

Email to the Legislators

July 13, 2016

This is the email I sent to all of the Washington State Legislators on April 25, 2016. Don't have high expectations for anything much to come of it, but I feel better having done it.

The Email

From: Joe Beavers <joe.beavers@outlook.com>

Sent: Monday, April 25, 2016 8:48 AM

To: Jan.Angel@leg.wa.gov; Sherry.Appleton@leg.wa.gov; Barbara.Bailey@leg.wa.gov; Andrew.Barkis@leg.wa.gov; Michael.Baumgartner@leg.wa.gov; Randi.Becker@leg.wa.gov; Don.Benton@leg.wa.gov; Steve.Bergquist@leg.wa.gov; Andy.Billig@leg.wa.gov; Brian.Blake@leg.wa.gov; John.Braun@leg.wa.gov; Sharon.Brown@leg.wa.gov; Vincent.Buys@leg.wa.gov; Michelle.Caldier@leg.wa.gov; Reuven.Carlyle@leg.wa.gov; Bruce.Chandler@leg.wa.gov; Maralyn.Chase@leg.wa.gov; Frank.Chopp@leg.wa.gov; Annette.Cleveland@leg.wa.gov; Judy.Clibborn@leg.wa.gov; Eileen.Cody@leg.wa.gov; Cary.Condotta@leg.wa.gov; Steve.Conway@leg.wa.gov; Bruce.Dammeier@leg.wa.gov; Brian.Dansel@leg.wa.gov; J.Darneille@leg.wa.gov; Richard.DeBolt@leg.wa.gov; Tom.Dent@leg.wa.gov; Hans.Dunshee@leg.wa.gov; Mary.Dye@leg.wa.gov; Doug.Ericksen@leg.wa.gov; Joe.Fain@leg.wa.gov; Jessyn.Farrell@leg.wa.gov; Jake.Fey@leg.wa.gov; Joe.Fitzgibbon@leg.wa.gov; Noel.Frame@leg.wa.gov; Karen.Fraser@leg.wa.gov; David.Frocht@leg.wa.gov; Roger.Goodman@leg.wa.gov; Mia.Gregerson@leg.wa.gov; Dan.Griffey@leg.wa.gov; Cyrus.Habib@leg.wa.gov; Larry.Haler@leg.wa.gov; Drew.Hansen@leg.wa.gov; Jim.Hargrove@leg.wa.gov; Mark.Hargrove@leg.wa.gov; Mark.Harmsworth@leg.wa.gov; Paul.Harris@leg.wa.gov; Bob.Hasegawa@leg.wa.gov; Brad.Hawkins@leg.wa.gov; Dave.Hayes@leg.wa.gov; Mike.Hewitt@leg.wa.gov; Teri.Hickel@leg.wa.gov; Andy.Hill@leg.wa.gov; Steve.Hobbs@leg.wa.gov; Jeff.Holy@leg.wa.gov; Jim.Honeyford@leg.wa.gov; Zack.Hudgins@leg.wa.gov; Sam.Hunt@leg.wa.gov; christopher.hurst@leg.wa.gov; Pramila.Jayapal@leg.wa.gov; Laurie.Jinkins@leg.wa.gov; Norm.Johnson@leg.wa.gov; Ruth.Kagi@leg.wa.gov; Karen.Keiser@leg.wa.gov; Christine.Kilduff@leg.wa.gov; Curtis.King@leg.wa.gov; Steve.Kirby@leg.wa.gov; Brad.Klippert@leg.wa.gov; Linda.Kochmar@leg.wa.gov; Joel.Kretz@leg.wa.gov; Dan.Kristiansen@leg.wa.gov; Kuderer.Patty@leg.wa.gov; Marko.Lias@leg.wa.gov; Steve.Litzow@leg.wa.gov; Kristine.Lytton@leg.wa.gov; Drew.MacEwen@leg.wa.gov; Chad.Magendanz@leg.wa.gov; Matt.Manweller@leg.wa.gov; Rosemary.McAuliffe@leg.wa.gov; Joan.McBride@leg.wa.gov; Gina.McCabe@leg.wa.gov; Bob.McCaslin@leg.wa.gov; John.McCoy@leg.wa.gov; Mark.Miloscia@leg.wa.gov; Jim.Moeller@leg.wa.gov; Jeff.Morris@leg.wa.gov; Luis.Moscoso@leg.wa.gov; Mark.Mullet@leg.wa.gov; Dick.Muri@leg.wa.gov; Terry.Nealey@leg.wa.gov; Sharon.Nelson@leg.wa.gov; Steve.O'Ban@leg.wa.gov; Ed.Orcutt@leg.wa.gov; Timm.Ormsby@leg.wa.gov; Lillian.Ortiz-Self@leg.wa.gov; Tina.Orwall@leg.wa.gov; Mike.Padden@leg.wa.gov; Kevin.Parker@leg.wa.gov; Linda.Parlette@leg.wa.gov; Kirk.Pearson@leg.wa.gov; Jamie.Pedersen@leg.wa.gov;

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Subject: Rebooting RCW 42.56

During the 2010 legislative session, I attended an Association of Washington Cities legislation session. After reviewing the various proposed pieces of legislation, I referred to them as “band aids on a cancer patient”.

Here it is, the end of the 2016 session, and I have yet to see any proposed legislation to correct the primary flaw of 42.56, the “bounty hunter provision”. Permit me to expound further.

Washington’s PRA is the only one in the USA that includes a large financial incentive to find a flaw in an agency’s response. Any “mere imperfection” in an “overbroad” request can lead to a large transfer of local tax dollars into private bank accounts.

Consider how three states would financially incentivize the following disputes:

	Requestor Bounty		
	Wash	Utah	Rhode Island
O'Neil v Shoreline	\$ 100,000	\$ 0	\$ 0
Seattle Times v L & I	\$ 507,000	\$ 0	\$ 0
Citizens Sustain v SnoCo	\$ 402,250	\$ 0	\$ 0.

Utah and Rhode Island have higher national ratings than Washington for their Public Records Acts with faster and stronger enforcement (see “We’re Number 32 !!” attachment).

Do the local citizens whose tax dollars get shunted into private bank accounts think this is a good idea? Do they feel the human errors, bureaucratic sloppiness and “fog of legislation” that get resolved are adequate consideration for the costs to local taxpayers? One citizen certainly doesn’t think so (see attached Letter to the Editor).

Now, any attempt to create a rational enforcement for 42.56 will create a giant pushback from the “requestor community”. Let’s do a little “Sunshine Goes Both Ways” review here.

The “requestor community” is led by the Washington Coalition for Open Government (WCOG), an organization that supports blatantly abusing the PRA (Amici Brief Div I Case 71425) and has submitted a misleading report to the Legislature (WCOG Study of PRA Costs February 2014). In addition, several Coalition Board Members profit handsomely from the draconian enforcement mechanism of the Act.

While claiming they do this for the “people”, the attitude of the “requestor community” might be better expressed by Roland Thompson, Olympia Lobbyist for the Seattle Times and other newsprint media.

At the January 2016 WCOG Conference, Thompson opined that “small governments” should go away due to “upcoming digital requirements” (my notes from the meeting). The tens of thousands of Washington residents who have established thousands of small governments to provide services such as water, sewer, law enforcement, public areas should go away to be replaced with a large, remote government with a substantial IT department.

Somehow, I don't think these citizens established their local agencies for the purpose of providing the "requestor community" with Internet perusing materials. That a major principal of the "requestor community" to think this is ... is ..., well, you come up with a description.

Before you return for the 2017 session, spend a little time contemplating to whom you owe your fiducial responsibility.

Is it the subset of the "requestor community" that financially profits from the PRA?

Or is it the local taxpayers who have their tax dollars forcibly re-directed to that financial profit?

The abuses inherent in the State of Washington's PRA have all been created by actions of the State Legislature. It is time for the State Legislature to correct them.

If you wish to delve further into this matter, the Sky Valley Chronicle (www.skyvalleychronicle.com) has published multiple articles on Washington's PRA. Search "public records" for a listing of said articles. The website www.PersonalRevengeAct.com has additional details but is not as easy a read as the Chronicle.

For more information, got to: <http://www.PersonalRevengeAct.com> (last updated April 2)

We're Number 32 !! Attachment

WE'RE NUMBER 32 !!

Originally published by the Sky Valley Chronicle on February 15, 2016

www.skyvalleychronicle.com

Surveys of state public records laws were made by two different organizations. In 2007, the Better Government Association and the National Freedom of Information Coalition produced their report of their survey. In 2015, the Center for Public Integrity published their analysis.

The two surveys used differing methodology and differed widely on some same state results. Two states with a passing grade for their public records act are compared with Washington's below. **Those states passed! Washington did not.**

STATE	UTAH	RHODE ISLAND	WASHINGTON
CODE	63G-2	38-2	42.56
GRADES	C/C-	D/D	F/F
CPI RANKING	# 2	# 5	# 32
ADMIN APPEAL	Yes, Local and State Level	Yes, Local and State Level	No
SEARCH COSTS	15 min, then potential charges	60 min, then potential charges	Free
VOLUMINOUS REQUESTS	You pay for it.	You pay for it.	Free
POTENTIAL REQUESTOR BOUNTY	\$ 0	\$ 0	\$ 100/day/record
POSSIBLE VIOLATION	Class B Misdemeanor	\$ 1-2,000 civil fine	No

The reports can be found at: <http://www.nfoic.org/states-failing-foi-responsiveness> and <http://www.publicintegrity.org/2015/11/09/18822/how-does-your-state-rank-integrity>.

Letter to the Editor Attachment



Published: Tuesday, November 17, 2009, 12:01 a.m.
MONROE

Expensive activist doing us no favors

Regarding the Friday article, "Cost of dispute falls on Monroe":

Something is missing from this story because the way I read it was:

A woman is suing the city for her legal bills over a long, drawn-out lawsuit over a few e-mails that happened four years ago that we couldn't care less about, for what? Payment of her legal bills! So now the city is on the hook for \$190,000 in legal bills. Who wins here besides the attorneys? No one!

Now let's look at the long list of losers:

The city employees who are looking at additional furlough days.

Their families.

The kids who use the parks for their sports and recreation.

The commuters stuck in "The Monroe Crawl" every day.

The city residences looking at extra taxes on their utility bills.

The list is endless.

Good job, Meredith Mechling. Next time don't do us any favors.

Shanna Clothier
Monroe

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