



**Building Industry Association of Washington**

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## **NEWS RELEASE**

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FOR IMMEDIATE RELEASE

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### **BIAW Sues Pierce County Auditor Over Public Records**

OLYMPIA—BIAW attorneys filed a lawsuit last Friday in Thurston County Court against Pierce County Auditor Pat McCarthy for failing to disclose public records related to fraudulent voter registration forms turned in by the Association of Community Organizations for Reform Now (ACORN).

After learning of the thousands of potentially fraudulent voter registration forms submitted to King and Pierce Counties in February, BIAW filed a Public Records Act request with the two counties, and the Secretary of State's Office.

Although King County and the Secretary of State's Office complied with the public records request, Pierce County withheld numerous documents. After a number of failed attempts to persuade Pierce County to comply with the request, BIAW has filed suit for violation of the Public Records Act.

"We gave Pierce County every opportunity to comply with the Public Records Act," said BIAW attorney, Andy Cook. "Because of their refusal to do so, we were forced to sue them in order to obtain the records," added Cook.

BIAW has ample evidence that Pierce County has more public records, but the County continually refuses to provide the requested documents. For example, BIAW obtained emails sent from the Secretary of State's Office to Pierce County discussing the potentially fraudulent ACORN voter registration forms. After BIAW presented the County with the documents, they admitted they probably deleted the records. Even more astonishing, Pierce County's deputy prosecuting attorney argued the County had no duty to retain the records. The County's own attorney made this claim despite the clear public records retention laws requiring local governments to retain public records.

**(more)**

**BIAW**  
**Pierce County Withholds Public Records**  
**Page 2 of 2**  
**05-29-07**  
**800-228-4229**

“It is quite remarkable that a government the size of Pierce County either doesn’t understand how to comply with the Public Records Act, or simply refuses to do so,” said Cook. “What’s so disturbing is their cavalier attitude toward retaining important public records. The public deserves more from its elected officials,” said Cook.

BIAW is asking the Court to force Pierce County to search for and produce all public records related to BIAW’s request. In addition, BIAW is asking the Court to fine the County the maximum amount for each day it withholds the documents. Moreover, BIAW is asking for attorneys’ fee and court costs.

A hearing is scheduled in July.

**Known as the “voice of the housing industry,” the Building Industry Association of Washington is the largest trade association in Washington State, representing over 350,000 families and 12,700 member companies involved in the homebuilding business.**