

Bond Case Briefs

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POLITICAL SUBDIVISIONS - WASHINGTON

Horvath v. DBIA Services

Court of Appeals of Washington, Division 1 - July 8, 2024 - P.3d - 2024 WL 3325346

Public records requestor brought action against nonprofit corporation which provided services within city's business improvement district, alleging that corporation had failed to comply with the Public Records Act.

The Superior Court denied requestor's motion for summary judgment and granted corporation's motion for summary judgment and for declaratory judgment, concluding that corporation was not the functional equivalent of a governmental entity subject to the Public Records Act. Requestor appealed.

The Court of Appeals held that:

- Abuse-of-discretion standard of review applied to trial court order finding corporation was not subject to the Public Records Act;
- Trial court's conclusion that corporation was not a public agency under the Public Records Act was not an abuse of discretion;
- Trial court's error in concluding that government funding received by corporation weighed in favor of finding corporation to be the functional equivalent of a public agency did not require reversal;
- Business improvement district was not the functional equivalent of a public agency for purposes of the Public Records Act; and
- Requestor was not entitled to an award of attorney fees.