
RE: RCW 42.56 Public Records Request – Leadership Communications & Program Disruption (2019–Present)

From McDaniel, Jennifer (DVA) <JenniferMc@DVA.WA.GOV>

Date Wed 7/9/2025 1:34 PM

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

Good afternoon Mr. Kapp,

Your original request #25-18 stated you were “open to rolling production” and also did not include a request for “native digital format with complete metadata, headers, and original structure”. I will make a note of your requested change to your public records request. As a reminder it is anticipated that a first installment of responsive records will be available July 14th.

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@hotmail.com>

Sent: Wednesday, July 9, 2025 9:10 AM

To: McDaniel, Jennifer (DVA) <JenniferMc@DVA.WA.GOV>

Subject: Re: RCW 42.56 Public Records Request – Leadership Communications & Program Disruption (2019–Present)

External Email

Dear Ms. McDaniel,

This message is in response to your continued inquiries regarding whether I “intend to respond” to your June 30 email concerning Request 25-18.

To be clear: no further clarification is required.

Request 25-18 is structured, specific, and legally identifiable under RCW 42.56.080. On May 8, you acknowledged receipt, assigned it a tracking number, and confirmed an anticipated production date of July 1. You later summarized the scope of the request in your own correspondence, confirming that you understood its content and parameters. That alone renders any claim of ambiguity legally unsustainable.

Despite this, you have now delayed production to July 14 while continuing to imply that the request remains unclear. This tactic, invoking clarification while simultaneously demonstrating comprehension, reflects a pattern of artificial delay and refusal to process valid public records requests. RCW 42.56 does not permit withholding based on manufactured uncertainty. It requires timely production of identifiable records, which this request plainly is.

As of July 2, you are a named defendant in Kapp v. McDaniel, Yakima County Superior Court, Case No. 25-2-02050-39, filed under RCW 42.56. That lawsuit directly addresses your failure to produce metadata, certify search completeness, and fulfill structured requests. Your continued conduct regarding Request 25-18 forms part of the record now before the court.

The question is no longer whether I intend to respond. I already have.

The only question now is whether you intend to comply.

Please confirm that Request 25-18 will be fulfilled in full, in native digital format with complete metadata, headers, and original structure, without further delay.

Sincerely,
Brandon Kapp

From: McDaniel, Jennifer (DVA) <JenniferMc@DVA.WA.GOV>

Sent: Monday, June 30, 2025 2:40:40 PM

To: Brandon Kapp <b-kapp@hotmail.com>

Subject: RE: RCW 42.56 Public Records Request – Leadership Communications & Program Disruption (2019–Present)

Mr. Kapp,

This email is to notify you that I will need to move the delivery date of a first installment of records on your public records request numbered 25-18. Originally the anticipated delivery date was July 1st, however the new date for a first installment of records will now be July 14th.

In addition, I have asked for you to provide clarification on this request in an email dated June 27, 2025. As of today I still have not received a response.

Best regards,

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

From: McDaniel, Jennifer (DVA)

Sent: Thursday, May 8, 2025 8:12 AM

To: Brandon Kapp <b-kapp@hotmail.com>

Subject: RE: RCW 42.56 Public Records Request – Leadership Communications & Program Disruption (2019–Present)

Importance: High

Good morning Mr. Kapp,

I have received your email. This appears to be a new and separate (though similar) public records request. This will be numbered 25-18 for reference. This will be reviewed and if there are responsive records, then a first installment is anticipated to be available by July 1, 2025. I will also be connecting with you to obtain clarification on any portions of your request where that is deemed necessary. You will need to provide that clarification before further processing of your request can move forward on those sections.

*Also as a reminder I have requested clarification on 2 prior public records requests and you have not responded as of this date. Those requests are #25-16 and one that is yet unnumbered as part of the clarification sought is whether or not the 2nd request is part of 25-16 or a separate new request.

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@hotmail.com>

Sent: Thursday, May 8, 2025 7:58 AM

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

Subject: RCW 42.56 Public Records Request – Leadership Communications & Program Disruption (2019–Present)

External Email

To the Washington State Department of Veterans Affairs:

Pursuant to RCW 42.56, I am requesting public records from January 1, 2019 through present involving internal communications, program-level disruption, and agency-wide leadership accountability related to ADA accommodations, employee separations, and staff distress. This request applies across *all WDVA programs, departments, and offices*.

1. Communications by Human Resources and Executive Leadership

All emails, Teams messages, memos, or meeting records authored by, received by, or referencing any of the following *roles*:

- HR Director and all HR leadership personnel
- Deputy Directors, Assistant Directors, and Program Managers
- All supervisory personnel involved in staff oversight, including but not limited to those managing programs related to Peer Support, Behavioral Health, Outreach Services, Veterans Services, or any other employee-facing functions.

Search terms should include, but are not limited to:

- ADA / accommodation / disability
- Retaliation / admin leave / distress

- Reassignment / termination / resignation
 - Legal risk / whistleblower / staff complaint
 - Peer Specialist / Outreach / Burnout
-

2. Program Disruption & Leadership-Driven Turnover

All documents or internal communications discussing:

- Major changes to staffing, program structure, or leadership assignments
 - Disruption to client services, outreach operations, or coverage due to staff separation
 - Reassignments or removals tied to interpersonal or organizational conflict
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3. Internal Escalations & Risk Management

All records reflecting efforts to manage, mitigate, or obscure:

- Staff complaints tied to retaliation or emotional distress
 - ADA accommodation denials or unacknowledged requests
 - Internal legal risk assessments, “talking points,” or efforts to minimize visibility of resignations or complaints
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4. Inter-Department Coordination on High-Risk Cases

All communications between HR, executive leadership, and program supervisors regarding:

- Known high-risk staff situations involving mental health, ADA, or protected activity
 - Preparation for litigation, public records disclosure, or media contact
 - “Lessons learned” reviews, internal damage control, or policy updates related to employee separations
-

Scope Clarification:

This request is agency-wide and includes *all divisions, offices, and contractors affiliated with WDVA*, including Veterans Homes, Peer Support, Outreach Services, Administrative Leadership, and Behavioral Health programs.

Format and Delivery:

Please provide responsive records in digital, searchable formats (PDF, Excel, or equivalent). I am open to rolling production if needed.

Sincerely,
Brandon Kapp