



## RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

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

**Date** Thu 7/17/2025 6:40 AM

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

Mr. Kapp,

Request 25-16 is not complete. As you are aware, it is being delivered in installments. I have kept you well advised of the dates installments have and will be delivered. As a reminder the next installment is anticipated to be available July 31<sup>st</sup>.

Best regards,

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

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

**Sent:** Wednesday, July 16, 2025 9:29 AM

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

**Subject:** Re: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

External Email

Dear Ms. McDaniel,

Thank you for this installment dated June 30, 2025, in response to Public Records Request #25-16. As you acknowledged, the record produced for Item 3 is incomplete and does not meet the full requested date range. You also noted that additional records are forthcoming by July 31.

At this point, I must formally request detailed clarification of the search methods used to locate responsive records for all sections of Request #25-16. Please confirm the following:

- What systems, drives, or databases were searched?
- What exact search terms or queries were used for each section of the request?
- Which individual(s) performed the searches, and who supervised or reviewed the scope?
- Were any filters, date restrictions, or departmental limitations applied?

- Were all relevant custodians' mailboxes included, including HR, legal, and program leadership?
- Was metadata or native format preservation included in the search process?
- Are you in possession of any documentation — such as a search log, memo, or internal instructions — detailing how this installment was compiled?

If such documentation exists, I hereby request its production as part of this request. If no such documentation exists, please confirm this explicitly.

The agency's ongoing response to Request #25-16 involves matters directly tied to ADA retaliation, separation practices, and legal exposure. Under RCW 42.56.520 and 42.56.550(3), a reasonable and complete search is required and must be demonstrable. I am preserving this correspondence for potential use in future legal proceedings.

Please respond in writing no later than July 22.

Sincerely,  
Brandon Kapp

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**From:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>  
**Sent:** Monday, June 30, 2025 9:33 AM  
**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Good morning Mr. Kapp,

Attached please find a second installment of responsive records to your public records request numbered 25-16. These records are responsive to Items 1 and 3 of your request. This is the only responsive record to Item 3 and it only partially meets your request as it does not meet the full requested date range as we do not have a record that covers that full range. There will be another installment of records responsive to your request available by July 31<sup>st</sup>. Installments will continue until all responsive records are delivered.

Best regards,

*Jennifer McDaniel*  
Public Records Program Manager  
Washington Dept of Veterans Affairs

360-485-1818

*Central Office Hours 0700-1600 M-F*

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**From:** McDaniel, Jennifer (DVA)  
**Sent:** Monday, June 9, 2025 7:05 AM  
**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Good morning Mr. Kapp,

As previously stated, the FIRST INSTALLMENT of records I sent contained on the thumb drive were in response to Section 4 of your Public Records Request #25-16. Section 4 is as follows:

#### 4. Policy & Protocol Changes

All policy changes or internal communications related to:

- Employee wellness
- Performance or behavior concerns
- Accommodation procedures
- Investigation or disciplinary protocols

I sent Policies related to "Performance or Behavior Concerns, Accommodation Procedures, and Investigation or disciplinary protocols". As previously stated we do not have an employee wellness policy so I sent you "internal communications related to Employee Wellness" after I explained to you that we don't have an employee wellness policy but we do have an Employee Wellness Committee. I also explained to you that I would be sending you their internal communications. You stated no objection to these records.

I have also already stated that there will be more installments of responsive records to come. I have stated your next installment of records for public records request 25-16 will be available June 30, 2025. I will continue to send you installments until all responsive records to this request have been sent. I will follow this same process for all of your public records requests previously received and numbered (25-16 thru 25-19).

None of the items you list in your email below are part of your public records request numbered 25-16, specifically :

**"To be precise:**

***There are no communications reflecting ADA compliance, metadata retention, or internal deliberation.***

***There is no indication of custodians searched, collection dates, or methods used to determine responsiveness.***

***No metadata fields or technical records are included to validate authenticity or search integrity."***

Your public records requests are separate from any pending or actual litigation. I will be responding to your public records requests that have been received and numbered 25-16, 25-17, 25-18, and 25-19. I will not be responding to you regarding your litigation.

Best regards,

*Jennifer McDaniel*

*Public Records Program Manager*

*Washington Dept of Veterans Affairs*

*360-485-1818*

*Central Office Hours 0700-1600 M-F*

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**From:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>

**Sent:** Friday, June 6, 2025 6:15 PM

**To:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>

**Subject:** Re: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

External Email

Hi Ms. McDaniel,

I've reviewed the flash drive received. Nearly all included material consists of superficial wellness event flyers and mass announcements. No internal communications, policy discussions, or oversight records were present.

To be precise:

There are no communications reflecting ADA compliance, metadata retention, or internal deliberation.

There is no indication of custodians searched, collection dates, or methods used to determine responsiveness.

No metadata fields or technical records are included to validate authenticity or search integrity.

This raises serious concerns regarding the adequacy of your production under PRR 25-16 and its overlap with pending federal litigation.

Please confirm whether this submission is final. If additional material is forthcoming, identify who is conducting the review, the expected timeline, and the scope being applied.

Your response will be preserved in the evidentiary record.

Brandon Kapp

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**From:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>  
**Sent:** Friday, June 6, 2025 4:36:15 PM  
**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Subject:** Re: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Good afternoon Mr Lapp,

Please see my email to you dated May 30 2025 where I clearly state this first installment of records is responsive to section 4 of public records request 25-16.

Regards,

Jennifer McDaniel

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**From:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>

**Sent:** Friday, June 6, 2025 3:33:48 PM

**To:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>

**Subject:** Re: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

External Email

Ms. McDaniel,

I received the flash drive today.

It appears to contain a handful of general WDVA policies and approximately one gigabyte of internal announcements from the wellness committee, primarily authored by Grace Naegle. These include event notices, lunch flyers, and committee logistics, etc. dating back several years.

There are no materials responsive to the public records requests I submitted, nor to the formal discovery served on May 30, 2025. No ADA-related communications, no internal discussions tied to accommodations, and no metadata-preserved documents were included.

Please confirm:

1. Was this production intended to fulfill any specific legal request?
2. Is additional material forthcoming?
3. Who selected or directed the scope and contents of this delivery?

This correspondence will be documented as part of the pending federal action.

Brandon Kapp

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**From:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>

**Sent:** Thursday, June 5, 2025 6:28 AM

**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>

**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Good morning Mr. Kapp,

I am the Public Records/Disclosure Officer for WDVA. I do any necessary redactions. I gather requested records. Anything that is not exempt from disclosure is provided to a requester.

*Jennifer McDaniel*

*Public Records Program Manager*

*Washington Dept of Veterans Affairs*

*360-485-1818*

*Central Office Hours 0700-1600 M-F*

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**From:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>

**Sent:** Wednesday, June 4, 2025 1:57 PM

**To:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>

**Subject:** Re: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

External Email

Hi Ms. McDaniel,

Thank you for your response earlier. I appreciate you confirming there is no existing agency-wide policy regarding the handling of native-format documents or metadata under RCW 42.56.

Just so I understand the process more clearly:

When responsive records such as emails or shared drive files are gathered, are they typically retained in their original formats like .msg or .xlsx, or converted before release?

Are original metadata fields including timestamps, authorship, or file path data preserved and included where possible?

To your knowledge, is there any internal training or guidance provided to records staff regarding the handling or redaction of metadata?

I understand some of these elements may be managed by other departments. I just want to ensure I have a clear view of the agency's practices related to records handling.

Thank you again for your time,

Brandon Kapp

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**From:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>

**Sent:** Wednesday, June 4, 2025 1:31:49 PM

**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>

**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Mr. Kapp,

I'm not sure what you are asking specifically. I will state that I follow the Public Records Act RCW 42.56 when fulfilling records requests. There is no agency policy that addresses the "handling of native format documents and associated metadata when fulfilling public records requests".

*Jennifer McDaniel*

*Public Records Program Manager*

*Washington Dept of Veterans Affairs*

*360-485-1818*

*Central Office Hours 0700-1600 M-F*

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**From:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Sent:** Wednesday, June 4, 2025 10:55 AM  
**To:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>  
**Subject:** Re: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

External Email

Thanks for clarifying. That helps.

For the second part, I was referring to any documented internal guidance your office typically follows for handling native format documents and associated metadata when fulfilling public records requests.

I wasn't sure if those are always included, only upon request, or if there's an agency-wide policy on how those are treated.

Appreciate the insight,

Brandon Kapp

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**From:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>  
**Sent:** Wednesday, June 4, 2025 10:32:10 AM  
**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Hello Mr. Kapp,

To answer your first question, yes the common practice is to allow for a 30 day interval when processing multi part requests. However, if records are available sooner then they would be delivered sooner. Timing can be affected by the number of total public records requests the agency has received.

As to your second question, can you please tell me what "current policy" you are referring to so that I can respond.

*Jennifer McDaniel*

*Public Records Program Manager*

*Washington Dept of Veterans Affairs*

*360-485-1818*

*Central Office Hours 0700-1600 M-F*

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**From:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>

**Sent:** Wednesday, June 4, 2025 7:47 AM

**To:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>

**Subject:** Re: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

External Email

Good morning Ms. McDaniel,

Thank you for confirming this is the first installment. Just so I can better understand how these are typically handled, is there a standard interval you follow for multi-part productions — or does timing vary depending on the request?

Also, when producing multiple installments, does the agency typically include the metadata and native versions in later batches, or are those excluded by default under the current policy?

Appreciate the clarification,

Brandon Kapp

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**From:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>  
**Sent:** Wednesday, June 4, 2025 7:08:28 AM  
**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Good morning Mr. Kapp,

As this is a first installment of responsive records to #25-16, it does NOT include everything. You will receive more installments until all records responsive to this request are sent to you. As I stated in the email below dated June 3, 2025 your next (second) installment of records for #25-16 is anticipated to be available by June 30<sup>th</sup>.

Best regards,

*Jennifer McDaniel*

*Public Records Program Manager*

*Washington Dept of Veterans Affairs*

*360-485-1818*

*Central Office Hours 0700-1600 M-F*

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**From:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Sent:** Wednesday, June 4, 2025 7:04 AM  
**To:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>  
**Subject:** Re: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

External Email

Good morning Ms. McDaniel,

Just confirming — will the thumb drive include everything responsive to the April 30 public records request (#25-16), or should I expect additional materials to follow separately?

Thanks,

Brandon Kapp

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**From:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>  
**Sent:** Tuesday, June 3, 2025 6:28:46 AM  
**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Good morning Mr. Kapp,

I did not receive a response from you in regards to the message below requesting your delivery method preference on the options I presented. Therefore I will be mailing your first installment of requested records on a thumb drive to the mailing address you provided on your email to the State Legislators on May 2<sup>nd</sup> that I now have a copy of. That address is 3112 Wrangler Dr, Ellensburg WA 98926. As previously stated in several prior emails to you, there will be no cost to you for this first set of records on this thumb drive.

Your next installment of records for public records request 25-16 is anticipated to be available by June 30, 2025.

Best regards,

*Jennifer McDaniel*

*Public Records Program Manager*

*Washington Dept of Veterans Affairs*

*360-485-1818*

*Central Office Hours 0700-1600 M-F*

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**From:** McDaniel, Jennifer (DVA)  
**Sent:** Friday, May 30, 2025 11:16 AM  
**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Good morning Mr. Kapp,

I understand that you prefer the records in a specific digital format, however, the file which is over 1GB is too large to email. The thumb drive which I can send today is still digital format, it just needs to be mailed to you. If you would like to provide me with a mailing address I can send it out today. The other option that I can offer is to attempt to break down the file into smaller segments and send those in separate emails until all the files in this first installment have been sent. However that will extend the delivery of records into next week. Please let me know which delivery method you prefer for this set of records.

Best regards,

*Jennifer McDaniel*  
Public Records Program Manager  
Washington Dept of Veterans Affairs

360-485-1818

*Central Office Hours 0700-1600 M-F*

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**From:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Sent:** Friday, May 30, 2025 8:53 AM  
**To:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>  
**Subject:** Re: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

External Email

Dear Ms. McDaniel,

I'm following up regarding the first installment of records for PRR #25-16, which your office confirmed would be available on May 30, 2025.

As previously stated, and in accordance with **RCW 42.56.120** and **WAC 44-14-050**, I request that all responsive records be delivered **electronically, in native digital format, via email or secure downloadable link**. This includes standard file types such as PDFs, Excel documents, and native-format email files (.msg).

Your office's position that the file volume is "too large to email" does not satisfy the standard under **WAC 44-14-05001(3)**, which states:

*"An agency must honor a requestor's preference for electronic records if it is reasonably feasible to do so."*

Reasonable alternatives such as ZIP compression, segmented file delivery, or the use of secure download platforms (e.g., Box, OneDrive, Dropbox) are standard and readily available. No claim of infeasibility has been made, only a general reference to file size. That alone does not justify deviating from the legally requested format.

Additionally, delivery via physical media would materially compromise the evidentiary integrity of the records. Many responsive files, including native email files, tracking logs, and spreadsheets, contain internal metadata such as timestamps, audit trails, embedded comments, and user activity history. This metadata is essential to assessing the authenticity and content of the records. Any format conversion or flattening that removes or obscures metadata may be construed as obstruction under both state and federal evidentiary standards.

If electronic delivery is not honored today, I respectfully request a written explanation that includes:

1. The total file size and file types involved
2. The methods considered for digital delivery and why they were rejected
3. The name(s) of the personnel who authorized deviation from the format requested
4. A clear explanation for why electronic delivery is allegedly not feasible, supported by technical justification

Please note that this response is being documented in connection with **pending federal litigation** involving alleged ADA retaliation, suppression of internal communications, and delays in public record delivery. Any deviation from proper delivery format or delay in transmission may be addressed in future court filings.

Please confirm by **5:00 p.m. today** that the installment will be delivered electronically, in native format, as originally and lawfully requested.

Sincerely,

**Brandon Kapp**

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**From:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>

**Sent:** Friday, May 30, 2025 7:06 AM

**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>

**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Good morning Mr. Kapp,

The first installment of responsive records for your public records request #25-16 are ready. These records are responsive to Item 4 of your request which I have copied below. You will be receiving Policies for 3 of the 4 items listed. We do not currently have an Employee Wellness Policy but we do have a Wellness Committee so you will be receiving the internal communications sent by the wellness committee. Due to the large volume of the file, it is not possible to email these records. They have been placed on a thumb drive and will be mailed to you as soon as you provide me with the mailing address you would like them sent to. As previously explained, there will be no cost to you for this first set of records on this thumb drive or mailing. However, if it is necessary to send records this way in the future you will be asked to pay for the cost of the media device and mailing costs per RCW 42.56.120.

As to Section 3 Separation Summary of your request: We do not have such a document and are under no obligation to create one to respond to a request. (WAC 44-14-04003)

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### 3. Separation Summary

A summary breakdown (redacted names acceptable) of all employee separation actions from 2020 to present, including title, division, and reason for separation.

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### 4. Policy & Protocol Changes

All policy changes or internal communications related to:

- Employee wellness
  - Performance or behavior concerns
  - Accommodation procedures
  - Investigation or disciplinary protocols
- 

Best regards,

*Jennifer McDaniel*

*Public Records Program Manager*

*Washington Dept of Veterans Affairs*

*Central Office Hours 0700-1600 M-F*

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**From:** McDaniel, Jennifer (DVA)  
**Sent:** Wednesday, May 28, 2025 9:21 AM  
**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Mr. Kapp,

A first installment date for each of your public records requests numbered 25-16 thru 25-19 was given when I gave an initial response to each of them. You have outlined those response dates and installment delivery dates below in your email. Yes you have indicated a "preferred" delivery method, however if records are contained in files too large to be delivered electronically (by email) than our practice is to place them on a thumb drive and mail them to the requester as I have explained. This is in alignment with RCW 42.56 and the applicable WAC you have cited below and the one I cited in my email to you giving notice, WAC 484-50-020.

The first installment of records for 25-16 that will be available on May 30<sup>th</sup> will only contain records responsive to that request. As previously stated, installments for your other requests have been given dates (again you have restated them in your email below). I cannot speak to how those records will be delivered at this time as it will depend on the volume and file size. If they are within the allowable size that can be sent via email then that is how I will send them. If they are too large then I will follow our standard protocol and they will be placed on a thumb drive and made available to you at the cost of the drive and actual mailing fees as I have explained.

I have responded and given you this update out of courtesy. The handling of your public records requests is separate from your pending litigation that you have mentioned below. This is not legal discovery. That is a separate legal process.

Regards,

*Jennifer McDaniel*  
Public Records Program Manager  
Washington Dept of Veterans Affairs

*Central Office Hours 0700-1600 M-F*

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**From:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>

**Sent:** Wednesday, May 28, 2025 8:53 AM

**To:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>

**Subject:** Re: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

External Email

Dear Ms. McDaniel,

I am writing to clarify the delivery method for records associated with Public Records Request #25-16, following your May 28, 2025, correspondence.

As stated in my April 30 submission, I requested that all responsive records be delivered electronically via email or secure downloadable link. I also explicitly indicated that no physical copies, media, or scanning services were required or requested.

Under RCW 42.56.120 and WAC 44-14-050, agencies must honor a requestor's format preference when feasible. As the responsive records are natively digital (emails, PDFs, .msg, Excel files, etc.), and no infeasibility has been indicated, physical delivery would not satisfy this requirement.

For context, the agency has provided the following estimates for four active records requests submitted between April 30 and May 9:

- On May 2, 2025, WDVA provided an initial estimate for PRR #25-16 with anticipated delivery by May 30, 2025 (Exhibit A)
- On May 8, PRR #25-18 was acknowledged and assigned a first installment date of July 1, 2025 (Exhibit B)
- Also on May 8, PRR #25-17 was acknowledged and subsequently assigned a delivery estimate of August 1, 2025 (Exhibit C)
- On May 9, PRR #25-19 was received and assigned an initial installment estimate of August 30, 2025 (Exhibit D)
- On May 28, 2025, the agency stated that PRR #25-16 is on schedule to be delivered on May 30

The remaining requests (#25-17 through #25-19) have been acknowledged with initial target dates for delivery but no specific confirmation regarding format, installment details, or scope of included records. If the agency intends

to deliver records for multiple requests simultaneously, or if the May 30 installment includes materials from any other request, I respectfully ask that this be clarified in writing.

The above timeline is being documented in light of a pending federal motion to compel discovery in related litigation (Case No. 1:25-cv-03058-SAB), filed shortly before the May 28 status update. While I acknowledge that the original estimate for PRR #25-16 remains unchanged, the sequencing and timeline across the related requests raise reasonable concerns regarding transparency, delivery consistency, and timing of communications.

For the record, I am documenting the following:

1. The agency has not adhered to the electronic-only format preference originally stated
2. Three of the four requests have been spaced in monthly intervals, extending into late August
3. No update has been provided regarding the production scope or installment structure of requests #25-17 through #25-19
4. The most recent delivery confirmation occurred only after the filing of a federal motion to compel

Please confirm by close of business today that the May 30 installment for PRR #25-16 will be delivered electronically, consistent with my original request. Also, please clarify whether this delivery will include responsive records for any other pending requests (#25-17 through #25-19), and whether similar electronic format will be honored for those as well.

Sincerely,  
Brandon Kapp

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**From:** McDaniel, Jennifer (DVA) <[JenniferMc@DVA.WA.GOV](mailto:JenniferMc@DVA.WA.GOV)>  
**Sent:** Wednesday, May 28, 2025 7:40 AM  
**To:** [b-kapp@hotmail.com](mailto:b-kapp@hotmail.com) <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Good morning Mr. Kapp,

This email is to let you know that WDVA is on schedule to provide you with a first installment of records responsive to your public records request numbered #25-16 on May 30, 2025. If responsive records are too large to send via email they will be placed on a thumb drive per our practice and mailed to you after obtaining a mailing address from you. The first time this is done it is at no cost to you. If in the future it is necessary to provide you with records on a thumb drive then there will be a cost to you for the drive and the mailing fees. This is in accordance with WAC 484-50-020. I will notify you on May 30 when responsive records are available and ready to send.

Best regards,

*Jennifer McDaniel*

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

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**From:** McDaniel, Jennifer (DVA)  
**Sent:** Friday, May 2, 2025 8:45 AM  
**To:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Subject:** RE: RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

Good afternoon Mr. Kapp,

I have received your public records request. It will be numbered #25-16 for reference. This request will be reviewed and if there are responsive records that are able to be disclosed under the Public Records Act RCW 42.56, then it is anticipated that a first installment of records will be available May 30<sup>th</sup>.

Best regards,

*Jennifer McDaniel*

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

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**From:** Brandon Kapp <[b-kapp@hotmail.com](mailto:b-kapp@hotmail.com)>  
**Sent:** Wednesday, April 30, 2025 7:28 PM

**To:** DVA Public Records and Disclosure Officer <[dvapublicrecords@dva.wa.gov](mailto:dvapublicrecords@dva.wa.gov)>  
**Subject:** RCW 42.56 Public Records Request – ADA Retaliation & Separation Records

External Email

Dear Records Officer,

Pursuant to RCW 42.56, I am requesting public records from the Washington State Department of Veterans Affairs for the period of January 1, 2020 through present, including but not limited to:

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1. Internal Communications

All internal communications (emails, memos, Teams messages, and meeting minutes) involving HR, leadership, or management personnel related to:

- Employee discipline or administrative leave decisions
  - ADA or disability-related accommodation requests
  - Allegations or investigations involving harassment, bullying, or emotional distress
  - Whistleblower complaints, workplace safety concerns, or protected activity reports
  - Resignations, early retirements, or terminations citing work environment or leadership concerns
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2. Employee Records

All documentation involving employees across all WDVA programs who were:

- Placed on administrative leave
  - Terminated “for cause”
  - Investigated or accused of misconduct
  - Reassigned, demoted, or resigned after conflict with leadership
  - Involved in internal complaints regarding discrimination, retaliation, or abuse
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3. Separation Summary

A summary breakdown (redacted names acceptable) of all employee separation actions from 2020 to present, including title, division, and reason for separation.

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4. Policy & Protocol Changes

All policy changes or internal communications related to:

- Employee wellness

- Performance or behavior concerns
  - Accommodation procedures
  - Investigation or disciplinary protocols
- 

Please ensure responsive records include all relevant departments and programs, including but not limited to: Counseling & Wellness, Outreach Services, Veterans Homes, Operations, and Administrative Divisions.

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#### Delivery & Cost Instructions

I request that all records be delivered electronically in native digital format (e.g., PDF, .msg, Excel, etc.) via email or secure downloadable link.

I do not request any printed copies, physical delivery, or scanning services.

I certify this request is not for commercial purposes.

Thank you,

Brandon Kapp

[b-kapp@outlook.com](mailto:b-kapp@outlook.com)