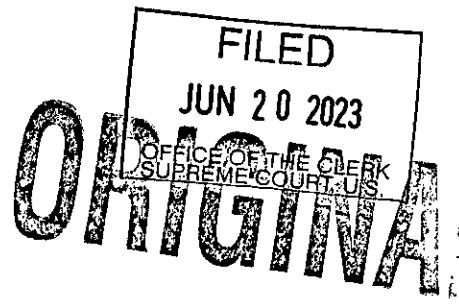


22-7865
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Ms. Tiffany Recinos-Petitioner

Versus

Mike Kreidler et al-Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO

District Court of Washington State Western District

Ms. Tiffany Recinos

19212 205th Street East

Orting Washington 98360

(360)932-6316

QUESTIONS PRESENTED

Whether or not laws exist without documents when public disclosure is exempted?

Whether Commissioners of the government are held to obeying the laws personally during their employment, or if they hold Vicarious Liability for the entities they preside over?

LIST OF PARTIES

District Court, WA, PACER 3:23-cv-05097-BHS Notice has been electronically mailed to:

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District Court, WA, PACER 3:23-cv-05507-JNW Notice has been electronically mailed to:

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MIKE KREIDLER INSURANCE COMMISSIONER

Public Records Exemption Committee: Marta DeLeon, Mary Goodwin, Scott

Kipper, Michelle Koenen, Sonja Craddock, Kelly Cairns.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, COMMISSIONER

BOARD OF INDUSTRIAL INSURANCE APPEALS, COMMISSIONER

SOCIAL SECURITY ADMINISTRATION, COMMISSIONER

TIMOTHY WAKENSHAW BIIA JUDGE

CHILD PROTECTIVE SERVICES, WASHINGTON, PIERCE COUNTY

MAUREEN

DEPARTMENT OF CHILD SUPPORT, WASHINGTON, PIERCE COUNTY

ABBEY HUGHES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES, WASHINGTON, PIERCE
COUNTY

SHANNON BARRY

DEPARTMENT OF CORRECTIONS, WASHINGTON, PIERCE COUNTY

JUAN RECNOS

Table of Authorities Cited

DEFERRED TO COURT APPOINTED ATTORNEYS THAT HAVE MADE NO CONTACT

WITH PLAINTIFF AS OF 6/19/2023, FROM TWO CASES LISTED BELOW:

3:23-cv-05097-BHS Recinos v.

Washington State Insurance Commissioner

04/03/2023 96 ORDER denying Plaintiff's 91 Motion to Vacate. The Court will construe Recinos's 85 motion as an application to proceed in forma pauperis. Recinos is indigent and she has stated a plausible claim against Defendant Nationwide. The application to proceed in forma pauperis is GRANTED. The Court finds that Recinos has presented the sort of exceptional circumstances that permit the Court to appoint her an attorney. Her motions to that effect, Dkts. 85 and 92, are GRANTED and the Clerk shall identify an attorney or law firm from the Court's Pro Bono Panel to represent Plaintiff Recinos in this case. The scope of the engagement will ultimately be between the attorney and the client. The case is STAYED pending the appointment of counsel. Signed by Judge Benjamin H. Settle.(MW)

3:23-cv-05183-TLF Recinos v.

Commissioner of Social Security

05/08/2023 52 ORDER granting Plaintiff's 44 Motion for Appointment of Counsel, signed

by Judge Theresa L Fricke. (cc: E. Nero)(GMR)

§ 801.55 Interagency and intra-agency exchanges.

(a) Pursuant to 5 U.S.C. 552(b)(5), any record prepared by an NTSB employee for internal

Government use is exempt from public disclosure to the extent that it contains—

(1) Opinions made in the course of developing official action by the NTSB but not actually made a part of that official action, or

(2) Information concerning any pending NTSB proceeding, or similar matter, including any claim or other dispute to be resolved before a court of law, administrative board, hearing officer, or contracting officer.

(b) The purpose of this section is to protect the full and frank exchange of ideas, views, and opinions necessary for the effective functioning of the NTSB. These resources must be fully and readily available to those officials upon whom the responsibility rests to take official NTSB action. Its purpose is also to protect against the premature disclosure of material that is in the developmental stage, if premature disclosure would be detrimental to the authorized and appropriate purposes for which the material is being used, or if, because of its tentative nature, the material is likely to be revised or modified before it is officially presented to the public. (c)

Examples of materials covered by this section include, but are not limited to, staff papers containing advice, opinions, or suggestions preliminary to a decision or action; preliminary notes; advance information on such things as proposed plans to procure, lease, or otherwise hire and dispose of materials, real estate, or facilities; documents exchanged in preparation for anticipated legal proceedings; material intended for public release at a specified future time, if

premature disclosure would be detrimental to orderly processes of the NTSB; records of inspections, investigations, and surveys pertaining to internal management of the NTSB; and matters that would not be routinely disclosed in litigation but which are likely to be the subject of litigation.

(d) The deliberative process privilege does not apply to records created 25 years or more before the date on which the records were requested.

§ 801.56 Unwarranted invasion of personal privacy.

Pursuant to 5 U.S.C. 552(b)(6), any personal, medical, or similar file is exempt from public disclosure if its disclosure would harm the individual concerned or would be a clearly unwarranted invasion of the person's personal privacy.

§ 801.57 Records compiled for law enforcement purposes.

Pursuant to 5 U.S.C. 552(b)(7), any records compiled for law or regulatory enforcement are exempt from public disclosure to the extent that disclosure would interfere with enforcement, would be an unwarranted invasion of privacy, would disclose the identity of a confidential source, would disclose investigative procedures and practices, or would endanger the life or security of law enforcement personnel.

§ 801.58 Records for regulation of financial institutions.

Pursuant to 5 U.S.C. 552(b)(8), records compiled for agencies regulating or supervising financial institutions are exempt from public disclosure.

Chapter 2 PUBLIC RECORDS ACT – EXEMPTIONS

2.1 Exemptions Permit Withholding or Redaction of Records

Records must be produced upon request unless a law “exempts or prohibits disclosure of specific information or records.” RCW 42.56.070(1). These laws are called “exemptions.” The PRA and other statutes provide hundreds of very specific exemptions. If an exemption applies to all or part of a record, the exempt content can be withheld or deleted (redacted). Many court cases interpret these exemptions, and new exemptions can be created or modified each year by the Legislature. For a list of these exemptions, see the linked table prepared by the Office of the

Code Reviser (see the list under “Schedule of Review,” then select the most recent year). The Public Records Exemptions Accountability Committee (“Sunshine Committee”) is charged with reviewing exemptions in state law and making recommendations for changes. RCW 42.56.140. A full treatment of all exemptions is beyond the scope of this Open Government Resource Manual. Instead, this Chapter provides general guidance on exemptions and summarizes many of the ones most frequently encountered by requesters and agencies.

(<https://www.atg.wa.gov/Open-Government-Resource-Manual/Chapter-2>)

RCW 42.56.100 Protection of public records—Public access.

Agencies shall adopt and enforce reasonable rules and regulations, and the office of the secretary of the senate and the office of the chief clerk of the house of representatives shall adopt reasonable procedures allowing for the time, resource, and personnel constraints associated with

legislative sessions, consonant with the intent of this chapter to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. Nothing in this section shall relieve agencies, the office of the secretary of the senate, and the office of the chief clerk of the house of representatives from honoring requests received by mail for copies of identifiable public records.

If a public record request is made at a time when such record exists but is scheduled for destruction in the near future, the agency, the office of the secretary of the senate, or the office of the chief clerk of the house of representatives shall retain possession of the record, and may not destroy or erase the record until the request is resolved.

RCW 42.56.110

Destruction of information relating to employee misconduct.

Nothing in this chapter prevents an agency from destroying information relating to employee misconduct or alleged misconduct, in accordance with RCW 41.06.450, to the extent necessary to ensure fairness to the employee.

RCW 42.56.140

Public records exemptions accountability committee.

(1)(a) The public records exemptions accountability committee is created to review exemptions from public disclosure, with thirteen members as provided in this subsection.

- (i) The governor shall appoint two members, one of whom represents the governor and one of whom represents local government.
- (ii) The attorney general shall appoint two members, one of whom represents the attorney general and one of whom represents a statewide media association.
- (iii) The state auditor shall appoint one member.
- (iv) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.
- (v) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.
- (vi) The governor shall appoint four members of the public, with consideration given to diversity of viewpoint and geography.

(b) The governor shall select the chair of the committee from among its membership.

(c) Terms of the members shall be four years and shall be staggered, beginning August 1, 2007.

- (2) The purpose of the public records exemptions accountability committee is to review public disclosure exemptions and provide recommendations pursuant to subsection (7)(d) of this section. The committee shall develop and publish criteria for review of public exemptions.
- (3) All meetings of the committee shall be open to the public.
- (4) The committee must consider input from interested parties.
- (5) The office of the attorney general and the office of financial management shall provide staff support to the committee.
- (6) Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an

employer or organization, are entitled to be reimbursed for travel expenses in accordance with

RCW 43.03.050 and 43.03.060.

(7)(a) Beginning August 1, 2007, the code reviser shall provide the committee by August 1st of each year with a list of all public disclosure exemptions in the Revised Code of Washington.

(b) The committee shall develop a schedule to accomplish a review of each public disclosure exemption. The committee shall publish the schedule and publish any revisions made to the schedule.

(c) The chair shall convene an initial meeting of the committee by September 1, 2007. The committee shall meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the committee.

(d) For each public disclosure exemption, the committee shall provide a recommendation as to whether the exemption should be continued without modification, modified, scheduled for sunset review at a future date, or terminated. By November 15th of each year, the committee shall transmit its recommendations to the governor, the attorney general, and the appropriate committees of the house of representatives and the senate.

RCW 42.56.141

Public records exemptions accountability committee—Wolf depredation information exemption. (Expires June 30, 2027.)

By December 1, 2021, the public records exemptions accountability committee, in addition to its duties in RCW 42.56.140, must prepare and submit a report to the legislature that

includes recommendations on whether the exemptions created in section 1, chapter 246, Laws of 2017 should be continued or allowed to expire. The report should focus on whether the exemption continues to serve the intent of the legislature in section 1, chapter 246, Laws of 2017 to provide protections of personal information during the period the state establishes and implements new policies regarding wolf management. The committee must consider whether the development of wolf management policy, by the time of the report, has diminished risks of threats to personal safety so that the protection of personal information in section 1, chapter 246, Laws of 2017 is no longer an ongoing necessity.

RCW 42.56.155

Assistance by attorney general.

The attorney general's office may provide information, technical assistance, and training on the provisions of this chapter.

[2014 c 66 § 5.]

RCW 42.56.210

Certain personal and other records exempt.

(1) Except for information described in *RCW 42.56.230(3)(a) and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this chapter are inapplicable to the extent that information, the disclosure of which would violate

personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(2) Inspection or copying of any specific records exempt under the provisions of this chapter may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(3) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

RCW 42.56.230 Personal information

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2)(a) Personal information:

(i) For a child enrolled in licensed child care in any files maintained by the department of children, youth, and families;

(ii) For a child enrolled in a public or nonprofit program serving or pertaining to children, adolescents, or students, including but not limited to early learning or child care

services, parks and recreation programs, youth development programs, and after-school programs;

(iii) For the family members or guardians of a child who is subject to the exemption under this subsection (2) if the family member or guardian has the same last name as the child or if the family member or guardian resides at the same address as the child and disclosure of the family member's or guardian's information would result in disclosure of the personal information exempted under (a)(i) and (ii) of this subsection; or

(iv) For substitute caregivers who are licensed or approved to provide overnight care of children by the department of children, youth, and families.

(b) Emergency contact information under this subsection (2) may be provided to appropriate authorities and medical personnel for the purpose of treating the individual during an emergency situation;

(3) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(4) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would: (a) Be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance authorized under RCW 35.102.145; or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(5) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial information as defined in RCW 9.35.005 including social security numbers, except when disclosure is expressly required by or governed by other law;

(6) Personal and financial information related to a small loan or any system of authorizing a small loan in RCW 31.45.093;

(7)(a) Any record used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

(b) Information provided under RCW 46.20.111 that indicates that an applicant declined to register with the selective service system.

(c) Any record pertaining to a vehicle license plate, driver's license, or identicard issued under RCW 46.08.066 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement, confidential public health work, public assistance fraud, or child support investigative activity. This exemption does not prevent the release of the total number of vehicle license plates, drivers' licenses, or identicards that, under RCW 46.08.066, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse.

(d) Any record pertaining to a vessel registration issued under RCW 88.02.330 that, alone or in combination with any other records, may reveal the identity of an individual, or reveal that an individual is or was, performing an undercover or covert law enforcement activity. This exemption does not prevent the release of the total number of vessel registrations that, under RCW 88.02.330, an agency or department has applied for, been issued, denied, returned, destroyed, lost, and reported for misuse. Upon request by the legislature, the department of licensing shall provide a report to the legislature containing all of the information in (c) of this subsection (7) and this subsection (7)(d) that is subject to public disclosure;

(8) All information related to individual claim resolution settlement agreements submitted to the board of industrial insurance appeals under RCW 51.04.063, other than final orders from the board of industrial insurance appeals. The board of industrial insurance appeals shall provide to the department of labor and industries copies of all final claim resolution settlement agreements;

(9) Voluntarily submitted information contained in a database that is part of or associated with enhanced 911 emergency communications systems, or information contained or used in emergency notification systems as provided under RCW 38.52.575 and 38.52.577;

(10) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots;

(11) All information submitted by a person to the state, either directly or through a statelicensed gambling establishment, or Indian tribes, or tribal enterprises that own gambling operations or facilities with class III gaming compacts, as part of the self-exclusion program established in RCW 9.46.071 or 67.70.040 for people with a gambling problem or gambling disorder; and

(12) Names, addresses, or other personal information of individuals who participated in the bump-fire stock buy-back program under *RCW 43.43.920.

RCW 42.56.250 Employment and licensing.

*** CHANGE IN 2023 *** (SEE 5421.SL) ***

- (1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;
- (2) All applications for public employment other than for vacancies in elective office, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;
- (3) Professional growth plans (PGPs) in educator license renewals submitted through the eCert system in the office of the superintendent of public instruction;
- (4) The following information held by any public agency in personnel records, public employment related records, volunteer rosters, or included in any mailing list of employees or volunteers of any public agency: Residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, driver's license numbers, identicard numbers, payroll deductions including the amount and identification of the deduction, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal email addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;
- (5) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

(6) Investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure;

(7) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025;

(8) Photographs and month and year of birth in the personnel files of employees or volunteers of a public agency, including employees and workers of criminal justice agencies as defined in RCW 10.97.030. The news media, as defined in RCW 5.68.010(5), shall have access to the photographs and full date of birth. For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030;

(9) The global positioning system data that would indicate the location of the residence of a public employee or volunteer using the global positioning system recording device;

(10) Until the person reaches eighteen years of age, information, otherwise disclosable under chapter 29A.08 RCW, that relates to a future voter, except for the purpose of processing and delivering ballots; and

(11) Voluntarily submitted information collected and maintained by a state agency or higher education institution that identifies an individual state employee's personal demographic details. "Personal demographic details" means race or ethnicity, sexual orientation as defined by *RCW 49.60.040(26), immigration status, national origin, or status as a person with a disability. This exemption does not prevent the release of state employee demographic information in a deidentified or aggregate format.

(12) Upon receipt of a request for information located exclusively in an employee's personnel, payroll, supervisor, or training file, the agency must provide notice to the employee, to any union representing the employee, and to the requestor. The notice must state:

- (a) The date of the request;
- (b) The nature of the requested record relating to the employee;
- (c) That the agency will release any information in the record which is not

exempt from the disclosure requirements of this chapter at least ten days from the date the notice is made; and

- (d) That the employee may seek to enjoin release of the records under RCW 42.56.540.

RCW 42.56.270 Financial, commercial, and proprietary information.

*** CHANGE IN 2023 *** (SEE 1474-S2.SL) ***

- (1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;
- (2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750; (b) highway construction or improvement as required by RCW 47.28.070; or (c) alternative public works contracting procedures as required by RCW 39.10.200 through 39.10.905;
- (3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;
- (4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW and RCW 43.155.160, or during application for economic development loans or program services provided by any local agency;
- (5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;
- (6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;
- (7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under *chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), cannabis producer, processor, or retailer license, liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(c) Valuable formulae or financial or proprietary commercial information records received during a consultative visit or while providing consultative services to a licensed cannabis business in accordance with RCW 69.50.561;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services or the health care authority for purposes of the development, acquisition, or implementation of state purchased health care as defined in

RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of commerce:

(i) Financial and proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.330.050(8);

(ii) Financial or proprietary information collected from any person and provided to the department of commerce or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business; and

(iii) Financial or proprietary information collected from any person and provided to the department of commerce pursuant to RCW 43.31.625(3)(b) and (4);

(b) When developed by the department of commerce based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of commerce from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70A.500 RCW to implement chapter 70A.500 RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under RCW 43.330.502, to the extent that such information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit; (b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business;

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under RCW 28B.20.150, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information;

(21) (21) Market share data submitted by a manufacturer under RCW 70A.500.190(4);

(22) Financial information supplied to the department of financial institutions, when filed by or on behalf of an issuer of securities for the purpose of obtaining the exemption from state securities registration for small securities offerings provided under RCW 21.20.880 or when filed by or on behalf of an investor for the purpose of purchasing such securities;

(23) Unaggregated or individual notices of a transfer of crude oil that is financial, proprietary, or commercial information, submitted to the department of ecology pursuant to RCW 90.56.565(1)(a), and that is in the possession of the department of ecology or any entity with which the department of ecology has shared the notice pursuant to RCW 90.56.565;

(24) Financial institution and retirement account information, and building security plan information, supplied to the liquor and cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345, when filed by or on behalf of a licensee or prospective licensee for the purpose of obtaining, maintaining, or renewing a license to produce, process, transport, or sell cannabis as allowed under chapter 69.50 RCW;

(25) Cannabis transport information, vehicle and driver identification data, and account numbers or unique access identifiers issued to private entities for traceability system access,

submitted by an individual or business to the liquor and cannabis board under the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and 69.50.345 for the purpose of cannabis product traceability. Disclosure to local, state, and federal officials is not considered public disclosure for purposes of this section;

(26) Financial and commercial information submitted to or obtained by the retirement board of any city that is responsible for the management of an employees' retirement system pursuant to the authority of chapter 35.39 RCW, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the retirement fund or to result in private loss to the providers of this information except that (a) the names and commitment amounts of the private funds in which retirement funds are invested and (b) the aggregate quarterly performance results for a retirement fund's portfolio of investments in such funds are subject to disclosure;

(27) Proprietary financial, commercial, operations, and technical and research information and data submitted to or obtained by the liquor and cannabis board in applications for cannabis research licenses under RCW 69.50.372, or in reports submitted by cannabis research licensees in accordance with rules adopted by the liquor and cannabis board under RCW 69.50.372;

(28) Trade secrets, technology, proprietary information, and financial considerations contained in any agreements or contracts, entered into by a licensed cannabis business under RCW 69.50.395, which may be submitted to or obtained by the state liquor and cannabis board;

(29) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the Andy Hill cancer research endowment program in applications for, or delivery of, grants under chapter 43.348 RCW, to the extent that such

information, if revealed, would reasonably be expected to result in private loss to providers of this information;

(30) Proprietary information filed with the department of health under chapter 69.48 RCW;

(31) Records filed with the department of ecology under chapter 70A.515 RCW that a court has determined are confidential valuable commercial information under RCW 70A.515.130; and

(32) Unaggregated financial, proprietary, or commercial information submitted to or obtained by the liquor and cannabis board in applications for licenses under RCW 66.24.140 or 66.24.145, or in any reports or remittances submitted by a person licensed under RCW 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis board under chapter 66.08 RCW.

RCW 48.02.065

Confidentiality of documents, materials, or other information—Public disclosure.

(1) Documents, materials, or other information as described in either subsection (5) or (6), or both, of this section are confidential by law and privileged, are not subject to public disclosure under chapter 42.56 RCW, and are not subject to subpoena directed to the commissioner or any person who received documents, materials, or other information while acting under the authority of the commissioner. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The confidentiality and privilege created by this section and RCW 42.56.400(8) applies only to the commissioner, any person acting under the authority of the commissioner, the national association of insurance commissioners and its

affiliates and subsidiaries, regulatory and law enforcement officials of other states and nations, the federal government, and international authorities.

(2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner is permitted or required to testify in any private civil action concerning any confidential and privileged documents, materials, or information subject to subsection (1) of this section.

(3) The commissioner:

(a) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection (1) of this section, with (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities, if the recipient agrees to maintain the confidentiality and privileged status of the document, material, or other information;

(b) May receive documents, materials, or information, including otherwise either confidential or privileged, or both, documents, materials, or information, from (i) the national association of insurance commissioners and its affiliates and subsidiaries, and (ii) regulatory and law enforcement officials of other states and nations, the federal government, and international authorities and shall maintain as confidential and privileged any document, material, or information received that is either confidential or privileged, or both, under the laws of the jurisdiction that is the source of the document, material, or information; and

(c) May enter into agreements governing the sharing and use of information consistent with this subsection.

(4) No waiver of an existing privilege or claim of confidentiality in the documents, materials, or information may occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

(5) Documents, materials, or information, which is either confidential or privileged, or both, which has been provided to the commissioner by (a) the national association of insurance commissioners and its affiliates and subsidiaries, (b) regulatory or law enforcement officials of other states and nations, the federal government, or international authorities, or (c) agencies of this state, is confidential and privileged only if the documents, materials, or information is protected from disclosure by the applicable laws of the jurisdiction that is the source of the document, material, or information.

(6) Working papers, documents, materials, or information produced by, obtained by, or disclosed to the commissioner or any other person in the course of a financial or market conduct examination, or in the course of financial analysis or market conduct desk audit, are not required to be disclosed by the commissioner unless cited by the commissioner in connection with an agency action as defined in RCW 34.05.010(3). The commissioner shall notify a party that produced the documents, materials, or information five business days before disclosure in connection with an agency action. The notified party may seek injunctive relief in any Washington state superior court to prevent disclosure of any documents, materials, or information it believes is confidential or privileged. In civil actions between private parties or in criminal actions, disclosure to the commissioner under this section does not create any privilege or claim of confidentiality or waive any existing privilege or claim of confidentiality.

(7)(a) After receipt of a public disclosure request, the commissioner shall disclose the documents, materials, or information under subsection (6) of this section that relate to a financial

or market conduct examination undertaken as a result of a proposed change of control of a nonprofit or mutual health insurer governed in whole or in part by chapter **48.31B** RCW.

(b) The commissioner is not required to disclose the documents, materials, or information in (a) of this subsection if:

- (i) The documents, materials, or information are otherwise privileged or exempted from public disclosure; or
- (ii) The commissioner finds that the public interest in disclosure of the documents, materials, or information is outweighed by the public interest in nondisclosure in that particular instance.

(7) Any person may petition a Washington state superior court to allow inspection of information exempt from public disclosure under subsection (6) of this section when the information is connected to allegations of negligence or malfeasance by the commissioner related to a financial or market conduct examination. The court shall conduct an in-camera review after notifying the commissioner and every party that produced the information. The court may order the commissioner to allow the petitioner to have access to the information provided the petitioner maintains the confidentiality of the information. The petitioner must not disclose the information to any other person, except upon further order of the court. After conducting a regular hearing, the court may order that the information can be disclosed publicly if the court finds that there is a public interest in the disclosure of the information and the exemption of the information from public disclosure is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

Vicarious liability.

*** CHANGE IN 2023 *** (SEE 5191-S.SL) ***

(1) A principal is not liable for an act, error, or omission by an agent or subagent of the principal arising out of an agency relationship:

**(A) UNLESS THE PRINCIPAL PARTICIPATED IN OR AUTHORIZED THE ACT,
ERROR, OR OMISSION; OR**

(b) Except to the extent that: (i) The principal benefited from the act, error, or omission; and (ii) the court determines that it is highly probable that the claimant would be unable to enforce a judgment against the agent or subagent.

(2) A broker is not liable for an act, error, or omission of a subagent under this chapter, unless that broker participated in or authorized the act, error or omission. This subsection does not limit the liability of a firm for an act, error, or omission by a broker licensed to the firm.

[2013 c 58 § 10; 1996 c 179 § 9.]

RCW 77.15.098

Willful misconduct/gross negligence—Civil liability.

(1) An authorized state, county, or municipal officer may be subject to civil liability under RCW 77.15.070 for willful misconduct or gross negligence in the performance of his or her duties.

18 U.S. Code § 1038 - False information and hoaxes

(a)CRIMINAL VIOLATION.—

1 (1) **IN GENERAL.**—Whoever engages in any conduct with intent to convey false or misleading
2 information under circumstances where such information may reasonably be believed and
3 where such information indicates that an activity has taken, is taking, or will take place that
4 would constitute a violation of chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section
5 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or section 46502, the second sentence
6 of section 46504, section 46505(b)(3) or (c), section 46506 if homicide or attempted homicide is
7 involved, or section 60123(b) of title 49, shall— (A) be fined under this title or imprisoned not
8 more than 5 years, or both; (B) if serious bodily injury results, be fined under this title or
9 imprisoned not more than 20 years, or both; and (C) if death results, be fined under this title or
10 imprisoned for any number of years up to life, or both. (2) **ARMED FORCES.**—Any person who
11 makes a false statement, with intent to convey false or misleading information, about the death,
12 injury, capture, or disappearance of a member of the Armed Forces of the United States during a
13 war or armed conflict in which the United States is engaged— (A) shall be fined under this title,
14 imprisoned not more than 5 years, or both; (B) if serious bodily injury results, shall be fined
15 under this title, imprisoned not more than 20 years, or both; and (C) if death results, shall be
16 fined under this title, imprisoned for any number of years or for life, or both.
17

18 (b) **CIVIL ACTION.**—

19
20 Whoever engages in any conduct with intent to convey false or misleading information under
21 circumstances where such information may reasonably be believed and where such information
22 indicates that an activity has taken, is taking, or will take place that would constitute a violation
23 of chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section 236 of the Atomic Energy Act
24 of 1954 (42 U.S.C. 2284), or section 46502, the second sentence of section 46504, section 46505

1 (b)(3) or (c), section 46506 if homicide or attempted homicide is involved, or section 60123(b) of
2 title 49 is liable in a civil action to any party incurring expenses incident to any emergency or
3 investigative response to that conduct, for those expenses.

4 **(c) REIMBURSEMENT.—**

5 **(1) IN GENERAL.—**

6 The court, in imposing a sentence on a defendant who has been convicted of an offense
7 under subsection (a), shall order the defendant to reimburse any state or local government,
8 or private not-for-profit organization that provides fire or rescue service incurring
9 expenses incident to any emergency or investigative response to that conduct, for those
10 expenses.

11 **(2) LIABILITY.—**

12 A person ordered to make reimbursement under this subsection shall be jointly and
13 severally liable for such expenses with each other person, if any, who is ordered to make
14 reimbursement under this subsection for the same expenses.

15 **(3) CIVIL JUDGMENT.—**

16 An order of reimbursement under this subsection shall, for the purposes of enforcement, be
17 treated as a civil judgment.

18 (<https://www.law.cornell.edu/uscode/text/18/1038>)

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Appendix A: Recinos versus Kreidler, Washington State Supreme Court Case No. 101665-4.

Noted March 23rd, 2023, dismissing original action against state officer.

Appendix B: Recinos versus Kreidler, Washington State Supreme Court Case No. 101665-4.

Noted June 7th, 2023, order denying motion to modify commissioners ruling.

Appendix C: Recinos versus Kreidler, Washington State Supreme Court Case No. 101665-4.

Finalized denial of Mandamus.

Appendix D: Recinos versus Kreidler, District Court Western Washington District No. 3:23-

CV-05097-BHS. Noted April 3rd, of 2023, order granting appointment of counsel.

Appendix E: Recinos versus Kreidler, District Court Western Washington District No. 3:23-CV-

05097-BHS. Noted May 8th, 2023, order granting appointment of counsel.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issued to review the judgment below.

OPINIONS BELOW

STATE COURT CASES:

The opinion of the Highest state court to review the merits appears at Appendix C to the petition and is reported at the Washington State Supreme Court Denying Public Disclosure of Insurance Documents Against the Insurance Commissioner.

JURISDICTION

For state courts:

The date on which the highest court decided my case was June 7, 2023.

a copy of that decision appears at Appendix B.

send a copy of the finalized order appears at Appendix C.

The jurisdiction of this Court is invoked under 28 U dot S dot C dot 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

WAC 292-110-010 Use of state resources.

(1) Statement of principles. All state employees and officers are responsible for the proper use of state resources, including funds, facilities, tools, property, and their time. This section does not restrict the use of state resources as described in subsections (2) and (3) of this section.

(2) Permitted uses.

(a) Use of state resources for official state purpose. "Official state purpose" includes use of state resources to conduct official duties, activities reasonably related to the conduct of official state duties, activities related to state employment, and activities otherwise allowed by statute.

Examples of official state purposes include:

(i) Training and career development approved by the employing agency under

RCW 41.06.410:

(ii) Membership or participation in professional associations that enhance job-related skills of the state officer or employee, so long as use of state resources for this purpose has been authorized in writing;

(iii) State or agency sponsored health, safety, or diversity fairs;

(iv) Management of or access to state-provided or state-sponsored benefits, including health, deferred compensation, insurance, retirement, and the employee assistance program;

(v) Searching and applying for state jobs, including taking an examination or participating in an interview; and

(vi) Placement of nongovernmental web page links on an agency website for official state purposes as long as the use does not violate RCW 42.52.180.

(b) **Agency approved use.** An agency head or designee may authorize limited use of agency staff time and resources for the following uses as long as that use is specifically authorized in an agency policy and conforms to that policy:

- (i) Supporting, promoting, or soliciting for charitable activities;
- (ii) Employee recognition, including birthday, retirement, wedding/baby showers, or other similar celebrations;
- (iii) Activities supporting agency organizational effectiveness provided the agency's policy allowing use of state resources for such purposes is approved by the executive ethics board;
- (iv) State or intermittent agency sponsored health activities, for example, vaccinations, diabetes screenings, cholesterol screenings; or recording participation in an agency or PEBB sponsored wellness program.

(3) **Permitted personal use of state resources.** This subsection applies to any use of state resources not included in subsection (2) of this section.

(a) A state officer or employee's use of state resources is de minimis only if each of the following conditions are met:

- (i) There is little or no cost to the state;
- (ii) Any use is brief;
- (iii) Any use occurs infrequently;

(iv) The use does not interfere with the performance of any state officer's or employee's official duties;

(v) The use does not compromise the security or integrity of state property, information systems, or software;

(vi) The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain; and

(vii) The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group.

(b) A state officer or employee may use state resources for wellness or combined fund drive activities as long as use conforms with (a) of this subsection or as authorized in state law and rule.

(4) **No expectation of privacy.** Technologies such as electronic mail, facsimile transmissions, the internet, and voice mail may create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. The ethics rules do not distinguish between the various forms of communication. Electronic records are reproducible and therefore cannot be considered private. Such records may be subject to disclosure under the Public Records Act, or may be disclosed for audit or legitimate state operational or management purposes.

(5) **Reimbursement for personal use.** In some limited situations, such as officers or employees working at remote locations, an agency may allow reimbursement for limited personal use of state resources by the state employee or officer.

(6) **Agency policies.** Agency policies that are approved by the board qualify for "safe harbor" under WAC 292-120-035. Nothing in this section is intended to limit the ability of an agency to adopt policies that are more restrictive. However, violation of a more restrictive

agency policy by itself will not constitute a violation of RCW 42.52.160, even if it would constitute a violation of agency policy.

(7) **Advisory opinions and frequently asked questions.** The executive ethics board publishes advisory opinions interpreting the Ethics in Public Service Act and/or its rules and provides answers to frequently asked questions regarding the use of state resources that can be found at www.ethics.wa.gov.

RCW 9A.84.040, False reporting. FELONY (1) A person commits false reporting if, with knowledge that the information reported, conveyed, or circulated is false, he or she initiates or circulates a false report or warning of an alleged occurrence or impending occurrence knowing that such false report is likely to cause: Evacuation of a building, place of assembly, or transportation facility; public inconvenience or alarm; or an emergency response. (2)(a) A person is guilty of false reporting in the first degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and death is sustained by any person as a proximate result of an emergency response. False reporting in the first degree is a class B felony. (b) A person is guilty of false reporting in the second degree if the report was made with reckless disregard for the safety of others, the false reporting caused an emergency response, and substantial bodily harm is sustained by any person as a proximate result of an emergency response. False reporting in the second degree is a class C felony. (c) A person is guilty of false reporting in the third degree if he or she commits false reporting under circumstances not constituting false reporting in the first or second degree. False reporting in the third degree is a gross misdemeanor. (3) Any criminal offense committed under this section may be

deemed to have been committed either at the place from which the false report was made, at the place where the false report was received by law enforcement, or at the place where an evacuation, public inconvenience or alarm, or emergency response occurred. (4) Where a case is legally sufficient to charge a person under the age of eighteen with the crime of false reporting and the alleged offense is the offender's first violation of this section, the prosecutor may divert the case. (5) For the purposes of this section, "emergency response" means any action to protect life, health, or property by: (a) A peace officer or law enforcement agency of the United States, the state, or a political subdivision of the state; or (b) An agency of the United States, the state, or a political subdivision of the state, or a private not-for-profit organization that provides fire, rescue, or emergency medical services. (6) Nothing in this section will be construed to: (a) Impose liability on a person who contacts law enforcement for the purpose of, or in connection with, the reporting of unlawful conduct; (b) conflict with Title 47 U.S.C. Sec. 230 of the communication decency act; or (c) conflict with Title 42 U.S.C. Sec. 1983 of the civil rights act.

RCW 42.20.100, Failure of duty by public officer a misdemeanor. Whenever any duty is enjoined by law upon any public officer or other person holding any public trust or employment, their wilful neglect to perform such duty, except where otherwise specially provided for, shall be a misdemeanor.

RCW 9.92.020, Punishment of gross misdemeanor when not fixed by statute. Every person convicted of a gross misdemeanor for which no punishment is prescribed in any statute in

force at the time of conviction and sentence, shall be punished by imprisonment in the county jail for a maximum term fixed by the court of up to three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

TITLE 49 Subpart F—Exemption From Public Disclosure §

801.50 Exemptions from disclosure.

Title 5 U.S.C. 552(a) and (b) exempt certain records from public disclosure. Examples of records given in this subpart included within a particular statutory exemption are not necessarily illustrative of all types of records covered by the applicable exemption.

§ 801.51 National defense and foreign policy secrets.

Pursuant to 5 U.S.C. 552(b)(1), national defense and foreign policy secrets established by Executive Order, as well as properly classified documents, are exempt from public disclosure. Requests to the NTSB for such records will be transferred to the source agency as appropriate, where such classified records are identified. (See, e.g., Executive Order 12,958, as amended on March 25, 2003.)

§ 801.52 Internal personnel rules and practices of the NTSB.

Pursuant to 5 U.S.C. 552(b)(2), the following records are exempt from disclosure under FOIA:

Records relating solely to internal personnel rules and practices, including memoranda pertaining

to personnel matters such as staffing policies, and procedures for the hiring, training, promotion, demotion, or discharge of employees, and management plans, records, or proposals relating to labor-management relations.

[86 FR 54641, Oct. 4, 2021]

§ 801.53 Records exempt by statute from disclosure.

Pursuant to 5 U.S.C. 552(b)(3), the NTSB will not disclose records specifically exempted from disclosure by statute (other than 5 U.S.C. 552(b)), provided that such statute:

(a)

(1) Requires that the matters be withheld from the public in such manner as to leave no discretion on the issue, or

(2) Establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

(b) If enacted after the date of enactment of the Open FOIA Act of 2009, Public Law 111-83, Title V, section 564, 123 Stat. 2142, Oct. 28, 2009, specifically cites to 5 U.S.C. 552(b)(3).

§ 801.54 Trade secrets and commercial or financial information.

Pursuant to 5 U.S.C. 552(b)(4), trade secrets and items containing commercial or financial information that are obtained from a person and are privileged or confidential are exempt from public disclosure.

STATEMENT OF THE CASE

Unmitigated water damages to a primary residence were left unmitigated by Nationwide Home Insurance and the INSURANCE COMMISSIONER, Mike Kreidler, because PUBLIC DISCLOSURE WAS EXEMPTED ON ALL PERTANENT DOCUMENTATION CAUSING THE APPEARANCE THAT NO EMERGENCY MITIGATION WAS NEEDED TO REPAIR SAID RESIDENCE.

LABOR AND INDUSTRIES elevated claims reached the EQUAL EMPLOYMENT OPPORTUNITY COMMISSION and the BOARD OF INDUSTRIAL INSURANCE APPEALS only to DENY LNI AND WORKERS COMPENSATION BENEFITS, SYNCHRONOUSLY WITH SOCIAL SECURITY ADMINISTRATION DENYING DISABILITY BENEFITS, BY EXEMPTING PUBLIC DISCLOSURE ON ALL PERTANENT DOCUMENTATION CAUSING THE APPEARANCE THAT NO OCCUPATIONAL INJURY/DISEASE REQUIRED EMERGENCY MANAGEMENT AND LIFELONG CONTINUED MEDICAL MAINTANCE.

17 CHILD PROTECTIVE SERVICES removed a biological father from the family after he
18 attempted to murder the mother (the plaintiff), then CPS blamed the mother with CHILD
19 ABUSE/NEGLECT while denying services to this family from the DEPARTMENT OF
20 SOCIAL AND HEALTH SERVICE AND THE DEPARTMENT OF CHILD SUPPORT and
21 allowing the perpetrator to keep the inheritance of the victim and family. Then PUBLIC
22 DISCLOSURE WAS EXEMPTED ON ALL PERTANENT DOCUMENTATION THAT
23 ELIMINATED HER INHERITANCE AND LOW INCOME STATE RESOURCES WHILE
24 DESTROYING HER CAREER.

REASONS FOR GRANTING THE PETITION

2 Reasons for granting this petition are TRIFOLD. Three scenarios worsened through exemption
3 of public disclosure that require vicarious liability to be enforced. Voided freedom perpetrated
4 neglect that projected itself onto a scapegoated family who has not yet received justice.

CONCLUSION

7 Relief sought being removal of all water damage from foundation to roof with appropriate
8 remodeling of interior and exterior of the home that should have been done when it was initially
9 found; in addition to criminal restitution equaling the home's value before damage at \$540,000
10 times three totaling \$1,620,000 USD. Secondly, Labor and Industries benefits with a yearly
11 pension of the Director of Nurse Care Manager's salary because that is the job I should currently
12 have as employment, at over \$100,000 yearly. Thirdly reinstatement of Social Security Disability
13 at the BLIND, family rate with backpay, spousal support and remove the unjust overpayment.
14 Fourthly, Remove the claim of child abuse/neglect from my record, enforce child support and
15 SEAL the crime scene play by play from the nursing stipulations on NURSYS on Registered
16 Nursing license. Restore RN license to excellent legal standing as it should be and return my
17 rightful inheritance from my grandparents Maxene and Keith Petersen.

19 | The Petition for a Writ of CERTIORARI should be granted.

21 | Respectfully submitted,

Tiffany Recinos
Tiffany Recinos