

Lamb, Keri (BTA)

From: Kevin Miller <kevinm@miller.house>
Sent: Saturday, March 12, 2022 6:42 PM
To: BTA (BTA)
Subject: Feedback on WSR-22-06-039

Categories: Keri

External Email

I submit the following as written comments regarding WSR-22-06-039, the proposed amendments to Chapter 456-12 WAC.

1. WAC 456-12-105: maintains an outdated reference to RCW 42.17
2. WAC 456-12-105(3): Language of "information that may affect the rights of others, the public records officer or designee may give notice to those whose rights may be affected" is much broader than that provided in RCW 42.56.540, which specifically refers to "notifying persons named in the record or to whom a record specifically pertains". I would request the Board revise the proposed language to more closely match the RCW in this instance, rather than a more general statement of "*may affect the rights of others .. notice to those whose rights may be affected*". The proposed revision is also somewhat ambiguous in saying that the "public records officer or designee may give notice", and then in the next sentence saying "Notice should be given". I would recommend changing the first part of the second sentence to read "Doing so makes it possible for those others persons to contact the requestor ..."
3. WAC 456-12-115: Suggest striking section (3), as some written requests for review may be generated by an implicit denial by virtue of lack of response from the Board.
4. WAC 456-12-115: I strongly object to section 7 as this implies that the Board action is not final until after an appeal and review by the board. This does not match the language of RCW 42.56.520(4) which says, in part, "such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action or final action". The language you have here suggest the final action is 2 days after a meeting, which is an indeterminate time after it is scheduled within 2 days of a request.
5. WAC 456-12-085: I would advocate the Board provide a way for electronic payment (credit card, etc) rather than check/money order alone. Particularly with so many records available electronically, an electronic payment dramatically reduces the time required to pay for and deliver records.

-Kevin