



NFOIC supports lawsuit accusing government agency of repeatedly violating Washington state's open government laws

Resident claims that King County Housing Authority has established an allegedly private nonprofit organization to carry out its programs while circumventing the Open Public Meetings Act and Public Records Act.

COLUMBIA, Mo. (April 23, 2013) - With support from the National Freedom of Information Coalition (NFOIC) and Knight FOI Fund, a public housing resident in suburban Seattle filed a lawsuit today accusing a local housing authority of repeatedly violating Washington state's public disclosure and open meeting laws.

Cindy Ference, who lives in a King County Housing Authority complex for senior and disabled people in Shoreline, Wa., brought the action after discovering that the Housing Authority has set up an allegedly private nonprofit organization to carry out its programs without public oversight. The shadow organization, called Moving King County Residents Forward, has the same governing board, the same staff and the same offices as the Housing Authority.

The [lawsuit](#) alleges that the scheme results in repeated violations of Washington state's Open Public Meetings Act and Public Records Act, and seeks an injunction to stop the Housing Authority Board of Commissioners from meeting privately in its dual capacity as a nonprofit organization's board.

"King County Housing Authority's decisions impact the lives of thousands of our county's most vulnerable citizens," said Ms. Ference, who writes about public housing issues on her website, "[Our Community, a Resident's Perspective](#)." "KCHA is essentially an autonomous entity with very little oversight, making open government statutes so vitally important."

The Housing Authority is responsible for serving more than 18,000 low-income, senior and disabled families in the suburbs of Seattle. Ms. Ference writes about issues to raise awareness of Housing Authority policies and projects affecting residents. As part of her advocacy for public housing residents, she has requested public records concerning controversial construction projects planned by the Housing Authority.

Her lawsuit, supported by a Knight FOI Fund grant, was filed in King County Superior Court, claiming violations of the state's open government laws. NFOIC awarded a \$600 grant under the Knight FOI Fund to support the action.

Katherine George, attorney for Ms. Ference, said, "Every person has right to know what the government is doing. This state's Open Public Meetings Act and Public Records Act make sure that people have a voice in programs affecting them."

Ken Bunting, executive director of NFOIC, said it is commonplace around the country for disputes to arise over the reach of open government laws for quasi-public boards and commissions, public-private partnerships and contract entities carrying out government functions.

"But this is the first instance I have encountered in which a government agency has created a sham entity that appears to have no other purpose than to avoid access requirements," Bunting said.

"Setting up a supposedly private entity to do the public's business in secret is a shameful practice that should not be tolerated by the public or the courts that interpret laws that are supposed to guarantee that government is transparent and accountable," he added.

The NFOIC is a nonpartisan coalition of open government groups and advocates headquartered at the Missouri School of Journalism. The Knight FOI Fund is part of a \$2 million, three-year grant to NFOIC and the University from the John S. and James L. Knight Foundation.

Since it began in January 2010, the Knight FOI Fund has assisted NFOIC member organizations, their allies and other litigants with 35 grant awards in FOI or access cases. While some are still being adjudicated, Knight Fund-supported cases have resulted in 17 favorable court orders or settlements that achieved more transparency or greater access.

Among notable access victories in cases supported by the Knight FOI Fund have included: the 2010 U.S. Supreme Court ruling in *Doe v. Reed* and the subsequent disclosure orders on remand; another California case that kept the nation's largest public pension fund from hiding details of a \$100 million real estate investment loss; a case that forced Wisconsin governor Scott Walker to release more than 8,000 emails; and a case involving a New Mexico state college that had declined to disclose records regarding building projects and a search for a new president.

Most Knight FOI Fund grant awards do not include direct outlays for attorney fees. Instead, the litigation fund is set up to fuel and assist the pursuit of important open government cases by helping to defray upfront costs such as filing fees, depositions, court costs and other expenses associated with legal actions. NFOIC only seeks reimbursement—or any kind of recovery of the Knight FOI Fund investments—when litigants it supports win reimbursements for costs, fees or expenses through court victories or legal settlements.

In addition to support for meritorious legal access cases under state and local public disclosure and open meeting laws, the Knight FOI Fund may also support litigants in anti-SLAPP (Strategic Lawsuits Against Public Participation) suits, SLAPP defenses, important

appellate cases and federal FOIA cases where citizen and journalist access to important public record information might be enhanced.

NFOIC is a national network of state freedom of information advocates, citizen-driven nonprofit freedom of information organizations, academic and First Amendment centers, journalistic societies and attorneys. Its mission is to foster government transparency at the state and local level. A unit of the Missouri School of Journalism, the NFOIC is an affiliate of the Donald W. Reynolds Journalism Institute, and is based at the University of Missouri, home to the nation's oldest FOI Center. For more, visit <http://www.nfoic.org/>.

The John S. and James L. Knight Foundation supports transformational ideas that promote quality journalism, advance media innovation, engage communities and foster the arts. The Foundation believes that democracy thrives when people and communities are informed and engaged. For more, visit <http://www.knightfoundation.org/>.

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