

## WASHINGTON PUBLIC RECORDS ACT REQUEST FOR RECORDS

September 23, 2014

Susan M. Beatty  
Legal Affairs Coordinator  
Office of the Governor  
P.O. Box 40002  
Olympia, WA 98504-0002

**Via Email:** [susan.beatty@gov.wa.gov](mailto:susan.beatty@gov.wa.gov)

**Re:** Certain records related to Mr. Tom Steyer

Dear Ms. Beatty:

On behalf of the Energy & Environment Legal Institute (E&E Legal) and the Free Market Environmental Law Clinic (FME Law) as co-requester and counsel to E&E Legal, please consider this request pursuant to Washington State's Public Records Act, RCW Chapter 42.56. Both entities are non-profit public policy and/or legal institutes organized under section 501(c)3 of the tax code with research, legal, investigative journalism and publication functions, as well as a transparency initiative seeking public records relating to environmental and energy policy and how policymakers use public resources, all of which include broad dissemination of public information obtained under open records and freedom of information laws.

Please provide us within 5 business days, pursuant to RCW Chapter 42.56.070(3)(e), ***all correspondence sent to or from the Office of Governor (including also as cc: or bcc:), particularly emails but also including letters, attachments, notes, recordings, and other similar items, meeting one or more of the following descriptions:***

1. *Any correspondence, including emails, letters, attachments, notes, etc. mentioning Tom Steyer, including e.g., Mr. Steyer, Steyer, Tom S., or otherwise from the context referencing Mr. Steyer;*
2. *Any correspondence, including emails, letters, attachments, notes, etc. mentioning “Kate Gordon,” including e.g., Ms. Gordon, Mrs. Gordon, Kate G., or otherwise from the context referencing Ms. Gordon;*
3. *Any correspondence referencing or discussing NextGen Climate, including but not limited to any email to or from a @nextgenclimate.org address; or*
4. *Any correspondence referencing or discussing Washington League of Conservation Voters (also known as WLCV, and LCV), including but not limited to any email to or from a @wcvoters.org address.*

*Responsive records will be dated from January 1, 2014 through the date you process this request.*

Mr. Steyer is a private citizen and a resident of San Francisco, California, but he and the organization he founded, NextGen Climate, are the subject of various media reports concerning their efforts to work with Washington Conservation Voters in support of certain legislative aims of Gov. Jay Inslee, and reportedly working with him to pass “far-reaching” climate change policies and “spending heavily” against those politicians who oppose Gov. Inslee’s proposals.<sup>1</sup>

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<sup>1</sup> See “As Oysters Die, Climate Policy Goes on the Stump” By: Coral Davenport, New York Times, August 3, 2014. Available at: [http://www.nytimes.com/2014/08/04/us/as-oysters-die-climate-policy-goes-on-stump.html?partner=rss&emc=rss&\\_r=1](http://www.nytimes.com/2014/08/04/us/as-oysters-die-climate-policy-goes-on-stump.html?partner=rss&emc=rss&_r=1). Last retrieved: Sept. 2, 2014; “California billionaire Tom Steyer drops \$1 million on WA elections”, Jim Brunner, Seattle Times, September 22, 2014, <http://blogs.seattletimes.com/politicsnorthwest/2014/09/22/california-billionaire-tom-steyer-drops-1-million-on-wa-elections/>

The Washington Public Records Act is “(A) strongly-worded mandate for broad disclosure of public records.” *Rental Hous. Ass'n of Puget Sound v. City of Des Moines*, 165 Wn. 2d 525, 535 (Wash. 2009). Exemptions are to be “narrowly construed” under RCW Chapter 42.56.030. None of the exemptions under RCW Chapter 42.56 are likely to apply to the documents requested. However, should the Office of the Governor believe that an exemption applies that allows withholding or redaction of any documents, we ask that you provide a detailed exemption log, listing which documents are withheld or redacted, pursuant to any exemption(s) claimed, and briefly describe the content of the document in general terms. We note a recent Washington State Appellate Court decision which held “When an agency claims an exemption under the PRA, it must provide identifying information that includes a brief explanation of how the statutory exemption applies to each specific record.” *Zink v. City of Mesa*, 162 Wn. App. 688, 723 (Wash. Ct. App. 2011).

Pursuant to RCW Chapter 42.56.120, there is no charge for locating these documents, and we request all documents be released to us in electronic form, either via an email attachment or a CD. Given that, and that the statute clearly states that “charges shall not exceed the amount necessary to reimburse the agency...for its actual costs directly incident to such copying,” we expect the costs to be minimal. Nonetheless, we are prepared to reimburse up to \$100 for these records if necessary and justified. Should you anticipate the costs will exceed this limit, please contact us as soon as possible to explain and discuss additional steps.

If you have any questions please do not hesitate to contact undersigned. We look forward to your prompt reply.

Respectfully submitted,



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