



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 07, 2018  
TIME: 3:20 PM

WSR 18-05-006

**Agency:** Washington State Liquor and Cannabis Board

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The purpose of this rulemaking is to ensure rules comply with changes in public records laws so the WSLCB may continue to assess costs for producing public records when appropriate. The costs proposed in these rule amendments mirror those costs provided in RCW 42.56.120 as amended by the 2017 Legislature in EHB 1595. The WSLCB proposes amendments to Chapter 314-60 and 314-42 WAC to ensure rules are updated appropriately, clear, and well organized through completing a chapter review of Chapter 314-60 WAC in conjunction with the changes needed as a result of EHB 1595.

**Citation of rules affected by this order:**

- New: WAC 314-42-001 and 314-60-025
- Repealed: WAC 314-60-087 and 314-60-404
- Amended: WAC 314-60-010, 314-60-015, 314-60-070, 314-60-080, 314-60-085, 314-60-090, 314-60-100, 314-60-110
- Suspended:

**Statutory authority for adoption:** RCW 42.56.120, 34.05.220, 42.56.040, 66.08.030, and 66.08.050

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 17-24-120 on December 6, 2017 (date).

Describe any changes other than editing from proposed to adopted version: Technical changes were made to remove exemptions to disclosure that no longer apply or are already covered by exemptions included in the Public Records Act. Subsection (1) of WAC 314-60-100 states that "requesters should be aware of" other exemptions outside the PRA that restrict availability of records. After reviewing the laws cited in proposed new language of subsections (1)(j) and (k) as filed with the CR-102, the cited sections of the liquor act provided for record-keeping but did not provide an exemption from disclosure of those records that differs from what is provided in the PRA or other subsections of the proposed rule. For this reason, these subsections were not needed and were removed from the proposed rules prior to adoption.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>1</u>	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	<u>2</u>	Amended	<u>8</u>	Repealed	<u>2</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** February 7, 2018

**Name:** Jane Rushford

**Title:** Chair

**Signature:**



AMENDATORY SECTION (Amending WSR 09-07-070, filed 3/13/09, effective 4/13/09)

**WAC 314-60-010 Purpose** (~~(Washington state liquor control board)~~). The purposes of this chapter are to:

(1) Describe the organization of the Washington state liquor (control) and cannabis board (~~(LCB)~~) WSLCB;

(2) (~~Ensure that LCB~~) Detail how the WSLCB complies with laws governing the disclosure (release) of public records; and

(3) Explain how an individual or organization (~~can~~) may obtain public records.

AMENDATORY SECTION (Amending WSR 09-07-070, filed 3/13/09, effective 4/13/09)

**WAC 314-60-015 Agency description—Contact information** (~~(Public records officer)~~). (1)(a) The (~~board~~) Washington state liquor and cannabis board (WSLCB) is an agency created to exercise the police power of the state in administering and enforcing (~~all of the~~) laws and regulations relating to alcoholic beverage control (Title 66 RCW), marijuana (chapter 69.50 RCW), tobacco (chapter 70.155 RCW), and vapor products (chapter 70.345 RCW).

(~~b~~) The board issues licenses (~~to persons who handle liquor~~) relating to liquor, marijuana, tobacco, and vapor products; and collects taxes imposed on liquor (~~; and distributes and sells spirituous liquor~~) and marijuana.

(~~b~~) (~~c~~) The (~~board~~) WSLCB is responsible for enforcing laws preventing access to tobacco products by persons under the age of eighteen years (chapter 70.155 RCW). The board enforces the tobacco tax laws and the department of revenue administers tobacco tax laws (chapters 82.24 and 82.26 RCW).

(2) (~~The "Washington state liquor control board" or "board" pursuant to RCW 66.08.012 and 66.08.014, consists of three members appointed by the governor with the consent of the senate, for terms of six years that are staggered so that an appointment or reappointment is made every two years. Where appropriate, the term "board" also refers to the staff and employees of the Washington state liquor control board.~~

(3) ~~The board delegates certain administrative functions to an administrative director appointed by the board.~~

(4) The Washington state liquor (~~control~~) and cannabis board is organized into (~~six~~) seven divisions:

(a) (~~The~~) Board administration;

(b) Director's office;

(~~b~~) (~~c~~) Licensing and regulation;

(~~e~~) (~~d~~) Enforcement and education;

(~~d~~) Administrative services;

(~~e~~) Business enterprise; (e) Finance;

(f) Information technology; and

(~~f~~) (~~g~~) Human resources.

~~((5))~~ (3)(a) The administrative offices of the Washington state liquor ~~((control))~~ and cannabis board are located at 3000 Pacific Avenue Southeast, Olympia, Washington 98504-3080.

(b) ~~((LCB))~~ WSLCB staff is also located at~~((~~

~~(i) The distribution center, 4401 East Marginal Way South, Seattle, Washington;~~

~~(ii) State liquor stores in areas throughout the state; and~~

~~(iii)) enforcement offices maintained in major cities throughout the state.~~

~~((c) LCB contracts with individuals to sell liquor on commission. These contract liquor stores are located in areas throughout the state.~~

~~(d) Exact locations of state liquor stores, contract liquor stores,) Enforcement offices((7)) addresses and contact numbers are located on the ((LCB home page at www.liq.wa.gov)) WSLCB's web site at www.lcb.wa.gov.~~

~~((6) Any person wishing to access LCB public records should contact the LCB's public records officer:~~

Public Records Officer  
Liquor Control Board  
3000 Pacific Avenue Southeast  
Olympia, Washington 98504  
360-664-1714  
Fax 360-664-9689  
email publicrecords@liq.wa.gov

~~Information is also available on the LCB web site at www.liq.wa.gov.~~

~~(7) The public records officer will oversee compliance with the act and the implementation of the LCB's rules and regulations regarding release of public records, coordinating the staff of the public records unit and the LCB employees in this regard, and generally coordinating compliance by the LCB with the public records disclosure requirements of chapter 42.56 RCW. The public records officer will provide the "fullest assistance" to requestors; create and maintain for use by the public and LCB officials an index to public records of the LCB; ensure that public records are protected from damage or disorganization; and to prevent public records requests from causing excessive interference with essential functions of the LCB.)~~ (4) An organizational chart is available from the board's public records office which illustrates the general structure of the WSLCB's operations. More information on the construct of the WSLCB is also available on the WSLCB's web site at www.lcb.wa.gov.

## NEW SECTION

**WAC 314-60-025 Public records officer.** (1) The WSLCB public records officer:

(a) Receives all public records requests made to the WSLCB;

(b) Provides "fullest assistance" to persons seeking WSLCB public records;

(c) Oversees the WSLCB's compliance with the Public Records Act, including locating, processing, and releasing records responsive to public records requests;

(d) Creates and maintains an index of certain WSLCB public records, to the extent required by RCW 42.56.070; and

(e) Prevents the fulfillment of public records requests from causing excessive interference with essential functions of the department.

(2) Any person wishing to access WSLCB public records should contact the WSLCB's public records officer or designee at:

Public Records Officer  
Liquor and Cannabis Board  
3000 Pacific Avenue Southeast  
Olympia, Washington 98504  
360-664-1693  
Fax: 360-664-9689

Email: [publicrecords@lcb.wa.gov](mailto:publicrecords@lcb.wa.gov)

Current contact information is also available on the WSLCB web site at [www.lcb.wa.gov](http://www.lcb.wa.gov).

(3) The public records officer may designate one or more WSLCB staff to carry out the responsibilities set forth in subsection (1) of this section; and other staff may process public records requests. Therefore, use of the term public records officer in this chapter may include the public records officer's designee(s) or any other staff assisting in processing public records requests, where indicated by context.

AMENDATORY SECTION (Amending WSR 09-07-070, filed 3/13/09, effective 4/13/09)

**WAC 314-60-070 Availability of public records.** (1) Many records are available on the WSLCB's web site at [www.lcb.wa.gov](http://www.lcb.wa.gov). Requestors are encouraged to search for and view records on the WSLCB's web site in lieu of or prior to making a public records request. An index of public records is available as provided in subsection (3) of this section.

(2) Requestors are encouraged to contact the public records officer to determine the location and availability of records prior to or at the time of making a public records request.

**(3) Hours for inspection of records.**

(a) Public records are available for inspection and copying at the main office of the board during normal business hours of the ((LCB)) WSLCB, Monday through Friday, from ((8)) 9:00 a.m. to ((4)) noon and from 1:00 p.m. to 4:30 p.m., excluding state legal holidays.

((+2)) (b) Records must be inspected at the offices of the WSLCB and may not be removed from WSLCB offices. The majority of public records are located at the WSLCB's central office, although some may be located in other locations, including the regional offices.

**(4) Records index.** ((An)) The WSLCB maintains an index as required under RCW 42.56.070 and updates the index on a biennial basis at minimum. The index of public records is available ((for use by members of the public)) on the WSLCB's web site at [www.lcb.wa.gov](http://www.lcb.wa.gov), including:

(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(~~(-)~~); and

(c) ~~((Administrative staff manuals and instructions 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.~~

~~(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.~~

~~(3)) Declaratory orders issued pursuant to RCW 34.05.240 containing an analysis or decision of substantial importance to the agency in carrying out its duties.~~

(5) Organization of records. The ~~((LCB))~~ WSLCB will maintain its records in a reasonably organized manner. The ~~((LCB))~~ WSLCB will take reasonable actions to protect records from damage and disorganization. ~~((A requestor shall not take LCB records from LCB offices without the permission of the public records officer. A variety of records is available on the LCB web site at www.liq.wa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.))~~

AMENDATORY SECTION (Amending WSR 09-07-070, filed 3/13/09, effective 4/13/09)

**WAC 314-60-080 ((Making)) Requests for public records.** An individual may request a public record orally or in writing. The ~~((board))~~ WSLCB encourages ~~((that))~~ all public records requests be submitted in writing ~~((and))~~. Public records requests may be sent to the WSLCB via email at publicrecords@lcb.wa.gov.

(1) A form for public records requests prescribed by the ~~((board))~~ WSLCB is available at its main office and on its web site at www.lcb.wa.gov. ~~((The))~~ A written request or ~~((prescribed))~~ public records request form ~~((shall))~~ must be submitted or presented to the public records officer or designee and may be sent to the WSLCB via email at publicrecords@lcb.wa.gov. The request should include the following information:

(a) The name, organization, mailing address, telephone number ~~((fax number))~~, and email address of the ~~((person requesting the record.))~~ requestor;

(b) The date and time of day ~~((and calendar date on which the request was received at the main office of the board.))~~ of the request;

(c) ~~((A detailed description of the public record being requested.))~~ Identification of the public records sought, in a form or description adequate for the public records officer to identify and locate the records;

(d) If the matter requested is referenced within the current index maintained by the board, a reference to the requested record as described(~~(-)~~); and

(e) The address where copies of the record are to be mailed or emailed, or notification that the requestor wants to examine the record at the (~~(LCB)~~) WSLCB.

(2) If the public records officer or designee accepts a request other than in writing, he or she will confirm receipt of the information and the substance of the request in writing.

~~((3) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Standard photocopies will be provided at fifteen cents per page. (See WAC 314-60-090.)~~

~~(4) When it appears that a request for a record is made by or on behalf of a party to a lawsuit or a controversy to which the board is also a party (or when a request is made by or on behalf of an attorney for a party) the request shall be referred to the assistant attorney general assigned to the board for an appropriate response.)~~

AMENDATORY SECTION (Amending WSR 09-07-070, filed 3/13/09, effective 4/13/09)

**WAC 314-60-085 Processing public records requests.** (1) Order of processing public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days (~~(of)~~) after receipt of the request, the public records officer or designee will do one or more of the following:

(a) Provide the records or make the records available for inspection and copying depending on the nature of the request;

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

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) If no response is received. If the public records officer does not respond in writing within five business days after the day of receipt of the request for disclosure, the requestor should consider contacting the public records officer to ensure that the WSLCB received the request.

(4) **Protecting the rights of others.** If 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

him or her 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.

~~((4))~~ **(5) Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part, under chapter 42.56 RCW or as otherwise provided by law. If the ~~((LCB))~~ WSLCB 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 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.

~~((5))~~ **(6) Inspection of records.**

(a) Consistent with other demands, the ~~((LCB))~~ WSLCB shall 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 shall indicate which documents he or she wishes the agency to copy.))~~ If, after inspecting a record or records, the requestor wishes to receive a copy of a particular record or records, he or she should so indicate to the public records officer or designee. Copies will be provided pursuant to subsection (7) of this section.

(b) The requestor must ~~((claim or))~~ review the assembled records within thirty days of the ~~((LCB's))~~ WSLCB's notification to him or her 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 he or she 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 ~~((LCB))~~ WSLCB 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))~~. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.

~~((6))~~ **(7) Providing copies of records.** ~~((After inspection is complete, the public records officer shall make the requested copies or arrange for copying.~~

~~(7))~~ (a) Upon request, the public records officer or designee will provide copies of requested records. Copies may be provided in either hard copy or electronic format, as requested. The cost for copies is set forth in WAC 314-60-090 and costs for copies of records must be paid to the WSLCB prior to delivery of copies of records.

(b) Copies may be mailed or emailed to the requestor, or made available for pickup at the WSLCB's offices, depending on the format of the records and the request of the requestor. If the copies are available for pickup at the WSLCB's offices, the requestor must pay for and pick up the copies within thirty days of the WSLCB's notification to him or her that the copies are available for pickup. The WSLCB will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the WSLCB to make arrangements to pay for and pick up the copies. If the requestor fails to pay



for or pick up the copies within the thirty-day period, or fails to make other arrangements, the WSLCB may close the request. If the requestor subsequently files the same or a substantially similar request, that subsequent request will be considered a new request and will be processed in the order allowing the greatest number of requests to be processed in the most efficient manner.

(8) **Electronic records.** The process for requesting electronic public records is the same as for requesting paper public records. When a person requests records in an electronic format, the public records officer will provide the nonexempt records, or portions of such records that are reasonably locatable, in an electronic format that is used by the WSLCB and is generally commercially available, or in a format that is reasonably translatable from the format in which the WSLCB keeps the record.

(9) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection ~~((and copying))~~ or copies of records in installments, if he or she reasonably determines that it would be practical to provide the records in that way. Costs for each installment of copies of records must be paid to the WSLCB prior to delivery of the installment. If, within thirty days, the requestor fails to ~~((inspect the entire set of records or))~~ pay for one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

~~((+8))~~ (10) **Completion of inspection.** 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 ((LCB)) WSLCB has completed ~~((a diligent search for the requested))~~ the records request and made any located nonexempt records available for inspection.

~~((+9))~~ (11) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer or designee will close the request and indicate the closure to the requestor ~~((that the LCB has closed the request))~~.

~~((+10))~~ (12) **Later discovered documents.** If, after the ((LCB)) WSLCB has informed the requestor that it has provided all available records and closed a request, the ((LCB)) WSLCB becomes aware of additional responsive ~~((documents))~~ records existing at the time of the request, it will promptly inform the requestor of the additional ~~((documents))~~ records and provide them on an expedited basis.

AMENDATORY SECTION (Amending WSR 09-07-070, filed 3/13/09, effective 4/13/09)

**WAC 314-60-090 Costs of providing copies of public records.** (1) No fee ~~((shall be))~~ is charged for the inspection of public records.

(2) ~~((After the first one hundred free copies, the board charges one or more of the following fees for copies of public records:~~

~~((a) Up to fifteen cents per page for black and white photocopies of a record;~~

~~((b) The actual cost of manuals, blueprints, and other nonprinted materials such as CDs, audio tapes, or video tapes;~~

~~(c) Up to fifteen cents per page for scanning existing WSLCB paper or other nonelectronic records. There will be no charge for emailing electronic records to a requestor, unless a scanning fee applies; and~~

~~(d) The cost of postage, when items are mailed. (See RCW 42.56.070.)~~ The WSLCB does not charge any fee for access to or downloading records posted on its internet web site prior to a request, unless the requestor specifically requests that posted records be provided by other means, such as a printed copy or electronic copies provided by the WSLCB.

(3)(a) The board finds it would be unduly burdensome to calculate the actual costs of providing public records to requestors as the type of request and staff time to copy and provide records vary widely. The board does not have the resources to conduct a study of these costs, and conducting a study would interfere with other essential agency functions. Additionally, through the 2017 legislative process, the public and requestors commented on and were informed of authorized fees and costs, including costs for electronic records, provided in RCW 42.56.120 (2)(b) and (c), (3) and (4).

(b) The following fee schedule adapted from RCW 42.56.120 applies to physical and electronic copies of public records provided by the WSLCB. Copy charges may be combined to the extent more than one type of charge applies to copies responsive to a particular request.

<b>Public Records Fee Schedule</b>	
<b>Charge:</b>	<b>Record Type:</b>
<u>15 cents/page</u>	<u>Photocopies, printed copies of electronic records when requested by the requestor, or for the use of agency equipment to make photocopies.</u>
<u>10 cents/page</u>	<u>Scanned records, or use of agency equipment for scanning.</u>
<u>5 cents for each 4 electronic files or attachment</u>	<u>Files and attachments loaded and delivered on a digital storage media (CD, DVD, or thumb drive).</u>
<u>10 cents per gigabyte</u>	<u>Records transmitted in electronic format or for use of agency equipment to send records electronically.</u>
<u>Actual cost</u>	<u>Digital storage media or devices.</u>
<u>Actual cost</u>	<u>Any container or envelope used to mail copies.</u>
<u>Actual cost</u>	<u>Postage or delivery charges.</u>

<b>Public Records Fee Schedule</b>	
<u>Actual cost</u>	<u>Customized service charge (in addition to fees for copies - See copying fees above), if the board estimates that the request would require use of information technology expertise to prepare data compilations, or provide customized electronic access when such compilations and customized access services are not used by the agency for other agency purposes. The board will notify such requestor of the customized service charge to be applied, why the charge applies, and an estimate of the cost of the charge, and will allow the requestor to amend the request in order to avoid or reduce the cost of the customized service charge.</u>
<b>Option for Copies:</b>	
<u>Up to \$2 flat fee</u>	<u>As an alternative to the copy charges above, the board may charge a flat fee of up to \$2 for any request when the agency reasonably estimates and documents that the costs are equal to or more than \$2. If applied to the initial installment, additional flat fees will not be charged for subsequent installments.</u>

(4) If the requestor asks the WSLCB to provide a summary of the applicable charges before any copies are made, the WSLCB will provide an estimate and will allow the requestor to revise the request to reduce the number of copies to be made to reduce the charges. The WSLCB may require a deposit of up to ten percent of the cost of providing copies for a request, including a customized service charge.

AMENDATORY SECTION (Amending WSR 09-07-070, filed 3/13/09, effective 4/13/09)

**WAC 314-60-100 Exemptions.** (1) The Public Records Act (chapter 42.56 RCW) (~~provides that a number of types of documents are~~) exempts a number of types of records from public inspection, production, and copying that the board may assert when responding to a request for public records. In addition, (~~documents~~) records are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by WSLCB for inspection and copying:

(a) **Autopsy, post mortem or medical examiner reports.** Requests for these records should be referred to the agency which originated

the record(s): Coroner's office, medical examiner's office, etc. (RCW 68.50.105)

(b) **Claim file information.** On any industrial insurance claim. (RCW 51.28.070)

(c) **Criminal history reports.** Certain criminal history information concerning nonconviction data is prohibited from disclosure under chapter 10.97 RCW. Law enforcement agency reports should be referred to the agency that originated the report. (RCW 10.97.080)

(d) **Crime victims.** Files and information. (RCW 7.68.140)

(e) (~~Individual purchases.~~ All records whatsoever of the board showing purchases of liquor by any individual or establishment. (RCW 66.16.090)) **Attorney client privileged communications, mediation communications.** Communications protected by RCW 5.60.060(2), 42.56.290 and 7.07.030 exempt from disclosure.

(f) **Medical records and data.** Medical records, drug records, accident victims and other persons to which (~~LCB~~) WSLCB has access. (RCW 42.56.360(2) and chapter 70.02 RCW)

(g) **Social Security numbers.** (RCW 42.56.250(3) and 42 U.S.C. Section 405 (c)(2)(C)(vii)(1))

(h) **Trade secrets.** As defined in RCW 19.108.010, including blueprints, diagrams, drawings, formulas, photos, etc., requested to be held confidential by the affected person. Should be labeled "RESTRICTED TRADE INFORMATION." (RCW 39.10.470(2) and 49.17.200)

(~~(i) Special order requests and records of purchases by any person or persons, including spirits, beer, and wine restaurant licenses. (See RCW 66.16.090.)~~)

(~~j) Financial or proprietary information supplied to the board by a domestic winery, brewery, or microbrewery, acting as its own distributor, or certificate of approval holder with a direct shipping to Washington retailer endorsement, containing the identity and amount of beer or wine sold directly to licensed Washington retailers. (See RCW 66.24.206 (1)(a), 66.24.270 (2)(a), and 42.56.270.)~~)

(~~k) Financial or proprietary information supplied to the board by a licensed Washington liquor retailer containing the identity and amount of beer or wine purchased directly from a domestic winery, brewery, microbrewery, or a certificate of approval holder with a direct shipping to Washington retailer endorsement. (See RCW 66.24.210, 66.24.290, and 42.56.270.)~~)

(2) The WSLCB is prohibited by statute from disclosing lists of individuals for commercial purposes(~~(. (See))~~ under RCW 42.56.070(~~(.)~~))

(3) ~~Before beginning to make the copies, the public records officer may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The LCB will not charge sales tax when it makes copies of public records).~~

AMENDATORY SECTION (Amending WSR 09-07-070, filed 3/13/09, effective 4/13/09)

**WAC 314-60-110 Review of denials of public records requests.**

(1) Any person who objects to the denial of a request for a public re-

cord may petition for prompt review of such decision by ~~((tendering))~~ submitting a written request for review. The written request ~~((shall))~~ must specifically refer to the written statement by the public records ~~((staff member))~~ officer or designee which constituted or accompanied the denial. ~~((Send your))~~ A written petition for review may be sent to:

Public Records Officer(~~(, Public Records Unit))~~  
P.O. Box 43080  
Olympia, Washington 98504-3080  
~~((360-664-1714~~  
~~jdk@lig.wa.gov))~~ 360-664-1693  
publicrecords@lcb.wa.gov

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer shall refer it to the administrative director. The administrative director shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with a final decision, within two business days following the ~~((LCB's))~~ WSLCB's receipt of the request for review of the original denial, or within such other time as the ~~((LCB))~~ WSLCB and the requestor mutually agree to.

(3) If the ~~((LCB))~~ WSLCB 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))~~ as provided in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records request.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 314-60-040	Operations and procedure.
WAC 314-60-087	Processing public records requests— Electronic records.

NEW SECTION

**WAC 314-42-001 Board operations and procedure.** This section details the general course and method by which the operations of the board are channeled and determined in addition to the other functions and procedures of the board as provided in Title 314 WAC.

(1) The "Washington state liquor and cannabis board" or "board" pursuant to RCW 66.08.012 and 66.08.014, consists of three members appointed by the governor, with the consent of the senate, for staggered terms of six years. Where appropriate, the term "board" also refers to the staff and employees of the Washington state liquor and cannabis board.

(2) The board delegates certain administrative functions to an administrative director appointed by the board as provided in WAC 314-42-010.

(3) Pursuant to the requirements of the Open Public Meetings Act, chapter 42.30 RCW all determinations and business of the board will be made and conducted in meetings open to the public, except matters exempt from the act under RCW 42.30.140 or properly conducted in executive session pursuant to RCW 42.30.110.

(a) The board holds regular meetings as published with the office of the code reviser in the *Washington State Register* per RCW 42.30.075 and as published on the board's web site at [www.lcb.wa.gov](http://www.lcb.wa.gov). For scheduling purposes, it is the board's intent to schedule petitions, take public testimony, conduct rule making activities, and adopt resolutions at its regular board meetings as published in the *Washington State Register* and posted on the WSLCB web site.

(b) Occasionally the board may deem it necessary to cancel meetings or conduct business at times other than as published in the *Washington State Register*. For these occasions, stakeholder notification will occur as provided in the Open Public Meetings Act, chapter 42.30 RCW.