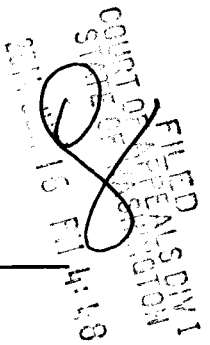
90458-8

Div. I No. 69928-8-I
Superior. Ct. No. 12-2-19315-1



SUPREME COURT OF THE STATE OF WASHINGTON

JILL E. LANE, *et al.*, Appellant,

v.

MARK VON DER BURG *et al.*, Respondent

PETITION FOR REVIEW

Andrew L. Magee, WSBA# 31281
Attorney for Andrew L. Magee
44th Floor
1001 Fourth Avenue Plaza
Seattle, Washington 98154
(206) 389-1675

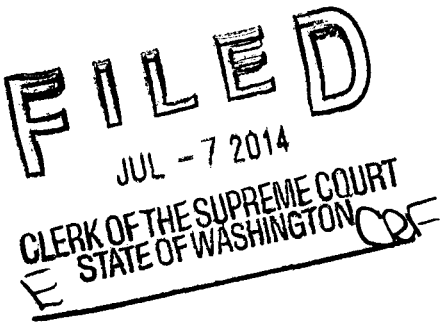


TABLE OF CONTENTS

		Page
TABLE OF AUTHORITIES		iii-iv
I	IDENTITY OF PETITIONER	1
II	CITATION TO COURT OF APPEALS DECISION	1
III	ISSUES PRESENTED FOR APPEAL	1-2

1. Did – as movant – Defendant Respondent Coldwell Banker Bain Bellevue (CBBB) fail to disclose to the tribunal(s) or make false statement(s) of act or law, or fail to correct a false statement of material fact or law previously made to the tribunal(s) or offer evidence that the lawyer for Defendant/Respondent CBBB know to be false by not disclosing that CBB publishes for the public to consume a Privacy Policy which states that they will fully adhere to RCW 9.73.030/060, *et al.,* requiring that Ms. Lane would have had to have consented to her conversation being recorded on the recording, and any/all laws regarding privacy? – YES

2. Did the Court of Appeals Div. I err when it affirmed the trial court's order finding the Petitioner in violation of CR 11 and so in conflict with decision(s) of the supreme Court and Court of Appeals? – YES

3. Did the Court of Appeals Div. I err when it affirmed the trial court's order finding the Petitioner in violation of CR 11 and raise a significant question of law? – YES

4. Did the Court of Appeals Div. I err when it affirmed the trial court's order finding the Petitioner in violation of CR 11 and chill vigorous advocacy of civil actions directed to be brought by the legislature and raise a matter of substantial public interest? – YES

IV	STATEMENT OF CASE	2
V	ARGUMENT	8
VI	CONCLUSION	18

TABLE OF AUTHORITIES

Cases:	Page
Bryant v. Joseph Tree, Inc., 119 Wn.2d 210, 829 P.2d 1099 (1992)	9, 16, 20
In re Marriage of Wherley, 34 Wn. App. 34, 661 P.2d 155 (1983)	14
State v. ex re. Turner v. Briggs, 94 Wn. App. 299, 971 P.2d 581 (1999)	14
Bryant v. Joseph Tree, Inc., 57 Wn. App. 107, 791 P.2d 537 (1990	16, 18
State v. Clark, 129 Wn.2d 211, 916 P.2d 384 (1996)	17
Kadoranian v. Bellingham Police Dep't., 119 Wn.2d 178, 829 P.2d 1061 (1992	17
Statutes:	
RCW 9.73.030	1,3,4,10,14,15,16,17,18
RCW 9.73.060	1,3,4,16,17,18
RCW Chapter 9.73	3
RCW 9.73.050	15
RCW 9.73.040	15
RCW 9.73.080	15
Court Rules:	
CR 11	2,4,6,8,9,12,15,17,18,19,20

RPC's

RPC 3.3 7,8,9,11,12,19

IDENTITY OF PETITIONER

The Petitioner is the Plaintiff-Appellant, Ms. Jill E. Lane, and her attorney, Andrew L. Magee (Petitioner).

II
CITATION TO COURT OF APPEALS DECISION

The Petitioner respectfully seeks review by the Court of the Opinion of Division I, and the denial of the Motion to Reconsider No. 69928-8-1 (attached, A-1, A-2)

III
ISSUES PRESENTED FOR APPEAL

1. Did – as movant – Defendant/Respondent Coldwell Banker Bain Bellevue (CBBB) fail to disclose to the tribunal(s) or make a false statement of fact or law, or fail to correct a false statement of material fact or law previously made to the tribunal(s) or offer evidence that the lawyer for Defendant/Respondent CBBB know to be false by not disclosing that CBBB publishes for the public to consume a Privacy Policy which states that they will fully adhere to RCW 9.73.030/060, *et al.,* requiring that Ms. Lane would have had to have consented to her conversation being recorded on the recording, and any/all laws regarding privacy? - YES

2. Did the Court of Appeals Div. I err when it affirmed the trial court's order finding the Petitioner in violation of CR 11 and do so in conflict with decision(s) of the Supreme Court and Court of Appeals? – YES.

3. Did the Court of Appeals Div. I decision err when it affirmed the trial court's order finding the Petitioner in violation of CR 11 and raise a significant question of law? – YES.

4. Did the Court of Appeals Div. I err when it affirmed the trial court's order finding the Petitioner in violation of CR 11 and chill vigorous advocacy of civil actions directed to be brought by the legislature and raise a matter of substantial public interest? – YES.

IV
STATEMENT OF CASE

The only relevant facts in regard to the underlying CR 11 motion arise from when exercising her right to be tried for allegedly trespassing in Kirkland Municipal Court (KMC), and are that Ms. Lane was told by the prosecuting authority that (a) Mr. Mark von der Burg had secretly recorded a conversation he had with Ms. Lane at his office at Coldwell Banker Bain Bellevue (CBBB), (b) using his iPhone, and (c) that he did so without her consent made on the recording. Ms. Lane, furthermore, both at the time and contemporarily to having it discovered that her conversation was recorded considered it a private conversation. (CP 238)

Mr. Magee inquired of, and reviewed the Revised Code of Washington (RCW) to ascertain whether what Mr. von der Burg had done was unlawful. Therein, Mr. Magee found RCW Chapter 9.73, titled; PRIVACY, VIOLATING

RIGHT OF. There under is found RCW 9.73.030, titled Intercepting, recording, or divulging private communication – Consent required - Exceptions, which states that it is unlawful to record any private conversation using any device electronic or otherwise without first obtaining the consent of all the persons (plural) engaged in the conversation. (A- 3)

Mr. Magee, furthermore, found RCW 9.73.060, titled; Violating right of privacy – Civil action – Liability for damages, which states that any person or other agent who violates the provisions of this chapter/RCW 9.73.030 shall be subject to legal action for damages to be brought by any other person claiming damages. (A-4) and discovered that under RCW 9.73.030, it was unlawful to record a private conversation without any/all participants consent made on the recording, and, that under RCW 9.73.060, if RCW 9.73.030 - as was indicated - was violated, and in conjunction with her, and her attorney's view of the law that the conversation was private – that Mr. von der Burg shall be subject to a civil action for damages. Accordingly, and alleging the corresponding factual basis admitted to Ms. Lane/Mr. Magee called for under RCW 9.73.030, and based on the law and consistent with RCW 9.73.060, Mr. Magee, on behalf of Ms. Lane, timely and properly served and filed a complaint for damages as provided for by law. (CP 1-5) The conversation and content thereof, was, according to the prosecuting authority, not relevant to Ms. Lane's prosecution.

Additionally, a transcript of the secret recording produced by Mr. von der Burg, *et al.,* was produced on discovery.

Subsequently, the defendant(s)[1] (a) notified Mr. Magee that they believed the complaint to be *without* a basis in law or fact, *i.e.,* a CR 11 violation, and, (b) moved the trial court for summary judgment.

The defendant/respondent stipulated and admitted to the facts that Mr. von der Burg had secretly recorded the conversation in question without Ms. Lane's consent (CP 333). The trial court, however, as a matter of law, ultimately determined that the view of the law taken by Ms. Lane/Mr. Magee that the conversation was private was "wrong," and summary judgment was granted. (CP 443)

Defendant, as movant, initiated their CR 11 motion making the claim that CR 11 was violated because the trial court ultimately ruled that Ms. Lane's/Mr. Magee's view of the law that the conversation in question was private was "wrong," and that no reasonable person could have found the conversation at issue in this lawsuit to be private. (CP 13, lines 21-22)

Before Ms. Lane/Mr. Magee could file a substantive response, the trial court issued an order, and without citing/referring to any interpretation of or particular section of CR 11, stated that if there is admissible evidence that Ms.

---

[1] In this matter there are primarily two defendants. With the Court's permission, heretofore they will be referred to in the singular.

Lane/Mr. Magee was told by a judicial officer that the conversation which is the subject matter of this lawsuit was recorded in violation of the law, that could establish that the Ms. Lane's position in pursuing this claim, while not legally viable, was not unreasonable or frivolous (CP 195) and that; If the trial court decided to consider the evidence and upon a preliminary reading that the evidence may be sufficient to defeat defendants' motion, the court will allow the defendants an opportunity to reply to the new material. (CP 196)

Mr. Magee/Ms. Lane timely and properly provided a plethora of admissible documentary evidence called for by the trial court's order and legal authority in support thereof. (CP 197-235)

The trial court's order in no way stated that the evidence to be provided need be from before or after the date of the filing of the complaint (CP 195-196). The trial court responded to Mr. Magee's submission, and consistent with its order (CP 195-96) acknowledged that the court had done a preliminary review and that the evidence was admissible and would consider a reply from the defendants. (CP 274)

Simply put, the trial court's *sua sponte* standard (CP 195-96) stated in effect that if Mr. Magee can establish *X,* then the CR 11 motion will be defeated. Mr. Magee then did establish *X,* only to then have the trial court say that because he did not establish *Y,* the CR 11 motion and sanctions were granted.

Ms. Lane/Mr. Magee filed a motion to reconsider that was denied.

Subsequently the matter was timely and properly appealed to the Court of Appeals arguing that (a) The actual CR 11 standard established by this Court was not applied by the trial court, and that if it were, Ms. Lane/Mr. Magee could not have violated CR 11, and (b) that the *sua sponte* standard to defeat the CR 11 motion set forth by the trial court was met, and, (c) Ms. Lane was denied due process for not having been given a hearing on the record in this matter.

The Court of Appeals affirmed the trial court.

At this point, the culmination of the CR 11 litigation was centered on the one issue of whether, as a matter of law, the recorded conversation was a "private communication." (CP 160)

Subsequent to affirmation and before filing her motion to reconsider, it was discovered that CBBB had all the while maintained and posted on their website a Privacy Policy explicitly attaching an expectation of privacy to the conversation in question by stating CBBB intended to have Ms. Lane, and all others understand that they were committed to respecting Ms. Lane's personal information and that it was CBBB's Privacy Policy to fully adhere to all federal, state (*e.g.,* RCW 9.73.030/060) and local regulations regarding the privacy of the data we collect, and that CBBB would maintain the confidentiality and integrity of our data files. (*See* Motion to Reconsider, p. 15, Exhibit A, and

http://www.cbbain.com/office/bellevue or;

http://cbbain.com/Pages/SiteContent.aspx?LC=PP&PID=117)

Correspondingly, the Rules of Professional Conduct (RPC) 3.3 states that a lawyer shall not knowingly make a false statement of fact, (*e.g.*, stating that the facts of this case provide no basis for construing the conversation of June 7, 2010 as a 'private communication, *etc.*, (CP 160, *et al./etc.*)) or law to a tribunal or fail[ing] to correct a false statement of material fact or law previously made to the tribunal by the lawyer . . . [or] offer evidence that the lawyer knows to be false.

CBBB's website states clearly that the data, and information given by Ms. Lane personally to Mr. von der Burg/CBBB is to be respected as private (privacy policy) and that CBBB's privacy policy is to fully adhere to all federal, state and local regulations regarding the privacy of data we collect and that the duty to disclose this continues throughout and until the conclusion of the proceeding. To the best of Ms. Lane/Mr. Magee's knowledge, the existence and admissions contained in the Privacy Policy of Coldwell Banker Bain has never been disclosed by the lawyers for CBBB as mandated by RPC 3.3. This was brought to the attention of the Court of Appeals by-way-of Ms. Lane's motion to reconsider and it was not acted on and her motion to reconsider was denied..

V
ARGUMENT

The Petitioner, Ms. Lane/Mr. Magee, respectfully request the Court reverse the opinion of the Court of Appeals, and conclusion of the trial court and award all costs, attorney's fees, and terms and sanctions for Ms. Lane/Mr. Magee and against the Respondent/Petitioner allowable under the law because:

A. Mr. von der Burg/CBBB has violated RPC 3.3 – Candor Toward the Tribunal for not disclosing the overarching material fact that would affect the outcome in this CR 11 matter that itself has had and maintains a Privacy Policy that would necessarily apply to the conversation in question, and;

B. The standard set forth by the trial court stating that if it were met would defeat the CR 11 motion was in fact met, and;

C. Under the actual and correctly applicable standard set forth by this Court in *Bryant v. Joseph Tree, Inc.,* 119 Wn.2d 210, 829 P.2d 1099 (1992), *et al.,* has, under the admitted facts, been met by Ms. Lane/Mr. Magee establishing that there could not have been a CR 11 violation

A.
FAILURE TO DISCLOSE MATERIAL FACT
RPC 3.3

Confined to the CR 11 motion, and as the movant against Ms. Lane/Mr. Magee, Defendant/Respondent CBBB has submitted to the trial court and the

Court of Appeals, (*i.e.,* the tribunals,) and argued as true and the central material fact and matter of law that it did/does not, and for that matter no one else could reasonably attach an expectation of privacy to Ms. Lane's, or anyone else's conversation with Mr. von der Burg, *et al.,* at CBBB's office[2]

CBBB, however, publicly discloses and maintains for reference, a Privacy Policy which states:

About our Privacy Policy
Coldwell Banker Bain is committed to respecting your personal information. This Privacy Policy is provided to inform you about how we collect and use the information you share with us. . . .

The Privacy Policy, furthermore, states:

Compliance with Laws
It is our policy to fully adhere to all federal, state and local regulations regarding the privacy of the data we collect, . . . We will maintain the confidentiality and integrity of our data files as mandated by federal law. . . .

(A-5, Motion to Reconsider, p. 15, Exhibit A,
http://www.cbbain.com/office/bellevue or;
http://cbbain.com/Pages/SiteContent.aspx?LC=PP&PID=117)

[2] "the trial court correctly ruled the conversation at issue was not 'private' under the Privacy Act." And, "The conversation occurred during normal business hours at Mr. [V]on der Burg's Bellevue office." (Brief of Respondent FCB, p.19), and: Division I, furthermore, states, "The intent or reasonable expectation of the participants, including the reasonable expectation of privacy, if any, as manifested by the facts and circumstances of each case, controls as to whether a conversation is private." (Opinion, p.10) and, "In addition, it does not appear that at any time during the course of the June 7 meeting that Lane expressed a concern that the conversation remain confidential." (Opinion, p.11, internal citations omitted, emphasis added) compared to the circumstance that the Coldwell Banker Bain Bellevue Privacy Policy states, *e.g.,* "We will maintain the confidentiality and integrity of our data files as mandated by federal law . . . " (Motion to Reconsider, p.15 and/or Exhibit A, p.4 thereto attached, *etc.,* emphasis added)

This most material fact establishes that it is, and always has been, CBBB's *intention* to provide and attach an expectation of privacy and confidentiality to Ms. Lane's, *et al.,* conversation with Mr. von der Burg, and that privacy laws (*e.g.,* RCW 9.73.030) are to be applied and fully adhered to by Mr. von der Burg/CBBB.

The Rules of Professional Conduct, RPC 3.3 – Candor Toward the Tribunal states:

(a) A lawyer shall not knowingly:
(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer. . .
.
(3) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
(4) offer evidence that the lawyer knows to be false.
(b) The duties stated in paragraph (a) continue to the conclusion of the proceeding.

(RPC 3.3)

Accordingly, this matter can be resolved immediately upon application of the Rules of Professional Conduct inasmuch as Mr. von der Burg/CBBB has, to the best of Ms. Lane's/Mr. Magee's knowledge, failed to disclose this central material fact that materially alters the circumstances and intention of the party's concerning the conversation in question and whether it would be considered private.

In no uncertain terms, the policy establishes that it is the intention of CBBB that conversations, and the content thereof of those who approach and come to CBBB's office are intended to be understood as private, confidential and subject to application of RCW 9.73.030.

Under RPC 3.3(b), it is an ongoing duty for CBBB to disclose the existence and nature of their Privacy Policy. If this self-contradicting material fact were disclosed as required by RPC 3.3, it is respectfully submitted that it would materially affect the outcome of this CR 11 matter, and with this material fact now known, it is, therefore, respectfully requested that the Court of Appeals Opinion be reversed, and all attorney's fees, costs, terms and sanctions allowable under the law and for violation of RPC 3.3 be awarded to Ms. Lane/Mr. Magee.

B.
SUBSTITITION OF *SUA SPONTE* CR 11 STANDARD BY TRIAL COURT STANDARD MET

Before Ms. Lane timely and properly filed their *substantive response*[3] (Opinion, p. 4,) to the CR 11 motion, the trial court issued an order setting a *sua sponte,* standard which read:

> . . . if there is admissible evidence that the Plaintiff was told by a judicial officer that the conversation which is the subject matter of this lawsuit was recorded in violation of the law, that could establish that the Plaintiff's position in pursuing this claim, while not legally viable, was not unreasonable or frivolous.

[3] Ms. Lane/Mr. Magee's substantive response consists of approximately 38 pages (CP 197-235) and for the purposes of efficiency and space limitations, it is respectfully requested that it be referred to and incorporated in its entirety by reference in making the argument *supra.*

(CP 195), and;

If the Court decides to consider the evidence and the court finds upon a preliminary reading that the evidence may be sufficient to defeat the Defendants' motion, the Court will allow the defendants an opportunity to reply to the new material.

(CP 196)

Subsequent to Ms. Lane/Mr. Magee's timely and proper response, the trial court acknowledged the admissibility of the evidence presented by stating:

The Court has done a preliminary review of the material provided and will consider a reply from the defendants.

(CP 274)

The Court of Appeals affirmation corroborates that the pre-response standard was *shifted* after Ms. Lane/Mr. Magee responded whereby it states:

The trial court also explained [to Ms. Lane/Mr. Magee] that if Lane was able to produce evidence that prior to filing, she was aware a judicial officer had determined the conversation at issue was recorded unlawfully, such evidence might establish that her claim, 'while not legally viable, was not unreasonable or frivolous.'

(Opinion, p.4, emphasis added)

The trial court made no such requirement that Ms. Lane/Mr. Magee produce evidence that prior to filing she was aware a judicial officer had determined the conversation at issue was recorded unlawfully. (CP 195/*supra*) This oversight necessarily qualifies *all* of the evidence (CP 197-235) establishing that the KMC prosecutors were judicial officers (CP 202, footnote 1) and that

their statements made in the verified pleadings submitted in response were judicial admissions and the facts alleged were thereby, as a matter of law, removed from contention[4] and that the prosecutors/judicial officers stated that they stated therein that as a matter of fact and law that they "will establish that VDB [Mark von der Burg] illegally tape recorded a meeting between himself and the Defendant [Ms. Lane] on June 7, 2010 . . . " (CP 203) And that, "Mr. Zuanich [prosecutor/judicial officer] would be called as a witness to 'testify that VDB [Mr. von der Burg] committed a crime when he tape recorded the June 7 meeting without her [Ms. Lane's] permission.'" (CP 203); And that, "Finally, and in light of the above analysis, Zuanich's [prosecutor/judicial officer] testimony would not offer any probative evidence and simply bring out the fact that VDB [Mr. von der Burg] committed a crime." (CP 204)

Additionally, Ms. Lane/Mr. Magee provided the admissible evidence that the KMC trial court judge corroborated a prosecutors proffer that "The [city] is not intending on using the recording I believe under RCW 9.73 that chapter that recording would be inadmissible in court," (CP 229) by stating on the record, "And I think that is correct, I think often times matters are discoverable but not admissible." (CP 229) This evidence establishes that the KMC Judge agreed

---

[4] *See* ER 801(d)(2)/Tegland, Courtroom Handbook on Washington Evidence, 347, 376 (2007) and, *in re Marriage of Wherley,* 34 Wn. App. 34, 661 P.2d 155 (1983) and *State v. ex re. Turner v. Briggs,* 94 Wn. App. 299, 971 P.2d 581 (1999)

with RCW 9.73.050 – Admissibility of intercepted communication in evidence, and that the KMC Judge ruling of inadmissibility was predicated on determining that a violation of RCW 9.73.030 had occurred[5] when Mr. von der Burg had recorded that conversation violation of RCW 9.73.030.

Additionally, Ms. Lane/Mr. Magee provided admissible evidence that Mr. von der Burg's own attorney, a judicial officer, and in violation of the doctrine of collateral estoppel argued on one hand before the KMC that there was a substantial basis in law and fact for Mr. von der Burg to be granted Fifth Amendment Rights against self incrimination, and then coming before the trial court, and the Court of Appeals and arguing pursuant to CR 11 that there was no basis in law and fact for Mr. von der Burg to be the subject of a legal action arising from his making of the secret recording. Mr. von der Burg's attorney argued:

[T]he invocation of the 5th Amendment privilege is applicable to information which is directly anticipated to result in an incriminating answer but then also, each link of a chain which would be used in a subsequent prosecution. My concern for our client, the reason we are invoking these two particular areas of privilege today is that the very first thing that needs to be proven in any subsequent case against my client is that this meeting on June 7th actually occurred.

---

[5] RCW 9.73.050 states: Any information obtained in violation of RCW 9.73.030 or pursuant to any order issued under the provision of RCW 9.73.040 shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except with the permission of the person whose rights have ben violated inan action brought for damages under the provisions of RCW 9.73.030 through 9.73.080, or in a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security. (RCW 9.73.050)

(CP 211-12)

Short of conceding culpability, Mr. von der Burg's own attorney, nevertheless, concedes that there is a basis in law and fact for Mr. von der Burg to face a subsequent case – or "any subsequent case" (CP 212) against him for making the secret recording in violation of RCW 9.73.030.

C.
ACTUAL STANDARD MET AND COMPLIED WITH DETERMINING AS A MATTER OF LAW THAT THERE COULD NOT HAVE BEEN A CR 11 VIOLATION

In *Bryant v. Joseph Tree, Inc.*, 57 Wn. App. 107, 791 P.2d 537 (1990) (affirmed by this Court in *Bryant v. Joseph Tree, Inc.*, 119 Wn.2d 210, 829 P.2d 1099 (1992), it states:

[T]he mere fact that a claim does not prevail, or that a court ultimately determines that a lawyer's view of the law is 'wrong,' is insufficient to warrant sanctions under any aspect of Rule 11.

Bryant v. Joseph Tree, Inc., 57 Wn. App. at 115 (emphasis added)

The Court of Appeals acknowledges that:

Washington's Privacy Act creates a civil cause of action against one who records any "private conversation" without first obtaining the consent of all the persons engaged in the conversation. RCW 9.73.030(1)(b); .060. [and that] The Legislature did not define the term "private."

(Opinion, p.9)

And that:

Although the question of whether a particular conversation is private is a question of fact, where the facts are undisputed and reasonable minds could not differ, the issue may be determined as a matter of law.[6]

(Opinion, p.10)

Whether the conversation was private is the dispositive question under the CR 11 motion. Mr. Magee's view of the law expressed in the Complaint and under RCW 9.73.030 and argued on summary judgment is that the conversation was private. The Court of Appeals, however, affirms the trial court's determination that as a matter of law:

The trial court properly concluded that Lane's action was not warranted under existing law because the subject conversation was not "private", as that term is defined in the relevant case law.

(Opinion, p.11[7])

The trial court and the Court of Appeals, therefore, ultimately acknowledge that Ms. Lane/Mr. Magee were found to be in violation of CR 11 for having the "wrong" view of the law as to the term "private conversation." *Bryant*

---

[6] Citing, State v. Clark, 129 Wn.2d 211, 225, 916 P.2d 384 (1996); see also Kadoranian v. Bellingham Police Dep't., 119 Wn.2d 178, 190, 829 P.2d 1061 (1992)

[7] All of the cases cited by the Court of Appeals in determining whether a conversation was private and that determine in themselves that a conversation was not private resulted in the denial of the contention by the moving party that they were. Moreover, in none of the cases did the Court (this Court) find that a CR 11 violation occurred because the motion/pleading failed on its merits as a matter of law; Whereas, that is exactly what has occurred here. It has been determined as a matter of law that the conversation was not private, and based only upon that, it has been concluded that a CR 11 violation occurred for alleging that a conversation was private and determined by the trial court not to be, establishing, in contradiction to the law set forth by this Court, a new, and chilling standard, *i.e.,* if you lose on summary judgment in an action provided for by law (9.73.060) because the trial court determines that the conversation in question is not private, at the same time, you have violated CR 11.

v. Joseph Tree, Inc., 57 Wn. App. 107 (1990) with abundant clarity precludes such an ultimate determination that Ms. Lane's/Mr. Magee's view of the law was "wrong" serving as a basis to warrant sanctions under *any* aspect of Rule 11." *Bryant,* 57 Wn. App. at 115.

The Court of Appeals opinion errs as a matter of law further affirming the trial court granting of the CR 11 motion by stating:

> Lane failed to provide any evidence that the action was warranted by existing case law or that there was a good faith argument for extension of existing law, and that Lane failed to make a reasonable inquiry into the factual or legal basis of the action prior to filing.

(CP 5)

The actual standard/rule to defeat a CR 11 motion is not limited to establishing a basis in case law as the trial court and Court of Appeals applies. The law necessarily includes the statutory law, and here, RCW 9.73.030/060 explicitly state a corresponding basis in fact and law represented in the Complaint and supported by the documentary facts that the recording was made secretly and without Ms. Lane's consent and on her view of the law that the conversation in question was private.[8]

[8] When the Complaint was filed – and as established herein – the Defendant/Respondent remained (and as of this writing, still is) in violation of RPC 3.3 for failing to disclose that it is Coldwell Banker Bain Bellevue's explicit Privacy Policy that the conversation in question was to be treated as confidential, private, and in compliance with RCW 9.73.030

VI
CONCLUSION

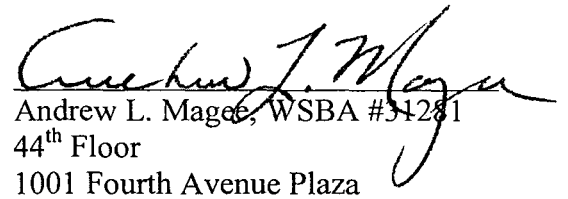
Coldwell Banker Bain Bellevue has failed to disclose the material fact in violation of RPC 3.3 that it has a published Privacy Policy whose intent is to assure those who come to their place of business that their personally delivered information will be respected as private, and kept confidential, and have applied to it all privacy laws, to include, therefore, RCW 9.73.030 requiring that if personal information is shared with Coldwell Banker Bain Bellevue and recorded using an electronic device, that it would be unlawful to do so without having all parties consent made on the recording, and that if not done, shall subject the person making the recording to a civil action.

Additionally, the self-created standard created by the trial court that established that the CR 11 motion would be defeated if met, was met and exceeded, and;

The actual standard set forth by the Court of Appeals, and affirmed by this Court in *Bryant v. Joseph Tree, Inc.,* is consistent and squarely on point with the facts of this case and preclude a finding of a violation of CR 11 under *any* aspect of the rule.

For the foregoing reasons, both individually, and collectively, it is respectfully requested that the Court reverse the Court of Appeals Opinion attorney's fees and terms and sanctions allowable under the law.

Respectfully submitted this 16th day of June, 2014



Andrew L. Magee, WSBA #31281
44th Floor
1001 Fourth Avenue Plaza
Seattle, Washington 98154
(206) 389-1675
amagee@mageelegal.com

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

JILL E. LANE AND JAMES C. MCCLUNG, III Appellants, v. MARK von der BURG; COLDWELL BANKER BAIN; BELLEVUE/COLDWELL BANKER REAL ESTATE LLC; DAWN GADWA; FIRST CITIZENS BANK WASHINGTON/FIRST CITIZENS BANC SHARES. Respondents.	)	No. 69928-8-I DIVISION ONE UNPUBLISHED OPINION FILED: April 21, 2014

SPEARMAN, C.J. — Jill E. Lane and her attorney, Andrew L. Magee, appeal the trial court's order imposing CR 11 sanctions and its denial of their motion to reconsider. Because the trial court properly found that (1) Lane's claims against the respondents were not warranted by existing case law and (2) Lane failed to make a reasonable inquiry into the factual or legal basis for her claims, we affirm.

FACTS

In early summer of 2010, Jill Lane and two others unlawfully entered and occupied a multi-million dollar Kirkland mansion owned by First Citizens Bank & Trust Company (FCB). The vacant property had been foreclosed and was listed for sale by FCB's realtor, Mark von der Burg.

On June 6, 2010, von der Burg became aware that unidentified individuals were living in the mansion. He called the Kirkland Police Department (KPD) to investigate. Upon arrival at the property, a KPD officer observed Lane and two other individuals outside the garage. The officer approached Lane, who identified herself as the new owner of the property. A short time later, von der Burg arrived at the property and spoke with the KPD officer and Lane, who continued to insist that she owned the property. Based on this incident, Lane was later charged with and found guilty of criminal trespass in the first degree in Kirkland Municipal Court.[1]

The following day, Lane contacted von der Burg to schedule a meeting to discuss her purported ownership of the property. The meeting occurred that afternoon at von der Burg's offices. At least five people were present: von der Burg; Lane; James McClung, Lane's Broker; Dawn Gadwa, an FCB employee; and another woman, who Lane identified as McClung's assistant. At the meeting, Lane and McClung purported to explain that Lane's brief occupancy of the property had secured her an ownership interest or right of occupancy through a nebulous form of squatter's rights, which they dubbed "Banker's Acceptance." Clerk's Paper (CP) at 474. They also expressed Lane's willingness to purchase the property from FCB through the usual process of a real estate purchase and sale agreement. Unbeknownst to Lane, von der Burg made an audio recording of this conversation.

[1] FCB also obtained favorable judgment in an unlawful detainer action against Lane.

Lane became aware of the recording during the course of her criminal trespass trial in Kirkland Municipal Court. Von der Burg, who was expected to testify on behalf of the City, sought the court's permission to assert the Fifth Amendment privilege against self-incrimination as to any questions that might be asked about the recording. It appears undisputed that the court granted the request based on evidence that von der Burg had admitted to making the recording without Lane's knowledge or consent. The court appeared to acknowledge that the act was a possible criminal violation.

On May 31, 2012, Lane and McClung sued FCB and von der Burg alleging that von der Burg's recording of the June 2010 meeting was obtained in violation of chapter 9.73 RCW, Washington's Privacy Act.[2] On October 26, 2012, the trial court granted FCB's motion for summary judgment dismissal and von der Burg's motion to dismiss for failure to state a claim pursuant to CR 12(b)(6).

Throughout litigation of this case, FCB and von der Burg maintained that Lane's claim was baseless. They repeatedly advised her attorney, Magee, that her claim had no basis in law and was, therefore, filed in violation of CR 11.[3] After Lane refused to withdraw her claim and judgment was entered against her, FCB and von der Burg moved the court for sanctions pursuant to RCW 4.84.185 and CR 11.

---

[2] McClung had previously been voluntarily dismissed with prejudice from this action, but the court's order indicated that FCB retained the right to bring claims against McClung pursuant to RCW 4.84.185 and CR 11.

[3] FCB's attorney, Chad Arceneaux, attested to verbally admonishing Magee that Lane's claim was baseless and CR 11 sanctions would be warranted if she persisted in this action. He also sent three letters to Magee reiterating this warning, copies of which were attached as exhibits to his declaration in support of FCB's CR 11 motion. Von der Burg's attorney, Hunter Abell, also advised that it would seek CR 11 sanctions upon dismissal of Lane's claims.

Lane moved to strike the motions as untimely, requested oral argument, and sought a continuance. She also alleged, as one basis for a reasonable belief that Lane's claim was well grounded in fact and law, that the Kirkland Municipal Court judge who tried Lane's trespass case had "acknowledged on the record that the recording was made unlawfully and, therefore, pursuant to the pertinent RCW was not admissible as evidence." CP at 112. The trial court denied the motions to strike and for oral argument, but granted Lane a thirty-day continuance. The trial court also explained that if Lane was able to produce evidence that, prior to filing, she was aware a judicial officer had determined the conversation at issue was recorded unlawfully, such evidence might establish that her claim, "while not legally viable, was not unreasonable or frivolous." CP at 195-96.

On December 11, 2012, Lane filed her substantive response to the CR 11 motions, which included as exhibits certified copies of transcripts and documents filed in the Kirkland Municipal Court criminal trespass action. In particular, her submission contained transcripts of pretrial hearings on April 16, 2012 and June 18, 2012. The first hearing occurred soon after Lane became aware of the recording and before she filed the instant case on May 31, 2012. During the course of this hearing, the City prosecutor acknowledged admissions by von der Burg that he had recorded the June 7 meeting without Lane's knowledge or consent. Magee also advised the court that he had referred the matter to the Kirkland Police Department for investigation. And the City prosecutor and the judge acknowledged that the recording "may have been unlawful." CP at 896. During the June 18 hearing, von der Burg, through his attorney, sought the

court's permission to refuse to answer questions about the recording based on his Fifth Amendment right against self-incrimination.

On January 3, 2013, the trial court granted both motions for sanctions and attorney's fees pursuant to CR 11.[4] The trial court found that Lane failed to provide any evidence that the action was warranted by existing case law or that there was a good faith argument for extension of existing law, and that Lane failed to make reasonable inquiry into the factual or legal basis of the action prior to filing. With respect to the evidence cited in Lane's December 11, 2012, response, the trial court found that:

> [The] presentation to the Court of "evidence" supporting the assertion that there was a reasonable basis for the claim because of statements from the [Kirkland Municipal] court that the action of [von der Burg] was unlawful were based on evidence that was not even in existence prior to the filing of the complaint[5] and a transcript of a [Kirkland Municipal court] hearing that was not made by a certified transcriptionist, appeared to have been selectively transcribed, and, even if considered, contained at best a statement from the Court that identified that there might be an issue as to whether the recording was made illegally.

CP at 963. The trial court awarded FCB and Von der Burg $16,000 each in attorney's fees, along with post-judgment interest, payable jointly and severally by Lane and Magee.[6] Lane and Magee unsuccessfully moved the trial court for reconsideration. CP at 965, 971. They appeal.

---

[4] Both FCB and Von der Burg moved for sanctions pursuant to RCW 4.84.185 as well as CR 11. The trial court's order, however, does not cite RCW 4.84.185 as a basis for the awards.

[5] That the trial court failed to distinguish between the evidence from Kirkland Municipal Court in existence before Lane filed this case and that created after is immaterial to its decision or to the outcome of this appeal.

[6] CR 11 explicitly permits the court to sanction both the signer of the sanctionable pleading (Magee) and the represented party (Lane). The trial court did not explain its basis for imposing sanctions against both Lane and Magee.

DISCUSSION

Lane and Magee contend the trial court erred in its rulings on the CR 11 motions because due process guarantees entitled them to oral argument on the motions and because Lane's claim was not baseless. We conclude that due process was served in this case because Lane and Magee received notice of CR 11 proceedings and had a full and fair opportunity to respond. We also conclude that imposition of CR 11 sanctions was within the sound discretion of the trial court where Lane's claim lacked a legal basis and no evidence established that Magee, as the attorney who signed the complaint, conducted a reasonable pre-filing inquiry. We affirm.

Due Process

We review an award of CR 11 sanctions for abuse of discretion. Biggs v. Vail, 124 Wn.2d 193, 197, 876 P.2d 448 (1994). The range of discretionary choices is a question of law and the judge abuses his or her discretion if the discretionary decision is contrary to law. State v. Neal, 144 Wn.2d 600, 609, 30 P.3d 1255 (2001).

Lane and Magee contend that the trial court's decision to deny oral argument on the CR 11 motions was a denial of procedural due process. They cite Bryant v. Joseph Tree, Inc., 119 Wn.2d 210, 829 P.2d 1099 (1992), in support of this proposition, but their reliance on that case is misplaced. In Bryant, during the course of appellate proceedings, one of the parties sought to disqualify an attorney for the opposing party. The motion was denied by a commissioner of the Court of Appeals, which also denied the opposing party's motion for sanctions. The opposing party renewed the motion when its appellate

brief was filed. We heard oral argument on the matter and in the course of our opinion granted the motion for sanctions. The sanctioned party appealed to the Supreme Court arguing, among other things, that the Court of Appeals sanctioned him without affording him adequate due process. The argument was rejected because the sanctioned party had both notice of the motion and an opportunity to be heard at oral argument. But nowhere in the Supreme Court's opinion does it state that oral argument is a necessary component of due process when sanctions are sought pursuant to CR 11.

Lane and Magee also appear to argue that KCLCR 7(b)(4)(B) requires oral argument on all dispositive motions. They then argue, without citation to any authority, that a CR 11 motion is a "dispositive" motion which under the rule must be set for oral argument. We reject this contention. First, because no authority is cited for the contention that CR 11 motions are dispositive we need not consider the argument. Seventh Elect Church in Israel v. Rogers, 34 Wn. App. 105, 120, 660 P.2d 280 (1983). Second, even if we were to consider it, the argument is unsupported by the text of KCLCR 7(b)(4)(B) which provides:

> Scheduling Oral Argument on Dispositive Motions. The time and date for hearing shall be scheduled in advance by contacting the staff of the hearing judge.

It neither defines "dispositive" motions nor mandates that oral argument be heard. It merely directs how oral arguments are to be scheduled.

Lane and Magee are correct that CR 11 motions must comport with due process. Bryant, 119 Wn.2d at 224. But due process does not require any particular form or procedure. It requires only that a party receive notice of proceedings and an opportunity to present its position before a competent

tribunal. Id.; see also Buechler v. Wenatchee Valley College, 174 Wn. App. 141, 156-57, 298 P.3d 110, rev. denied, 178 Wn.2d 1005 (2013) (citing Goss v. Lopez, 419 U.S. 565, 95 S.Ct. 729, 42 L.Ed.2d 725 (1975)).

In this case, Lane and Magee were served with the CR 11 motions upon filing, and were therefore notified of the proceedings. In addition, prior to FCB and von der Burg filing the motions, Lane and Magee were repeatedly advised by opposing counsel that the filing of her claim violated CR 11. Lane and Magee also had an opportunity to present their position to the court. Indeed, the trial court granted a thirty-day continuance for Lane and Magee to supplement their response, directed them toward the specific evidence that could be relevant to a disposition in their favor, and considered their memorandum in opposition to the CR 11 motions. Lane and Magee were accorded due process.

Basis for CR 11 Sanctions

CR 11(a) provides in relevant part:

> The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum, and that to the best of the party's or attorney's knowledge, information and belief, formed after an inquiry reasonable under the circumstances: (1) it is well grounded in fact; (2) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law....

On review of a motion ordering CR 11 sanctions, "we must keep in mind that '[t]he purpose behind CR 11 is to deter baseless filings and to curb abuses of the justice system.'" Biggs, 124 Wn.2d at 197 (quoting Bryant v. Joseph Tree, Inc., 119 Wn.2d 210, 219, 829 P.2d 1099 (1992)). Sanctions may be imposed under this rule if a complaint lacks a factual or legal basis and the attorney or

party who signed it failed to conduct a reasonable inquiry into the factual or legal basis of the action. Bryant, 119 Wn.2d at 220. We employ an objective standard to determine whether a reasonable attorney in like circumstances could believe his or her actions to be factually and legally justified at the time the pleading was submitted. Id.

In this case, the trial court concluded that CR 11 sanctions were justified because (1) Lane's claim was not warranted by existing case law and (2) Lane did not make a reasonable inquiry into the factual or legal basis of the action. Lane and Magee challenge these conclusions.

We review the trial court's legal conclusions de novo. In re Detention of Peterson, 145 Wn.2d 789, 800, 42 P.3d 952 (2002). In so doing, we first determine whether the trial court's factual findings are supported by substantial evidence and, if so, whether those findings support the trial court's conclusions of law. Keever & Assoc., Inc. v. Randall, 129 Wn. App. 733, 737, 119 P.3d 926 (2005). Substantial evidence is evidence sufficient to persuade a fair-minded person of the truth of the asserted premise. Id. at 734, 119 P.3d 926.

We find no error in the trial court's conclusion that Lane's claim was not warranted by existing case law. Generally, Washington's Privacy Act creates a civil cause of action against one who records any "private conversation" without first obtaining the consent of all the persons engaged in the conversation. RCW 9.73.030(1)(b); .060. The Legislature did not define the term "private." Washington courts accord the term "private conversation" its ordinary and usual meaning; the word "private" has been interpreted as "belonging to one's self...secret...intended only for the persons involved (a conversation)...holding a

confidential relationship to something...a secret message: a private communication...secretly; not open or in public." State v. D.J.W., 76 Wn. App. 135, 140-141, 882 P.2d 1199 (1999) (internal citations omitted).

Although the question of whether a particular conversation is private is a question of fact, where the facts are undisputed and reasonable minds could not differ, the issue may be determined as a matter of law. E.g., State v. Clark, 129 Wn.2d 211, 225, 916 P.2d 384 (1996); see also Kadoranian v. Bellingham Police Dep't., 119 Wn.2d 178, 190, 829 P.2d 1061 (1992). We apply a subjective standard, analyzing whether a conversation was private under the circumstances of a particular case. State v. Clark, 129 Wn.2d 211, 224, 916 P.2d 384 (1996) (en banc). The intent or reasonable expectation of the participants, including the reasonable expectation of privacy, if any, as manifested by the facts and circumstances of each case, controls as to whether a conversation is private. Id. (citing Kadoranian, 119 Wn.2d at 189). We also look to other factors bearing upon the reasonable expectations and intent of the participants, including duration, subject matter and location of the conversation, and presence or potential presence of a third party. Id. (citing Kadoranian, 119 Wn.2d at 190-91; State v. Slemmer, 48 Wn. App. 48, 53, 738 P.2d 281 (1987)).

In this case, the recorded conversation concerned two issues. First, Lane and McClung explained to FCB's realtor, von der Burg, and its employee, Gadwa, the basis for Lane's occupancy of and claim to the property. Second, Lane offered to purchase the property. No reasonable person could conclude that this conversation was private.

Lane claims that she presumed "that this was a private meeting to discuss what is normally a private matter, the negotiation and purchase price and offer on a house." CP at 238. But Lane's presumption is insufficient to establish the claim because "any [interested party] will contend that his or her conversation was intended to be private." State v. Clark, 129 Wn.2d at 225. Moreover, it was unreasonable for Lane to expect that von der Burg or Gadwa would not convey her offer and the explanation for her occupancy of the property to other employees of FCB[7] and to those investigating the criminal trespass allegation.[8] In addition, it does not appear that at any time during the course of the June 7 meeting that Lane expressed a concern that the conversation remain confidential. The trial court properly concluded that Lane's action was not warranted under existing law because the subject conversation was not "private", as that term is defined in the relevant case law.

We also find no error in the trial court's conclusion that Lane did not make a reasonable inquiry into the factual or legal basis of her claim. Lane and Magee argue that a reasonable pretrial inquiry was conducted and, consequently,

---

[7] In reply, Lane and Magee argue that through the presence of Gadwa, FCB was a participant in the meeting. Therefore, any communication of an offer from Lane to another FCB employee by Gadwa or von der Burg is still among participants in the meeting and remains private. Because the argument was not made until appellants' reply, we do not consider it. Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992)("An issue raised and argued for the first time in a reply brief is too late to warrant consideration." (Citing In re Marriage of Sacco, 114 Wn.2d 1, 5, 784 P.2d 1266 (1990)).

[8] Lane was well aware that Von der Burg had called the police to have her removed from the house and that criminal charges could follow. Under these circumstances no reasonable person could believe that any statements made during the conversation about her occupancy of the house would not be made available to investigating authorities.

sanctions are not warranted. But we find no evidence to support this argument and Lane and Magee point to none.

In response to the CR 11 motions, Lane did not set out any efforts she took to establish a factual and legal basis for this claim. Instead, she relied solely on certified copies of transcripts and documents filed in her criminal trespass trial in Kirkland Municipal Court. This reliance was misplaced.

As discussed above, the Kirkland Municipal Court evidence consisted primarily of transcripts and documents from pretrial hearings on April 16 and June 18, 2012. The only relevant part of this evidence is that which was available to Lane prior to May 31, 2012, the date she filed this case. The evidence from the April 16 hearing showed that Von der Burg admitted to recording the meeting without Lane's knowledge and consent and that the Kirkland Municipal Court judge and the City prosecutor acknowledged that the recording may have been unlawful. Von der Burg's admissions are insufficient to establish liability under the Privacy Act, unless the recorded conversation was also "private." Clark, 129 Wn.2d at 224. Moreover, because there is no evidence that either the Kirkland Municipal Court judge or the City prosecutor considered whether the recorded conversation was "private," their conclusions as to the lawfulness of the recording are of no help to Lane. Thus, the evidence from Kirkland Municipal Court is, by itself, inadequate to establish that Lane conducted a reasonable inquiry into the factual or legal basis for her claim. Without some evidence that Lane conducted an independent inquiry into whether the recorded conversation was "private," as that term is defined in case law, she cannot show that she conducted a

reasonable inquiry into the factual or legal basis for her claim. The trial court did not err in concluding that Lane had failed make such a showing.

Attorney Fees on Appeal

FCB and von der Burg claim that this appeal is frivolous and request attorney fees and costs incurred in its defense. RAP 18.1 (a); In re Recall Charges Against Feetham, 149 Wn.2d 860, 72 P.3d 741 (2003). An appeal is frivolous if there are "'no debatable issues upon which reasonable minds might differ, and it is so totally devoid of merit that there was no reasonable possibility'" of success. Id. (quoting Millers Cas. Ins. v. Briggs, 100 Wn.2d 9, 15, 665 P.2d 887 (1983)).

With respect to Lane and Magee's first issue—the trial court's denial of oral argument on the CR 11 motions—we find no debatable issues. By court rule, the trial court had discretion to deny their request for oral argument on the motions. And it is plain from the record that due process was served in this case because Lane and Magee received notice and ample opportunity to be heard on the motions.

As to the second issue—the trial court's imposition of CR 11 sanctions—we find no reasonable possibility of success on appeal. To succeed, Lane and Magee needed to establish that there was a factual and legal basis for the claim and Magee undertook a reasonable pretrial inquiry to establish the claim. But, as stated above, no reasonable person would have concluded that the conversation at issue here was private within the meaning of the Privacy Act. Moreover, Magee offered no evidence whatsoever—either at trial or on appeal—that he undertook the required inquiry into the factual and legal basis of this claim.

We conclude that this appeal lacks merit and is frivolous and grant FCB and Von der Burg's request for attorney fees and costs on appeal, subject to compliance with RAP 18.1.

Affirm.

Spearman, C.J.

WE CONCUR:

Dwyer, A.C.J.

Leach, J.

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

JILL E. LANE AND JAMES C. MCCLUNG, III Appellants, v. MARK von der BURG; COLDWELL BANKER BAIN; BELLEVUE/COLDWELL BANKER REAL ESTATE LLC; DAWN GADWA; FIRST CITIZENS BANK WASHINGTON/FIRST CITIZENS BANC SHARES. Respondents.	)	No. 69928-8-I ORDER DENYING APPELLANTS' MOTION FOR RECONSIDERATION

The appellants in the above matter filed a motion for reconsideration of the opinion filed on April 21, 2014. A majority of the panel has determined this motion should be denied.

Now, therefore, it is hereby

ORDERED that the motion for reconsideration is denied.

DATED this 15th day of May 2014

Spearman, C.J.

Presiding Judge

Inside the Legislature
- Find Your Legislator
- Visiting the Legislature
- Agendas, Schedules and Calendars
- Bill Information
- Laws and Agency Rules
- Legislative Committees
- Legislative Agencies
- Legislative Information Center
- E-mail Notifications
- Civic Education
- History of the State Legislature

Outside the Legislature
- Congress - the Other Washington
- TVW
- Washington Courts
- OFM Fiscal Note Website

Access Washington®
Official State Government Website

RCWs Title 9 Chapter 9.73 Section 9.73.030

9.73.020 << 9.73.030 >> 9.73.040

RCW 9.73.030
Intercepting, recording, or divulging private communication — Consent required — Exceptions.

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding subsection (1) of this section, wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, or (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, or (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, or (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full-time or contractual or part-time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not

prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation.

[1986 c 38 § 1; 1985 c 260 § 2; 1977 ex.s. c 363 § 1; 1967 ex.s. c 93 § 1.]

Notes:

Reviser's note: This section was amended by 1985 c 260 § 2 and by 1986 c 38 § 1, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability -- 1967 ex.s. c 93: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 93 § 7.]

Inside the Legislature
* Find Your Legislator
* Visiting the Legislature
* Agendas, Schedules and Calendars
* Bill Information
* Laws and Agency Rules
* Legislative Committees
* Legislative Agencies
* Legislative Information Center
* E-mail Notifications
* Civic Education
* History of the State Legislature

Outside the Legislature
* Congress - the Other Washington
* TVW
* Washington Courts
* OFM Fiscal Note Website

Access Washington®
Official State Government Website

RCW 9.73.060
Violating right of privacy — Civil action — Liability for damages.

Any person who, directly or by means of a detective agency or any other agent, violates the provisions of this chapter shall be subject to legal action for damages, to be brought by any other person claiming that a violation of this statute has injured his or her business, his or her person, or his or her reputation. A person so injured shall be entitled to actual damages, including mental pain and suffering endured by him or her on account of violation of the provisions of this chapter, or liquidated damages computed at the rate of one hundred dollars a day for each day of violation, not to exceed one thousand dollars, and a reasonable attorney's fee and other costs of litigation.

[2011 c 336 § 324; 1977 ex.s. c 363 § 2; 1967 ex.s. c 93 § 4.]

Notes:

Severability -- 1967 ex.s. c 93: See note following RCW 9.73.030.

NORTHWEST | GLOBAL | LUXURY PROPERTIES

SEARCH | BUY | SELL | BROKER/OFFICE | ABOUT US | SOCIAL | My Home Planner | Log In | Sign Up

COLDWELL BANKER BAIN

PUT OUR KNOWLEDGE ON YOUR SIDE™

Bellevue

150 Bellevue Way SE | Bellevue, WA 98004
Phone:(425) 454-0470 | Fax (425) 455-9659 | Toll Free:(888) 484-8272 | Email Us

VIEW OUR LISTINGS | SEARCH ALL LISTINGS | OFFICE TEAM

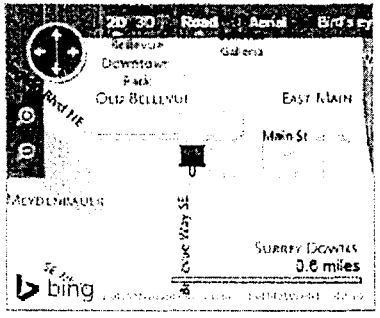
MAP THIS OFFICE | LIST OF BROKERS

Hours of Operation:
Monday-Friday 8:30 am-5:30 pm
Saturday-Sunday 9:00 am-5:00 pm

Coldwell Banker Bain has a proud legacy of success helping clients buy and sell homes in Bellevue WA and throughout Seattle's Eastside. Bellevue real estate includes waterfront homes along Lake Washington and Lake Sammamish, high-rise condominiums in the city's vibrant and growing downtown, and quiet neighborhoods of single family homes anchored by some of the best schools in Washington State. Many of the Pacific Northwest's top employers are headquartered on the Eastside, including Microsoft, Expedia, Eddie Bauer, T-Mobile USA, Paccar, HTC and Costco. As a result the area draws top professionals from many industries and from around the world. Whether you're relocating to the Bellevue area and looking for homes for sale or you already live here and are looking to find your next home or your current home's value, connect with a Coldwell Banker Bain Bellevue REALTOR® today!

INTERACTIVE HOME SEARCH ™

Click on map to start search



About Coldwell Banker Bain's Bellevue WA Office

Perennially the #1 real estate office in Washington State, CBBain's Bellevue office is also one of Coldwell Banker's top-performing offices globally. Not only do our Bellevue brokers outsell and outperform other real estate agents, they offer unparalleled local knowledge of Seattle's Eastside, specializing in neighborhoods like Clyde Hill, Enatai, Medina, Meydenbauer Bay, Apple Valley, Lakemont, Newport Hills, Newport Shores, Lake Hills, Newcastle, Crossroads, Microsoft, Lake Sammamish, West Lake Sammamish, Kirkland and Issaquah.

The REALTORS® in our Bellevue office work hard for their clients every day, helping them successfully buy and sell homes, from luxury condos in downtown Bellevue to waterfront homes on Lake Washington to investment properties in areas throughout King County. Just as important, our Bellevue brokers are proud and contributing members of the Eastside community, sponsoring local festivals, fairs, schools and partner organizations throughout the year.

COMMUNITY INFO

Office Contact

For more information about our office, please contact Paula Fortier via email or via phone at (425) 454-0470.

COLDWELL BANKER BAIN

PUT OUR KNOWLEDGE ON YOUR SIDE™

OUR PRIVACY POLICY

About our Privacy Policy
Coldwell Banker Bain is committed to respecting your personal information. This Privacy Policy is provided to inform you about how we collect and use the information you share with us. Please understand that by using the real estate services and websites that we make available to you, you are agreeing with the terms of this Privacy Policy. As a result, you are encouraged to read this entire Privacy Policy. If you have questions, comments or concerns about this Privacy Policy, about our websites, other services or about our company in general, please contact us as indicated below.

What does this privacy policy apply to?
This Privacy Policy applies to all of the real estate services that we make available for your use, to our websites, and to services that may be offered through affiliated companies with which we, directly or indirectly, share common or partial ownership or have a contract and relationship. Examples include residential real estate brokerage services, home related service referrals, mortgage lending services, title insurance services, escrow services, and other real estate related services that may be made available from t from time to time.

What type of information is collected and how is it used?
If you use our websites, or other real estate services we make available, we may collect personal information from you (such as name, contact information and depending on the service involved, more extensive financial/credit history information). This information is only collected from you on a voluntary basis (i.e. you are the one who decides whether to supply it or not). This information is used by us to allow you to access and fully utilize our website features (e.g. the "My Searches" and "My Favorites" functions), and/or to assign a Sales Associate to assist you. It may be used to access the other services we make available from time to time, such as mortgage, title insurance, escrow, etc. We may also use the information you provide us to contact you by email or telephone to confirm your satisfaction with the services that you have utilized, or to provide you with additional information about other services that are available to you.

We do store - in a secure format - personally identifiable information that you provide to us electronically. We do not collect payment-related information or financial/credit history information through our websites.

Do you use passive means to collect information?
To permit your efficient use of our websites, we do use cookies (small files stored in your computer), which let us know when and how you accessed our websites. When we know you are a prior customer, you will not have to re-enter all of the information you previously provided to us every time you access the sites.

What happens if I decline to provide personal information or remove or reject passive information gathering?
If you choose not to submit personal information, or if you choose to configure your browser to remove or reject cookies or other passive data collection, you will not be able to fully utilize our website features, and we will not be able to make our services fully available to you (i.e., you will not be able to create a "My Favorites" cache, and will not be able to obtain online settlement services).

As outlined below, we may also collect unique usage information related to your use of our websites; however, this information does not include and is not linked to your personal information. This information is collected to allow us to provide you with the information you have requested or have asked to have stored, and helps us understand how our customers use our websites, assisting us in planning new features and services.

Do you send service updates or other information?
Periodically, we may contact our customers or visitors to our websites, requesting information about their use of our services, or providing news, special offers and other information relating to services that are available to them through us. You may elect to unsubscribe to these communications by contacting us as indicated below or by clicking on the link provided at the bottom of our emails to you.

Do any third parties have use of personal information?
We may provide third parties that we are affiliated with access to the personal information you share with us. We may in some cases include links in our products or websites to third party websites. In these cases, we are not responsible for such third parties' privacy practices or content, and we recommend that you review their privacy policies in order to understand their privacy and information collection practices.

We do use the personal information you provide us to facilitate our provision of services to you, and to facilitate our affiliated companies doing the same. We do not sell, rent, or otherwise provide access to your personal information to any third parties, with the following limited exceptions:

- When we employ contractors to provide services on our behalf, we require them to maintain personal information as confidential, and to only use it on our behalf.
- If we, in good faith are required to disclose it to comply with legal processes, or we need to do so to protect your, our or the public's rights or property interests.
- If our company is involved in a sale, merger or any other combination with a third party. In such circumstances, the surviving entity will be responsible for this Privacy Policy and the personal information collected from you.

How can I access or change my personal information?
If you wish to review, update or delete any personal information that we have collected about you, please

EXHIBIT A, p. 2

If you wish to review, update or delete any personal information that we have collected about you, please contact us as indicated below.

How do I learn about changes to this privacy policy?
We may periodically update our Privacy Policy. Please understand that it is your responsibility to review this Privacy Policy frequently to remain informed about any changes to it. Your continued use of our websites and our services will indicate your acceptance of any changes we do make. Our most current Privacy Policy will always be available for your review on our websites.

What should I do if I have a question or a problem?
While we strive for error free performance, we cannot always anticipate an unintended privacy issue. As a result, we encourage your questions and comments about privacy concerns, about this Privacy Policy, and about our websites and other services. Please direct them and any exchange requests to us at:

Email: privacy@cbbain.com
Mail: ATTN: Privacy Policy Administrator
12721 Bel-Red Road, Suite 1
Bellevue, WA 98005

The Landover Corporation, doing business as Coldwell Banker Bain.

Rezora Privacy Statement

Rezora, LLC ("Rezora") has created this Privacy Statement in order to demonstrate our firm and continuing commitment to the privacy of the information provided by those visiting and interacting with the Rezora public website, and the consumer information provided to us by our customers. We hold the privacy of all personal information we receive in the highest regard. As part of the enrollment process, our customers agree to not send spam through Rezora. For information on how we enforce permission-based email marketing, please see our Anti-Spam Policy. This Privacy Statement and the Anti-Spam Policy on our website are a part of every customer's agreement to receive services from us. Customers who do not accept these terms should discontinue their accounts and stop using our services. Visitors to our website who do not accept these terms should immediately navigate away from our website.

The following discloses our information gathering and dissemination practices.

Visitor Information that We Collect, and Customer Email Lists and Databases

Rezora is in the business of providing web-based email marketing strategy and services. Rezora will not sell, rent or share, our customers' email lists and/or databases to third parties, unless required by a court or by law. However, we do provide access to this information to our support personnel and third party vendors who help us manage our customers' accounts and provide our services. We use the visitor information that we collect, and our customers' information, email lists and databases in the following ways:

- To provide our customers with the services they have purchased;
- To enable us to generally respond to you, or to process, validate and verify requests and/or orders;
- To fulfill any of your requests and perform our contracted services on your behalf;
- To send information to you about additional goods or services;
- To compile and/or distribute information about our website users and usage patterns;
- To provide useful information to our website designers for developing new features and services;
- To tailor your experience on our website, e.g., "remembering" data you have entered so that you don't have to enter it on a repeat visit; and
- In any way we deem advisable to provide better goods or services to our customers and visitors.

Website Usage Information and Technology Used

When a visitor enters our website, we may use your unique Internet protocol address ("IP address"), which is assigned to you by your Internet service provider, to help diagnose problems with our server, and to administer our website.

For LAN, DSL, or cable modem users, an IP address may be permanently assigned to a particular computer. (IP addresses are automatically logged by Web servers, which collect information about a user's traffic patterns.) Your IP address can reveal what geographic area you are connecting from, or which Internet Service Provider you are using. While the IP address does not identify an individual by name, it may, however, with the cooperation of your Internet Service Provider, be used to locate and identify an individual using the web. Other websites you visit have IP addresses, and we may collect the IP addresses of those websites and their pages. We do not link your IP address to any personally identifiable information. We use tracking information to determine which areas our website users visit based on traffic to those areas. Rezora does not track what individual users read, but rather how often each page is visited. This helps us maintain a superior and informative website for you.

"Cookies" are a standard feature on many web browsers. They store small amounts of data on your computer about your visit to this website. We use cookies to assist us in tracking which of our features appeal the most to you and what content you may have viewed on past visits. When you visit this website again, cookies can enable us to customize our content according to your preferences. For instance, we may use cookies to keep track of the number of return visits to this website, accumulate and report aggregate, statistical information on website usage, deliver specific content to you based on your interests or past viewing history, and save your password for ease of access to our website.

The Personal Information We Collect

Our registration forms for new customers signing up for Rezora accounts may require them to give us

EXHIBIT A, p. 3

contact information that may include name, email address, mailing address, and facts about that enrolling customer's company size, and similar information. We do not request sensitive information from our visitors, such as credit card or social security numbers, unless they are signing up for and paying for our services. We may sometimes share this information with partner companies for the purposes of assisting us in providing our services.

Providing your email address will opt you in for future email about promotions. By providing us with a phone number, you consent that we (or third parties with whom we contract) may contact you by phone. Occasionally, we may send promotional materials to you via postal mail, using a mailing address that you provide. You may opt-out at any time as follows: by emailing us at support@rezora.com and typing into the subject line "unsubscribe", by clicking on the "remove me" link within an advertising email that you received from us.

Security Technology

Rezora has made a substantial investment in server, database, backup and firewall technologies to protect our customers' information assets. These technologies are deployed as part of sophisticated security architecture. All data resides in a tightly controlled, secure data center. These investments mean that information about the identity and preferences of individual customers is never accessible to anyone outside Rezora. We will maintain safeguards to protect the security of these servers and any personally identifiable information that we have collected.

Transfer of Your Data and Information

If Rezora or any of its assets are acquired by or merged with another entity, all information collected by us will be one of the transferred assets.

Compliance with Laws

It is our policy to fully adhere to all federal, state and local regulations regarding the privacy of the data we collect, including the 2003 CAN-SPAM Act regulating email delivery. We will maintain the confidentiality and integrity of our data files as mandated by federal law. California residents may request a copy of our Direct Marketing Disclosure by contacting info@rezora.com.

Changes to this Privacy Statement

We may change this Privacy Statement from time to time by posting changes to this page, so be sure to check back periodically. Your continued use of this website or our services will be deemed your acceptance to the new terms of this Privacy Statement.

Contacting Us About Changes to Your Information, Privacy Matters and Rezora.com

If you have any questions about our Privacy Statement, the information we have collected from you online, emails you may have received via the Rezora system, our privacy practices, or your dealings with this website, please contact us at privacy@rezora.com.

Rezora Anti-Spam Policy

At Rezora, we are aware of our responsibilities as a good Internet citizen and are dedicated to protecting the privacy rights of other Internet citizens. We vigorously oppose the sending of unsolicited e-mail (spam). This Anti-Spam Policy is a part of each customer's agreement for services with us.

Rezora does not allow anyone to use our services for the purpose of sending spam. We refuse business from known spammers. If a Rezora customer (anyone using a Rezora account) uses our services to send spam, that customer's contract will be voided without refund. As a further step, we require that each email message sent through Rezora includes an easy way for recipients to remove themselves via an unsubscribe link. If a recipient calls our offices and requests to be manually removed from a customer's list, we will manually unsubscribe delete the recipient from the customer's account.

Guidance for our Customers

In all cases, we require that email messages sent through Rezora meet with the requirements of the CAN-SPAM Act of 2003, as amended. As a courtesy to our customers, we have set out some guidelines below that show some (but not all) of the minimum standards our customers must meet. It is up to our customers to ensure that their emails are fully compliant.

The CAN-SPAM Act discriminates between two kinds of emails: Commercial and Transactional. Commercial emails are subject to stricter standards than are those considered to be Transactional.

Commercial email is that where the primary purpose "is the commercial advertisement or promotion of a commercial product or service". Examples of Commercial email include those emails sent to an address list purchased by the sender. At a minimum, requirements for a CAN-SPAM compliant Commercial email include:

1. The sender is identified in the header of the email.
2. The subject line accurately represents the content of the email.
3. The message within the email is identified as an advertisement, unless the recipient has expressly requested to be emailed.
4. The email includes a real, physical mailing address for the sender's business.
5. The email includes a simplified opt-out mechanism that requires no more than a click to arrive at a single landing page where they may unsubscribe. The recipient cannot be required to log in to be removed from future emails.

EXHIBIT A, p. 4

6. Opt-out requests are to be honored within 10 days, the address is added to the sender's internal suppression list, and the unsubscribe/remove me mechanism remains functional for 30 days from the date the email was sent.

Transactional email is that where the intent is to "facilitate, complete, or confirm a commercial transaction that the recipient has previously agreed to enter into with the sender". Examples of Transactional emails are newsletters that the recipient signed up to receive; however, to the extent that any such email seeks to advertise or promote a brand, a company or product or service, it may also be primarily Commercial in purpose, and therefore subject to the more stringent Commercial email standards. Another example of a Transactional email is a "welcome" message to a new customer where the sender is following up on a business relationship. Requirements for a CAN-SPAM compliant Transactional email are:

1. The subject line is transactional and non-promotional.
2. The transactional content appears in the body of the email prior to the commercial content.

We recommend to our customers that if they are in doubt about which category their email falls into, then they should err on the side of the email being deemed Commercial, and fulfill those requirements.

Examples of Email Messages that Should Not Be Transmitted Through Rezora

1. Any e-mail message that is sent to a recipient who had previously signed up to receive newsletters, product information or any other type of bulk email but later opted-out by indicating to the sender that they did not want to receive additional email.
2. Any e-mail message that is sent to recipients that have had no prior association with the organization or did not agree to be e-mailed by the organization.
3. Any e-mail message that is sent to a recipient without a mechanism to opt-out or request that future mailings not be sent to them.
4. Any email message that does not have a valid email address in the "From" header line.
5. Any email message that contains any false or misleading information in the header, subject line or message itself.
6. Any email that says you can earn $1000s each week from home.
7. Any email message that promotes an adult web site is spam, unless the recipient has specifically requested information from that web site.
8. Any message that contains "ADV:", "ADV ADLT:", or "ADV ADULT" in the subject.
9. Any message that is sent to e-mail addresses that have been harvested off of web sites, newsgroups, or other areas of the Internet.
10. Any message that is sent to e-mail addresses that have been gathered via "e-mail appending", also known as, e-pending, is spam. E-pending is the practice of merging a database of customer information that lacks e-mail addresses for the customers with a third party's database of e-mail addresses in an attempt to match the e-mail addresses with the information in the initial database.
11. Any message that is not identified as an advertisement or solicitation is spam (unless affirmative consent to send the message has been obtained).
12. Any message that does not include a valid physical address and provide clear and conspicuous notice to recipients of their right to opt-out of future emailings (unless affirmative consent has been obtained).
13. Any message that does not does not have a valid return email address or other mechanism that remains active for thirty (30) days after the time the message is sent to allow recipients to opt-out of future emailings.
14. Any message that includes misleading to/from/or subject headings.
15. Any email that contains deceptive advertising.
16. Any email message that does not allow unsubscribing.
17. Any email that does not correctly identify the sender.

What is Not Spam?

1. Generally, there is no clear definition of what is and is not spam.
2. An e-mail message sent to recipients who agreed to receive information or promotions from the sender, or a partner organization, provided that he/she at that time agreed to have their information transferred to third parties.
3. Newsletters that consist of exclusively informational content to which the recipient affirmatively subscribed.
4. Email that the recipient requested.

What We Do to Stop Spam

Rezora may determine at its sole discretion whether a customer is spamming. There are a number of factors Rezora uses to determine whether a customer is spamming, including, but not limited to: complaints sent to abuse report addresses, SpamCop reports, complaints sent to any of Rezora's upstream providers, and evaluating a customer's mass e-mail statistics and recipient addresses. Decisions made by Rezora personnel regarding a customer's use of Rezora are final.

There are three ways by which a Rezora customer may violate this Anti-Spam policy:

1. By sending spam.
2. By not responding properly to an inquiry from a Rezora staff member about the source of a particular e-mail list or e-mail address.
3. By not including the required elements on every e-mail sent through the Rezora service.

Contacting Rezora About Spam

If you have any questions about our Anti-Spam Policy, or to report spamming activity by one of our customers, please contact us using the contact information provided on the contacts page.

EXHIBIT Ap 5

[redacted]

[redacted]

EXHIBIT A, p.6

Inside the Legislature
* Find Your Legislator
* Visiting the Legislature
* Agendas, Schedules and Calendars
* Bill Information
* Laws and Agency Rules
* Legislative Committees
* Legislative Agencies
* Legislative Information Center
* E-mail Notifications
* Civic Education
* History of the State Legislature

Outside the Legislature
* Congress - the Other Washington
* TVW
* Washington Courts
* OFM Fiscal Note Website

Access Washington®
Official State Government Website

RCW 9.73.050
Admissibility of intercepted communication in evidence.

Any information obtained in violation of RCW 9.73.030 or pursuant to any order issued under the provisions of RCW 9.73.040 shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except with the permission of the person whose rights have been violated in an action brought for damages under the provisions of RCW 9.73.030 through 9.73.080, or in a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

[1967 ex.s. c 93 § 3.]

Notes:

Severability -- 1967 ex.s. c 93: See note following RCW 9.73.030.

Inside the Legislature
* Find Your Legislator
* Visiting the Legislature
* Agendas, Schedules and Calendars
* Bill Information
* Laws and Agency Rules
* Legislative Committees
* Legislative Agencies
* Legislative Information Center
* E-mail Notifications
* Civic Education
* History of the State Legislature

Outside the Legislature
* Congress - the Other Washington
* TVW
* Washington Courts
* OFM Fiscal Note Website

Access Washington
Official State Government Website

RCWs Title 9 Chapter 9.73 Section 9.73.040

9.73.030 << 9.73.040 >> 9.73.050

RCW 9.73.040
Intercepting private communication — Court order permitting interception — Grounds for issuance — Duration — Renewal.

(1) An ex parte order for the interception of any communication or conversation listed in RCW 9.73.030 may be issued by any superior court judge in the state upon verified application of either the state attorney general or any county prosecuting attorney setting forth fully facts and circumstances upon which the application is based and stating that:

(a) There are reasonable grounds to believe that national security is endangered, that a human life is in danger, that arson is about to be committed, or that a riot is about to be committed, and

(b) There are reasonable grounds to believe that evidence will be obtained essential to the protection of national security, the preservation of human life, or the prevention of arson or a riot, and

(c) There are no other means readily available for obtaining such information.

(2) Where statements are solely upon the information and belief of the applicant, the grounds for the belief must be given.

(3) The applicant must state whether any prior application has been made to obtain such communications on the same instrument or for the same person and if such prior application exists the applicant shall disclose the current status thereof.

(4) The application and any order issued under RCW 9.73.030 through 9.73.080 shall identify as fully as possible the particular equipment, lines or location from which the information is to be obtained and the purpose thereof.

(5) The court may examine upon oath or affirmation the applicant and any witness the applicant desires to produce or the court requires to be produced.

(6) Orders issued under this section shall be effective for fifteen days, after which period the court which issued the order may upon application of the officer who secured the original order renew or continue the order for an additional period not to exceed fifteen days.

(7) No order issued under this section shall authorize or purport to authorize any activity which would violate any laws of the United States.

[1967 ex.s. c 93 § 2.]

Notes:

Severability -- 1967 ex.s. c 93: See note following RCW 9.73.030.

Inside the Legislature
* Find Your Legislator
* Visiting the Legislature
* Agendas, Schedules and Calendars
* Bill Information
* Laws and Agency Rules
* Legislative Committees
* Legislative Agencies
* Legislative Information Center
* E-mail Notifications
* Civic Education
* History of the State Legislature

Outside the Legislature
* Congress - the Other Washington
* TVW
* Washington Courts
* OFM Fiscal Note Website

Access Washington
Official State Government Website

RCWs Title 9 Chapter 9.73 Section 9.73.080

9.73.070 << 9.73.080 >> 9.73.090

RCW 9.73.080
Penalties.

(1) Except as otherwise provided in this chapter, any person who violates RCW 9.73.030 is guilty of a gross misdemeanor.

(2) Any person who knowingly alters, erases, or wrongfully discloses any recording in violation of RCW 9.73.090(1)(c) is guilty of a gross misdemeanor.

[2000 c 195 § 3; 1989 c 271 § 209; 1967 ex.s. c 93 § 6.]

Notes:

Intent -- 2000 c 195: See note following RCW 9.73.090.

Severability -- 1989 c 271: See note following RCW 9.94A.510.

Severability -- 1967 ex.s. c 93: See note following RCW 9.73.030.