
RE: Public Records Request — Search Records for PRA Request 25-35 to 25-39

From DVA Public Records and Disclosure Officer <dvapublicrecords@dva.wa.gov>

Date Wed 7/16/2025 1:22 PM

To Brandon Kapp <b-kapp@outlook.com>

 3 attachments (107 KB)

Re: Public Records Request — Court Orders Finding PRA Violations; Re: Public Records Request — PRA Settlements and Indemnity Payments; Re: Public Records Request – Internal Policy Changes Post-Litigation;

Good afternoon Mr. Kapp,

I received the email/request below as well as the 3 attached emails from you on July 15, 2025. These emails are in response to you receiving a statement that WDVA has no responsive records to public record requests 25-35, 25-36, 25-37, 25-38, 25-39. I will attempt to answer your questions from all of these emails in this one response. In order to better assist you we will number this as PRR 25-40 for reference.

Your initial request 25-35 was an ask for “All court orders, rulings, or written decisions issued between January 1, 2023 and the present that imposed sanctions, penalties, or adverse findings against the Washington State Department of Veterans Affairs or its public records staff for violations of the Public Records Act (RCW 42.56).

25-36 asked for : “court sanctions”“PRA violation”“legal risk”“AAG coordination”“prior lawsuit”“records suppression”“remediation”“compliance”

This request is limited to legal coordination, post-litigation fallout, and communications with the Attorney General’s Office regarding lessons learned or agency changes due to prior sanctions.”

25-37 asked for: “I hereby request all records, memos, or communications from January 1, 2020 to the present referencing any internal policy changes, updated procedures, or staff guidance documents related to public records handling, metadata, or PRA compliance that were initiated in response to litigation, sanctions, or adverse court rulings.”

25-38 asked for: “I hereby request all records, agreements, communications, and payment documentation related to any settlement agreements, indemnity payments, or legal payouts made by the Washington State Department of Veterans Affairs from January 1, 2020, to the present in response to any alleged violations of the Washington Public Records Act.”

25-39 asked for: “ I hereby request all records in WDVA's possession reflecting final court orders, rulings, or judicial findings issued between January 1, 2020, and the present in which any Washington court found the agency, its officers, or staff in violation of the Washington Public Records Act (RCW 42.56). This includes:Orders awarding sanctions or attorney’s fees,Findings of unlawful delay or incomplete production,Rulings related to metadata, installments, or native format refusal, Any court finding involving Jennifer McDaniel or the Public Records Program”

A search of the Department of Enterprise Services Origami Risk System yielded no Torts, Lawsuits, or active, pending, or closed litigation involving the Washington Department of Veterans Affairs. The search

was performed by myself and with the Agency CFO and Risk Manager, Terry Westhoff from January 1, 2020 to present day as it was noted you had several other records requests and emails that expanded your search terms to include this date. In addition a search of the Agency's internal risk litigation tracking system was performed and there was no record of any litigation involving Public Records Act violations against the agency for the time frame(s) indicated in your requests. WDVA has had no history of PRA violations, sanctions, penalties, adverse findings, court rulings, court orders, or written decisions imposing any of same.

In addition since there has been no history of violations of the Public Records Act by WDVA or its employees, then the public records requests that followed #25-36 thru #25-39 would logically also yield no responsive records as they were predicated on 25-35 having responsive positive findings of which there were none.

I hope this email finds you well. As a reminder I am continuing to work on your many requests and will be contacting you shortly regarding the many new ones recently received.

Best regards,

Jennifer McDaniel
Public Records Program Manager
Washington Dept of Veterans Affairs
360-485-1818
Central Office Hours 0700-1600 M-F

From: Brandon Kapp <b-kapp@outlook.com>
Sent: Tuesday, July 15, 2025 1:27 PM
To: DVA Public Records and Disclosure Officer <dvapublicrecords@dva.wa.gov>
Subject: Public Records Request — Search Records for PRA Request 25-35 to 25-39

External Email

Dear Records Officer,

Pursuant to RCW 42.56, I hereby request all records, notes, emails, or internal documentation reflecting how records requests 25-35 through 25-39 were processed and determined to have "no responsive records."

This includes:

Search logs or system screenshots

Email instructions given to staff

Documentation of custodians contacted

Internal decision-making records or drafts

Any response from legal counsel regarding these determinations

If no such documentation exists, please confirm that no records were created or retained regarding the processing of these requests.

Please provide all responsive documents in native digital format with metadata and original header integrity intact.

Sincerely,
Brandon Kapp