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Shavlik v. Dawson Place

Court of Appeals of Washington, Division 1 - November 25, 2019 - P.3d - 2019 WL 6270990

Records requester brought action against children's advocacy center that was leasing space to private organizations working for victims of child abuse alleging that center violated the Public Records Act (PRA).

The Superior Court denied requester's motion to continue, and granted center's motion to strike and motion for summary judgment. Requester appealed and center filed motion for sanctions.

The Court of Appeals held that:

- Center's functions were not nondelegable governmental functions, and thus inherently governmental factor weighed against finding that center was equivalent of government agency subject to PRA;
- Less than 50 percent of center's routine funds came from government, and thus the government funding factor weighed against finding that center was functional equivalent of government agency subject to PRA;
- Government did not have day-to-day control over center, and thus extent of government control factor weighed against finding that center was functional equivalent of government agency subject to PRA;
- Government action did not create center, and thus the government origin factor weighed against finding that center was functional equivalent of government agency subject to PRA;
- Center was not a private organization acting as the functional equivalent of a public agency, and thus was not subject to the disclosure requirements of the PRA;
- Invited error doctrine precluded requester from assigning error to trial court's denial of his motion to continue; and
Requester's documents labeled "tables of evidence" failed to comply with rules requiring evidence to be authenticated, and thus were inadmissible to oppose center's summary judgment motion.