Washington State
Liquor Control Board

Liquor Control Board Interim Policy BIP-03-2012

Subject: **Records of Licensee Spirits Purchases**

Effective Date: February 15, 2012

Ending Date: Upon adoption of rules to implement this policy.

Approved:

Sharon Foster, Chairman

Ruthann Kurose, Board Member

Chris Marr, Board Member

Purpose:
The purpose of this interim policy is to allow spirits licensee's liquor purchase records released under a public records request. RCW 66.16.090 states:

"All records whatsoever of the board showing purchases by any individual of liquor shall be deemed confidential, and, except subject to audit by the state auditor, shall not be permitted to be inspected by any person whatsoever, except by employees of the board to the extent permitted by the regulations; and no member of the board and no employee whatsoever shall give out any information concerning such records and neither such records nor any information relative thereto which shall make known the name of any individual purchaser shall be competent to be admitted as evidence in any court or courts except in prosecutions for illegal possession of and/or sale of liquor. Any person violating the provisions of this section shall be guilty of a misdemeanor."

WAC 314-60-100 (1)(i) exempts the following information from the public records act:

- Special order requests; and
- Records of purchases by any person or persons, including spirits, beer and wine restaurant licensees.

The practice of the public records officer at the Liquor Control Board is as follows:

- If a subpoena for licensee purchase records is submitted, the records are provided un-redacted, with a letter asking to have the case sealed, unless requested by the licensee. For a public records request, they are redacted.)

The rule appears to go beyond what is mandated in law. The law refers to "purchases by any individual of liquor shall be deemed confidential", not "purchases by spirits, beer, and wine restaurant licensees" as is stated in WAC 314-60-100.

WAC 314-60-100 needs to be revised to allow on-premises spirits licensee's spirits purchasing information under a public records request. Rulemaking will commence to make this revision after the rulemakings to implement I-1183 are completed.

Policy Statement:
On-premises spirits licensee's spirits purchasing information is allowed under a public records request.