

CERTIFIED MAIL



7018 0360 0002 3203 1909

September 9, 2020

Public Records Officer
Auburn School District
915 4th ST NE
Auburn, WA 98002

RE: MUCKROCK PUBLIC RECORDS REQUEST DATED 05-07-2020

Revised Code of Washington - RCW 42.56.120(f) - Charges for copying:

(f) A requestor may ask an agency to provide, and if requested an agency shall provide, a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

This Original public records request was made on 05-07-2020.

The Auburn School District ignored the Original Request and did not promptly respond to the request as required by RCW 42.56.520(1).

On 06-24-2020 The Auburn School District demanded a payment of \$169.31 to "create an electronic file as the cost of scanning and transmitting the requested documents" was allegedly \$169.31.

The original requestor made a good faith request for a summary of applicable charges per RCW 42.56.120(f) to Auburn School District on 07-21-2020.

As of this date (09-09-2020) Auburn School District has ignored RCW 42.56.120(f) and refused to respond. Further, the District has withheld the records requested.

The District has left the original requestor no choice but to concede to the District's iniquitous demand for \$169.31 for which the District has not demonstrated costs incurred, nor allowed the requestor the opportunity to revise the original request - a right retained by citizens under Washington State Law.

Enclosed is a USPS Money Order for \$169.31 as satisfaction of the District's demand for fees.

Auburn School District Policy 4040P in effect on the date of the original request, 05-07-2020 does not contain any Public Records Act document fee schedule nor does the policy contain any rules or regulations declaring the reason the District need not calculate the actual costs it charges for providing public records because doing so would be unduly burdensome as required by RCW 42.56.120.

Please provide all requested public records electronically as per the original public records request as well as a complete privilege/exemption log identifying any withheld documents including a brief explanation for withholding or redacting a specific page or document as required by RCW 42.56.210(3).

At present, the original requestor reserves the right to seek relief and damages under the law for District violations of RCW 42.56.520(1) and RCW 42.56.120 and RCW 42.56.120 (f) inclusive. Thank you.

All non-exempt personnel records of the following Auburn School District Employees:

- Lynda Loree Stoddard
- Jon Douglas Aarstad
- Daman Mandel Hunter
- Michael Alden Weibel
- Susan Pauline Wraspir
- Vicki Bates
- Jennifer Lynn Clouser
- Debbie Leighton (retired)

Responsive records should include all non-exempt personnel records defined by RCW 42.56.010(1)(2)(3) and (4).

This request is not for profit.

To be clear (clar-i-fy) this request for public records is in the public's best interest.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

PRA WATCH

From: Muckrock Staff 05/26/2020

Subject: RE: Washington Public Records Act Request: Auburn School District Personnel Records - Lynda Stoddard, Jon Aarstad, Daman Hunter, Mike Weibel, Susan Wraspi... Email

To Whom It May Concern:

I wanted to follow up on the following Washington Public Records Act request, copied below, and originally submitted on May 7, 2020. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Auburn School District 05/26/2020

Subject: Washington Public Records Act Request Receipt Confirmation Personnel Records Multiple Employee Email

Public Records Receipt Confirmation

You requested the following documents:

All non-exempt personnel records of the following Auburn School District Employees:

- Lynda Loree Stoddard
- Jon Douglas Aarstad
- Daman Mandel Hunter
- Michael Alden Weibel
- Susan Pauline Wraspir
- Vicki Bates
- Jennifer Lynn Clouser
- Debbie Leighton (retired)

The district estimates that your request will require creating an electronic file for 1,505 pages of personnel records. The cost for scanning and transmitting the requested documents is \$169.31.

Please confirm that you would like the district to move forward with your records request or if you would like to revise your request.

If the district does not receive a reply from you within thirty (30) calendar days from June 24, 2019, the district will close your request.

Sincerely,
Jon Aarstad
Director of Human Resources
253-931-4900

From: PRA WATCH 07/20/2020

Subject: RE: Washington Public Records Act Request: Auburn School District Personnel Records - Lynda Stoddard, Jon Aarstad, Daman Hunter, Mike Weibel, Susan Wraspir... Email

Hello,

I confirm I want the district to move forward with my records request.

On the date of my original records request (05-07-2020), Auburn School District policy was dated 02-09-16 (a copy of which is attached to this communication). This District policy contained no fee schedule for Public Records Requests whatsoever. RCW 42.56.120 - "Charges for copying" contains statutory legal guidelines the District cannot retroactively adopt only AFTER a public records request has been received. Such as in this request originally dated 05-07-2020.

Please provide a detailed breakdown of the summary of charges you are proposing for document production with this request (RCW 42.56.120 (f)) and please reference any fees per District public policy that was in effect on 05-07-2020.

I would prefer a cost estimate based on CD-ROM or usb flash drive if these solutions are more cost effective than email transmission of the responsive documents.

Finally, if any valid fees are properly calculated and applied please provide the name and address where I can remit a check to satisfy any valid statutory costs.

Thank you.

Subject: RE: Washington Public Records Act Request: Auburn School District Personnel Records - Lynda Stoddard, Jon Aarstad, Daman Hunter, Mike Weibel, Susan Wraspi... Email

Hello,
I confirm I want the district to move forward with my records request.
On the date of my original records request (05-07-2020), Auburn School District policy was dated 02-09-16 (a copy of which is attached to this communication). This District policy contained no fee schedule for Public Records Requests whatsoever. RCW 42.56.120 - "Charges for copying" contains statutory legal guidelines the District cannot retroactively adopt only AFTER a public records request has been received. Such as in this request originally dated 05-07-2020.
Please provide a detailed breakdown of the summary of charges you are proposing for document production with this request (RCW 42.56.120 (f)) and please reference any fees per District public policy that was in effect on 05-07-2020.
I would prefer a cost estimate based on CD-ROM or usb flash drive if these solutions are more cost effective than email transmission of the responsive documents.
Finally, if any valid fees are properly calculated and applied please provide the name and address where I can remit a check to satisfy any valid statutory costs.
Thank you.

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Public Records Receipt Confirmation

May 26, 2020

Dear PRA Washington,

The purpose of this letter is to acknowledge Auburn School District's receipt of your public records request dated May 7, 2020 and your follow up email dated May 26, 2020. The district has established a separate email account for Public Records request in an effort to identify and respond to request. The new email address is publicrecords@auburn.wednet.edu.

Specifically, you requested the following in your public records request dated May 7, 2020:

All non-exempt personnel records of the following Auburn School District Employees:

- Lynda Loree Stoddard
- Jon Douglas Aarstad
- Daman Mandel Hunter
- Michael Alden Weibel
- Susan Pauline Wraspir
- Vicki Bates
- Jennifer Lynn Clouser
- Debbie Leighton (retired)

Responsive records should include all non-exempt personnel records defined by RCW 42.56.010(1)(2)(3) and (4).

Pursuant to RCW 42.56.520, the District estimates that it may be able to provide you with documents responsive to your request within ninety (90) business days from the above date to determine the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, and/or to determine whether any of the information contained in such documents is exempt from public disclosure.

To view the procedure and costs associated with Public Records click Board Policy 4040P<https://drive.google.com/open?id=1q0g_-8x8bM__8Wuj8NkR1x7R5XMUMDU> . Below is a brief summary of potential fees:

- * Photocopies or printed copies .15 cents per page
- * Actual cost of mailing or delivery charge, including cost of the shipping container or envelope
- * Electronic records .10 cents per page for records scanned to an electronic format
- * Five cents per every 4 pages of electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery
- * Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of District equipment to send the records electronically
- * Actual cost of any digital storage media or device provided by the District
- * A customized service charge may be imposed if the District estimates that the request would require the use of information technology expertise to prepare data compilations, or to provide customized electronic access services when such compilations and customized access services are not used by the District for other District purposes. The customized service charge may reimburse the District up to the actual cost of providing the services.

If requested, the District will provide a summary of the applicable charges before fulfilling the request. The requestor will be allowed to revise the

by the District for other District purposes. The customized service charge may reimburse the District up to the actual cost of providing the services.

If requested, the District will provide a summary of the applicable charges before fulfilling the request. The requestor will be allowed to revise the request in order to reduce the applicable charges. A deposit of up to ten percent of the estimated costs may be required before processing the request.

The above timeframes are simply estimates and processing your request may take longer than predicted. If you have not received notice from us regarding your request within the above timelines, or if you have questions or concerns, feel free to call me at (253) 931-4932.

Sincerely,

Jon Aarstad

Director of Human Resources

253-931-4900

[Capture]

From: Muckrock Staff 06/10/2020

Subject: RE: Washington Public Records Act Request: Auburn School District Personnel Records - Lynda Stoddard, Jon Aarstad, Daman Hunter, Mike Weibel, Susan Wraspi... Email

To Whom It May Concern:

I wanted to follow up on the following Washington Public Records Act request, copied below, and originally submitted on May 7, 2020. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

From: Auburn School District 06/11/2020

Subject: Re: Washington Public Records Act Request: Auburn School District Personnel Records - Lynda Stoddard, Jon Aarstad, Daman Hunter, Mike Weibel, Susan Wraspi... Email

Dear PRA Washington,

Thank you for the email.

You can expect an update or installment to your request on or before September 29, 2020.

Sincerely,

Jon Aarstad

Director of Human Resources

253-931-4900

From: Auburn School District 06/24/2020

From: Auburn School District 06/24/2020

Subject: Re: Washington Public Records Act Request: Auburn School District Personnel Records - Lynda Stoddard, Jon Aarstad, Daman Hunter, Mike Weibel, Susan Wraspi... Email

June 24, 2019

Dear PRA Washington,

The purpose of the email is to provide you with an estimate of the fees for processing your public records request dated May 7, 2020.

You requested the following documents:

All non-exempt personnel records of the following Auburn School District Employees:

- Lynda Loree Stoddard
- Jon Douglas Aarstad
- Daman Mandel Hunter
- Michael Alden Weibel
- Susan Pauline Wraspir
- Vicki Bates
- Jennifer Lynn Clouser
- Debbie Leighton (retired)

The district estimates that your request will require creating an electronic file for 1,505 pages of personnel records. The cost for scanning and transmitting the requested documents is \$169.31.

Please confirm that you would like the district to move forward with your records request or if you would like to revise your request.

If the district does not receive a reply from you within thirty (30) calendar days from June 24, 2019, the district will close your request.

Sincerely,
Jon Aarstad
Director of Human Resources
253-931-4900

From: Auburn School District 06/24/2020

Subject: Re: Washington Public Records Act Request: Auburn School District Personnel Records - Lynda Stoddard, Jon Aarstad, Daman Hunter, Mike Weibel, Susan Wraspi... Email

June 24, 2019

Dear PRA Washington,

The purpose of the email is to provide you with an estimate of the fees for processing your public records request dated May 7, 2020.

You requested the following documents:

All non-exempt personnel records of the following Auburn School District Employees:

RCW 42.56.120

Charges for copying.

(1) No fee shall be charged for the inspection of public records or locating public documents and making them available for copying, except as provided in RCW 42.56.240(14) and subsection (3) of this section. A reasonable charge may be imposed for providing copies of public records and for the use by any person of agency equipment or equipment of the office of the secretary of the senate or the office of the chief clerk of the house of representatives to copy public records, which charges shall not exceed the amount necessary to reimburse the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives for its actual costs directly incident to such copying. When calculating any fees authorized under this section, an agency shall use the most reasonable cost-efficient method available to the agency as part of its normal operations. If any agency translates a record into an alternative electronic format at the request of a requestor, the copy created does not constitute a new public record for purposes of this chapter. Scanning paper records to make electronic copies of such records is a method of copying paper records and does not amount to the creation of a new public record.

(2)(a) Agency charges for actual costs may only be imposed in accordance with the costs established and published by the agency pursuant to RCW 42.56.070(7), and in accordance with the statement of factors and manner used to determine the actual costs. In no event may an agency charge a per page cost greater than the actual cost as established and published by the agency.

(b) An agency need not calculate the actual costs it charges for providing public records if it has rules or regulations declaring the reasons doing so would be unduly burdensome. To the extent the agency has not determined the actual costs of copying public records, the agency may not charge in excess of:

(i) Fifteen cents per page for photocopies of public records, printed copies of electronic public records when requested by the person requesting records, or for the use of agency equipment to photocopy public records;

(ii) Ten cents per page for public records scanned into an electronic format or for the use of agency equipment to scan the records;

(iii) Five cents per each four electronic files or attachment uploaded to email, cloud-based data storage service, or other means of electronic delivery; and

(iv) Ten cents per gigabyte for the transmission of public records in an electronic format or for the use of agency equipment to send the records electronically. The agency shall take reasonable steps to provide the records in the most efficient manner available to the agency in its normal operations; and

(v) The actual cost of any digital storage media or device provided by the agency, the actual cost of any container or envelope used to mail the copies to the

requestor, and the actual postage or delivery charge.

(c) The charges in (b) of this subsection may be combined to the extent that more than one type of charge applies to copies produced in response to a particular request.

(d) An agency may charge a flat fee of up to two dollars for any request as an alternative to fees authorized under (a) or (b) of this subsection when the agency reasonably estimates and documents that the costs allowed under this subsection are clearly equal to or more than two dollars. An additional flat fee shall not be charged for any installment after the first installment of a request produced in installments. An agency that has elected to charge the flat fee in this subsection for an initial installment may not charge the fees authorized under (a) or (b) of this subsection on subsequent installments.

(e) An agency shall not impose copying charges under this section for access to or downloading of records that the agency routinely posts on its public internet web site prior to receipt of a request unless the requestor has specifically requested that the agency provide copies of such records through other means.

(f) A requestor may ask an agency to provide, and if requested an agency shall provide, a summary of the applicable charges before any copies are made and the requestor may revise the request to reduce the number of copies to be made and reduce the applicable charges.

(3)(a)(i) In addition to the charge imposed for providing copies of public records and for the use by any person of agency equipment copying costs, an agency may include a customized service charge. A customized service charge may only be imposed if the agency estimates that the request would require the use of information technology expertise to prepare data compilations, or provide customized electronic access services when such compilations and customized access services are not used by the agency for other agency purposes.

(ii) The customized service charge may reimburse the agency up to the actual cost of providing the services in this subsection.

(b) An agency may not assess a customized service charge unless the agency has notified the requestor of the customized service charge to be applied to the request, including an explanation of why the customized service charge applies, a description of the specific expertise, and a reasonable estimate cost of the charge. The notice also must provide the requestor the opportunity to amend his or her request in order to avoid or reduce the cost of a customized service charge.

(4) An agency may require a deposit in an amount not to exceed ten percent of the estimated cost of providing copies for a request, including a customized service charge. If an agency makes a request available on a partial or installment basis, the agency may charge for each part of the request as it is provided. If an installment of a records request is not claimed or reviewed, the

agency is not obligated to fulfill the balance of the request. An agency may waive any charge assessed for a request pursuant to agency rules and regulations. An agency may enter into any contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in this section, or in response to a voluminous or frequently occurring request.

[[2017 c 304 § 3](#); [2016 c 163 § 4](#); [2005 c 483 § 2](#). Prior: [1995 c 397 § 14](#); [1995 c 341 § 2](#); [1973 c 1 § 30](#) (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW [42.17.300](#).]

NOTES:

Finding—Intent—2016 c 163: See note following RCW [42.56.240](#).

RCW 42.56.520

Prompt responses required.

(1) Responses to requests for public records shall be made promptly by agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives. Within five business days of receiving a public record request, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives must respond in one of the ways provided in this subsection (1):

(a) Providing the record;

(b) Providing an internet address and link on the agency's web site to the specific records requested, except that if the requester notifies the agency that he or she cannot access the records through the internet, then the agency must provide copies of the record or allow the requester to view copies using an agency computer;

(c) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and providing a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request;

(d) Acknowledging that the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives has received the request and asking the requestor to provide clarification for a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives will require to respond to the request if it is not clarified; or

(e) Denying the public record request.

(2) Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request.

(3)(a) In acknowledging receipt of a public record request that is unclear, an agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives may ask the requestor to clarify what information the requestor is seeking.

(b) If the requestor fails to respond to an agency request to clarify the request, and the entire request is unclear, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives need not respond to it. Otherwise, the agency must respond, pursuant to this section, to those portions of the request that are clear.

(4) Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives shall establish mechanisms for the most prompt possible review of decisions denying inspection, and 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 by the office of the secretary of the senate or the office of the chief clerk of the house of representatives for the purposes of judicial review.

[2017 c 303 § 3; 2010 c 69 § 2; 1995 c 397 § 15; 1992 c 139 § 6; 1975 1st ex.s. c 294 § 18; 1973 c 1 § 32 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.320.]

NOTES:

Finding—2010 c 69: "The internet provides for instant access to public records at a significantly reduced cost to the agency and the public. Agencies are encouraged to make commonly requested records available on agency web sites. When an agency has made records available on its

web site, members of the public with computer access should be encouraged to preserve taxpayer resources by accessing those records online." [[2010 c 69 § 1.](#)]