



Evergreen Freedom Foundation

A Nonprofit Public Policy Research Organization

February 5, 2004

Stephanie Barnett
Department of Community, Trade, and Economic Development
PO Box 42525
Olympia, WA 98504

RE: PUBLIC RECORDS REQUEST – BOEING CONTRACT DOCUMENTS

Dear Ms. Barnett,

This letter is to inform you that a lawsuit is being prepared against CTED and the Governor's Office for withholding, *in bad faith*, public records related to the 7E7 master site development and location agreement as requested by the Evergreen Freedom Foundation ("EFF") on December 22, 2003.

CTED and the Governor's Office has failed to provide the following public records to EFF within the statutory deadline:

1. A copy of the "*Governor's Executive Order or clear directive*," which is required by Section 7.3 of the contract. This executive order/directive details the duties of the Workforce Development Coordinator (WDC) and the responsibilities of state agencies in assisting the WDC. This was required by the contract to be issued "*concurrently with the execution*" of the Agreement. (Section 7.3).
2. Exhibit F of the contract: Copies of whatever authorizing (statutory) actions are required to satisfy the commitments to the contract. The document sent was blank—not redacted.
3. Exhibit G of the contract: Copies of the opinions of counsel related to whether or not the elements of the contract are legal. The document sent was blank—not redacted.
4. A copy of Schedule 1: Site application questionnaire for Project Olympus. The document sent was blank, not redacted.
5. A copy of Schedule 2: Project Olympus Legal Questionnaire – Washington State Response. The document sent was blank, not redacted.
6. Restatement of commitments dated November 10, 2003. The document sent was blank, not redacted.

Neither CTED nor the Governor's Office has claimed any statutory exemption from disclosing these records. Moreover, the Governor has made public statements that nothing in the agreement is secret and is readily available. EFF is entitled to copies of these public records as well as reasonable attorney fees and penalties in an action to compel disclosure under RCW Ch. 42.17.340 of the Public Disclosure Act.

There is great urgency that these public records be immediately disclosed. Legislators and the public need this information before legislative action is taken. I expect that there will be full disclosure for all these records to EFF's satisfaction by this Friday, February 6, 2004 at noon.

Sincerely,

Timothy D. Ford
Attorney at Law

cc: Governor Gary Locke
Attorney General Christine Gregoire
Martha Choe, 7E7 Project Coordinator