

October 11<sup>th</sup> 2005

**FROM:**

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**TO:**

Tahuya Fire District No. 8  
Board of Commissioners (Commission)  
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Commissioners and Secretary/Treasurer Matthew:

**Subject: PDA Records Inspection Request Of September 6<sup>th</sup> 2005 Regarding  
Tahuya Fire District No. 8**

I received a letter from MCFPD#8's attorney dated September 15<sup>th</sup> 2005 on September 16<sup>th</sup> denying my September 6<sup>th</sup> 2005 records inspection request. MCFPD#8's attorney denied the request based on case law – Hangartner v. City of Seattle. I am familiar with the finding of the Washington State Supreme Court's 5 to 4 ruling on this case.

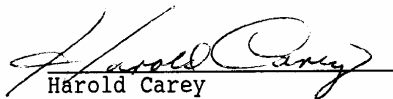
I have not taken the time to refresh my memory, but as I recall, the legislature corrected, at least in part, the State Supreme Court's ruling during its last session. As I recall, a request for records, as well as my request just to inspect the records, cannot be denied **solely** on the basis that the request is "overbroad". If my recollection is correct, providing case law as the justification for denial does not meet the test – especially if the case law has been overridden by the legislature.

I am therefore objecting to MCFPD#8's denial.

I will object to the denial even if my recollection is incorrect. The records I am requesting inspection of, are located in the only office in the Tahuya Fire Department's Tahuya facility. The office is approximately 7 feet by 12 feet or 84 square feet. In that office are between 2 and 5 four-drawer file cabinets. To want to inspect the records in this size of facility, and in this number of file cabinets, is not an "overbroad" request.

What I see taking place in MCFPD#8 is not the "Culture of Cooperation" regarding RCW 42.17 and RCW 42.30, but instead, the "Culture of Obstruction". Not the "Culture of Transparency", but instead, the Culture of Concealment". Not the "Culture of Openness, but instead, the "Culture of Secrecy". Not the "Culture of Respecting the Law", but instead, the "Culture of Disrespecting the Law". Not the "Culture of Obeying the Law", but instead, the "Culture of Breaking the Law".

Without timely access to records and without timely and forthright answers to questions, the public's rights, under the law, are being denied.

  
Harold Carey