

TRANSMITTAL OF RULES ADOPTED

FROM: ATTORNEY GENERAL
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 102
Emergency rules

relating to (Name of rules or description of subject matter)

Rules for the Attorney General's Office pursuant to
RCW 42.17.250, et seq.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 4483 ^① filed with the code reviser
on 1/24/74 ^② were regularly adopted as permanent rules of this
(date)
agency at Temple of Justice, Oly. on 2/20/74 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be _____ ^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter
34.04 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 20th day of February 1974.

STATE OF WASHINGTON
FILED
FEB 20 1974
CODE REVISER'S OFFICE
DOCKET # 530 FILE # 1

ATTORNEY GENERAL'S OFFICE
(AGENCY)
[Signature]
By _____
Attorney General
Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.
FORM REVISED, EFFECTIVE 8/9/71 [FORM CR-2]

STATE OF WASHINGTON
ATTORNEY GENERAL'S OFFICE

ADMINISTRATIVE ORDER NO. 102

The Attorney General's Office gave notice of its intention to adopt rules pursuant to RCW 42.17.250, et seq. and chapter 34.04 RCW by filing a notice with the code reviser, Notice No. 4483, on January 24, 1973. The notice indicated the intention to consider at 9:00 a.m., Wednesday, February 20, 1974, the adoption of the rules above referred to.

A hearing was held at that time. The Attorney General having considered the proposed rules, at 11:00 a.m. in accordance with the notice above referred to has adopted the attached rules for the Attorney General's Office relative to public records under RCW 42.17.250, et seq., and has directed the same be placed in the appropriate form and transmitted to the code reviser's office for filing as permanent rules of the Attorney General's Office.

DATED this 20th day of February, 1974.



SLADE GORTON
Attorney General

EW

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-.320) for the Washington State Attorney General's Office.

NEW

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

NEW

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 Protection Division, Dexter-Horton Building, Seattle, Washington. 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:

- (1) Everett OfficeSocial & Health Services
9029 El Capitan Way Public Assistance
Everett, Washington
- (2) Tacoma OfficeConsumer Protection
116 South 9th (Pierce County)
Tacoma, Washington
- (3) Vancouver OfficeSocial & Health Services
1206 1/2 Main Street Public Assistance
Vancouver, Washington
- (4) Spokane OfficeConsumer Protection
1305 Old National Bank Bldg. . .(Eastern Washington)
Spokane, Washington Labor & Industries
Social & Health Services

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 & 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 & Industries - Legal Division
General Administration Building
Olympia, Washington 98504
- (9) Legal-Fiscal Division (Auditor, General Administration, Office of
Temple of Justice Program Planning & Fiscal
Olympia, Washington 98504 Management, Public Dis-
closure 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 & Health Services - Legal Division
101 Public Lands Bldg.
Olympia, Washington 98504
- (15) Tort Claims
5th Floor - Highway Licenses Building
Olympia, Washington 98504
- (16) Utilities & 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 State College
Room 342, Wilson Library
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.

NEW 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.

NEW 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 Seattle Consumer 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.

NEW 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 shall be the public records officer.

NEW

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.

NEW

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.

NEW

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.

NEW

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.

NEW

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.

NEW

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 five 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 fifth business day following denial of inspection, whichever occurs first.

NEW

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.

NEW

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."



OFFICE OF THE ATTORNEY GENERAL
SLADE GORTON ATTORNEY GENERAL
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)

Date _____ Time _____

Name _____

Address _____

Description of Records (see index) :

I certify that the information obtained through this request
for public records will not be used for commercial purposes.

Signature

Number of copies _____

Number of pages _____

Per page charge \$ _____

Total charge \$ _____