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## Records request leads to lawsuit

By Nancy Bartley

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It began simply enough. Doug Moore wanted health insurance, but his employer, the state Racing Commission — because of a lack of work — docked his hours the first and last month of every racing season so he falls just under the threshold to be eligible.

Frustrated, Moore, 48, a steward at Emeralds Downs, who had been with the commission for 13 years, tried to find out how other state agencies handled insurance.

Under the state Public Disclosure Act, which guarantees public access to government documents and fines agencies that don't comply, he requested the information from various public agencies. It wasn't a problem for the first ones he contacted, but the state Department of Corrections (DOC) balked, prompting the Tacoma man to file suit Thursday in Thurston County Superior Court, alleging the agency violated the Public Disclosure Act.

Moore is a permanent part-time employee who works full time for at least nine months of the year. He qualified for health insurance until the state reclassified him as a seasonal employee in 2004.

When his attorney requested the DOC provide the names, hours worked and whether health insurance is provided for all employees classified as temporary, seasonal or intermittent, the department did not comply.

DOC told Moore that its policy was to provide that kind of information only in paper form, which would cost Moore about \$5,700 in copying fees for the 38,000 or so pages, then require him to spend thousands of dollars more to have the information retyped. The information is available in a computer database and could be copied onto a CD for a minimal charge, according to the complaint.

DOC spokesman Gary Larson said the agency hasn't had a chance to review the lawsuit, but the staff tries to comply with the legal requirements of public-records requests.

According to the complaint, another individual filed a records request with the DOC and received information on a CD, despite the department's insistence that it makes information available only on paper.

Other state agencies Moore requested information from included the Department of Transportation, Department of Personnel, Central Washington University and the Department of Social and Health Services. All provided the information on CDs.