

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**

**DIVISION II**

MATTHEW G. SILVA,

Appellant,

v.

CLARK COUNTY,

Respondent.

No. 41724-3-II

UNPUBLISHED OPINION

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Armstrong, P.J.—Matthew Silva appeals from the summary judgment order dismissing his Public Records Act (PRA), chapter 42.56 RCW, lawsuit against Clark County. A commissioner of our court considered Silva’s appeal under RAP 18.14 and referred it to a panel of judges. We affirm.

On February 16, 2010, the Clark County prosecutor received a PRA request from Silva, who requested “copies of the operating standards Clark County adopted for the Clark County Jail under RCW 70.48.071.” Clerk’s Papers at 6. Although the request is addressed to both the jail and the prosecutor, Silva sent it only to the prosecutor. The prosecutor’s public records coordinator sent Silva a letter on February 17, 2010. In that letter, she notified him that the prosecutor did not have any responsive documents and that he should anticipate a response from the jail. After he responded that he had not sent the request to the jail, she forwarded it to the Clark County sheriff, who operates the jail, on March 1. On March 2, the sheriff’s public disclosure supervisor acknowledged receipt of the request and anticipated that it would respond within 45 days. On March 15, the sheriff sent Silva the cover page and table of contents for the standards he requested. He did not protest having been provided only the cover page and table of

contents, and he did not make a subsequent request for any portions of the standards.

Silva sued Clark County, alleging that the prosecutor and the sheriff had violated the PRA. Clark County moved for summary judgment for CR 11 sanctions and for statutory attorney fees. Silva cross-moved for summary judgment. The trial court granted summary judgment to Clark County, denied Silva's cross-motion, denied CR 11 sanctions, and awarded statutory attorney fees. It denied Silva's subsequent motion for reconsideration.

Silva argues that the trial court erred in granting summary judgment because Clark County violated the PRA in the following respects: (1) the prosecutor did not search its records before informing Silva on February 17 that it did not have any responsive documents; (2) the sheriff provided only the cover page and table of contents of the standards he requested; (3) the sheriff's estimate of 45 days to respond to his request was not reasonable; and (4) the sheriff's response 27 days after he submitted his request was not reasonable. We review the trial court's application of the PRA de novo. *Morgan v. City of Fed. Way*, 166 Wn.2d 747, 753, 213 P.3d 596 (2009).

Each of Silva's arguments fails. He fails to demonstrate that the prosecutor's office either did not search its records before responding to him or, that having determined that it did not have documents responsive to his request, it had additional obligations to search. Based on Silva's addressing of his request, the prosecutor reasonably assumed that he had sent the request to both the prosecutor and the jail. When Silva informed him that he had sent it only to the prosecutor, the prosecutor forwarded the request to the jail. The sheriff responded the next day. Therefore, both the prosecutor and the sheriff complied with RCW 42.56.520 in responding to his request within five days of receiving it.

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Further, the sheriff's estimate of 45 days for response was not unreasonable. And Silva suffered no harm because the sheriff responded within 14 days of having received the request. Finally, Silva cannot complain about having received only the cover page and table of contents because he did not protest or respond to having received only those pages. Silva does not demonstrate any violations of the PRA. We affirm the grant of summary judgment to Clark County.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

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Armstrong, P.J.

We concur:

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Hunt, J.

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Quinn-Brintnall, J.