

FOR IMMEDIATE RELEASE

SEPT. 12, 2011

WASHINGTON COALITION FOR OPEN GOVERNMENT TO PRESENT KEY AWARDS TO ELIZABETH CAMPBELL, WALTER JORGENSEN AND ROBERT SHIRLEY

Washington Coalition for Open Government

6351 Seaview Avenue NW

Seattle, Washington 98107-2664

www.washingtoncog.org

Phone: (206) 782-0393

Fax: (206) 623-4474

The Washington Coalition for Open Government will present Key Awards to Seattle citizen activist Elizabeth Campbell, Tumwater civic activist Walter Jorgensen and Olympia attorney Robert Shirley in recognition of their work to make government entities in Washington open and accountable to the public.

In the weeks before the 2009 Seattle mayoral election, Elizabeth Campbell filed a public records request with the Washington Department of Transportation seeking a video simulation produced by WSDOT that demonstrated how a powerful earthquake would destroy the Alaskan Way Viaduct on the Seattle waterfront. Plans to replace the viaduct with a tunnel were a hot issue in the mayor's race. Although the video was not an exempt record, DOT refused to release it until a Seattle television station requested it several weeks later.

Jorgensen recognized that the tardy and selective disclosure was not only a violation of the state Public Records Act, but also of the state Ethics in Public Service Act. RCW 42.52.050(4) says "No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.56 RCW, was under a personal obligation to release the record, and failed to do so."

Jorgensen filed a complaint with the Executive Ethics Board, alleging a violation of RCW 42.52.050(4) by DOT Secretary Paula Hammond and several other officials. But the EEB simply refused to act on it, in effect returning it unopened, saying they lacked jurisdiction to pursue the complaint. Jorgensen didn't give up. With the help of attorney Robert Shirley, who took the case pro bono, he filed a mandamus action in Thurston County Superior Court, requesting that the EEB be required to perform its statutory duty and investigate the case. Earlier this year, the court agreed, and ordered the EEB to fully investigate the complaint.

WCOG President Toby Nixon, who nominated Jorgensen and Shirley for the Key Award, noted "There has been virtually no use of RCW 42.52.050(4), probably because the EEB has previously been reluctant to pursue it. Jorgensen and Shirley have done a great service to the open government community by calling attention to this law, which can be used to hold state employees personally liable for failing to release records that they know should be released – up to a \$5,000 fine, payable by the employee rather than the taxpayers through the agency. If this case is successfully pursued and these WSDOT managers held accountable, similarly

situated state employees will think much harder before intentionally withholding disclosable records."

The awards will be presented Friday, Sept. 23 at an annual awards breakfast from 7-9 a.m. at The Conference Center, Eighth and Pike in Seattle. At the event, WCOG will also present its annual James Madison Award to Washington Secretary of State Sam Reed and the James Andersen Award to Port Townsend community leader Patience Rogge.

The Washington Coalition for Open Government (WCOG) is an independent non-partisan non-profit organization founded in 2002 by a group of individuals representing organizations with a broad spectrum of opinions and backgrounds, all dedicated to the principles of strengthening the state's open government laws and protecting the public's access to government at all levels.

For more information, contact Washington Coalition for Open Government, 6351 Seaview Avenue NW, Seattle, WA 98107-2664 or on the web at www.washingtoncog.org or call (206) 782-0393.