

# Title 44 WAC

## ATTORNEY GENERAL'S OFFICE

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### Chapter 44-01 WAC

#### REGULATIONS FOR THE ADMINISTRATION OF CHARITABLE TRUSTS IN THE STATE OF WASHINGTON

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**WAC 44-01-010 Promulgation.** Under the provisions of chapter 53, Laws of 1967 ex. sess., hereinafter designated as the Washington Charitable Trust Act or Charitable Trust Act, the attorney general of the state of Washington hereby promulgates the following regulations to provide for the creation of the division of charitable trusts in the office of the attorney general of the state of Washington, to provide a register for the registration of all charitable trusts and trustees subject to said Charitable Trust Act, and to provide for the administration of that act.

[Order 101, Promulgation, § 44-01-010, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-020 General duties of the attorney general and of charitable trustees.** It is the duty of the attorney general to enforce the provisions of all charitable trusts in this state and to enforce the proper application of funds held in trust in this state for public, charitable purposes. Except as otherwise provided, the trustees of all charitable trusts and similar relationships, as defined in chapter 19.10 RCW and these regulations,

are required to report the existence of their trust or other relationship and to report its administration on an annual or other basis thereafter, at the time and in the manner prescribed by said act and by these regulations.

[Order 103, § 44-01-020, filed 12/8/71; Order 101, § 44-01-020, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-030 Creation of charitable trust division--Register of trustees.** There is established in the office of the attorney general of the state of Washington, a division of charitable trusts. The division of charitable trusts shall establish and maintain in the Office of the Attorney General, Charitable Trust Division, Olympia, Washington, a register of charitable trusts which shall contain a listing of all trustees subject to the provisions of the Washington Charitable Trust Act, and of the particular trust, foundation, or other relationship under which they hold property for charitable purposes.

[Order 101, § 44-01-030, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-040 To whom rules apply.** Any trustee, as defined in RCW 19.10.020 and by these regulations, not otherwise expressly exempted in chapter 19.10 RCW, holding money or property of any kind whatsoever, is subject to and must comply with the Charitable Trust Act and with these regulations.

[Order 103, § 44-01-040, filed 12/8/71; Order 101, § 44-01-040, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-050 Definitions.** The term "charitable trust" in the Charitable Trust Act and in these regulations unless otherwise limited is deemed to mean any relationship whereby real or personal property is held for a charitable purpose or purposes: *Provided*, Such term shall not include any such relationship which is established for the purpose of making distributions only to individuals or organizations who are expressly named in the governing instrument and for no other charitable purposes. It includes but is not limited to express trusts created by will or by deed, or the trust relationship which may be created by the articles of incorporation or other governing instrument of a charitable corporation, association or foundation. The term "trustee," unless otherwise limited, includes any legal entity, irrespective of its character, which holds a vested legal title to, and control over, real or personal property for any charitable purpose under the terms or provisions of a charitable trust.

The term "trustee" excludes any persons or legal entities who are mere titleholders or custodians or depositaries of property which is held for charitable purposes, and who have no powers or duties relative to the administration of such property, except as otherwise provided

in these regulations. The term "Charitable Trust Act" means the Washington Charitable Trust Act, chapter 53, Laws of 1967 ex. sess. and amendments thereto.

[Order 103, § 44-01-050, filed 12/8/71; Order 101, § 44-01-050, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-060 Exemptions and exclusions.** The Charitable Trust Act does not apply to the following entities, each of which is exempt from the act:

(1) Governmental bodies. The United States, any state, territory or possession of the United States, the District of Columbia, Puerto Rico, or any of their agencies or governmental subdivisions;

(2) Religious bodies:

(a) Incorporated, bona fide tax-exempt religious organization;

(b) Charitable agencies and organizations affiliated with and forming an integral part of said religious body, or operated, supervised or controlled directly by such religious body;

(c) Any officer of any such religious body holding property for religious purposes.

If such organization is not at the time it receives property declared to be tax exempt, it is exempt from the Charitable Trust Act for two years or until it receives from the federal government a declaration of its tax-exempt status, whichever occurs first.

(3) Schools. Educational institutions, of a nonprofit and charitable nature, having a course of studies equivalent to that of a public school or college operated by the state of Washington or a school district of the state of Washington.

[Order 103, § 44-01-060, filed 12/8/71; Order 101, § 44-01-060, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-070 Trustees exempt from RCW 19.10.070--Reports required.** The following trustees shall be exempt from the reporting requirements of RCW 19.10.070 and are required to comply with the reporting requirements contained in this section.

(1) A bank or trust company subject to examination by either the supervisor of banking of the state of Washington, the comptroller of the currency of the United States or the board of governors of the federal reserve system, which bank or trust company is acting as trustee, executor or court-appointed fiduciary: *Provided*, That a bank or trust company which is a cofiduciary of a trust shall be deemed to be the sole fiduciary of such trust under this section, if the bank or trust company is custodian of the books and records of the trust and has the responsibility for preparing the reports and returns which are filed with the internal revenue service;

(2) The governing body of a nonprofit community foundation or other nonprofit foundation incorporated for charitable purposes, contributions to which are currently allowed as charitable deductions under the United States income tax laws;

(3) The governing body of a hospital which is nonprofit and charitable, other than a hospital initially formed as a trustee pursuant to or in connection with the terms of a charitable trust.

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The trustees described in this section shall file with the attorney general a copy of the declaration of tax exempt status if such is required to be obtained under United States tax laws, or other basis of the claim for exemption from RCW 19.10.070; a copy of the instrument establishing the trustee's title, powers or duties; an inventory of the assets of such trust; and, annually a copy of its Internal Revenue Service Form 990 or 1041-A together with IRS Form 990-AR when required.

[Order 103, § 44-01-070, filed 12/8/71; Order 101, § 44-01-070, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-080 Registration--Time for registration.** Except as provided by WAC 44-01-170, every trustee subject to the Charitable Trust Act shall register with the attorney general within two months after receiving property for charitable purposes. Registration shall consist of the filing of a registration statement, to which shall be attached a copy of the trust instrument, and containing the following information:

(1) Name and address of the charitable trust, foundation, or corporation or trustee subject to the act;

(2) Type of instrument creating or governing the organization, corporation, or trustee, date of instrument, and the location where it is filed;

(3) Names and addresses of trustees, or corporate officers and directors;

(4) Titles of instruments attached to the registration report;

(5) Description and value of charitable corporation or trust assets, including a statement of the current market value of such assets, and statement of liabilities of the corporation or trust;

(6) Purpose of the charitable corporation or trust;

(7) Names and addresses of beneficiaries or class or classes of beneficiaries designated by the instrument governing the charitable corporation or trust;

(8) A copy of the declaration of tax exempt status if such is obtained under the United States tax laws; and

(9) Designation of the fiscal year of the trust or corporation, if reports are to be filed on other than a calendar year basis.

Trustees of charitable trusts, as defined in the Charitable Trust Act and these regulations, holding or being in control of property for charitable purposes July 30, 1967, shall file the required registration statement on or before January 31, 1968. Trustees not required to report previously must file the required registration statement on or before February 9, 1972.

[Order 103, § 44-01-080, filed 12/8/71; Order 102, § 44-01-080, filed 5/8/69; Order 101, § 44-01-080, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-090 Annual reports.** Every trust or trustee, as defined by the Washington Charitable Trust Act and these regulations, shall file an annual report under oath, in the Office of the Attorney General, Division of Charitable Trust, Olympia, Washington.

[Order 101, § 44-01-090, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-100 Annual reports--Substance--Form.** The annual reports shall contain the information required by the United States Internal Revenue Service in its Form 990 or Form 1041-A if no Form 990 is filed; and such further information as may be required by these regulations as amended from time to time. The report shall specifically contain a statement of the current market value of assets of the charitable corporation or trust. Such report insofar as it contains the required information, may be submitted in the form of either:

(1) The Form 990, RETURN OF ORGANIZATION EXEMPT FROM INCOME TAX, filed with the United States Internal Revenue Service and Form 990-AR when required; or Form 1041-A or other tax return required to be filed under United States tax law and by these regulations; or

(2) A copy of the annual account filed by the trustee in any court having jurisdiction of the trust; or

(3) A copy of an audit certified as being true and correct and in accordance with generally accepted accounting principles by any certified public accountant and containing substantially the information required as an annual report by the attorney general; or

(4) A tax exempt organization required to file annual reports under chapter 19.10 RCW and not required to file federal tax returns because their gross receipts are not normally more than \$5,000 and which organizations are not annually audited by a certified public accountant shall submit under oath a statement showing that information required by IRS Form 990.

If any such alternative form is utilized and does not contain substantially all the information required by these rules, the form shall have attached to it one or more supplementary sheets providing such information.

[Order 103, § 44-01-100, filed 12/8/71; Order 102, § 44-01-100, filed 5/8/69; Order 101, § 44-01-100, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-110 Annual or periodic reports--Time for filing.** The first annual report shall cover the first calendar or other fiscal year (as determined for federal tax reporting purposes) of the trust ending after the trust becomes subject to the act, whether or not such report covers a full twelve-month period. The report shall be filed on or before the fifteenth day of the sixth month after the close of said first calendar or other fiscal year.

Every trustee of a charitable trust subject to the reporting provisions of the Charitable Trust Act shall, subsequent to the filing of the first annual report, file an annual report for each subsequent year during the existence of the trust except as herein provided. All such subsequent annual reports shall cover the twelve-month period ending with the calendar or other fiscal year of the trust, and they shall be due on or before the fifteenth day of the sixth month after the close of such calendar or other fiscal year. A trust or other organization which commences reporting on either a calendar or fiscal year basis shall continue such method of reporting unless the attorney general permits a different method of reporting as provided in these regulations.

(1986 Ed.)

If any part of the income or principal of the charitable trust or corporation previously established was authorized or required to be applied to a charitable purpose on or before July 30, 1967, the first annual report shall be filed on or before January 31, 1968, unless filing of such report is suspended for any reason under the provisions of section 7, chapter 53, Laws of 1967 ex. sess.

If any part of the income or principal of a charitable trust or corporation previously exempted was authorized or required to be applied to a charitable purpose on or before August 9, 1971, the first annual report shall be filed on or before the fifteenth day of the sixth month after the close of the trust or corporation's first calendar or fiscal year ending after August 9, 1971.

The attorney general may suspend the filing of reports as to a particular trust for a reasonable, specifically designated time upon written application of the trustee filed with the attorney general, and after the attorney general has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and periodic reports are not required for proper supervision by his office.

[Order 103, § 44-01-110, filed 12/8/71; Order 101, § 44-01-110, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-120 Registration and reports--Executing and filing.** All registration and annual reports and other reports required by the Charitable Trust Act, or by these regulations, shall be executed on affidavit by one or more trustees of the charitable trust, or by the chairman or secretary of the board submitting them. All such registration and annual reports and other reports and information shall be submitted to the Attorney General, Charitable Trust Division, Temple of Justice, Olympia, Washington, unless otherwise directed by the attorney general.

[Order 101, § 44-01-120, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-130 Notice of application for tax exemption.** The trustee of a charitable trust shall file with the attorney general a copy of any application for federal income tax exemption and also a copy of any application for exemption from real or personal property tax exemptions in the state of Washington.

[Order 101, § 44-01-130, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-140 Notification of litigation.** As provided in section 12, chapter 53, Laws of 1967 ex. sess., the Charitable Trust Act, the attorney general shall be notified of all judicial proceedings involving or affecting the charitable trust or its administration in which, at common law, he is a necessary or proper party as representative of the public beneficiaries. Notification shall be given by the trustee or the attorney for the trustee in the manner provided by the Charitable Trust Act. Cases of which the attorney general shall be notified shall include, but are not necessarily limited to, the following:

- (1) An action to dissolve a charitable trust or trustee;
- (2) An action alleging mismanagement or breach of trust on the part of a trustee;

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(3) An action by trustees or others requesting directions from the court as to management of the trust;

(4) Any action involving an application or request for application of the doctrine of cy pres;

(5) An action to approve the disposition of assets wherein, if the trust were a private trust, one or more beneficiaries of such trust would have the right to be represented and to be heard.

[Order 101, § 44-01-140, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-150 Duty to furnish information--In general.** The trustees of all trusts subject to the Charitable Trust Act, and all other persons to whom the provisions of the act apply, shall furnish such further information and copies of records or other documents as and in the manner required from time to time by the attorney general in order to establish, maintain and keep current his register of trustees as provided by law, or for any other lawful purpose contemplated by the Charitable Trust Act. A request for information shall be in writing, signed by the attorney general or his representative, specifying as precisely as practicable the nature of the information desired and the nature of the instruments, reports, records, or other documents copies of which are requested for that purpose. Every person to whom such written request is directed, having such information or documents, shall comply with said written request within thirty days after its receipt, unless the time is extended in writing.

The procedures specified in this regulation for the gathering of information are intended to supplement and not limit the powers of the attorney general expressly granted in sections 10, 11 and 12, chapter 53, Laws of 1967 ex. sess., or any other law.

[Order 101, § 44-01-150, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-160 Register--Inspection.** The attorney general will maintain the register of trustees in book or other suitable form, in which each trust or other relationship subject to the Washington Charitable Trust Act shall be recorded, together with all information pertinent thereto which the attorney general deems necessary in the public interest.

The register and records of any charitable trust registered in the office of attorney general are matters of public record and shall be subject to reasonable inspection between the hours of 9:00 a.m. and 4:00 p.m. on any day on which the attorney general's office is open for business.

When any trust instrument contains a trust for mixed purposes, and any one or more of such purposes is a private charity rather than a public charity, such document shall be withheld from public inspection.

[Order 101, § 44-01-160, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-170 When trust becomes subject to act--Vested remainders.** A trust is not exclusively for charitable purposes, within the meaning of RCW 19.10.040, when the instrument creating it contains a trust for several or mixed purposes, and any one or more of such

purposes is not charitable within the meaning of RCW 19.10.020, as enacted or hereafter amended. Such instrument shall be withheld from public inspection by the attorney general and no information as to such noncharitable purposes shall be made public.

Annual reporting of such trusts to the attorney general, as now required by RCW 19.10.060 or 19.10.070, or as hereafter amended, and by these regulations shall commence within one year after trust income or principal is authorized or required to be used for a charitable purpose.

When a trust consists of a vested charitable remainder preceded by a term or life estate, a copy of the instrument only shall be filed by the trustee or by the term or life tenant, within two months after commencement of the term or life estate. Registration and annual reporting as required by RCW 19.10.060 or 19.10.070 (as the same may be hereafter amended) and by these regulations shall be required only upon the termination of such term or life estate or when trust income or principal is authorized or required to be used for a charitable purpose, whichever occurs first.

If the trust instrument contains only contingent gifts or remainders to charitable purposes, no charitable trust shall be deemed created until a charitable gift or remainder is legally vested. The first registration or report of such trust shall be filed within two months after trust income or principal is authorized or required to be used for a charitable purpose.

[Order 103, § 44-01-170, filed 12/8/71; Order 101, § 44-01-170, filed 12/8/67, effective 1/8/68.]

**WAC 44-01-180 Regulations--Amendments.** These regulations may be amended at any time and from time to time by the attorney general.

[Order 101, § 44-01-180, filed 12/8/67, effective 1/8/68.]

## Chapter 44-06 WAC

### CONSUMER PROTECTION DIVISION--PUBLIC RECORDS

#### WAC

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**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.

[Order 102, § 44-06-010, filed 2/20/74.]

**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 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) "Office" is the attorney general's office.

[Statutory Authority: RCW 42.17.250 through 42.17.320. 84-10-031 (Order 103), § 44-06-020, filed 4/30/84; Order 102, § 44-06-020, filed 2/20/74.]

**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 should be directed to specifically named assistant attorneys 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 Division, Dexter-Horton Building, Seattle, Washington or to local division offices located in Tacoma, Olympia, or Spokane. Other inquiries, including requests for attorney general's opinions, should be directed to the Attorney General's Office, Temple of Justice, Olympia, Washington 98504.

Attorney general offices located in other cities are as follows:

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|---|---|
| (1) Everett Office<br>1411 Wall Street<br>Everett, Washington                     | Social and Health Services<br>Public Assistance |
| (2) Tacoma Office<br>949 Market Street<br>Suite 380<br>Tacoma, Washington         | Consumer Protection<br>(Pierce County)          |
| (3) Vancouver Office<br>500 West 8th Street<br>Suite 751<br>Vancouver, Washington | Social and Health Services<br>Public Assistance |

- |  |   |
|--|---|
| (4) Spokane Office<br>1116 West<br>Riverside Street<br>Spokane, Washington | Consumer Protection<br>(Eastern Washington)<br>Labor and Industries<br>Social and Health Services |
| (5) Olympia Office<br>122 North Capitol Way<br>Olympia, Washington         | Consumer Protection<br>(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 (Auditor, General  
Temple of Justice Administration, Office of  
Olympia, Washington Program Planning and Fiscal  
98504 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

(19) Western Washington University  
Room 335, Old Main  
Bellingham, 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.

[Statutory Authority: RCW 42.17.250 through 42.17.320. 84-10-031 (Order 103), § 44-06-030, filed 4/30/84; Order 102, § 44-06-030, 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 and these rules.

[Order 102, § 44-06-040, filed 2/20/74.]

**WAC 44-06-050 Index.** The attorney general's office biennial reports have indexed by subject matter the published opinions of the attorney general. A card index is maintained in the central office, Temple of Justice, Olympia, Washington, indexing all attorney general opinions (published and unpublished) 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 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 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.

[Statutory Authority: RCW 42.17.250 through 42.17.320. 84-10-031 (Order 103), § 44-06-050, filed 4/30/84; Order 102, § 44-06-050, filed 2/20/74.]

**WAC 44-06-060 Public records officer.** 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.

[Statutory Authority: RCW 42.17.250 through 42.17.320. 84-10-031 (Order 103), § 44-06-060, filed 4/30/84; Order 102, § 44-06-060, filed 2/20/74.]

**WAC 44-06-070 Office hours.** 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.

[Order 102, § 44-06-070, filed 2/20/74.]

**WAC 44-06-080 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973 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, 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 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 current index, an appropriate description of the record requested.

(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.

[Order 102, § 44-06-080, 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. 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.

[Order 102, § 44-06-090, filed 2/20/74.]

**WAC 44-06-100 Protection of public records.** The public records officer shall to the extent practicable insure that records requested are not removed from the premises nor portions thereof removed by members of the public.

[Order 102, § 44-06-100, 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.

(2) In addition, 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. The public records officer will fully justify such deletion in writing.

(3) 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.

[Order 102, § 44-06-110, filed 2/20/74.]

**WAC 44-06-120 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. 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 designated deputy attorney general. The attorney general or his designee shall immediately consider the matter and either affirm or reverse such denial within two business days following the original denial.

(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, whichever occurs first.

[Statutory Authority: RCW 42.17.250 through 42.17.320. 84-10-031 (Order 103), § 44-06-120, filed 4/30/84; Order 102, § 44-06-120, filed 2/20/74.]

**WAC 44-06-130 Consumer protection complaints.** Unless a complainant on a consumer protection matter specifically provides to the contrary, the consumer protection division is authorized when it deems it appropriate to forward a copy of the letter of complaint to the firm which is the subject of the complaint.

[Order 102, § 44-06-130, filed 2/20/74.]

**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, Olympia, Washington 98504)

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 \$-----

[Statutory Authority: RCW 42.17.250 through 42.17.320. 84-10-031 (Order 103), § 44-06-140, filed 4/30/84; Order 102, § 44-06-140, filed 2/20/74.]