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FEB 25 2004

Building Industry  
Association of Washington

1  EXPEDITE  
2  Hearing is Set: Friday, February 27, 2004  
3 Hearing Time: 9:00 a.m.  
4 The Honorable Christine Pomeroy

5  
6  
7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**

8 **IN AND FOR THE COUNTY OF THURSTON**

9 STATE OF WASHINGTON ex rel.  
10 EVERGREEN FREEDOM  
11 FOUNDATION, a Washington nonprofit  
12 corporation,

13 Plaintiff,

14 v.

15 GOVERNOR LOCKE, in his official  
16 capacity as Governor of the State of  
17 Washington, and the WASHINGTON  
18 STATE DEPARTMENT OF TRADE  
19 AND ECONOMIC DEVELOPMENT, a  
20 state agency et al.,

21 Defendants.

NO. 04-2-00246-7

DECLARATION OF MARTHA CHOE

22 Martha Choe, under penalty of perjury of the State of Washington, deposes and certifies  
23 that the following is true and correct:

24 1. I was at all times mentioned over the age required, and competent to be a witness.

25 2. I am the Project Coordinator for the 7E7 Coordination Team. My responsibilities  
26 include leading a statewide team of coordinators from various agencies working on the 7E7  
Project.

3. I make this declaration based on my personal knowledge acquired while working  
with the Department of Community, Trade and Economic Development (CTED) and with the  
7E7 Project.

1 13. Some of the supplemental documents had pages that were largely blank except for  
2 a title on the top, because it was anticipated when the Master Agreement was signed that those  
3 documents would be created in the future, or were not yet gathered so they could be attached, or  
4 had not yet been received by CTED. While the January 14, 2004 letter did not explain why some  
5 pages had titles but not text, CTED provided the supplemental documents in the form that it had  
6 them, and this was the form. These "blank" pages that were attached as part of the supplemental  
7 documents to the Master Agreement were essentially placeholders for future attachments. As  
8 noted, CTED had already described in the December 23, 2004 letter to Mr. Williams (**State's**  
9 **Exhibit 4**) that it would provide the supplemental documents when it had them.

10 14. An example of a "blank" page in the Master Agreement that is relevant to the  
11 Complaint includes Exhibit F ("Authorizing Resolutions and Ordinances"). This page was  
12 largely blank except for a title because it was intended to be a placeholder for copies of the  
13 resolutions and ordinances that the local government participants in the Master Agreement would  
14 be passing and/or adopting in the future. That is, the reason these ordinances and resolutions  
15 were not attached to the Master Agreement is because they had not yet been created, so they  
16 could not be attached or provided EFF in response to a public records request. CTED and my  
17 office do not yet have copies of these documents, but will be happy to provide them to EFF, or  
18 any other requester, once it receives them.

19 15. Another example of a "blank" page with a title includes Exhibit G ("Opinions of  
20 Counsel.") There are three written legal opinions that became part of Exhibit G. CTED did not  
21 have copies of the three opinions in our files when the Master Agreement was signed, but we  
22 anticipated collecting them. As noted, a number of activities were occurring in my office,  
23 including my office move, and we were in the process of gathering these opinions so they could  
24 be distributed as part of the supplemental documents to the Master Agreement. While we were  
25 searching for copies of the legal opinions referenced in Exhibit G during our office move and  
26 unpacking, and when we were also seeking copies from the Attorney General's Office, we