

FILED
SUPERIOR COURT
THURSTON COUNTY, WA

2014 OCT 31 PM 3:12

BETTY J. GOULD, CLERK

- 1 EXPEDITE
- 2 No Hearing Set
- 3 Motion Hearing is Set:
Date: 10/31/2014
Time: 1:30 p.m.
The Honorable Christine Schaller

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

9 ARTHUR WEST,
10 Plaintiff,
11 v.
12 WASHINGTON STATE LIQUOR
13 CONTROL BOARD, SHARON
14 FOSTER, CHRIS MARR,
15 RUTHANNE KUROSE,
16 Defendants.

NO. 13-2-01603-3

~~PROPOSED~~ ORDER ON
RENEWED SUMMARY JUDGMENT
MOTION ON OPMA CLAIMS

16 This matter came on before the above-titled court on October 31, 2014, on Plaintiff's
17 Renewed Summary Judgment Motion on OPMA Claims. Defendants were represented by
18 Mary M. Tennyson, Sr. Assistant Attorney General, R. July Simpson, Assistant Attorney
19 General. Plaintiff, Arthur West appeared pro se.

RECORDS CONSIDERED IN THIS MOTION:

- 21 1. Defendant's Renewed Motion for Summary Judgment, dated September 12, 2014,
22 and filed with the court on that date.
- 23 2. Defendant's Corrections to Renewed Motion for Summary Judgment, dated
24 October 17, 2014.
- 25 3. Plaintiffs' Declaration in Support of Reply to 2nd CR 56 Motion, dated October 21,
26 2014.

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- 4. Plaintiff's Declaration, filed October 21, 2014.
- 5. Defendant's Reply Re Renewed Motion for Summary Judgment, dated October 24, 2014.
- 6. Corrected Declaration of Sharon Foster in Support of Renewed Motion for Partial Summary Judgment on OPMA Claims, signed October 14, 2014.
- 7. Corrected Declaration of Ruthann Kurose in Support of Renewed Motion for Partial Summary Judgment on OPMA Claims, signed October 14, 2014.
- 8. Corrected Declaration of Chris Marr in Support of Renewed Motion for Partial Summary Judgment on OPMA Claims, signed October 13, 2014.
- 9. Corrected Declaration of Samantha Trotter in Support of Renewed Motion for Partial Summary Judgment on OPMA Claims, signed October 13, 2014.

The court having heard the arguments, being familiar with the record and pleadings on file herein, and being fully informed, the Court hereby ORDERS as follows:

Defendant's Renewed Motion for Summary Judgment on the issue of whether there was action taken at the meetings, specifically the I-502 rules, that could be deemed null and void by violations of the Open Public Meetings Act is GRANTED. The I-502 rules would not be deemed null and void by a finding that there were OPMA violations at the challenged meetings.

Plaintiff may file additional documents and briefing by noon on November 10, 2014. Defendant's Renewed Motion for Summary Judgment on the issue of whether the Board members knowingly violated the Open Public Meetings Act is GRANTED. The members of the Liquor Control Board did not knowingly participate in meetings that were not properly noticed under the Open Public Meetings Act. An additional hearing will be held on November 18, 2014 at 1:30 pm. The November 17, 2014 trial date is stricken.

No issues remain in this case that need to be determined by the Court.


// The Court finds the Board violated the OPMA on seventeen (17) occasions during January and through March, 2014.

on the issue of knowledge of the Board members

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THEREFORE, IT IS FURTHER ORDERED:
Plaintiff's Complaint is hereby dismissed with prejudice.

DATED this 31 day of October 2014.




JUDGE CHRISTINE SCHALLER

Presented by:
ROBERT FERGUSON



MARY M. TENNYSON, WSBA# 11197
Sr. Assistant Attorney General
JULY SIMPSON, WSBA # 45869
Attorneys for Defendants

Approved and notice of presentation waived by:



ARTHUR WEST
Plaintiff, Pro Se

From: Lopez, Sheri L
Sent: Wednesday, February 13, 2013 12:09 PM
To: Trotter, Samantha E.
Subject: Minutes - Law Enforcement Meeting

February 12, 2013 at the Spokane Police Department Academy
Began at 10:05am Ended at 11:25am

LCB Staff Present:

1. Rick Garza
2. Chris Marr
3. Ruthann Kurose
4. Brian Smith
5. Alan Rathbun
6. Justin Nordhorn
7. Sheri Lopez

16 Law Enforcement Officers attended the meeting, representing 11 agencies:

1. Pend Oreille County Sheriff's Office
2. U.S. Border Patrol
3. Spokane Police Department
4. D.E.A.
5. Pullman Police Department
6. WSU Police Department
7. Liberty Lake Police Department
8. U.S. Secret Service
9. Spokane County Drug Task Force
10. Spokane County Sheriff's Office
11. U.S. Marshal

Chris

- Welcomed everyone as we went around then room introducing ourselves
- Briefly spoke on two current issues – 1) control of illicit drugs, and 2) medical marijuana not covered in I-502
- Rules must be put together by December 1, 2013 – not required to have the stores open by then but the public expects it

Ruthann

- Voiced concern with diversion to the black market

Rick

- Handed out I-502 Fact Sheet, Tentative Rulemaking Timeline, RFP, Forum Schedule, FAQ Sheet, and Law Enforcement Fact Sheet

Justin

- Criminal history – what's the risk threshold

Prevention Meetings Regarding I-502 Implementation

Summary of Key Points

Locations: Seattle, Vancouver, Spokane, Skagit Valley, Yakima, Kitsap County

- Advertising – restrict as much as possible.
- Provide mandatory Responsible Vendor Training and have significant penalties for providing to minors.
- Limit hours of sale.
- Consider ability to enforce regulations when determining outlet density. Limit density within cities and counties.
- Labeling/Packaging
 - List negative health impact and effect on driving (impairment)
 - Indicate THC level accurately
 - Marijuana-infused products need to be readily identifiable (health and safety concern, impact on schools, etc.)
- Regulate/limit THC level
- Limit number of purchases per day to reduce opportunity for resale.
- Restrict product sampling
- Prohibit internet sales and delivery
- When looking at density and advertising, do not negatively impact communities of color and low income neighborhood through disproportionality.
- Do not create marijuana “strip malls.”
- Public health campaigns need to come on board now.
- May need law changes so penalties are stiff.
- Safeguard prevention and education funding after 2 years.
- Laws need to be clear and well-enforced.
- Restrict at highest level possible.
- Increase funding for enforcement.
- Provide necessary resources and staff time for general education and outreach by LCB, coordinating with DOH, DSHS, and others.
- Have licensing standards like those for a pharmacist – certain amount of education required and have to pass a board.
- Ban anything that looks like a candy or call it something else (lozenge instead of sucker).
- Will there be a residency requirement to purchase?
- Can we incorporate penalties for selling to someone who is intoxicated?
- What will be the background check requirements?
- How will we curb black market and Mexican drug cartels?

Overall education issues:

- Understanding of the laws
- Address low perception of harm
- Address “normalization” of marijuana use
- Use by pregnant women (used for morning sickness)



**Washington State
Liquor Control Board**

**Prevention Community Meeting
February 7, 2013
Educational Service District 112
Vancouver WA
1:00 PM – 2:00PM**

Meeting Outcomes:

By the end of this meeting we will have:

- Received comment from SW Washington prevention community members on the implementation of I-502 and their concerns for youth.
- Discussed ways to minimize marijuana use and access for our youth in SW Washington.
- Discussed next steps for implementation of I-502.

AGENDA

Welcome and Introductions	5 Min
➤ Liquor Control Board Members and Community Members	
Concerns for Youth Overview	5 Min
➤ Power Point Presentation	
Community Response and Discussion	
➤ Questions, comments and concerns from community members	45 Min
Next Steps	
➤ LCB Members will outline the next months of implementation	5 Min

Stocker, Marlie

From: Munez Carter, Frances R
Sent: Wednesday, November 28, 2012 10:18 AM
To: bruce1@atg.wa.gov
Cc: Tennyson, Mary (maryt@atg.wa.gov)
Subject: I-502 Meeting Minutes

Hi Bruce,

Pat would like to get a few minutes with you either by phone or in person to talk about the various 502 meetings that are taking place and the type of minutes that will be produced. Sometimes one board member attends and sometimes all three of them attend and sometimes none of them attend. There have been questions about 1183 meeting minutes in the past, so with all of the 502 meetings taking place Pat wants to make sure we are heading down the path.

Would you please send me some dates/times that work for you, and where?

Thanks.