

Deposition of Joe Beavers

Block v. City of Gold Bar

October 25, 2016



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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

ANNE BLOCK,)) SNOHOMISH COUNTY
Plaintiff,)) CAUSE NO.
)) 15-2-06148-6
-v-))
)) KING COUNTY
CITY OF GOLD BAR,)) CAUSE NO.
)) 16-2-20042-7
Defendant.))
))

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION
OF
JOE BEAVERS

Taken at 800 Fifth Avenue, Suite 4141
Seattle, Washington

DATE TAKEN: October 25, 2016
REPORTED BY: Nancy M. Kottenstette, RPR, CCR 3377

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ALSO PRESENT: Arthur West
Christy Diemond, videographer

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1 SEATTLE, WASHINGTON; October 25, 2016

2 9:08 a.m.

3

4 MS. BLOCK: I'm calling the judge right
5 now.

6 MS. RAGONESI: Let's do that.

7 (Phone conversation begins.)

8 MS. BLOCK: Is Judge Downing available,
9 please? This is Anne Block. I have a case against
10 Gold Bar, and I really need some input here. The
11 opposing counsel here is refusing to allow me to have
12 an assistant assist me, and I'm a disabled American.

13 MS. REESE (via speakerphone): In what
14 regard?

15 MS. BLOCK: Regard is kind of helping
16 me with labeling stuff, repeating things that I don't
17 hear.

18 MS. REESE (via speakerphone): Are you
19 in the middle of the deposition?

20 MS. BLOCK: We're sitting right here.
21 Ms. Ragonesi is complaining of the person that I've
22 chosen to be here with me, and I'm not sure exactly
23 why. I've never had this happen before, and I've
24 attended over 200 depositions.

25 MS. REESE (via speakerphone): Is the

1 witness there?

2 MS. BLOCK: There is, yes.

3 MS. REESE (via speakerphone): Can you
4 tell me which witness that is?

5 MS. BLOCK: There's actually several
6 witnesses in the room.

7 MS. REESE (via speakerphone): Okay.
8 So it's not in regard to any particular one?

9 MS. BLOCK: No. No, it's not.

10 MS. REESE (via speakerphone): She
11 objected to having the person in the room?

12 MS. BLOCK: She does.

13 MS. REESE (via speakerphone): Or in
14 the room and helping you?

15 MS. BLOCK: I'm not -- I think it's
16 both actually.

17 MS. REESE (via speakerphone): Okay.
18 Hang on just a second, please.

19 Ms. Block?

20 MS. BLOCK: Yes.

21 MS. REESE (via speakerphone): Could
22 you put Ms. Ragonesi on the phone. I need to find out
23 the basis of her objection.

24 MS. BLOCK: Okay. Thank you.

25 MS. RAGONESI: Good morning. Is this

1 Ms. Reese?

2 MS. REESE (via speakerphone): Yes.

3 MS. RAGONESI: Hi. This is Shannon
4 Ragonesi, and I'm sorry for the interruption to the
5 Court. We actually haven't even started the
6 deposition. I attempted to inquire of the person
7 Ms. Block has present here, what his qualifications
8 are, and what the nature is of his involvement in the
9 deposition as he's set up to take the deposition. And
10 I don't believe he's a licensed attorney.

11 MS. BLOCK: He's not --

12 MS. RAGONESI: I asked to go on the
13 record -- Ms. Block, I'm sorry. I'm speaking. I
14 asked to go on the record, and Ms. Block refused. She
15 told me that she would not go on the record unless she
16 wanted to and instructed the court reporter not to go
17 on the record at my request.

18 So, unfortunately, we haven't actually flushed
19 out exactly what the concern is, because I was unable
20 to have this go on the record so we could have the
21 discussion be official.

22 My concern is Mr. West is here accompanying
23 Ms. Block who he is a very active pro se litigant, and
24 he appears to be set up to take the deposition.

25 MS. BLOCK: He is not.

1 MS. RAGONESI: So when I inquired
2 whether he was an attorney representing her, I was
3 just met with raised tone of voice, very threatening
4 behavior, which is why I wanted to go on the record.
5 And when --

6 MS. REESE (via speakerphone): Did she
7 ever state why she didn't want to go on the record?

8 MS. RAGONESI: She indicated it was her
9 deposition and that she would determine when we went
10 on the record.

11 MS. BLOCK: That's true.

12 MS. RAGONESI: And she's acknowledging
13 that's true.

14 MS. REESE (via speakerphone): Okay.
15 Thank you.

16 MS. BLOCK: Let me explain.

17 MS. REESE (via speakerphone): We've
18 got some awful, awful phones here with Microsoft. So
19 I'm quote/unquote putting you on hold just to let you
20 know. I'm just going to set the receiver down.

21 Ms. Block, did you have something quickly you
22 wanted to let me know of?

23 MS. BLOCK: Yes, I do. Please let the
24 Court know that we were on a telephone conversation
25 last week with Ms. Ragonesi, and it was clearly

1 understood that I would have an assistant here because
2 I am severely hearing impaired. And I'm also -- have
3 a fractured spinal cord, so somebody is here assisting
4 me.

5 Mr. West is not here as an attorney of counsel
6 as it's suggested, and please let him know he's just
7 here to assist me. And he's an open government
8 supporter. That's it.

9 MR. WEST: Won't be speaking.

10 MS. BLOCK: He will not be speaking.

11 He is actually right here affirming that he is not
12 going to be speaking. It will be my deposition.

13 MS. REESE (via speakerphone): Okay.

14 Given that, does that change anything, Ms. Ragonesi,
15 what you were just --

16 MS. RAGONESI: Sorry. We're passing
17 the phone back and forth. I want to make sure two
18 items are clear. First, that Mr. West will not be
19 note-taking or contributing in any way to Ms. Block's
20 deposition, not just verbally speaking, but assisting
21 her in any way other than with lifting the documents
22 and boxes she says she needs help with, not even
23 repeating things for her. I believe that the court
24 reporter can serve that function and would be more
25 appropriate.

1 And, secondly, I'm gravely concerned about
2 Ms. Block's belief that she can have the court
3 reporter take us off the record against my request.
4 So perhaps just an instruction from the Court that
5 Ms. Block cannot interfere with the official recording
6 of what happens during the deposition.

7 MS. REESE (via speakerphone): Okay.
8 Again, I'm going to set the phone down here.

9 MS. BLOCK: Objection. Let me speak.

10 MS. RAGONESI: Okay. Thank you.

11 MS. BLOCK: I absolutely object to
12 that.

13 MS. REESE (via speakerphone): Okay.
14 I'm going to set the phone down.

15 MS. RAGONESI: Christy, do you have a
16 card?

17 MS. DIAMOND: I'm sorry. I didn't
18 bring them with me.

19 MS. RAGONESI: Do you have some back in
20 your office?

21 MS. DIAMOND: Yes.

22 MS. RAGONESI: Do you have a sticker by
23 any chance?

24 MS. DIAMOND: You want to give me your
25 card? Shannon, if you want to give me a card, I'll

1 send you one.

2 MS. RAGONESI: Remind me on the break
3 if I don't remember. Okay?

4 MS. DIEMOND: Okay.

5 MS. REESE (via speakerphone): Okay.
6 Who am I speaking with now?

7 MS. BLOCK: This is Anne Block.

8 MS. REESE (via speakerphone):

9 Ms. Block, do you have a way of putting it on
10 a speakerphone, because I want to put the judge on the
11 line, but I don't want him to have to go back and
12 forth between the two of you.

13 MS. BLOCK: Right, yes. I'm going to
14 put it in the center of the table, and, hopefully, we
15 can all hear.

16 MS. REESE (via speakerphone): Okay.
17 When you've done that, both of you are there, please
18 let me know, and then I'm also going to ask you to
19 keep your voices up just to make sure he can hear you
20 and you can hear him.

21 MS. RAGONESI: Okay. We can do that.
22 Thank you.

23 MS. REESE (via speakerphone): Okay. I
24 hear you, Ms. Ragonesi. Ms. Block, are you able to
25 hear me?

1 MS. BLOCK: Yes. I'm okay.

2 MS. REESE (via speakerphone): Okay.

3 I'm going to put the judge on. Hang on just a second.

4 MS. RAGONESI: Thank you.

5 JUDGE DOWNING (via speakerphone): Good
6 morning. This is Judge Downing.

7 MS. BLOCK: Good morning, Judge.

8 MS. RAGONESI: Good morning, Your
9 Honor.

10 JUDGE DOWNING (via speakerphone):

11 Ms. Block and Ms. Ragonesi, how are you?

12 MS. RAGONESI: Good, Your Honor.

13 MS. BLOCK: Good. Thank you.

14 JUDGE DOWNING (via speakerphone): As
15 the bailiff has conveyed it to me, you guys are in the
16 deposition, and Ms. Block has someone there to
17 accompany and assist her. I don't have a problem with
18 that as long as the individual understands the proper
19 role and doesn't interrupt the proceedings or cause
20 any complications in the efficient conducting of a
21 deposition.

22 MS. BLOCK: Okay. Thank you, Your
23 Honor.

24 MS. RAGONESI: Your Honor, this is
25 Ms. Ragonesi. When I attempted to clarify Mr. West's

1 involvement, Ms. Block directed the court reporter not
2 to go on the record, even though I had requested to do
3 so. And she stated that since it is her deposition
4 she can dictate when we are and are not on the record.
5 I was attempting to --

6 JUDGE DOWNING (via speakerphone): I
7 think it's prudent to have everything on the record.
8 If there becomes a need to have the deposition
9 transcribed later on for evidentiary purposes or
10 something, you can say -- you can have certain areas
11 deleted if you want to go through the expense of
12 having it all printed. I think it's safer to have
13 everything taken down today just in case an issue
14 should arise.

15 MS. RAGONESI: Thank you, Your Honor.
16 And then the last issue for clarification, the way
17 we're set up in the room, Your Honor, is Mr. West is
18 set up in a position to take the deposition, which is
19 why I began to inquire whether he was an attorney or
20 taking the deposition.

21 I just want to clarify with the Court that the
22 assistance he is providing is not going to extend to
23 writing notes, suggesting questioning, or assisting
24 with the actual substance of the deposition versus
25 assisting Ms. Block with her needs related to her

1 disabilities.

2 MS. BLOCK: And, Judge, I'd like to say
3 a little something about the disability.

4 JUDGE DOWNING (via speakerphone): I
5 don't have a problem with him writing a note and
6 passing it. I don't see that as interrupting
7 proceedings. The only thing you don't want to unduly
8 delay the operations, so I wouldn't want to take a lot
9 of time for consultations or clarifications between
10 the two of you. But I don't have a problem with
11 passing a note over.

12 MS. BLOCK: Okay. The other thing,
13 too, Judge, is I would like to say is I am hearing
14 impaired. I have zero hearing in my left ear, and I
15 have a reduced capacity to 62 percent, hence, why
16 Mr. West is sitting to my right, Judge.

17 JUDGE DOWNING (via speakerphone):
18 Yeah, okay. That makes sense. That makes
19 sense. I've got a bummed left ear myself.
20 Unfortunately, that's the side towards the witness
21 stand in my court, so I often have to turn with a
22 soft-spoken witness to get my good ear toward the
23 witness, which turns my back to the counsel, which
24 isn't very appropriate.

25 But, yeah, I understand, and reasonable

1 accommodations are in order. Okay. Well, I hope it
2 all goes smoothly. Stay positive. You're working
3 together to get something worthwhile accomplished
4 today, and I hope that you will.

5 MS. RAGONESI: Thank you, Your Honor.

6 MS. BLOCK: Thank you, Your Honor.

7 JUDGE DOWNING (via speakerphone):

8 Okay. Bye-bye.

9 (Phone conversation ends.)

10 MS. BLOCK: All right. First, I'd like
11 to ask everybody to make sure their cell phones are
12 shut off.

13 All right. Court reporter, would you swear
14 the witness in, please.

15

16 JOE BEAVERS, witness herein, having been
17 first duly sworn on oath,
18 was examined and testified
19 as follows:

20

21 EXAMINATION

22 BY MS. BLOCK:

23 Q Today is October 25. It's approximately
24 9:30 a.m. I'm Anne Block. I am the plaintiff in this
25 case, and I'm here to depose former Gold Bar Mayor Joe

1 Beavers on two public records lawsuits, one filed in
2 Snohomish County, Block v. Snohomish County,
3 15-2-06148-6, and Block v. Gold Bar, King County,
4 Case 16-2-20042-7.

5 These are public records cases, and this issue
6 is really geared towards public records. And today
7 I'm going to ask Mr. Beavers a series of questions,
8 and I'm going to call breaks, Mr. Beavers, on certain
9 times. I don't want any interruptions until you
10 actually answer the question, and at about maybe an
11 hour and a half, hour and 15 minutes through the first
12 part of it, I'm going to call a break, which will
13 allow you to leave the room. Until then I ask that we
14 not leave the room, certainly, at least until you've
15 answered the question.

16 MS. RAGONESI: I'll just object. Of
17 course, if there's an outstanding question, it needs
18 to be answered before a break. But if the witness or
19 anyone else in the room needs a break prior to an hour
20 and 15 minutes, we can do so.

21 Q Well, excuse me. You will answer the
22 questions first, and from that point forward, we'll
23 discuss when breaks are actually going to take place.

24 Mr. Beavers, is there any reason today that
25 you cannot tell the truth?

1 **A No, no reason not to tell the truth.**

2 Q Are you under -- on any prescription drugs of
3 any nature?

4 **A Yes.**

5 Q Okay. What kind of prescription drugs are you
6 on?

7 MS. RAGONESI: Objection. That goes
8 into privacy matters. The witness can certainly
9 answer whether he believes they would impair his
10 ability to answer questions at the deposition, but the
11 plaintiff is not entitled to know his medical
12 information.

13 **A I'm on 73-year-old-guy prescriptions, which is**
14 **cholesterol medicine, blood pressure medicine,**
15 **aspirin, and vitamin D.**

16 Q Okay. So it's not something that could
17 actually impair your ability to be a competent witness
18 in this matter?

19 **A No, no.**

20 Q Okay. So as I alluded to, we're here today to
21 discuss public records. As far as your credentials,
22 where did you graduate college, if any?

23 **A I graduated from University of Texas at**
24 **Arlington, a bachelor's and master's in mechanical**
25 **engineering. I got an MBA from the University of New**

1 **Haven in Connecticut and then various other**
2 **professional courses throughout my career.**

3 Q And so as far as the college degrees at the
4 University of Texas, was that a bachelor's in science
5 or bachelor's in arts?

6 **A Science, BSME and MSME.**

7 Q And so as far as an MS, that was also at the
8 University of Texas; am I correct?

9 **A Yes, that's correct.**

10 Q Okay. Besides -- now, you served as Gold Bar
11 mayor. What's the dates that you actually served as
12 Gold Bar's mayor?

13 **A July 21 or 22, I can't remember, 2009, until**
14 **December 31, 11:59 p.m., 2013.**

15 Q Okay. And you did not serve in mayoral
16 capacity prior to around that time, around July 20 or
17 so? That's 2009.

18 **A That's correct.**

19 Q Okay.

20 **A Well, I was mayor pro tem from January 1,**
21 **2009 -- or early January 2009. And if Mayor Hill had**
22 **been out -- and I think she was once -- I took over as**
23 **chair of the council meeting.**

24 Q You were assigned to mayoral position. Did
25 you serve in any other capacity during the time period

1 that you were mayor, such as reporter? Were you a
2 reporter of any nature reporting anything?

3 MS. RAGONESI: Object to the form of
4 the question, vague.

5 Q Were you serving in any capacity for the Sky
6 Valley Chronicle?

7 **A No.**

8 Q Were you at all logging in to the Sky Valley
9 Chronicle?

10 **A Oh, sure.**

11 MS. RAGONESI: Objection, relevance.
12 And just for the record, I'll be making objections to
13 establish our record. If you could, just wait for my
14 objection, and then you'll be allowed to answer.

15 THE WITNESS: Thank you.

16 MS. RAGONESI: Thank you, Mr. Beavers.

17 Q While you were mayor, you were actually
18 logging in to the Sky Valley Chronicle?

19 **A I went on the internet and clicked on
20 skyvalleychronicle.com and read the articles.**

21 Q And so this was done inside city hall? Was it
22 done outside city hall? Where were you during this
23 time period that you were logging in to the Sky Valley
24 Chronicle?

25 MS. RAGONESI: I'm just going to object

1 for the record. This goes way beyond the scope of
2 these two public records.

3 MS. BLOCK: No, it really doesn't.

4 MS. RAGONESI: Let me make my
5 objection, Ms. Block, and then you can respond. These
6 aren't questions involving production of records. And
7 if you want to go ahead and respond, you're welcome
8 to.

9 MS. BLOCK: Sure. Yes. It actually
10 does pertain to the production of records, especially
11 when you're asking for records, all records, which in
12 any way relate.

13 MS. RAGONESI: Could you reference
14 which cause of action that would be --

15 MS. BLOCK: Sure. That would be the
16 King County case, 16-2-20042-7.

17 MS. RAGONESI: And which --

18 MS. BLOCK: All records --

19 MS. RAGONESI: -- records request?

20 MS. BLOCK: Records relating to me,
21 Laura Kelly. They're all in there.

22 MS. RAGONESI: Well, my objection is
23 lodged with the record, but please go ahead.

24 MS. BLOCK: Okay.

25

1 BY MS. BLOCK:

2 Q And as far as logging into the Sky Valley
3 Chronicle, at any time did you forward any press
4 releases to the Sky Valley Chronicle?

5 **A I forwarded press releases to quite a few**
6 **operations, including the Sky Valley Chronicle, the**
7 **Everett Herald, and some of the television stations as**
8 **a routine part of my job.**

9 Q Okay. So at least we acknowledge that you
10 did, indeed, send press releases to the Sky Valley
11 Chronicle?

12 MS. RAGONESI: Objection, asked and
13 answered.

14 **A I would assume so. That's been a long time**
15 **ago, and I don't remember details. But it'd certainly**
16 **be a logical expectation.**

17 Q Are you familiar with providing any public
18 records to the Sky Valley Chronicle?

19 **A I don't believe we ever got a public records**
20 **request from the Sky Valley Chronicle, and press**
21 **releases are public records. And so -- in that**
22 **manner, yeah, I've sent public record press releases**
23 **out.**

24 Q So let's talk about the public records policy
25 for the City of Gold Bar. Explain in your own words

1 what the public records policy for the City of Gold
2 Bar was when you first started compared to your last
3 day in office.

4 MS. RAGONESI: Objection to the form of
5 the question.

6 You can go ahead and answer.

7 **A Well, when I started, the policy was back**
8 **years ago the base things that a city could respond to**
9 **on 42.56 were done about the -- what is it? The --**
10 **oh, the listing of all the document records. I forgot**
11 **what the term was, being onerous, and who was the**
12 **public records officer and all of that stuff was done.**

13 **And, otherwise, it was simply that way. Now,**
14 **November 2010, based on the previous years' work and**
15 **the cost to the taxpayers of that, we implemented a**
16 **42.56.100 document, and we put -- we budgeted 12 hours**
17 **a month to answering records requests. And then there**
18 **were some tweaks later on, had to put a document on**
19 **the counter that said I was public records officer.**

20 **And let's see. What else? And then we just**
21 **said, basically, we adopted by reference 42.56 model**
22 **rules and case law, which we actually didn't have any**
23 **way not to incorporate.**

24 Q Okay.

25 (Exhibit 1 was marked.)

1 Q In your own words, could you explain to me
2 what Plaintiff's Exhibit 1 is.

3 **A It's my oath of office as mayor dated 5**
4 **January 2010. Oh, for the four-year term. That's**
5 **what it was.**

6 Q Correct. Okay. So this is marked
7 January 2010, the 5th day of January.

8 **A Okay.**

9 Q So that was for your second term.

10 **A No, for my first term.**

11 Q Okay. In your -- you served as a capacity of
12 mayor of July 20, 2009?

13 **A Yeah. I don't know if you consider that term**
14 **or not.**

15 Q What would you consider it?

16 **A Filling in to -- filling in the gap. I guess**
17 **that's what's called the unfulfilled term or something**
18 **like that. I'm not sure the exact jargon.**

19 Q And so why were you filling in a term?

20 **A Because Crystal Hill resigned.**

21 Q Okay. And she resigned on --

22 **A July 21, 2009, if memory serves me correct.**

23 Q So this would represent the official oath of
24 office from the elected --

25 **A As being elected, yes.**

1 Q Yes. Okay.

2 MS. RAGONESI: Just for our record,
3 Mr. Beavers, even though you may anticipate what
4 Ms. Block is going to ask you, if you can make sure to
5 let her finish her question that way her record is
6 complete, that would be great.

7 THE WITNESS: All right.

8 Q So, Mr. Beavers, when I read this, I read a
9 very simple line that says "I, Joe Beavers, do
10 solemnly swear that I will support the Constitution
11 and Laws of the United States and the Constitution and
12 Laws of the State of Washington, and...will faithfully
13 and impartially perform...discharge the duties of the
14 office of City of Gold Bar, Mayor for a 4-year term
15 according to the law to the best of my ability."

16 Would that be correct?

17 **A That's what I read.**

18 Q So you mentioned that there was an ordinance
19 in place to deal with public records; is that correct?

20 **A No. There was a resolution in place.**

21 Q Okay. And explain the difference.

22 **A Actually, there were some ordinances. Some of**
23 **the early work was done, I think, as an ordinance. I**
24 **can't remember. A resolution has less formality than**
25 **an ordinance. An ordinance is typically used to**

1 **create city code with some of the things like the**
2 **budget and a few other things. A resolution is**
3 **council approved. It doesn't go to the same multistep**
4 **process as does an ordinance.**

5 Q Great. And do you recall the number on that
6 resolution?

7 **A The one about public records?**

8 Q Yes.

9 **A If I remember, 10-14.**

10 Q That's correct. And that is Plaintiff's
11 Exhibit 2, please.

12 (Exhibit 2 was marked.)

13 Q So, Mr. Beavers, in front of you, I have
14 Resolution 10-14. Could tell me and, again, in a
15 nutshell, the resolution stands for what?

16 **A It's an implementation of 42.56.100.**

17 Q And in your own words, what's it supposed to
18 accomplish?

19 **A To implement 42.56.100 specifically for the**
20 **City of Gold Bar.**

21 Q Okay. And explain to me -- without having you
22 read the whole thing, if you could explain to me, in
23 your own words, how public records requests are
24 supposed to be treated when they come into the City of
25 Gold Bar.

1 MS. RAGONESI: I'll just object for the
2 record. Mr. Beavers, if you wish to review the
3 exhibit, you're welcome to do so, and you're also
4 welcome to use that in your response.

5 **A They are implemented in accordance with**
6 **RCW 42.56, the model rules and case law.**

7 Q Okay. And so you mentioned -- maybe you
8 didn't. You mentioned you were serving as the public
9 records officer during that time period?

10 **A Yes. I took over those duties. I can't**
11 **remember when.**

12 Q Okay. But it was probably when you came in
13 office? No?

14 **A No, it was not. It was afterwards.**

15 Q Okay. And you don't exactly remember when you
16 took over those duties, but at least according to the
17 resolution here with your signature -- your signature
18 is on the bottom right-hand corner of the second page?

19 **A Yes.**

20 Q We have the date of 16th of November 2010.

21 **A Yes.**

22 Q Okay. So on this resolution, you start
23 assigning public records requests. Explain to me how
24 you're assigning public records requests and how
25 you're actually answering them.

1 **A Assign public records --**

2 Q Yeah.

3 **A I don't see that in here. Where is that?**

4 **Would you give me the number?**

5 Q You tell me, Mr. Beavers, how you answer a
6 public records request when somebody sends it in
7 according to this resolution. You were the public
8 records officer.

9 **A The resolution doesn't actually specifically**
10 **talk about processing. It talks about implementing**
11 **42.56.100 within Gold Bar.**

12 Q Okay. And so when somebody sends you a public
13 records request, explain the process.

14 **A I'll explain it for the time that I was mayor,**
15 **which was it would come in. And this was done**
16 **previous to my being mayor in one form and then after**
17 **I was no longer mayor in a different form.**

18 **It would be logged in with a number of PRR,**
19 **the year, and then dash sequence number, and it would**
20 **be put into an Excel spreadsheet for logging in and**
21 **then responded to appropriately.**

22 Q Okay. And so how would it go? Would it go
23 first come, first served?

24 **A Oh, no. That's not within the public --**
25 **that's not within the model rules. Model rules you**

1 **work to get the most number of responses out, and you**
2 **have to do a balance between small requests and big**
3 **requests. And we also made sure that everyone got**
4 **some response every month to the best of our ability.**

5 Q Okay. And so with this ordinance, would
6 you --

7 **A It's a resolution. Excuse me.**

8 Q Excuse me. With this resolution, would you
9 have received a public records request from the Sky
10 Valley Chronicle?

11 MS. RAGONESI: Objection, calls for
12 speculation.

13 **A I don't have everything memorized. I do not**
14 **recollect ever receiving a public records request**
15 **42.56.100 from the Sky Valley Chronicle.**

16 Q Thank you.

17 (Exhibit 3 was marked.)

18 Q So you have in front of you, Mr. Beavers,
19 Plaintiff's Exhibit 3, and on the second page of
20 Plaintiff's Exhibit 3 --

21 **A Second page, okay.**

22 Q -- it has: Draft report of claims filed by
23 Anne Block of Gold Bar and results of those claims in
24 a little pdf file. It says: File courtesy of City of
25 Gold Bar. Please click to open.

1 **A Okay.**

2 Q Given to them as courtesy.

3 **A Okay.**

4 Q As far as the Sky Valley Chronicle, did you
5 place them on the priority list that you had created?

6 **A I did not place them on the priority list like
7 I did not place NPR, KIRO, KOMO, or Reuters.**

8 Q Why not?

9 **A Because they were newspaper or media people
10 coming in for quotes for a deadline.**

11 Q Okay. So you unilaterally decided that
12 somebody that you viewed as newsworthy was able to get
13 on -- get records without ever having to be put on
14 your priority list? Would that be a true statement?

15 MS. RAGONESI: Objection, misstates the
16 testimony.

17 THE WITNESS: That was what, ma'am?

18 MS. RAGONESI: I'm sorry. I lodged an
19 objection because I believe counsel has misstated the
20 testimony. You can go ahead and answer the question
21 if you can.

22 **A The City provides lots of records not on a
23 public records request format. People come in and say
24 I'd like to -- what's the rules for getting a dog
25 license? By the way, I'm looking to build a house.**

1 **And these are handled as routine things if a public**
2 **records request is a specific thing.**

3 **And we always sought to define when it was**
4 **going to be that official versus when it was informal,**
5 **which is the very normal operation for most cities.**

6 Q So any of the KING 5, KIRO, KOMO, any of them
7 get placed on a priority list for the City of Gold
8 Bar?

9 **A One did. I think it was KING -- I can't**
10 **remember. We had one official public records request,**
11 **and it was a huge one. And we talked with the guy,**
12 **and I told him we couldn't -- it was so big and so**
13 **involved that we couldn't do it quickly, and he said**
14 **nevermind.**

15 Q Okay. So, basically, KING 5, KIRO, they're
16 getting records. Anybody else that would be getting
17 records without being placed on a priority list?

18 **A Absolutely. Like I just finished saying,**
19 **citizens who walk in the door and -- but I do not know**
20 **that, because that's typically handled by the front**
21 **desk.**

22 Q Okay. So I'm going to go through a list of
23 names, and you can answer yes or no to the questions.
24 **And I'm going to ask you if any of them have received**
25 **public records from the City of Gold Bar without being**

1 **placed on a priority list. Okay?**

2 **The first one is John Pennington, has he**
3 **received records from the City of Gold Bar?**

4 MS. RAGONESI: Objection, calls for
5 speculation.

6 **A I do not remember ever giving John any Gold**
7 **Bar records.**

8 Q So you don't recall giving John Pennington
9 Gold Bar records?

10 **A I don't recall. That was a long time ago.**

11 Q How about the Sky Valley Chronicle, did you
12 give them records?

13 **A As you've noted, yes.**

14 Q Okay. And were they put on the priority list?

15 **A Uh.**

16 MS. RAGONESI: Objection, calls for
17 speculation.

18 **A I do not know if they ever filed a formal**
19 **request.**

20 Q Okay. And so how about Crystal Hill, Crystal
21 Hill Pennington?

22 MS. RAGONESI: Ms. Block, just so I
23 don't have to interrupt you after every question, can
24 we agree to a standing objection that any questioning
25 about who made a request or who was provided a

1 response calls for speculation without having the
2 actual list available? That way I don't have to
3 interrupt you.

4 MS. BLOCK: As far as the public
5 records requests that are being asked upon, sure. You
6 can agree to a standing objection. However,
7 Mr. Beavers still has to answer the question,
8 Ms. Ragonesi.

9 MS. RAGONESI: Right. I'm not
10 directing him not to answer. I just don't want to
11 have to keep interrupting you. So I can have a
12 standing objection that these -- this line of
13 questioning calls for speculation as to what may or
14 may not have been provided by the City of Gold Bar.

15 BY MS. BLOCK:

16 Q And we are talking public records,
17 Mr. Beavers. So we have Crystal Hill Pennington. Did
18 she get any records from the City of Gold Bar?

19 **A I am certain she did, but I do not recollect**
20 **what they might have been.**

21 Q Do you recall William Crittenden deposing you
22 in June of 2012?

23 **A Yes, I do.**

24 Q Do you recall your answer when he asked you a
25 very same or similar question about what records you

1 had delivered to Crystal Hill Pennington?

2 **A No, I do not.**

3 Q Have you ever been over to Crystal Hill
4 Pennington's home with Gold Bar public records?

5 **A I have been over to her home and discussed
6 things. I do not believe I had any records with me.**

7 **I think it was a verbal discussion.**

8 Q So in June of 2010, I believe, when Bill
9 Crittenden deposed you, would it surprise you to know
10 that you told Mr. Crittenden that you had actually
11 delivered Gold Bar records over there and let her sift
12 and sort through our public records?

13 **A I don't believe that's what I said.**

14 Q Decide what was a public record and what was
15 not a public record?

16 **A That was correct.**

17 MS. RAGONESI: I'm sorry, Counsel. Let
18 the witness finish his answer before you ask your next
19 question.

20 **A In that particular case, that was not done at
21 her house. She came over to city hall, and I, under
22 direction of counsel, reviewed some records that would
23 be released whether or not they had any content of
24 City business.**

25 Q Okay. I also want to remind you that that

1 contradicts your statement previously.

2 **A I --**

3 MS. RAGONESI: And let's wait for an
4 actual question.

5 **A Do you have an exhibit on that?**

6 Q We'll talk about exhibits in a future date
7 with Crystal Hill.

8 Who did you contact at the Sky Valley
9 Chronicle?

10 MS. RAGONESI: Objection, vague.

11 MS. BLOCK: He --

12 **A Oh, well, there's --**

13 MS. BLOCK: Regarding public records,
14 he just admitted that he provided records --

15 **A I talked to --**

16 THE REPORTER: One at a time, please.
17 Thank you.

18 THE WITNESS: You've got two hands.

19 **A I talked to Ron.**

20 Q Ron who? Who is Ron?

21 **A He's never told me his last name.**

22 Q He's never told you his last name?

23 **A That's correct.**

24 Q So how do you know Ron? Is he a City
25 employee?

1 **A Oh, no. He's the Sky Valley Chronicle guy.**

2 Q What is the Sky Valley Chronicle guy?

3 **A I have no clue. I just know he's the one I**
4 **talked to, and he writes snarky articles for the Sky**
5 **Valley Chronicle which are fun to read.**

6 Q Okay. So Mr. Fejfar is just some guy that you
7 don't know that you were providing records to?

8 **A I know Ron. His last name is that because of**
9 **stuff you sent to me. I'm assuming you were correct.**
10 **You were sending in public records requests --**
11 **requests about Ron F-E-J-F-A-R.**

12 Q The reason that you -- I would like to clarify
13 the record here. The reason why I was asking for
14 records is because Mr. Fejfar is using four different
15 aliases, Fejfar, Fedfar, Faybar, and he's sending out
16 invoices to PUD. And he's getting paid. And I just
17 wanted to know who he was. So that's why I asked for
18 records relating to Ron --

19 MS. RAGONESI: And just wait for an
20 actual question.

21 Q -- because I consider it to be fraud.

22 Do you know who Mr. Fejfar works with?

23 **A No.**

24 Q Do you know if he is the owner of the Sky
25 Valley Chronicle?

1 **A I checked him out one time, and he is listed**
2 **as the owner in the state documents.**

3 Q And you're telling me today, in your own
4 testimony, that Mr. Fejfar is the author of the
5 articles on the Sky Valley Chronicle?

6 **A If there is no name, I would assume it's him.**
7 **Other people publish articles under their own by line.**

8 Q Under their own by line?

9 **A Yeah. Like Richard Wright, and there's a**
10 **couple other people who routinely put articles on**
11 **there.**

12 Q Have you ever written an article for the Sky
13 Valley Chronicle?

14 **A Oh, yes.**

15 MS. RAGONESI: Objection. This is
16 going well beyond the scope of --

17 MS. BLOCK: It's a public --

18 MS. RAGONESI: I'm sorry. Let me
19 finish my objection, Ms. Block.

20 This is going well beyond the scope of these
21 two Public Records Act lawsuits. If you could perhaps
22 give us an offer of proof how this information would
23 be related to your causes of action, that would be
24 wonderful.

25 MS. BLOCK: Okay. Great, Ms. Ragonesi.

1 I recall that part of my lawsuit actually asks for
2 records relating to myself. It also asks for records
3 that are put on a CD. At this point we have no idea
4 what records were actually put out there, what
5 articles are public record, which aren't public record
6 on the Sky Valley Chronicle. I consider anything that
7 Mr. Beavers does as the mayor of Gold Bar to be a
8 public record.

9 MS. RAGONESI: Well, that may be so in
10 your opinion, but that doesn't mean it's related to
11 your cause of actions in these specific lawsuits. So
12 if you could give an offer of proof as to which cause
13 of action your line of questioning is related to --

14 MS. BLOCK: I just did.

15 MS. RAGONESI: -- that would be great.

16 No. Actually, your response was very vague
17 and general, and I need it to be more specific. You
18 can't simply refer to everything as being a public
19 record and, therefore, relating to your case.

20 MS. BLOCK: Okay. In the sense of
21 Mr. Beavers actually being an author of the Sky Valley
22 Chronicle, I need to know if it concerns the PRA. Are
23 there any articles that he wrote that concern the
24 Public Records Act.

25 MS. RAGONESI: But that doesn't relate

1 to your causes of action.

2 MS. BLOCK: It does.

3 MS. RAGONESI: Whether or not
4 Mr. Beavers was an author of an article in the Sky
5 Valley Chronicle is not related to the claims you're
6 making in these two cases.

7 MS. BLOCK: Well, actually -- actually,
8 it is, Ms. Ragonesi. Because when we're talking about
9 my public records requests, we're talking about public
10 records. We're talking about all the records that
11 Penny Brenton had reviewed, and that may or may not
12 include the Sky Valley Chronicle articles that
13 Mr. Beavers published as it relates to the Public
14 Records Act.

15 And we know that Ms. Brenton had reviewed,
16 according to what I've seen in some of these e-mails,
17 thousands of public records and had disseminated them
18 outward. A couple of them referred to Mr. Fejfar.

19 So I'm just trying to get to the bottom of
20 whether or not he published articles as it relates to
21 the Public Records Act and whether or not he's
22 produced those.

23 MS. RAGONESI: And, again, Ms. Block,
24 is there a cause of action in one of these two
25 lawsuits --

1 MS. BLOCK: There is.

2 MS. RAGONESI: -- when you're referring
3 to a request you made for Sky Valley Chronicle
4 articles written by Mr. Beavers as mayor?

5 MS. BLOCK: And there is.

6 MS. RAGONESI: Which one is that?

7 MS. BLOCK: Mr. Beavers had said when I
8 requested access to public records involving Mary
9 Champagne, Mary Marsh, Mary Block that Mr. Beavers
10 has -- I also included -- and Mr. Beavers's response
11 was that he had false positives about Anne Block. And
12 I'd like to know if any of the public records articles
13 that he published related in any fashion to myself.

14 MS. RAGONESI: That would be good.
15 Let's get to that questioning, because that could
16 potentially be relevant. But your prior questions
17 were too general and not relevant, so I would have no
18 objection to proceeding to those type of questions.

19 **A Restate the question, please.**

20 MS. BLOCK: Well, actually, I'm going
21 to ask the court reporter to repeat the last line
22 before Ms. Ragonesi interrupted me.

23 (Record read back as requested.)

24 BY MS. BLOCK:

25 Q And then Ms. Ragonesi asked me to clarify, and

1 I said, well, look, I believe it's relevant if you're
2 publishing articles as it relates to Anne Block and
3 you're responding that there might be some records
4 that come up with false positive about Anne Block,
5 then I'm asking you the question.

6 Were you writing articles for the Sky Valley
7 Chronicle as it relates to the Public Records Act and
8 Anne Block?

9 MS. RAGONESI: And I still lodge my
10 objection. If you can answer that question, go ahead
11 so we can keep moving forward.

12 **A After I was no longer mayor, I published**
13 **multiple articles, not multiple, three or maybe four.**
14 **I can't remember. The first one was "Quit Harassing**
15 **the Women Mayors of Gold Bar," and one of them I**
16 **contributed heavily to, although it went under Ron's**
17 **by line, is "Legally Looting the Public Treasury" and**
18 **a couple of others on that. And then afterwards, I**
19 **have a website that I published all sorts of PRA**
20 **articles on.**

21 Q Okay. Let's, first, take this in a couple
22 steps. You mentioned the word "published." Do you
23 recall which ones you published?

24 MS. RAGONESI: I lodge an objection. I
25 believe the witness's testimony was after he served as

1 mayor, and so any articles he published after his term
2 as mayor are not even arguably public record and well
3 beyond the scope of this two lawsuits.

4 BY MS. BLOCK:

5 Q Let's also go into the issue of, Mr. Beavers,
6 when did you actually stop working for the City of
7 Gold Bar in any capacity?

8 **A I stopped working for the City of Gold Bar**
9 **December 31, 2013, at 11:59 p.m.**

10 Q And after that, did you serve in any other
11 capacity? Were you answering public records? Were
12 you serving as a volunteer for the City of Gold Bar?

13 **A I signed up as a volunteer just because there**
14 **was a new mayor, and I had no active participation in**
15 **the City for -- I had conversations with Mayor Loen,**
16 **ex-mayor talking to the mayor about background. And**
17 **then I was gone from there, came back in, I think it**
18 **was, October to assist Mayor Loen, and then came back**
19 **in, I think it was, December to assist Denise.**

20 Q What were you assisting them with?

21 **A Getting the tracking logs going.**

22 Q So you did participate with the issue of
23 public records and how the City was going to respond,
24 even in a volunteer capacity?

25 **A Yeah.**

1 Q Okay. And it's your testimony here today that
2 you didn't start until around October 2014? Would
3 that be correct?

4 **A I can't give you an exact date. It was, I**
5 **believe, in that time frame.**

6 Q Okay. So you only did it for a month or two?
7 You didn't participate thereafter?

8 **A No. I was no longer mayor. It was not my**
9 **job.**

10 Q Okay. So in March of 2016, do you recall the
11 motion filed in Snohomish County Superior Court as it
12 relates to public records requests for Penny Brenton's
13 e-mail communications? And it's part of this lawsuit,
14 Ms. Ragonesi, and it's listed as Case No. 15-206148-6.

15 **A I looked at it.**

16 Q Did you file a declaration in the case,
17 Mr. Beavers?

18 **A Yes.**

19 Q Who wrote that declaration?

20 **A That was a rewrite of my previous declaration.**
21 **I went through and edited it, and it was accurate for**
22 **what was said.**

23 Q And on the bottom right-hand corner of that
24 piece of paper, did it have Kenyon Disend's name on
25 it, or did it have your name on that document?

1 **A The declaration?**

2 Q Yes.

3 **A It had my name on it. I signed it.**

4 Q It had your name in the bottom right-hand
5 corner?

6 **A I'm assuming that's the bottom right-hand**
7 **corner of the last page. Or what page, I don't**
8 **remember. But I did sign the declaration, yes, and it**
9 **was attached. And I assume it was --**

10 Q And I'm going to let you finish. Go ahead.

11 **A Okay.**

12 Q And that was written by you with no input from
13 Kenyon Disend? Would that be a true statement?

14 **A No, no. You always get input from the**
15 **attorney.**

16 Q You get input from the attorney?

17 **A Yeah.**

18 Q During that time period in March of 2016, were
19 you serving as the public records officer for the City
20 of Gold Bar in any capacity?

21 **A No.**

22 Q Okay. So while you're writing out
23 declarations, you're saying that Kenyon Disend was
24 writing -- or assisting you in the declaration and the
25 attorneys always assist you in that declaration?

1 MS. RAGONESI: Objection to the form of
2 the question.

3 MS. BLOCK: It's in this lawsuit,
4 Ms. Ragonesi.

5 MS. RAGONESI: I can still object to
6 the form of the question. It was compound. It
7 assumed facts not in evidence.

8 And please go ahead if you can.

9 **A I've written several declarations, and the**
10 **attorneys have looked at them. And we have gone back**
11 **and forth on the wording and stuff like this. It's**
12 **normal. I mean, it's what you would expect an**
13 **attorney to do.**

14 Q I would expect an attorney to do that,
15 Mr. Beavers, but these attorneys are my City
16 attorneys. I pay their bill, and, therefore, it makes
17 it a public record.

18 All I'm asking you is: When you were actually
19 serving in a capacity -- so at least in March of 2016,
20 the City attorneys were assisting you in some fashion
21 or another --

22 MS. RAGONESI: Objection to the form.

23 Q -- even with a declaration?

24 MS. BLOCK: Objection to the form of
25 the question, compound. Counsel is testifying and not

1 asking a question, and Counsel is making legal
2 conclusions.

3 You can go ahead and answer if you can.

4 **A I prepared the declaration upon the request of**
5 **Ann Marie Soto.**

6 Q And that was for what?

7 **A It was for the lawsuit. It was background for**
8 **the lawsuit.**

9 Q Which lawsuit, Mr. Beavers?

10 **A Snohomish County one.**

11 Q The Snohomish County one that we're here for
12 today, Penny Brenton's e-mail communication?

13 **A I think that's what it was for.**

14 Q 15-200 -- excuse me. 2-06148-6?

15 **A I'd have to go back and look again to what was**
16 **in there. I thought that was what it -- I recollect**
17 **that's what it was for. It doesn't mean that's**
18 **necessarily true. That's what I recollect.**

19 Q While you were the mayor of Gold Bar, did you
20 lobby for the Public Records Act in any fashion?

21 **A I appeared before the state legislature as the**
22 **mayor of Gold Bar, worked with the AWC on various**
23 **items on the Public Records Act.**

24 Q This was while you were serving as the mayor?

25 **A Yes.**

1 Q And as far as when you were lobbying down in
2 Olympia working with AWC on the Public Records Act,
3 did you pass around any documents that could
4 potentially be part of this lawsuit in any nature?

5 MS. RAGONESI: Objection, calls for
6 speculation.

7 MS. BLOCK: I'm asking him to state a
8 fact, Ms. Ragonesi.

9 MS. RAGONESI: Well, in my opinion,
10 Ms. Block, you're asking him to speculate, and I'm
11 entitled to lodge my objections to your question for
12 the record.

13 **A I don't remember the details. Mainly, the AWC**
14 **was the one doing all the work, and I made verbal**
15 **testimony, went to see different legislators. And I**
16 **don't recollect doing any documentation work for them.**

17 Q Okay. After you were no longer mayor, besides
18 what you've already described, which was just a couple
19 months that you were participating in helping Linda
20 Loen with public records and then writing the
21 declaration in this case, did you serve in any other
22 volunteer capacity?

23 **A No. I volunteered with the Sky Valley**
24 **Chamber, which did things on City property, but that**
25 **would not be volunteering with the City.**

1 Q That's correct. Because the chamber is a
2 private organization.

3 Now, as far as what you were doing on -- with
4 the City as far as any functions, so could you
5 describe to me, in your own words, between the time
6 period that you've already admitted under oath that
7 you were a volunteer participating with public
8 records, what exactly you were doing?

9 **A I was -- I was helping with the overhead**
10 **paperwork in 2014. That's the two episodes there.**
11 **Someone else did the work. I may have typed up one or**
12 **two things, but, basically, it was the overhead work**
13 **that I did. And that's all I recollect doing. And**
14 **then in 2015, I took a more active role and started**
15 **doing the physical processing to help out Mayor Loen.**

16 Q Okay. So in 2015 you were doing the physical
17 processing. How long did you do that for?

18 **A I ran that through approximately September --**
19 **about October more or less. I started work -- Mayor**
20 **Loen had hired Bonnie Jones to do work, some**
21 **processing, and Bonnie started taking part in the**
22 **processing, I think, July. These are just my rough**
23 **recollections, and I started showing her the ropes and**
24 **stuff and gave her books to read and so forth and so**
25 **on.**

1 **And then she picked up the processing sometime**
2 **around the October time frame. She started doing the**
3 **processing with me assisting her, and sometime around**
4 **November, I watched her work.**

5 Q Okay. Was there anybody else assisting in the
6 public records response, such as I'll give you an
7 example. Ann Marie Soto, was she assisting in the
8 public records response?

9 **A Well, attorneys always assist when there's a**
10 **question of redaction. So the answer to that is of**
11 **course. And then Denise Beaston helped out. She did**
12 **some searching. She did the scanning, copying, and**
13 **things like this, and there may have been incidental**
14 **work by others locating a document.**

15 Q Okay. And so Ann Marie Soto is reviewing
16 records for redaction is what you just said?

17 **A Yes.**

18 Q Is that correct?

19 **A Okay.**

20 Q And so when we're talking about records that
21 are responsive --

22 **A Excuse me. She is reviewing -- sorry to**
23 **interrupt -- attorney-client records for redaction.**

24 Q Okay. And do you have any idea how many of
25 those records she has in her possession today and

1 where?

2 MS. RAGONESI: Objection, calls for
3 speculation.

4 **A I don't know. I haven't been involved since**
5 **about November 2015.**

6 Q So you have -- let me further clarify. Have
7 you ever delivered records to Kenyon Disend's office
8 in Issaquah?

9 **A I'm thinking yes and then have taken -- I have**
10 **taken copies -- maybe we mailed them; I can't**
11 **remember -- of the e-mails to be redacted for**
12 **attorney-client privilege so that they could do the**
13 **actual redaction.**

14 Q So at least as far as you're concerned, the
15 only records that you've taken over to Kenyon Disend's
16 office are records for attorney-client-protected
17 communication that need to be redacted?

18 **A Not necessarily, no.**

19 Q Okay. Tell me what other records you
20 delivered over to Kenyon Disend's office.

21 **A Delivered the stuff for the Susan Forbes**
22 **lawsuit.**

23 Q And today we're here on a variety of groups of
24 records. There is quite a few that are involved in
25 this particular lawsuit. I ask you: Have you read

1 the lawsuit?

2 **A Which lawsuit? The King County lawsuit?**

3 Q The King County lawsuit.

4 **A I perused it.**

5 Q You perused it. And on the King County
6 lawsuit, you have a CD that was admitted under oath by
7 Diana Rose -- it's in the public records lawsuit --
8 that she delivered a CD to the City of Gold Bar that I
9 requested a copy of.

10 **A Okay.**

11 Q Are you familiar with that?

12 MS. RAGONESI: Counsel, I'm sorry.

13 Just so I'm clear, are you asking the witness about
14 the contents of the lawsuit, or are you asking him to
15 try to verify the allegations you've made in the
16 lawsuit?

17 MS. BLOCK: I'm asking him about the CD
18 that's part of this lawsuit.

19 MS. RAGONESI: So you're not asking him
20 what's in the complaints --

21 MS. BLOCK: No.

22 MS. RAGONESI: -- or whether or not the
23 complaint is truthful. You're just asking him the
24 question about a CD?

25 MS. BLOCK: A CD that was delivered by

1 Diana Rose to the City of Gold Bar which is subject to
2 this suit.

3 MS. RAGONESI: Okay. So what is your
4 specific question?

5 BY MS. BLOCK:

6 Q My specific question is: As far as the
7 lawsuit, you've read it, and you know that there's a
8 CD in question here that Diana Rose admitted under
9 oath that she delivered to --

10 **A I do not know --**

11 MS. RAGONESI: I'll just -- I'll object
12 for the record. Not only is the question compound,
13 but Counsel is asking the witness to speculate about
14 what other witnesses may or may not have done.

15 Q Mr. Beavers, I requested a copy of a CD that
16 Diana Rose admitted under oath that she delivered to
17 the City of Gold Bar. You placed that on the priority
18 log. Do you recall that?

19 **A Barely.**

20 Q You barely remember placing the CD -- let me
21 ask you: Did Diana Rose ever pick up the phone and
22 call you and ask you if you had that CD in your
23 possession?

24 **A I do not believe so.**

25 Q So Diana Rose had made -- has she made any

1 other contact with you asking you if you had the CD
2 that she delivered to City of Gold Bar?

3 MS. RAGONESI: I'm going to continue to
4 object to the form of the question. It's assuming
5 facts not in evidence with regard to what Ms. Rose did
6 or did not do.

7 Q Did Ms. Rose ever communicate with you in any
8 other fashion?

9 **A I don't recollect her ever talking about it.**

10 Q Do you recollect what the City's response to
11 me was as it relates to the CD?

12 **A I believe we sent you a copy of what was on
13 the CD of all the information that was on the CD.**

14 Q Okay. When was that?

15 **A I can't remember. I'd have to go back --**

16 Q Can't remember?

17 **A -- and look at the records. 2015 probably.**

18 Q Okay. I'm going to ask you a series of
19 questions about the contents of that CD, and I'd like
20 a yes or no response to the contents of that CD.

21 MS. RAGONESI: And I'm going to object
22 to Counsel's attempt to limit the witness's ability to
23 provide a full and truthful answer. You have the
24 right to give your answer. It does not have to be
25 limited to yes or no as long as you give the full

1 truthful answer.

2 Q Okay. As it relates to the records Diana Rose
3 delivered to the City of Gold Bar, according to this
4 lawsuit, were there anyone's criminal history records
5 on that CD?

6 **A The only thing I remember on the CD was it was**
7 **an example of a third-party software used to redact**
8 **e-mails. That's all I remember about it.**

9 Q Okay. I'm going to keep asking you,
10 Mr. Beavers. Was there anybody's non-conviction
11 criminal history records on that CD?

12 MS. RAGONESI: Objection. The witness
13 has answered as to what he recalls on the CD.

14 **A I don't recall anything even like that.**

15 Q Do you recall a deposition that Jeffrey Myers
16 conducted of me in March of 2012?

17 **A I know it happened, but, no, I don't.**

18 Q You don't recall a deposition that took place
19 where Mr. Myers had asked me a series of questions as
20 it relates to the public records?

21 **A No. I don't remember the details.**

22 Q Okay. As far as the information -- this is
23 calling for the question on the public records lawsuit
24 that's all records that Diana Rose delivered to the
25 City of Gold Bar. Of those records that Diana Rose

1 delivered to the City of Gold Bar, not necessarily on
2 the CD, but all records, which is part of this suit,
3 was there anyone's IRS tax information on that -- in
4 those records?

5 MS. RAGONESI: Objection, asked and
6 answered. I'm sorry. I withdraw that. You said all
7 records, not just the CD?

8 MS. BLOCK: Right. Part of all
9 records.

10 MS. RAGONESI: I withdraw my objection.

11 **A Except for the normal records -- and her job**
12 **is in the Department of Emergency Management -- the**
13 **only records I recollect was that one CD. And as I**
14 **stated before, it was an example of a third-party**
15 **software, I believe, from New Zealand which was used**
16 **to show how they redacted e-mails.**

17 **There was no information of any -- I have no**
18 **remembrance of what the e-mails actually said because**
19 **we were looking at the redaction process. And you**
20 **have that information, so --**

21 Q Actually, Mr. Beavers, I've never gotten it,
22 and that's part of this lawsuit.

23 **A Okay.**

24 Q Please don't speculate to something that's not
25 true.

1 As far as receiving private or non --

2 **A Excuse me. Wait a minute. I need to restart**
3 **the --**

4 MS. RAGONESI: Okay. Can we just take
5 a brief in-place break -- no one is leaving the
6 room -- just so Mr. Beavers can restart his recording.

7 Thank you, Counsel.

8 Thank you very much.

9 THE WITNESS: Thank you.

10 BY MS. BLOCK:

11 Q All right. Mr. Beavers, have you ever
12 received private non-conviction criminal history data
13 of anyone?

14 **A I don't believe so.**

15 Q What do you mean you don't believe so?
16 Explain that a little. What do you believe? If you
17 see criminal history data, what's a belief about that?

18 **A I don't recollect ever doing that except I was**
19 **on a jury in Texas in 19 -- what was it -- '72 or**
20 **thereabouts, and we did receive in the penalty phase**
21 **his criminal history.**

22 Q And have you ever received private or
23 non-conviction criminal history data about me or
24 anybody in my family?

25 **A No.**

1 Q You are aware that I requested access to
2 records for my sister Mary Champagne, Mary Block, and
3 Mary Marsh; is that correct? Are you aware of that?

4 **A It was something like that, yes.**

5 Q Are you the one that answered that particular
6 request?

7 **A I don't believe so.**

8 Q Okay. So --

9 **A Yeah. I just don't remember where I was at**
10 **the time.**

11 MS. RAGONESI: Ms. Block, just for my
12 edification, are those just all aliases for the same
13 sister or three different sisters?

14 MS. BLOCK: I wouldn't say aliases,
15 Ms. Ragonesi. I think a lot of women, not necessarily
16 me, but a lot of women, would take on a man's last
17 name.

18 MS. RAGONESI: Okay. That's fine. I
19 just wanted to determined is it one person or multiple
20 people?

21 MS. BLOCK: It is actually one person,
22 and the request was for all records that relate to
23 Mary Block, Mary Champagne, and/or Mary Marsh. And
24 there was no time limit to that request.

25 Q Have you ever seen any records whatsoever that

1 relate to those three people?

2 MS. RAGONESI: I'm sorry. Three people
3 or three names?

4 MS. BLOCK: Three names.

5 MS. RAGONESI: Okay.

6 **A Not while mayor. Is Mary Block your sister in
7 Florida?**

8 Q Let's discuss my sister in Florida. Have you
9 seen something relating to my sister in Florida?

10 **A Yeah. She was the co-owner for a while for
11 the -- what's your little workers litigation thing?**

12 Q That's objection, Mr. Beavers. We're not here
13 discussing my corporation.

14 MS. RAGONESI: Sorry. Counsel, you
15 asked him the question.

16 **A Then the question is moot. You asked me a
17 question. I answered it. You said we're not
18 discussing it, so let's continue.**

19 Q Okay. Let's go back to the original question.
20 Have you ever seen any records that relate to Mary
21 Block, Mary Champagne, or Mary Marsh? It's part of
22 this lawsuit. It's actually on page 10 of the
23 complaint. It says pursuant to RCW 42.56, provide all
24 records that relate to Mary Block, Mary Champagne,
25 and/or Mary Marsh. And there is no time limit.

1 MS. RAGONESI: Just to clarify, are you
2 asking Mr. Beavers records that he's seen in his
3 capacity as mayor or outside of that, because --

4 MS. BLOCK: Whichever capacity he
5 served in the City of Gold Bar in any fashion, whether
6 he was the mayor, he was the council member, or
7 whether he was a volunteer for the City.

8 **A The -- with the exception of the business**
9 **whose name we cannot mention, no.**

10 Q And so on February 3, 2016, I responded and
11 said, look, it's been over two years without the City
12 ever providing a single installment. The City of Gold
13 Bar responded asking for clarification after two
14 years, and it's quoted -- and I'd like to know if
15 you're the one that actually wrote this. That's why
16 I'm asking.

17 A search of computer files using the key
18 searches for Mary Block/Marsh returned a large number
19 of false positive, primarily Anne Block. Mary Block
20 and Mary Marsh returned the public records request by
21 you PRR 2014020 -- 023. Please clarify if you'd like
22 to obtain copies of these documents. The City expects
23 to have an update on this request on or about the end
24 of this month. City staff.

25 Did you write that?

1 **A What was the date on that?**

2 Q That was February 3, 2016.

3 **A No.**

4 Q Do you have any idea or did you discuss any
5 issues relating to public records since you are no
6 longer a volunteer with the City besides the counsel
7 here at this table?

8 MS. RAGONESI: Objection, vague.

9 **A Restate your question, please.**

10 Q I asked you specifically. Have you had any
11 communication as it relates to public records with
12 anyone besides counsel?

13 MS. RAGONESI: Same objection, but you
14 can go ahead and respond.

15 **A Casual conversation.**

16 Q Casual conversation with whom, Mr. Beavers?

17 **A Primarily with Bonnie. I go in, ask how she's**
18 **doing, how's she feeling and keep -- you know, that's**
19 **about it.**

20 Q So you're going in to city hall having casual
21 conversations with a public officer of Gold Bar about
22 public records?

23 **A More about her -- how she's doing and checking**
24 **on that she's handling everything okay and not being**
25 **overstressed.**

1 Q Have you given her any type of advice on how
2 to answer public records?

3 **A She occasionally calls me and asks me for**
4 **advice, and, usually, by the time I get back with her**
5 **to respond, she's already moved on. And it was --**
6 **it's moot.**

7 Q How many times has she called you?

8 **A Oh, I do not know. A few. A few.**

9 Q A few to me would mean three. Would that be
10 an accurate few in your own words?

11 MS. RAGONESI: Objection.

12 **A Well, it can't be accurate because I don't**
13 **know the number.**

14 MS. RAGONESI: Calls for speculation.

15 Q Well, you tell me --

16 **A But yes.**

17 THE REPORTER: One at a time, please.
18 I can only take one at a time.

19 MS. RAGONESI: And I'll just object for
20 the record because it's calling for speculation. You
21 can answer the question.

22 **A A few is a few. More than two, less than ten.**
23 **How about that?**

24 Q And do you recall where she's calling from?
25 Is she using a City phone from city hall, or is she

1 calling from her personal cell phone?

2 MS. RAGONESI: Objection, calls for
3 speculation.

4 **A From what I remember, it was the city hall
5 phone, because that's the number that came up on my
6 display when I looked at it.**

7 Q Okay. After you were no longer a City
8 volunteer, were you ever in city hall inside the
9 mayor's office?

10 **A In -- the mayor doesn't have an office, I
11 believe.**

12 Q Actually, sir, the mayor does have an office,
13 but you describe to me what you would consider to be
14 your office while you were sitting in Gold Bar City
15 Hall. Which office was it?

16 **A It was the computer terminal in the council
17 chambers.**

18 Q So you at no time would have ever been in any
19 other office in the City of Gold Bar after you were no
20 longer the -- a volunteer or public records reviewer
21 or any fashion?

22 **A I could go to most City office because it's a
23 public building, and I am a Gold Bar citizen. And if
24 I wanted to talk to John Light about the retention
25 ponds that did they really do the finishing on it like**

1 **I heard in the council they did or if I wanted to go**
2 **talk to Lisa about putting capital expenditures under**
3 **an operational budget, I do that just like any other**
4 **citizen.**

5 Q Okay. So you can't recall or you were never
6 in any other office alone inside the City of Gold
7 Bar --

8 MS. RAGONESI: Objection.

9 Q -- after you were no longer a volunteer and/or
10 an employee with the City?

11 MS. RAGONESI: Objection, vague,
12 misstates testimony.

13 **A In an office alone? I'm pretty certain the**
14 **answer is no. I have no reason to.**

15 Q Since leaving Gold Bar as the mayor, have you
16 participated in any way with the state auditor's
17 investigations?

18 **A The answer to your question is no, because I**
19 **don't even know if there is a state auditor's**
20 **investigation.**

21 Q Okay. So it's your testimony that you didn't
22 participate in the state auditor's audit of the city
23 and -- let's ask that. How about the state auditor's
24 audit of the city in the years that you were no longer
25 the mayor.

1 **A No. It's not my job.**

2 Q Okay. Do you know who Penny Brenton is?

3 **A Yes.**

4 Q Can you explain for the record who she is?

5 **A Penny Brenton is a paralegal. She was brought**
6 **on to handle the public records request of back in**
7 **sometime late 2009 -- I can't remember the exact**
8 **time -- to handle a load of processing that**
9 **overwhelmed the city clerk with all of her other**
10 **duties.**

11 Q Let's talk about the city clerk. Who was the
12 city clerk at that time?

13 **A Laura Kelly.**

14 Q And where is Ms. Kelly -- she working for the
15 City of Gold Bar still?

16 **A No.**

17 Q Okay. Why is she no longer working for the
18 City of Gold Bar?

19 **A She resigned after doing a real dumb thing.**

20 Q What was that dumb thing?

21 **A She borrowed money from the utility cash fund,**
22 **and before -- and was in the process of paying it back**
23 **when it got noticed.**

24 Q And so how did you find out about her
25 borrowing money from -- which, obviously, borrowing

1 money, we'll talk about that in a minute. How did you
2 find out about it?

3 **A It was brought to my attention by Denise**
4 **Beaston who noticed an irregularity in the deposits.**
5 **So we went and looked and noticed that there should**
6 **have been a deposit that wasn't.**

7 Q At any time was Laura Kelly serving as the
8 public records officer for the City of Gold Bar?

9 **A Not -- sometime -- and I can't remember if it**
10 **was late 2009 or early 2010 -- she transferred that**
11 **duty to me in accordance with the ordinance.**

12 Q Okay. And since you perused the public
13 records lawsuit that's the subject here today, on
14 page 2 it's an October 2009 public records request
15 that remains unanswered by the City of Gold Bar, and
16 it was answered by Laura Kelly as the public records
17 officer. And it kind of goes down, and it talks about
18 it.

19 And all I had asked for were all e-mails sent
20 to or received by Dorothy Croshaw at
21 dcroshaw@comcast.net from Chris Wright, Tanya Wright,
22 Joe Beavers, and/or Rick Merritt. Please limit your
23 search between January 15, 2009, to present, which
24 would have been maybe a ten-, nine-month period. And
25 she's clearly answering public records. You mentioned

1 that she's --

2 **A That was 2009; correct?**

3 Q Correct. So she's no longer answering public
4 records. She's, basically -- she resigned from the
5 City of Gold Bar. Is there any police reports as it
6 relates to her so-called borrowing of Gold Bar's petty
7 cash? Is there any police reports on that?

8 **A Yes. A full police report was run, and a**
9 **sting was run. A video camera was put into her office**
10 **because she was out on training and to document**
11 **whether it was an accident or an overt action, and**
12 **then it was handled by the sheriff's department.**

13 Q And so after she, basically, has a police
14 report, she resigns?

15 **A That is correct.**

16 Q So you wouldn't call that theft?

17 MS. RAGONESI: Objection, calls for a
18 legal conclusion.

19 Q Let me ask you that question.

20 MS. RAGONESI: And irrelevant to this
21 lawsuit.

22 MS. BLOCK: It is absolutely relevant,
23 Ms. Ragonesi, because we have a public records clerk,
24 Laura Kelly, that is answering public records during a
25 time period for which she's caught stealing. The

1 public records request specifically says I'm looking
2 for these records. Ms. Kelly doesn't further respond
3 and says -- and then she's terminated from the City of
4 Gold Bar.

5 Q So I'm asking you, Mr. Beavers --

6 **A I think you're --**

7 MS. RAGONESI: Let me finish. I still
8 maintain my objection. Now you may go ahead and
9 answer.

10 **A I believe you're way off on your time period.**
11 **She was doing public records in 2009, and I believe**
12 **the incident occurred in 2012.**

13 Q Okay. Mr. Beavers, she's answering public
14 records in 2009, but she doesn't further respond to a
15 public records request and leaves it outstanding here
16 until I say, hey, I would like to have my records
17 answered from 2009. She certainly hasn't responded
18 further. I have no idea who is actually answering
19 these public records at this point, but Laura Kelly
20 is, basically, in your words, she resigns from the
21 City.

22 Let me ask you further. Was she free to go
23 back to work after her alleged borrowing of City
24 funds?

25 MS. RAGONESI: Object to the form of

1 the question. Counsel is testifying and simply
2 reading from her lawsuit.

3 Q Was she free to go back to work?

4 **A I have no idea.**

5 Q Okay. Were you not the person in charge of
6 Laura Kelly as the mayor?

7 **A You mean go back to work for the City of Gold
8 Bar?**

9 Q Correct.

10 **A Well, it was not going to happen on my watch.**

11 Q Why is that, Mr. Beavers? She just borrowed
12 money.

13 **A She --**

14 MS. RAGONESI: Counsel, I'm going to
15 object to the argumentative nature or tone that is
16 occurring at this point in this deposition.

17 Q What I'm trying to establish here,
18 Mr. Beavers, is whether or not she -- whether she was
19 free to go back to work after this incident.

20 **A Not while I was mayor of Gold Bar.**

21 Q And while you were mayor of Gold Bar, was she
22 directly reporting to you?

23 **A Yes.**

24 Q So she's directly reporting to you. She's not
25 free to go back to work, not while you're the mayor of

1 Gold Bar. So let's talk about the prosecution of
2 Laura Kelly.

3 Did the City prosecute her?

4 **A The City does not prosecute people. You need**
5 **to take that up with the county prosecutor.**

6 Q And so did you have any conversations with the
7 prosecutor about Ms. Kelly?

8 **A Not with the prosecutor. My discussions were**
9 **with Chief Casey, which is the normal deal.**

10 Q Was Chief Casey involved in the investigation
11 of Laura Kelly?

12 **A Oh, yes.**

13 Q Do you recall an officer named Detective Cook
14 that might have been involved in that process as well?

15 **A I know a Deputy Cook, Jay Cook.**

16 Q It's very possible, because he is a member of
17 the Brady list that he could have been downgraded as a
18 result of it. So detective -- you say police officer.

19 **A Jay Cook was a sheriff's deputy who served**
20 **with distinction for the City of Gold Bar as a**
21 **sheriff's deputy, and then he moved on some time -- I**
22 **don't remember when -- to a different precinct, and I**
23 **understand he's sort of retired now.**

24 Q Oh, is he? Are you aware that he was a Brady
25 cop?

1 **A I have no clue.**

2 Q Do you know of anyone else while you were
3 serving in any capacity with the City of Gold Bar who
4 was borrowing money from the City of Gold Bar?

5 **A No.**

6 Q Do you recall anyone transferring funds from
7 any of the enterprise funds, such as the water fund,
8 without authorization from the council?

9 **A No.**

10 Q As far as Crystal Hill, do you recall her ever
11 participating with any of the transfer of the Gold Bar
12 funds?

13 MS. RAGONESI: Once again, Counsel, I'm
14 trying to give you leeway. But how is this related to
15 your claims in these two lawsuits?

16 MS. BLOCK: Because, Ms. Ragonesi,
17 we've got the City of Gold Bar being cited by the
18 auditor's office as we speak for misappropriation of
19 over a million dollars. And so I would like
20 Mr. Beavers to answer who was involved in all of these
21 processes as it relates to his alleged
22 overexpenditures of the City funds to fund the
23 litigation.

24 MS. RAGONESI: This has nothing to do
25 with the two claims that we are here today on, so I

1 will object.

2 MS. BLOCK: Okay, Ms. Ragonesi.

3 Q Let's discuss public records and how the
4 funding is going, Mr. Beavers.

5 MS. RAGONESI: Actually, I'm not
6 interested in discussing public records or funding. I
7 would like us to stick to the subject matter of these
8 two cases.

9 MS. BLOCK: We are.

10 MS. RAGONESI: So we can move forward
11 on this deposition.

12 BY MS. BLOCK:

13 Q The subject matter here, Mr. Beavers, can also
14 include very broadly, because the public's right to
15 know is very broad, and we have the City of Gold Bar
16 going bankrupt funding litigation. And I'd like to
17 know today for the record who is paying the legal fees
18 for this deposition for Ms. Ragonesi to be present
19 today?

20 **A Your neighbor's tax dollars.**

21 Q And so you're saying that the City of Gold Bar
22 is actually paying that fee?

23 **A I can't say that for sure. I do not know the**
24 **particular situation in detail. I don't know if AWC**
25 **is covering the litigation costs now or not. Mayor**

1 **Loen told me that was going to be happening, but I do**
2 **not know that it is or is not.**

3 Q So you're not familiar with who exactly is
4 funding the litigation?

5 **A It's not my job.**

6 Q While you were sitting mayor, who was funding
7 litigation?

8 MS. RAGONESI: Same objection. If you
9 could point me to which specific cause of action in
10 these two lawsuits that your questions are related to,
11 that would be great.

12 MS. BLOCK: Right. Okay. So,
13 Mr. Beavers, under the Public Records Act -- and,
14 Ms. Ragonesi, I have to explain to you that under the
15 Public Records Act somebody is paying the bill. And
16 when we're talking about paying that bill, that then
17 becomes part of this whole process. Because what
18 you're trying to justify of your 200 and something
19 dollars an hour to be present here -- and I believe
20 the city council said it was \$225. We've got Amanda
21 Butler providing same or similar services at \$225. We
22 also probably have Kenyon Disend that's involved in
23 this suit.

24 So then I say to myself, well, I get \$360 an
25 hour. Is that a reasonable fee for me to be asking

1 for because, in fact, attorney of record at the time
2 this lawsuit and entitled to legal fees on top of
3 that? So I'm trying to get to what is the
4 reasonableness of my fees in comparison to yours, and
5 I believe that is relevant to this particular suit.

6 MS. RAGONESI: I completely disagree,
7 Ms. Block. We are getting to a point where you are
8 well beyond the scope of this deposition. I would ask
9 if you would go ahead and move forward to the actual
10 questioning related to the claims you're making in
11 these two lawsuits, and then if you want to take up
12 these other concerns after we've accomplished the
13 questioning you need to do for these two lawsuits, we
14 can talk about it.

15 But I think it would be a better use of our
16 time to move on to real specifically, you know,
17 related questions to an identifiable cause of action
18 so we don't have to go back to the judge again,
19 because, otherwise, we are way beyond the scope.

20 MS. BLOCK: Legal fees are absolutely
21 relevant.

22 MS. RAGONESI: They're not part of
23 this --

24 MS. BLOCK: They are part of --

25 MS. RAGONESI: These two lawsuits.

1 MS. BLOCK: They are part of this
2 lawsuit because Judge Wynne in this suit already held
3 that the City violated the Public Records Act. That
4 was done -- you're well aware of it. It was done in
5 March of 2016. It was actually videotaped, and we
6 have a complete record of what transpired in that --
7 in that -- in that hearing.

8 And he said the City, basically, violated the
9 Public Records Act, refused to give me a reasonable
10 response. So now I'm trying to determine what would
11 be the legal fees that we probably will have to come
12 to an agreement on as it relates to that one public
13 records request.

14 MS. RAGONESI: Well, Mr. Beavers has
15 already testified he has no knowledge regarding the
16 legal fees in this case, and so he is not an expert
17 witness. He's not an attorney on this issue, so it is
18 way beyond the scope of this deposition. And I'm
19 asking you to please move on.

20 BY MS. BLOCK:

21 Q Mr. Beavers, let's get back to Ms. Penny
22 Brenton. Do you recall when she started with the City
23 of Gold Bar?

24 **A Not the exact months. Sometime in '09.**

25 Q And who referred her over to the City of Gold

1 Bar?

2 **A We went to a temporary agency that we**
3 **typically use, and they -- we said we need a good**
4 **paralegal, and they said here's a good paralegal. And**
5 **she brought her qualifications in, and the attorney at**
6 **the time approved her.**

7 Q Okay. And who was the attorney at the time?

8 **A It was Cheryl Beyer.**

9 Q And do you know how exactly Ms. Beyer had
10 communicated with an agency to bring in Penny Brenton?

11 **A Ms. Beyer did not communicate with the agency.**
12 **It was likely Laura Kelly because it was an agency we**
13 **had used before.**

14 Q Okay. And what was the name of the agency?

15 **A I do not remember.**

16 Q And Laura Kelly would have been, in your
17 opinion, the person that communicated with the agency
18 to obtain Penny Brenton?

19 **A Yes. Because it was the same agency through**
20 **which we hired her and Denise.**

21 Q And as far as public records that relate to
22 Penny Brenton, do you recall if the City has provided
23 me any records as it relates to the hiring of Penny
24 Brenton?

25 **A I do not recall anything, no.**

1 Q What was Penny Brenton actually doing for the
2 City?

3 **A She was processing the multiple e-mails. We**
4 **had an IT guy go in and suck all e-mails out from the**
5 **personal accounts of council members and Hill, and at**
6 **the time the only technology we had is what I call the**
7 **paper system. And she was going through there**
8 **collecting them, Bates numbering them, getting them**
9 **ready to go out, etc., etc. We collected all of the**
10 **e-mails and released them in a paper format prior to**
11 **developing -- to completing the server system.**

12 Q And so did Ms. Brenton ever participate in a
13 bar complaint?

14 MS. RAGONESI: Objection, calls for
15 speculation. You can answer.

16 **A No. It's not. I know that Dorothy Croshaw**
17 **hired her to do -- to work with her on a bar**
18 **complaint, yes.**

19 Q And did you ever speak with Ms. Brenton about
20 that bar complaint?

21 **A Peripherally.**

22 Q I'm sorry?

23 **A Just peripherally.**

24 Q What do you mean peripherally? Explain what
25 you mean by peripherally.

1 **A I don't remember the exact wording**
2 **particularly. But she said, "I'm going to be doing**
3 **some work for Dorothy on a bar complaint she wants.**
4 **Is that okay on my own time?"**

5 **And I said, "Yeah. It's on your own time,"**
6 **something on that order.**

7 Q At whose bequest did Ms. Brenton participate
8 in that bar complaint or --

9 **A As far as I know, Dorothy Croshaw.**

10 Q And while Penny Brenton was serving as the --
11 you're saying assisting with public records?

12 **A Uh-huh.**

13 Q Did she ever disseminate any information about
14 that bar complaint into an electronic communication of
15 any nature, such as e-mail communication?

16 MS. RAGONESI: Objection, calls for
17 speculation.

18 **A I have no idea.**

19 Q You have no idea?

20 **A I have no idea.**

21 Q And have you ever reviewed records that relate
22 to my records request for Penny Brenton's e-mail
23 communication -- excuse me. My records request for
24 Penny Brenton's records?

25 **A Yes. I processed all the nonexempt stuff**

1 **years ago.**

2 Q All right. So you participated in that?

3 **A Yes.**

4 Q Okay. Did you ever see communication of any
5 nature that relates to the bar complaints that Penny
6 Brenton participated in that you're aware of?

7 **A I don't recall. I collected and send out. I
8 don't read everything.**

9 Q Do you have any knowledge if she was
10 communicating with any of the Gold Bar City attorneys
11 about that bar complaint?

12 MS. RAGONESI: Objection, calls for
13 speculation.

14 **A I can't see that happening. I mean, come on.
15 She wouldn't -- that wouldn't -- Penny is too good to
16 do that.**

17 Q Would it surprise you if I told you I have
18 e-mails that relate to that?

19 **A It wouldn't surprise me whatever you said
20 actually.**

21 Q And records relating to myself and/or Mary
22 Marsh and the response from the City, are any of
23 those -- and Penny Brenton's e-mail communication, you
24 said there was exempt e-mails. Do you know where
25 those are, Mr. Beavers?

1 **A They are on the City's server as far as I**
2 **know.**

3 Q So all the exempt e-mails are sitting on the
4 City server only? Would that be correct?

5 **A No. Because the original e-mails are on the**
6 **City's server, at least that's what it was when I last**
7 **participated, in a -- various folders called "Exempt."**
8 **I would break them up into nonexempt and exempt.**

9 **And then we were sub breaking the exempt up**
10 **into password, financial numbers, which we could do**
11 **ourselves, and then attorney-client exempt. And the**
12 **attorney-client exempt, as I said before, goes to the**
13 **attorney for processing.**

14 Q At least the exempt records are where?

15 **A Again, the exempt -- the original exempt**
16 **records are on the City's server under a file called**
17 **"exempt."**

18 Q Let me rephrase this. Who has copies of those
19 exempt --

20 **A When the --**

21 Q -- records that you're speaking of as far
22 as --

23 MS. RAGONESI: Objection, calls for
24 speculation. Don't forget to give me a moment to
25 lodge an objection, if needed, and then you can

1 answer. So you can go ahead.

2 THE WITNESS: You're taking all the fun
3 out.

4 MS. RAGONESI: Sorry.

5 **A The -- whenever there are exempt e-mails,**
6 **attorney-client privilege exempt e-mails, to be**
7 **processed, they are printed and scanned, at least**
8 **that's what it used to be -- printed and scanned into**
9 **a pd -- a searchable pdf file. That searchable pdf**
10 **file is then put on a CD and taken, mailed, somehow,**
11 **to the attorney for processing, which they do with, I**
12 **think, Adobe or something.**

13 **And then they redact it with explanation**
14 **exemption on yada, yada, yada, yada is put together,**
15 **and that is what comes back. And it's put on the**
16 **lobby computer. It's sent out to the requester.**

17 Q Okay. And so where are the originals --

18 MS. DIAMOND: Excuse me. I need to do
19 a tape change.

20 THE WITNESS: Tape change. Time to
21 break.

22 MS. BLOCK: Please.

23 (A break was taken from 10:39 a.m. to
24 10:57 a.m.)

25 Q We're back on the record. Mr. Beavers, I'm

1 going to ask you a series of questions about who was
2 involved in reviewing, collecting --

3 **A Excuse me for interrupting. I'm sorry. But I**
4 **should make that correction, shouldn't I?**

5 MS. RAGONESI: Oh. Mr. Beavers
6 recalled something during the break that he wanted to
7 put on the record.

8 **A I'm sorry to interrupt.**

9 Q As it relates to the public records request?

10 **A Yes. It relates to your question. You had**
11 **asked about criminal history or something. I'm not**
12 **sure it actually is in the realm of your question, but**
13 **after I was mayor, I did come across a bench warrant**
14 **for the arrest of Noel Frederick.**

15 Q You came across an arrest warrant for the --
16 of Noel Frederick?

17 **A Yes.**

18 Q And so what did you do with that?

19 **A Nothing.**

20 Q Is it still in City possession?

21 **A No. It's not in City possession. It was**
22 **after I was mayor, my private possession.**

23 Q So after you were mayor, what -- do you recall
24 what month this occurred in?

25 **A No, no. It was several months after I was**

1 **mayor.**

2 Q Were you serving at all as a volunteer for the
3 City during this time period? It was after you were
4 mayor.

5 **A Probably not actively, no.**

6 Q Probably not active?

7 **A Yeah. I don't know the exact date. If it was**
8 **middle 2015, then no.**

9 Q And how did you come in possession of this,
10 Mr. Beavers?

11 **A Oh, I was just doing internet searches for**
12 **various people and came across that.**

13 Q And so you claim that you came across this in
14 an internet search. Do you recall who actually served
15 you for this lawsuit?

16 **A Who served me for this lawsuit? Yeah,**
17 **Christy.**

18 Q There's two lawsuits involved here. Do you
19 recall who served you for the other?

20 **A Actually, no.**

21 Q Okay. Let me refresh your memory. It was
22 actually Noel Frederick who served you for this
23 lawsuit.

24 **A Oh, was it? Okay.**

25 Q And do you recall what your response to him

1 was when he served you?

2 **A One of them -- I remember one of them. I**
3 **said, "Oh, this time you did it legally," because it**
4 **had been an improper service was done by some young**
5 **guy earlier. But it may not have been this lawsuit,**
6 **but I don't really recollect anything.**

7 Q Do you recall calling Mr. Frederick a deadbeat
8 dad?

9 **A Did I call him a deadbeat dad?**

10 Q Pretty interesting from somebody that actually
11 retained custody of his child until she was an adult
12 because of the ex-wife stabbing him.

13 **A I don't know anything about that.**

14 Q Interesting, Mr. Beavers. So you have this --
15 you have possession of what you consider to be a bench
16 warrant for Noel Frederick. Are you positively sure
17 that it was Noel Frederick that you had --

18 **A 313 Shelby.**

19 MS. RAGONESI: For clarification, you
20 said Christy served you. Christy who?

21 THE WITNESS: Diamond.

22 MS. RAGONESI: The videographer?

23 THE WITNESS: Yes.

24 MS. RAGONESI: Also I noted -- did the
25 videographer, did you turn your video on when we went

1 back on the record?

2 MS. DIAMOND: Yes, I did.

3 MS. RAGONESI: Okay. If we could state
4 when we were on and off the record with the video --
5 it sounds like it was already running before we went
6 on the record; is that correct?

7 MS. DIAMOND: I turn it on when I come
8 in the room.

9 MS. RAGONESI: Okay. So you were
10 videotaping before we went on the official record?

11 MS. DIAMOND: Right.

12 MS. RAGONESI: If you could, from this
13 point forward, please notify all the parties when
14 we're on and off the record.

15 MS. DIAMOND: Sure.

16 MS. RAGONESI: Just for the record, I
17 do object to not being properly notified when we're on
18 and off the videographer's record.

19 BY MS. BLOCK:

20 Q Okay. So you mentioned that you had
21 possession of a bench warrant. Do you recall where it
22 was from?

23 **A Some place in Michigan.**

24 Q Okay. And how did you get a copy of it?

25 **A Oh, public records request probably or else I**

1 **called them on the phone and asked for it. I don't**
2 **rightly remember.**

3 Q Mr. Beavers, besides Mr. Frederick, who else
4 did you investigate?

5 **A Oh, I did a general search of lots of people**
6 **named Block.**

7 Q Okay. And so what's the time period you did
8 those searches?

9 **A Oh, 2015-ish sometime.**

10 Q Is it your testimony here today that you
11 didn't do this as you were sitting as official mayor
12 of Gold Bar?

13 **A That's correct. I did not do it while sitting**
14 **as official mayor of Gold Bar.**

15 Q In 2015 your testimony was that you
16 participated with Linda Loen and/or Bonnie Jones in
17 assisting as a volunteer in public records.

18 As far as running those searches in 2015, have
19 any of those been turned over to the City?

20 MS. RAGONESI: Object to the form of
21 the question.

22 Q Have you turned over any of the searches that
23 you conducted while you were a volunteer to the City
24 of Gold Bar?

25 **A No. They're not city business.**

1 Q So you're conducting background searches on
2 citizens who are requesting records, and you're a
3 participant in the collection and sorting and giving
4 advice to -- of the clerk. And you're claiming that's
5 not a public record?

6 MS. RAGONESI: Objection, calls for a
7 legal conclusion.

8 Q I'm asking --

9 **A And I may have done it in 2014 instead of**
10 **2015. I just don't remember. It's sometime back.**

11 Q While you were the mayor, did you do a
12 background search on Crystal Hill?

13 **A No.**

14 Q Did you do a background check on Crystal Hill
15 Pennington?

16 **A No, not that I recall. I had no reason to.**

17 Q I'm going to ask you a series of questions
18 about who participated in the collection of public
19 records, and I would like for an answer about what
20 their involvement was and what the scope of their
21 involvement was.

22 The first person I'd like to talk about is
23 Crystal Hill. What was her involvement in the
24 collection of public records?

25 MS. RAGONESI: Objection, vague as to

1 time and calls for speculation.

2 MS. BLOCK: Ms. Ragonesi, Ms. Hill --
3 there's a public records request as part of this suit,
4 October 22, 2009. It involves Laura Kelly searching
5 for records relating to several people, and I want to
6 know if there was any participation with Ms. Hill on
7 October 22, 2009, or forward.

8 **A No. I may have called her and asked her**
9 **something, a question or something, but I don't recall**
10 **doing that. And it was no significant contribution**
11 **from her.**

12 Q I'm just looking for -- there it is. I wanted
13 to make sure you had a copy.

14 MS. RAGONESI: Just for the record, my
15 last name is pronounced Ragonesi.

16 MS. BLOCK: Ragonesi. Okay.

17 MS. RAGONESI: Thank you.

18 MS. BLOCK: Is it Italian?

19 MS. RAGONESI: It is.

20 MS. BLOCK: Okay. I spent quite a few
21 weeks in Italy recently, so it was absolutely
22 gorgeous.

23 MS. RAGONESI: The technical
24 pronunciation is Ragonesi if you're in Italy.

25 MS. BLOCK: So you're from the

1 Venice -- your family is from the Venice area?

2 MS. RAGONESI: Not mine. My husband's.

3 MS. BLOCK: Okay. All right.

4 MS. RAGONESI: Ragonesi is what most
5 Americans say, so that's what we go with.

6 MS. BLOCK: Okay. All right.

7 MR. WEST: Did you go to the Plaza del
8 Vecchio?

9 MS. BLOCK: I did. It was gorgeous. I
10 didn't want to leave.

11 (Exhibit 4 was marked.)

12 Q So this is plaintiff's exhibit. The first
13 thing I'd like to note for the record is that many of
14 the -- this particular record was actually received
15 under a public records request. And what I noticed of
16 this record, Mr. Beavers, was that the header was
17 actually missing. There was quite a few items to this
18 that were pretty -- just a little confused on where
19 the record actually was obtained or how we actually
20 got it in this particular format.

21 Is there any reason why the metadata may have
22 been stripped from this record?

23 MS. RAGONESI: Object to the form of
24 the question.

25 **A That's not my expertise to answer. If she was**

1 **using her BlackBerry, there was -- it did weird**
2 **things.**

3 Q Was she using her BlackBerry?

4 **A I have no clue.**

5 Q Do you recall ever seeing this before?

6 **A I don't recall. This is back May 2010.**

7 Q This is while she was the sitting mayor or
8 after she was the --

9 **A Oh, afterwards.**

10 Q Okay. And the plaintiff's exhibit on this
11 one, the subject line are "E-mails"; is that correct?

12 **A E-mails, yeah.**

13 Q And it says "Per our conversation, this e-mail
14 is to memorialize our discussion from Tuesday. On
15 Tuesday we together reviewed your copy of the disk
16 delivered with the letter to me on Sunday, May 16th."

17 What May 16 would that have been? Would that
18 have been 2010?

19 **A I would suppose so.**

20 Q And the word "Joe" is Joe comma as though
21 she's writing to you, and you're cc'd in on that
22 communication?

23 **A No. I'm the "to."**

24 Q Okay. So she's sending this to you?

25 **A Okay.**

1 Q So I'm going to assume that she had this
2 meeting with you. Would you please discuss the
3 meeting? What was the meeting about?

4 **A Let me look. Well, this was probably -- I**
5 **know we sat down in front of a computer and reviewed a**
6 **bunch of e-mails that I was going to release, and she**
7 **pointed out a bunch of them that were not conduct of**
8 **city business. And I took those sets, and some of**
9 **them I released. Some of them she brought sufficient**
10 **proof that they were not conduct of city business.**
11 **They were mainly to people who I did not know.**

12 Q Okay. So, basically, Crystal Hill
13 participated in reviewing whether something was a
14 public record or not a public record according to
15 Crystal Hill?

16 **A For Crystal Hill personal e-mails taken off**
17 **her server, yes, she did participate in that.**

18 Q Okay. And --

19 **A It was a small subset, because I can't**
20 **remember how we got there. But there was a bunch of**
21 **them, and she threw a fit about releasing personal**
22 **e-mails. And so under advice to counsel, she went**
23 **through and reviewed everything to or from Hill and**
24 **pointed out what was like her uncle or something like**
25 **this.**

1 Q Now, with Crystal Hill, did she ever threaten
2 to sue the City?

3 **A Probably.**

4 Q Probably?

5 **A She was a lot of huffing and puffing going on.
6 I didn't pay any attention to it.**

7 Q Let's read the second line of this letter. It
8 says "On Tuesday we together reviewed your copy of the
9 disk delivered with the letter to me on Sunday,
10 May 16th."

11 **A Could be.**

12 Q Okay. So you delivered records to her?

13 **A Could be, yeah.**

14 MS. RAGONESI: Object to the form of
15 the question, calls for speculation.

16 **A That's what it seems to imply.**

17 THE REPORTER: Can you say your answer
18 again?

19 THE WITNESS: That seems what this
20 implies, yes.

21 Q And where did you deliver those records to?

22 **A I have no -- I don't recollect this at all, so
23 I couldn't say. I could only guess.**

24 Q And it says "I identified a set" -- this is
25 from Crystal Hill to you. "I identified a set of

1 e-mails which were personal and not conduct of city
2 business."

3 **A Yeah. There was a subsequent communication**
4 **back when I said, "Okay, here's the e-mails we are**
5 **going to release. Sue us if you don't want them**
6 **released." And nothing ever happened, so we released**
7 **them.**

8 Q So you communicated with her. How did you
9 communicate with Ms. Hill?

10 **A Probably e-mail. I don't remember.**

11 Q You also identify in this, on the third line,
12 "I identified a set of e-mails which were personal and
13 not conduct of city business."

14 **A Wait a minute.**

15 Q It says "...and not conduct of city business."
16 What do you mean by that? What does she mean by that?
17 What do you mean by that?

18 MS. RAGONESI: Objection, calls for
19 speculation as to regard to what she meant in this
20 document.

21 Q How about you --

22 **A Me?**

23 Q -- as far as what you mean by not conduct of
24 city business?

25 **A That it meets the model rules of absolutely no**

1 **conduct -- no conduct of agency business.**

2 Q Okay. So would you say a sitting mayor
3 writing appellant motions and practicing depositions
4 or court records or motions for court records on
5 behalf of a county employee would be considered
6 conduct of government business or not conduct of
7 government business?

8 MS. RAGONESI: Objection, vague as to
9 time, also calls for a legal conclusion.

10 **A And that is not my dog. I don't know.**

11 Q So who would decide?

12 **A I would -- I would say if it was a personal**
13 **thing and didn't affect the City of Gold Bar, which is**
14 **what the decision I made, and that someone is suing or**
15 **not suing or arguing with or something somebody else,**
16 **it doesn't have anything to do with the City of Gold**
17 **Bar.**

18 Q Do you have a fiduciary duty as the mayor, in
19 your opinion, to the City of Gold Bar residents?

20 **A Yeah.**

21 Q Do you have a fiduciary duty to do what's in
22 the best interest of the residents as a total, not
23 just one person? Would you agree with that?

24 MS. RAGONESI: Objection, calls for a
25 legal conclusion.

1 **A I always felt that I did.**

2 Q And so you're allowing somebody who is no
3 longer the mayor to decide what is and what is not
4 public records?

5 **A That is an incorrect statement.**

6 Q Why is it incorrect, Mr. Beavers?

7 **A Because I allowed someone to go through and**
8 **make an argument for what were not City of Gold Bar**
9 **conduct of government. I made the decision of which**
10 **of that set would be released and which would not.**

11 Q Let's read further. It says you removed those
12 e-mails. So she says I identified a set of e-mails
13 which were personal and not conduct of city business.
14 You removed those e-mails from the release disk and
15 have printed a new release disk that you provided to
16 me, along with a disk of the e-mails to be provided
17 further for review; is that correct?

18 **A Could be, yeah.**

19 Q Okay. So you gave her a copy of this disk?

20 **A Uh-huh.**

21 Q Do you have a copy of that disk?

22 **A Of course not. Because if I gave her the**
23 **disk, she's got the disk.**

24 Q Okay. So as the mayor -- sitting mayor of
25 Gold Bar, you gave her a disk that you did not copy

1 and keep in the city's possession?

2 **A Oh, absolutely wrong. You're just -- come on**
3 **now.**

4 Q So you have it -- so you --

5 **A All of the city records are on the city**
6 **server. When we get something that's on the city**
7 **server and we copy it to a CD, the original is still**
8 **on the city server, and this is a copy. Like when you**
9 **ask for a public records request for e-mails and we**
10 **take those e-mails and we copy them to a CD and you**
11 **either do or do not pick them up, the originals are**
12 **still on the server. Putting them on a CD does not**
13 **erase the server.**

14 Q In 2010, May 20, 2010, do you recall if you
15 were under a preservation clause to preserve all the
16 records in electronic format a/k/a native format with
17 metadata?

18 **A I did that anyway.**

19 Q So you have all of the original records in
20 native format including metadata --

21 **A On the server.**

22 Q -- that are related to all --

23 **A Everything.**

24 Q -- the records requests. And where is the
25 server actually?

1 **A It is at Gold Bar City Hall.**

2 Q It's at Gold Bar City Hall?

3 **A Yes.**

4 Q And besides Gold Bar City Hall, where else are
5 those records? Is there a copy of those records
6 somewhere else?

7 **A Oh, there's copies of those records lots of
8 places.**

9 Q Okay. Of the records that we're speaking of
10 that are sitting on the server, did you duplicate
11 those records and deliver them to anybody else?

12 **A I probably delivered them to you and to all
13 the other people asking for all records related to
14 Crystal Hill hither and yon. So multiple people have
15 copies of those records.**

16 Q Okay. And who would those people be besides
17 myself? Kenyon Disend?

18 **A No, they didn't -- no. They probably have
19 some records because they did it for litigation
20 purposes, some copies. It would be whoever was doing
21 it. Dashtestani. Who else? Susan Forbes and you and
22 I don't know if Joan Amenn was in on the cluster or
23 not.**

24 Q And so are those people citizens under the
25 law, Mr. Beavers? Are they citizens of this state

1 that you know of?

2 MS. RAGONESI: Objection, calls for a
3 legal conclusion.

4 MS. BLOCK: He's the one that mentioned
5 these people.

6 MS. RAGONESI: Counsel, if you could
7 just let me finish my objections.

8 MS. BLOCK: I thought you were done.

9 MS. RAGONESI: Okay. Thanks.

10 **A Are we done? My turn yet?**

11 Q Is Krista Dashtestani a citizen?

12 MS. RAGONESI: Same objection.

13 **A Do not know.**

14 Q And is Mary Champagne, is she a citizen?

15 **A I have no clue who Mary Champagne is.**

16 Q As far as -- you're the one that mentioned
17 these people. So Joan Amenn, is she a citizen?

18 **A I would assume so, but I do not know. I
19 haven't asked her for papers yet.**

20 Q As far as Crystal Hill, is she a citizen?

21 **A She's registered to vote. I assume she is.
22 Or she was registered to vote when I checked.**

23 Q So Crystal Hill participates in collecting and
24 deciding what was and what was not public records. On
25 these public records --

1 **A That --**

2 Q -- that we're speaking of -- let me finish.

3 **A Okay.**

4 Q Any of these records have a cc or a blind cc
5 of Laura Kelly in the e-mail communication?

6 MS. RAGONESI: Object to the form of
7 the question.

8 **A Your base premise is false. Crystal Hill**
9 **complained about the stuff I was going to release.**
10 **She did not collect them. She did not make the final**
11 **decision. So your premise is starting off from a**
12 **false position.**

13 Q Okay. Let's go back to plaintiff's exhibit
14 here. I identified -- this is coming from Crystal
15 Hill to you. "I identified a set of e-mails which
16 were personal and not conduct of city business."
17 That's not participating in deciding what --

18 **A I didn't say she didn't participate. I said**
19 **she did not collect, and she did not make the final**
20 **decision. Those are different, you know, verbs.**

21 Q With this particular agreement, it says "If
22 this...agreement and understanding that you have as
23 well, then I do not object to the release of the
24 e-mails I have not (or will not prior to May 28th)
25 specifically identified for removal or further

1 review."

2 When she's talking about removal, what is she
3 referring to there?

4 MS. RAGONESI: Objection, calls for
5 speculation.

6 MS. BLOCK: I'm asking him his
7 interpretation of an e-mail he received.

8 **A Probably -- I'm going to have to answer to the**
9 **best of my ability. The removal was whether they are**
10 **exempt -- whether they are not conduct of government**
11 **or conduct of government. And they were moved into**
12 **the not conduct of government pile. Some of them**
13 **were.**

14 Q Who has a copy of those records that you've
15 labeled as not conduct?

16 **A I do not know. I lost track of them after the**
17 **Forbes lawsuit.**

18 Q While you were there, who had copies of them?

19 **A I had copies, and then it was put -- given to**
20 **the City attorney for use in the litigation.**

21 Q Okay. So --

22 **A They were also used in the trial when we**
23 **offered the judge the CD to do in camera review, and**
24 **he declined.**

25 Q I don't believe that's what happened,

1 Mr. Beavers, so I'm going to object to that.

2 **A Well, I was there, and I was the one who had**
3 **the --**

4 MS. RAGONESI: Mr. Beavers, just wait
5 for an actual question before responding. Okay.

6 Q So you say that you had a copy and Kenyon
7 Disend had a copy. Besides that, did anybody else
8 have a copy?

9 **A No.**

10 Q And when you say you had a copy, are you
11 referring to the City of Gold Bar?

12 **A The City of Gold Bar.**

13 Q Or are you referring to yourself?

14 **A Yes. Now --**

15 Q Which one?

16 **A The City of Gold Bar.**

17 Q Okay.

18 (Exhibit 5 was marked.)

19 Q This is Plaintiff's Exhibit 5. This has to do
20 with Cheryl Beyer sending an e-mail as it relates to
21 public records and an agreement that appears to be
22 placed by Crystal Hill with the City of Gold Bar.

23 The date on it is -- starts on March 25, 2010,
24 subject line, "Crystal Hill/Gold Bar agreement."

25 Were you the mayor at this time, Mr. Beavers?

1 **A In 2010, yes.**

2 Q And during this time period, you would have
3 been participating in reviewing or collecting public
4 records. Would that be true?

5 **A That is correct.**

6 Q This particular public record was received
7 without the metadata. In fact, the metadata was
8 stripped from the record. You can see from the
9 headers and actually the return line that had no
10 metadata attached to it. It wasn't provided in
11 electronic format.

12 It was your testimony earlier that you
13 preserved all of the records in electronic format.
14 With this particular record, do you know who has a
15 copy of this particular record?

16 MS. RAGONESI: Objection to counsel
17 testifying and prefacing her questions with her
18 allegations. You can go ahead and answer if you can.

19 **A I would assume that it's on the lobby computer**
20 **at city hall, a copy thereof, and the original being**
21 **on the city server.**

22 Q And it would be in native format with
23 metadata?

24 **A It is in the native format that we have, yes.**

25 Q What do you mean by we had?

1 **A That we have. It's in an Exchange server.**

2 Q And it's provided in native format, including
3 metadata, which would be in PST. Would that be
4 correct?

5 **A It can be, yes. It can be provided as an .msg
6 or PST folder.**

7 Q So from Cheryl Beyer to Jeffrey Myers, Joe
8 Beavers, Crystal Hill, all of these people involved in
9 this particular e-mail chain, it would be in native
10 format, including metadata?

11 **A Everything to Joe Beavers and to Joe Beavers
12 would be.**

13 Q Okay. And so we have an e-mail here on
14 March 25 where Ms. Crystal Hill is writing, and she's
15 saying "Mr. Myers, it appears that we need to have
16 another meeting."

17 How many meetings did she have with Mr. Myers?

18 **A I do not know.**

19 Q Were you a party to any of those meetings?

20 **A I was party to at least one.**

21 Q With Crystal Hill as being a participant after
22 she was no longer the mayor?

23 **A That is correct.**

24 Q And as far as the e-mail that Crystal Hill is
25 sending to Jeff Myers, the subject line, would you

1 read that for the record?

2 **A Okay. The one she sent to Myers?**

3 **Q That's correct.**

4 **A "Mr. Myers, It appears that we need to have**
5 **another meeting. Joe Beavers and I agreed following a**
6 **meeting last week that you should be involved at this**
7 **point.**

8 **"I have several times advised Gold Bar, both**
9 **before and since I granted the City representative**
10 **access to review e-mails related to city business,**
11 **that e-mails not strictly related to city business**
12 **were not to be obtained or retained by the city. The**
13 **City and City's counsel agreed to those terms and**
14 **specifically provided that non-city business e-mails**
15 **would not be access and would not be retained in any**
16 **manner which could create a public record out of**
17 **non-city business e-mails. The City was not**
18 **authorized to obtain my e-mail address or password**
19 **through their independent IT individual or to in any**
20 **manner review any e-mails until those terms were**
21 **acknowledged of and agreed to.**

22 **"I provided my personal e-mail address and**
23 **private password to the City's representative based**
24 **upon that agreement.**

25 **"Mr. Beavers has informed me that the City now**

1 wishes to dishonor that agreement and release e-mails
2 that are not related to the City of Gold Bar's
3 business. This is a violation of the agreement and
4 clear invasion of my privacy. We met several months
5 ago and discussed this issue, and I was reassured
6 again that the City would not violate that agreement.

7 "Mr. Beavers and I have agreed that the three
8 of us should meet to once again address this issue. I
9 am willing to meet with you and am available
10 April 12-23, Monday, Wednesday, Friday to meet in
11 Seattle, Gold Bar, or I may be able to arrange to meet
12 you in Olympia at your office. Please advise as to
13 your availability. This may be a good time to discuss
14 the written request for deposition I received from
15 Ms. Crittenden, although I can discuss that by phone
16 sooner if you feel it is appropriate.

17 "Thank you,

18 "Crystal...Hill

19 "Thank you for your attention to this issue."

20 Q So you were the mayor at the time?

21 A Yes.

22 Q What agreement did you have in place?

23 A I don't recollect an agreement. It wouldn't
24 have been this one if we had it.

25 Q In subject line on this e-mail, March 25 --

1 **A Yeah.**

2 Q -- 2:59 p.m., subject line, "Crystal Hill/Gold
3 Bar agreement," would that be a correct reflection of
4 what you see in that subject line?

5 **A Oh, yes. That is what's in the subject line.**

6 Q So what agreement did you have in place with
7 Crystal Hill as it relates to public records?

8 **A I doubt -- I don't think I ever had an
9 agreement with Crystal Hill. She, obviously -- if
10 it's not conduct of city business, it's not a public
11 record. And if it has any bit of conduct of city
12 business, it is a public record.**

13 Q Okay. So it's your opinion that you were
14 separating the Gold Bar public records according to
15 city business and not conduct of government business?

16 **A That is correct.**

17 Q Okay. So you were defining the access -- you
18 were defining classification of public records using
19 the word "city business"?

20 **A That is correct.**

21 Q Are you aware of RCW 42.56?

22 **A Quite.**

23 Q Okay. Would you tell me if RCW 42.56 uses the
24 term "city business"?

25 **A It uses "agency business."**

1 MS. RAGONESI: Objection, calls for a
2 legal conclusion.

3 THE REPORTER: Can you state your
4 objection again, please.

5 MS. RAGONESI: Yes. Calling for a
6 legal conclusion. You can go ahead.

7 **A It uses agencies, and a city is a local**
8 **agency.**

9 Q Okay. So it says agency business?

10 **A Uh-huh.**

11 Q Would agency business also include the agency
12 business to and from a county employee?

13 MS. RAGONESI: Objection, calls for a
14 legal conclusion.

15 **A It would be a City of Gold Bar public record**
16 **if it contained any City of Gold Bar business.**

17 Q And so a mayor of -- sitting mayor of Gold Bar
18 who is contacting a county employee, would that be
19 city business?

20 MS. RAGONESI: Objection, speculation.

21 Q When you were --

22 **A If it was done for city business, yes.**

23 Q So you're of the opinion that it would have
24 had to have been done for city business while she was
25 the sitting mayor of Gold Bar to have classified that

1 as a public record?

2 **A That is correct.**

3 Q And, Mr. Beavers, when you're talking about
4 the Public Records Act or you're thinking of the
5 Public Records Act and it uses "agency," what is an
6 agency to you? How do you define an agency?

7 MS. RAGONESI: Calls for a legal
8 conclusion.

9 **A Well, in my case, that was the City of Gold**
10 **Bar.**

11 Q So as far as an agency, you're only
12 considering it to be the City of Gold Bar. So if
13 Crystal Hill had contacted the state auditor's office,
14 you would have classified that as a not -- not a --
15 let's just say she was contacting the city auditor and
16 she said -- and the city auditor, Tiffany Lindsay,
17 said in February of 2009, Crystal, call me, would you
18 have classified that as a public record?

19 MS. RAGONESI: Objection, calls for
20 speculation.

21 **A I probably would have.**

22 Q Why? What's the difference?

23 **A Well --**

24 Q What's the difference between Crystal Hill
25 contacting a county employee and Crystal Hill

1 communicating with a state auditor?

2 **A The -- because you can't prove it is not city**
3 **business.**

4 Q So very good point. Does a citizen have an
5 obligation to prove anything in a public records case?

6 MS. RAGONESI: Objection, calls for a
7 legal conclusion.

8 Q Who is the burden on, Mr. Beavers? As the
9 mayor, who did you presume the burden of proof was on
10 to provide whether or not an e-mail was government --
11 agency business or not?

12 MS. RAGONESI: Objection, calls for a
13 legal conclusion.

14 **A In my opinion, it's the agency, which is then**
15 **supported by an in camera review of the judge, if**
16 **necessary.**

17 Q Okay. Out of all of these records that you
18 possess as far as -- that the City of Gold Bar possess
19 and Kenyon Disend, how many of those records have you
20 classified as city business not releasable or exempt
21 under the Public Records Act?

22 **A Zero.**

23 Q So at this point, it's your position that you
24 have turned over every single e-mail as it relates to
25 Crystal Hill?

1 **A That is not what you asked me.**

2 Q I asked you --

3 **A You asked me how many -- repeat -- would you**
4 **repeat the question she asked.**

5 **(Record read back as requested.)**

6 **A As city business. Okay. All -- okay. So let**
7 **me clarify this. You did not ask me how many did I**
8 **classify as not conduct of government. Was that**
9 **correct?**

10 Q I'm asking you, Mr. Beavers -- why don't we
11 rephrase this question.

12 **A Yeah, why don't you.**

13 Q How many records did you label as exempt?

14 **A As exempt?**

15 Q As exempt.

16 **A I do not know. There was a lot of them. Some**
17 **of them I was able to label as exempt, like passwords,**
18 **financial institution numbers. And then anything**
19 **attorney-client, I turned over to the attorneys for**
20 **their evaluation. Above my pay scale.**

21 Q So you turned it over to the attorneys. And
22 to the best of your knowledge, did those attorneys
23 ever return -- I thought we had another earthquake --
24 those records to the City of Gold Bar?

25 **A All of them.**

1 MS. RAGONESI: Objection, calls for
2 speculation.

3 **A Excuse me. As far as I know, all of them.**

4 Q Mr. Beavers, who else besides Crystal Hill and
5 yourself participated in the collection of public
6 records?

7 **A Well, initially, the big slew, these e-mails**
8 **particularly, was collected by Michael Meyers who went**
9 **into people's personal e-mail accounts that they had**
10 **been using and downloaded everything. It was Laura**
11 **Kelly who did some of that work initially, and then**
12 **Penny Brenton did the bulk of the heavy lifting going**
13 **through that. And then the attorneys, both Cheryl**
14 **Beyer and Jeff Myers, participated in the evaluation**
15 **of the categories.**

16 Q So they were participants in evaluating
17 whether they were public records?

18 **A That is correct.**

19 Q Were they a participant in searching the
20 public records, Kenyon Disend?

21 **A No, no. That was done by Mike Meyers and by**
22 **Laura Kelly, and Kenyon Disend was not involved at the**
23 **time. That was before them.**

24 **(Exhibit 6 was marked.)**

25 Q Plaintiff's Exhibit 6. And in your own words,

1 Mr. Beavers, do you know what this is?

2 **A It's a Confidentiality and Conflict Agreement.**

3 Q And who is this with?

4 **A This is with Michael Meyers doing business as**
5 **Eastside Computer.**

6 Q And it says "Confidentiality and Conflict
7 Agreement."

8 **A Uh-huh.**

9 Q And it says "The Consultant agrees to and will
10 notify the City of any potential conflicts of
11 interest...written permission from the City prior to
12 providing services to third parties where a conflict
13 of interest is apparent."

14 "The consultant agrees to and will keep in
15 strict confidence, and will not disclose, communicate
16 or advertise to third parties without specific
17 prior...consent from the City in each instance, the
18 confidences of the City or any other information
19 regarding the City or services provided to the City."

20 **A And?**

21 Q And you're looking at this public record, and
22 this was done by Michael Meyers. Did you ever ask
23 Mr. Meyers not to disclose public records to residents
24 of Gold Bar or to anybody requesting access to public
25 records?

1 MS. RAGONESI: Object to the form of
2 the question.

3 **A Michael Meyers provided all of the records he**
4 **collected from people's personal websites -- personal**
5 **e-mail services to the City, and they are on the city**
6 **server.**

7 Q Under the terms of the agreements with
8 Mr. Meyers, what did he keep confidential?

9 **A The agreement is to not disclose to third**
10 **parties. He kept nothing confidential from the City.**

11 Q Did Mr. Meyers ever discuss a meeting that he
12 had with private investigators from PSI
13 Investigations?

14 **A Yeah. He said the guy was standing there**
15 **and -- by his garage, and he opened the door and saw**
16 **the guy's shoes and refused to open the garage door**
17 **anymore.**

18 Q Did he tell you he chased them out of the
19 premises with a pipe wrench?

20 **A Probably castle defense maybe.**

21 Q And did he tell you that there was two people
22 present during that meeting?

23 **A He didn't go into any detail.**

24 Q Ken Christensen and Neil Harrison?

25 **A Okay.**

1 THE REPORTER: I'm sorry. Can you say
2 those names again?

3 MS. BLOCK: Ken Christensen and Neil
4 Harrison.

5 Q When that meeting took place or he disclosed
6 that to you -- when Mr. Meyers from Eastside Computers
7 disclosed that to you, were you the sitting mayor?

8 **A Yeah.**

9 Q You were the sitting mayor during that time
10 period?

11 **A Sure.**

12 Q Do you recall what time period that was?

13 **A No.**

14 Q Do you recall if Mr. Meyers -- what he refused
15 not to disclose to a third party? Mr. Meyers'
16 contract with the City, this exhibit, says that he's
17 not going to disclose information to third parties.
18 What did he agree not to disclose to third parties?

19 **A It would have to be city business that he --
20 the business he did for the City.**

21 Q Okay. What did he -- what else did he not
22 disclose to a third party?

23 MS. RAGONESI: Object to the form of
24 the question.

25 **A That's -- that -- isn't that a nonsense**

1 **question? What did he not disclose?**

2 Q Yeah.

3 **A He didn't disclose what size shoe he wore. He**
4 **didn't disclose what the color of the City's car was.**
5 **I don't know.**

6 Q So, Mr. Beavers, correct me if I'm wrong, but
7 this is a confidentiality and conflict agreement
8 between Eastside Computers that has a contract with
9 the City of Gold Bar. In your opinion -- and you just
10 said that he was done -- he was going to collect
11 records for the City of Gold Bar. What did he do for
12 the City of Gold Bar that he did not disclose?

13 MS. RAGONESI: Object to the form.

14 Q I think it's a simple question.

15 **A I think it's a nonsense question, but --**

16 Q Why is it nonsense?

17 **A What did he do for the City that he did not**
18 **disclose? Probably everything because he wasn't**
19 **supposed to disclose anything to a third party. So**
20 **everything he did for the City he probably did not**
21 **disclose.**

22 Q So, Mr. Beavers, he's got a contract using
23 public monies, and he signs a confidential agreement
24 not to disclose anything.

25 **A Yeah.**

1 Q And you believe that he's not supposed to
2 disclose anything to a third party if he's requested
3 to do so?

4 MS. RAGONESI: Object to the form of
5 the question.

6 BY MS. BLOCK:

7 Q He's the one that made the statement. I'm
8 asking him if that's a correct assessment.

9 **A I believe that's what the words say in the**
10 **agreement.**

11 Q All right. And so what were Mr. Meyers,
12 Eastside Computers, what were his duties?

13 **A On-call consultation on IT items.**

14 Q On IT items?

15 **A Uh-huh.**

16 Q Such as collection of public records?

17 **A That was a specific one-time thing, and he had**
18 **the expertise to do it. But, mainly, he set up the**
19 **first city server. He then moved it to an Exchange**
20 **server and upgraded as time went on and has provided**
21 **technical support and PC maintenance and the typical**
22 **stuff that you run across in an office environment.**

23 Q And so he was a participant in collecting
24 public records during 2009?

25 **A He was -- he collected the records from**

1 **people's personal e-mail accounts.**

2 Q Okay. And so he was doing that why? Why was
3 he into people's personal e-mail accounts?

4 **A The city -- the city-elected officials had**
5 **been using their personal e-mail account in order to**
6 **save money, and so they had a lot of city business on**
7 **their personal accounts. Crystal Hill contracted with**
8 **him to go in and retrieve the -- that information.**

9 Q Okay. So, basically, Michael Meyers had a
10 contract with Crystal Hill?

11 **A No. He had a contract with the City of Gold**
12 **Bar. It says between City of Gold Bar and Michael**
13 **Meyers.**

14 Q You just said she had a contract with Michael
15 Meyers. I'm just asking you to clarify that it was,
16 indeed, with the City of Gold Bar and not with Crystal
17 Hill?

18 **A That is correct.**

19 Q So he goes in and starts collecting records
20 with Crystal Hill's permission; is that correct?

21 **A And with the council members' permission too.**

22 Q And so how many of those records did he
23 collect for Crystal Hill and Laura Kelly?

24 **A I don't know of a count. There were a lot of**
25 **records, but a lot of them came from the City's PCs**

1 **that he also collected and thereto and grouped them**
2 **together. There were 30,000, 35,000 total e-mails in**
3 **that neighborhood.**

4 Q Do you recall how many records that he
5 collected from Crystal Hill's BlackBerry?

6 **A No.**

7 Q Okay.

8 (Exhibit 7 was marked.)

9 MS. RAGONESI: Do you have a copy for
10 me?

11 MS. BLOCK: I usually do. Just looking
12 to see if my assistant made a copy for you.

13 MS. RAGONESI: If not, I can make a
14 quick copy.

15 MS. BLOCK: I appreciate that. Let me
16 just double check, though, because Joan is very good
17 at what she does. I cannot imagine that she would
18 have -- she must not have. You'll need to make a copy
19 then.

20 MS. RAGONESI: We'll take a quick break
21 in place.

22 MS. BLOCK: Five minutes.

23 (A break was taken from 11:42 a.m. to
24 11:47 a.m.)

25 Q We are back on the record. Mr. Beavers,

1 before we left, we have an exhibit in front of you.

2 **A Uh-huh.**

3 MS. RAGONESI: Can we just hear from
4 the videographer officially that we're back on the
5 record?

6 MS. DIAMOND: We're back on the record.

7 MS. RAGONESI: Okay. Thank you. So we
8 know when you're turning the video on and off.

9 MS. DIAMOND: I am.

10 BY MS. BLOCK:

11 Q Describe in your own words what's in front of
12 you.

13 **A This is a discussion of e-mail handling.**

14 Q And how many e-mails did Mr. Meyers collect
15 from Crystal Hill's BlackBerry device?

16 **A It looks like there's 1,600.**

17 Q And what's the date on that e-mail?

18 **A October 29, 2009.**

19 Q So we had 1,600 --

20 **A Uh-huh.**

21 Q -- of those e-mails. Where are those e-mails
22 today?

23 **A They are on the city server. There are copies**
24 **distributed out to you, Susan Forbes, Dashtestani,**
25 **maybe a few others.**

1 Q And so all 1,600 of them are on the city
2 server?

3 **A Not necessarily, because they had to be**
4 **processed through for conduct of government. The**
5 **conduct of government portion of that, whatever it**
6 **might have been, is on the city server.**

7 Q Okay. So how about the not conduct of city
8 business, where are those?

9 **A Gone. I don't know. It's -- they're gone.**

10 Q Where did they go?

11 **A I delivered -- I took them off the server and**
12 **delivered it to the attorneys for the Susan Forbes**
13 **case for their disposition as appropriate.**

14 Q So -- and when you say City attorneys, who
15 were the City attorneys?

16 **A That was Kenyon Disend.**

17 Q How many of those records were labeled as not
18 conduct of government business or city business?

19 **A Approximately 3,000.**

20 Q About 3,000. 3,000 records were identified
21 approximately that were identified as not conduct --

22 **A Of government, that is correct.**

23 Q -- of government business.

24 Now, in the 3,000, would that just be Crystal
25 Hill's 3,000?

1 **A Oh, no, no. That was all of the council**
2 **people and Crystal Hill.**

3 Q Okay. So in 2009 who were the council
4 members?

5 **A Let's see. It would be Richard Norris. That**
6 **would be Lon Turner, Dorothy Croshaw, and I don't**
7 **remember who else was on there at the time.**
8 **Probably -- yeah, Kelly Broyles.**

9 Q Okay.

10 **A There's one other. I can't remember who it**
11 **might be.**

12 Q Dorothy Croshaw, did you say?

13 **A I had her on there.**

14 Q So out of all the people that you just
15 identified that were on the city council, were any of
16 them given the same benefit that Crystal Hill was
17 given to decide whether or not the records were, in
18 fact, conduct of city business or not?

19 **A None of them asked.**

20 Q Okay.

21 **A And so the answer is no.**

22 Q So Lon Turner did not ask?

23 **A Lon Turner did not ask.**

24 Q Dorothy Croshaw did not ask?

25 **A Dorothy Croshaw did not ask.**

1 Q Did Kelly Broyles ask?

2 **A I don't believe he did.**

3 Q Are you aware of any e-mail that had
4 communications between all the city council members as
5 it would relate to public records issues that would
6 have met the definition of having a quorum?

7 MS. RAGONESI: Object to the form of
8 the question. It's vague as to time.

9 Q Are you aware of any e-mail communication
10 between a quorum of city council members?

11 MS. RAGONESI: Objection to form.

12 **A Oh, you mean in violation of the Open Public
13 Meetings Act?**

14 Q No, I didn't say it was a violation. That
15 would be a legal conclusion.

16 **A Oh.**

17 Q I'm asking are you aware of any?

18 **A The answer to your question is no. I think
19 Laura Kelly, when she would send out the agenda, for
20 example, would copy all council members at the same
21 time.**

22 Q Okay. And you are aware that there is a
23 public records request out there on this lawsuit,
24 since you admitted that you reviewed the public
25 records lawsuit, October 22, 2009, where I say I'm

1 seeking all e-mails sent or -- sent to or received by
2 Dorothy Croshaw from Christopher Michael Wright,
3 Tanya, Joe Beavers, and/or Rick Merritt?

4 **A Okay. I perused it.**

5 Q Do you have any communication?

6 **A I didn't memorize it.**

7 Q Okay. Well, that -- and it says the search is
8 between January 15, 2009, to present. Out of those
9 records during that time period, during those people,
10 have any -- are any of these records with Kenyon
11 Disend and King County?

12 **A Give me the dates again.**

13 Q January 15, 2009, to present, and the original
14 public records request was requested on October 22,
15 2009.

16 **A Read the request again.**

17 Q Okay. I am seeking all e-mails sent to or
18 received by Dorothy Croshaw at dcroshaw@comcast.net
19 from Christopher Wright, Tanya Wright, Joe Beavers,
20 and/or Richard (Rick) Merritt. Please limit your
21 search from January 15, 2009, to present.

22 **A Oh, no. That wouldn't have been.**

23 Q It wouldn't have been?

24 **A Because I believe -- because there was two**
25 **sitting council members in that list. That would**

1 **be -- in --**

2 Q Yeah.

3 **A If it was January 2009 to when?**

4 Q Okay. So January 15, 2009 --

5 **A Okay.**

6 Q -- to present.

7 **A Which was?**

8 Q October 22, 2009.

9 **A I think Dorothy is the only council member on**
10 **there, isn't she?**

11 Q Well, you tell me. You're included in that.

12 Were you a council --

13 **A Am I included? None of them are. If there**
14 **was any communication between a council -- two council**
15 **members or between the mayor and the council member,**
16 **that was conduct of government. So it did not get put**
17 **into the not conduct of government file.**

18 Q And so who participated during this time
19 period with the collection of these records?

20 **A Well, that would have been Meyers -- Michael**
21 **Meyers downloading of -- pulling them from people's**
22 **personal accounts. I believe that was -- I believe**
23 **that was in the time frame there. He started in**
24 **May 2009 to pull records, and he pulled everything.**

25 Q He pulled everything?

1 **A Yes.**

2 Q Can you describe to me what you term the word
3 "everything" to mean?

4 **A He downloaded every e-mail from every personal**
5 **e-mail account. So if Lon Turner had sent an e-mail**
6 **to a hunting buddy and said, hey, we're going to meet**
7 **up on the top of the mountain on Thursday and go shoot**
8 **Bambi, then that was picked up also.**

9 Q Okay. And between this particular public
10 records request, do you know when exactly Laura Kelly
11 responded to it?

12 **A No.**

13 Q Eastside Computers was contracted to assist
14 the City in accessing records. Was there anybody else
15 that was contracted to assist the City at accessing
16 public records for the City?

17 **A Accessing?**

18 Q Sure.

19 **A No.**

20 Q So Michael Meyers would have been it? He's
21 the only person that was given access in to the city
22 servers to search for records or into personal e-mail
23 accounts?

24 **A He did not search for records on the server.**
25 **He collected the records and put them together on the**

1 **server and then later on into the Exchange server.**

2 Q So he collected -- I just want to make sure I
3 understand --

4 **A Yeah.**

5 Q -- this correctly, what Michael Meyers'
6 function was. He came in and downloaded all
7 e-mails --

8 **A That's right.**

9 Q -- from a BlackBerry device, from Lon Turner's
10 MSN account to Dorothy Croshaw's Comcast, Crystal
11 Hill's many personal e-mail accounts --

12 **A AOL.**

13 Q AOL. Any other besides AOL that Ms. Hill was
14 using?

15 **A I'm not sure. The answer is I just don't
16 know.**

17 Q Okay. And so he was brought in for that
18 purpose. Did he serve any other function as far as
19 collection of public records?

20 **A No.**

21 Q Did you have any meetings outside of the City
22 of Gold Bar as it relates to public records with
23 Eastside Computers?

24 **A I had -- excuse me. I need to reset my
25 recorder.**

1 **Yes. We met at least once, and we talked**
2 **primarily about IT things, like the server, setting it**
3 **up, and what software. And that was the bulk of it**
4 **and how to configure it, etc., etc.**

5 Q Okay. Where was that meeting taking place,
6 Mr. Beavers?

7 **A It was at the -- what's the -- is it Chipotle**
8 **that had the scare recently? Yeah, with the botulism**
9 **or whatever. It was at the Chipotle in Redmond.**

10 Q Okay. And who was there besides yourself?

11 **A Myself and Michael Meyers.**

12 Q And they were the only two people -- you were
13 the only two people present?

14 **A Yep.**

15 Q John Pennington was not present?

16 **A John Pennington was not present.**

17 Q Crystal Hill was not present?

18 **A Crystal Hill was not present.**

19 Q Their daughter, John Pennington's daughter,
20 Grace, was not present?

21 **A No.**

22 Q Do you recall how long Mr. Meyers had been on
23 contract with the City of Gold Bar to collect public
24 records?

25 **A Well, from May 5, 2009, because that's when he**

1 **signed the confidentiality agreement. That's when he**
2 **was released to do that.**

3 Q Okay. Until 2000 --

4 **A Oh, he is -- as far as I know, he's still**
5 **doing IT support work for the City of Gold Bar.**

6 Q Okay. And so when he was hired, did the City
7 place any bids for Mr. Meyers's services?

8 **A Yes. There was -- Richard Norris went out**
9 **because the first bid was for -- this was before I was**
10 **mayor. Was set for upgrading the computers and stuff**
11 **like this, and I don't remember if it was 2008 or**
12 **2009. But, yeah, there was a competitive bid for**
13 **this, and he came in, won the bid.**

14 Q Okay. And who recommended Mr. Meyers to the
15 City of Gold Bar?

16 **A I don't know.**

17 Q Do you know if Aaron Reardon recommended
18 Michael Meyers to the City of Gold Bar? Does that
19 refresh your memory?

20 **A I don't know. It seems unlikely. I'm not**
21 **sure why Aaron Reardon would have an interest in**
22 **individual PCs with -- what was it at the time -- I**
23 **forgot. When was --**

24 Q Do you recall if John Pennington had any input
25 in recommending Michael Meyers?

1 **A I don't know.**

2 Q Do you know if any of the records relating to
3 the public records request October 22, 2009, as it
4 relates to the BlackBerry e-mails whether or not Laura
5 Kelly was cc'd in on any of those records?

6 **A I don't have those e-mails memorized, so, no,
7 I don't know.**

8 Q During the time that you were mayor or a
9 volunteer for the city, was there any Facebook
10 accounts that you either posted on/responded to that
11 relates to myself?

12 **A No.**

13 MS. RAGONESI: Object to the form of
14 the question.

15 Q Did you have any contracts with Aaron Reardon
16 as far as it relates to the Public Records Act and
17 Gold Bar requesters?

18 **A No.**

19 Q Did you have any contact with Mr. Reardon as
20 it relates to public records?

21 **A Let me think for a minute. Yeah. Because one
22 time when we were looking at the financial impact on
23 the City and there was some -- you know, a reasonable
24 possibility of bankruptcy, I did go in and discuss
25 with him and his No. 2 guy what the impact of**

1 **bankruptcy would be on the different functions of the**
2 **city. But outside of that, there was none.**

3 Q Okay. And so you said No. 2 guy. Who would
4 that have been?

5 **A I can't remember his name at the time. He's**
6 **the one that came to Gold Bar later and made all sorts**
7 **of -- to the city council meeting that made all sorts**
8 **of promises that he wasn't going to keep.**

9 Q When you went over to the county to have a
10 meeting with Mr. Reardon, was -- would that have been
11 Gary Haackenson?

12 **A Yes.**

13 Q Anyone else in that meeting?

14 **A No.**

15 Q Besides that one meeting between you, Reardon,
16 and Gary Haackenson, was there any other meetings with
17 any other county executive employee in Snohomish
18 County?

19 **A Yes.**

20 Q Who else?

21 **A I don't remember. I went over there and had**
22 **agency-to-agency discussion about the Public Records**
23 **Act, about how they addressed issues and how we were**
24 **thinking of addressing issues. It was sort of a -- I**
25 **don't know. Just an informal discussion of the**

1 **general effort required to do things and how they were**
2 **addressing them.**

3 Q Were there any county council members present
4 in that meeting?

5 **A No.**

6 Q Were there any Gold Bar city council members
7 involved in that meeting?

8 **A No.**

9 Q Was Crystal Hill involved in that meeting?

10 **A No.**

11 Q Was John Pennington involved in that meeting?

12 **A No.**

13 Q During that meeting that you had, was Kevin
14 Hulten a participant in that meeting?

15 **A I'm pretty certain not.**

16 Q Are you aware who Mr. Hulten is?

17 **A Yeah. He's one of Aaron's guys that you're**
18 **suing in federal court.**

19 Q Some of the records that I'm seeking in this
20 particular lawsuit pertain to myself. When Mr. Hulten
21 was caught by the Snohomish County Daily Herald
22 newspaper, Scott North and Noah Haglund, Gary
23 Haackenson turned over a whole slew of files to me.

24 **A Okay.**

25 Q And some of those files included documents

1 that were provided by you.

2 **A By me. Okay.**

3 Q By you.

4 MS. RAGONESI: Just wait for her
5 question before you give a response.

6 Q My question for you is: Did you turn over
7 those records to me in a public records request while
8 you were the sitting mayor or volunteer for collection
9 of public records or dissemination of public records?

10 **A I have no --**

11 MS. RAGONESI: Object to the form of
12 the question. Objection as to counsel's testifying
13 and stating facts rather than asking a question, and
14 the question is vague.

15 Q Okay. So did you hand Mr. Hulten Gold Bar
16 city records that relate to Anne Block?

17 **A Probably not. I only met him one time. I
18 think it was him that I met.**

19 Q Okay. Did you give him records?

20 **A No.**

21 Q Did you provide him any communication about
22 Gold Bar's public records?

23 **A No.**

24 Q Did you provide any records to the county as
25 they related to Anne Block?

1 **A I have no clue. I mean, if the county asked**
2 **for something, we would provide it to them.**

3 Q Okay. Did you have any contacts with John
4 Pennington as it relates to public records?

5 **A Yeah, probably.**

6 Q Okay. How often?

7 **A Oh, it was very rarely. I mean, it wasn't --**
8 **he didn't have anything to offer to the city, I mean,**
9 **emergency management.**

10 Q And so did you provide Mr. Pennington any
11 public records requests that were related to any
12 requests that were made about him or Crystal Hill --
13 let's start with John Pennington first.

14 **A I don't believe -- I don't recollect a public**
15 **records request from John Pennington, and I don't**
16 **recollect any particular documents going there.**

17 Q Okay. Are -- did you provide him with -- did
18 you provide Crystal Hill with any copies of any public
19 records requests that were made by anyone, myself or
20 anyone?

21 **A It's possible. I don't know.**

22 Q Was she placed on a priority log, Mr. Beavers,
23 for access to public records?

24 **A The -- I don't think -- I think the -- I**
25 **suspect that we got one public records request from**

1 **her, but it was under an assumed name. But outside of**
2 **that, I don't recollect anything.**

3 Q When you say "assumed name," what are you
4 referring to?

5 **A We got a request -- and I'd have to go back.**
6 **It's -- I think it's Anne Chronicle or something like**
7 **that that was a public records request that I think**
8 **had something to do with you, but that was a long time**
9 **ago. I could go look it up if you needed it.**

10 Q So do you remember whether or not you provided
11 her responsive records to that request?

12 **A We provided everyone responsive records on**
13 **their requests.**

14 Q Mr. Beavers, we're here today over a public
15 records request. There's probably about six of them,
16 but we're going to go into start talking about public
17 records request 2011-007. And, you know, I'm just --
18 there's so many of these logs that I'm just not going
19 to -- I'm not going to give you every single log since
20 the public records request was sent in on 2011-007.
21 I'm just going to give you the last one from
22 December 31, 2014, as it relates to a request that is
23 still outstanding.

24 (Exhibit 8 was marked.)

25 MS. RAGONESI: So the one you handed

1 me, Ms. Block, is different.

2 MS. BLOCK: Which one? Is it a
3 different month?

4 MS. RAGONESI: So that's 8.

5 MS. BLOCK: Okay. So it's October.
6 Okay. We've got a lot of them here. Just a second.

7 MS. RAGONESI: Not a problem.

8 MS. BLOCK: I gave you the October one,
9 and I meant to give you the December 31.

10 MS. RAGONESI: This one also looks
11 different. It has a header on the top AB, and --

12 MS. BLOCK: That stands for Anne Block.
13 It came off of my Outlook box.

14 MS. RAGONESI: Okay. I understand.
15 It's different from the marked exhibit, and the "from"
16 on the one you handed me is from Denise Beaston. The
17 marked exhibit is from public records.

18 MS. BLOCK: We'll get back to -- here.
19 Let's take a different one. How's that? Let's take
20 the February because we have copies of the February
21 one here. February 2015.

22 MS. RAGONESI: The one you handed me is
23 also different. It is February 26, 2015, but the one
24 I have has -- the first response is completely
25 different. The one that's been marked says "You

1 should read the recent decision...." And if I need to
2 make another copy, I'm happy to do that if that's
3 easier.

4 MS. BLOCK: Yeah. That probably
5 wouldn't be a bad idea, because I want to be on the
6 same path as far as --

7 MR. WEST: If you've got a couple
8 others that you don't have copies of, you might want
9 to get them all made at the same time.

10 MS. BLOCK: You know what, it's only
11 relevant for a specific point, so that's what we're
12 going to -- we're just going to go with that for now
13 because I just want to make one point about the
14 record. Thank you.

15 THE REPORTER: Do you want to go off
16 the record?

17 MS. BLOCK: Yeah, off the record for a
18 few minutes.

19 (A break was taken from 12:12 p.m. to
20 12:14 p.m.)

21 BY MS. BLOCK:

22 Q We're back on the record. So, Mr. Beavers,
23 what does this represent in front of you?

24 **A An e-mail from Gold Bar Reporter Staff to**
25 **public records and yourself and a copy to Linda Loen.**

1 Q And the subject line, what does it read?

2 **A "PRR 2011-007: Penny Brenton documents."**

3 Q Is that the same format while you were the
4 mayor or volunteer for the city that you were using to
5 answer public records requests as it relates to
6 2011-007 Penny Brenton's documents?

7 **A Yeah, as far as I know.**

8 Q And on your -- it says attached is the next
9 month's tracking log.

10 **A Okay.**

11 Q When you were creating -- did you create the
12 tracking logs?

13 **A I created the tracking log -- I took Laura
14 Kelly's tracking log, and I revised it for my purposes
15 in a couple of ways -- I thought it better fit the
16 model rules -- and then used that. And then when
17 Mayor Loen took over, she did a different format. And
18 then when I came back and worked in 2015, I think I
19 modified her version a little bit.**

20 Q And on the tracking log, did you place what
21 the City's release date would be for the records? Did
22 you specifically state when the records are going to
23 be released?

24 **A I -- what I would do I would notify what
25 records were going to be worked on the next month.**

1 **That's what I call our priority list. And I did it**
2 **more formally when I was mayor, and then it was less**
3 **formally done when Linda handled it.**

4 Q Are you familiar with Judge Wynne's holding in
5 this matter that that not giving me a release date was
6 not reasonable and not in compliance with the Public
7 Records Act?

8 MS. RAGONESI: Objection, calls for a
9 legal conclusion.

10 Q I'm asking if he's familiar with Judge Wynne's
11 court.

12 **A No.**

13 Q But you did participate with the declaration
14 in that matter?

15 **A I participated in a declaration in preparation**
16 **for the lawsuit that Ann Marie filed.**

17 Q Ann Marie filed a lawsuit?

18 **A I mean the response, not the lawsuit.**

19 Q In the response. But you've never reviewed
20 Judge Wynne's holding in that matter?

21 **A No.**

22 Q And so the 2011 -- would I be correct to ask
23 you if this stands for the year of 2011?

24 **A That is correct.**

25 Q And 007 would stand for the seventh public

1 records request requested in 2011?

2 **A That is correct.**

3 Q And the date on your e-mail in front of you is
4 what?

5 **A February 26, 2015.**

6 Q During the time period of the original request
7 of 2011 to the time on that particular e-mail, how
8 many records did you release as it relates to that
9 public records request?

10 **A I couldn't say.**

11 Q How many did you collect during that time?

12 **A I don't know. I'd have to go back and review
13 the file in detail, which I did not do.**

14 Q And how many of those records did you label as
15 exempt?

16 **A I do not know. Some number.**

17 Q Okay. How many of those records were provided
18 to me without metadata?

19 **A We provided all the metadata that we had with
20 the e-mail.**

21 Q That raises an interesting point. You say all
22 the metadata that we had with the e-mail. Describe to
23 me why you wouldn't see metadata on an e-mail.

24 **A Sent e-mails do not have the metadata. That
25 was described in the Shoreline case, because that's**

1 **transmission metadata. And so when you have a sent**
2 **e-mail, it's only the received e-mails that gets the**
3 **transmission metadata.**

4 Q So as far as Penny Brenton's records, where
5 are the copies for the public records request relating
6 to 2011-007? Where are they being held?

7 **A On the city server.**

8 Q Are they being held by Kenyon Disend?

9 **A No. They may have copies, but, again, all**
10 **city documents are on the city server.**

11 Q And since you were the mayor at the time --
12 and you also testified that you were actually
13 collecting public records relevant to this -- what
14 exactly -- what did you collect? How did you collect
15 the records that I requested in 2011 --

16 **A Probably did a search to -- from Penny Brenton**
17 **and to Penny Brenton, which would also collect any**
18 **copies to Penny, and pull those out as a list and then**
19 **pull the relevant e-mails.**

20 Q Okay. And do you recall if Noel Frederick had
21 asked for records that were responsive as well during
22 this?

23 **A I do not recall.**

24 Q Do you recall that you released a CD to Noel
25 Frederick containing exempt e-mails during this time

1 period?

2 **A I do not recall.**

3 Q Do you know how many releases you made --

4 **A What was the date? Excuse me.**

5 Q 2011-007.

6 **A No. What was the date on the release of**
7 **exempt e-mails?**

8 Q You tell me. You're the one that released
9 them.

10 **A No. I do not recollect releasing any exempt**
11 **e-mails.**

12 Q Okay. That's your testimony. And I --

13 **A Okay.**

14 Q As far as the public records request 2011-007,
15 how many records did you provide and how many
16 installments, please?

17 **A I do not have the number. I'd have to**
18 **research that.**

19 Q Do you recall me asking you to start providing
20 these records to provide the fullest assistance to the
21 requester via e-mail?

22 **A Yeah. I remember that.**

23 Q Okay. And so did you do it?

24 **A We did what you asked, which was probably less**
25 **than fullest assistance because we chopped the thing**

1 **into many pieces that you have to piece back together**
2 **instead of picking up the CD like you normally had**
3 **done.**

4 Q Let me ask you again, Mr. Beavers, because I'd
5 like an answer here. I asked you did you provide the
6 records -- when I requested fullest assistance to the
7 requester, did you provide the records via e-mail as I
8 requested?

9 **A I'm trying to remember if it was me or Bonnie**
10 **at that time, but the general answer, yeah. Yes.**

11 Q So it's your testimony here today that you
12 provided records via e-mail to me when I requested you
13 to e-mail them to me?

14 MS. RAGONESI: Objection, asked and
15 answered.

16 **A That's what I recollect.**

17 Q Okay. And as far as the City's response
18 today, are you a participant at all in the collection
19 or accessing the dissemination of public records at
20 all this year?

21 **A No.**

22 Q Okay. Do you know who would be?

23 **A Bonnie Jones.**

24 Q Right after the Aaron Reardon scandal broke, I
25 sent my private investigators out to talk to Penny

1 Brenton who voluntarily gave us a statement,
2 Mr. Beavers, and Penny Brenton told us that you were a
3 participant in the bar complaint that was filed by
4 Dorothy Croshaw.

5 Do you know where those records are, the bar
6 complaint that was -- that Penny Brenton, our clerk,
7 wrote?

8 MS. RAGONESI: Object to the form of
9 the question to the extent counsel is testifying and
10 stating her allegations. You can go ahead and answer.

11 **A Unless you have hired Penny Brenton, she is**
12 **not our clerk. She did that on her own time as I**
13 **stated before, and Dorothy worked with her directly.**

14 Q Okay. So Penny Brenton is off writing bar
15 complaints that she testifies you were a participant
16 to, and you're saying that she was not --

17 **A Is that what you --**

18 Q She was not a public clerk at the time.

19 MS. RAGONESI: Object to the form of
20 the question, states evidence not in the record.

21 Q Was Penny Brenton the clerk of Gold Bar at the
22 time?

23 **A No. She was a contract paralegal.**

24 Q For the City of Gold Bar?

25 **A For the City of Gold Bar.**

1 Q Under contract?

2 **A Yes.**

3 Q And you can't remember what company she
4 actually worked for. Is that --

5 **A I can't remember the name of the company.**

6 Q You can't remember the name of the company.

7 **A I could research it for you if you need.**

8 THE REPORTER: One at a time, please.

9 Q Did you sign her paychecks?

10 **A I think Laura Kelly was signing all the**
11 **paychecks.**

12 Q Laura Kelly?

13 **A No, no. We didn't sign her paychecks at all**
14 **because she was a contract worker through the temp**
15 **agency. We paid the temp agency.**

16 Q You paid the temp agency. So you wrote a
17 check to the temp agency?

18 **A Specifically Laura Kelly wrote the checks to**
19 **the temp agency and signed them.**

20 Q Okay. All right. As it relates to this
21 particular public records 2011-007, has that -- have
22 those records about Ms. Brenton's checks, her payments
23 made to the contractor, have those been provided to
24 me?

25 **A I don't believe that was part of the request,**

1 **but I do not know.**

2 Q Okay. Do you have any knowledge of the bar
3 complaints that were filed?

4 **A A little bit. Dorothy had me proofread the**
5 **first one, and all I remember it consisted of a whole**
6 **lot of sentence fragments. So I played ninth grade**
7 **English teacher for her.**

8 Q And was that before or after Penny Brenton
9 became involved?

10 **A Oh, that was after.**

11 Q It was after Penny Brenton became involved in
12 the complaint. So you proofread it. When you
13 proofread it, Mr. Beavers, what did you do with the
14 complaint?

15 **A Oh, I went over to Dorothy's house. She**
16 **printed it off her computer, and I read it. And she**
17 **was emphasizing the Tourette's disease a lot. I**
18 **thought that was sort of silly, but then I just read**
19 **through and identified sentence fragments. And I**
20 **don't remember much else about it.**

21 Q And was Penny Brenton at that meeting?

22 **A No.**

23 Q Were you the City of Gold Bar mayor at the
24 time?

25 **A Yes.**

1 Q Did you have communication with Penny Brenton
2 inside city hall about that complaint, about Dorothy
3 Croshaw's bar complaint?

4 **A Very briefly.**

5 Q Describe to me what you mean by very briefly
6 and also the contents of that conversation.

7 **A Well, it's a long time ago. It was something**
8 **on the order you got to do it on your own time and do**
9 **a good job or something like that.**

10 Q And that's the only conversation you had with
11 Penny Brenton about the bar complaint?

12 **A That is --**

13 Q From Dorothy Croshaw?

14 **A Yes, best of my memory.**

15 Q Do you know who Margaret King is?

16 **A Who?**

17 Q Margaret King.

18 **A Oh, yeah, sure.**

19 Q Who is she?

20 **A She is currently the City attorney for the**
21 **City of Shoreline. For a while there, she was the**
22 **City attorney for Gold Bar through Kenyon Disend.**

23 Q Do you have any knowledge whether or not
24 Margaret King had filed a bar complaint?

25 MS. RAGONESI: Objection, goes beyond

1 the scope of this deposition or these two lawsuits.

2 **A I've heard that happened.**

3 Q Okay. Are you aware that Kenyon Disend
4 actually charged the City of Gold Bar for that bar
5 complaint?

6 MS. RAGONESI: Objection, calls for
7 speculation.

8 **A That was an erroneous charge. Interesting.**
9 **That was caught by Joan Amenn, and it was then**
10 **immediately removed.**

11 Q Okay. But, initially, Michael Kenyon's
12 attorney, Margaret King, filed a bar complaint that
13 they charged the City of Gold Bar for?

14 **A Actually, the -- the bookkeeping/accounting**
15 **person/receptionist charged the City of Gold Bar. It**
16 **was inadvertent. They had logged in. I went and**
17 **checked with her later and talked with her about it.**
18 **They had logged in that complaint as Anne Block or**
19 **something or another, Anne Block complaint or**
20 **something. And when the bookkeeper at the end of the**
21 **month was going through, she saw Anne Block and just**
22 **billed the city, and that got caught and corrected.**

23 Q And do you consider that bar complaint to be a
24 public record?

25 **A You'd have to talk to the Washington State Bar**

1 **about that.**

2 Q I'm asking you.

3 **A I have no clue.**

4 Q So you're sitting there accessing and
5 collecting public records, and you're deciding what is
6 a public record, what isn't a public record. Based
7 upon what I just described to you, Margaret King's
8 filing, City of Gold Bar, and Kenyon Disend billing
9 the City of Gold Bar, would you consider that to be a
10 public record?

11 **A That was an erroneous --**

12 MS. RAGONESI: Objection, calls for a
13 legal conclusion.

14 **A That was an erroneous billing, and I would**
15 **not.**

16 Q You would not consider that to be a public
17 record?

18 **A Because it goes in -- it's the Washington**
19 **State Bar Association rules.**

20 Q All right.

21 **A And I think at the time they were exempt or**
22 **something not exempt. I don't know. You'd have to**
23 **talk to them about it.**

24 Q Okay. And so if it wasn't a public record,
25 what were your communications with Kenyon Disend about

1 that complaint?

2 MS. RAGONESI: Objection to the extent
3 you're requesting information that would be
4 attorney-client privileged communications.

5 MS. BLOCK: Mr. --

6 MS. RAGONESI: So perhaps you can
7 clarify what your question is.

8 MS. BLOCK: Sure. I would.

9 Mr. Beavers just testified that that was not a public
10 record. The bar complaint wasn't a public record. If
11 it wasn't a public record, then the City attorney's
12 communication with another person about that complaint
13 would not have been a public record and, therefore,
14 not protected.

15 MS. RAGONESI: I'm just not seeing the
16 logic in that. I believe the witness's testimony is
17 that it's under the bar rules whether or not it's a
18 public record and that he can't give an opinion to
19 that.

20 Further, Counsel, your definition of public
21 record may be different than others. Attorneys have
22 the right to have confidential communications with
23 their client. So the relevant question would be
24 whether what the context was that any potential
25 conversation had occurred. So perhaps you could

1 explore that with the witness so we could determine
2 whether it was a protected conversation or not.

3 MS. BLOCK: Let me file my objection
4 for the record that you're quite aware that the Danes
5 holding has been overturned. So each person that had
6 copies of that record would have been a public record
7 and responsive to provide their own copy, not just the
8 WSBA.

9 That means an agency employee that had that
10 record. We have an attorney involved that is contract
11 services for the City of Gold Bar. That would have
12 been a public record, and the fact that Kenyon Disend
13 billed the City of Gold Bar for it makes it a public
14 record.

15 So all I'm asking Mr. Beavers is what
16 communications he had with Michael Kenyon's attorneys
17 as it relates to the bar complaint.

18 MS. RAGONESI: Once again, you're
19 talking about public records as a document versus
20 communications. Now, the witness can answer generally
21 if he had written communications or verbal. Beyond
22 that, we need to determine what the context was.

23 BY MS. BLOCK:

24 Q Mr. Beavers, were there any confidential
25 communications about the bar complaint?

1 **A I didn't think so.**

2 Q What do you mean you didn't think so? What
3 does that mean? It's either yes or no.

4 **A You say what's -- Margaret King called me and**
5 **said we made a mistake. We accidentally billed you**
6 **this. It shouldn't be billed the City. I said okay.**

7 Q In the bar complaint, did you provide Ms. King
8 any public records for that complaint?

9 MS. RAGONESI: Again, I'm going to
10 object for the record. I believe this is beyond the
11 scope of the subject matter of the two lawsuits that
12 we're here on today. Perhaps counsel could point us
13 to which specific allegation --

14 MS. BLOCK: Sure.

15 MS. RAGONESI: -- this is related to.

16 MS. BLOCK: Yes. And that is Penny
17 Brenton was involved, and she was e-mailing back and
18 forth.

19 MS. RAGONESI: But you're going beyond
20 the scope of that.

21 MS. BLOCK: So this has to do with the
22 2011 --

23 MS. RAGONESI: Counsel, beyond the
24 scope of the request for records relating to Penny
25 Brenton to now inquiring of this witness involvement

1 that he may or may not have with Margaret King and the
2 bar complaint, and that is beyond the scope of this
3 lawsuit.

4 MS. BLOCK: It is not. It has to do
5 with records relating to Anne Block coming up as a
6 false positive and their response. It says primarily
7 a search of computer files using key searches for Mary
8 Block/Marsh returned a large number of false
9 positives, primarily for Anne Block.

10 MS. RAGONESI: But that doesn't make
11 this line of questioning relevant.

12 MS. BLOCK: It is relevant.

13 MS. RAGONESI: Just saying that they
14 had a positive when searching for a different Block
15 and it came up with your name, that doesn't make every
16 record or the subject matter thereof that relates to
17 you relevant to this lawsuit. It does not.

18 BY MS. BLOCK:

19 Q So, Mr. Beavers, did you have any
20 communications with the -- confidential that you
21 consider to be confidential communications about the
22 bar complaint?

23 **A No. Didn't discuss it at all except for -- in**
24 **fact, I don't think I discussed it. I think Laura**
25 **Kelly probably called back the clerk and said, yeah,**

1 **this is the wrong billing. I don't know.**

2 Q Okay. And are you aware that on the attorney
3 bill it was stated that public records were pretty
4 much provided by the City of Gold Bar to Margaret King
5 for that filing of the bar complaint?

6 **A No.**

7 Q Were there any public records that were
8 provided to Margaret King as a result of the bar
9 complaint?

10 MS. RAGONESI: Again, I'm lodging my
11 objection. This lawsuit is not about the plaintiff's
12 bar complaint, and we are going well beyond the scope
13 of the subject matter of this lawsuit.

14 MS. BLOCK: The subject matter of this
15 lawsuit, Ms. Ragonesi, is public records. And the
16 public records, unfortunately, that the City of Gold
17 Bar disseminated were to Penny Brenton and records
18 relating to Anne Block, and then there was a CD that
19 was provided to Joe Beavers by Diana Rose.

20 There's also a few records that are relating
21 to the 2009 request, and I'm asking for all records on
22 Laura Kelly that were -- that Laura Kelly was
23 answering as it relates to Dorothy Croshaw, Joe
24 Beavers, Rick Merritt. I mean, and Laura Kelly is the
25 one that's responding. He's testifying that Laura

1 Kelly actually had some participation in that. All
2 I'm asking him is if there was any attorney-client
3 communication about the bar complaint.

4 **A I do not know that Laura Kelly had**
5 **communication.**

6 MS. RAGONESI: I maintain my objection.

7 **A I just assumed that because that's probably**
8 **how it would have worked. And the answer in the**
9 **confidential communications, there were no**
10 **communications about the bar complaint. There was**
11 **communications about the bill.**

12 Q Okay. So -- and Penny Brenton would have had
13 any communication with Margaret King about the bar
14 complaint?

15 **A I don't know.**

16 MS. RAGONESI: Objection, calls for
17 speculation.

18 Q Let me ask you: Were you cc'd in on any
19 e-mail communication from Penny Brenton to Margaret
20 King as it relates to the bar complaint?

21 **A I don't recollect. I don't think I was.**

22 MS. DIAMOND: Excuse me. Tape change.

23 MS. BLOCK: Time for a five-minute
24 break.

25 MS. RAGONESI: Actually, it's after

1 12:30. So can we do a lunch break?

2 MS. BLOCK: We can do a lunch break.

3 MS. RAGONESI: Forty-five minutes? An
4 hour? What's your preference?

5 MS. BLOCK: Let's do an hour, please.

6 (A luncheon recess was taken from
7 12:36 p.m. to 1:40 p.m.)

8 BY MS. BLOCK:

9 Q Mr. Beavers, before we went off the record, we
10 were discussing who was involved in the collection of
11 public records.

12 **A Okay.**

13 Q And you noted Eastside Computers, Penny
14 Brenton. Was there anyone else involved in collecting
15 Gold Bar public records?

16 MS. RAGONESI: Object to the form of
17 the question. It's vague as to time.

18 **A Well, Laura Kelly did some work. I believe
19 that was the bulk of the collection.**

20 Q Did Weed, Graafstra & Benson participate at
21 all in the collection of records?

22 **A No, not that I recollect. They were the ones
23 who suggested Penny. And Mike Meyers's involvement
24 was before I was mayor, so I'm not sure they did much
25 except probably say it's needed.**

1 Q Is there -- can you tell me what -- why they
2 recommended Penny?

3 **A Oh, they actually didn't. They recommended we**
4 **get a paralegal to handle it because it was a fairly**
5 **legal affair. It was massive work, and we had to**
6 **concentrate on it totally. And also paralegals are**
7 **very good about doing detail work.**

8 Q Did Denise Beaston participate in any way with
9 answering or collecting public records?

10 **A Not a whole lot at that time. I don't**
11 **think -- I don't recollect her doing much, if**
12 **anything, on it.**

13 Q Did she do any?

14 **A I would guess probably so, but I'm not sure**
15 **once we had things up on the server that she -- it was**
16 **necessary for her to do that.**

17 Q One of the --

18 **A You included me in that, too, didn't you,**
19 **collecting records?**

20 Q Right. And we discussed a little bit of your
21 collection. Anybody else that you can think of?

22 **A Nothing that comes to mind.**

23 **(Exhibit 9 was marked.)**

24 Q So we're here today on public records request
25 2015-039. It's an e-mail sent from Barbara Johnson to

1 Crystal Hill, and this is really simply an e-mail that
2 I printed off from my work computer system. And this
3 is how it was given to me. Other than the word
4 "claims" above the top line -- and that just shows it
5 came off of an Outlook and I printed it.

6 And it says March 2, 2009, 2:26, subject -- to
7 Barbara Johnson, subject regarding Block information.

8 "Thanks, Barbara!

9 "Crystal."

10 Can you tell me who that e-mail is from?

11 **A I'm certain it's from Crystal Hill.**

12 Q It's from Crystal Hill to Barbara Johnson?

13 **A To Barbara Johnson, yeah.**

14 Q Who is Barbara Johnson?

15 **A I don't know for sure. I think she might be a**
16 **paralegal with Weed Graafstra. That's just a guess**
17 **right now.**

18 Q Why is the metadata missing -- let me ask you
19 this: So you say it's from -- who is it from?
20 Crystal Hill?

21 **A Yeah. It seems that way.**

22 Q So if it's from Crystal Hill and it says to
23 Barbara Johnson, she says, "Thanks, Barbara," Block
24 information. Okay. It's a second part of an
25 exemption log that we received on the March 2, 2009,

1 public records request. It's a very simple request.
2 I asked for the e-mail in electronic format in native
3 format including metadata. I have yet to receive that
4 public record. Can you tell me where that e-mail is
5 being stored?

6 **A Which e-mail?**

7 MS. RAGONESI: Object to the form.
8 Objection specifically to counsel testifying. You can
9 go ahead and answer.

10 **A This e-mail?**

11 Q I'm asking you, yes.

12 **A I'm sure it's on the city server.**

13 Q So it's on the city server. Did Penny Brenton
14 have access to this e-mail?

15 **A 2009, yeah.**

16 Q She would have had access to that e-mail?

17 **A I would think so.**

18 Q Would she have disseminated a different
19 version of this e-mail? In other words, would it have
20 looked like blockinformation.pdf in the subject line
21 versus Block information?

22 MS. RAGONESI: Objection, calls for
23 speculation.

24 **A Well, first off --**

25 Q I'm asking --

1 **A Block information would not be in the subject**
2 **line. It would be in the attachment line.**

3 Q And so where is the attachment to this file?

4 **A There is no attachment from what I can see on**
5 **the e-mail.**

6 Q Mr. Beavers, on public records request
7 2015-039, I specifically asked the City of Gold Bar
8 for that e-mail, and what I said was I want the
9 e-mail -- let me read it from the complaint itself
10 because it was very explicit.

11 And it said August 10, 2015, plaintiff made
12 the following public records request. Please provide
13 all records sent or received by Barbara Johnson.
14 Please limit your search to January 1, 2009, to
15 May 15, 2009.

16 I asked for all records in electronic format,
17 native format with metadata, and the City's response
18 where it says your records request has been labeled
19 and entered into a tracking log. City expects an
20 update.

21 I say where's the e-mail Barbara Johnson to
22 Crystal Hill with the attached pdf docs stating Block
23 information?

24 Do you recall that e-mail, March 2, 2009?

25 **A Oh, I wasn't involved in it March 2, 2009. I**

1 **remember briefly about it sending you several copies,**
2 **one in a PST folder, but that's about it.**

3 Q So you're stating for the record that this
4 record exists in native format with metadata?

5 **A I'm stating that this e-mail, as we collected**
6 **it, is on the city server.**

7 Q Was the original e-mail -- did it have a pdf
8 attachment to it, not what you see here, but what you
9 actually remember as far as Barbara Johnson
10 disseminating Block information to Crystal Hill
11 March 2, 2009?

12 **A I was a council member at that time. I would**
13 **not have been privy to anything on this. So -- but**
14 **this was probably one of the things downloaded from**
15 **her BlackBerry, I'm guessing.**

16 Q And would you have placed this, an exempt
17 e-mail, or would you have actually released it?

18 **A I think we released it as nonexempt.**

19 Q Okay. And as far as the attachment, did you
20 put the attachment on a priority list exempting it as
21 attorney-client communication?

22 **A There is no attachment --**

23 MS. RAGONESI: Object to the question.

24 **A -- noted on this e-mail.**

25 THE REPORTER: I'm sorry.

1 THE WITNESS: I'm sorry.

2 MS. RAGONESI: That's okay. Just give
3 me a second before you respond.

4 THE REPORTER: I'm sorry. Can you
5 state your answer again.

6 THE WITNESS: I said there is no
7 attachment noted on this e-mail.

8 BY MS. BLOCK:

9 Q Let me re-read my public records request to
10 you again. Please provide all records sent or
11 received by Barbara Johnson. Limit your search from
12 January 1, 2009, to May 15, 2009.

13 With the public records log, would you have
14 placed any e-mails between Barbara Johnson and Crystal
15 Hill on an exemption log?

16 **A If they were on an exemption log, we would**
17 **have provided that, I imagine. I do not know. I have**
18 **not gotten all 40,000 e-mails memorized, I'm sorry to**
19 **say.**

20 Q So what I'm getting at here is: Without
21 making a statement, I'm asking you if there was a pdf
22 attachment that was placed on an exemption log that
23 was originally a set on any e-mails sent from Barbara
24 Johnson to Crystal Hill as it relates to Block
25 information?

1 MS. RAGONESI: Objection, calls for
2 speculation.

3 **A I can answer it generically.**

4 Q Generically?

5 **A But not specific to this e-mail.**

6 Q Were you searching for public records that
7 were relating to public records request for e-mails
8 sent or received during this time period?

9 **A Probably.**

10 Q Are you aware of any records that the term
11 "Block information" in an e-mail might be referring
12 to?

13 **A No.**

14 Q Are you aware that the Washington State Bar
15 stole my application file and disseminated it to the
16 City of Gold Bar?

17 MS. RAGONESI: Objection to the form of
18 the question, assumes facts not in evidence.

19 **A I never saw anything like that.**

20 Q Are you aware that Crystal Hill had illegally
21 gained access into personal non-conviction criminal
22 history record and then disseminated it?

23 **A I'm --**

24 MS. RAGONESI: Same objection.

25 **A I do not know that.**

1 Q Are you aware of Council Member Jay Prueher?

2 **A Yes.**

3 Q Are you aware that he spoke to my

4 investigators?

5 **A Yes.**

6 Q Are you aware that his wife appeared at a city
7 council meeting waving in her hand records that the
8 City of Gold Bar gave her claiming that they were my
9 mental health records? Are you aware of that?

10 MS. RAGONESI: Objection, assumes facts
11 not in evidence.

12 **A I certainly don't remember that.**

13 Q Going back to the e-mail that Barbara Johnson
14 sent to Crystal Hill, March 2, 2009, when you were
15 collecting these records and making determinations on
16 why they were either work product or attorney-client
17 communication, where would you have put exempt e-mails
18 that you considered to be exempt?

19 **A If an e-mail was being considered for**
20 **exemption, it was put into a separate e-mail folder**
21 **called "exempt e-mails." That folder was then --**
22 **those e-mails were then reviewed by the attorney for**
23 **any exemption or redaction. The only exception if it**
24 **was a password or a financial institution number of**
25 **some sort, we redacted that ourselves.**

1 Q Did you ever receive any training on public
2 records from Snohomish County?

3 **A Not training per se. We had a discussion with**
4 **them, as I mentioned before, talking about public**
5 **records, shoptalk.**

6 Q Do you know who Lisa Hall is?

7 **A Lisa Hall, yes, I do know who Lisa Hall is.**
8 **At least I knew what she was some time ago.**

9 Q Okay. Could you explain to me in your own
10 words what you believe --

11 **A She works in the public records for Snohomish**
12 **County, and I'm not sure if she is the central point**
13 **of contact or not. But after -- once I was no longer**
14 **mayor, if I needed something from Snohomish County, I**
15 **typically would request it through her.**

16 Q Okay. So would there be any reason why Lisa
17 Hall would have testified that you appeared at the
18 county and she gave you training?

19 MS. RAGONESI: Objection, calls for
20 speculation.

21 **A You will have to talk to Lisa about that.**

22 Q I did. Would there be any reason why Lisa
23 Hall would have told us that she came to City of Gold
24 Bar and gave the city public records training?

25 MS. RAGONESI: Same objection.

1 **A I don't recollect that, but that would have**
2 **been a good idea.**

3 Q Okay. Mr. Beavers, have you ever had any
4 communication with the county about stripping metadata
5 from public records?

6 **A No.**

7 Q Did you have any contact with Ms. Hall?

8 **A With Ms. Hall?**

9 Q Yes.

10 **A Probably so if she was at that meeting at the**
11 **county. Then I had contact with her, and I have -- I**
12 **don't know if I've talked to her on the phone or not.**

13 Q Did you ever send a fax to Barbara Gidos at
14 Snohomish County saying "You do the metadata thing,
15 and I will do the sorting"?

16 **A I don't recollect that.**

17 Q Do you know who Barbara Gidos at Snohomish
18 County is?

19 **A No. I don't remember her name or what she**
20 **did.**

21 Q Did you have any contact with Sara Di Vittorio
22 from Snohomish County as it relates to public records?

23 **A After I was no longer mayor.**

24 Q Describe that communication to me.

25 **A I -- on my website, I investigate various**

1 **abuses of the Public Records Act or at least document**
2 **them. And one of the things I looked into was the --**
3 **what is it? Concerned citizens or whatever it was,**
4 **the guy who objected to the dairy farm across the**
5 **street from him, and some of the things that went on**
6 **there, and I got public records related to that.**

7 Q And that came from Sara Di Vittorio?

8 **A I got her records. I don't know who actually**
9 **processed it.**

10 Q And you sound pretty confident.

11 **A I don't remember who processed it.**

12 Q You sounded pretty confident it was Sara, Sara
13 Di Vittorio.

14 **A Is what now?**

15 Q You said it was Sara Di Vittorio. You said it
16 first. Now you're saying you didn't know.

17 **A Oh, no. I said --**

18 MS. RAGONESI: Objection, misstates the
19 witness's testimony. Go ahead.

20 **A -- I know of her. I requested public records**
21 **of her e-mails. I think I may have talked to her**
22 **once, but I --**

23 Q Before coming here, did you make contact with
24 Lon Turner?

25 **A No, I did not.**

1 Q You mentioned you knew who --

2 **A Wait a minute. It depends what time frame. A**
3 **year ago -- about a year and a half ago, he and I**
4 **talked about Gold Dust Days.**

5 Q So you file a request for access to public
6 records to demonstrate abuses of the Public Records
7 Act?

8 **A I investigate them, and I put my opinionated**
9 **results on the website.**

10 Q How long have you had that website for,
11 Mr. Beavers?

12 **A Oh, probably three months after I was no**
13 **longer mayor, something of that order.**

14 Q And what's the name of the website?

15 **A Personalrevengeact.com.**

16 Q Have you gotten access to any records that
17 you've put up on there from the City of Gold Bar?

18 **A Typically, I leave Gold Bar totally out of**
19 **that one. That was my statement in there that it was**
20 **all the other things going on, and I left Gold Bar**
21 **out. I think I did mention the ER 408 shakedown**
22 **letter that we got, so I probably mentioned that in**
23 **there but not otherwise.**

24 Q Were you a volunteer at the City of Gold Bar
25 during the time period that you were maintaining

1 Personal Revenge Act?

2 **A Yes.**

3 MS. RAGONESI: Sorry. Just to take a
4 pause, it appears that your videographer is recording
5 me instead of the witness.

6 MS. DIEMOND: I actually have the
7 entire room if you'd like to come look at it.

8 MS. RAGONESI: Well, I'm going to
9 object to that. Proper form for videotaping a
10 deposition is only to take the witness. I know I
11 personally have not given any permission to videotape
12 myself. I haven't heard the court reporter give that
13 or Ms. Block or her assistant.

14 MS. BLOCK: Well, I definitely waive --
15 you can -- for Christy Diamond, I definitely waive
16 that.

17 MS. RAGONESI: Well, I typically don't
18 waive that. I was not informed or asked. That is
19 not -- I was not noticed that I would be videotaped.
20 Only the witness is to be videotaped during the
21 deposition.

22 MS. BLOCK: In this particular case,
23 we've got a camera pointed at me as well. We've got
24 Joe Beavers's camera pointing at all of us. Is it the
25 testimony here today that you didn't give him

1 permission to put that video camera up there to
2 videotape you?

3 MS. RAGONESI: My understanding is
4 Mr. Beavers is taping his own deposition. He's not
5 videotaping me.

6 MS. BLOCK: He's videotaping everybody
7 in this room by the look of that camera.

8 MS. RAGONESI: Well, we could ask the
9 witness. I don't have an opposition to his
10 videotaping, but I'm certainly opposed to your friend
11 Christy's videotaping me.

12 MS. BLOCK: I have an opposition to
13 Mr. Beavers.

14 MS. DIAMOND: I'm a hired hand. I'm
15 not, like, a friend.

16 THE REPORTER: One at a time.

17 THE WITNESS: Well, too, Christy, let
18 me flip it over and you can look at it.

19 MS. DIAMOND: He's got the whole room
20 in it.

21 THE WITNESS: Yeah, probably.

22 MS. DIAMOND: So you've been videotaped
23 on his camera as well.

24 MR. WEST: To the extent my name was
25 mentioned, I waive my right to be videoed, and I

1 consider it a necessary incident to being in this room
2 that I would be videotaped. And I would see that it
3 would be difficult to take an accurate videotape
4 without taking some incidental videos of the other
5 people in the room.

6 MS. RAGONESI: That's not proper
7 procedure --

8 MS. BLOCK: I also --

9 MS. RAGONESI: -- for a legal
10 deposition, so --

11 MS. BLOCK: I also asked the court if
12 we could videograph. There was no limit on it. You
13 were sent a statement saying if you want a protective
14 order you needed to let me know ahead of time. You
15 declined to give me that affirmative. You agreed to
16 the deposition. You knew that there was going to be a
17 videographer here. Whether or not it's proper form or
18 not, there wasn't any limitations by the court
19 subpoena.

20 MS. RAGONESI: Well, the notice was for
21 a videotape of the deponent, not for counsel, and you
22 were previously an attorney. You're well familiar
23 that a properly videotaped deposition is of the
24 witness only.

25 MS. BLOCK: You are also aware that

1 there's a court order from Judge Downing saying that
2 the videographer was going to be present, period.

3 MS. RAGONESI: That's irrelevant.

4 MS. BLOCK: Save your objection, note
5 it.

6 MS. RAGONESI: Are we back on the
7 record?

8 THE REPORTER: We have been on the
9 record.

10 MS. RAGONESI: Okay. Great.

11 So I'm just going to state my objection for
12 the record. I'm opposed to this copy of the videotape
13 taken by plaintiff's videographer, Christy, to be used
14 in any form.

15 MS. BLOCK: And I'm also going to
16 object to Mr. Beavers using it in any form as well.

17 MS. RAGONESI: Okay. Let's go ahead
18 and proceed. Oh, and let me just clarify. Are you
19 still videotaping me?

20 MS. DIAMOND: I've got it set up
21 exactly the way I had it.

22 MS. RAGONESI: So I'm going to ask that
23 you not videotape me. You are welcome to videotape
24 the deponent.

25 MS. DIAMOND: I'm hired by Ms. Block.

1 MS. RAGONESI: Ms. Block.

2 MS. BLOCK: You can certainly adjust
3 the video camera, Christy, to accommodate
4 Mr. Ragonesi, and Mr. Beavers is also directed to
5 cease videotaping without my permission.

6 THE WITNESS: I will videotape myself.
7 How about that?

8 MS. BLOCK: I don't normally object
9 because I am an open government supporter, but it is
10 not in the court order. The court order specifically
11 says me.

12 MS. RAGONESI: Thank you.

13 BY MS. BLOCK:

14 Q While you were a volunteer with the City of
15 Gold Bar, were you participating in any reporting,
16 newspaper publications on the Sky Valley Chronical.

17 **A I published several articles on the Sky Valley**
18 **Chronicle.**

19 Q Okay. Have those been turned over to the City
20 of Gold Bar?

21 **A No.**

22 Q Why not?

23 **A They're not City of Gold Bar business.**

24 Q Which ones did you publish, Mr. Beavers, would
25 you please, state in your own name?

1 **A Joe Beavers. I published "Quit Harassing the**
2 **Women Mayors of Gold Bar." What else did I do?**
3 **There's a couple of others in there that I can't**
4 **remember the title of. It's on -- it's on the Sky**
5 **Valley Chronicle. You can just search Beavers and**
6 **find them.**

7 Q Mr. Beavers, were you aware that the Sky
8 Valley Chronicle, as soon as you open up the site,
9 places viruses on people's computer systems?

10 MS. RAGONESI: Objection, assumes facts
11 not in evidence.

12 **A I'm not aware of that.**

13 Q You disclosed an ER 408 exempt communication;
14 is that correct?

15 **A Who? What?**

16 Q ER 408, a settlement offer, was that disclosed
17 on the Sky Valley Chronicle?

18 **A The one that was done in open meetings at the**
19 **City of Gold Bar Council meeting? That one?**

20 Q The terms and conditions of it were 408
21 protected sent via e-mail communication by my attorney
22 at the time. Did you disclose that on the Sky Valley
23 Chronicle?

24 **A Yes. It's a public record actually.**

25 Q So this 408 communication that you disclosed

1 and published on the Sky Valley Chronicle, did you put
2 the Sky Valley Chronicle or any person on a public
3 records request to obtain that record?

4 **A I think I may have put one in. I don't**
5 **remember.**

6 Q Are you aware of any counsel that has placed a
7 408 record into another public record that relates to
8 me?

9 **A It's a complicated -- the only one I know of**
10 **is the one that was given by Michele Earl-Hubbard**
11 **which she specified we discussed in open meeting, and**
12 **it was probably anyway on the city website in**
13 **preparation for the meeting.**

14 Q Did the City attorneys explain to you what a
15 408 means?

16 **A I'm fairly familiar with it.**

17 MS. RAGONESI: Object to the extent
18 you're requesting attorney-client privileged
19 communication.

20 Q So you're familiar with ER 408?

21 **A That is correct.**

22 Q In your own words, what does that mean?

23 **A ER 408 is a mediation or a settlement offer,**
24 **and it has restricted use in terms of court**
25 **application used before the court. It's only**

1 **allowable for showing intent, but the rest of it is**
2 **not. And there doesn't seem -- according to the King**
3 **County Lawyers Association, there's no restriction on**
4 **it outside of the court.**

5 Q Who requested a copy of that record, the
6 ER 408, that was published on the Sky Valley
7 Chronicle?

8 **A I don't know. I don't remember. Like I said,**
9 **it was quite possibly posted on the City website**
10 **before the council meeting, because the documents for**
11 **the council meeting are typically posted on the**
12 **website for citizen review.**

13 Q While you were a volunteer for the City of
14 Gold Bar, were you publishing articles on the Sky
15 Valley Chronicle?

16 **A I think I've already answered that, didn't I?**

17 Q I didn't quite hear your explicit statement
18 one way or the other.

19 **A One way or the other.**

20 Q Yes or no?

21 **A Yes. While I was listed as a volunteer for**
22 **the City of Gold Bar, I did have a private life.**

23 Q And as far as the -- your website, you
24 published articles about the PRA --

25 **A Yes.**

1 Q -- in Gold Bar --

2 **A Not particularly Gold Bar, no.**

3 Q -- on Public Revenue Act?

4 **A I published articles about other agencies and**
5 **other examples. Like I said, there was only one that**
6 **I -- I think there was only one that I referenced**
7 **anything about Gold Bar.**

8 Q While you were mayor of Gold Bar, did you
9 participate in any way with any articles published on
10 the Sky Valley Chronicle?

11 **A I participated on articles on many different**
12 **media, including Sky Valley Chronicle. Part of the**
13 **job as mayor.**

14 Q Part of the job as mayor, participating in
15 articles that are posted on a website. And so what
16 was your participation with the Sky Valley Chronicle
17 during the time period you were the mayor?

18 MS. RAGONESI: Objection, asked and
19 answered several times today. You can go ahead and
20 answer it one more time.

21 **A I would be interviewed, and I'd answer**
22 **questions generally, same thing with Reuters and**
23 **Seattle Weekly and KING 5 and KOMO and a bunch of**
24 **others.**

25 Q Does KOMO generally give you a name of a

1 person that you're actually giving the interviews to?

2 Like, let's say, KING 5, would Jake Whittenberg
3 disclose who he is?

4 **A Yes.**

5 Q Did the Sky Valley Chronicle disclose who you
6 were speaking to?

7 **A Said he was Ron.**

8 Q Said he was Ron. At any time did you speak to
9 Crystal Hill about the Sky Valley Chronicle and the
10 articles that you were publishing or participating in?

11 **A Oh, articles that I published? No, huh-uh.**

12 Q Okay. How about articles that you
13 participated in?

14 **A I had very little communication with Crystal,
15 and it's typically about very specific items at the
16 time.**

17 Q So, Mr. Beavers, earlier you made a statement
18 that you had very seldom ever gone over to the
19 Pennington home.

20 **A What now? Say that --**

21 Q You had never gone over to the Pennington
22 home.

23 **A That is totally wrong. I covered that in the
24 deposition of Crittenden, and you asked that earlier.
25 And I think I answered it earlier.**

1 Q Well, I'm going to ask a clarifying question
2 because there's information that you were, in fact,
3 riding your bike over there from your son's house on a
4 frequent basis, and you were carrying documents with
5 you. So could you tell me what documents you were
6 carrying -- or did you carry any documents to Crystal
7 Hill's house?

8 **A Not in --**

9 MS. RAGONESI: Object to the form,
10 assumes facts not in evidence and potentially is not
11 related to this lawsuit, but I'll go ahead and let the
12 witness answer. And we'll see if you get to anything
13 that's relevant.

14 **A Not in this world. Maybe in Block fantasy**
15 **land that occurs, but not in this world.**

16 Q Mr. Beavers, are you familiar with PSI
17 Investigations?

18 **A PS Investigation, is that --**

19 Q PSI.

20 **A -- the guy and the big dude, Harrison and**
21 **whatever his name is?**

22 Q Are you familiar with PSI Investigations,
23 Mr. Beavers?

24 **A If that is the two guys that you send around,**
25 **yeah, I've talked with them before.**

1 Q The two guys I sent around are private
2 investigators dually licensed in the state of
3 Washington --

4 **A Very good.**

5 Q -- that actually have to work for a living.

6 **A Very good.**

7 Q I take offense to you saying that I send them
8 around. If somebody is asked to do a job, I expect a
9 job being done.

10 **A Okay.**

11 MS. RAGONESI: Counsel, the witness is
12 entitled to provide his answer if you could just move
13 on to questioning.

14 Q As far as PSI Investigations, did you ever
15 publish an article, participate in an article on the
16 Sky Valley Chronicle as it relates to my
17 investigators?

18 MS. RAGONESI: I'm going to object.
19 This is far beyond the scope of the subject matter of
20 the two lawsuits for which we're doing this deposition
21 today.

22 MS. BLOCK: We're discussing records
23 relating to me, Ms. Ragonesi. And I'm sorry that they
24 put you in this position.

25 **A I don't believe --**

1 MS. RAGONESI: No. Actually, let me
2 just continue my objection. The question was
3 regarding two gentlemen you use as private
4 investigators. They're not relating to records that
5 you've requested from the City.

6 MS. BLOCK: They are relating, because
7 I said any records that relate to Anne Block.

8 BY MS. BLOCK:

9 Q So I'm asking you, Mr. Beavers, did you ever
10 participate in any publications or even participate in
11 drafting an article about my private investigators?

12 MS. RAGONESI: Ms. Block, could you
13 reference me where in either of these two lawsuits
14 we're talking about public records requests that you
15 made for all records relating to Anne Block?

16 MS. BLOCK: There is a records request
17 on the public records lawsuit that says -- and this is
18 the City's own words, and it says a search for
19 computer files using keyword searches for Mary Block
20 and Mary Marsh returned a large number of false
21 positive, primarily for Anne Block. So,
22 Mr. Beavers --

23 MS. RAGONESI: Well, and if I could
24 just finish, we've talked about this earlier.

25 MS. BLOCK: It wouldn't matter how many

1 times we talked about it.

2 MS. RAGONESI: And the response from
3 the City --

4 MS. BLOCK: It's my deposition.

5 MS. RAGONESI: -- that -- well, I
6 understand that, Ms. Block, but your deposition must
7 be contained within the scope of the lawsuit.

8 MS. BLOCK: It's in the scope of the
9 lawsuit.

10 MS. RAGONESI: I'm not finished
11 speaking. And your request pertains to records for
12 Mary Block. Now, the City may have responded that
13 they only had false positives with regard to your
14 name, but that doesn't make any record that references
15 you relevant to the subject matter of this particular
16 lawsuit.

17 MS. BLOCK: It certainly does because
18 it uses the term in their response "primarily Anne
19 Block." I'm asking Mr. Beavers if he participated
20 with or published any articles that relate to Anne
21 Block and my private investigators in the same
22 article.

23 MS. RAGONESI: And, again, I renew my
24 objection. We are well beyond the scope of this
25 deposition. You can go ahead and answer the question,

1 Mr. Beavers, but I'm hopeful that we can try to, once
2 again, focus on the issues that are actually at issue
3 in this lawsuit so we can get to the information that
4 you need to get for this case. Go ahead.

5 **A Short answer is no. I know Ron called me one**
6 **time and was complaining about how they'd gone through**
7 **the neighborhood or something and dropping impressive**
8 **statements and stuff, but, no, because I've never**
9 **really had any contact with those guys, I don't**
10 **believe, except when they serve me papers or something**
11 **like that.**

12 Q As far as the communication with Ron that you
13 said he called you, what phone did he call you on?

14 **A I do not know. A telephone of some sort.**

15 Q Did he call you on your private line,
16 Mr. Beavers?

17 **A Yes, he did.**

18 Q Besides this one incident with Mr. -- Ron, on
19 your telephone, do you have any other communications
20 with Mr. Fejfar about Anne Block?

21 **A Yeah, sometimes more so than others. He**
22 **was -- as you are quite aware, he was -- you were an**
23 **item with him, let us say. I think it came back when**
24 **you tried to get all his customers to discontinue**
25 **advertising with him. He, evidently, took that sort**

1 **of personal and sort of set the tone for the rest of**
2 **the time.**

3 Q Okay. So what were the conversations about?

4 MS. RAGONESI: Objection.

5 Q You said you did have conversations with him.

6 **A I don't remember the conversations.**

7 MS. RAGONESI: Objection. It goes --

8 Q Public records --

9 MS. RAGONESI: -- way beyond the scope
10 of this deposition.

11 Q Did you have conversations about public
12 records with Mr. Fejfar?

13 **A We had conversations about a wide variety of**
14 **things, including government business, the Public**
15 **Records Act -- oh, we're saved. There was some**
16 **discussion of you, I'm certain, some discussion of the**
17 **two guys, about whether or not Arizona was a better**
18 **place to live because it rained too much in**
19 **Washington, and which Mexican restaurant had the best**
20 **food.**

21 Q And as far as Mr. Fejfar, did you hand him --
22 personally hand-deliver any documents to Mr. Fejfar?

23 **A Quite possibly.**

24 Q Did you put him on a priority list before you
25 delivered records to him?

1 **A No. I was -- no, I was talking about after I**
2 **was no longer mayor.**

3 Q Was it during the time period you were a
4 volunteer for the City?

5 **A Yeah.**

6 Q The October 22, 2009, public records request
7 seeking the --

8 **A Slow down a bit, please. I'm sorry.**

9 Q Sure. All e-mails sent to or received --

10 **A Start back at the date. I missed that.**

11 Q October 22, 2009.

12 **A Okay. Thank you.**

13 Q And I seek all e-mail communications sent to
14 or received by Dorothy Croshaw at
15 dcroshaw@comcast.net. Laura Kelly is the one that
16 sends off a five-day letter and pretty much drops the
17 ball, doesn't respond. I say to the City in 2016:
18 Would you please fulfill my outstanding 2009 public
19 records request. April 28, the City responds, 2016.

20 Were you the person behind the
21 publicrecordsofficer@cityofgoldbar.usa that responded
22 to that e-mail?

23 MS. RAGONESI: Object to the form of
24 the question specifically objection to counsel
25 testifying. You can go ahead and answer.

1 **A** While I was mayor after a period of time, I
2 took over the response. When I was no longer mayor,
3 as I discussed earlier, I spent some time -- I think
4 it was October 2014. I don't think I responded. I
5 think I just worked on getting the list up to date,
6 and then starting 2015, I was -- I was doing the bulk
7 of the work until about October/November.

8 Q So you didn't participate at all in 2016 on --

9 **A** That is correct.

10 MS. RAGONESI: Before you ask your next
11 question, I was going to ask if the witness wanted
12 more coffee.

13 THE WITNESS: Well, she brought hot
14 water, so I'm going to have to start the tea.

15 MS. RAGONESI: Sorry about that.

16 MS. BLOCK: That's all right.

17 BY MS. BLOCK:

18 Q Mr. Beavers, one record that was provided to
19 me by you actually via e-mail was a record relating to
20 myself about a Wikipedia article that had been
21 allegedly drafted and written by a Kevin Hulten in
22 Snohomish County.

23 **A** Okay.

24 Q You provided that to me a week before the
25 Herald broke the story on that Wikipedia article. Did

1 you participate in that Wikipedia article in any
2 nature?

3 **A No.**

4 MS. RAGONESI: Objection, goes beyond
5 the scope of this lawsuit or the two lawsuits for
6 which we're here.

7 **A No.**

8 Q Where did you obtain the Wikipedia article
9 prior to me even knowing about it on the Herald?

10 **A I have no --**

11 MS. RAGONESI: Same objection.

12 **A I do not have any remembrance of that.**

13 Q Do you know who Chuck Lie is?

14 **A Yes. I know who Chuck Lie is or, as Michele
15 Earl-Hubbard and Greg Overstreet say, Chuck Lie.**

16 Q Chuck Lie, Chuck Lie, I'm going to call him
17 Chuck Lie.

18 **A Okay. He's happier that way.**

19 Q Are you aware that Chuck Lie said that Bob
20 Shrum had passed around that Wikipedia article one
21 week prior and had gotten it from you?

22 **A I'm not aware he said that.**

23 Q Are you aware that Bob Shrum was pretty pissed
24 off, very angry, that that Wikipedia article had been
25 passed around?

1 **A No.**

2 MS. RAGONESI: Objection, assumes facts
3 not in evidence.

4 **A It doesn't seem like Bob. He would not be**
5 **angry. He might be laughing.**

6 Q You think he would be laughing that the City
7 of Gold Bar residents are passing around -- or City of
8 Gold Bar public officials are passing around Wikipedia
9 tack piece that was described by the Herald as being
10 harassing --

11 MS. RAGONESI: Objection.

12 Q -- and also by the government?

13 MS. RAGONESI: Sorry. I don't mean to
14 keep interrupting you. The way you pause, it sounds
15 like you're almost finished, but I will object to the
16 form of your question.

17 **A No. I was just commenting on Bob's overall**
18 **demeanor. It is just unlike him to be angry.**

19 Q Would it surprise you to know that he was
20 raising his voice and screaming about it?

21 MS. RAGONESI: Objection, assumes facts
22 not in evidence.

23 Q Would that surprise you?

24 **A Oh, not -- I'm 73 years old. There's very few**
25 **things that surprise me anymore.**

1 Q Mr. Beavers, are you familiar with Crystal
2 Hill's police report that was given by her as the
3 mayor to Snohomish County complaining about me in May
4 of 2009?

5 **A I know there was serious contention, and**
6 **Crystal felt she was being harassed very badly. But**
7 **that's about all I know.**

8 Q Okay. Would there be any reason why the City
9 of Gold Bar would not have turned over that record?

10 **A Because it's a county sheriff record.**

11 Q Was Crystal Hill not serving as mayor in May
12 of 2009?

13 **A May of 2009, yes, she was.**

14 Q Are you aware of the contents where she
15 declares to be the mayor of Gold Bar in that?

16 **A No. I'm not aware of the contents.**

17 Q Do you know who else was a part of that
18 complaint?

19 **A No, I do not.**

20 Q Is there any reason the City of Gold Bar could
21 not have turned over e-mails between Crystal Hill and
22 Deputy Ross as it relates to me during that time
23 period?

24 MS. RAGONESI: Objection. This goes
25 way beyond the scope of the subject matter of this

1 deposition today or the two lawsuits.

2 **A I have no knowledge of that, so I have no**
3 **remembrance of that for sure.**

4 Q Are you aware that Laura Kelly spoke to my
5 private investigators?

6 **A No, not really. I'm trying to recollect if**
7 **she ever mentioned it.**

8 Q So, Mr. Beavers, there was a whole set of
9 records in some records that we filed for Penny
10 Brenton in the 2011-007 public records request.

11 **A Okay.**

12 Q And there were a disputed log involving
13 Crystal Hill and John Pennington, John Pennington
14 being a county agency employee at the time and Crystal
15 Hill being a sitting mayor.

16 **A Uh-huh.**

17 Q So has the City turned over those records to
18 me, or at least while you were the mayor in control of
19 disseminating those records, have they been turned
20 over to me?

21 MS. RAGONESI: Objection, assumes facts
22 not in evidence.

23 **A The public records were turned over to you and**
24 **others, and the ones that were deemed not conduct of**
25 **government were not.**

1 Q Would you consider John Pennington's racist
2 comments about the president of the United States not
3 to be conduct of government business?

4 MS. RAGONESI: Objection, argumentative
5 and assumes facts not in evidence and not relevant to
6 this lawsuit.

7 MS. BLOCK: They are in the sense where
8 they were discussing via e-mails with the mayor of
9 Gold Bar and making racist comments about the
10 president of the United States.

11 MS. RAGONESI: Same objection.

12 Q So, Mr. Beavers --

13 **A I know of no e-mails where John Pennington**
14 **made racist remarks.**

15 Q In the disputed log that you created, how many
16 of those e-mails were actually turned over?

17 **A I'd have to go count them, but, you know, in**
18 **the 30 range.**

19 Q So you think you turned over 30 of those
20 e-mails?

21 **A That's just a wild guess. I can't remember**
22 **the exact count.**

23 Q What did the City do with the rest of them?

24 **A They went into the not-conduct-of-government**
25 **pile.**

1 Q Do you know if Crystal Hill was a lawyer in
2 May of -- or excuse me. In 2009 while she was the
3 sitting mayor?

4 **A She never claimed to be. She did claim to be**
5 **a paralegal.**

6 Q Do you know if she was disseminating appellate
7 court motions she was writing in e-mail communication?

8 **A I don't know what specifically she filed or if**
9 **she filed.**

10 Q And where are you keeping the
11 not-conduct-of-government-business files?

12 **A As stated earlier, they were taken off of the**
13 **server. They were put on a CD and given to the City**
14 **attorneys for use in the Susan Forbes lawsuit.**

15 Q Okay. So as far as you know, those records
16 are still at -- and correct me if I'm wrong -- Kenyon
17 Disend's office?

18 **A I do not know. It's been years, and I can't**
19 **speak to something different.**

20 Q Were they the City attorneys at the time you
21 were referring to?

22 **A Yes, they were.**

23 Q It wasn't Weed, Graafstra & Benson?

24 **A No.**

25 Q While you were mayor for Gold Bar, did you

1 keep a log of any records relating to me and my
2 publications on the Gold Bar Reporter?

3 **A We made copies of the Gold Bar Reporter.**

4 Q Did you alter those records of any nature?

5 **A No.**

6 Q So in other words -- I guess maybe I'll
7 clarify that. As you're printing off a copy of the
8 Gold Bar Reporter, it might look something like this?

9 **A Uh-huh.**

10 Q On the bottom of the e-mail, it shows the date
11 and time of the record. Did you label all of the
12 public --

13 **A Let me see what I'm looking at.**

14 MS. RAGONESI: Just for
15 clarification --

16 **A Is this an exhibit?**

17 Q No. I'm just asking you to refresh your
18 memory.

19 **A Okay. About a movie?**

20 MS. RAGONESI: Just for clarification,
21 Ms. Block, you called this an e-mail. I think that
22 was unintentional.

23 MS. BLOCK: Oh, it was unintentional.
24 Public record.

25 MS. RAGONESI: Okay.

1 MS. BLOCK: I'm asking him if that's --

2 **A PR 2001-007, something or another. Okay.**

3 Q And any time --

4 **A What about it?**

5 Q At any time did you provide copies of the Gold
6 Bar Reporter to Crystal Hill?

7 **A No.**

8 Q At any time did you provide copies of the Gold
9 Bar Reporter to John Pennington?

10 **A No.**

11 Q Did they request a copy of the Gold Bar
12 Reporter files?

13 **A No.**

14 Q When you left the City of Gold Bar, was
15 Michael Meyers still working for the City in any
16 fashion?

17 **A Yes.**

18 Q Was he still providing the same type of
19 support when you left --

20 **A Well, yes.**

21 Q -- such as retrieving access to public
22 records?

23 **A No, no. He was providing IT support,
24 server -- server maintenance, helping out if a PC
25 would go crash-o-matic or something. Now, I can't say**

1 **that for sure because I wasn't there. So, I mean,**
2 **that's my understanding that he did.**

3 Q Jay Prueher told my private investigators that
4 Lon Turner put something stupid in his e-mails that,
5 if the City releases it, they will be sued again.

6 Can you tell me what Mr. Turner did in his
7 e-mails that it would equate to the City of Gold Bar
8 getting sued again?

9 MS. RAGONESI: Objection, assumes facts
10 not in evidence, not related to this lawsuit, so it's
11 beyond the scope and calls for speculation. Go ahead
12 and answer.

13 **A So you are quoting Jay Prueher as a legal**
14 **authority?**

15 Q I'm quoting Jay Prueher's automatic statement
16 that Lon Turner put something stupid in his e-mail
17 that if it's released -- I'm asking you if Lon Turner
18 put something stupid in his e-mails that, if it's
19 released, the City is going to be sued again? Can you
20 tell me what that would have been?

21 MS. RAGONESI: Same objection.

22 **A I have no clue. Lon Turner kept pretty clean**
23 **e-mails. He didn't go out on a limb or anything.**

24 Q Lon Turner never put any racist comments in
25 any of his e-mails about Muslims or black people or

1 anything like that?

2 MS. RAGONESI: Same objection. And I
3 also object to counsel's argumentative tone.

4 **A No.**

5 Q Did you take any of Lon Turner's e-mails and
6 label them "exempt"?

7 MS. RAGONESI: Counsel, I'm sorry. Can
8 you give me an offer of proof as to how these line of
9 questioning is related to the issues in the two
10 lawsuits for which we're here today?

11 MS. BLOCK: Okay. The offer of proof
12 is that I've requested all e-mails sent or received
13 from Dorothy Croshaw, and I'm not seeing anything to
14 do with Lon Turner as though he's been wiped from the
15 planet. And I'm asking Mr. Beavers if he labeled any
16 of Mr. Turner's records as being exempt.

17 **A I don't believe so. The only records that**
18 **would have been exempt is if he were doing some**
19 **attorney-client communication, and I don't think Lon**
20 **ever did that. But I'm working from memory. I'd have**
21 **to go back and look at the exempt files on the lobby**
22 **computer to see.**

23 MS. BLOCK: I'm going to take a
24 restroom break, so we're going to go off the record.

25 (A break was taken from 2:32 p.m. to

1 2:47 p.m.)

2 MS. BLOCK: Back on the record, please.

3 BY MS. BLOCK:

4 Q Mr. Beavers, we're going to go back to the
5 question -- follow-up questions about a CD that Diana
6 Rose delivered to the City of Gold Bar and what was on
7 that CD. And I just want you to answer yes or no.
8 That's it.

9 MS. RAGONESI: I will object to counsel
10 trying to limit the witness's testimony.

11 Q Anyone's criminal or noncriminal history
12 records have you viewed?

13 MS. RAGONESI: Objection, asked and
14 answered.

15 Q Anyone's IRS tax information?

16 **A Mine.**

17 Q Have you ever seen my tax information?

18 **A No.**

19 Q Did you ever see anyone's health records?

20 **A Mine and my wife's and my dad's.**

21 Q Mr. Beavers, Ms. Rose testified under oath in
22 another public records case that she delivered the CD
23 to the City of Gold Bar that I seek in this lawsuit.
24 And she stated under oath that she carried a copy of
25 my mental health records to the City of Gold Bar, and

1 she delivered them to you and to Laura Kelly.

2 Are you here today saying that that's not
3 true?

4 **A I don't remember seeing any mental health**
5 **records of anyone.**

6 Q Did you happen to see my sister Mary's mental
7 health records, Mary Champagne, Mary Block, Mary
8 Marsh?

9 **A No.**

10 Q Did you happen to see any medical records
11 relating to anyone in my family?

12 **A No.**

13 Q The Washington State Patrol turned over access
14 searches performed on me by the City of Gold Bar. And
15 it was during the time period that's relevant to this
16 lawsuit in the time period for which you were mayor.
17 And the access shows that somebody accessed my
18 non-conviction criminal history records through access
19 database search. Do you know what that was,
20 Mr. Beavers?

21 **A No.**

22 MS. RAGONESI: Objection, beyond the
23 scope of this deposition, not relevant.

24 Q Are you aware if Jeffrey Myers had any of
25 these records at his office prior to him exiting in

1 January of 2013?

2 **A I don't believe he did.**

3 Q Are you aware that on the City's attorney bill
4 it shows that records were at Mr. Myers's office in
5 Olympia, and he disseminated them to Kenyon Disend's
6 office?

7 MS. RAGONESI: Objection, vague.

8 THE WITNESS: That's what?

9 MS. BLOCK: Vague. She said it's
10 vague.

11 MS. RAGONESI: Vague.

12 MS. BLOCK: I think she said vague or
13 big?

14 MS. RAGONESI: Vague.

15 MS. BLOCK: That's what I thought you
16 said.

17 MS. RAGONESI: No time period, no
18 specification regarding the records.

19 **A Yes. He delivered the set of records on one**
20 **of the lawsuits to Kenyon Disend when they took it**
21 **over the -- what I call the Crittenden lawsuit No. 2.**

22 Q Is that your opinion that those are the only
23 records that Mr. Meyers had at his office in Olympia
24 that was disseminated back to Kenyon Disend's office?

25 **A I can't speak for Mr. Myers.**

1 Q Are you aware that those records were
2 requested and contained information pertaining to me
3 and were requested to be preserved in native format
4 with metadata?

5 MS. RAGONESI: Objection, beyond the
6 scope of this deposition, not relevant.

7 **A Could be.**

8 Q Okay. In fact, Mr. Beavers, have you ever
9 really ever seen public records requests from me that
10 didn't ask you for records in native format including
11 metadata?

12 **A Yes, even including paper copies.**

13 Q And Mr. -- let's ask this question: As far as
14 e-mail communication, from 2009 forward, did you see
15 any public records requests from me that didn't ask
16 for those e-mails in native format including metadata?

17 **A I don't have them memorized, but there were a
18 lot of yours that said that, yeah. You tend to have a
19 standard form.**

20 Q Okay. And, Mr. Beavers, where would the
21 exempt files be as it relates to me to the best of
22 your recollection and best of your memory while you
23 were no longer serving in any capacity with the City
24 of Gold Bar?

25 **A All exempt files that the City has are on the**

1 **city server.**

2 Q And the City has. Who else has those exempt
3 files?

4 MS. RAGONESI: Objection, calls for
5 speculation.

6 MS. BLOCK: He said the City has. I'd
7 like for him to clarify.

8 **A Well, the attorneys have work product, of**
9 **course, and I'm -- I don't know what else they may**
10 **have, but they do have work product.**

11 Q Do you know what county the attorneys that
12 you're referring to actually reside in as far as their
13 law office?

14 **A King County.**

15 Q On August 8, 2015, I requested that the City
16 provide me with the records from Barbara Johnson to
17 Crystal Hill. I'm going to clarify that I'm going to
18 ask you as it relates to this public record whether or
19 not there was a pdf file that was attached to that
20 e-mail?

21 **A I don't have the e-mails memorized. I would**
22 **have to go back and research it to see what was asked**
23 **and what we sent.**

24 Q And if there was a pdf file that was attached
25 to that e-mail and detached from that file, where

1 would you have put it and why?

2 MS. RAGONESI: Objection, calls for
3 speculation.

4 **A I have no idea how you can detach an**
5 **attachment from an e-mail.**

6 Q So you wouldn't know how to detach a pdf file
7 from an e-mail?

8 **A Well, if I forwarded it and then delete it,**
9 **but that's about it.**

10 Q Are you aware if the pdf file was placed on an
11 exemption log?

12 **A I have no knowledge of any alleged pdf file**
13 **that you keep referring to.**

14 Q In that pdf -- in any of the records that
15 Barbara Johnson sent to Crystal Hill, did anybody else
16 participate with making a decision whether that was a
17 public record, whether it was work product, or
18 attorney-client communication?

19 **A I simply don't remember. I probably would not**
20 **have asked anyone else, but it probably would have**
21 **been Penny and myself on that.**

22 Q So it's possible Penny Brenton has knowledge
23 of it?

24 **A It's possible, yeah. Well, let me rephrase**
25 **that. It's probable that she worked on it. I have no**

1 **idea what her knowledge at this point is.**

2 Q Were you ever given copies of any mail
3 communication that was stolen from my mailbox into the
4 City records while you were the mayor?

5 MS. RAGONESI: Objection, not relevant
6 and assumes facts not in evidence.

7 MS. BLOCK: Again, Ms. Ragonesi, it
8 does pertain to the public records that are in dispute
9 here. Anything could have been attached to that file,
10 and I'm asking Mr. Beavers to state whether or not
11 there was any U.S. mail that was taken out of my
12 mailbox and handed to you --

13 **A No.**

14 Q -- or you reviewed?

15 **A No. Why? It's a federal offense, isn't it?**

16 Q You tell me.

17 **A I don't know. I don't go stealing things out
18 of post office boxes.**

19 Q Have you ever received a copy of any arrest
20 records involving me?

21 **A No.**

22 Q Have you ever received a copy of any arrest
23 records involving anyone in my family?

24 **A As I --**

25 Q Mary Champagne, Mary Block, Mary Marsh, Joanna

1 Block, Joanna Gianini, Stephen Block?

2 **A None of those.**

3 Q Did you receive a copy of my sister Mary's
4 mental health records from anyone?

5 MS. RAGONESI: Objection, asked and
6 answered.

7 MS. BLOCK: No. That was related to a
8 different public records request.

9 **A No.**

10 Q For the public records request from Barbara
11 Johnson, all e-mail communication for Barbara Johnson
12 to Crystal Hill, did you provide an exemption log with
13 a brief description of what the city was withholding
14 and why?

15 **A If there were exempt e-mails, the answer is
16 yes.**

17 Q Going back to the priority logs that you
18 created while you were mayor and we discussed a little
19 bit earlier, on any of those priority logs between the
20 time period of the ordinance or the Resolution 10-14,
21 did you state affirmatively when records were going to
22 be released on those priority logs a/k/a installment
23 dates? Did you say when the records were going to be
24 released?

25 **A We did this on a month-by-month basis, and we**

1 **said what was the priority for the upcoming month.**

2 Q Did it skip -- give a date?

3 **A No. And you state -- you mean completed by**
4 **date?**

5 Q At least even a date for an installment of the
6 records.

7 **A Oh, yeah. We gave dates for installments.**
8 **Yes, we were very specific about that. Next month we**
9 **will do one, two, three, four, and that was the**
10 **priority list, and it said when it would be -- what**
11 **would be delivered.**

12 Q And 2015 were you a participant in creating or
13 responding to the public records with the priority
14 list?

15 **A Yeah. I think they called -- they changed the**
16 **name to tracking list, but yes.**

17 Q Are you familiar that Judge Wynne held, at
18 least in the 2011-007, that his problem with the City
19 was that they weren't providing records?

20 MS. RAGONESI: Objection, asked and
21 answered.

22 **A I am not familiar with that.**

23 Q And are you familiar with that he considered
24 it to be unreasonable -- that five years was
25 unreasonable to respond to a public records lawsuit?

1 MS. RAGONESI: Same objection.

2 Q Records request?

3 **A I am not aware of that. I have not read the**
4 **judge's decision.**

5 Q Okay. The October 22, 2009, request, City of
6 Gold Bar has yet to respond to that request. Were you
7 a participant in answering that request?

8 MS. RAGONESI: Object to the form of
9 the question. Counsel is testifying and stating facts
10 not in evidence.

11 **A That is a false statement. The City has**
12 **responded with many installments with possibly**
13 **hundreds, if not thousands of e-mails on it. That's**
14 **2011-007?**

15 Q There was actually no number on it,
16 Mr. Beavers. It was not numbered at all.

17 **A It was not numbered on your complaint, you**
18 **mean?**

19 Q It was not numbered at all, Mr. Beavers. I
20 have an October 27, 2013, public records request for
21 2013-074. Were you the public records responder on
22 that date?

23 **A In 2013?**

24 Q 2013.

25 **A Yes.**

1 Q Can you give me the approximate date where the
2 City complied with a copy of the CD that Diana Rose
3 claims she delivered to the City of Gold Bar?

4 **A I can't remember the date. We provided the**
5 **information that was on the CD.**

6 Q Okay. And you also stated that your last day
7 in office was December 31, 2014?

8 **A 2013.**

9 Q '13. Excuse me. On that date, did you place
10 that CD, that request, on the priority log?

11 **A I'm not sure I placed anything on the priority**
12 **log on December 31. I placed things on the priority**
13 **log as they came in.**

14 Q And if it was on the priority log, what would
15 that mean?

16 **A It means it was in queue to be worked on.**

17 Q If it was in queue to be worked on, would that
18 imply that the record was not released?

19 **A I can't answer that. It --**

20 Q Are there any parties here -- is there any
21 parties at all, period -- it doesn't matter who they
22 are -- that you're concerned with protecting today?

23 MS. RAGONESI: Object to the form of
24 the question.

25 **A No.**

1 Q When you were in office during the last part
2 of 2013, did you send out a response, a priority log
3 response, as the outstanding public records request?
4 In other words, did you send out a priority log saying
5 these are the records that are still on the priority
6 log?

7 **A Yes. I sent -- every month we sent an updated**
8 **priority log to every request.**

9 Q And did you send one out before you left
10 office is kind of the question I'm asking?
11 December 30?

12 **A I forgot. I think it was December 30 is when**
13 **I sent the last one out for 2013.**

14 Q And on December 31, were you in the office?

15 **A I'm sure I was.**

16 Q Okay. Did you have conversations with Linda
17 Loen about the public records?

18 **A Not on the 31st, no.**

19 Q Did you have any conversations with Linda Loen
20 about public records?

21 **A Yeah. After 2014 I came and chatted with her**
22 **a little bit and talked about what was there.**

23 Q And what were those communications about?

24 MS. RAGONESI: Objection, beyond the
25 scope of this lawsuit and deposition unless counsel

1 can give an offer of proof more specifically to which
2 request she's referring.

3 MS. BLOCK: We're talking about public
4 records.

5 MS. RAGONESI: Right. But this lawsuit
6 is not regarding all public records.

7 MS. BLOCK: It's relating to public
8 records, and I'd like Mr. Beavers to answer the
9 question about what his conversations were as it
10 relates to outstanding public records requests.

11 MS. RAGONESI: I maintain my objection
12 because we're here today on specific requests.

13 **A Just told her that I was available to help and**
14 **gave her a brief overview of what was done, and that**
15 **was it and she took over.**

16 Q At any point while Linda Loen was in office,
17 did she designate you as the public records officer
18 for the City of Gold Bar?

19 **A No.**

20 Q When you participated as a volunteer for the
21 City of Gold Bar while Linda Loen was in office, what
22 e-mail address did you use?

23 **A Doing city business was the**
24 **publicrecords@cityofgoldbar.us.**

25 Q City of Gold Bar -- public records officer, is

1 that?

2 **A No, not public records officer.**

3 **Publicrecords@cityofgoldbar.us.**

4 Q At any time did you forward or were those
5 e-mails forwarded to your Yahoo account?

6 **A I do not have a Yahoo account.**

7 Q Were they forwarded to your Hotmail account?

8 **A No.**

9 Q Were they forwarded to your Gmail account?

10 **A I do not have a Gmail account.**

11 Q Besides the publicrecords, cityofgoldbar.usa,
12 what other e-mail address were you using while you
13 were a city mayor?

14 **A While I was city mayor, I used -- what was it?**
15 **J.beavers@cityofgoldbar.us for all city business. I**
16 **did not use my personal e-mail for any city business.**

17 Q And you recall that Michael Meyers actually
18 had to retrieve public records from private e-mail
19 accounts. Were you not one of them that he had to
20 retrieve?

21 **A Yes. But that was back in May of 2009.**

22 Q Okay. Part of this lawsuit, Mr. Beavers, is
23 the records that are relating to 2009, and some of
24 them have no limit.

25 **A I understand that, but that wasn't your**

1 **previous question. Sorry.**

2 Q When you were a volunteer for the City of Gold
3 Bar helping with the public records, did you
4 communicate at all using your private e-mail account?

5 **A Oh, no. I would not pollute it with public**
6 **records. I'm quite familiar with what a writing is,**
7 **and I make sure I don't do any 42.56 City of Gold Bar**
8 **writings.**

9 Q While we -- while the -- Michael Meyers was no
10 longer helping collect and retrieve and access public
11 records, who was doing that function when Michael
12 Meyers was no longer doing it?

13 **A Michael Meyers ended that function about**
14 **August of 2009. So it was Penny Brenton. Penny**
15 **Brenton and then myself and then Linda and then back**
16 **to myself again and then now Bonnie.**

17 Q And so they were -- describe to me how they
18 were performing the search, or did you tell them how
19 to perform the search for those records?

20 MS. RAGONESI: Objection.

21 Q So a records --

22 MS. RAGONESI: Vague as to what
23 records.

24 **A Let me think a minute.**

25 Q A records request -- let me restate. A

1 records request would come in, and then you would tell
2 the person that's assisting you how to actually
3 retrieve the records that somebody else might be
4 requesting. It could be me.

5 **A Typically, I would retrieve them myself**
6 **because the specificity of the Public Records Act, and**
7 **it's easy to make a human error on there. And I**
8 **didn't want to task several of the people with that**
9 **position without intense training.**

10 Q So the first line would go to you?

11 **A Yes.**

12 Q Would you then separate and segregate
13 according to whether you believed it was a public
14 records or not?

15 **A Not at that time, no. The only time we did**
16 **that was when we -- when we collected all of the**
17 **e-mails off of public -- off private e-mail services**
18 **because it sucked everything out. Sometime around --**
19 **I forget when it was. It was sometime in 2010.**
20 **Probably around the time we did 10-14. I made a point**
21 **at the council meeting that you do all your business**
22 **on City e-mails. And if you use the City e-mail for**
23 **something, it's -- this mayor defines it as a public**
24 **record.**

25 **So we'd just gone through the governor of what**

1 **state it was that had the honey in Argentina. And so**
2 **I told them if they send e-mails to their honey on**
3 **City services, it's a public record.**

4 Q So when Crystal Hill sends an e-mail to John
5 Pennington and you place it on a disputed log, that
6 doesn't fit into the same category?

7 MS. RAGONESI: Objection, assumes facts
8 not in evidence.

9 **A That's -- we've discussed that before. There**
10 **were a series of e-mails that I pulled to be released**
11 **as not exempt. She claimed that there were some batch**
12 **of them that were not conduct of city business, and**
13 **she went and noted those. Then I went through there**
14 **and said not city business, city business, city**
15 **business, not city business, city business, city**
16 **business.**

17 **And I took a very alpha beta approach to it,**
18 **not just that -- you couldn't prove it was city**
19 **business. I took the approach you have to be able to**
20 **prove it's not city business, and that's what --**
21 **that's how I culled them into not conduct.**

22 Q Where did you get the meaning of city business
23 when the Public Records Act says agency?

24 MS. RAGONESI: Objection, we've covered
25 this quite intensively.

1 MS. BLOCK: No. He's --

2 **A It goes back to local agencies. The city is a**
3 **local agency.**

4 Q Mr. Beavers, if you have a state auditor who
5 is contacting the City of Gold Bar, would you consider
6 that to be a public record?

7 **A If they contacted the City of Gold Bar after**
8 **we had set the new system in process, yes.**

9 Q But not before?

10 **A Huh?**

11 Q Not before?

12 **A Well, I wasn't involved in it before.**

13 Q Okay. And you weren't involved in 2009?

14 MS. RAGONESI: Objection. It misstates
15 the witness's testimony.

16 **A I was not involved. I was still studying**
17 **until sometime in August of 2009, and then we brought**
18 **Penny on board sometime September-ish and so forth.**
19 **But I didn't ever -- weren't my rules before.**

20 Q There's a public records request 2011-007 for
21 Penny Brenton's records. And how many of those --
22 it's August 1, 2009, to January 14, 2011, requested in
23 electronic format, native searchable format actually,
24 including metadata. Explain to me how you retrieved
25 the records for that request.

1 **A We went through. We had all the e-mails**
2 **collected by year. And if we didn't, then we went**
3 **through the different e-mail accounts. It was a**
4 **transition period there, and anything to or from Penny**
5 **Brenton, we made a copy into a separate folder and**
6 **made a PST file under that folder. That was for the**
7 **nonexempt.**

8 **For the exempt, we printed them out, copied**
9 **the metadata, stuck it on the back. Then scanned them**
10 **and converted them to searchable pdf and provided that**
11 **to the City attorney for redaction.**

12 Q When was the last installment that you gave to
13 me on that particular public records request?

14 **A I don't recall. Sometime -- sometime in 2015,**
15 **obviously, if there was one.**

16 Q If there was one?

17 **A Yeah. I don't remember. I'd have to go**
18 **research it.**

19 Q And at least while you were mayor, if somebody
20 asked you to provide the records via e-mail to provide
21 the fullest assistance to the requester, you would
22 have done that; is that correct?

23 **A We --**

24 MS. RAGONESI: Object to the form of
25 the question.

1 **A We typically try to do it for everyone.**

2 Q Do you consider that to be a reasonable
3 request under the Public Records Act?

4 MS. RAGONESI: Object to the form of
5 the question, speculative.

6 **A It doesn't matter if it's reasonable or not.**

7 Q Why doesn't it matter if somebody asked you?

8 **A Because it's the law. There may be**
9 **interpretive variations on that, but it's not**
10 **whether -- the law is the law. It is what it is.**

11 Q So you consider that -- if somebody asked you
12 for the record to be sent via e-mail, you consider
13 that to be the law and you should comply with that?

14 **A No, huh-uh, not necessarily. That's not what**
15 **the law has been interpreted to me. The City is**
16 **responsible for collecting the responsive records and**
17 **making them available for inspection and copying.**
18 **Beyond that it's the requester's dime.**

19 Q And so if the law -- the Public Records Act
20 says that you're to provide the fullest assistance to
21 the requester and somebody asked you to provide an
22 e-mail, you did that?

23 **A Perhaps unless the files were too big to be**
24 **sent.**

25 Q Did anyone tell you to withhold public

1 records?

2 **A No.**

3 Q Did anyone tell you to destroy public records?

4 **A No.**

5 Q Did anyone tell you to remove the public
6 records from the City of Gold Bar?

7 **A The only records that have been removed were**
8 **the ones sent to the state archivist.**

9 Q What was sent there?

10 **A The original Ordinance 1 from 1910 written in**
11 **beautiful cursive in a bound book without a single**
12 **error in the writing. It was amazing. Got that**
13 **sucker to a temperature- and humidity-controlled**
14 **protection as quick as we could and a bunch of old**
15 **stuff from the '80s.**

16 Q You mentioned in 2009/2010 Penny Brenton was
17 reviewing e-mail communications. She was on contract
18 with the City of Gold Bar?

19 **A Uh-huh.**

20 Q Do you know if she was reviewing any records
21 that were sent to or received by her from Snohomish
22 County?

23 MS. RAGONESI: Objection, calls for
24 speculation.

25 **A If she received any records, any e-mails, from**

1 **Snohomish County or sent any e-mails, they were**
2 **automatically collected.**

3 Q Did you or did you order Penny Brenton or did
4 you personally remove any police reports involving
5 John Pennington filing a criminal complaint against me
6 to Deputy Martin in Gold Bar?

7 **A No. We would not get that report.**

8 Q Why not?

9 **A Because the sheriff has their own records**
10 **department, and that goes to the sheriff. And it does**
11 **not go to the City because it's a contract operation**
12 **with the sheriff.**

13 Q Is the e-mail -- does Deputy Casey maintain --
14 does the sheriff's office maintain a location inside
15 the city of Gold Bar?

16 **A Yes, they do.**

17 Q Are they at all using any equipment inside the
18 city of Gold Bar?

19 **A They're using the electrical cables that power**
20 **the system, and I'm not sure if they have their own**
21 **internet connection or not. I just don't know. You'd**
22 **have to take that up with Casey. It's part of the**
23 **contract, and they give us credit against the cost for**
24 **that.**

25 Q So it is part of the contract?

1 **A Yeah.**

2 Q Did you discuss public records with Lori

3 Batiot?

4 **A Who?**

5 Q Lori Batiot.

6 **A Oh, is she that blonde policewoman in Duvall?**

7 Q You tell me. Is that who she is?

8 **A I don't know. I've seen that name on your**

9 **blog, and, no, I've not even spoken to her.**

10 Q Mr. Beavers, do you recall Michelle Hubbard
11 attended a hearing for me on my behalf on Lori Batiot?

12 **A Yes.**

13 Q Were you in the courtroom that day?

14 **A Yes, I was.**

15 Q Were you volunteering for the City at the time
16 you were in the courtroom?

17 **A No. When I volunteer for the City, I'm in**
18 **city hall. When I'm outside of city hall, I'm on my**
19 **own time. I was in there because I'm interested in**
20 **stuff.**

21 Q Were you with Crystal Hill and John Pennington
22 at the time?

23 **A They were on the same bench with me.**

24 Q And did you have communication with Crystal
25 Hill, John Pennington?

1 **A I said, "Hi, John. Hi, Crystal."**

2 Q Did you talk about access to public records at
3 all?

4 **A Nah.**

5 Q Do you know who Kevin Prentiss is?

6 **A Kevin Prentiss. I've heard the name. An**
7 **actor?**

8 Q Kevin Prentiss is a Snohomish County Sheriff's
9 officer?

10 **A Oh, okay.**

11 Q Did you have any communication with Kevin
12 Prentiss?

13 **A Could have.**

14 MS. RAGONESI: I'm going to go ahead
15 and object to this line of questioning. Once again,
16 it has no relevance whatsoever to the issues that
17 are --

18 MS. BLOCK: Public --

19 MS. RAGONESI: -- involved in this
20 case.

21 MS. BLOCK: Public records are being
22 withheld.

23 **A Okay. I --**

24 MS. RAGONESI: Same objection.

25 **A -- talk to a lot of sheriff's deputies. I**

1 **don't necessarily know their names.**

2 Q Did you attend Washington Coalition for Open
3 Government meetings?

4 **A In January of this year?**

5 Q Did you attend any?

6 **A In January of this year?**

7 Q January of this year?

8 **A Yes, I did. I got an ovation.**

9 Q And in that public meeting, did you stand up
10 or in a public way state that you were the City of
11 Gold Bar mayor?

12 **A No, I did not. I may have said I was the**
13 **ex-City of Gold Bar mayor.**

14 Q Are you aware that the open government
15 meetings are actually videotaped?

16 **A I understand they are, and I understand it's**
17 **very expensive to try to get a 15-minute section out**
18 **of them.**

19 Q What did you say at the Washington Coalition?

20 **A Oh, I don't recollect.**

21 MS. RAGONESI: I'm just going to go
22 ahead and object because we are running short on time,
23 and this is absolutely nothing related to the issues
24 at issue in the two lawsuits for which we're here.
25 This is a waste of time, Counsel. I really would hope

1 that you can move on to cover the question that's
2 actually related to your causes of action.

3 MS. BLOCK: I asked Mr. Beavers a valid
4 question.

5 **A The only thing I remember well about that is**
6 **when Rob McKenna referred to the Public Records Act as**
7 **a scam. I thought that was interesting.**

8 Q Mr. Rob McKenna --

9 **A Yes.**

10 Q -- referred to the Public Records Act as a
11 scam?

12 **A Yes. I caught part of it. I was listening.**
13 **That really caught my attention. I sent him an e-mail**
14 **asking for clarification later, and like a lot of**
15 **people, he doesn't respond to my e-mails.**

16 Q You might try Twitter.

17 You are aware that several people heard you
18 stand up and say that you were the mayor of Gold Bar?

19 MS. RAGONESI: Objection, misstates the
20 witness's prior testimony and not relevant to this
21 lawsuit.

22 **A Obviously, not the mayor of Gold Bar. I**
23 **haven't been the mayor of Gold Bar since December 31,**
24 **11:59 p.m., and I probably said I was previously mayor**
25 **of Gold Bar or something. I don't know. Sometimes my**

1 **mouth and my brain have a disconnect.**

2 Q On February 25, 2014, I sent a public records
3 request to the City of Gold Bar asking for Mary Block,
4 Mary Champagne, and/or Mary Marsh records with no time
5 frame. Did you participate in that search?

6 **A When did you send it?**

7 Q February 25, 2014.

8 **A I wasn't involved with it at that time. Later**
9 **on I may have responded to it in 2015.**

10 Q In 2015. And so with the public records
11 request from February 25, 2014, to the 2015, you did
12 not participate. But in 2015, it's possible?

13 **A Yeah. Like I say, I -- I worked on a lot of**
14 **public records requests in 2015.**

15 Q What records did you provide with that
16 release?

17 **A I have no recollection.**

18 Q Did you respond and say that you needed
19 clarification for false positives on Anne Block? Are
20 you the person that responded to that?

21 **A Probably so.**

22 Q Okay. What do you mean by false positives on
23 Anne Block?

24 **A You do a search. You go on and do the search**
25 **and you look for Mary Block. Well, I was unable -- I**

1 **don't think Outlook 2010 supports Boolean. And so I**
2 **tried Mary and Block, and I got about the same -- very**
3 **similar results to Mary Block, which means anyone**
4 **named Mary and anyone named Block got pulled up. So**
5 **there was this humongous bunch of false positives.**

6 Q Where are those records today?

7 **A They're on the city server.**

8 Q Earlier we discussed Chuck Lie, former Gold
9 Bar council member. He stated to me that the City of
10 Gold Bar had my mental health records, and they had
11 disseminated them via e-mail. Did you receive them,
12 review them, or any e-mail communication related to
13 that allegation?

14 **A I have --**

15 MS. RAGONESI: Object to the form of
16 the question, assumes facts not in evidence.

17 **A I have no knowledge of any personal records of**
18 **you.**

19 Q While you were the mayor, did you have any
20 communication with Linda Ivy, Washington State Bar
21 Association?

22 **A No, absolutely not that I remember.**

23 Q Do you recall an e-mail that you sent to me on
24 December 23, 2013, two weeks prior to you leaving
25 office?

1 **A No. Do you want to read it to me?**

2 Q Do you recall that it was on December 24?

3 **A Okay.**

4 Q Christmas Eve, which for me is an important
5 day because it was -- it's Noel's birthday. It's the
6 only importance for me. And you sent me an e-mail.

7 **A Did I? Okay.**

8 Q And you said, basically, Ms. Block, you are a
9 piece of shit and you got what you deserved. Do you
10 know where that e-mail is today?

11 **A It's on the city --**

12 MS. RAGONESI: Object to the form of
13 the record. It's not relevant to anything in this
14 lawsuit.

15 MS. BLOCK: Block information.

16 MS. RAGONESI: I'm sorry. Ms. Block,
17 I'm still lodging my objection. And it assumes facts
18 not in evidence.

19 Q Mr. Beavers --

20 **A It's on the city server.**

21 Q It's on the city server. Okay. Do you know
22 if that e-mail has been turned over to me?

23 **A I have -- I don't have the responses all
24 measured -- memorized, I mean. Excuse me.**

25 Q Mr. Beavers, have you ever been arrested?

1 **A Have I ever been arrested? I did have a**
2 **warrant out for my arrest one time in Arlington. It**
3 **was for not paying the fine on my automobile safety**
4 **inspection sticker. It would have been nicer if I got**
5 **an arrest warrant for beating up a couple bikers at a**
6 **bar, but having an expired safety inspection sticker**
7 **was as good as I could do.**

8 Q There was no other arrest?

9 **A No, not that I know of. I got a speeding**
10 **ticket.**

11 Q Besides the people that you described here
12 today, who else has reviewed public records? Let me
13 give you a few names, and you tell me in your own
14 words whether or not they've reviewed any public
15 records that are related to this suit. Sara
16 Di Vittorio?

17 MS. RAGONESI: Objection, calls for
18 speculation.

19 **A I wouldn't know that she did. She has no**
20 **access. She doesn't -- I've talked to her one time.**

21 Q How about Shawn Ray, did he review?

22 MS. RAGONESI: Same objection.

23 **A I don't know, I mean.**

24 Q How about Mark Rowe?

25 MS. RAGONESI: Same objection.

1 **A Don't know. None of those participated in any**
2 **of the public records requests while I was there.**

3 Q Did they review records --

4 MS. RAGONESI: Same objection.

5 Q -- before they were released?

6 **A Oh, goodness, no. It's not their job, and**
7 **they're a different agency.**

8 Q Mr. Beavers, when I'm --

9 **A Barack didn't review them either. Excuse me.**
10 **I'm sorry. I'm starting to lose it.**

11 Q Who is this?

12 **A Barack. Do you know him?**

13 Q I voted for him twice.

14 **A Okay.**

15 Q Did you or the City use anywhere company --

16 **A Any what?**

17 Q Any company contractor to assist in holding
18 the records?

19 **A No.**

20 Q Such as an outside server?

21 **A Oh, no. That would cost money.**

22 Q So, Mr. Beavers, let me explain to you and
23 then you can listen to the statement, and then I'm
24 going to ask you a question based upon what I observed
25 when I'm reviewing these records.

1 **A Okay.**

2 Q I observed a company called AIIM, an offsite
3 contractor for public records, a storage base, and on
4 the metadata it showed that you were using the program
5 of AIIM to convert an electronic file to pdf.

6 Is there any reason why AIIM would have showed
7 up on that pdf file?

8 **A What year was that?**

9 Q That was in 2011.

10 **A I think by -- let me think. I'm trying to**
11 **think when we got Adobe. We had looked at a couple of**
12 **ways, including the Diana Rose third-party software.**
13 **I wasn't about to buy software from New Zealand and**
14 **could have practiced on there, but I certainly don't**
15 **remember.**

16 Q For each of the public records requests that
17 are subject to this suit that you participated in, the
18 2011-007, did you provide an exemption log for
19 anything that you're withholding?

20 **A Yes, included with the exempt e-mails.**

21 Q And where is that exemption log?

22 **A Well, the original is on the city server.**

23 Q And when was that provided to me, Mr. Beavers?

24 **A I don't have that level of detail.**

25 Q As far as the CD that Diana Rose delivered

1 over to the City, did you provide an exemption log for
2 any records withheld from that CD?

3 **A There were no records withheld from that CD.**
4 **It was an example of software.**

5 Q From the e-mail that Barbara Johnson sent to
6 Crystal Hill, did you provide me an exemption log with
7 that attachment that was detached from the Block
8 information?

9 MS. RAGONESI: Object to the form of
10 the question, misstates prior testimony and asserts
11 facts not in evidence.

12 **A We are back into inventing things that**
13 **possibly -- that do not exist. I mean, sorry about**
14 **that. But if there was an e-mail between Barbara**
15 **Johnson and Mayor Hill and it included attorney-client**
16 **privileged discussion, it would have been redacted**
17 **with an exemption log and yada, yada, yada.**

18 Q You're talking about attorney-client
19 communication, and you're suggesting that you know
20 what that means. So in your own words, you tell me
21 that while you're answering these public records,
22 you're deciding whether there's attorney-client
23 communication. How are you deciding that that e-mail
24 is attorney-client-protected communication?

25 **A I do not make that decision. I collect the**

1 **e-mails that look as if they may contain**
2 **attorney-client communications and decisions and all**
3 **that other stuff, group them together, print them out,**
4 **put them on a -- turn them into a scannable DVD file,**
5 **send it to the attorney, and the attorney makes those**
6 **decisions.**

7 Q Which attorney made that decision on the
8 Barbara Johnson e-mails specifically?

9 MS. RAGONESI: Objection, misstates the
10 witness's prior testimony.

11 MS. BLOCK: He's saying the attorneys
12 are the ones that have the records, Ms. Ragonesi.

13 **A No, I'm not saying that.**

14 MS. RAGONESI: Actually, that's not his
15 testimony --

16 **A I did not say that at all.**

17 MS. RAGONESI: -- at all, Ms. Block.

18 Q So he's saying --

19 THE REPORTER: One at a time, please.

20 Q You said that you send them to the attorneys.
21 We have an e-mail March 2, 2009, sent from Barbara
22 Johnson to Crystal Hill with an attachment of Block
23 information on it. And I'm asking you if that
24 e-mail -- preserving that e-mail in an electronic
25 format, native format with metadata, where would that

1 e-mail be stored?

2 MS. RAGONESI: Objection. Counsel has
3 misstated the prior testimony from the witness, which
4 was that he is not aware of or does not recall any
5 actual attachment.

6 **A In the e-mail, the body of the e-mail itself,**
7 **does not show that there was an attachment.**

8 Q That particular e-mail doesn't, Mr. Beavers.

9 **A Okay.**

10 Q But we have exempt e-mails that were
11 accidentally released to us, and I -- we're going to get
12 to that. What I'd like from you is I'd like to talk
13 to you about where you put -- where would you have put
14 the original e-mail?

15 **A The -- all original e-mails are on the city**
16 **server.**

17 Q Okay. As far as the ones that you say, look,
18 this may be attorney-client communication?

19 **A Again, we take the ones that are potentially**
20 **exempt for attorney-client communications, we put them**
21 **into a separate folder called "exempt e-mails," and**
22 **then we print them out, put the metadata with them.**
23 **They are scanned into an image pdf. The image pdf is**
24 **then converted to a searchable pdf. That is put --**
25 **the copy is put on a CD.**

1 **And then it is sent to the attorney who then**
2 **uses their Adobe to redact it, and they send us back**
3 **the redacted version. And the original e-mail and the**
4 **redacted version are what the City keeps.**

5 Q So in the record for Barbara Johnson's e-mail
6 to Crystal Hill, who has the original?

7 **A The city server has the original as far as I**
8 **know.**

9 Q Was -- does the City attorney have that e-mail
10 as well?

11 MS. RAGONESI: Objection, calls for
12 speculation.

13 **A Since it was sent from Barbara Johnson, it**
14 **could -- the City attorney might have a copy of it,**
15 **but I do not know.**

16 Q On March 2, 2009, who was the City attorney?

17 **A Weed Graafstra.**

18 Q When I send the City of Gold Bar a public
19 records request asking for all e-mail communication
20 and documents sent or received by Penny Brenton, what
21 would you consider to be the "and documents"? We know
22 what e-mail communication is; correct?

23 **A Yes.**

24 Q Okay. How about "and documents," what would
25 you consider that to -- in scope, what would that

1 entail?

2 **A That would be, obviously, attachments on the**
3 **e-mails. That would be the documents. And as far as**
4 **the rest of the documents, probably I would end up**
5 **maybe going back for a clarification because there was**
6 **a lot of ancillary things. I'm trying to think if she**
7 **did or not. Since she processed all the e-mails, she**
8 **touched those documents, but they weren't what she**
9 **necessarily created. So I don't have a quick answer**
10 **for you. I'm sorry.**

11 Q So Penny Brenton's "and documents," to the
12 best of your knowledge, did the City of Gold Bar ever
13 turn over Penny Brenton's bar complaint that she wrote
14 on behalf of Dorothy Croshaw, former council member?
15 Did she turn that over in the public records request
16 response?

17 MS. RAGONESI: Object to the form of
18 the question, assumes facts not in evidence.

19 **A As far as I know, Dorothy Croshaw wrote her**
20 **own bar complaint, and she was assisted in it, to some**
21 **degree that I do not know, by Penny. And, like I say,**
22 **the reason I say that is because when I proofread the**
23 **bar complaint there were just sentence fragment after**
24 **sentence fragment. And Penny would not have had**
25 **sentence fragments.**

1 Q To the best of your knowledge, that was not
2 turned over to me; is that correct? Is that your
3 testimony?

4 **A It is not a City document.**

5 Q Okay. I disagree with that, and that's for a
6 different day with Ms. Brenton.

7 MS. BLOCK: I'm going to have just a
8 little bit of a break, Shannon, about ten minutes, and
9 then I'm sure we'll finish up thereafter.

10 MS. RAGONESI: Sounds good.

11 (A break was taken from 3:36 p.m. to
12 3:49 p.m.)

13 Q We're going to go back on the record.

14 Mr. Beavers, while Linda Loen was the mayor of
15 Gold Bar, were you working in any other capacity
16 besides a volunteer helping along with the public
17 records?

18 MS. RAGONESI: Objection, asked and
19 answered.

20 Q With Linda Loen specifically, I'd like you to
21 answer that.

22 **A No. Well, I give free advice a lot, but all I**
23 **did was just, for my official duty, was to work with**
24 **her on the transition on public records requests.**

25 Q And what kind of advice did you give Linda

1 Loen?

2 **A Oh, I probably told her to take the classes**
3 **and read the law and read the case law. It was just**
4 **general conversation.**

5 Q Conversations about what?

6 **A Just what I said, that she should take the**
7 **classes. She should understand the law and that she**
8 **should look at all the public records requests and**
9 **what we did before.**

10 Q Take what classes?

11 **A Oh, the -- there's WAPRO has classes on public**
12 **records, and I think AWC had a class on public**
13 **records. And that's part of the new elected official**
14 **course is they do cover public records.**

15 Q While Linda Loen was the mayor of Gold Bar,
16 did she ever threaten that she was going to resign?

17 **A No.**

18 Q Did she ever transfer any other duties to you
19 while she was the mayor of Gold Bar?

20 **A No. In fact, she didn't actually transfer**
21 **that duty to me. I just was there to help out.**

22 Q So she didn't come up with any type of
23 resolution or some type of ordinance designating you
24 as the public records officer?

25 **A Oh, absolutely not. The whole time she was**

1 **the public records officer with a piece of paper**
2 **laying on the counter. No. I was the senior intern**
3 **actually. I played Robert De Nero to her Anne**
4 **Hathaway.**

5 Q So, meanwhile, while you're playing Robert
6 De Nero to Linda Loen as it relates to Gold Bar public
7 records while you're not an elected official, did she
8 have any -- did she go to you and say, Joe, you're
9 going to help me out with trying to figure out what's
10 going on with the public records policy discussions
11 with Linda Loen?

12 **A No. She was a strong -- a strong woman and**
13 **with a -- with the accounting background, she's used**
14 **to handling detail. And she really, you know,**
15 **listened, but that was about it.**

16 Q Did she have any discussions or -- with you
17 about policy considerations as far as the records?

18 **A We probably had some discussion, but**
19 **everything she did, she did on her own decision.**

20 Q On December 6, 2013, there's an e-mail that,
21 basically, says that the two of you had communications
22 as it relates to Block. Can you tell me what that
23 communication was about, what the topic of
24 conversation was?

25 MS. RAGONESI: Objection, assumes facts

1 not in evidence.

2 **A No. There's no telling.**

3 Q And just a couple follow-up questions about
4 communications that you've had with the county as it
5 relates to public records or policy considerations.
6 You testified that you were with -- Gary Haackenson
7 was part of that conversation, and Aaron Reardon was
8 part of that conversation. Who else have you had
9 communications up at the county with as it relates to
10 public records?

11 **A Well, the ones we said before, the meeting**
12 **that Laura and I went to at the county. We just**
13 **talked shop about how they did their stuff and what**
14 **was their retention requirements and use of a server,**
15 **yada, yada, and just mainly had the British guy who**
16 **was their IT guy there.**

17 Q Would that be Tom Hartley?

18 **A I have no -- I can't remember. I remember he**
19 **had a British accent, and then we discussed stuff**
20 **about just general discussion. And then I can't**
21 **recollect anything off the top of my head about public**
22 **records discussions otherwise except for Diana Rose**
23 **when we talked about, hey, what about redaction**
24 **software. And she said, hey, we got this third-party**
25 **software from New Zealand. Let me show you some**

1 **examples.**

2 Q From New Zealand?

3 **A Yeah. That's where I remember it being from.**

4 Q What was the name of that program?

5 **A I have no clue. It was a long time ago.**

6 Q So, Mr. Beavers, now we're -- we've got Diana

7 Rose who's also providing you information as far as

8 what the city -- how the city is supposed to redact;

9 is that correct?

10 **A No. She brought us a sample of software she**
11 **said they were using to redact e-mails, and it was a**
12 **third-party software from New Zealand. And I looked**
13 **at it, and I thought it was pretty cruddy myself,**
14 **No. 1.**

15 **No. 2, I wasn't going to buy software from New**
16 **Zealand.**

17 **So we continued on doing the paper versions**
18 **and stuff like that until we ended up with Adobe**
19 **software to do the job.**

20 Q And with the native format including metadata,
21 where is the metadata on any e-mails that you
22 redacted? Where did you place those?

23 **A We -- we went to the properties box, copied**
24 **the metadata out of the properties box, pasted it onto**
25 **a Word document at the back of the e-mail. So you**

1 **have the e-mail, and after the e-mail, you either have**
2 **a "no metadata" if the property box was blank or you**
3 **have the metadata that was in the property box.**

4 Q With Crystal Hill's records, the records that
5 were collected --

6 **A Yeah.**

7 Q -- how did you get the metadata from those
8 records?

9 **A We went to properties and clicked on**
10 **properties, and the property box comes up.**

11 Q So you actually searched her BlackBerry
12 device?

13 **A I did not search her BlackBerry device.**
14 **Michael Meyers went and downloaded all of the stuff**
15 **off her BlackBerry device.**

16 Q Do you have -- do you know if Penny Brenton
17 had actually gone into Crystal Hill's AOL account?

18 **A No. Michael Meyers went into Crystal's AOL**
19 **account and downloaded everything.**

20 Q And at no time would Penny Brenton have been
21 in Crystal Hill's AOL account with her permission?

22 MS. RAGONESI: Object to the form of
23 the question, calls for speculation.

24 **A I can't answer that, but there's nothing for**
25 **the City, no. It was already done by the time Penny**

1 **got there. All that work had been done, had been**
2 **completed by August. And Penny showed up in**
3 **September, I believe. I'm having to work off -- what**
4 **was that? 2009? '16, seven years, my goodness.**

5 Q And so one of the public records requests that
6 is part of this suit called for the records from
7 Dorothy Croshaw, and your statement here today is that
8 all those records were actually obtained by
9 August 2009.

10 **A All of the records that we were collecting,**
11 **yeah, I think -- from personal e-mail accounts and**
12 **things were -- I believe it was by August 2009.**
13 **Because what happened it had been done before and was**
14 **completed before then, and then what happened -- went**
15 **to a GoDaddy system.**

16 **And so he pulled the GoDaddy stuff off. And**
17 **then what happened -- and then he ended doing the**
18 **search May, June -- something like June 15 or**
19 **something, and everybody was using GoDaddy except for**
20 **Crystal. And so he had to go back into Crystal's**
21 **July -- late July and get the retaining parts, get the**
22 **parts that occurred between when he finished and then.**

23 Q And did Michael Meyers go into Dorothy
24 Croshaw's Comcast account, dcroshaw@comcast.net?

25 **A I don't know the details of that. I know he**

1 **worked on it, and then I went and inspected her**
2 **computer to see if there was anything on it.**

3 Q So you're not absolutely positive that Dorothy
4 Croshaw's e-mail account was ever searched?

5 **A I'm not -- I'm not sufficiently up to date**
6 **technically on she was using Outlook Express, and I'm**
7 **not an ace expert on that at all.**

8 Q Did Michael Meyers ever mention to you that
9 he -- that Dorothy Croshaw would not give him
10 permission to go into her Comcast account?

11 **A I don't recollect. I know Dorothy was**
12 **probably the technical low end of everybody we worked**
13 **with.**

14 Q I didn't ask that. I just asked if you were
15 aware that Michael Meyers --

16 **A I can't really --**

17 Q -- was not given permission by Dorothy Croshaw
18 to search her personal e-mail accounts?

19 **A I --**

20 MS. RAGONESI: Object to the form of
21 the question, assumes facts not in evidence.

22 **A I can't remember the exact details. I did go**
23 **and look at Dorothy's Outlook Express to see if there**
24 **were any City e-mails on it, and she had forwarded,**
25 **evidently, all relevant e-mails to Laura. But that's**

1 **about -- that's a long memory. I have to go back**
2 **and -- I probably could not reconstruct it.**

3 Q Okay. So Dorothy Croshaw, to the best of your
4 knowledge, did she use the City e-mail address, such
5 as cityofgoldbar.usa, Dorothy Croshaw?

6 **A I'm certain she did, but, again, that was a**
7 **long time ago. I'd have to go back and look at the**
8 **e-mails to see who used what.**

9 Q Besides dorothycroshaw@comcast.net and the
10 City of Gold Bar e-mail address, did Dorothy Croshaw
11 use any other e-mail address that you know of?

12 MS. RAGONESI: Objection, assumes facts
13 not in evidence with regard to her personal e-mail.

14 **A I don't know.**

15 MS. BLOCK: It's in the suit.

16 MS. RAGONESI: That doesn't mean it's a
17 fact in evidence.

18 MS. BLOCK: It's -- okay.

19 Q So, Mr. Beavers, Chuck Lie was a Gold Bar city
20 council member. We talked about him a little bit
21 earlier. Did you ever threaten him with legal
22 prosecution if he didn't shut his fucking mouth, end
23 quote?

24 **A No, not legal prosecution.**

25 Q Did you ever -- did you ever -- was there ever

1 a conversation in Gold Bar City Hall where you jumped
2 in Chuck Li's face in front of Deputy Martin and say,
3 "You better keep your fucking mouth shut, or I'll have
4 you fucking arrested and prosecuted"?

5 **A No, I never said that. I think I called him a**
6 **stupid motherfucker, but I didn't do that.**

7 Q Did you ever say the Public Records Act, in
8 quote, was a big fuck you?

9 **A I -- that sounds like something I might have**
10 **said.**

11 Q Are you aware that Deputy Martin was present
12 during that conversation?

13 **A Yes.**

14 MS. RAGONESI: Objection, assumes facts
15 not in evidence.

16 Q September 23, 2013, there was a hearing at
17 Snohomish County as it relates to public records, and
18 I had my counsel present, Bill Crittenden. Did you
19 spit in Bill Crittenden's face that day?

20 **A No.**

21 Q Are you aware that the halls of Snohomish
22 County are actually videotaped?

23 **A Don't know.**

24 Q Did you try to intimidate Mr. Crittenden in
25 not pursuing an appeal?

1 **A No, I did not.**

2 **Q Did you try to intimidate him in any other**
3 **way?**

4 **A Mr. Crittenden was making statements about me**
5 **that were not correct, and I had to remind him that**
6 **the attorneys -- that I was being taken to the witch**
7 **head by the attorneys or something like that. And I**
8 **was a naive waif. And so I had to speak to**
9 **Mr. Crittenden about the attorneys' work under the**
10 **direction of the mayor. And he and I communicated**
11 **pretty -- pretty, pretty intently there.**

12 **Q And do you recall spitting in his face?**

13 **A No. I didn't spit in his face.**

14 **Q Do you recall getting within 2 inches of his**
15 **face?**

16 **A Oh, oh, yes. It was eyeball to eyeball, nose**
17 **to nose. He was having trouble. It was really**
18 **interesting. He lost it in the court. He started**
19 **yelling at the judge and doing stuff. It was really**
20 **an interesting thing after the judge ruled for the**
21 **City.**

22 **And he just pretty much lost it. Boy, the**
23 **rest of the attorneys were sort of looking around, and**
24 **so then he came out in the hallway as we were leaving**
25 **and started making noise about how I was, you know,**

1 **unable to understand how our attorneys were doing such**
2 **a bad job winning lawsuits. At which time he was very**
3 **agitated, and so we did a guy thing. And he calmed**
4 **down, and I calmed down.**

5 Q Are you aware that there is now poor access to
6 these same records because you didn't turn over a set
7 of them? That there were 66 records that you did not
8 lodge for the in camera review that are now going to
9 be subject to a CR-60 motion next month?

10 **A I have no clue.**

11 MS. RAGONESI: Object to the form of
12 the question, misstates --

13 Q Are any of these --

14 THE REPORTER: One at a time, please.

15 Q Are any of these records, records that I am
16 seeking in this lawsuit?

17 MS. RAGONESI: Objection, calls for
18 speculation.

19 **A I have no idea what you're talking about.**

20 Q So explain to me. You stated that it was a
21 guy thing between you and Bill Crittenden. What does
22 that mean?

23 **A Well, sometimes guys when they try to make an**
24 **intimidating statement to you, you have to show that**
25 **maybe you're not intimidated.**

1 Q And you feel that Mr. Crittenden made an
2 intimidating statement to you?

3 **A Oh, absolutely, yes, yes.**

4 Q How did he do that?

5 **A He was in there claiming that -- I don't**
6 **remember the exact word but how the attorneys were**
7 **taking everybody to the cleaners, and here I was I was**
8 **being led around by them. And so I had to walk up to**
9 **him, explain that the attorneys work under the**
10 **direction of the mayor. Slow time to learn. He also**
11 **got the same thing from Rob McKenna at the January**
12 **conference too. He asked a question about that.**

13 Q So how exactly did he do that?

14 **A At the conference?**

15 Q For the -- in the courtroom or outside the
16 courtroom on September 23.

17 **A Oh, he was speaking in a -- he was from about**
18 **here to the other side of the wall in a loud voice**
19 **telling me how, you know, I was being taken to the**
20 **cleaners or something on that order. And so he and I**
21 **had a quick discussion on -- that I didn't think I was**
22 **being taken to the cleaners more or less.**

23 Q Are you aware that he has stated that you were
24 spitting in his face?

25 MS. RAGONESI: Objection.

1 **A He might have said that.**

2 MS. RAGONESI: Assumes facts not in
3 evidence.

4 Q Mr. Beavers, the state auditor's reports for
5 the last four years, including times when you were in
6 office, reflective of the times you were in office,
7 are reporting gross misappropriations of the public
8 enterprise fund, such as the water funds, the street
9 water funds. It was just announced at the city
10 council meeting the other day that there's money
11 missing. Did you take money from the city water funds
12 to pay the lawyers at all?

13 MS. RAGONESI: Object to the form of
14 the question. It's well beyond the scope of this
15 deposition. It is argumentative, and it is up to the
16 witness whether he feels he is being harassed by these
17 questions and chooses to answer. But that has nothing
18 to do with this deposition.

19 MS. BLOCK: Well, Ms. Ragonesi --

20 **A Okay. Let me answer that for you.**

21 MS. BLOCK: Just a second, Mr. Beavers.
22 I'm going to state for the record that we're talking
23 about public records, and we're also talking about
24 funds that are being used to stop the release of
25 public records. So, yes, it is relevant where the

1 money is actually coming from.

2 MS. RAGONESI: And, again, I would just
3 respond that this lawsuit isn't about all public
4 records. It is limited to the actual causes of the
5 actions that are being brought, which does not include
6 anything near that subject area.

7 **A Okay. There were -- there was a loan made**
8 **from the water department to the general fund, from**
9 **the water enterprise fund to -- you know, which we**
10 **needed a short-term loan to cover the excessive**
11 **litigation expenses for -- we had, like, five public**
12 **records requests. I don't know how many recalls and**
13 **PDC things.**

14 **The -- and a loan was made fund to fund as**
15 **normal. And the only thing the auditor said about it**
16 **is as we were paying it back we had calculated the**
17 **interest as if we had gotten a commercial loan, and**
18 **they said no, no. You have to calculate interest**
19 **based on what the investment rate was for the**
20 **enterprise fund. So they had us reduce the interest**
21 **rate that we were paying, and we paid the fund off**
22 **2014, I think, is the last payment.**

23 **Q** And so, Mr. Beavers, did you send out a press
24 release in August or July 2012 stating that the City
25 is contemplating bankruptcy because it had no more

1 money?

2 **A Absolutely, yeah. There was a real serious**
3 **thing about it, and that's one of the things that led**
4 **us to the Resolution 10-14. And, yeah, there was a**
5 **real potential of that. And so doing due diligence,**
6 **you know, I did the checking into it. The big thing**
7 **that the damage that was done is that the -- a whole**
8 **lot of the general fund, over half, I believe, goes to**
9 **enhance law enforcement in the city.**

10 **And a city disincorporation or bankruptcy or**
11 **something would really have a super negative impact on**
12 **the citizens. And yeah. And so far in five public**
13 **records lawsuits all the way through the superior**
14 **court, all courts have ruled that the city was fine.**

15 Q Really?

16 **A Yeah.**

17 Q And are you familiar, again, with Judge
18 Wynne's ruling that the City violated the Public
19 Records Act in public records request 2011-007, which
20 is subject to this lawsuit?

21 **A The --**

22 MS. RAGONESI: Objection.

23 Q Because you failed to provide --

24 MS. RAGONESI: This has been asked and
25 answered multiple times.

1 Q You failed to provide installments or even a
2 proper response.

3 **A Well, I wasn't involved in that lawsuit.**
4 **After 2013 is not my dog, but I will say with that one**
5 **the thing that really got me was that was an abandoned**
6 **request.**

7 Q That's pretty interesting.

8 **A And because it's an abandoned request, if you**
9 **take a look at the model rules, it was put at a lower**
10 **priority than the others. And as you -- if you read**
11 **the e-mail I sent you, I said we would reinstate it**
12 **but at a lower priority than other, so which is what I**
13 **pursued.**

14 Q Let's go back to that public records response
15 to that particular lawsuit because it was your
16 testimony a little earlier that you didn't participate
17 in 2016 in the response to the public records.

18 **A And I didn't.**

19 Q So, Mr. Beavers, that response was sent in
20 2016. It's your testimony --

21 **A No, no. That response that I'm talking about**
22 **was sent in 2011.**

23 Q No. The public records response that you sent
24 was in April of 2016, and that was the only response
25 as far as a, quote, abandoning that request?

1 **A 2011-007?**

2 Q 2011-007.

3 **A First off, I was not there in 2016. That was**
4 **Bonnie who did that. It was abandoned back in 2011,**
5 **May. It started out in January, abandoned in May, and**
6 **so we reinstated it at a lower priority than other**
7 **requests.**

8 Q And you provided records thereafter, did you
9 not?

10 **A Yes, we did.**

11 Q And in April of 2016, were you answering any
12 of these public records?

13 **A No.**

14 Q Okay. Are you aware of any financial
15 improprieties at the City of Gold Bar?

16 MS. RAGONESI: I'm going to object at
17 this point. Counsel, it's 4:12. That has nothing to
18 do --

19 MS. BLOCK: It's not 5:00 yet.

20 MS. RAGONESI: That's fine. I'm just
21 letting you know it's 4:12. I would, again, request
22 that you move to any questions that are actually
23 related to the subject matter at issue in the two
24 lawsuits for which we're here today.

25 MS. BLOCK: This is relevant.

1 MS. RAGONESI: Because, Ms. Block, I
2 understand that you may feel it's relevant --

3 MS. BLOCK: It's absolutely relevant.

4 MS. RAGONESI: -- to your concerns with
5 the City, but I do not believe --

6 MS. BLOCK: Not with my concerns.

7 MS. RAGONESI: Ms. Block, please let me
8 lodge my objection without interrupting me again. It
9 is not relevant to the causes of action that have been
10 brought here. Now, I have been patient with your
11 attempts to bring in multiple issues into this
12 deposition that are not relevant today, but you are
13 continuing to just go well beyond the bounds of this
14 discovery. And it has become harassing and abusive.

15 MS. BLOCK: Ms. Ragonesi, let me
16 explain to you that when we're talking about the rules
17 of the discovery, we're talking about anything that
18 would likely lead to discoverable evidence. And in
19 this case we're talking about the public's right to
20 know. We're not just talking about Anne Block's right
21 to know. We're not talking about your right to know.
22 We're talking about the public's right to know.

23 The public's right to know exceeds on public
24 records issues how much money is being appropriated,
25 how much money is being misappropriated, where those

1 funds are actually coming from. And I'm asking
2 Mr. Beavers.

3 BY MS. BLOCK:

4 Q Are you familiar with any financial
5 improprieties in the City of Gold Bar?

6 MS. RAGONESI: And, again, I'll just
7 respond --

8 MS. BLOCK: Please.

9 MS. RAGONESI: -- by saying you've
10 misstated the rule. It has to be likely to lead to
11 admissible. And in this case admissible evidence is
12 normally relating to the claims that have been brought
13 in these two lawsuits.

14 **A Okay. In 1989 there was a big curfoodel**
15 **(phonetic) over the city clerk at the time and**
16 **misreporting funds and insufficient things, and that's**
17 **when the -- Bertha Gilmore became mayor and kicked out**
18 **the old city clerk and put a new one. And I think**
19 **things got a lot better, and then things were calm as**
20 **long as Hester was there through the '90s and into the**
21 **first -- about 2010. And there was no hint of**
22 **anything.**

23 **Now, there was the hack of the bank account**
24 **that happened from the guy out in Portland area or**
25 **somewhere that went through the bank of America like**

1 **he was vice president there. And so that got caught**
2 **down, recovered, and insurance covered the difference.**
3 **And then we had, of course, the borrowing instance for**
4 **Laura, and as far as I know, that's it.**

5 Q Okay. Are you familiar with the 2013 state
6 auditor's report that there's \$200,000 missing from
7 the City's funds and not one City employee can state
8 where it went?

9 MS. RAGONESI: I'm renewing my
10 objection and making it clear from the record that
11 this is not a 30(b)(6) deposition. Plaintiff has not
12 identified any of these areas as subjects for the City
13 to testify on, and, therefore, Mr. Beavers is not here
14 to testify on the City's behalf.

15 **A 2013. Let's see. That was the one where the**
16 **auditors didn't know that OSHA existed. That was the**
17 **one where they were \$17,000 off in their federal**
18 **review. And what else? A couple other things that**
19 **they said were my fault. Anyway, I think that's the**
20 **one you're talking about, so --**

21 Q So are you familiar that there was
22 \$200,000 missing?

23 **A There was --**

24 Q The state auditor said no one can explain, not
25 one city employee, can explain where that went.

1 MS. RAGONESI: Object to the form of
2 the question.

3 **A I would have to go read the auditor's report**
4 **to find. I don't remember it that well. I don't**
5 **remember that at all.**

6 Q Are you aware that Crystal Hill Pennington was
7 stealing from the City of Gold Bar?

8 **A No.**

9 MS. RAGONESI: Object to the form of
10 the question, well beyond the scope of this
11 deposition, argumentative, and harassing and no facts
12 to support.

13 Q We talked about Jay Prueher earlier.

14 **A Jay Prueher.**

15 Q Jay Prueher told us that Crystal Hill was
16 stealing from the City. Do you have any knowledge
17 where she was stealing \$200,000 from the City?

18 MS. RAGONESI: Same objection. This
19 has become harassing.

20 **A Jay is going to be interested --**

21 THE REPORTER: One at a time, please.

22 MS. RAGONESI: This has nothing to do
23 with the subject matter of this lawsuit.

24 **A Jay is going to be interested in hearing what**
25 **he said.**

1 Q Well, that's very good, because I have
2 somebody that's willing to make a declaration that
3 that's what he said.

4 So, Mr. Beavers, you know, you talked about
5 the hacking of the City accounts. Okay. How do you
6 define hacking?

7 **A Oh, there was a series of attempts by**
8 **somebody. They started out creating fake checks and**
9 **trying to cash them. All of them got caught because**
10 **the check is handed to a human being, and the human**
11 **being said this don't look right. Got several phone**
12 **calls over that, and all of those got stopped.**

13 **And then they started doing an electronic**
14 **hacking getting into the account, and we didn't have**
15 **the bulletproof security stuff put together. That was**
16 **one of Laura's things to do, and it was on her to-do**
17 **list. And they managed to take a lot of money, and we**
18 **stopped them in one, closed the account, opened**
19 **another. Boom, they hit that account, and we were --**
20 **it was really a whack-a-mole operation.**

21 Q So you say hacking. Again, I'd like for you
22 to define what you mean by hacking.

23 **A They entered the Bank of America electronic**
24 **banking system and pretended they were the City of**
25 **Gold Bar.**

1 Q That's what you consider to be a hacking?

2 **A Yeah, that's what I'd call it. It may not be**
3 **the right technical term.**

4 Q Did you ever review the police reports from
5 the City of Portland?

6 **A No. Because by that time Chief Casey was**
7 **handling it. I was looking into money recovery. I**
8 **was working with Bank of America pulling all I could**
9 **out, and then Harry Astrick (phonetic) came through**
10 **and did the final summary. And we got the insurance**
11 **company to cover the indemnity loss.**

12 **At that time it went to Chief Casey. He**
13 **handled that. I talked to him a couple times, and**
14 **then the FBI took over. They said thank you very**
15 **much. We'll handle it, and that's the last I heard.**

16 Q Who at the FBI had you been in contact with?

17 **A I was not.**

18 MS. RAGONESI: I'm just going to again
19 renew my objection. This is well beyond the scope of
20 this lawsuit --

21 MS. BLOCK: Ms. Ragonesi.

22 MS. RAGONESI: -- and the secondary
23 lawsuit that we're at a deposition for.

24 MS. BLOCK: Ms. Ragonesi, he's claiming
25 somebody is hacking into the computer system. What

1 I'd like to know is how far did it go? I mean, did he
2 get -- she get access to our e-mail communication and
3 somehow delete Crystal Hill's e-mails?

4 **A No.**

5 MS. RAGONESI: Before you respond,
6 Ms. Block, he has not related that to anything
7 regarding the e-mails or responses for public records.

8 **And I will remind you that this witness is here under**
9 **compulsion by a court subpoena for this purpose of**
10 **this lawsuit. You have exceeded the authority of that**
11 **subpoena.**

12 MS. BLOCK: I disagree.

13 MS. RAGONESI: And if you continue -- I
14 understand you disagree to it. I am just putting you
15 on fair notice. If you continue to exceed the
16 authority of that subpoena, we'll need to seek
17 assistance from the court, and I really don't want to
18 do that.

19 MS. BLOCK: I offered you a protective
20 order. You declined it. If you need a protective
21 order, then we can sort through that.

22 BY MS. BLOCK:

23 Q But, on the other hand, what I'm asking is,
24 Mr. Beavers, what exactly happened as far as the
25 hacking? He's talking about a hacking. Hacking -- I

1 mean, I've had five attempts at my computer system,
2 and they seem to be directed from Duvall, Washington.
3 That's a hack. What he's describing I'm not sure if
4 the person is trying to hack in and grab e-mail
5 communication.

6 So, Mr. Beavers, was there any --

7 **A It was an attack on the Bank of America**
8 **electronic banking system. All of the action occurred**
9 **at some Bank of America server somewhere, and whoever**
10 **was doing it knew what they were doing.**

11 Q They absolutely knew what they were doing,
12 because I got a copy of those police reports. And
13 they were actually given the passwords to get into
14 those accounts.

15 Do you have any knowledge of how far that
16 went? Did it go into the public records? Did it go
17 into the server where the e-mails are being stored?

18 MS. RAGONESI: Same objection.

19 **A I have no evidence that anything like that**
20 **happened. There's no money in the damn Gold Bar**
21 **system. There's money in Bank of America. They were**
22 **after money.**

23 Q How much money was actually taken from the
24 accounts in toto?

25 MS. RAGONESI: Same objection.

1 **A I can't remember.**

2 Q Okay.

3 **A I'm going to pull -- it was in the hundreds of**
4 **thousands of dollars, and it took place -- I mean,**
5 **like I said, we played whack-a-mole with them for**
6 **about six months.**

7 Q And how long did it go on for before it was
8 actually caught by the clerk?

9 **A It was caught -- who was it caught by? I**
10 **can't remember who caught it. It was either me or**
11 **Harry or something. I forgot who.**

12 Q You mentioned that you were down in the
13 legislature. Did you hand-deliver any documents to a
14 specific legislator?

15 **A I don't -- I did -- yeah, I did make a set of**
16 **documents that I left with the public hearing for the**
17 **house committee, the Utah can go pretend to listen**
18 **public hearing. And I left a series of documents on**
19 **various aspects of the Public Records Act.**

20 Q And were those provided to Penny?

21 **A To Penny?**

22 Q To Penny, my request for access to public
23 records. It says Penny Brenton's e-mail communication
24 and documents. Did you provide those to Penny?

25 **A Those weren't Penny's documents. She had**

1 **nothing to do with it.**

2 Q With Penny reviewing whether or not it's a
3 public record, that would be something --

4 **A She did not do that part, no. She reviewed**
5 **e-mails. We had a big stack of e-mails. She reviewed**
6 **e-mails.**

7 Q And do you recall having a conversation with
8 one of the legislators as it relates to an e-mail that
9 you claim that I had had a conversation with Laura
10 Kelly and I think I might have cc'd the whole city
11 council on that communication during the time period
12 relevant to this lawsuit about Crystal Hill's abuse of
13 her children?

14 MS. RAGONESI: Same objection.

15 **A I don't believe so. I mean, I remember seeing**
16 **that e-mail or something, but I didn't put any -- a**
17 **truck in it.**

18 Q In May of 2009, Crystal Hill is filing
19 criminal complaints in Snohomish County. Do you have
20 any knowledge whether -- against me. Do you have any
21 knowledge whether or not Laura Kelly was cc'd in on
22 that communication?

23 **A No.**

24 MS. RAGONESI: Objection, calls for
25 speculation.

1 **A I can't see that happening. Crystal wouldn't**
2 **have done that. Why would she do that? There's no**
3 **reason for it, and I don't remember seeing anything**
4 **from Crystal except complaining about the e-mails that**
5 **she claimed were not conduct of government.**

6 Q Okay. And as far as Crystal Hill, are there
7 any records that are relevant to any of these requests
8 that relate to Crystal Hill abusing a child in
9 November of 2008 that have not been turned over by
10 Penny?

11 MS. RAGONESI: Object to the form of
12 the question.

13 **A I think that was part of the divorce**
14 **complaints. I mean, it's not Crystal abandoned her**
15 **daughter to be raised by somebody else. I mean, you**
16 **know, this is a contentious divorce going on, so there**
17 **was all sorts of claims made.**

18 Q And do you realize that those claims were made
19 by a physician and not by the parents involved in this
20 case?

21 **A I do not know.**

22 Q Do you have any idea where all of those
23 records are that Penny reviewed?

24 **A Penny did not review those records.**

25 Q Did Penny review those records?

1 **A She didn't review those records.**

2 Q Who did?

3 **A Penny -- that was John Pennington's divorce**
4 **records, weren't they?**

5 Q A police report that Crystal Hill is a sitting
6 mayor had filled out?

7 **A That Crystal Hill -- I thought you said**
8 **Crystal Hill was the subject of the --**

9 Q She's the subject of it, but she still had to
10 give a written opinion. And she's the sitting mayor
11 at that time. Are you saying you wouldn't consider
12 that to be a public record?

13 MS. RAGONESI: Object to the form of
14 the question. I'm not even clear what we're talking
15 about right now, but it sounds to me like you're
16 asking for a legal opinion and also speculation as to
17 what other people may or may not have reviewed.

18 MS. BLOCK: Part of the records lawsuit
19 says all e-mail communication and documents that Penny
20 Brenton reviewed, and as I noted earlier,
21 Ms. Ragonesi, that the City had accidentally released
22 exempt e-mails to another party, not me, but to
23 another party. So I'm asking Mr. Beavers if he turned
24 over all the records from the 2011 Penny Brenton, all
25 e-mail communication and documents.

1 MS. RAGONESI: Who was the other party?

2 MS. BLOCK: Penny Brenton, 2011.

3 MS. RAGONESI: No. I'm sorry. You
4 said the City released these e-mails to another party,
5 not you.

6 MS. BLOCK: They released them to a
7 party that's not a party to this suit who has an
8 interest in open government. And in those e-mails,
9 they were labeled "exempt."

10 BY MS. BLOCK:

11 Q I guess I'm asking you, Mr. Beavers, in those
12 e-mails that were given to Penny Brenton, because I
13 have "and all documents," right, "and documents," were
14 those part of it? Crystal Hill beating up a child in
15 November of 2008, leaving bruises all over that child?

16 **A 2008?**

17 MS. RAGONESI: Again, I'm going to
18 object based on it being beyond the scope and also
19 vague because it is not clear who might even have
20 these documents since counsel -- I'm sorry. Ms. Block
21 is not letting the witness know.

22 Q Penny Brenton --

23 MS. RAGONESI: Go ahead and answer if
24 you can.

25 Q Was Penny Brenton given any of those records?

1 **A I doubt it. I mean, I don't remember seeing**
2 **anything like that.**

3 Q Okay. Was Penny Brenton given the police
4 reports that Crystal Hill was trying to file against
5 me for trying to access public records?

6 MS. RAGONESI: Objection, calls for
7 speculation.

8 **A Penny Brenton was given the stack of 30,**
9 **35,000 e-mails to process. That's what Penny Brenton**
10 **did. Okay. And Penny was not anywhere close to that**
11 **in November 2008, if that's when it happened. Penny**
12 **didn't show up until late 2009.**

13 Q The public records request that we're here
14 today, Mr. Beavers, is the 2011-007 public records
15 request.

16 **A That's correct. It's the abandoned one.**

17 Q It's not abandoned, Mr. Beavers --

18 **A Yes, it is.**

19 Q -- when the City doesn't respond to a public
20 records request and the Court already held that the
21 City is in violation.

22 So it's to the best of your knowledge Penny
23 Brenton did not review any of those records?

24 MS. RAGONESI: Objection, calls for
25 speculation.

1 **A Right.**

2 Q Are you familiar with RCW 40.16.010 Injury to
3 Public Record?

4 **A I've seen it.**

5 **Wait a minute. Hers is different from this**
6 **one. You've got a big box on yours.**

7 Q Somebody already had a copy of it. It's just
8 the same law. RCW; right?

9 MS. RAGONESI: That's fine. Thanks for
10 pointing that out. I'll put a big X through that
11 part.

12 (Exhibit 10 was marked.)

13 Q Mr. Beavers, the RCW 40.16.001 says Injury to
14 Public Record, and it says "Every person who shall
15 willfully and unlawfully remove, alter, mutilate,
16 destroy, conceal, or obliterate a record, map, book,
17 paper, document, or other thing filed or deposited in
18 a public office, or with any public officer, by
19 authority of law, is guilty of a Class C felony and
20 shall be punished by imprisonment in the state
21 correctional facility for not more than five years, or
22 by a fine of not more than one thousand dollars or
23 both."

24 So the issue of removing public records and
25 placing them over at the City's office -- at the

1 attorney's office, you removed public records and
2 placed them over in the City's -- in the City
3 attorney's possession.

4 **A If you're talking about the not conduct of**
5 **government e-mails, no. We did -- those are not**
6 **public records.**

7 Q So where are they, Mr. Beavers?

8 MS. RAGONESI: Objection. This has
9 been asked and answered several times today.

10 MS. BLOCK: Look, they're supposed to
11 be reviewed for in camera review. He's supposed to
12 save them. He knows what his obligation is.

13 MS. RAGONESI: Counsel, you don't have
14 to convince me. I'm lodging my objection for the
15 record. You've asked this question several times.

16 MS. BLOCK: I'd like to know --

17 MS. RAGONESI: And now we're moving
18 into the arena of harassing this witness trying to get
19 him --

20 MS. BLOCK: There's no harassing here.

21 MS. RAGONESI: -- frustrated.

22 MS. BLOCK: What I'd like --

23 MS. RAGONESI: Well, I disagree, and
24 it's my objection.

25 **A As I've said before, I haven't seen those**

1 **since the conclusion of the Forbes lawsuit to where**
2 **the judge ruled it was supported by a public court and**
3 **the state supreme court that those were not public**
4 **records.**

5 Q And, actually, Mr. Beavers, the court never
6 made that finding that they weren't public records.
7 They just said that your explanation of them was
8 sufficient. You realize that --

9 **A It worked.**

10 Q -- one of the lawsuits here pertains to those
11 records. And so what did you do to preserve them?

12 **A Those were not public records.**

13 Q Mr. Beavers, what we're going to do --

14 **A They were not conduct of government. Excuse**
15 **me.**

16 Q We still have a right to have those. I still
17 have a right to have those lodged for an in camera
18 review, and I'd like to know what you did with those
19 records so I could have them lodged for an in camera
20 review.

21 MS. RAGONESI: Objection. The witness
22 has answered this question.

23 MS. BLOCK: He's not answered the
24 question.

25 **A I answered it --**

1 THE REPORTER: One at a time, please.

2 **A Let me say it again very slowly. After the**
3 **Forbes lawsuit was done through the supreme court, I**
4 **had taken all those off the server before. They were**
5 **in the possession of the attorney. Okay. The**
6 **attorney had them -- when did that clear the supreme**
7 **court? 2010 or '11 or something like that. And I do**
8 **not know where, if they are.**

9 Q Okay. And so while you were the sitting
10 mayor, did you get a public records request and/or a
11 litigation hold telling you to hold those records?

12 **A They are not public records, so it didn't**
13 **count.**

14 Q Mr. Beavers, that is not relevant for you to
15 make that decision since the records were not lodged
16 for an in camera review. I'm asking you where -- did
17 you place a litigation hold on all the records that
18 you were requested to place a litigation hold on?

19 MS. RAGONESI: Object to the form of
20 the question.

21 **A As I have stated three times now, they are**
22 **with the -- I gave them to the attorney, and I have no**
23 **knowledge otherwise.**

24 MS. BLOCK: Great. Thank you. We are
25 done, Shannon.

1 MS. RAGONESI: So I'd like to go ahead
2 and mark -- what are we up to? Ten? Mark Mr. --

3 THE REPORTER: Eleven.

4 MS. RAGONESI: Eleven? Thank you.

5 Mr. West, the notes that he's taken during the
6 deposition as Exhibit 11 if you don't mind doing that.

7 THE WITNESS: You opened the binder.

8 MS. RAGONESI: That would include the
9 pleading that he's been writing on the back of and his
10 yellow --

11 MS. BLOCK: No.

12 MR. WEST: If you'd like to get a
13 seizure order and have a judge issue a warrant, you
14 are very much obliged to do so. We're --

15 MS. BLOCK: The judge --

16 MR. WEST: -- here, and I, in fact --

17 MS. BLOCK: The judge said we were free
18 to pass notes.

19 MR. WEST: -- I urge you to do so.

20 Should you wish to take these exhibits, you're more
21 than welcome to contact the judge and get a search
22 warrant for their seizure based upon probable cause of
23 a crime.

24 MS. RAGONESI: So just to be clear
25 before you leave the room --

1 MR. WEST: I've given you time to do
2 that.

3 MS. RAGONESI: I'm sorry. Let me make
4 my statement on the record. You can respond.
5 Mr. West, are you refusing to provide copies of those
6 as an exhibit in this case?

7 MR. WEST: I'm allowing you to contact
8 the judge and obtain a search warrant for the Fourth
9 Amendment search of my personal papers as required
10 under the Fourth Amendment to the Constitution of the
11 United States, which provides that the people shall be
12 secure in their persons, houses, places, and affects
13 from unreasonable search and seizure.

14 As an American citizen, I take that -- that
15 privilege seriously. And as an attorney in the Bar of
16 the United States and the State of Washington, I would
17 hope that you too, in performance of your official
18 duties, would follow the Constitution of these United
19 States. And I remain here for you to obtain that
20 search warrant should you wish to do so.

21 And the other -- but I also lodge my
22 objection, and I shall be contacting the Washington
23 State Bar. I shall be filing a tort claim with your
24 insurance carriers concerning your attempt to invade
25 my personal privacy.

1 MS. RAGONESI: Are you here
2 representing Ms. Block as an attorney?

3 MS. BLOCK: No.

4 MR. WEST: I don't represent anyone. I
5 take no fees.

6 MS. BLOCK: Mr. West is not an
7 attorney.

8 MR. WEST: I'm an assistant.

9 THE REPORTER: One at a time, please.

10 MS. BLOCK: The further thing I'd like
11 to place for the record is that I have had court after
12 court after court hold that I am a journalist under
13 media shield RCW 5.68.010. Everything that I
14 communicate as a reporter is protected communication.

15 MS. RAGONESI: So I will at this point
16 ask you and Ms. Block to ensure that every piece of
17 your notes is preserved so we can address this issue
18 with the judge since you're refusing to allow the
19 court reporter to mark it --

20 MR. WEST: I welcome --

21 MS. RAGONESI: -- as an exhibit today.

22 MR. WEST: I welcome your attempts to
23 issue -- to have the honorable judge -- which judge is
24 assigned to this case?

25 MS. BLOCK: Downing. Yeah, he's very

1 honorable when it comes to First Amendment.

2 MR. WEST: I welcome your attempts to
3 get the Honorable Judge Downing to issue a search
4 warrant to seize my personal papers, and I wish you
5 all the luck in the world in this endeavor. And I
6 hereby certify that I will keep these records
7 inviolate for you to attempt to do so.

8 MS. RAGONESI: Thank you.

9 MS. BLOCK: The other issue is they're
10 for a -- as a journalist, I'm writing a story, and any
11 notes that were passed to me are journalist protected.

12 MS. RAGONESI: So just to be clear,
13 though, at the beginning of the deposition, you
14 informed the Court that Mr. West was here as your
15 assistant based on your disabilities.

16 MS. BLOCK: I didn't say that he was
17 just here as my assistant.

18 MR. WEST: We're not saying anything.
19 The judge said that I was allowed to be here. I was
20 allowed to take notes, and I was allowed to speak
21 here. I do not believe that I transgressed any of the
22 boundaries that the honorable judge set. If I do so,
23 I'm prepared to answer to whatever type of contempt
24 charge you wish to bring.

25 If you wish to bring -- to get a search

1 warrant to search my papers, you're welcome to do so.

2 At this point I consider this discussion harassing and
3 offensive, and I consider this matter closed.

4 MS. RAGONESI: Would you provide
5 your --

6 MS. BLOCK: I'm done. I'm done.

7 MS. RAGONESI: -- residential address
8 to the court reporter so that we can pursue this
9 further in the courts as you've asked?

10 MS. BLOCK: We're done.

11 MR. WEST: I have my -- as you're well
12 aware from your earlier statement of being familiar
13 with my work, my address of record is on file with the
14 courts all the way up to the Court of Appeals in the
15 District of Columbia. It's not typical --

16 MS. RAGONESI: Mr. West, I do not know
17 your address --

18 MS. BLOCK: Since we still have the
19 record open, I'd --

20 THE REPORTER: One at a -- I'm sorry.
21 One at a time.

22 MS. BLOCK: We're going to bring
23 Mr. Beavers back in. I'd like to talk to him about
24 his contract with you.

25 MS. RAGONESI: He's already been

1 released.

2 MS. BLOCK: No, he hasn't.

3 MR. WEST: Could I get your personal
4 address --

5 MS. RAGONESI: Mr. West --

6 MR. WEST: -- for my processer servers
7 to serve you with a civil complaint?

8 MS. RAGONESI: If you're refusing to
9 provide your address, then just say so.

10 MR. WEST: I'm not refusing to provide
11 my address.

12 MS. BLOCK: Ms. Ragonesi --

13 MS. RAGONESI: Then would you do so.

14 THE REPORTER: I can only take one at a
15 time. I'm sorry. You're all talking at the same
16 time.

17 MS. BLOCK: Ms. Ragonesi, it has come
18 to my attention from the City of Gold Bar employee
19 that you did not sign a contract prior to you entering
20 a notice of appearance on the record. Do you deny
21 that?

22 MS. RAGONESI: I am not here under
23 deposition.

24 MS. BLOCK: Ms. Ragonesi, I'm making
25 objections to you representing Mr. Beavers who is not

1 a city employee.

2 MS. RAGONESI: Again, I'm not going to
3 answer those questions.

4 MS. BLOCK: I would like --

5 MS. RAGONESI: And, Mr. West, if you're
6 not going to provide the address --

7 MS. BLOCK: I would like --

8 MR. WEST: Here's --

9 MS. RAGONESI: -- then we'll go ahead
10 and take it up with the court.

11 MR. WEST: I'll be more than happy to
12 provide my address if you'll provide yours.

13 MS. BLOCK: I have hers.

14 MR. WEST: Oh, well.

15 MS. RAGONESI: And I'm -- one final
16 question just on this issue, Ms. Block, then it's your
17 position that Mr. West was here as a journalist
18 assisting you as a journalist?

19 MS. BLOCK: Oh, so what I am doing
20 is -- not only am I performing a role as an open
21 government person, but I'm also a journalist and I'm
22 also an author. And Mr. West is here to assist me in
23 every fashion. I've never said to the Court that he
24 was just here solely to assist me. We can leave it at
25 that.

1 MR. WEST: I defy -- or I object to any
2 term that would limit my participation to being a
3 journalist. I do not consider myself to be limited to
4 being a journalist, although my activity may take
5 journalistic -- may at some point be journalistic.

6 Right now I'm here as a citizen of the United
7 States, and I expect the due respect to the rights
8 that a citizen of the United States is entitled to. I
9 don't think I've been rude to anyone. I don't think
10 that I have in any way threatened anyone as I've been
11 accused of, and I don't think I've done anything wrong
12 or committed any violations of the law. I don't think
13 I should be harassed.

14 My address of record in all of the court
15 actions that I participate in is 120 State Street
16 Northeast, Olympia, Washington 98501, and that's
17 No. 1497. And I would be happy to see whatever
18 pleadings and court documents you want to file to try
19 to get a seizure order for my notes today.

20 MS. RAGONESI: So you accept service at
21 that address?

22 MR. WEST: I certainly accept it. I
23 have a special arrangement, because, otherwise, it's
24 difficult to know what records and what documents have
25 actually been served. So that is the address that I

1 accept service on for all the lawsuits that I'm
2 involved in. And they're very helpful and friendly
3 there. Should you send a process server, they'll be
4 happy to accept it for me. I do not duck process.
5 I'm very easy to serve, and I comply with all orders
6 of the court.

7 MS. RAGONESI: Great. Thank you. I
8 appreciate that.

9 MS. BLOCK: Also, Ms. Ragonesi, I'd
10 like some answers as far as the deposition of Crystal
11 Hill. I want the deposition of Laura Kelly. Also
12 give me some dates for Penny Brenton. I gave you the
13 dates. I think it was the first week of December or
14 the middle -- maybe middle of January would also be
15 okay.

16 MS. RAGONESI: Okay. Thank you.

17 MS. BLOCK: The other issue is, is
18 we're going to start -- I'm going to start depositions
19 on the next public records lawsuit, and that will
20 involve Michael Kenyon and Ann Marie Soto, so get them
21 ready.

22 MR. WEST: Thank you.

23 THE REPORTER: One second. Ms. --

24 MR. WEST: I wish you all a very merry
25 evening.

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MS. RAGONESI: We'll reserve signature.

THE REPORTER: Would you like to order
a copy of the transcript?

MS. BLOCK: Yes, absolutely.

MS. RAGONESI: We will order a copy if
the transcript is ordered. Thank you.

MS. BLOCK: And we're done. We're off
the record.

(The deposition concluded at 4:42 p.m.)

(By agreement between counsel and
witness, signature was reserved.)

* * * * *

