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7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF KING**
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10 **JOE BEAVERS,**

11 Plaintiff;

12 v.

13 **CITY OF KIRKLAND,**

14 Defendant.

Case No. **16-2-13004-6 SEA**

**DECLARATION OF JOE BEAVERS
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

15
16 I, Joe Beavers, declare as follows:

17 1. I am over 18 years of age, the Plaintiff in this action, competent to be a witness herein, and make
18 this declaration on personal knowledge of the facts in support of the Motion for Summary Judgment.

19 2. I am the owner and author of the "www.PersonalRevengeAct.com" website and investigate and
20 publish articles on the Washington State Public Records Act.

21 3. After reviewing the lawsuit history and settlement of Citizens for Sustainable Development v.
22 Snohomish County (King County No. 13-2-08684-2 SEA), I observed that the emails of volunteers using
23 their personal email service were considered to be public records if they contained agency information. I
24 felt this issue needed further review in order to determine the extent of exposing the personal email
25 accounts of volunteers. The case above was settled and no definitive court opinion was made.

26 4. I started by collecting data on volunteer activities using public records requests. The agencies
27 selected were Seattle Parks Department, City of Auburn, Central Washington University, and City of
28 Kirkland. This effort is continuing.

1 5. The public records request of this action is my first request to Kirkland (P004591) which was
2 requested and entered on January 17, 2015. The request was for: *“All emails sent by or to (To, Cc< Bcc)*
3 *Patrick Tefft from January 1, 2014 until the present. An Outlook format (PST) is preferred. If your*
4 *software program creates searchable PDF copies, and that is easier for you, they are acceptable.*
5 *Depending upon copy charges, I may wish to inspect such records at your place.”* Patrick Tefft is the
6 Volunteer Services Coordinator for the City of Kirkland. Request P004591 was the initial request made
7 to Kirkland and the information derived from it was used to generate other investigative requests.

8 6. Responsive records for this request were posted by Kirkland on their Public Records Request
9 Portal primarily in MSG format for downloading on an installment basis starting on January 23, 2015.

10 7. During the month of April 2016, I was reviewing the emails when I noticed that the “From:”
11 header bar contained the Display Name (Patrick Tefft), but not the email address itself. I then checked
12 other emails and found them also lacking those email addresses. Exhibit A illustrates this for one subset
13 of emails received by Tefft which were referred to as 2.6a emails in the Amended Complaint. Exhibit B
14 illustrates this for emails received by Tefft which were referred to as 2.6b in the Amended Complaint.
15 Exhibit C illustrates this for emails sent by Tefft which were referred to as 2.6.c emails in the Amended
16 Complaint.

17 8. I then checked the header bars of emails provided by other agencies for various requests and
18 found there to be variations in what was provided as an MSG email. Exhibit D shows an example from
19 the City of Shoreline. Exhibit E shows an example from the City of Bellevue. Exhibit F shows an
20 example from Franklin County.

21 9. A test was made of the emails’ viability by Reply(ing) to the emails of Exhibits A, B, C and F.
22 Only the emails containing the actual email address in the “From:” header bar were suitable for this
23 functional use as an MSG email.

24 10. I then retrieved an illustration of the “Before” and “After” emails from a request concerning
25 Mechling v. City of Monroe which had been originally made for legislative purposes. This illustration is
26 in Exhibit G.

1 11. In reviewing the email files from request P004591, other issues were noted.

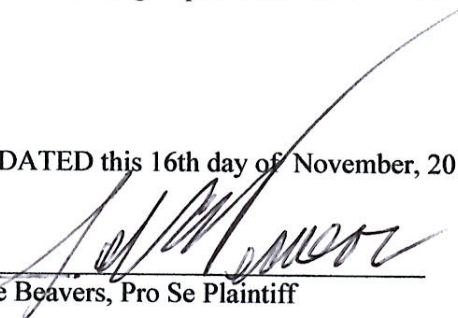
2 12. Emails with blind distributions (Bcc:) did not show the recipients' name or email address, nor
3 was an exemption provided. An example is shown in Exhibit H.

4 13. Emails with group distributions did not link to the recipients' name or email addresses, nor was
5 an exemption provided. An example is shown in Exhibit I.

6 14. A timeline of actions is shown in Exhibit J.

7 15. A listing of provided records is shown in Exhibit K.

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10 DATED this 16th day of November, 2016.

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14 Joe Beavers, Pro Se Plaintiff
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