Chapter 292-130 WAC
AGENCY ORGANIZATION—PUBLIC RECORDS

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

292-130-060 Index prior to January 1, 2001. [Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-130-060, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-060, filed 11/3/98, effective 12/4/98.] Repealed by WSR 16-16-075, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360.

292-130-065 Index after January 1, 2001. [Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-130-065, filed 6/13/01, effective 7/14/01.] Repealed by WSR 16-16-075, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360.

292-130-070 Public records—Officer. [Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-130-070, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-070, filed 11/3/98, effective 12/4/98.] Repealed by WSR 16-16-075, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360.

292-130-080 Hours for seeking public records. [Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-130-080, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-080, filed 11/3/98, effective 12/4/98.] Repealed by WSR 16-16-075, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360.

292-130-090 Requests for public records. [Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-090, filed 11/3/98, effective 12/4/98.] Repealed by WSR 16-16-075, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360.

292-130-120 Protection of public records. [Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-120, filed 11/3/98, effective 12/4/98.] Repealed by WSR 16-16-075, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360.

WAC 292-130-010 Purpose. The purpose of this chapter is to provide rules implementing RCW 34.05.220 and chapter 42.56 RCW for the executive ethics board.

[Statutory Authority: RCW 42.52.360. WSR 16-16-075, § 292-130-010, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-010, filed 11/3/98, effective 12/4/98.]

WAC 292-130-020 Agency description—Contact information—Public records officer. (1) The executive ethics board was created by chapter 42.52 RCW to enforce the state's ethics law and rules adopted under it with respect to statewide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.

(2) Any person wishing to request access to public records of the executive ethics board, or seeking assistance in making such a request, should contact the public records officer of the executive ethics board:

Executive Director
Executive Ethics Board
7141 Cleanwater Lane S.E.
P.O. Box 40149

Olympia, WA 98504
360-664-0871
ethics@atg.wa.gov

Information and a request form is also available at the executive ethics board's website at www.ethics.wa.gov.

(3) The public records officer will oversee compliance with the act but another executive ethics board staff member may process the request. Therefore, these rules will refer to the public records officer or "designee."

[Statutory Authority: RCW 42.52.360. WSR 26-13-034, s 292-130-020, filed 6/10/26, effective 7/11/26; WSR 23-17-038, § 292-130-020, filed 8/9/23, effective 9/9/23; WSR 18-20-107, § 292-130-020, filed 10/2/18, effective 11/2/18; WSR 16-16-075, § 292-130-020, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-130-020, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-020, filed 11/3/98, effective 12/4/98.]

WAC 292-130-030 Operations and procedures. The board holds regular scheduled meetings on the second Friday of each month at 9:00 a.m. unless a different time is noted on the agenda. The meetings are held at the administrative office location unless circumstances require relocating to another site as designated by the executive director of the board.

All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW). Three members of the board constitute a quorum. Any matter coming before the board may be decided by a majority vote of those members present and voting. Minutes shall be taken at all meetings.

The board issues advisory opinions; develops education and training materials; investigates, hears, and determines complaints; reviews and approves agency ethics policies; and, reviews, approves, or denies contracts between state officers and employees and state agencies.

Written communications intended for board consideration or action shall be filed with the administrative office.

[Statutory Authority: RCW 42.52.360. WSR 16-16-075, § 292-130-030, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b). WSR 05-19-142, § 292-130-030, filed 9/21/05, effective 10/22/05. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-130-030, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-030, filed 11/3/98, effective 12/4/98.]

WAC 292-130-040 Executive director. The executive director shall perform the following duties under the general authority and supervision of the board:

(1) Make initial determinations, pursuant to RCW 42.52.425 and WAC 292-100-045, regarding complaints received by the board;

(2) Render informal nonbinding advice, pursuant to WAC 292-110-050;

(3) Make initial determinations, pursuant to RCW 42.52.120 and WAC 292-110-060, regarding approval of certain contracts between state agencies and state officers or employees;

(4) Act as records officer and administrative arm of the board;

(5) Coordinate the policies of the board and the activities of board staff and supervise board staff as appropriate;

(6) Act as a liaison between the board and other public agencies; and

(7) Conduct ethics training and information outreach.

[Statutory Authority: RCW 42.52.360. WSR 16-16-075, § 292-130-040, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-130-040, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-040, filed 11/3/98, effective 12/4/98.]

WAC 292-130-050 Availability of public records. (1) Public records are available for inspection and copying Monday through Friday, 9:00 a.m. to noon, and 1:00 p.m. to 4:00 p.m., excluding legal holidays and during scheduled board meetings. Records must be inspected at the offices of the executive ethics board. Many public records are also available for inspection and copying on www.ethics.wa.gov at any time, at no cost.

(2) An index of public records is available for use by members of the public, including final orders, stipulations and advisory opinions. The indices for these documents are available upon request.

(3) The executive ethics board will maintain its records in a reasonably organized manner. The executive ethics board will take reasonable actions to protect records from damage and disorganization. A requestor must not take executive ethics board records from executive ethics board offices without the permission of the public records officer or designee. A variety of records is available on the executive ethics board website at www.ethics.wa.gov. Requestors are encouraged to view the documents available on the website prior to submitting a records request.

(4) Any person wishing to inspect or copy public records of the executive ethics board should make the request in writing on the executive ethics board request form or through an online portal, or by letter or email addressed to the public records officer at the email address publicly designated by the executive ethics board, or by submitting the request in person at the executive ethics board office and including the following information:

(a) Name of requestor;

(b) Address of requestor;

(c) Other contact information, including telephone number and email address;

(d) Identification of the public records adequate for the public records officer or designee to locate the records; and

(e) The date and time of day of the request.

(5) If the requestor wishes to have copies of the records made instead of simply inspecting them, the requestor should so indicate and make arrangements to pay for copies of the records or a deposit. Pursuant to WAC 292-130-110, charges for copies are provided in a fee schedule available at the executive ethics board office or www.ethics.wa.gov.

(6) A records request form is available for use by requestors at the executive ethics board office and online at www.ethics.wa.gov.

(7) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, the public records officer or designee will confirm receipt of the information and the substance of the request in writing.

(8) If requestors refuse to identify themselves or provide sufficient contact information, the agency will respond to the extent feasible and consistent with the law.

[Statutory Authority: RCW 42.52.360. WSR 23-17-038, § 292-130-050, filed 8/9/23, effective 9/9/23; WSR 18-20-107, § 292-130-050, filed 10/2/18, effective 11/2/18; WSR 16-16-075, § 292-130-050, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-050, filed 11/3/98, effective 12/4/98.]

WAC 292-130-100 Processing of public records requests—General. (1) Upon receipt of a request, the executive ethics board will assign it a tracking number and log it in.

(2) The public records officer or designee will evaluate the request according to the nature of the request, volume, and availability of requested records.

(3) Following the initial evaluation of the request under this subsection, and within five business days of receipt of the request, the public records officer or designee will do one or more of the following:

(a) Make the records available for inspection or copying including:

(i) If the copies are available on the executive ethics board's website, provide the internet address and link on the website to the specific records requested;

(ii) If copies are requested and payment of a deposit for the copies, if any, is made or other terms of payment are agreed upon, send the copies to the requestor.

(b) Acknowledge receipt of the request and provide a reasonable estimate of when records or an installment of records will be available; or

(c) Acknowledge receipt of the request and ask the requestor to provide clarification for a request that is unclear, and provide, to the greatest extent possible, a reasonable estimate of time the executive ethics board will require to respond to the request if it is not clarified.

(i) Such clarification may be requested and provided by telephone and memorialized in writing;

(ii) If the requestor fails to respond to a request for clarification and the entire request is unclear, the executive ethics board need not respond to it. The executive ethics board will respond to those portions of a request that are clear; or

(d) Deny the request.

(4) If the executive ethics board does not respond in writing within five business days of receipt of the request for disclosure, the requestor should contact the public records officer or designee to determine the reason for the failure to respond.

(5) In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer or designee may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask the requestor to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(6) Some records are exempt from disclosure, in whole or in part. If the executive ethics board believes that a record is exempt from disclosure and should be withheld, the public records officer or designee will state the specific exemption and provide a brief written explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer or designee will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(7) Consistent with other demands, the executive ethics board will promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor must indicate which documents they wish the executive ethics board to copy.

The requestor must claim or review the assembled records within thirty days of the executive ethics board's notification to the requestor that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that they should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the executive ethics board may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(8) After inspection is complete, the public records officer or designee will make the requested copies or arrange for copying. Where executive ethics board charges for copies, the requestor must pay for the copies.

(9) When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if the public records officer or designee reasonably determine that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(10) When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the executive ethics board has completed a reasonable search for the requested records and made any located nonexempt records available for inspection.

(11) When the requestor either withdraws the request, fails to clarify an entirely unclear request, fails to fulfill their obligations to inspect the records, pay the deposit, pay the required fees for an installment, or make final payment for the requested copies,

the public records officer or designee will close the request and, unless the agency has already indicated in previous correspondence that the request would be closed under the above circumstances, indicate to the requestor that the executive ethics board has closed the request.

(12) If, after the executive ethics board has informed the requestor that it has provided all available records, the executive ethics board becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 42.52.360. WSR 23-17-038, § 292-130-100, filed 8/9/23, effective 9/9/23; WSR 18-20-107, § 292-130-100, filed 10/2/18, effective 11/2/18; WSR 16-16-075, § 292-130-100, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-100, filed 11/3/98, effective 12/4/98.]

WAC 292-130-110 Costs of providing copies of public records—Payments. (1) There is no fee for inspecting public records, including inspecting records on the executive ethics board's website.

(2) The executive ethics board is not calculating actual costs for copying records because to do so would be unduly burdensome for the following reasons: The executive ethics board does not have the resources to conduct a study to determine its actual copying costs; to conduct such a study would interfere with other essential board functions; and the public and requestors have commented on and been informed of authorized fees and costs provided in the Public Records Act including RCW 42.56.120 and other laws. It is more cost efficient, expeditious and in the public interest for the executive ethics board to adopt the state legislature's approved fees and costs for most of the executive ethics board's records, as authorized in RCW 42.56.120 and as published in the executive ethics board's fee schedule.

(3) The executive ethics board will charge for copies of records pursuant to the default fees in RCW 42.56.120 (2)(b) and (c). The executive ethics board will charge for customized services pursuant to RCW 42.56.120(3). Under RCW 42.56.130, the executive ethics board may charge other copy fees authorized by statutes outside of chapter 42.56 RCW. The executive ethics board may enter into an alternative fee agreement with a requestor under RCW 42.56.120(4). The charges for copying methods used by the executive ethics board are summarized in the fee schedule available on the executive ethics board's website at www.ethics.wa.gov.

(4) Requestors are required to pay for copies in advance of receiving records. Fee waivers are an exception and are available for some small requests under the following conditions:

(a) It is within the discretion of the public records officer or designee to waive copying fees when:

(i) All of the records responsive to an entire request are paper copies only and are twenty-five or fewer pages; or

(ii) All of the records responsive to an entire request are electronic and can be provided in a single email with attachments of a size totaling no more than the equivalent of one hundred printed pages. If that email for any reason is not deliverable, records will be provided through another means of delivery, and the requestor will be charged in accordance with this rule.

(b) Fee waivers are not applicable to records provided in installments.

(5) The public records officer or designee may require an advance deposit of ten percent of the estimated fees when the copying fees for an installment or an entire request, or customized service charge, exceeds twenty-five dollars.

(6) All required fees must be paid in advance of release of the copies or an installment of copies, or in advance of when a deposit is required. The executive ethics board will notify the requestor of when payment is due.

(7) Payment should be made by check or money order to the executive ethics board. The executive ethics board prefers not to receive cash.

(8) The executive ethics board will close a request when a requestor fails by the payment date to pay in the manner prescribed for records, an installment of records, or a required deposit.

[Statutory Authority: RCW 42.52.360. WSR 18-20-107, § 292-130-110, filed 10/2/18, effective 11/2/18; WSR 16-16-075, § 292-130-110, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-110, filed 11/3/98, effective 12/4/98.]

WAC 292-130-130 Exemptions. (1) The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure.

(2) During the course of an investigation, records generated or collected as a result of the investigation may be exempt from public inspection and copying under RCW 42.56.240.

(a) The investigation is not considered complete until a case is resolved either by a stipulation and settlement that is signed by all parties; or, when the board enters a final order after a public hearing.

(b) The following records are not considered part of the investigation file and are releasable upon request:

(i) Complaints, upon receipt by the respondent;

(ii) The board staff's investigation report;

(iii) The board's findings of reasonable cause or no reasonable cause; and

(iv) Stipulations and settlements, upon receipt by the board.

[Statutory Authority: RCW 42.52.360. WSR 18-20-107, § 292-130-130, filed 10/2/18, effective 11/2/18; WSR 16-16-075, § 292-130-130, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b) and 42.52.425. WSR 01-13-033, § 292-130-130, filed 6/13/01, effective 7/14/01. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-130, filed 11/3/98, effective 12/4/98.]

WAC 292-130-140 Review of denials of public records request. (1) Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer or designee for review of that decision. The petition should include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) The public records officer or designee will promptly provide the petition and any other relevant information to the chair of the board or the chair's designee. The chair or the chair's designee will immediately consider the matter and either affirm or reverse such denial within two business days following the executive ethics board's receipt of the petition, or within such other time as mutually agreed upon by the requestor and executive ethics board.

(3) Pursuant to RCW 42.56.530, if the executive ethics board denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

[Statutory Authority: RCW 42.52.360. WSR 18-20-107, § 292-130-140, filed 10/2/18, effective 11/2/18; WSR 16-16-075, § 292-130-140, filed 7/29/16, effective 8/29/16. Statutory Authority: RCW 42.52.360 (2)(b). WSR 98-22-072, § 292-130-140, filed 11/3/98, effective 12/4/98.]