

# Administrative Law Section

*of the Washington State Bar Association*



## Administrative Law Section Executive Committee Telephonic Meeting August 16, 2021

**Executive Committee Members Present:** Eileen Keiffer (Chair); Bill Pardee (Chair-Elect); Robert Krabill (Past Chair); Richelle Little (Secretary); Lea Dickerson; Sophie Geguchadze; Alexis Gobeske; Marjorie Gray; Susan Pierini; Cameron Zangenehzadeh.

**Absent Executive Committee Members:** Scott Boyce; Katy Hatfield (Treasurer); Selina Kang; Ed Pesik; Robert Rhodes.

**Also Present:** Tim O'Connell; Richard Potter (Legislative Committee Chair).

**Also Absent:** Brett Purtzer (Board of Governors Liaison).

**Meeting called to order**

### 1. Approval of Minutes (all)

A motion was made (Bill) and seconded (Eileen) to approve minutes from July 12, 2021. The motion passed unanimously.

### 2. Approval of Agenda (all)

A motion was made (Bill) and seconded (Robert Krabill) to approve today's agenda. The motion passed unanimously.

### 3. Financial update (Katy Hatfield)

Eileen provided the update. WSBA responded to our budget proposal asking for some changes and additional narrative justifying each line item. Katy has resubmitted the budget with the requested explanations, and declined to change any numbers.

### 4. Committee updates

#### 4.1 Retreat (Margie Gray)

Margie provided the update. The next retreat is scheduled June 10-11, 2022.

We do not have an event planned for summer or fall 2021; consensus is to wait until winter and hold a hybrid (in person with virtual option) event in December along with the Homan Award presentation.

#### 4.2 Legislative (Richard Potter)

Richard reported that topics of interest to the section have not been on the agendas for recent meetings of the legislative committees that usually handle such bills, and that the agendas for meetings in the next month also do not cover such topics.

Richard gave an informational report on his and John Gray's recent submission of comments, in their personal capacity, to the Human Rights Commission, recommending that the HRC's pending public records rulemaking be expanded to include adoption of a rule complying with the Public Records Act's indexes requirements [RCW 42.56.070(5)]. Richard also reported that he had that morning seen a proposed rulemaking notice by the Board of Registration for Professional Engineers and Land Surveyor that would use the agency's record retention schedule as a "record index." Richard and John believe such an approach does not comply with the PRA because it would at best list just categories of records and would not identify specific documents, such as decisions in adjudicatory cases. Richard and John will probably submit comments in that matter.

The Executive Committee briefly discussed previous authorizations for Richard and John to speak on behalf of the Section on a couple of matters, one of which was the Environmental and Lands Use Hearings Office's implementation of 2019 and 2020 legislative requirements to provide a searchable online database of its three boards' hearing decisions. It has been several months since Richard presented an update on the ELUHO project, so he will contact the agency's director for that information and pass it on to the Executive Committee.

The Executive Committee raised the question of whether it should authorize Richard and John to speak on behalf of the Section in rulemaking that concern compliance with the PRA's indexes requirements. Richard will send the Executive Committee any draft comments that he and John work up for the BRPELS case. WSBA's Legislative Comment Policy applies to rulemakings. Comments are due in the BRPELS matter on September 15, and a video hearing will be held at 6:00PM that same day.

#### 4.3 Publications & Practice Manual (Richelle Little, Selina Kang)

Richelle provided an update. We have heard back from Lexis Nexis about our request for access to the online publication. Lexis requested a timeline by which we could have an update ready. They have not yet provided the list of when chapters were last updated.

#### 4.4 CLE (Bill Pardee)

Sophie's firm is leading a mini-CLE on August 26, "101 Cell Site Leasing for Municipal Attorneys and Small Cell Deployment in the 5G Era." No mini-CLE will be held in September. Bill will present on various tax appeal procedures in October, tentative date is 10/25/21.

The July CLE was successful, but not as well-attended as expected; Robert Krabill suggested we may need to advertise a bit more aggressively to reach more interested attorneys. Susan noted that the topic was worth repeating in a future presentation, based on the lively discussion participants were engaged in.

#### 4.5 Diversity and Outreach (Alexis Gobeske/Robert Rhodes)

Discussion was held regarding the possibility of getting the mentorship program started, despite the inability to host an in-person event. Alexis proposed that advertising could start in fall, and a virtual orientation session could be scheduled this winter.

#### 4.6 Homan Award (Lea Anne Dickerson)

It was proposed that we hold a hybrid (in-person with virtual option) for the Homan Award event. Lea will rotate out of this committee in October when she assumes the role of Chair-Elect.

#### 4.7 Newsletter (Ed Pesik)

The newsletter was published earlier this month. A huge thanks to Bill, who prepared the materials because Ed was not available. Sophie is interested in helping with the newsletter.

#### 4.8 Elections Committee (Eileen Keiffer)

Susan Pierini is rotating off the Executive Committee in October. We thank her for her many years of dedicated service on this board!

### 5. **Good of the Order**

Margie suggested having a planning meeting, since we did not have a retreat and our special meeting only covered the budget. Eileen will note this proposal on the agenda for discussion in September.

### 6. **Next Meeting**

Next meeting set for September 13, 2021, 12:00 p.m.

Meeting adjourned at 12:59 p.m.