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Do Americans with Disabilities Act (ADA) requirements apply to PHD board meetings? For example, are PHD boards required to provide sign language assistance to meeting attendees with hearing impairments?

Generally, yes. The ADA applies to “public entities,” which are defined broadly to include any local government or special purpose district including PHDs. See [42 U.S.C. §12131\(1\)](#) and [42 U.S.C. §12132](#).

ADA regulations require agencies to ensure effective communications with individuals with disabilities, and agencies must provide appropriate auxiliary aids and services when necessary to give people with disabilities an equal opportunity to participate in agency activities (such as public board meetings). See [28 C.F.R. §35.160\(b\)](#).

Regarding sign language interpreters in particular, ADA regulations prohibit agencies from requiring hearing-impaired persons to bring their own interpreter. Agencies must instead make a hearing-impaired person's interpreter request the "primary consideration" and furnish sign language interpreters as needed. Agencies can choose to provide sign language translation by video if certain technical requirements are met. See [28 C.F.R. §35.160\(d\)](#).

Would it be a conflict of interest for a PHD to buy real estate from one of its officers? If so, can the officer avoid the conflict by having a neutral third party appraise the real estate before the transaction?

[RCW 42.23.030](#) prohibits PHD officer beneficial (financial) interests in contracts made "by, through or under" their supervision. Whether this transaction violates the statute depends on the officer's contracting authority with the PHD. This real estate contract could violate [RCW 42.23.030](#) if the PHD officer has the authority to vote on or to approve this real estate contract for the PHD, or to supervise the PHD's performance of it. Conversely, a conflict of interest violation is less likely if this PHD officer has no such contracting authority for the district.

If the transaction is a conflict of interest, it is void unless a specific exception in [RCW 42.23.030\(1\)-\(12\)](#) applies. Having the transaction appraised by a third party likely won't be enough by itself to avoid the conflict. See [RCW 42.23.050](#).

Our PHD received an anonymous public records request for employee salaries and employment dates. Can we require the requester to identify themselves?

In most cases, no. The Public Records Act (PRA, [chapter 42.56 RCW](#)) generally prohibits agencies from "distinguishing" among requesters based on who they are or the records they request. See [RCW 42.56.080\(2\)](#). Court decisions like [DeLong v. Parmelee](#) also hold that agencies cannot decide whether to release records based on the requester's motive in seeking them.

Despite this general rule, a notable exception can apply when requesters seek lists of individual names. See [RCW 42.56.070\(8\)](#). In those instances, the [SEIU v. DSHS](#) case requires agencies to investigate the requester's identity and motives to ensure that their request isn't for commercial purposes.

Can a PHD employee run for election as a board member?

Yes. PHD employees can seek election to the PHD's board, but during their candidacy they must be mindful of [RCW 29B.45.010](#) (formerly RCW 42.17A.555). That statute prohibits agency employees from using "public facilities" to support their election campaign. Public facilities are defined very broadly to include things like agency stationery, postage, machines, equipment, employee work time, vehicles, office space, publications, and client lists.

In addition, an employee may likely have to resign their position if they win election to the board since [RCW 70.44.040\(3\)](#) prohibits a person from serving as PHD employee and board member simultaneously. The simultaneous service may also present a conflict of interest. PHD employment is in the nature of a contract, and [RCW 42.23.030](#) prohibits PHD board members from financially benefitting in contracts under their official authority. See also the "conflict of interest" question above.

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