

BOARD OF REGENTS
Washington State University

Resolution #170922-566

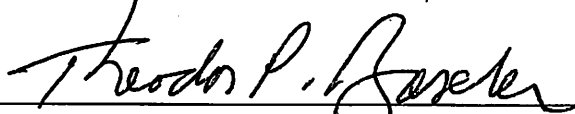
WHEREAS, a legal action has been commenced in Spokane County Superior Court by Tracy Skaer against Daniel Bernardo, Gary Pollack, and John White; and

WHEREAS, Senior Assistant Attorney General Danielle Hess, serving as legal counsel to the University, has reviewed the claim, conducted a preliminary investigation of the facts of the case, and, based upon existing information and belief, has advised the Board of Regents that this claim arose out of activities performed in good faith and within the scope of employment; and

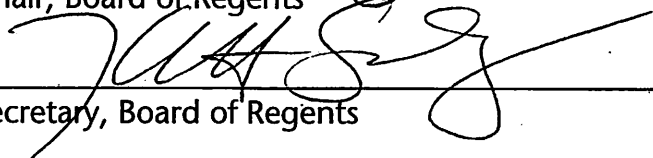
WHEREAS, RCW 28B.10.842 authorizes the Board of Regents to request the Attorney General to defend legal actions against employees, officials, and agents of Washington State University, and to authorize payment of any obligation arising from such actions from the state tort liability account pursuant to the provisions of RCW 4.92.130 through RCW 4.92.160;

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents hereby finds that WSU Provost and Executive Vice President Daniel Bernardo, Dean of the College of Pharmacy Gary Pollack, and Chair and Professor of the Department of Pharmacotherapy John White, who are named individually as defendants in the legal action brought by Tracy Skaer in Spokane County Superior Court, Cause No. 17-203264-1, acted within the scope of their duties and in good faith with regard to conduct alleged by the plaintiff. Further, the Board of Regents hereby specifically requests, pursuant to RCW 28B.10.842, that the Attorney General's Office defend the above-named WSU employees against the claim brought by the plaintiff in the above-referenced legal action, or any other claim or legal action commenced by the plaintiff in any state or federal court of proceeding arising out of the facts alleged in this lawsuit, and that any obligation for payment arising from the above-referenced actions, or any other claim or legal action by the plaintiff, be paid from the state tort liability account pursuant to the provisions of RCW 4.92.130 through RCW 4.92.160.

DATED this 22nd day of September, 2017.



Chair, Board of Regents



Secretary, Board of Regents

Request for State Attorney General's Office
To Provide Defense for University Employees
(Danielle Hess)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Request for State Attorney General's Office to Provide Defense for Washington State University (WSU) Employees

PROPOSED: That the Board of Regents approve the request for defense by Daniel Bernardo, Provost and Executive Vice President; Gary Pollack, Dean of the College of Pharmacy; and John White, Chair and Professor of the Department of Pharmacotherapy

SUBMITTED BY: Danielle Hess, Senior Assistant Attorney General

SUPPORTING

INFORMATION: The complaint in the case of *Tracy L. Skaer v. WSU, et al.*, Spokane County Superior Court, Cause No. 17-203264-1, names Dr. Bernardo, Dr. Pollack, and Dr. White as defendants, thus exposing them to a risk of personal liability.

A statutory procedure exists authorizing WSU employees to request that the Attorney General's Office represent them in such cases and that any judgment obtained be paid from state funds. This procedure requires that the Board of Regents take action by resolution finding that the University employee involved was acting within the scope of his duties and in good faith. The Board's determination must be made upon the facts available to it at the time of request for defense and indemnification.

I have reviewed the claim and conducted a preliminary investigation of the facts of this case. It is my opinion that Drs. Bernardo, Pollack, and White were acting within the scope of their duties and in good faith when taking the actions from which this lawsuit arose. I therefore recommend defense by the Attorney General's Office and indemnification by the state.

A proposed Board Resolution is attached.

REQUEST NUMBER 17-397

PUBLIC RECORDS RESPONSE

RCW 42.56

Complete, sign, and return this form with or without responsive records.

See BPPM 90.05 for additional information.

Washington State University

Public Records Office

Info Tech Building 3011

P.O. Box 641225

Pullman, WA 99164-1225

(509) 335-3928

wsu.pubrecords@wsu.edu

DEPARTMENT Board of Regents: Desiree Jacobsen	DATE OF REQUEST September 22, 2017 RECORDS NEEDED BY October 20, 2017
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INSTRUCTIONS: The University received a Public Records Request for records meeting the following description. Please conduct a thorough search for responsive records held in the following locations: Central databases, computer hard drives, external hard drives, old hard drives on previously used computers where responsive records may have been stored, email records residing in the inbox, sent folder, archived email folders (depending on how specifically or broadly the request is written, this may include email residing in the deleted folder), CDs, flash drives, paper files, personal/home computers on which WSU work has been conducted, tablets, ipads, smart phones where WSU work has been conducted, emailed VOIP voicemail messages, and any responsive records held by third parties that WSU has used. When conducting a search among electronic records, document the search terms used and the results of each search below, or as an attachment to this Response.

REQUEST DESCRIPTION

Requesting all documents from the Regents executive session from the meeting on WSU Pullman's campus on September 21, 2017.

Complete the the following fields in detail, indicating what files were searched, where they are located, the search terms used for electronic searches and the results, whether or not any responsive records were found. Attach an additional sheet if needed. Sign below and attach the Response to any responsive records for submittal. Do not mingle your records with other staff responsive records.

I searched records from the following files and locations (be specific). (Attach additional pages as needed, including search terms used and results of any electronic records search, even if no records are found.)

I am submitting the following records:

Attached Documents

5 mins

Estimate of time in hours expended to compile responsive records.

No requested records were found.

I hereby state that I conducted a diligent and good faith search of the files and records for the requested records. To the best of my knowledge, information, and belief, I have provided all such records to the University Public Records Office as of the date indicated below. I specifically state that I am aware of no other documents responsive to this Public Records Request that have not been provided. I understand that this statement will be filed with the court if an action arises and that the court will rely on this statement as truthful.

NAME OF RESPONDER (please print) <i>Desiree Jacobsen</i> <i>Board of Regents</i> (Department)	SIGNATURE OF RESPONDER <i>Desiree Jacobsen</i>	DATE OF RESPONSE <i>9/22/17</i>
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