7) — Human Rights Commission — Legal Division
WEA Building
Olympia, Washington 98504
- (8) — Labor and Industries — Legal Division
General Administration Building
Olympia, Washington 98504
- (9) — Legal Fiscal Division
Temple of Justice
Olympia, Washington
98504
(Auditor, General
Administration, Office of
Program Planning and Fiscal
Management, Public-
Disclosure Commission)
- (10) — Liquor Board — Legal Division
Capitol Plaza Building
Olympia, Washington 98504
- (11) — Motor Vehicles — Legal Division
5th Floor — Highway Licenses Building
Olympia, Washington 98504
- (12) — Natural Resources — Legal Division
Public Lands Building
Olympia, Washington 98504
- (13) — Revenue Department — Legal Division
General Administration Building
Olympia, Washington 98504
- (14) — Social and Health Services — Legal Division
101 Public Lands Bldg.
Olympia, Washington 98504
- (15) — Tort Claims
5th Floor — Highway Licenses Building
Olympia, Washington 98504
- (16) — Utilities and Transportation Commission — Legal Division
5th Floor — Highway Licenses Building
Olympia, Washington 98504
- (17) — University of Washington
112 Administration Building
Seattle, Washington
- (18) — Washington State University
432 French Administration Bldg.
Pullman, Washington

~~Other inquiries should be directed to the Attorney General's Office, Temple of Justice, Olympia, Washington 98504, unless the sender is aware of another specific address for the appropriate attorney general legal section.)~~

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-040 Public records available. Public records are available for public inspection and copying pursuant to these rules except as otherwise provided by RCW 42.17.310, any other law and these rules.

AMENDATORY SECTION (Amending Order 103, filed 4/30/84)

WAC 44-06-050 Index. The attorney general's office ~~((biennial reports have))~~ has indexed by subject matter the published opinions of the attorney general. ~~((A card))~~ An index is maintained in the ~~((central office, Temple of Justice))~~ law library, Olympia, Washington, indexing all published attorney general opinions ~~((published and unpublished))~~, as described in WAC 44-06-030, by subject matter and by statute. ~~((Appellate briefs filed by the office of the attorney general are card indexed by subject and case name in the same office.~~

~~A card index))~~ Retrieval capability is maintained in the central office, ~~((Temple of Justice,))~~ Olympia, Washington, for cases which have been filed involving the state, giving the name, the county and the cause number. ~~((For cases involving the department of labor and industries a comparable card index file is maintained in the Attorney General's Office, Dexter Horton Building, Seattle, Washington.))~~

The volume of correspondence received by the attorney general's office is such that it would be unduly burdensome to formulate and maintain an index for all such correspondence. In lieu of an index the following filing system is utilized.

(1) Consumer protection complaints received by the consumer ~~((and business fair practices))~~ protection division are filed by firm name of the subject of the complaint, or by the subject matter of the complaint if no specific firm is named.

(2) ~~((Letters from the public and the responses thereto are filed in the central office, Temple of Justice, Olympia, Washington, by alphabetical batching for specific time periods.~~

(3) Letters to and from agencies are filed in the central office, Temple of Justice, Olympia, Washington, by the name of the agency in a chronological sequence.)) Records of the new motor vehicle arbitration board as well as the lemon law administration are filed in the Seattle office, Lemon Law Administrator, Office of

the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012.

AMENDATORY SECTION (Amending Order 103, filed 4/30/84)

WAC 44-06-060 Public records officer. (1) The public records officer for the attorney general's office shall be the ((administrative assistant to the attorney general for all records maintained in the central office, Temple of Justice, Olympia, Washington. For those records maintained at other locations, the assistant attorney general in charge of the legal division having custody of the records or any staff member designated by the assistant attorney general shall be the public records officer)) office services manager who shall be responsible for responses to requests for public records. Except as provided in subsections (2) and (3) of this section, all requests for public records shall be directed to Office Services Manager, Office of the Attorney General, 1110 Capitol Way S., PO Box 40107, Olympia, Washington 98504-0107.

(2) For those records maintained for lemon law administration for the New Motor Vehicles Warranty Act (chapter 19.118 RCW) the disclosure coordinator shall be located at the Office of Lemon Law Administration, Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012.

(3) For those records maintained by the "business and fair practices division" aka consumer protection division (chapter 19.86 RCW), the disclosure coordinator shall be located at the Office of the Attorney General, 900 Fourth Avenue, Suite 2000, Seattle, Washington 98164-1012.

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-070 ((Office hours-)) Hours for seeking public records. Public records shall be available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-080 Requests for public records. In accordance with requirements of chapter ((1, Laws of 1973)) 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copies of such records may be obtained, by

members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the office which shall be available at the offices where records are maintained. The form shall be presented to the public records officer; or to a member of the staff designated by him or her, if the public records officer is not available, at the office during the office hours specified in WAC 44-06-070. The request shall include the following information:

(a) The name of the person requesting the record;
(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within ~~((the))~~ a current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to ~~((the office's))~~ a current index maintained by the office, an appropriate description of the record requested.

(f) If the request is for a list of individuals, the requester shall certify that the request is not for commercial purposes except as provided in RCW 42.17.260(7).

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or designated staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

(3) When a person's identity is relevant to an exemption, that person may be required to provide personal identification.

NEW SECTION

WAC 44-06-085 Response to public records requests. (1) The office shall respond promptly to requests for disclosure. Within five business days of receiving a public record request, the office will respond by:

(a) Providing the record;

(b) Acknowledging that the office has received the request and providing a reasonable estimate of the time the office will require to respond to the request; or

(c) Denying the public record request.

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

(a) Clarify the intent of the request;

(b) Locate and assemble the information requested;

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

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

(3) In acknowledging receipt of a public record request that is unclear, the office may ask the requester to clarify what

information the requester is seeking. If the requester fails to clarify the request, the office need not respond to it.

(4) (a) If the office does not respond in writing within five working days of receipt of the request for disclosure, the person seeking disclosure shall be entitled to:

(i) Consider the request denied; and

(ii) Petition the public records officer under WAC 44-06-120.

(b) If the office responds within five working days acknowledging receipt of the request and providing an estimate of the time required to respond to the request, and the requester feels the amount of time stated is not reasonable, the person seeking disclosure shall be entitled to:

(i) Consider the request denied; and

(ii) Petition the public records officer under WAC 44-06-120.

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-090 Copying fees. No fee shall be charged for the inspection of a public record. The office, however, will for requests under this chapter, charge one dollar for the first ten pages and ten cents per copy for additional pages. The public records officer may waive the fee for copies when the expense of processing the payment exceeds the costs of providing the copies. These charges are necessary to reimburse the office for the costs of providing the copies of the public records and the use of the copying equipment. Payment should be made by check to the attorney general's office. The office may require that all charges be paid in advance of release of the copies of the records.

AMENDATORY SECTION (Amending Order 102, filed 2/20/74)

WAC 44-06-110 Exemptions. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 44-06-080 is exempt under the provisions of RCW 42.17.310 or other law.

(2) ~~((In addition,))~~ Many of the records of the office are protected by the attorney-client privilege and/or the attorney work product doctrine. The office, in the course of representing agencies, may at times have materials or copies of materials from such agencies. A request for such records may be referred by the attorney general to the agencies whose records are being requested. The office may assert exemptions applicable to the agency or agencies which transmitted the material to the office.

(3) Pursuant to RCW 42.17.260, the office reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter ~~((1, Laws of 1973))~~ 42.17 RCW. The public records officer will fully justify such deletion in writing.

~~((3))~~ (4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending Order 103, filed 4/30/84)

WAC 44-06-120 Review of denials of public records requests.

(1) Any person who objects to the office's denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the public records officer. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the attorney general or his or her designated deputy attorney general. The attorney general or his or her designee shall immediately consider the matter and either affirm or reverse such denial within two business days following the ~~((original denial))~~ receipt of the written request for review of the denial of the public record.

(3) Administrative remedies shall not be considered exhausted until the attorney general or the designated deputy attorney general has returned the petition with a decision or until the close of the second business day following ~~((denial of inspection))~~ receipt of the written request for review of the denial of the public record, whichever occurs first.

(4) For purposes of WAC 44-06-160, the office shall have concluded a public record is exempt from disclosure only after the review conducted under this section has been completed.

AMENDATORY SECTION (Amending Order 103, filed 4/30/84)

WAC 44-06-140 Adoption of form. The attorney general's office hereby adopts use by all persons requesting inspection and/or copies of records of the form set out below, entitled "Request for public records."

Return to:

Public Records Officer
Office of the Attorney General
~~((Name and address of specific legal
division. If not known, return to~~

~~Office of Attorney General,~~
~~Temple of Justice,))~~
1110 Capitol Way S.
PO Box 40107
Olympia, Washington 98504 (+)-0107

OFFICE OF THE ATTORNEY GENERAL

REQUEST FOR PUBLIC RECORDS

Date Time
Name
Address
.
Phone number where you can
be reached during day
Description of Records (see index):
.
.
.
Signature
Number of copies
Number of pages
Per page charge \$
Total charge \$

NEW SECTION

WAC 44-06-150 Availability of pamphlet. The office has available a pamphlet, written in plain language, explaining the provisions of the Public Records Act. Requests for a copy of the pamphlet should be directed to the Public Records Officer, Office of the Attorney General, 1110 Capitol Way S., Suite 120, PO Box 40107, Olympia, Washington 98504-0107.

NEW SECTION

WAC 44-06-160 Requests for review. As provided in RCW 42.17.325, "Whenever a state agency concludes that a public record is exempt from disclosure and denies a person opportunity to inspect or copy a public record for that reason, the person may request the attorney general to review the matter." Requests for



such review shall be directed to Public Records Review, Office of the Attorney General, P.O. Box 40100, Olympia, Washington 98504-0100. The office will provide the person with a written opinion on whether the record is exempt.

Nothing in this section shall be deemed to establish an attorney-client relationship between the attorney general and a person making a request under this section.