Title 322 WAC
HISPANIC AFFAIRS, COMMISSION ON
(Formerly: Mexican American Affairs, Commission on)

Chapters
322-12 Practice and procedure.

Chapter 322-12 WAC
PRACTICE AND PROCEDURE

WAC
322-12-010 Establishing regular meetings. Pursuant to section 7, chapter 250, Laws of 1971 ex. sess., and RCW 42.30.070, regular meetings of the commission on Mexican-American affairs shall be held on the second Saturday of every other month, beginning at 10:00 a.m., provided there are sufficient funds in the commission's budget. Such meetings shall be held at a place designated by the chairman of the commission.

[Statutory Authority: RCW 43.115.040. 87-04-035 (Order 4), § 322-12-010, filed 2/2/87; Order 1, § 322-12-010, filed 12/9/74.]

WAC 322-12-020 Purpose. The purpose of this chapter shall be to ensure compliance by the commission on Mexican American affairs with the provisions of chapter 1, Laws of 1973 (Initiative 276, Disclosure—Campaign finances—Lobbying—Records); and in particular, with sections 25 through 32 of that act, dealing with public records.

[Order 1, § 322-12-020, filed 12/9/74.]

WAC 322-12-030 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government 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" means handwriting, typewriting, printing, photostating, photographing, and every other means of 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) The commission on Mexican American affairs is an eleven member commission appointed by the governor with the consent of the senate. The commission on Mexican American affairs shall hereinafter be referred to as the commission. When appropriate, the term commission also refers to the staff and employees of the commission.

[Order 1, § 322-12-030, filed 12/9/74.]

WAC 322-12-040 Description of central and field organization of the commission. The administrative office of the commission and its staff are located at: Commission on Mexican American Affairs, 1522 South Cherry, Olympia, Washington 98504.

[Order 1, § 322-12-040, filed 12/9/74.]

WAC 322-12-060 Public records available. All public records of the commission, as defined in WAC 322-12-030 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 322-12-110.

[Order 1, § 322-12-060, filed 12/9/74.]

WAC 322-12-070 Public records officer. The commission's public records shall be in the charge of the public records officer designated by the commission. The person so designated shall be located in the administrative office of the commission. The public records officer shall be responsible for the following: The implementation of the commission's rules and regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order 1, § 322-12-070, filed 12/9/74.]

WAC 322-12-080 Office hours. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purposes of this chapter, the customary hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 5:00, Monday through Friday, excluding legal holidays.

[Order 1, § 322-12-080, filed 12/9/74.]

WAC 322-12-090 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 commission which shall be available at its
administrative office. The form shall be presented to the
public records officer or to any member of the commission's
staff, if the public records officer is not available, at the
administrative office of the commission during customary
office hours. 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 records as it is described in such current
index;
(e) If the requested matter is not identifiable by refer­
cence to the commission'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 staff member to whom the request is made
to assist the member of the public in appropriately identify­ing
the public records requested.

[Order 1, § 322-12-090, filed 12/9/74.]

WAC 322-12-100 Copying. No fee shall be charged
for the inspection of public records. The commission shall
charge a fee of ten cents per page of copy for providing
copies of public records and for use of the commission's
copy equipment. This charge is the amount necessary to
reimburse the commission for its actual costs incident to
such copying.

[Order 1, § 322-12-100, filed 12/9/74.]

WAC 322-12-110 Exemptions. (1) The commission
reserves the right to determine that a public record requested
in accordance with the procedures outlined in WAC 322-12-090 is exempt under the provisions of section 31, chapter 1,

(2) In addition, pursuant to section 26, chapter 1, Laws
of 1973, the commission 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 office will fully justify such deletion in writing.

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

[Order 1, § 322-12-110, filed 12/9/74.]

WAC 322-12-120 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 chairman of the commission. The
chairman shall immediately consider the matter and either
affirm or reverse such denial or call a special meeting of the
commission as soon as legally possible to review the 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 commission has returned the petition with
a decision or until the close of the second business day
following denial of inspection, whichever occurs first.

[Order 1, § 322-12-120, filed 12/9/74.]

WAC 322-12-140 Records index. (1) The commis­sion
will make available to all persons a current index which
provides identifying information as to the following records
issued, adopted or promulgated since its inception:

(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 instruction 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) The index promulgated by the commission shall be
available to all persons under the same rules and on the
same conditions as are applied to public records available for
inspection.

[Order 1, § 322-12-140, filed 12/9/74.]

WAC 322-12-150 Communications. All communica­tions
with the commission including but not limited to the
submission of materials pertaining to its operations and/or
the administration enforcement of chapter 1, Laws of 1973,
and these rules; requests for copies of the commission's
decisions and other matters, shall be addressed as follows:
c/o Public Records Officer, Commission on Mexican American Affairs, 1522 South Cherry, Olympia 98504.
[Order 1, § 322-12-150, filed 12/9/74.]

**WAC 322-12-160 Adoption of form.** The commission on Mexican American affairs hereby adopts for use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for public records."

We have received your request for copies of our public records. Please complete the form on the right and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you.

Return to:
Commission on Mexican American Affairs
1522 South Cherry
Olympia, WA 98504

Commission on Mexican American Affairs
REQUEST FOR PUBLIC RECORDS

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 $...........

[Order 1, § 322-12-160 and form, filed 12/9/74.]