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PRESS RELEASE

APPEALS COURT EXONERATES MASON COUNTY FIRE DISTRICT 6 IN PUBLIC RECORDS DISPUTE

Today, the Washington State Court of Appeals threw out a lower court ruling and found that Mason County Fire District 6 did not violate the Public Records Act. The ruling reversed a judgment awarding a civil penalty of \$94,300.00 and an attorney's fee award of \$38,554.14 that had been entered by Mason County Superior Court on May 23, 2022.

The case arose from claims made by a former volunteer firefighter, Jeffrey Brittig, who made numerous records requests to the District after he was terminated from his position in early 2019. Despite Brittig's allegations that the District falsified records, the Court of Appeals disagreed and found that the District acted properly in providing copies of approved minutes from a April 2018 Fire Commission meeting. The Court rejected Brittig's claim that the District falsified the approved meeting minutes, concluding that:

Upon reviewing the evidence, we determine that the approved meeting minutes from the April 16, 2018, meeting were provided to Brittig in response to PRR 2020-018 and were not withheld.

The court rejected Brittig's contention because he relied on inadmissible evidence, unauthenticated documents and testimony about which Brittig had no personal knowledge. Brittig incorrectly had argued that the District falsified the minutes by changing the language in the approved minutes from "total project cap" to "total home purchase cap" for a firefighter's quarters project. The Court disagreed with Brittig, finding that the District consistently maintained that the approved meeting minutes from the April 16, 2018, minutes use the language "total home purchase cap."

The Court further found that "the evidence provided by Brittig in support of his claim was largely not admissible or did not bear on the issue of whether the approved April 16, 2018, meeting minutes were produced by the District." The Court agreed with the District that it had complied with the PRA by producing the approved minutes in response to Brittig's request.

The Court also reversed rulings by the trial court that imposed large penalties for alleged violations of the PRA because they were not timely raised by Brittig. The Court found that Brittig failed to bring his claims for more than one year after the District had produced records in October 2019, and that such claims were barred by the one-year statute of limitations. The Court therefore ruled:

“The District did not violate the PRA in its response to Brittig’s PRR 2020-018 PRA request, and Brittig’s claim as to PRR 2019-011 is barred by the one-year statute of limitations. Accordingly, we reverse the trial court’s orders on judicial review and on reconsideration. Based on our conclusion that the District did not violate the PRA, both the penalty against the District and the attorney fee award to Brittig are vacated.”

The Court’s ruling sets aside a substantial award and relieves MCFD 6 from a judgment of over \$132,000. Fire District officials expressed their appreciation to the Court for recognizing that the District complied with the Public Records Act.

Commissioner Troy Woodard noted that this ruling completely vindicated the District from Brittig’s accusations that it had fabricated minutes, not only in responding to his PRA requests, but in its dealings with the State Auditor.

“This has been a stressful time for the District, in terms of responding to Mr. Brittig’s false accusations, but also in terms of dealing with substantial possible liability for taxpayers. The Public Records Act is about being transparent and open, which is all we have ever been. The people we serve need to know that we had nothing to hide and provided everything we were asked for, but most of all, that their public servants were telling the truth.”

Fire Chief Clint Volk agreed that this ruling exonerates the District and its records responses, noting that Brittig had attempted to overwhelm the District with records requests after being discharged from service as a volunteer firefighter. He noted that the allegations that records were falsified were totally baseless and untrue, stating:

“Mr. Brittig accused me and my staff of making up false records, which was totally wrong. We provided him with accurate copies of the records he requested and proved that in court. We are relieved that the Court of Appeals took the time to get the facts right and understand the truth.”

The Board of Fire Commissioners will discuss the Court’s ruling and future steps in the lawsuit at its next meeting, scheduled for 10:00 a.m. on August 15, 2023.