

From: [LaRocque, Linnea](#)
To: "nick power"
Cc: [Madore, David](#); [Richardson, Bill](#)
Subject: RE: P002587 - Notification: New Public Records Request Received from Gillespie
Date: Wednesday, June 15, 2016 4:28:44 PM

Mr. Power,

What I understand from your message below is that Councilor Madore is refusing to provide the requested records.

Thank you for your response. I will advise the requester.

Linnea

From: nick power [mailto:nickedpower@gmail.com]
Sent: Wednesday, June 15, 2016 3:05 PM
To: LaRocque, Linnea
Cc: Madore, David; Richardson, Bill
Subject: Re: P002587 - Notification: New Public Records Request Received from Gillespie

Linnea,

I am not at all sure that the list of those blocked or denied by Councilor Madore on Facebook is indeed a public record. I agree with your general assessment that it is not the location of the record but its content or purpose. The list described does not relate to the conduct of government nor the performance of any governmental or proprietary function. If you or the requester could articulate how this list does affect governmental process, I am willing to hear this argument but I think the case law is pretty well settled that if the record is not used in the functioning of government such does not have to be disclosed or identified under the PRA. If you have citations to the contrary I am willing to review them.

NP

Nicholas Power

Attorney at Law
540 Guard, Suite 150
Friday Harbor WA, 98250
office: [360-298-0464](tel:360-298-0464)

This message is confidential, is protected by the attorney-client privilege and other privileges, and is intended for the exclusive use of the listed recipient(s). If you have received this message in error, please so indicate in a reply message to the sender and delete the contents of this message. Any reproduction, use, or retransmission of this message, other than as specified above, is prohibited.

On Wed, Jun 15, 2016 at 12:49 PM, LaRocque, Linnea <Linnea.LaRocque@clark.wa.gov> wrote:

Mr. Power,

Yes, A "public record" is defined in RCW 42.56 and can be found in various places, to include a personal mobile phone and social media websites.

A public records is not identified by its location but rather its content.

I have provided an affidavit that we use for records on personal devices. Please have him complete and return to me to be notarized, or to another notary if he prefers.

Since his Facebook page is live, it is my understanding that the one record that is not available to the public would be a screen shot or other mechanism you prefer, to show the suspended/banned persons from his page.

It is my understanding that when a comment has been deleted from Facebook, it is then not available for recovery. Please acknowledge and provide me your opinion on this matter.

Please advise when you or he will provide a response and/or records.

Linnea

From: nick power [mailto:nickedpower@gmail.com]

Sent: Monday, June 13, 2016 12:29 PM

To: LaRocque, Linnea

Subject: Re: P002587 - Notification: New Public Records Request Received from Gillespie

Linnea,

Is it the county's position that these are indeed public records?

NP

On Jun 13, 2016 12:25 PM, "LaRocque, Linnea" <Linnea.LaRocque@clark.wa.gov> wrote:
Councilor Madore,

Below is a request for social media records (including Councilors Boldt, Olson and Stewart)

The request includes but is not limited to Facebook and Twitter.

Per the portion of the request that refers to your records, please advise me of your response and intent regarding the portions involving county business.

Thank you for your attention to this matter.

Linnea

From: PDR Request System Clark County [mailto:clarkcountywa@mycusthelp.net]

Sent: Monday, June 13, 2016 11:53 AM

To: LaRocque, Linnea

Subject: Notification: New Public Records Request Received from Gillespie

This is notification that Kaitlin Gillespie has submitted a new Public Records Request or a request has been reassigned to you.

The request has been routed to the appropriate staff members. Below is the link to the specific request.

<https://mycusthelpadmin.com/CLARKCOUNTYWA/Zadmin/ServiceRequests/Details.aspx?id=2587>

Overview of the Request

Create Date: 6/13/2016 11:51:00 AM

Reference # P002587-061316

Type of Record: Correspondence

Description of Record Requested: I am seeking a full archive of the following Clark County Councilor's social media pages, including but not limited to posts, comments, messages and lists of all individuals who have been banned from commenting. Below are some of the links, though this request should not be construed as to only include these accounts -- I am seeking any communications Clark County councilors had any communication regarding county business. <https://www.facebook.com/DavidMadorePublic/> <https://twitter.com/DavidMadore> <https://www.facebook.com/VoteMarcBoldt/?fref=ts> <https://www.facebook.com/votejulieolson/> <https://twitter.com/Julie4cc> <https://www.facebook.com/Jeanne4CCC/?fref=ts> <https://twitter.com/JeanneEStewart>

This is an auto-generated email and has originated from an unmonitored email account. Please DO NOT REPLY.

This e-mail and related attachments and any response may be subject to public disclosure under state law.
This e-mail and related attachments and any response may be subject to public disclosure under state law.