

Chapter 10-04 WAC

AGENCY ORGANIZATION—PUBLIC RECORDS

WAC

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WAC 10-04-010 Purpose. The purpose of this chapter is to provide rules implementing RCW 42.17.250 [42.56.040] et seq. for the office of administrative hearings.

[Statutory Authority: RCW 34.05.020, 34.12.030 and 42.17.250. 99-20-115, § 10-04-010, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW 34.04.020 and 47.17.250 - 47.17.320 [42.17.250 - 42.17.320]. 82-22-052 (Order 3), § 10-04-010, filed 11/1/82.]

WAC 10-04-020 Function—Organization—Offices. The office of administrative hearings conducts impartial administrative hearings for state agencies and local governments pursuant to chapter 34.12 RCW. The office is under the direction of the chief administrative law judge.

Administrative law judges preside over hearings in adjudicative proceedings and issue initial or final orders, including findings of fact and conclusions of law.

The administrative office is located at 2420 Bristol Ct. SW, P.O. Box 42488, Olympia, Washington, 98504-2488. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday except legal holidays. Administrative law judges are assigned to field offices located in Olympia, Seattle, Spokane, Vancouver, and Yakima. Each office is headed by an assistant deputy chief administrative law judge.

All written communications by parties pertaining to a particular case shall be filed with the field office, if any, assigned to the case, and otherwise with the chief administrative law judge or designee at the administrative office.

[Statutory Authority: Chapter 34.12 RCW. 08-12-025, § 10-04-020, filed 5/29/08, effective 6/29/08. Statutory Authority: RCW 34.12.030(6). 06-08-009, § 10-04-020, filed 3/23/06, effective 4/23/06. Statutory Authority: RCW 34.05.020, 34.12.030 and 42.17.250. 99-20-115, § 10-04-020, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW 42.17.250 [(1)](a). 93-10-098, § 10-04-020, filed 5/5/93, effective 6/5/93. Statutory Authority: RCW 42.17.250 and 34.05.220 (1)(b). 89-13-036 (Order 6), § 10-04-020, filed 6/15/89. Statutory Authority: RCW 42.17.250 and 34.04.020. 85-22-032 (Order 4), § 10-04-020, filed 10/31/85. Statutory Authority: RCW 34.04.020 and 47.17.250 - 47.17.320 [42.17.250 - 42.17.320]. 82-22-052 (Order 3), § 10-04-020, filed 11/1/82.]

WAC 10-04-030 Public records—Availability. Public records are available for public inspection and copying except as otherwise provided under chapter 42.17 RCW and these rules.

[Statutory Authority: RCW 34.05.020, 34.12.030 and 42.17.250. 99-20-115, § 10-04-030, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW

(5/29/08)

34.04.020 and 47.17.250 - 47.17.320 [42.17.250 - 42.17.320]. 82-22-052 (Order 3), § 10-04-030, filed 11/1/82.]

WAC 10-04-040 Public records—Officer. The public records officer for the administrative office shall be the executive assistant. For those records maintained at field office locations, the public records officer shall be the senior administrative law judge.

[Statutory Authority: RCW 34.05.020, 34.12.030 and 42.17.250. 99-20-115, § 10-04-040, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW 34.04.020 and 47.17.250 - 47.17.320 [42.17.250 - 42.17.320]. 82-22-052 (Order 3), § 10-04-040, filed 11/1/82.]

WAC 10-04-050 Requests for public records. (1) Members of the public may inspect or obtain copies of public records in accordance with chapter 42.17 RCW by submitting a written request to the public records officer (or designee) during office hours. The office shall provide a form for submitting a request for public records. The request shall include the following information:

- (a) The name of the person requesting the record;
 - (b) The date on which the request was made;
 - (c) The nature of the request;
 - (d) An appropriate description of the record requested;
- and
- (e) Where and how to deliver the record requested.
- (2) The public records officer shall assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 34.05.020, 34.12.030 and 42.17.250. 99-20-115, § 10-04-050, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW 34.04.020 and 47.17.250 - 47.17.320 [42.17.250 - 42.17.320]. 82-22-052 (Order 3), § 10-04-050, filed 11/1/82.]

WAC 10-04-060 Copying fees. No fee shall be charged for the inspection of public records. The office shall charge a fee of fifteen cents per page of copy for providing copies of public records and for the use of the office's copy equipment, including electronic telefacsimile transmission, plus the actual postage or delivery charge. Fees may be waived for minimal copies.

[Statutory Authority: RCW 34.05.020, 34.12.030 and 42.17.250. 99-20-115, § 10-04-060, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW 42.17.250 and 34.05.220 (1)(b). 89-13-036 (Order 6), § 10-04-060, filed 6/15/89. Statutory Authority: RCW 34.04.020 and 47.17.250 - 47.17.320 [42.17.250 - 42.17.320]. 82-22-052 (Order 3), § 10-04-060, filed 11/1/82.]

WAC 10-04-070 Exemptions. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 10-04-050 is exempt under the provisions of chapter 42.17 RCW or other law.

(2) In addition, pursuant to RCW 42.17.260(1), the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases

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where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. 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 records withheld.

[Statutory Authority: RCW 34.05.020, 34.12.030 and 42.17.250. 99-20-115, § 10-04-070, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW 34.04.020 and 47.17.250 - 47.17.320 [42.17.250 - 42.17.320]. 82-22-052 (Order 3), § 10-04-070, filed 11/1/82.]

WAC 10-04-080 Review of denials of public records request. (1) A person whose request for a public record has been denied may petition for prompt review of the denial by submitting 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 chief administrative law judge or designee. The chief administrative law judge or designee shall immediately consider the matter and affirm, modify, or reverse the denial within two business days following the original denial.

(3) A person whose request for a public record has been denied may request the attorney general to review the matter pursuant to RCW 42.17.325.

[Statutory Authority: RCW 34.05.020, 34.12.030 and 42.17.250. 99-20-115, § 10-04-080, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW 34.04.020 and 47.17.250 - 47.17.320 [42.17.250 - 42.17.320]. 82-22-052 (Order 3), § 10-04-080, filed 11/1/82.]

WAC 10-04-090 Protection of public records. (1) No person shall knowingly alter, deface, or destroy public records of the office.

(2) Original copies of public records of the office shall not be removed from the premises where maintained by the office.

(3) Care and safekeeping of public records of the office, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Persons requesting, inspecting, or copying public records shall not disrupt the office.

[Statutory Authority: RCW 34.05.020, 34.12.030 and 42.17.250. 99-20-115, § 10-04-090, filed 10/6/99, effective 11/6/99. Statutory Authority: RCW 34.04.020 and 47.17.250 - 47.17.320 [42.17.250 - 42.17.320]. 82-22-052 (Order 3), § 10-04-090, filed 11/1/82.]