

FROM: DEPARTMENT OF GENERAL ADMINISTRATION, DIVISION OF BANKING
(Name of Agency)

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

The enclosed Permanent rules , being order No. 13
Emergency rules

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

NEW WAC Chapter 50-24 - Public Records

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

pursuant to Notice No. _____ ① filed with the code reviser
on _____ ② were regularly adopted as permanent rules of this
(date)
agency at _____ on _____ 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
Olympia, Washington on 4/10/73 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 10th day of April 19 73

STATE OF WASHINGTON
FILED
APR 10 1973
CODE REVISER'S OFFICE
DOCKET # 4709 FILE # III

DEPARTMENT OF GENERAL ADMINISTRATION
DIVISION OF (AGENCY)
BANKING
By William E. Schneider
WILLIAM E. SCHNEIDER, Director
Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'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 REVIS-
ER'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.

STATE OF WASHINGTON
DEPARTMENT OF GENERAL ADMINISTRATION
DIVISION OF BANKING

ADMINISTRATIVE ORDER NO. 13


(1) I, WILLIAM E. SCHNEIDER, Director, Department of General Administration, an agency of the state of Washington, by virtue of the authority vested under chapter 34.04 RCW, RCW 43.17.060, RCW 43.19.040, and chapter 1, Laws of 1973, do promulgate the annexed rules and regulations, as emergency rules of this agency.

(2) Chapter 1, Laws of 1973, commonly referred to as Initiative 276, requires all state agencies to adopt rules and regulations concerning public records. Chapter 1, Laws of 1973 became effective on January 1, 1973; consequently, the adoption of these rules is necessary for the preservation of the public health, safety, and general welfare and observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest.

(3) This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW, and chapter 1-12 WAC.

APPROVED AND ADOPTED April 10, 1973.

BY


WILLIAM E. SCHNEIDER, Director
Department of General Administration

NEW

WAC 50-24-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the department of general administration, division of banking with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying Records; and in particular with §§ 25-32 of that act, dealing with public records.

NEW

WAC 50-24-020 DEFINITIONS. (1) PUBLIC RECORDS. "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) WRITING. "Writing means handwriting, typewriting, printing, photostating, photographing and every other means or recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents."

(3) DIVISION OF BANKING. The supervisor of banking, division of banking is appointed by the director of the department of general administration. The division of banking shall hereinafter be referred to as the "division of banking." Where appropriate, the term supervisor of banking also refers to the staff and employees of the division of banking.

NEW

WAC 50-24-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF DIVISION OF BANKING. (1) DIVISION OF BANKING. The division of banking is an administrative, supervisory, licensing and chartering agency. The administrative office of the division of banking and its staff is located at Room 111B, General Administration Building, Olympia, Washington. In addition to this office of record, a field office, for the convenience of the field examiners for the preparation of their reports of examination and other official duties, is maintained in Suite 605 Lowman Building, 107 Cherry Street, Seattle, Washington 98104. The Seattle office is not a depository for public records and none are available at that office for public inspection or copying.

NEW

WAC 50-24-040 OPERATIONS AND PROCEDURES. The primary purpose of the division of banking is the maintenance of a sound banking system and a sound consumer finance system, the prevention of irresponsible acts by members of the banking and financial system, and the insuring that these systems serve the needs and convenience of the public through the fostering of appropriate competition and operating efficiency. In order to accomplish this purpose, the division of banking's duties are divided into two major areas, i.e., examination and chartering.

The supervisor of banking is required by law to examine the operations of all state banks, trust companies, mutual savings banks, small loan companies, industrial loan companies and industrial development corporations. These duties are carried out through a full-time staff of field examiners employed by the division of banking. The examiners examine the books and records of an institution in order to detect any violations of the relevant statutes and to determine if good industry practices are being followed. After receipt of the examination reports,

the supervisor communicates the results to the managing group of the institution examined and requires any violations of law to be corrected.

The other main function of the division of banking is action upon applications by various groups to establish a financial institution or to change an existing one. The following general pattern or procedure is followed in such decision making by the supervisor of banking. This pattern is used and applies to applications:

- (1) To incorporate new state chartered banks, mutual savings banks or trust companies;
- (2) To establish branches of existing banks, mutual savings banks or trust companies;
- (3) Applications for trust powers to be conferred upon the existing banks or trust companies;
- (4) Applications to establish subsidiary corporations;
- (5) Merger applications;
- (6) Applications to move the main office or branch;
- (7) Applications for licenses for small loan companies or additional branches thereof;
- (8) Applications for charter of industrial loan companies or additional branches thereof; and
- (9) Applications for industrial development corporations.

An application is filed accompanied by the filing fee set by statute or regulation. After the application has been fully documented and supported by all required schedules, statements, etc., an examiner is assigned to make the field investigation or survey. Upon completion of the field investigation and after analysis of all of the factors generally considered as required by pertinent statutes, the assigned examiner submits his written report including his summary and recommendations. Based upon the findings of the examiner and his recommendations, the supervisor of banking will then either approve or deny the application.

Operations are channeled and actions determined, and the public may obtain information, submit requests, or obtain copies of public records from the above listed office of the supervisor of banking in Olympia. In general, the public may obtain information, make submittals or requests, or obtain copies of division of banking decisions as follows:

I. For state chartered banks, trust companies, mutual savings banks, and industrial development corporations or branches thereof:

- (a) Chartering - supervisor of banking or assistant supervisor of banking;
- (b) Investigations, staff studies, research and instruction manuals - special assistant or supervisor of banking;
- (c) Examinations - chief bank examiner;
- (d) General inquiries - Office receptionist or any of above named officials.

II. Consumer Finance:

- (a) Chartering industrial loan companies - supervisor or assistant supervisor of banking;
- (b) Licensing small loan companies - supervisor or assistant supervisor of banking;
- (c) Investigations and examinations of both, either of above officials;
- (d) General inquiries - assistant supervisor of banking and chief examiner consumer finance.

General inquiries or requests to inspect public records may be

made in person, as indicated above, or in writing addressed to the supervisor of banking, Olympia. Applications for permission to organize a new state bank, trust company, or mutual savings bank or for the chartering of an industrial loan company or for licensing of a small loan company, may be applied for in writing. However, as a matter of general procedure, it has been found desirable and is recommended that interested groups visit the office of the supervisor for a round-table discussion of requirements, forms to be filled out, fees payable to the supervisor of banking and the secretary of state, plus a general discussion of the primary market area the applicant wishes to serve and of the economic resources of that area together with a brief review of existing financial institutions already in that area.

NEW WAC 50-24-050 PUBLIC RECORDS AVAILABLE. All public records of the division of banking as defined in WAC 50-24-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by §§ 26 and 31, chapter 1, Laws of 1973 and WAC 50-24-100, and by RCW 43.19.060 and 43.19.070. Substantive rules of general applicability adopted by the supervisor of banking can be found in Title 50 WAC, and are incorporated herein by reference as though fully set forth.

NEW WAC 50-24-060 PUBLIC RECORDS OFFICER. The division of banking's public records shall be in charge of the public records officer designated by the division of banking. The person so designated shall be located in the administrative office of the division of banking. The public records officer shall be responsible for the following: The implementation of the division of banking rules and regulations regarding release of public records, coordinating the staff of the division of banking in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

NEW WAC 50-24-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the division of banking. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

NEW WAC 50-24-080 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 copied 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 division of banking, which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the division of banking staff, if the public records officer is not available, at the administrative office of the division of banking during customary office hours. The request shall include the

following information:

- (a) The name of the person requesting the records;
 - (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 division of banking 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 staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

NEW

WAC 50-24-090 COPYING. No fee shall be charged for the inspection of public records. The division of banking shall charge a fee of twenty-five (25) cents per page of copy for the first twenty pages and ten (10) cents per page for every copy thereafter for providing copies of public records and for use of the division of banking copy equipment. This charge is the amount necessary to reimburse the division of banking for its actual costs incident to such copying. The division of banking will charge additional amounts based on employee salaries if a particular request requires an unusual amount of time to be spent by the division. The copying fee shall be paid in cash, certified check, cashier's check or money order.

NEW

WAC 50-24-100 EXEMPTIONS. (1) The division of banking reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 50-24-080 is exempt under the provisions of § 31, chapter 1, Laws of 1973.

(2) RCW 43.19.060 and 43.19.070 provide as the general rule that all information received by the supervisor and his office from any bank or trust company or mutual savings bank is confidential and may not be disclosed to any person other than certain other government officials, on penalty of forfeiture of office and punishment as a gross misdemeanor.

(3) In addition, pursuant to § 26, chapter 1, Laws of 1973, the division of banking 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.

(4) All denials of requests for public records will 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 50-24-110 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 supervisor of banking of the division of banking. The supervisor of banking shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the division of banking has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

NEW

WAC 50-24-120 PROTECTION OF PUBLIC RECORDS. (1) Public records shall be available for public inspection during regular office hours as provided for by regulation at the office of the supervisor of banking, Room 111B, General Administration Building, Olympia. No person shall be allowed to remove any records made available to him for inspection from the place designated for inspection by the public records officer. If copies are desired the person so desiring them shall inform the public records officer who shall then either have the copies made or make the copying facilities of the division of banking available for copying.

NEW

WAC 50-24-130 RECORDS INDEX. (1) INDEX. The division of banking has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972:

"(a) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"(b) those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

"(c) administrative staff manuals and instructions to staff that affect a member of the public;

"(d) planning policies and goals, and interim and final planning decisions;

"(e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

"(f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party."

(2) AVAILABILITY. The current index promulgated by the division of banking shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW

WAC 50-24-140 All communications with the division of banking including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of

chapter 1, Laws of 1973 and these rules, requests for copies of the division of banking's decisions and other matters, shall be addressed as follows: Division of Banking, Records Officer, Room 111B, General Administration Building, State Capitol, Olympia, Washington 98504.

NEW

WAC 50-24-150 ADOPTION OF FORM. The division of banking hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix No. 1, entitled "Request for Public Record."

APPENDIX NO. 1

"REQUEST FOR PUBLIC RECORD"

To: The Division of Banking

(a) Name of person requesting public record(s)

Signature (_____)
Please Print

(_____)
Name of organization, if applicable

Mailing Address of Applicant Phone Number _____

(b) _____
Date request made at Division of Banking, Time filed
Olympia. Time of day
request made

(c) Nature of request _____

(d) Identification Reference on Current Index _____
Please Describe

(e) Description of record, or matter, requested if not identifiable
by reference to the division of banking's current index _____

