

Administrative Law Section

of the Washington State Bar Association



Administrative Law Section Executive Committee Virtual Meeting June 27, 2022

Executive Committee Members Present: Bill Pardee (Chair); Lea Dickerson (Chair-Elect); Eileen Keiffer (Past Chair); Richelle Little (Secretary); Alexis Gobeske; Marjorie Gray; Robert Krabill; Tim O'Connell; Ed Pesik; Robert Rhodes; Seth Rosenberg.

Absent Executive Committee Members: Katy Hatfield (Treasurer); Sophie Geguchadze; Selina Kang; and Cameron Zangenehzadeh (Young Lawyers Liaison).

Also Present: John Gray; Carolyn MacGregor.

12:00 p.m. Meeting called to order

1. Approval of Minutes (all)

A motion was made and seconded to approve minutes from the April and May meetings. The motion passed unanimously.

2. Approval of Agenda (all)

A motion was made and seconded to approve today's agenda. The motion passed unanimously.

3. Executive Committee Election Results?

Election has ended; WSBA is working on tallying results.

4. FY 2023 Section Budget (Katy Hatfield)

No update today

5. Committee updates

5.1 Retreat (Margie Gray; Richelle Little)

Since we are not having an overnight retreat at Alderbrook this year, we are exploring the idea of having a leadership social event. We held a discussion to gauge interest. There was considerable interest among member in attendance today to have an in-person event, with a preference for outdoors. Based on discussion, Richelle will look into planning an event in the Tacoma area, which is a midpoint for most members, who are primarily located in either Olympia or Seattle metro areas. Members like the idea of having a catered meal to simplify planning; It was agreed that Saturday is the best day of

the week for travel; significant others and families will be invited. Richelle will propose dates and send out a poll via doodle or survey monkey.

5.2 Legislative (Richard Potter)

Legislature:

Since the last Exec Committee meeting there have been no items of interest in any legislative committee hearings or working sessions, and at present I am not seeing any upcoming agendas with items of interest.

PRA Records Indexes Project:

Evergreen State College held a hearing on June 17 regarding its proposed PRA rule changes. John Gray and I had submitted written comments. We did not attend the hearing.

The Criminal Justice Training Commission cancelled its June 8 hearing on PRA rule changes, which included a proposed rule to rely on its records retention schedule as its PRA-required records index. In response to our written comments the agency's Records Manager had shared with us a rewrite of that proposed rule that would comply with the PRA's requirements. The agency will reschedule the hearing.

On May 4, 2022, the Board of Tax Appeals adopted its proposed rules, which included repealing and not replacing WAC 456-12-075 Records indexes. John and I had submitted written comments encouraging the agency to retain its rule and to amend it to include the elements required by RCW 42.56.070(5). The agency's Concise Explanatory Statement included: "The Board declines to keep this section as case law only requires that an index if created must be provided to a requestor." My Fastcase search of Washington supreme court and courts of appeal decisions did not find such case law. Perhaps the Board has in mind a case that involved some "index" other than the one mandated by the PRA in RCW 42.56.070(5).

5.3 Publications & Practice Manual (Richelle Little, Tim O'Connell)

Bill Pardee is updating Chapter 1, Introduction. Ann Marie Soto is updating Chapter 4, Public Records. Tim O'Connell is updating Chapter 7, Rule Making Under the Administrative Procedure Act. The committee has decided to eliminate Chapter 16, Washington State Government, because the information in that chapter is available on state government websites, and changes at a pace that our publication cannot keep up with. Updates for 2022 are on track for submittal by the September deadline. The committee plans to meet again later this week.

John Gray is updating Chapter 9, Adjudications Under the APA to be ready for 2023.

5.4 CLE (Lea Dickerson)

May and June mini-CLEs were successful and well-attended.

Discussion was held regarding possible recording of future mini-CLEs, which other sections have been doing. These can be posted to the website for viewing for one year,

not for CLE credit. Within 30 days after the event, we need to send a request to the mini-CLE staff at WSBA along with permission from all presenters. Robert Krabill mentioned being cautious about the timing so as not to discourage people from paying to attend for credit.

5.5 Diversity and Outreach (Alexis Gobeske/Robert Rhodes)

Mentorship program is underway. Eileen and John are both mentors in the program.

5.6 Elections (Bill Pardee)

See item 3 above.

5.7 Homan Award (Eileen Keiffer)

Deadline for nominations is June 30.

5.8 Newsletter (Ed Pesik and Sophie Geguchadze)

Ed provided an update. A newsletter was recently published. The next issue is anticipated for late summer/early fall.

5.9 Good of the Order

Carolyn announced that there will be discussions next week about the future of open sections night, and how to modernize and reimagine the event.

6. Next Meeting

Next meeting set for August – date TBD.

Meeting adjourned at 12:50 p.m.