

No. 44852-1-II

IN THE COURT OF APPEALS, DIVISION TWO

GLEND A NISSEN, an individual,

Appellant,

v.

PIERCE COUNTY, a public agency; PIERCE COUNTY
PROSECUTOR'S OFFICE, a public agency,

Respondent

v.

PROSECUTOR MARK LINDQUIST,

Intervenor/Respondent

**APPELLANT'S ANSWER TO AMICUS CURIAE BRIEFS OF
ATTORNEY GENERAL'S OFFICE, WASAMA, WAPA, AND
PUBLIC EMPLOYEE UNIONS**

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I. LEGAL AUTHORITY AND ARGUMENT

A. Lindquist Deliberately Used a Personal Cell Instead of His Agency Cell to Transact Agency Business.

To be a public record, a record must be (1) a “writing”, (2) “containing information regarding the conduct government or the performance of any governmental or proprietary function”, and be (3) “prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.” RCW 42.56.010(3).

There are two categories of records at issue here: cell phone billing records for the 861 cell number and text messages sent to or from the 861 cell phone. There is no dispute both categories are “writings” meeting part (1) of the definition. Amici newspaper associations and WCOG agree both categories of records here meet all three parts of the test and are public records. Amici Attorney General’s Office (“AGO”) agrees the text messages could be public records but disagrees the cell phone bills should be. The other Amici (“other Amici”) raise a parade of horrors arguing why neither should be deemed public records based largely on facts not present here and grounds not really at issue here or an impermissible narrowing of the PRA.

Rather than deal with the “what ifs” and parade of horrors or the result that might be declared in a case involving other level employees or other facts, this Court must apply the above three-part test of a public

record to these records under the facts of this case. It need not, and should not, reach the broad Constitutional and other claims the other Amici raise on theories involving other types of public employees, and facts dramatically different than those here.

This case involves the elected prosecutor for Pierce County Mark Lindquist who was provided a government-issued and government-paid-for cell phone but who nonetheless chose not to use that phone and to use almost exclusively his personal cell phone (the “861 cell phone”) instead for agency business.

There were 46 minutes worth of calls on June 7, 2011, on the 861 cell phone that Lindquist concedes were work-related. CP 25-26, 32-36. There were 72 minutes worth of calls on August 2, 2011, on the 861 cell phone that Lindquist concedes were work-related. **Id.** There were 41 minutes worth of calls on August 3, 2011, on the 861 cell phone that Lindquist concedes were work-related. **Id.** That is more than two and a half hours of work-related calls on the 861 cell phone just on these three specific days. During this same time period, there was a total of **less than 10 minutes per month** of calls to anyone and for any purpose on Lindquist’s agency-provided cell phone. CP 6-8, 24. It cannot reasonably be disputed that Lindquist chose to use his personal cell instead of his

government cell to conduct agency business the vast majority of the time.
CP 5-8, 24, 25-26, 32-36, 374-402, 453, 681-682.

Lindquist also concedes there were at least 16 work-related texts sent from or received by him on his personal cell between August 2, 2011, and August 3, 2011, the time that someone contacted the Tacoma News Tribune and convinced it to alter its story and delete the sentence that no suspect had been identified in the death threat investigation. CP 81, see also CP 26, 40, 63-64. Lindquist chose not to use his government-provided cell to send these 16 text messages or any others.

B. Lindquist was on Notice that Using a Personal Cell to Conduct Agency Business Created Public Records and Subjected the Device to Access by the Agency.

It also cannot be ignored that the public official who chose to use his personal phone to make these work-related calls and send these work-related texts was an attorney, and the head of the prosecuting attorney's office and the elected head of that agency. Nor can it be ignored that for many years prior to Lindquist making the choice to use his personal device for these work-related calls and texts lawyers in CLEs and trainings and publications that were widely circulated have been informing public officials and public employees that use of a personal device for agency business results in records that are public records being stored on the personal device and subjecting the personal device to access by the agency

to retrieve those records. AGO Model Rules, in place years before Lindquist made those work-related calls and texts from his personal cell, recommended employees and officials forward communications on their personal devices to agency servers and agency repositories to prevent their personal devices from needing to be accessed – a measure Lindquist chose not to do here.

Attached hereto as Appendix A are true and correct copies of just a few samplings from the website of the Municipal Resource Service Center (“MRSC”) of publications and example agency policies dated and posted in 2010 or earlier on the MRSC website advising officials that use of a personal cell for agency business created public records on the personal cell and necessitated retention of the records and could result in agency access to the device to retrieve public records. Appendix A includes:

- (A-1) Grandview 2008 personal cell phone policy, available at <http://www.mrsc.org/policyprocedures/G74CellPhonePol.pdf> (“Employees should be aware that work-related texts and voice messages on cell phones are public records subject to the Public Records Act. Employees have a duty to maintain such records in accordance with the Washington Local Government Record Retention Schedules.”);
- (A-2) 2010 “Managing Your Electronic Communications” PowerPoint available at <http://www.mrsc.org/search/searchresults.aspx?q=public%20hospital%20commissioner>;
- (A-3) Bellevue 2009 personal cell phone policy, available at <http://www.mrsc.org/policyprocedures/B44MobilePhone.pdf>;

- (A-4) Sequim 2010 personal cell policy available at <http://www.mrsc.org/policyprocedures/S46CellAllow.pdf>;
- (A-5) Spokane 2010 personal cell policy available at <http://www.mrsc.org/policyprocedures/S73cellphones.pdf>; and
- (A-6) full Everett 2010 cell phone policy, excerpt of which is attached to the WSAMA amicus, available at <http://www.mrsc.org/policyprocedures/B44MobilePhone.pdf>.

Further, the **O'Neill v. Shoreline** decision was decided in the Division One Court of Appeals in 2008 and in the Washington State Supreme Court in 2010 putting Lindquist on notice that the original version and metadata of an agency-related communication sent to a personal email and reviewed on a personal laptop was a public record that needed to be maintained and provided, and that the personal device could be subject to search by the agency for retrieval. **O'Neill v. Shoreline**, 170 Wn.2d 138, 240 P.3d 1149 (2010) and **O'Neill v. City of Shoreline**, 145 Wn.App. 913, 187 P.3d 822 (2008). The **Mechling v. Monroe** decision was issued by the Court of Appeals in 2009 putting Lindquist on notice that personal emails of public officials related to agency business could be public records subject to retrieval and production. **Mechling v. Monroe**, 152 Wn. App. 830; 222 P.3d 808 (2009).

Lindquist, and all public officials, were on notice in 2011 that using a personal cell for agency business created public records on that device

and subjected that device to access by the agency to retrieve such records. It is clear that Lindquist was aware in 2011 when he chose not to use the government-provided cell phone and instead chose to use his personal cell to make numerous work-related calls and send numerous work-related texts that he was creating public records through his personal cell usage, that those records would need to be maintained, and that his personal cell and records would need to be accessed by the agency to retrieve those records if they were requested.

This case is not about the firefighter husband who texts his teacher wife that he will be late to dinner because of a fire, or the other innocuous uses discussed by the other Amici. This case further does not prevent agencies from allowing employees to use personal devices to save on costs so long as employees follow the Model Rule guidelines or numerous other posted policies and retain and forward work-related texts and records to the agency for production. If an employee took steps to either not use a personal device for work business or to assure the work-related records were forwarded to an agency location, there would not be the risk of intrusions the other Amici address because the employee would have provided the public record to the agency to produce without need of his or her personal device or records.

This is a case about a lawyer who surely knew the implications of using his personal cell for agency business and yet did so anyway, intentionally, leaving the government cell in the drawer unused and not forwarding the work-related records to the agency for production. Instead, he deleted texts as soon as one day after they were sent and took no steps at the time to provide a copy to the agency.. If Lindquist had brought in his personal laptop to prepare all of his official records for the agency ignoring the government-provided desktop computer sitting on his desk, this Court would likely have no trouble finding that intentional—and unnecessary—usage of a personal device did not preclude those records from becoming “public records” under the three part test. Lindquist’s intentional—and unnecessary—usage of his personal cell for his work-related calls and texts similarly cannot prevent these records from being public records.

C. The Records Here are Public Records.

Turning to the remaining two parts to the test for public records – both sets of records “contain[] information regarding the conduct government or the performance of any governmental or proprietary function”. RCW 42.56.010(3), the second part of the test. The phone records show the dates, times, duration and numbers called by Lindquist or the dates, times, duration and numbers of calls received by Lindquist all

of which he concedes were work-related calls. The text messages will show the actual texts sent by Lindquist or received by Lindquist which he again concedes are work-related texts. Thus both sets of records contain “information” regarding the conduct of government as they contain information about the elected prosecutor’s performance of official duties.

If these records are either “prepared,” “owned,” “used” or “retained” by the agency, then they are public records regardless of the nature of the device on which they were created, used, or retained. AGO discusses “creation” of a record as in an employee created a record as a public record by owning, using, retaining or preparing a writing containing information about a governmental purpose. This should not be read to mean that preparation of a record is a more important or exclusive requirement to find a record to be a public record as this is not supported by the language of the PRA or case law. An individual employed by the agency can “use” or “own” or “retain” a record on a personal device that he or she never prepared and it can still be a public record of the agency. In O’Neill, the Deputy Mayor received an email from a constituent at her personal email address which she opened and read solely on her personal laptop computer after working hours from her home. The email was a writing and it contained information relating to the conduct of government or the performance of a proprietary function as it related to a zoning mater

that would be addressed at an upcoming Council meeting. The Deputy Mayor read this email to herself on her personal laptop and this reading of the email was use of the record. She owned the email as she received it on her personal email account and it was stored to her personal laptop computer. She retained it – for a time – before she claimed she inadvertently deleted it after it was requested through a PRA request. The Deputy Mayor did not create this record so it was not “prepared” by her. Nonetheless the Division One Court of Appeals and the Washington State Supreme Court held the record, and its metadata, were public records – not because the Deputy Mayor later mentioned it at a Council meeting but because the email itself related to the conduct of government and the Deputy Mayor used it by reading it to herself at her home on her laptop after hours. The Deputy Mayor did not forward the metadata of this email to a City email address and yet metadata, residing solely with the original email on the Deputy Mayor’s personal computer and stored by her internet service provider to its server, was also declared to be a public record of the agency. The City never possessed the metadata on any City device or via any City email as the metadata remained solely on the Deputy Mayor’s original personal email and with her private email service provider. When the Deputy Mayor deleted the original, and the sole copy was potentially on the server of her personal internet service provider, the Supreme Court

remanded the case to the trial court for the agency to search the laptop and try and recover the original email and its metadata or locate it from the private internet provider.

If only records created by the employee could be a public record, then the PRA would not use the words “owned, used, retained” and would only use the word “prepared.” And the O’Neill case would not have found an email which was only read by an official and was not prepared by an official, and the metadata that resided solely on the personal computer and the internet service provider’s server to be public records. This Court is bound by the Supreme Court’s reasoning in O’Neill and the plain language of the PRA. So long as the record “contain[s] information relating to the conduct of government or the performance of a proprietary purpose” it can become a public record regardless of whether or not the employee “created” the record.

1. The Text Messages

Agencies act through the actions of their employees and officials. While an agency might “own” or “retain” a record as an entity, an entity cannot really “prepare” or “use” a record except through the actions of the individuals who run and make up the agency. Thus an agency can “use” a record when the elected head of the agency “uses” that record. And the agency “prepares” the record when the elected official prepares the record.

Here, Lindquist prepared the work-related texts he sent, and he “used” the work-related texts he received. As the agency acts through its officials, Lindquist’s preparation of the texts and use of the texts is preparation and use by the agency. Further, Lindquist’s receipt of texts by others within the agency, or sending of texts to others in the agency, mean that others within the agency, beyond Lindquist, have prepared or used the same texts, and their actions are also the acts of the agency. If the other recipients or senders used their government-provided cell, instead of a personal one as Lindquist did, the agency further might have direct retention of the texts as well as clear ownership of the texts as the agency owns the texts sent and received from the agency-provided cell phones. (The trial court barred Nissen from engaging in any discovery to explore these issues, which was error, and requires remand for such exploration.)

Also, Nissen has argued, and no party or Amici has effectively rebutted, that Lindquist, as the elected prosecutor is the “office” of the Prosecutor and so Lindquist is the “agency”. RCW 42.56.010(1); Brief of App. at 29-34. In this case, as Lindquist is the elected prosecutor – the head of the agency, the speaking agent for the agency, the one who decides what the agency will and will not do, and the one through which the agency acts, Lindquist is “any office ... thereof” of the local agency that is the Prosecuting Attorney’s Office, and thus under RCW

42.56..010(1), Lindquist is the agency. Lindquist clearly “owns” the text messages sent or received on his personal cell. And as he is the “agency”, the “agency” in this case also owns them as well. (The agency may also retain and own them by virtue of their having been sent to an agency-provided cell phone or from an agency-provided cell phone, a fact that was not explored due to the trial court’s barring of discovery.)

The records have also been retained at both Lindquist’s and the County’s specific direction, and thus the records have also been “retained” by the agency.

The Court need only find one of the verbs to have been met – prepared, owned, used or retained. Prepared and used cannot be questioned. The ownership issues is also established, making the arguments related to unauthorized access meritless. Lindquist knew that by choosing to use his personal cell to send work-related texts and by refusing to use the government-provided cell phone or to forward the texts to a government cell or server for storage, that he was creating a public record on his personal cell and that he could be made to provide those texts to the agency if they were requested. Lindquist created the problem about which he now complains. It could have been avoided had he but used his government-provided cell or forwarded the work-related texts to a government server or device for retention and production. Lindquist

cannot deliberately create public records on his personal device and then complain that he now must provide access to them.

2. The Cell Phone Records

The cell phone records are also “owned” by Lindquist, and as above, as Lindquist is the agency the agency owns the records. Lindquist at the time of the request “retained” the records as there were a number of PRA requests some of which came after copies had been obtained. The records need not have been prepared or used by Lindquist to be a public record as they were owned, and only one verb is required to be shown to apply.

But as to the cell phone bills this Court need not even reach the issue of whether or not Lindquist is the agency or whether the agency owned the records because in this case the agency actually possessed the unredacted billing records at a time a PRA request for them was issued and so the agency itself “retained” the records at that time and the agency also “used” those records to assess the application of the PRA and a PRA request for them and to perform redactions.

Despite recent protestations, the record is clear the agency did possess unredacted billing records. The Public Records Officer in a sworn declaration admitted she reviewed the unredacted records to redact the “personal calls.” See CP 445 and Corrected Brief of Respondent at 4. Lindquist voluntarily brought in his unredacted records to allow the

agency to review them. This is not surprising as Lindquist ordered Nissen to turn over to the agency Nissen's personal cell phone records, unredacted, to respond to a PRA request for Nissen's records. See Appendix B. Appendix B is an excerpt of the Clerk's Papers from Glenda Nissen v Pierce Co., et al., ("Nissen II"), case number 45039-9-II, pending before this Court involving the same parties here and similar claims. The Clerk's Papers show that Nissen was ordered to turn over her unredacted personal cell phone records to the County to respond to a PRA request for those records and that those records still reside with the author of the WSAMA Amicus in this case who is acting as an assigned attorney/agent for the County in that action. The Court can and should take judicial notice pursuant to ER 201 of these Clerk's Papers in this companion case illustrating that despite other Amici's claims production of records creates constitutional violations that the Respondents here ordered Detective Nissen to turn over her personal unredacted cell records for purposes of production pursuant to a PRA request and she complied..

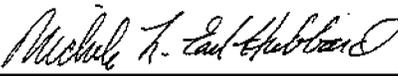
D. The Constitutional and Federal Statutory Restriction Arguments Do Not Bar Production Here.

The other Amici argue a host of alleged constitutional violations by access to or production of the text messages or phone records, but those arguments ignore the precise facts at issue here. The agency did not search

Lindquist's garbage or invade his home or tap his phone to retrieve these records. Lindquist voluntarily brought in his cell phone records with the consent that work-related records be released, and both he and the agency have secured the text messages on the Verizon servers should those be deemed to be public records. Lindquist has not said he would refuse to authorize access to the text messages if found to be public records, and as the AGO argues, it is reasonable to expect the elected prosecutor, who created this problem for his agency by not retaining the texts on his device or using his government-provided cell to send and receive them in the first place, would facilitate access to these conceded work-related texts should they be held to be public records or subject to in camera review for such a determination. The Court should not reach the broad Constitutional arguments and claims, some made only by Amici, when the subject here provided the cell records and has never been asked by the agency or court to lodge the text messages for in camera review or to produce them if deemed to be public records.

RESPECTFULLY SUBMITTED this 14th day of February, 2014.

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Appendix A-1

Grandview 2008 personal cell phone policy

Chapter 25

CELLULAR TELEPHONE USE POLICY

25.01 Policy Statement. The purpose of the Cellular Telephone Use Policy is to provide guidance regarding the purchase and use of cellular telephones and establish the protocol for reimbursement by employees for personal use of City cell phones.

It is the policy of the City to entrust employees with communications equipment for productivity and safety reasons; and it remains employees' responsibility to use such equipment prudently such that the safety of themselves, their co-workers and the general public is always their top priority.

Employees who abuse this policy for whatever reason may be subject to disciplinary action, up to and including termination.

City-Owned Cell Phones

1. Protocol for Assignment of City-Owned Cell Phones. A cell phone is considered a requirement under one or more of the following conditions:
 - A. Job Responsibilities require an employee to be away from regular land line access for long periods of time and communication by the employee is necessary to fulfill job objectives.
 - B. Cellular telephone use enhances the employee's personal safety on the job.
 - C. The employee's role carries responsibilities such that the ability to conduct two-way communication is necessary at all times.
2. No Right to Privacy. Employees have no right to privacy with respect to the use of City-Owned Cell Phones. This includes any and all voicemails, social media messaging, emails, text messages, call history and/or any other information stored on a cell phone, regardless of whether stored in the device or in remote sites and/or with remote services. The City has the right to inspect any and all City-Owned Cell Phones used by employees for such information at any time and without notice.
3. Authorized use of City-Owned Cell Phones. Cell phones provided by the City are the property of the City and are to be used to conduct City business as outlined below:
 - A. Cell phones should not be used for personal use, except for necessary work-related situations such as unanticipated overtime or family emergencies. Calls of this nature should be infrequent in number and brief in duration.
 - B. Employees must report non-work related, local and long-distance personal cell phone charges to the City and reimburse the City at the per-minute rate the City pays for minutes billable to the phone in excess of the "free-time" minutes.

- C. Cell phone use in violation of any local, state, or federal law is prohibited. Cell phone use in violation of City or department work policies or for the purpose of personal financial gain is prohibited. Cell phones may not be used for blogging, jokes, gambling, games, or social networking (e.g., Facebook, MySpace, Twitter). Cell phone use for any discriminatory, derogatory, sexual, illegal, unethical or otherwise inappropriate remarks or purposes is strictly prohibited.
 - D. Cell phone use and text messaging with a City-owned or privately-owned cell phone is prohibited while the employee is operating a City-owned motor vehicle, except as provided in RCW 46.61.667. Speaking on the cell phone while driving should be done so only with a hands-free device. If no hands-free device is available, the driver shall pull to the side of the road in a safe location prior to answering or initiating cell calls. The use of hands-free technology is encouraged.
3. Employee Responsibilities Regarding City-Owned Cell Phones.
- A. Protect the City-owned cell phone from theft, loss or damage.
 - B. Immediately report loss or theft of a City-owned cell phone to your supervisor or Department Director.
 - C. As cell phone calls are not secure, use discretion while making calls of a sensitive or confidential nature.
 - D. Immediately return the telephone to your supervisor or Department Director if it is determined that the phone is no longer necessary for your job or upon leaving employment with the City.

Use of Personal Cellular Telephones to Conduct City Business

The City recognizes that some staff members carry personal cell phones for their personal use. Use of those cell phones during business hours should be kept at a minimum to discourage adverse impact on employee or co-worker performance and safety.

Employees using privately-owned cellular phones may be reimbursed by City for direct air time for calls to conduct authorized City business when evidenced by a billing detail. Reimbursement is made through the City's expense claim process with the billing detail attached. City business calls should be identified, including the name of the person/agency called and the reason for the call.

Any violation of this Cellular Telephone Use Policy may result in disciplinary action, up to and including termination.

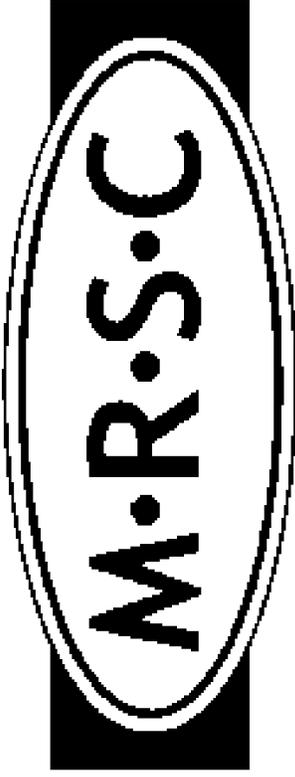
Public Records Act – Employees should be aware that work-related texts and voice messages on cell phones are public records subject to the Public Records Act. Employees have a duty to maintain such records in accordance with the Washington Local Government Record Retention Schedules.

Appendix A-2

2010 “Managing Your Electronic
Communications” PowerPoint

**MANAGING YOUR ELECTRONIC
COMMUNICATIONS**

**PUBLIC HOSPITAL DISTRICT
COMMUNICATIONS**



MRSC PROGRAMS

- Inquiries
- Publications
- Web Site

What to do

- *Call us*

- *E-mail*

How to Reach Us

- Phone (206) 625-1300
1-800-933-MRSC (6772)
- E-mail mrsc@mrsc.org
- Web

MANAGING YOUR ELECTRONIC COMMUNICATIONS

- Practical suggestions for PHD commissioners in managing records
- Key practical

Retention Rules

- “Preservation of Electronic Public Records”
- Chapter 434-662 WAC (2009 & 2010)
- Electronic records in electronic form

Common Types of Electronic Records

- E-mail
- Electronic documents
- Electronic copies of documents (e.g., scanned copies)
- Web pages
-
-
-

E-Mail as a Public Record

- Which e-mails are public records with retention value?
- E-mail messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions, or transactions
- Such messages must be identified, filed, and retained just like records in other formats
- Review

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Question:

Case

a

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Answer:

Yes. Records maintained in that are related to whatever

Use of Personal E-mail Accounts and Personal Computers for PHD Business

- Under the PRA, whether a record is a “public record” is determined by its content and use, not by how the record was

- A

Use of Personal E-mail Accounts and Personal Computers for PHD Business

- It does not matter that an e-mail is created with an e-mail address ending with “.com,” “.org,” or “.gov”
- For example, a PHD student's official membership in a professional organization

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Answer:

Yes. If a PHD commissioner has been conducting PHD business through a

Use of Personal E-mail Accounts and Personal Computers for PHD Business

- Additionally, if the PRA request results in a lawsuit and a court finds that the search that was conducted was insufficient, the entire hard

Use of Personal E-mail Accounts and Personal Computers for PHD Business

- This scenario would not result in the entire hard drive of your personal computer becoming a public record.
- However, it could mean that ~~the account~~ would give someone ~~access to~~ ~~the account~~ ~~the~~ ~~data~~ ~~on~~ ~~the~~ ~~computer~~ ~~and~~

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Question:

Are e-mails and files on personal computers records when they are used for business?

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Answer:

Yes. In addition to a personal computer, there are a number of other factors that can affect the use of personal e-mail accounts and personal computers for PHD business.

Use of Personal E-mail Accounts and Personal Computers for PHD Business

- An e-mail or text message related to PHD business falls within the broad definition of public record.
- Because PHD business is not saved

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Question:

Are there some research-based e-mail

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Answer:

Yes. Hackers have been able to break into Web-based e-mail accounts.

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

1. **Keep PHD and Campaign E-mails Completely Separate.**

- If you have

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- 2. Keep your PHD e-mails and records clearly segregated from your personal e-mails and records.**



Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- Similarly, if you also have a personal e-mail account that you use solely for that purpose, do not use that account related to any PHD work.
- If someone has access to your account,

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- If you have a Web-based e-mail account for campaign purposes, make sure you keep that account completely segregated from any e-mail account you use for personal purposes.

- E

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- Never send campaign-related e-mails from any PHD e-mail account.
- When using your personal computer, create a folder for all PHD e-mails, replacing all

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

3. Ensure your records are retained consistent with the state record retention requirements.

- |a

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- However, some local governments have e-mail accounts with automatic deletion policies.
- Keep in mind that a power outage or a crash, or the

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- Recognizing such issues, take it upon yourself to understand how long these records must be retained, and what records are

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

4. **Adopt a clear policy governing the use of personal e-mail accounts and personal computers.**
 - There are many ways to implement an official policy.

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- Such a policy can also help inform the public to prevent surprises when an issue or controversy arises.

- If a lawsuit is filed, you can argue that

you

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

5. Copy to your PHD-issued e-mail account all PHD-related correspondence.

- **If you have a personal e-mail account but are**

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- This can help ensure that your PHD will have a copy of all e-mails that constitute public records, making it easier for the PHD to request public records records.

Constituent E-mail

- Based on the above referenced decision in O'Neill v. Shoreline (2008), a constituent e-mail that is specifically referenced by a member of the governing body in a public meeting is a public record and subject to disclosure.

E-mails and the OPMA

- As a PHD commissioner, anytime you are sending e-mails to fellow commissioners, keep in mind that a Washington appellate court has ruled that e-mail exchanges between commissioners can

Policy Principles – Best Practices

A few key points after reviewing several electronic communication policies:

- Employees are responsible for their own privacy over the internet

Policy Principles – Best Practices

- To better control records, it is best for PHD commissioners to only use PHD-issued e-mail accounts to conduct PHD business
- It is likely preferable for PHD commissioners to be issued ~~rather~~ other

Sample Innovative Policies Regarding Electronic Communications

- The City of Bellevue has developed a unique approach regarding electronic records management
- In particular

Sample Innovative Policies Regarding Electronic Communications

Goals:

1) To comply with rules for records retention, public disclosure, legal discovery

2) To address the massive volumes of information

Sample Innovative Policies Regarding Electronic Communications

RCW 40.14 - Preservation and destruction of public records

What is a record

Destruction of public records / retention schedules

WAC 434-662 - Preservation of electronic public records

Electronic records
Department for the

-
-
-

Sample Innovative Policies Regarding Electronic Communications

Goals of Bellevue project:

- Manage all e-mail and voicemail records in one place.
- Build in-retention policies to do it themselves

Sample Innovative Policies Regarding Electronic Communications

Determined common e-mail folder categories:

- Administrative
- Citizen Comments
- Financial

Sample Innovative Policies Regarding Electronic Communications

Allow users to customize to meet their needs, to
some extent

- Subfolders away each

Sample Innovative Policies Regarding Electronic Communications

Bellevue uses a system called **EmailXtender**

- **EmailXtender** is an e-mail management software product that preserves e-mail

- **Migrates** e-mail from one server (where

you're

Sample Innovative Policies Regarding Electronic Communications

Bellevue Procedure

1. Employees are responsible for evaluating all e-mail messages for the accuracy

Sample Innovative Policies Regarding Electronic Communications

3. Employees have 3 months (approximately 90 days) from the date a message was created or received to determine if it meets the definition of a public record.

4.

Sample Innovative Policies Regarding Electronic Communications

5. Each functional category is tied to an appropriate retention period, in accordance with records management policies.

6. The

Sample Innovative Policies Regarding Electronic Communications

7. Messages placed in *Email Storage* folders will be retained for the length of the minimum retention period as approved by the Washington State Local Records Commission - City of Bellevue Records Commission

Additional Resources

- **MRSC Website (www.mrsc.org):**
 - Electronic Public Records Retention
 - Social Media
 - Open Government Adviser

Additional Resources

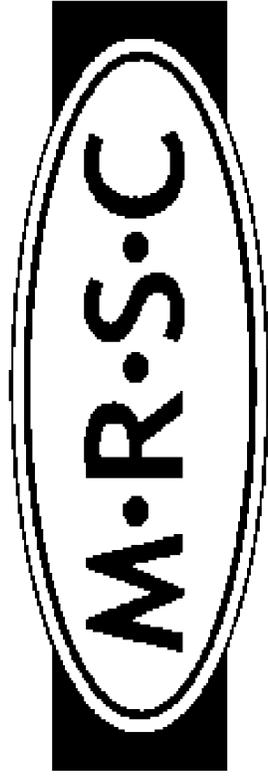
- **Secretary of State – Washington State Archives website**
E-mail Management – “What should I be doing?”
Electronic Records Management - Advice and Resources
- Blogs / Wikis / Facebook / Twitter / Web 2.0
- E-mail Management
- Impact

-
-

Contact Info

- JOE LEVAN, MRSC LEGAL
CONSULTANT

jlevan@mrsc.com



Appendix A-3

Bellevue 2009 personal cell phone policy



Mobile Phone Policy

Mobile phones and mobile phone services must be acquired following both the City's purchasing policies and procedures and the most recent edition of the Technology Resource Usage Policy and Work Rules issued by the Information Technology Department. All City-provided mobile phone services and equipment are subject to the approval of department directors or their designee

1.1 Usage Policy

The City of Bellevue audits all City-provided mobile phone services (voice minutes used, text messages sent/received, and data service use) which include a review of the monthly billing by the individual's supervisor.

Most wireless transmissions are not secure. Therefore, individuals using wireless services should use discretion in relaying confidential information. Reasonable precautions should be made to prevent equipment theft and vandalism to City issued mobile phones.

1.2 Personal Use of City-Provided Mobile Phones

The City of Bellevue issues mobile phones or provides a monthly mobile phone stipend to allow efficient and cost effective execution of City business. Incidental personal use of City-provided mobile phone lines is permitted. Any extra costs incurred, above what the City would normally pay, for such personal use to be reimbursed to the City according to paragraph 1.6 below.

If personal use of City-provided mobile phone lines becomes regular and on-going, the employee may be moved to a monthly mobile phone stipend or asked to obtain a personal mobile phone. See paragraph 1.5 below.

1.3. Shared and Vehicle-Installed City-Provided Mobile phones

Where a City-provided mobile phone is assigned to more than one individual or is installed in a City vehicle, all individuals who make or receive personal calls on such phones shall make a record of such calls to assist in reconciling the mobile phone bill. Any extra costs incurred, above what the City would normally pay, for such personal use is to be reimbursed to the City according to paragraph 1.6 below.

1.4. Reimbursement for Business Use of Personal Mobile Phones

Individuals who conduct City business on their personal mobile phones may apply for reimbursement for such calls or texts. To receive reimbursement, the individual must indicate the date and purpose of the call or text, and submit this information along with

the original phone bill. The reimbursement amount will be based on the cost of the City-business calls that exceed the normal monthly calling plan cost.

1.5 City paid monthly stipend for use of personal Mobile Phones

At the department director's discretion employees who would otherwise be provided with a City issued mobile phone can request to receive a monthly stipend for using their personal mobile phone for City business. The monthly stipend is paid through the payroll system as a taxable benefit, and the amount of the monthly stipend is based on one of three plan options as determined appropriate by the employee's director, or designee:

A. Phone only	\$45 / month
B. Data plan	\$60 / month
C. Phone with data	\$85 / month
D. Wireless Priority Service	\$4.50 / month add on

(for some EOC/EOB members)

Stipend amounts for data plan and phone with data factor in a device replacement cost.

Employees who receive a monthly stipend agree to purchase a device that meets the City's technical standards, adhere to the City's Smart Phone policy and use their personal phone for City business (Smartphone Policy). In addition, employees must execute a Monthly Mobile Phone Stipend Agreement to be submitted to the employee's manager/supervisor for approval. The monthly stipend process is administered and overseen by the Finance and Information Technology departments.

1.6 Reimbursing the City for Personal Calls

Individuals who use City-provided mobile phones for personal use (calls or text messages) are responsible for reimbursing the costs associated with the personal use. The amount of the reimbursement to the City will be equal to the increase in monthly charges to the City caused by the personal calls.

For example: The calling plan for a particular mobile phone is 60 minutes for \$19.95 with additional minutes at \$.25 per minute and \$.20 per text message, and the person assigned to the phone uses the phone for 5 minutes of personal calls and sends 5 personal text messages.

- a. If the total minutes for all calls does not exceed the 60 minutes in the plan during the month, the individual would owe nothing for the personal phone calls and would owe \$1.00 for the personal text messages
- b. If the total minutes exceed the 60 minutes, the individual would owe \$.25 for each minute over the 60 minutes, to a maximum of 5 minutes (the total length of their personal calls.)



Mobile Phone Policy FAQ

Q. How will I receive my monthly mobile phone stipend?

A. The stipend will be effective on either the 1st or 16th of the initial month. You will receive 50% of the monthly stipend amount in each of your paychecks. The stipend is considered a taxable fringe benefit by the IRS and therefore the stipend will be added to your taxable earnings and appropriate federal taxes will be withheld each pay period.

Q. If I'm using my personal mobile phone to conduct City business, are my phone records considered public records?

A. Public records include any information documenting City business, so just like any work you conduct on personal devices (home e-mail account, personal computer, personal mobile phone or writing tablet you liberated from a hotel room), if the information you are creating meets the definition of a public record, you should preserve it just like you would any other public record.

Q. If my phone records are considered to be a public record, does that mean they can be subject to a public records request?

A. Yes, this is possible, but unlikely. The City has only had one public records request for mobile phone records since 2006, and it was made by the State Auditor's Office. This is not a frequent request.

Q. Since this is a personal phone, are my phone number and other personal details not related to work subject to public disclosure?

A. No, personal information about City employees such as phone number (mobile and land line), home e-mail, or home address are exempt from public disclosure under **RCW 42.56.250(3)**. If there was a request for your phone records, the City's Public Records staff would work with you to determine what to collect, and redact any information that is not subject to public disclosure. You will be kept in the loop on all of this.

Q. What do I need to do to maintain my personal mobile phone records if they are a public record?

A. Maintain your records and information on your mobile phone just like you would if it was a city-owned device. As a general rule, text messages should be kept short and simple (ie: I'm at the inspection location; can you call my next appointment and let them know I'm running behind, etc.) which means they are transitory records and can be deleted once their administrative use is completed. If you receive a voicemail with specific details that you need to keep, take notes and maintain them as a record, or forward it to your City desk phone. Maintain your phone bill just like you would any other bill after you pay it. For specific questions, contact Records Management: publicrecords@bellevuewa.gov.



Mobile Phone Policy FAQ

Q. Why are some employees not allowed to receive a stipend?

A. Each Department needs to determine the most cost effective method for providing the appropriate level of communication tools to their employees. Some Departments utilized pooled minute plans that allow staff with varying levels of usage to maintain phones that cost as low as \$9.99 each. In other situations the Department has determined that the equipment is a tool that must be available to execute the job and the risk of privately owned phones breaking and being unavailable for use is too significant.

Q. I receive a monthly mobile phone stipend and am having problems with my mobile phone or PDA. Who do I call to resolve the problem?

A. You will work with your mobile phone provider to correct the issue. If your provider deems that the connectivity problem is related to the City's network you can contact ITD.

Q. I am going to receive a stipend. Can I buy any phone I want?

A. If you are receiving a stipend for voice only, you may purchase any phone you want. If you are receiving either a data only or voice/data stipend you will need to purchase a phone/PDA that meets the City's standards and follow the City's Smartphone Policy: [Smartphone Policy](#)

Q. I am on the EOC or EOB and currently have access to the National Communication Systems, Wireless Priority System (WPS). Should I retain that coverage?

A. Yes! Employees currently authorized with the WPS will need to provide the Emergency Preparedness Division with your new Mobile phone information so they can activate it for you. You will be provided an additional monthly stipend of \$4.50 to cover the additional cost that will be billed on your personal mobile phone. If you should utilize the system during an emergency event you can submit any usage charges (\$.75 each) for reimbursement.

Q. If I move to a stipend and get a new phone, will I be able to keep my work phone #?

A. Yes, let the new provider know that you want to port your existing number to the new account. You will need to have the current city account number and 5 letter account code when you go sign up for service. Both numbers are available from your Department's phone account administrator.

The whole process should take 2 to 2.5 hours for the transfer to occur from your old phone.

Appendix A-4

Sequim 2010 personal cell policy



Personnel Policies and Procedures

SUBJECT: PRIVATELY OWNED CELL PHONE ALLOWANCE		
REVIEWED: SEPTEMBER 17, 2010	<input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> ADMINISTRATIVE - RESOLUTION _____	EFFECTIVE: SEPTEMBER 17, 2010

I. PURPOSE.

This policy is intended to provide for and regulate City cell phone and data phone use by City employees. It also provides policies for the use of employee owned phones for City business where the City partially compensates the employee for such use. It is not intended to modify any collective bargaining agreement.

II. POLICY.

1. The City of Sequim recognizes that cell phones are an important and necessary tool in the performance of certain employees' job duties. For those employees who have a valid business purpose, the City of Sequim provides cell phones for that employee's City of Sequim business use. The determination of which City-owned phone and plan is appropriate for each employee will normally be made by the IT department.
2. It is preferred that a City-provided cellular device be used for City business. The use of private cell phones for City business is discouraged. The reason for this is because a City-issued cell phone allows standardization of equipment, the enforcement of security policies, and the consistent review of billing statements and compliance with Public Records Act and State Archivist requirements. Tracking of private cell phone records is difficult. However a personal cellular device may be used in lieu of a City provided cellular device at the sole discretion of the City Manager. If an authorized personal cell phone is used for City business, the City will reimburse the user as set forth in the Cell Phone Allowance Contract.
3. The City Manager, at his/her sole discretion, may authorize a cell phone allowance. Management and certain other employees, at the option of the City Manager, may be eligible for a cell phone allowance in lieu of a City-issued cell phone. Only such employees who have a legitimate business need and who would normally be eligible for a City-owned cell phone are eligible for consideration of the cell phone allowance.
4. The request to utilize a privately-owned personal cell phone for City purposes and receive an allowance must be approved by the City Manager. If approved, the amount of the allowance will be based upon the cost of the City business portion of use and what the cost to the City would have been to issue the employee a City-owned cell phone for such use.
5. If approved for a cell phone allowance, the employee shall enter into a Cell Phone Allowance Agreement. See Cell Phone Allowance Agreement below.



Personnel Policies and Procedures

SUBJECT: PRIVATELY OWNED CELL PHONE ALLOWANCE		
REVIEWED: SEPTEMBER 17, 2010	<input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> ADMINISTRATIVE - RESOLUTION _____	EFFECTIVE: SEPTEMBER 17, 2010

6. Employees who receive a cell phone allowance are responsible for:
- Purchase of equipment
 - Payment of bills and charges, including cost for any cosmetic or other extras associated with the phone
 - Account setup
 - Notifying the City immediately if the monthly bill is less than the City allowance
 - Applicable taxes (allowance is taxable income paid through payroll)
 - Retaining six months of monthly billing records
 - Upon request by the city, providing recent billing statements reflecting all business-related phone calls (personal phone use may be redacted)
7. The use of cell phones, whether owned by the employee or the City, creates a record of the number dialed or the number of the caller or both. When the cell phone is used for City business, a record of such use is in nearly every case a public record subject to possible disclosure under the Public Records Act. Similarly, any message relating to City business that is left on a cell phone, whether owned by the employee or the City, is, in nearly every case, a public record subject to possible disclosure under the Public Records Act.
8. Employees receiving a cell phone allowance must retain an active cell phone contract with a wireless provider as long as the cell phone allowance is in place.
9. Use of the cell phone in any manner contrary to local, state or federal laws will constitute misuse and will result in immediate termination of the cell phone allowance.
10. The City will not provide technical support for personal cell phones, except for limited support for data communication with the City's network for those authorized to have the ability to do so.
11. An employee operating a moving motor vehicle while holding a wireless communication device to his or her ear is guilty of a traffic infraction with the exception of City employees operating certain emergency vehicles and when reporting certain emergencies or illegal activity or to prevent injury. Generally speaking, except for the exceptions listed above and in state law, employees using cell phones in a moving vehicle must utilize a hands-free device and may not text message while driving.
12. It is recognized that different cell phone allowance rates may apply depending upon the type of cell phone usage deemed necessary by the City Manager. For instance, business use of cell phones with data capability is more expensive than business use of cell phones without data capability.



Personnel Policies and Procedures

SUBJECT: PRIVATELY OWNED CELL PHONE ALLOWANCE		
REVIEWED: SEPTEMBER 17, 2010	<input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> ADMINISTRATIVE - RESOLUTION _____	EFFECTIVE: SEPTEMBER 17, 2010

III. PROCEDURE.

Employees approved for a cell phone allowance for use of their privately-owned cell phone for City business shall sign both the Cell Phone Allowance Agreement and the City of Sequim's Phone, Internet, Computer & E-Mail Use Policy Acknowledgement.

CELL PHONE ALLOWANCE AGREEMENT

Date: _____	
Employee Name: _____	
City ID: _____	Paygroup: (Please Check One) <input type="checkbox"/> Monthly <input type="checkbox"/> Semi-Monthly <input type="checkbox"/> Weekly
Job Title: _____	
Department: _____	
Position Number (Input by Finance): _____	
Allowance Amount: \$ <input type="checkbox"/> 50 <input type="checkbox"/> 25 () _____	
One-Time Equipment Payment: \$ _____	
<input type="checkbox"/> Data phone "smart phone" <input type="checkbox"/> Cell phone only All cell phone allowance payments are departmental responsibility and considered other compensation charged to account _____. The cell phone allowance will start at the next scheduled monthly pay date. Appropriate payroll taxes on the allowance amount will be withheld from the paycheck, and the amount of the allowance will be included on the year-end W-2. The allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, bonuses, benefits based on a percentage of salary, etc.	
Employee Certification and Signature:	
I certify that I have read, understood, and intend to comply with Sequim's Cell Phone and E-Mail Policy and Privately Owned Cell Phone Allowance Policy.	
_____ Signature	_____ Date
City Manager Approval:	
I have approved this employee for the Privately Owned Cell Phone Allowance.	
_____ Signature	_____ Date



Personnel Policies and Procedures

SUBJECT: PRIVATELY OWNED CELL PHONE ALLOWANCE		
REVIEWED: SEPTEMBER 17, 2010	(<input checked="" type="checkbox"/>) PERSONNEL (<input type="checkbox"/>) ADMINISTRATIVE - RESOLUTION _____	EFFECTIVE: SEPTEMBER 17, 2010

IV. APPROVAL OF POLICY.


Steve C. Burkett, City Manager

V. ACKNOWLEDGEMENT.

This is to acknowledge that I have read and understand the City of Sequim's Phone, Internet, Computer & E-Mail Use Policy.

I understand that any and all messages whether voice or email are the property of the citizens of Sequim and as such can be reviewed with a proper request.

I understand that failure to follow the provisions of this policy could lead to the loss of my computer system privilege and/or other disciplinary action, including termination. I am also aware that the City reserves the right to change this policy at any time.

Name: _____

Title: _____

Signature: _____

Date: _____

Appendix A-5

Spokane 2010 personal cell policy

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0040-10-06 LGL 2009-0022
--	-----------------------------------

TITLE: Wireless Communication Devices (Cell Phones)

EFFECTIVE DATE: June 10, 2009

REVISION EFFECTIVE DATE: November 17, 2010

1.0 GENERAL

1.1 The purpose of this policy is to provide guidelines regarding wireless communication devices. This policy enables the City of Spokane to meet its fiduciary responsibility to the taxpayers. It is recognized that the day-to-day operations of the workforce require voice and data communications and there is often a need to communicate when access to a regular telephone or computer is unavailable. Wireless communication devices are a valuable resource for certain personnel in order to conduct City business in an effective and timely manner.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to all City divisions, departments, and employees.

3.0 REFERENCES

United States Code Title 26, Subtitle A, Chapter 1, Subchapter B, Part 1, Section 61(1)(1)
IRS - "Taxable Fringe Benefit Guide"
Chapter 42.56 RCW - Public Records Act
RCW 46.61.667 - Cell Phones
RCW 46.61.668 - Text Messaging

4.0 DEFINITIONS

- 4.1 "Wireless Communication Device" is any device that is used, by any measure, to send or receive wireless voice or data transmissions, commonly referred to as cell phones (hereinafter "cell phones"). This does not include the City's two-way radio devices.

5.0 POLICY

- 5.1 The City of Spokane recognizes that cell phones may be an important and necessary tool in the performance of certain employees' job duties. For those employees who have an approved and valid business purpose, the City of Spokane will, subject to specified terms and restrictions, provide a City owned cell phone for that employee's business use. For those employees who regularly use a personal cell phone for City of Spokane business purposes, a cell phone allowance may be provided.

It is the intention of the City to strictly curtail and limit the number of City owned cell phones with internet and/or data capability. When internet or data capability is warranted, it is the intention of the City to make such provision by means of a cell phone allowance as specified herein.

- 5.2 The determination of which phone and plan is appropriate for each employee will be made by the Management Information Services (MIS) Department, except for Police and Fire department employees, whose phone and plan will be determined by their respective departments. This determination will be made by taking into account the employee's individual job duties and related wireless communications needs. These needs will be determined by consulting with the department/division head and when necessary, the employee. Based on these individual needs, it will be the responsibility of MIS/Police/Fire to procure the most cost effective alternative of cell phone and plan. State contracts, pooling of minutes, and free phone offers are examples of the methods that will be used to establish the most cost effective alternative for cell phones and plans.
- 5.4 To meet the City's goal to strictly curtail and limit the number of City-owned cell phones, especially those with internet and/or data capacity, an employee may be eligible to receive a cell phone allowance. Only employees who have a legitimate business need, and who would normally be eligible for a City-owned cell phone are eligible for the cell phone allowance. The request to utilize a personal cell phone for regular business purposes and receive an allowance must be approved by the employee's department or division head. If approved, the amount of the allowance will approximate the business portion of use, and what the cost to the City would have been to issue the employee a City owned cell phone.

- 5.5 Determination of eligibility and the dollar amount of the allowance is made at the department/division head level, but must be approved by the City Administrator. The allowance must be within the guidelines and dollar limits established under this policy. [SEE APPENDIX 1: CELL PHONE ALLOWANCE TIERS]
- 5.6 If an employee chooses a cell phone allowance, the employee shall enter into a Cell Phone Contract with the City, which must be active as long as a cell phone allowance is in place. [SEE APPENDIX 2: CELL PHONE ALLOWANCE CONTRACT]
- 5.7 Regardless of whether or not an employee receives a cell phone allowance, all City employees are allowed to use discounted plans for their personal plan from any provider offering these City employee discounts.
- 5.8 City of Spokane employees receiving a cell phone allowance are responsible for:
- Purchase of equipment
 - Payment of bills and charges, including cost for any cosmetic or other extras associated with the phone
 - Account set up
 - Notifying the City immediately if the monthly bill is less than the City allowance
 - Applicable taxes (allowance is taxable income, paid through payroll)
 - Retaining six (6) months of monthly billing records
 - Upon request by the City, providing recent billing statements reflecting all business related phone calls. Personal phone use may be redacted.
- 5.9 The use of cell phones, whether owned by the employee or the City creates a record of the number dialed or the number of the caller. When the cell phone is used for City business, that record is, in nearly every case, a public record, subject to possible disclosure under the Public Records Act. Similarly, any message relating to City business that is left on a cell phone, whether owned by the employee or the City, is, in nearly every case, a public record, subject to possible disclosure under the Public Records Act.

6.0 PROCEDURE

- 6.1 Determination of Cell Phone Eligibility
- 6.1.1 Eligibility is based on the need for frequent use of a cell phone, such as an employee who needs to be frequently available for emergency contact, and whose duties require him/her to be quickly

contacted, anywhere, anytime as determined by his/her supervisor and department/division head.

6.1.2 Employees leaving City employment must turn in city-owned cell phones to the MIS/Police/Fire department as part of their termination process. Employees transferring or promoting within the City must coordinate their prior cell phone hardware and account with MIS, and eligibility in the new department or position must be re-established.

6.2 Determination of Phone, Plan or Allowance

6.2.1 The cell phone model, plan attributes, and dollar amount of the cell phone allowance should cover the employee's projected business-related needs and expenses only. Basic equipment costs and the employee's cell phone use related to business should be considered. Costs for non-business-related cosmetic or technical extras and upgrades cannot be considered.

6.2.2 Departments are responsible for projecting business use to the best of their ability, and for communicating this estimate to the MIS Department. The MIS Department will be responsible for purchasing all City-owned cell phones and establishing plans with cell phone providers. Departments with special needs must identify such to MIS prior to purchase. MIS will utilize its expertise, and purchase the most cost effective option of phones and plans to meet the departments' business requirements. The MIS Department will establish a standard menu of phones and plans. The standards will represent the options that best meet the City's business needs at the lowest cost. The same needs analysis, standard hardware and plans, and most cost effective options will be utilized by the Police and Fire departments for their cell phone users. Employees requesting a phone or plan in excess of the standards must have written approval from the City Administrator.

6.3 Establishing a Cell Phone Allowance Contract

6.3.1 The allowance process is initiated by the employee by completing a Cell Phone Allowance Contract, and obtaining approval through the appropriate channels. The employee will attach to the form a copy of his/her cell phone contract or a current cell phone bill. The forms are to be submitted to the department/division head for eligibility and dollar allowance determination. Once approved, the department/division head will submit the forms to the Accounting Department to facilitate MIS and City Administrator approval. After final approval, the Payroll unit in the Accounting Department will set

up the monthly allowance plan. The allowance will be paid through the employee's normal payroll check on a monthly basis. [SEE APPENDIX 2: CELL PHONE ALLOWANCE CONTRACT]

- 6.3.2 When an employee moves from a City owned cell phone/plan to a personal plan with an allowance, the ownership of their City phone will transfer to the employee at no cost. If the employee purchases a new phone with his/her new personal plan, the employee must turn in his/her previous City phone to the MIS department.

6.4 Use of Cell Phone

- 6.4.1 Except for incidental personal use, City owned cell phones are to be used for business purposes only. Incidental personal use is defined as use that is infrequent and insubstantial. Incidental personal use phone calls are to be made at times that do not adversely affect the performance of official duties and are brief in duration and frequency. Whenever possible, incidental personal calls are to be made during breaks. Use of a City-owned cell phone for other than City business or personal incidental use will result in the entire cost of the phone and plan to be added to the employee's taxable wages as a taxable fringe benefit.

- 6.4.2 For employees receiving a cell phone allowance, the employee must retain an active cell phone contract with a wireless provider as long as a cell phone allowance is in place. If the employee is receiving a cell phone allowance based on data usage, his/her contract must provide for unlimited data use (or the maximum level of data plan offered). Because the cell phone is owned personally by the employee, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. Personal use should be kept at a minimum during the employee's working hours. The employee may, at his or her own expense, add extra services or equipment features, as desired. Use of the device in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance. The City will not provide technical support for these personal cell phones, except for limited support for data communication with the City's network, for those authorized to have the ability to do so.

- 6.4.3 City employees operating a moving motor vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction with exception of a City employee operating:

- a. an authorized emergency vehicle, or a tow truck responding to a disabled vehicle;

- b. a moving motor vehicle using a wireless communications device in hands-free mode;
- c. a moving motor vehicle using a hand-held wireless communication device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property; or relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle; or
- d. a moving motor vehicle while using a hearing aid.

For purposes of this section, "hands-free mode" means the use of a wireless communications device with a speaker phone, headset, or earpiece.

6.4.4 City employees operating a moving motor vehicle who, by means of an electronic wireless communications device, sends, reads, or writes a text message, is guilty of a traffic infraction with exception of a City employee operating:

- a. an authorized emergency vehicle;
- b. a voice-operated global positioning or navigation system that is affixed to the vehicle and that allows the user to send or receive messages without diverting visual attention from the road or engaging the use of either hand; or
- c. a moving motor vehicle while using an electronic wireless communications device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

A person does not send, read or write a text message when he or she reads, selects, or enters a phone number or name into a wireless communications device for the purpose of making a phone call.

6.4.5 In many cases, cell phones operate as a camera or as a way to access the internet or email. Employees operating a city-owned cell phone in these capacities must comply with City of Spokane policy ADMIN 0620-06-56, "Internet Access," and City of Spokane policy ADMIN 0620-05-055, "Email."

6.5 Cell Phone Allowance Documentation and Review Requirements

6.5.1 A copy of the Cell Phone Allowance contract will be kept on file in the Accounting Department. Affected employees' monthly wireless provider billing records that establish business use are subject to audit at any time by the Accounting Department, Internal Audit, or external auditors engaged by the state or federal government. By November 30 of each year, individuals receiving a cell phone allowance will fill out the Cell Phone Allowance Contract and Annual Certification. The department/division head is responsible for an annual review of employee business-related wireless communication device use, to determine if existing cellular phone allowances should be continued as-is, changed, or discontinued, and to determine if any new allowances should be established.

6.5.2 On an annual basis, an evaluation will be made by the Accounting and MIS Departments to determine if existing allowance tiers are equitable with current market conditions. Allowance tiers may be adjusted upward or downward based on this evaluation.

7.0 RESPONSIBILITIES

The Accounting and MIS Departments shall administer this policy.

8.0 APPENDICES

Cell Phone Allowance Tiers

Cell Phone Allowance Contract / Annual Certification

APPROVED BY:



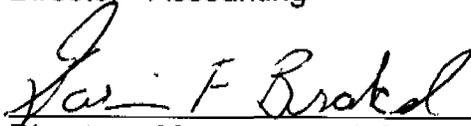
City Attorney (Asst)

10-23-10
Date



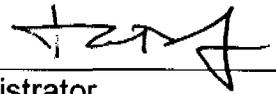
Director - Accounting

10/25/10
Date



Director - Management Information Services

11/1/10
Date



City Administrator

11-2-10
Date

CITY OF SPOKANE
Cell Phone Allowance Tiers

[Appendix 1]

ALLOWANCE TIERS	DESCRIPTION	MONTHLY ALLOWANCE AMOUNT
A	Business Use with Data	\$45.00
B	Business Use without Data	\$22.00

These guidelines are general only, and are maximum reimbursements. Note, that all reimbursement levels must be substantiated, and a lower level of reimbursement may therefore be requested.

CITY OF SPOKANE

Cell Phone Allowance Contract and Annual Certification [Appendix 2]

(Please attach copy of current cell phone contract or bill)

NAME OF EMPLOYEE: _____

EMPLOYEE SS# or ID#: _____

DEPARTMENT: _____

MONTHLY ALLOWANCE AMOUNT: _____

Employee Certification and Signature:

I certify that I will use the funds requested toward the business use of my cell phone, and promptly report any changes in the level of those business expenses to my supervisor. I further certify that I have read, understood and intend to comply with City of Spokane Wireless Communication Devices (Cell Phones) Policy, ADMIN 0040-09-06.

Employee Signature **Date**

Department/Division Head Certification and Signature:

I certify that the requested allowance is needed for this employee to cover work-related expenditures due to cell phone communications, as described above. I further certify that I have read, understood and intend to comply with City of Spokane Wireless Communication Devices (Cell Phones) Policy, ADMIN 0040-09-06.

Department/Division Head Signature **Date**

- This contract is
- A new contract
 - Replaces an existing contract
 - Annual certification

_____ MIS APPROVAL	PAYPERIOD EFFECTIVE _____
_____ CITY ADMINISTRATOR APPROVAL	ENTERED BY _____

Appendix A-6

Everett 2010 cell phone policy



POLICY/PROCEDURE

TITLE ELECTRONIC COMMUNICATIONS & TECHNOLOGY RESOURCES		NUMBER 400-10-01
EFFECTIVE DATE 07/01/10	SUPERCEDES 400-07-01	PAGE NUMBER 1 OF 13

- Section Index:
- 1.0 Purpose
 - 2.0 Policy
 - 3.0 Definitions
 - 4.0 Guidelines and Procedures

1.0 PURPOSE

- 1.1 This policy establishes guidelines for the use of City electronic communications, computers, networks and other information technology resources.
- 1.2 This policy shall apply to all City employees and volunteers as defined herein.
- 1.3 This policy is initiated by City Administration, the Information Technology Department, and the Human Resources Department.

2.0 POLICY

- 2.1 The City electronic communications and technology resources are provided for the purpose of conducting City business. City officers and employees are obligated to conserve and protect City electronic communication and technology resources for the benefit of the public interest. Responsibility and accountability for the appropriate use of City electronic communication and technology resources ultimately rest with the individual City officer or employee or with the City officer or employee who authorizes such use.

Improper use of the City's electronic communications and technology resources may result in discipline, up to and including termination.

- 2.2 City electronic communications and technology resources include computer systems, telecommunications systems, networks, supporting equipment, and services such as e-mail, telephones, cell phones, voice mail, data storage, and Internet use.
- 2.3 Cellular Telephones

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

- A. Cellular telephones are issued to City staff when their current job justifies receiving or making calls away from their office or work base.
- B. The cellular telephone is the responsibility of the employee or group of employees to which it was issued.
- C. The cellular telephone is to be used solely by the employee or the group of employees to which it was issued.
- D. The cellular telephone is to be used for calls that pertain to the specific job, project, or work assignment for the business of the City of Everett.
 - a. Cellular telephones assigned to an employee – Personal cellular telephone call(s) are permitted when appropriate, with the understanding that the total cost of the call(s) will be reimbursed to the City of Everett within 30 days of the employee’s receipt of the cellular telephone detail report.
 - b. Cellular telephones assigned to a group of employees – Personal cellular telephone calls are strongly discouraged but are permitted when appropriate, with the understanding that the total cost of the call(s) will be reimbursed to the City of Everett within 30 days of the employee’s receipt of the cellular telephone detail report.
- E. Use of a cellular phone should be limited to instances when a less costly means of communication is not available.
- F. Employees are to immediately report the loss of a cellular phone to their manager and to the Telecommunications Division. This will allow the Telecommunications Staff to stop the cellular service for that device in an attempt to prevent unauthorized use and cost to the City.
- G. As cell phone text messaging presents a potential records retention requirement, the use of City owned or personal cell phones to send text messages to conduct City business is prohibited without prior approval of the Mayor or the Mayor’s designee. Such approval will only be considered when the benefits of texting outweigh the burdens and risks of texting. Any requests for exemption must include a proposed procedure for meeting records retention requirements.

2.4 Smart Phones

- A. All Cellular Telephone polices described in Section 2.3 also apply to smart phones.

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

- B. IT will establish smart phone equipment and carrier standards. These standards will be made available on the City Intranet.
- C. In addition to reporting the loss of a smart phone, users are to immediately report any incident of unauthorized access to a City owned smart phone that may have resulted in the unauthorized access to City resources, databases, networks, passwords, etc.
- D. The City reserves the right to disable without notice any cellular access to the City's network that puts the City's systems, data or users at risk.
- E. All e-mail and Internet access acceptable use described in this policy also applies to smart phones.
- F. The IT Department does not support privately owned smart phones.
- G. Smart phone users are required to follow all security procedures established by the IT Department. Smart phone users are not to load unauthorized software and are not to change security configurations on the smart phone.
- H. Smartphone devices can be useful communications tools for providing access to e-mail and calendar appointments as well as being a cell phone. When using these devices it is important to remember to be respectful of other City employees and citizens. As with a standard cell phone, set the device to vibrate when attending meetings. Attention should be on the matter being discussed in the meeting rather than reviewing e-mail on a smart phone. If you must take a call or respond to a time sensitive e-mail, excuse yourself in a manner that does not disrupt the meeting.

2.5 Department Directors will be responsible for assuring compliance with this policy.

3.0 DEFINITIONS

3.1 For the purpose of this policy, the following definitions apply:

- A. Telecommunications equipment: Any telephone (including cellular devices), pager, fax machine, or voicemail service.
- B. Cellular Device: Cellular communication devices include, but are not limited to, cellular phones, smart phones and cellular data communication cards.
- C. Smart Phone: A Blackberry or Blackberry-like hand held device that is capable of voice and e-mail wireless communications. All references to cellular telephones in this policy also apply to smart phones.

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

- D. IT: Information Technology
- E. Computers: Any programmable electronic device that contains or transmits electronic data, messages, text, ideas, or images.
- F. Electronic Mail (e-mail): E-mail is a method of exchanging digital messages. E-mail systems are based on a store-and-forward model in which e-mail server computer systems accept, forward, deliver and store messages on behalf of users. The term e-mail applies to Internet based systems as well as systems internal to the City of Everett.
- G. Misuse or inappropriate use includes, but shall not be limited to the following:
1. violating copyright license agreements or other contracts;
 2. interfering with the intended use of information resources;
 3. seeking to gain unauthorized access to information resources;
 4. using any telecommunication, computer, or network resources under false pretenses;
 5. using any telecommunication, computer, or network resources for any campaign or political use; for the purpose of conducting an outside business; for commercial uses such as selling or advertising; for any illegal activity; for the purpose of supporting, promoting, or soliciting for an outside organization or group, unless provided for by law or authorized by the Mayor's Office or designee.
 6. destroying, altering, dismantling or otherwise interfering with the integrity of electronic information and/or information resources without authorization, or using telecommunication or computer resources in a negligent or intentional manner that could introduce viruses to the network, circumvents system protection facilities, or produces system failure or degraded performance;
 7. transmitting or causing to be transmitted, communications that may be construed as being harassing or disparaging to others, or otherwise offensive, demeaning, insulting, or sexually suggestive; and
 8. visiting Internet Web sites that are pornographic in nature or involve on-line gambling.
- H. Internet: A worldwide, publicly accessible network of interconnected computers and computer networks that transmit data by packet switching and use the standard Internet Protocol (IP). The Internet carries various information and services such as electronic mail, file transfer and interlinked Web pages and other documents of the World Wide Web.
- I. Network resources: The City's computer and network systems, shared/network drives, shared/network programs, databases, calendar and e-

ELECTRONIC COMMUNICATIONS & TECHNOLOGY RESOURCES

mail systems, shared/network printers, and all other resources associated with the City network, and/or subsequent City systems.

- J. City employees: All full-time, part-time, and seasonal employees of the City. References in this policy to employees are also intended to include volunteers; namely, all persons assisting the City in a non-pay status, whether direct or indirect, who have occasion to use the City resources that are the subject of this policy. Contract employees or consultants that are granted access to City electronic communications and technology resources are also subject to this policy.
- K. Wireless access point: Any device that provides access to the City's network resources using wireless technology.

4.0 GUIDELINES AND PROCEDURES

4.1 General

- A. The City furnishes electronic communications and IT equipment and related services for the purpose of conducting City business or activities. Improper use of the City's electronic communications and IT systems and equipment may result in discipline, up to and including termination.
- B. Employee communications must be consistent with conventional standards of ethical and proper conduct, behavior, and manners, and are not to be used to create, forward, or display any offensive or disruptive messages, including photographs, graphics, and audio materials.
- C. All City electronic communications and network equipment and services, including the messages transmitted or stored by them, are the property of the City. No employee should have any expectation of privacy regarding the information stored, sent, or received on a City-owned voice processing system, personal computer, personal digital assistant, smart phone or network storage system. The City reserves the right to access, read, use, monitor, and disclose employee communications, files, and other use without prior notice as it considers appropriate. The City may access information that is normally under an individual's control without the consent of the individual when necessary to carry out normal business functions, or when misuse is suspected.
- D. The use of City telecommunications services, computer services, software, and equipment for private gain is prohibited. Soliciting via telephone, e-mail, or the Internet is also expressly prohibited, as is the unauthorized transmission or disclosure of confidential or proprietary information belonging to or entrusted to the City.

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

- E. If an employee has questions regarding the proper conduct and use of City telecommunications equipment, computer networks, e-mail, and Internet resources, guidance can be obtained from the employee's supervisor, the Information Technology Department, or Telecommunications Division.

4.2 Voice mail and e-mail

- A. Voice mail and e-mail messages (including attachments) should not be regarded as private communications. Any message sent or received can be forwarded on to anyone else on the system. Even after a voice mail or e-mail has been deleted, it may still be possible to retrieve it and review it. Public disclosure laws in Washington may be interpreted to permit the sharing of content of voice mail and e-mail messages with the public. Therefore, the content of all messages should be tailored accordingly. Employees are not to delete files (e-mail or other files) that do not belong to them.
- B. Improper use of the City's electronic communications and IT resources may result in discipline, up to and including, termination. Improper use includes any misuse as described in this policy, as well as harassing, disparaging, offensive, demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.
- C. Voice mail or electronic mail should not be used in such a way that it directly or indirectly strains the network or interferes with other users.
- D. Voice mail or e-mail should not be constructed or sent in such a way as to make it appear that the communication is from someone other than the sender.
- E. Electronic mail to or from the City's lawyers (both the in-house legal staff and special counsel retained to represent the City) for the purposes of obtaining legal advice or handling pending or threatened lawsuits should be marked both in the subject header and in the body of the message as "Privileged Attorney-Client Communication." Communication to or from the City's lawyers for the purposes of obtaining legal advice or handling threatened or actual lawsuits is usually privileged from disclosure. Just as privileged communications on paper should be clearly marked as privileged, so too should privileged electronic mail be marked as privileged. Privileged paper communications should be filed separately from other records to prevent inadvertent disclosure. Should privileged electronic communications be filed separately and then printed onto paper, the paper copies should be kept in a separate folder in the file that consists of only similarly privileged communications.
- F. Whether sending a paper letter through the mail or an electronic mail message, a recipient will often view the communication as representing the official and formal stance and position of the City. Authors of e-mail should,

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

therefore, be just as careful when drafting e-mail as when writing a paper letter on City letterhead. If the author is communicating his or her own opinion, and not necessarily the position of the City, an appropriate disclaimer should be added, such as “These statements are mine, and not the position of the City of Everett.”

- G. Individuals must be aware of, and at all times attempt to prevent, potential City liability in their use of voice mail or e-mail. It is the personal responsibility of each individual using voice mail and e-mail to ensure no misunderstandings occur as to representations made by such individuals.

4.3 Internet

- A. With prior authorization of the department director, use of the Internet is permitted provided that the employee ensures adequate protection of City resources and does not engage in inappropriate use of City network resources. Inappropriate use includes a violation of generally accepted business standards for the use of publicly owned and operated resources. Specifically prohibited are inappropriate activities as defined above in Section 3.1.G. Except for City business related purposes, visiting or otherwise accessing the following sites is prohibited:
 - a. “adult” or sexually-oriented web sites,
 - b. sites associated with hate crimes, or violence,
 - c. sites that create discomfort in a reasonable person in the workplace,
 - d. personal dating sites
- B. When connected to the City’s computer network, circumventing the City’s standard Internet access through the use of an individual modem to access an alternate Internet Service Provider (ISP) is prohibited.
- C. Individuals must be aware of and at all times attempt to prevent potential City liability in their use of the Internet. It will be the personal responsibility of each individual using the Internet to ensure no misunderstandings occur as to representations made by such individuals. Any correspondence to be transmitted via network resources or the Internet that purports to represent the views of the City of Everett will require review and approval of the department directors or their designees.
- E. Each City department is provided a location on the City’s official website (www.ci.everett.wa.us) to post department related information and content. Other Internet based web sites shall not be created or used by employees to post City related information or content without prior approval of the Mayor or his/her designee.
- F. The use of personal Internet accounts including, but not limited to personal e-mail accounts and personal social networking sites to conduct City business

ELECTRONIC COMMUNICATIONS & TECHNOLOGY RESOURCES

presents a potential records retention requirement which could result in an employee's personal e-mail or social networking site being subject to a public disclosure search. As such, using a personal e-mail account or personal social networking site to conduct City business is prohibited without prior approval of the Mayor or the Mayor's designee. Such approval will only be considered when the exception serves an important City purpose and that purpose cannot be reasonably achieved by a different technology solution. To meet records retention requirements, unsolicited City business related electronic communications received by an employee's personal Internet account should be forwarded to the employee's City provided e-mail account.

4.4 Software Restrictions

- A. Only City provided software is to be installed on a City computer system. Acquisition of software that falls outside of the City's adopted standards must be submitted for approval to the IT Department.
- B. Employees are expected to comply with licensing agreements for use of all City provided software and computer resources. Any misuse or suspected misuse of software licensing agreements should be reported to your supervisor.

4.5 Hardware and Network Restrictions

- A. In order to ensure protection of the City's data network, only approved electronic devices may be connected to the City's data network.
 - a. Electronic devices include, but are not limited to, computers, wireless access points and data storage systems.
 - b. Electronic devices not purchased through the City's Purchasing Division will require prior approval of the Information Technology Director or designee before being connected to the City's data network.

4.6 Director and Supervisor Responsibility

- A. Directors and supervisors shall be responsible for distributing this policy to employees and for monitoring employee compliance with the policy's provisions.
- B. Each employee has the responsibility for complying with this policy and to immediately notify his/her supervisor of any apparent violations.
- C. Department directors may authorize occasional, incidental personal use of City electronic communications and technology resources only if:
 - 1. There is no cost to the City.

ELECTRONIC COMMUNICATIONS & TECHNOLOGY RESOURCES

2. The use of City resources does not interfere with the performance of the employee's duties.
 3. The use is brief in duration and does not disrupt or distract from the conduct of City business due to volume or frequency.
 4. The use does not compromise the security or integrity of City IT systems.
- D. Department directors may review usage on a case by case basis to determine compliance. If violations are found, an employee's occasional usage may be limited or eliminated and/or subject to further monitoring.

4.7 Security

- A. Passwords: Each employee that needs to access City data network resources will be assigned a userid and password. The employee is responsible for maintaining the privacy of that password and shall not attempt to circumvent the minimum password requirements set by the IT Department. The unauthorized use of another employee's userid or attempting to capture other user's passwords is prohibited.
- B. The City will take necessary steps to protect the confidentiality, integrity, and availability of all of its critical information. Critical information is defined as information which if released could damage the City financially, put staff at risk, put citizens at risk, put facilities at risk, or could cause legal liability. Examples of critical data include, but are not limited to employee health information, social security numbers, credit card holder information, banking information, citizen medical incident information, and police crime investigation information.
- C. Employees with access to critical information are responsible for its protection. Critical information should not be stored on laptops or removable memory devices unless absolutely necessary. Staff must take reasonable steps to ensure the safety of any critical information that is copied or electronically transmitted outside of the City's data network including encrypting said data to prevent inadvertent access or viewing of that information. Any loss of control of, or incident of unauthorized access to critical information must immediately be reported to the responsible employee's manager and to the IT Director.
- D. Access to the City's IT network and to software applications is authorized by Department Directors or their designees via the IT Helpdesk system which can be found on the City's Intranet. Access to the payroll system or payroll information must also be approved by the Human Resources Manager.

4.8 Cellular Communication Device Procedures

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

- A. Requests for new cellular lines of service should be submitted during the budget process using the Telecommunications Budget Request Form. Each request will be reviewed and if additional information is required during this process the department will be asked to fill out the Cellular Telephone Request Form. The request will be either approved or denied before the end of the budget process and the requesting department will be notified as to the status of their request.
- B. When a requirement exists after the budget process, the department will request a new cellular line of service using the Cellular Telephone Request Form. This 2-page form must be completed and approved by the department Director. The forms will then be forwarded to the Telecommunications Division for informational comments and pricing. The Telecommunications Manager and the IT Director or designee, will review and approve/deny the request. Requests for multiple phones will be reviewed on an individual basis with the possibility of approving/denying all or part of the request. At any time, the Telecommunications Manager and the IT Director can and will bring requests to the CAA or Executive Director for review and guidance. The requesting department is responsible for the purchase and use of the cellular telephone and cellular accessories.
- C. Requests for smart phones, in addition to following the Cellular Telephone Request procedure, will also require that a "Smart Phone Request Form" be submitted. The City supports the use of smart phone devices for certain employees when there is a compelling City business interest to do so such as:
 - a. Immediacy of access to systems such as e-mail and meetings calendar is of significant value to the City.
 - b. Essential work assignments are often out of the office and/or outside normal business hours. Smart phone capabilities are needed to allow employee immediate and timely conduct of business.
 - c. Emergency Operations Center (EOC) procedures require that the employee be able to respond to e-mail outside of normal business hours.
- D. The IT Department will maintain an inventory that will be sent to each department annually for review. It is the responsibility of each department to notify the IT Department when a telephone is reassigned from one employee to another.
- E. IT Department will arrange and provide training in cellular telephone usage.
- F. The Telecommunications Division of the IT Department will pay for all cellular service relating to City business and charge each department on a yearly basis for their cellular costs through the "Interfund Matrix". The cellular costs will be based on actual prior year usage with a determined

ELECTRONIC COMMUNICATIONS & TECHNOLOGY RESOURCES

percentage increase based on the current market rate of service. If during a budget year, the department exceeds their allotted cellular budget, they will be requested to provide funding for the remainder of the year. Quarterly reports will be sent to each department, with additional reports to departments that show signs of exceeding their cellular budget.

- G. Cellular telephone service is based on the Washington State Contract or an appropriate government usage based rate plan with a cellular service vendor.

Employees are discouraged from making personal calls on their City issued cellular telephones. All personal calls on City issued cellular telephones are the responsibility of the employee to whom the phone is issued. All personal cellular telephone calls, as shown on billings for calls made on or after that date, regardless of the rate plan, shall be billed and reimbursed on a “per minute” basis in a predetermined amount plus the actual long distance and roaming charges. Reimbursement rates can be obtained through the Telecommunications Division of the Information Technology Department.

- H. Telecommunications will receive the City’s monthly cellular phone bills and stamp each one with a “certification” stamp. The bills will be separated by department and distributed with a cellular summary sheet summarizing the department’s monthly activity. The cellular summary sheet and bills will be sent to the department’s designated division representative.

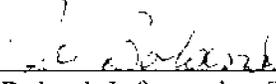
- a. Cellular telephone assigned to an employee – The department representative is responsible for distributing the cellular phone bills to the employees. The employees must review the detail billings, highlight any personal phone calls, include a personal check or money order for the amount of the personal calls, sign the billing as acknowledgement of review, and return the certified billing to the department representative within thirty (30) days. The signed billing must be returned to the department representative whether or not there are personal calls. The department representative must also acknowledge with a signature on the cellular summary sheet that all billings have been reviewed and signed by the users. The department Director must also sign the cellular summary sheet.
- b. Cellular telephones assigned to a group of employees – since personal phone calls are strongly discouraged, only the department Director’s or designee’s signature would be necessary on a group cellular phone bill. The department Director or designee must review the detail billings and identify any unusual phone calls. Unusual phone calls could include large dollar amounts, out of state calls, high minutes, etc.

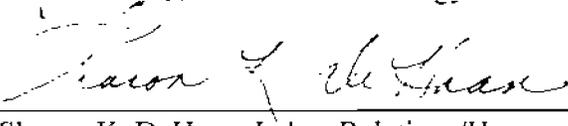
**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

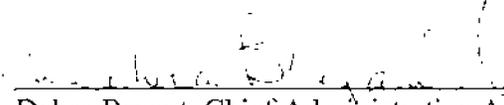
It is up to the department Director or designee, based on his/her knowledge of normal business for that particular group phone, to have other users review the bill as necessary or just sign the billings themselves. The certified billing must be returned to the division representative. The division representative must acknowledge with a signature on the cellular summary sheet that all billings have been reviewed and signed by the users. The department Director must also sign the cellular summary sheet.

- c. The division representative is responsible for sorting the returned certified cellular phone bills and placing the bills with personal calls directly under the cellular summary sheet followed by those bills with no personal activity. The division representative forwards the department's signed cellular summary sheet, the certified cellular phone bills, and the employee's payments made out to the "City of Everett" in the amount of the personal charges to the Telecommunications Division of the IT Department.
- d. Telecommunications will review each department's packet to ensure the division representative and the Department Director has signed the cellular summary sheet. The individual telephone bills are certified, and the checks total the personal phone calls identified.
- e. Telecommunications will prepare the deposit for the Treasurer's Office by totaling all of the checks by department and listing the amount being reimbursed to the City on the cellular bill deposit sheet. This deposit sheet and the checks will be brought to the Treasurer's Office and deposited.
- f. Telecommunications is also responsible for delivering a copy of the cellular bill deposit sheet, the cellular summary sheets, and the cellular telephone bills to the City Clerk's Office of the Finance Department. The records will be filed and maintained for review in the City Clerk's Office. A copy of the deposit sheet and the cellular summary sheets will also be filed with the City of Everett Auditor and the Telecommunications Manager.

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

Issued By: 
Joe Boland, Information Technology Director

Approved By: 
Sharon K. DeHaan, Labor Relations/Human Resources Director

Approved By: 
Debra Bryant, Chief Administrative Assistant – CFO

Approved By: 
Ray Stephanson, Mayor

Appendix B

Clerks Papers from Nissen v. Pierce County,
Division Two Case No. 45039-9-II

1
2
3 Requests for Production.

4 1.5 Attached hereto as Exhibit 3 is a true and correct copy of the Defendant
5
6 Pierce County's "Answers and Responses" to Det. Nissen's Interrogatories and
7
8 Requests for Production.

9 1.6 Attached hereto as Exhibit 4 is a true and correct copy of the Sheriff's
10
11 Department's Disclosure of Ed Troyer's Personal Phone Records.

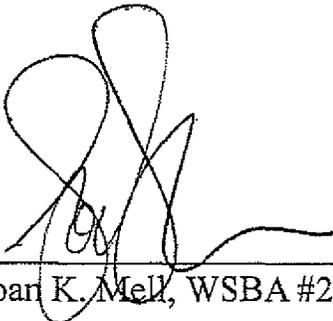
12 1.7 Attached hereto as Exhibit 5 is a true and correct copy of the Public Records
13
14 Request of Mary Robnett through attorney Clay Selby.

15 1.8 Attached hereto as Exhibit 6 is a true and correct copy of Det. Nissen's
16
17 Agreement with the Sheriff's Department regarding her personal phone records
18
19 and related email communications.

20 1.9 Attached hereto as Exhibit 7 is a true and correct copy of the City of
21
22 Everett's policy regarding text messaging.

23 The above information is true and correct to the best of my ability.

24 DATED this 28th day of March 2013, at Fircrest, Washington.

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Joan K. Mell, WSBA #21319

III
Branches
law office
A Professional Limited Liability Co.

By FAX: 253-798-6712

August 3, 2011

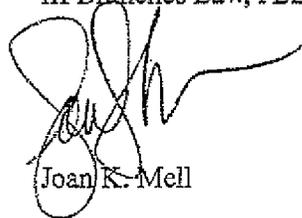
Brent Bomkamp
Public Disclosure Officer
Pierce County Sheriff's Department
County-City Building
910 Tacoma Ave S.
Tacoma, WA 98402

Re: Request for Public Records
Ed Troyer's Cell Phone Records

Dear Mr. Bomkamp:

Please produce any and all of Ed Troyer's cellular telephone records for number 253-377-9055 or any other cellular telephone he uses to conduct his business including text messages from August 2, 2011. Also include Ed Troyer's incoming and outgoing e-mails for that same time period. Thank you for your attention to this matter.

Very truly yours,
III Branches Law, PLLC



Joan K. Mell

Joan K. Mell
Lawyer

1033 Regents Blvd. Ste. 101
Fircrest, Washington 98466
253.566.2510 ph.
281.664.4643 fx.
joan@3brancheslaw.com

0-000000833



Pierce County

Sheriff of Pierce County

930 Tacoma Avenue South
Tacoma, Washington 98402

ENTERED

COPY RECEIVED

AUG 09 2011

Evans, LLC

8 August 2011

Ms. Joan Mell
Attorney at Law
Suite 101
1033 Regents Blvd.
Fircrest, WA. 98466

RE: Request for records

Dear Ms. Mell:

Thank you for your letter of August 3, 2011 in which you seek Ed Troyer's cell phone records for August 2, 2011. Please be advised that this Department does not currently have that record. Those records are provided on a billing cycle by the phone service provider. Once those records are made available by the service provider the record may be made available to you. I have ordered a copy of any email communication. Please anticipate that it could take up to fourteen (14) days to provide that record. If the record is sooner available it will be sooner provided.

Yours very truly,

A handwritten signature in black ink, appearing to read "Craig Adams".

Craig Adams
Deputy Prosecuting Attorney and
Legal Advisor to the Sheriff

0-000000834





Pierce County

Sheriff of Pierce County

930 Tacoma Avenue South
Tacoma, Washington 98402

30 August 2011

Ms. Joan Mell
Attorney at Law
Suite 101
1033 Regents Blvd.
Fircrest, WA. 98466

0000000835

SEP 02 2011

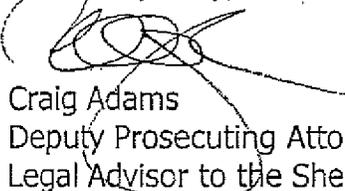
91 Street 101, LLC

RE: Request for records

Dear Ms. Mell:

On August 3, 2011 you sought, by letter, a copy of Detective Ed Troyer's email and cell phone records for August 2, 2011. I enclose a CD which contains all of Detective Troyer's emails for that date. The cost of the disc is twenty dollars (\$20.00). In addition I enclose a copy of his cell phone records for phone number 253-377-9055. I have deleted the calls made on August 1, 2011. Because the cost of this single page is less than one dollar there is no charge. There may or may not be calls made from another phone used by Detective Troyer. However, those records are not currently available to me. I have made a request to the service carrier and am in the process of having them search in order to provide that record. Once received, I will be in a better position to determine what record, if any, may be disclosed. Please anticipate that it may take another thirty (30) days to make that determination. But, if the records are sooner made available you will be sooner notified. Please remit payment in the sum of twenty dollars, made payable to Pierce County, and I will see that it is promptly posted.

Yours very truly,


Craig Adams
Deputy Prosecuting Attorney and
Legal Advisor to the Sheriff

0-000000835



JR SPRINT INVOICE

253-377-9055, ED TROYER conl.

SUBSCRIBER ACTIVITY DETAIL

Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote (See pg. 2)	Min/Sec	Usage	Long Dist./ Other	Total Charges
410	08/02	07:58A	Incoming	253-365-5157	PP/AU	4:06	0.00	0.00	0.00
411	08/02	08:54A	Incoming	206-718-9624	PP/AU	1:00	0.00	0.00	0.00
412	08/02	10:10A	Incoming	206-728-7777	PP/AU	2:00	0.00	0.00	0.00
413	08/02	10:34A	TACOMA, WA	253-471-4990	PP/AU	1:00	0.00	0.00	0.00
414	08/02	01:29P	TACOMA, WA	253-597-8698	PP/AU	3:00	0.00	0.00	0.00
415	08/02	01:29P	TACOMA, WA	253-977-3584	PP/AU	2:00	0.00	0.00	0.00
416	08/02	02:26P	Incoming	253-597-8742	PP/AU	1:00	0.00	0.00	0.00
417	08/02	07:10P	TACOMA, WA	253-471-4990	PP/AU	2:00	0.00	0.00	0.00
418	08/02	07:10P	TACOMA, WA	253-698-5448	PP/AU	2:30	0.00	0.00	0.00
419	08/02	10:03P	TACOMA, WA	253-427-0887	PP/AU	2:00	0.00	0.00	0.00
420	08/02	11:44P	TACOMA, WA	253-471-4990	PP/AU	2:00	0.00	0.00	0.00
421	08/02	11:48P	SEATTLE, WA	206-404-4145	PP/AU	2:00	0.00	0.00	0.00
422	08/02	11:49P	SEATTLE, WA	206-448-3850	PP/AU	1:00	0.00	0.00	0.00
423	08/02	11:50P	SEATTLE, WA	206-728-8307	PP/AU	2:00	0.00	0.00	0.00
Total Cellular Services Charges						927:00	\$0.00	\$0.00	\$0.00

*Long Distance/Other column includes any Long Distance, Directory Assistance (411), and Out of Area charges.
 *Total minutes used may not be the same across all invoice sections due to the presence of non-chargeable calls.

Account/DAC Number 978722311-0138985743 Billing Period 07/03/11-08/02/11 Page 151 of 646
 Account Name PIERCE COUNTY SHERIFF DPT Invoice Date August 06, 2011 Invoice Number 978722311-117
 PIERCE COUNTY SHERIFF DPT August 06, 2011

SUBSCRIBER INFORMATION REPORTS

The following reports are compiled as a courtesy to help you analyze usage trends and manage your subscription.

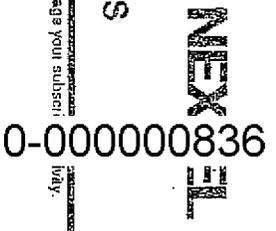
Your Rate Plans

Plan	Calling Line ID Restriction	Service
Nextel Pre IDEN with PTT	Caller ID Restriction	Nationwide Direct Connect
Unfilled Messages	International Long Distance	PDS Application
	Limited International Calling	PDS Application
	International Recurring Minutes	MMS Usage
	BlackBerry Email	Enhanced Text Msg
	Shared Short Messages	SMS Text Messages
	Private IP Address	International Direct Connect
	Packet Data Usage	Call Detail
	South Data Services	Caller ID
		Talkback(S/M)
		Direct Connect on Nextel
		Domestic LD Rate \$0
		Direct Connect Cross Fleet
		Anytime Minutes
		Nationwide Direct Connect
		Cellular Minutes

Subscriber Usage Summary

Usage ID	Usage Type	Included	Used	Eligible
CSZ7	Anytime Minutes	4,000	759	0
PSF1	Direct Connect on Nextel	Unlimited	32:50	0
	Text	200	0	0
	Enhanced Text Messages	Unlimited	29	0
	Two Way Messages	Unlimited	0	0
	Night & Weekend	Unlimited	188	0
	Multimedia Messages	Unlimited	0	0
	Packet Data	Unlimited	9,474	0

Total Additional Charges
 To view total charges and usage, please go to the Account Level Usage Summary. To view your phone additional charges, please go to the Subscriber Activity Summary for this phone.
 Dates next to a Usage Type indicates a price plan change.



From: Joan Mell <joan@3brancheslaw.com>
Subject: Re: Troyer Cell Phone Records
Date: October 11, 2011 4:11:42 PM PDT
To: Craig Adams <cadams@co.pierce.wa.us>

Thank you.

On Oct 11, 2011, at 4:02 PM, Craig Adams wrote:

He is working on them and I am hopeful within a week to ten days.

From: Joan Mell [mailto:joan@3brancheslaw.com]
Sent: Tuesday, October 11, 2011 16:02
To: Craig Adams
Subject: Troyer Cell Phone Records

Can you please give me a status update on Troyer's cell phone records?

Thank you.

Joan K. Mell
III BRANCHES LAW, PLLC
1033 Regents Blvd. Ste. 101
Fircrest, WA 98466
253-566-2510 ph
281-664-4643 fx
joan@3brancheslaw.com

Joan K. Mell
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joan@3brancheslaw.com

0-000000837



Pierce County

Sheriff of Pierce County

930 Tacoma Avenue South
Tacoma, Washington 98402

ENTERED

20 October 2011

RECEIVED

OCT 20 2011

36 Chambers Road

Ms. Joan Mell
Attorney at Law
Suite 101
1033 Regents Blvd.
Fircrest, WA. 98466

RE: Records request

Dear Ms. Mell:

You had previously sought certain phone records from Sheriff's Detective Ed Troyer. It has taken some doing but we were able to locate those records through the service provider. There are thirteen (13) pages in this production. At .15/page the total due and owing is One dollar and ninety five cents (\$1.95). Please remit that sum, made payable to Pierce County, and I will see that it is promptly posted.

There are redactions made to this list. Redactions are in accord with RCW 42.56.250 as being the personal wireless phone numbers of employees and volunteers of public agencies and, in some cases, the residential home phone numbers of other employees and volunteers. I have however provided those numbers when public business was potentially being discussed. If you want a full exemption log for this please let me know, otherwise I will assume that this will suffice.

Yours very truly,

Craig Adams
Deputy Prosecuting Attorney and
Legal Advisor to the Sheriff

0-000000838



CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	REPOLL_#
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 0:01:18	8/2/11 0:01:18	0	525
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 0:18:37	8/2/11 0:18:44	7	166
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 0:19:32	8/2/11 0:26:39	427	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 0:25:55	8/2/11 0:25:55	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 0:27:23	8/2/11 0:27:23	0	523
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 0:42:50	8/2/11 0:42:50	0	514
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 0:49:07	8/2/11 0:49:07	0	527
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 0:49:08	8/2/11 0:49:08	0	527
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 0:49:43	8/2/11 0:49:43	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 1:07:58	8/2/11 1:07:58	0	533
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 1:08:38	8/2/11 1:08:38	0	295
(253) 330-3400	(360) [REDACTED]		Outbound	8/2/11 1:09:46	8/2/11 1:09:46	0	523
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 1:10:02	8/2/11 1:10:02	0	514
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 1:11:11	8/2/11 1:11:11	0	517
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 1:12:35	8/2/11 1:12:35	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 1:21:05	8/2/11 1:21:05	0	518
[REDACTED]	(253) 330-3400		Inbound	8/2/11 1:41:37	8/2/11 1:41:37	0	519
[REDACTED]	(253) 330-3400		Inbound	8/2/11 1:42:23	8/2/11 1:42:23	0	517
[REDACTED]	(253) 330-3400		Outbound	8/2/11 2:12:28	8/2/11 2:12:28	0	516
(253) 330-3400	(253) [REDACTED]		Inbound	8/2/11 2:16:51	8/2/11 2:16:51	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 2:30:55	8/2/11 2:30:55	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 2:30:59	8/2/11 2:30:59	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 2:50:14	8/2/11 2:50:14	0	520
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 2:52:12	8/2/11 2:52:12	0	521
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 3:00:27	8/2/11 3:00:27	0	298
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 3:01:10	8/2/11 3:01:10	0	532
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 3:42:33	8/2/11 3:42:33	0	532
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 3:50:58	8/2/11 3:50:58	0	528
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 3:52:13	8/2/11 3:52:13	0	518
(53) 330-3400	(253) [REDACTED]		Outbound	8/2/11 3:53:21	8/2/11 3:53:21	0	529
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 3:54:51	8/2/11 3:54:51	0	522

0-000000839

QINT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	RECALL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 3:54:51	8/2/11 3:54:51	0	526
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 9:12:12	8/2/11 9:12:12	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 10:03:38	8/2/11 10:03:38	0	522
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 10:06:04	8/2/11 10:06:04	0	524
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 10:07:06	8/2/11 10:07:06	0	528
(253) [REDACTED]	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 10:41:32	8/2/11 10:43:55	143	166
(253) [REDACTED]	([REDACTED]) 000-0016	(253) 330-3400	Routed_Call	8/2/11 10:44:53	8/2/11 10:45:30	37	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 10:52:02	8/2/11 10:52:02	0	525
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 11:10:33	8/2/11 11:15:48	315	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 11:32:43	8/2/11 11:32:43	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 11:42:52	8/2/11 11:42:52	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 11:42:53	8/2/11 11:42:53	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 11:42:54	8/2/11 11:42:54	0	296
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 11:46:21	8/2/11 11:46:45	24	166
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 11:58:27	8/2/11 11:58:29	2	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:11:41	8/2/11 12:11:41	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:12:32	8/2/11 12:12:32	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:13:08	8/2/11 12:13:08	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:13:21	8/2/11 12:13:21	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:13:44	8/2/11 12:13:44	0	533
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:13:54	8/2/11 12:13:54	0	519
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:14:13	8/2/11 12:14:13	0	520
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:14:42	8/2/11 12:14:42	0	296
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:15:14	8/2/11 12:15:14	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:15:42	8/2/11 12:15:42	0	518
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:16:47	8/2/11 12:16:47	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:18:53	8/2/11 12:18:53	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:18:56	8/2/11 12:18:56	0	296
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:21:24	8/2/11 12:21:24	0	515
(53) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:21:35	8/2/11 12:21:35	0	532
(53) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:22:01	8/2/11 12:22:01	0	296

0-000000840

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:22:26	8/2/11 12:22:26	0	295
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:22:29	8/2/11 12:22:29	0	524
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:22:53	8/2/11 12:22:53	0	515
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:23:08	8/2/11 12:23:08	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:23:32	8/2/11 12:23:32	0	516
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:24:30	8/2/11 12:24:30	0	515
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:24:59	8/2/11 12:24:59	0	298
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:27:00	8/2/11 12:27:00	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:27:28	8/2/11 12:27:28	0	529
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:36:28	8/2/11 12:36:28	0	529
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:37:26	8/2/11 12:37:26	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:38:13	8/2/11 12:38:13	0	524
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:40:42	8/2/11 12:40:42	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:43:03	8/2/11 12:43:03	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:44:03	8/2/11 12:44:03	0	516
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:44:34	8/2/11 12:44:34	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:44:48	8/2/11 12:44:48	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:44:57	8/2/11 12:44:57	0	298
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:45:09	8/2/11 12:45:09	0	526
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:45:17	8/2/11 12:45:17	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:45:33	8/2/11 12:45:33	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:45:45	8/2/11 12:45:45	0	522
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:46:05	8/2/11 12:46:05	0	522
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:46:41	8/2/11 12:46:41	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:46:50	8/2/11 12:46:50	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:46:51	8/2/11 12:46:51	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:02	8/2/11 12:47:02	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:12	8/2/11 12:47:12	0	516
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:23	8/2/11 12:47:23	0	517
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:32	8/2/11 12:47:32	0	528
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:42	8/2/11 12:47:42	0	295

0-000000841

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	REPOIL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:46	8/2/11 12:47:46	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:58	8/2/11 12:47:58	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:48:08	8/2/11 12:48:08	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:48:25	8/2/11 12:48:25	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:48:44	8/2/11 12:48:44	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:48:56	8/2/11 12:48:56	0	524
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:07	8/2/11 12:49:07	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:17	8/2/11 12:49:17	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:26	8/2/11 12:49:26	0	517
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:36	8/2/11 12:49:36	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:46	8/2/11 12:49:46	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:46	8/2/11 12:49:46	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:47	8/2/11 12:49:47	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:57	8/2/11 12:49:57	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:57	8/2/11 12:49:57	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:50:08	8/2/11 12:50:08	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:51:18	8/2/11 12:51:18	0	524
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:51:19	8/2/11 12:51:19	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:51:40	8/2/11 12:51:40	0	527
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 12:55:11	8/2/11 12:55:14	3	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:57:40	8/2/11 12:57:40	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:04:08	8/2/11 13:04:08	0	527
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 13:09:57	8/2/11 13:14:27	270	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 13:16:37	8/2/11 13:16:37	0	297
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:20:46	8/2/11 13:20:46	0	516
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:37:48	8/2/11 13:37:48	0	522
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:37:49	8/2/11 13:37:49	0	522
(253) [REDACTED]	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 13:42:25	8/2/11 13:42:53	28	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 13:43:46	8/2/11 13:43:46	0	526
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 13:44:43	8/2/11 13:45:15	32	166
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 13:45:59	8/2/11 13:47:38	99	166

INT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	REPOLL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:46:19	8/2/11 13:46:19	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:48:24	8/2/11 13:48:24	0	526
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:48:56	8/2/11 13:48:56	0	530
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:50:06	8/2/11 13:50:06	0	517
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:50:33	8/2/11 13:50:33	0	514
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:52:16	8/2/11 13:52:16	0	528
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:52:38	8/2/11 13:52:38	0	524
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:53:20	8/2/11 13:53:20	0	527
(253) 330-3400	[REDACTED]	(253) [REDACTED]	Outbound	8/2/11 13:54:14	8/2/11 13:54:45	31	166
(206) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:55:40	8/2/11 13:55:40	0	515
(206) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:56:12	8/2/11 13:56:12	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:57:47	8/2/11 13:57:47	0	515
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:00:31	8/2/11 14:00:31	0	518
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:00:47	8/2/11 14:00:47	0	520
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:01:07	8/2/11 14:01:07	0	296
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:01:41	8/2/11 14:01:41	0	525
(206) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:02:24	8/2/11 14:02:24	0	514
(253) [REDACTED]	(000-0016)	(253) 330-3400	Routed_Call	8/2/11 14:04:34	8/2/11 14:04:38	4	166
(253) 330-3400	[REDACTED]	(253) [REDACTED]	Outbound	8/2/11 14:05:44	8/2/11 14:06:13	29	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:08:20	8/2/11 14:08:20	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:11:00	8/2/11 14:11:00	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:12:34	8/2/11 14:12:34	0	530
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:16:08	8/2/11 14:16:08	0	523
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:16:26	8/2/11 14:16:26	0	529
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:16:43	8/2/11 14:16:43	0	533
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:19:09	8/2/11 14:19:09	0	526
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:22:05	8/2/11 14:22:05	0	519
(253) 330-3400	[REDACTED]	(253) [REDACTED]	Outbound	8/2/11 14:25:13	8/2/11 14:31:20	367	166
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:30:02	8/2/11 14:30:02	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:40:15	8/2/11 14:40:15	0	532
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:55:46	8/2/11 14:55:46	0	526

QINT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL_#
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 14:55:58	8/2/11 14:55:58	0	533
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 14:57:44	8/2/11 14:57:44	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:58:11	8/2/11 14:58:11	0	529
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 15:01:54	8/2/11 15:01:54	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:02:42	8/2/11 15:02:42	0	521
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:14:30	8/2/11 15:14:30	0	521
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:30:13	8/2/11 15:30:13	0	514
(253) 330-3400	[REDACTED]		Outbound	8/2/11 15:32:20	8/2/11 15:32:20	0	525
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 15:33:04	8/2/11 15:33:04	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:33:51	8/2/11 15:33:51	0	517
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:34:53	8/2/11 15:34:53	0	530
(253) 330-3400	[REDACTED]		Outbound	8/2/11 15:35:42	8/2/11 15:35:42	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 15:36:17	8/2/11 15:36:17	0	529
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:36:24	8/2/11 15:36:24	0	522
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:36:45	8/2/11 15:36:45	0	522
(253) 330-3400	[REDACTED]		Outbound	8/2/11 15:39:13	8/2/11 15:39:13	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:40:05	8/2/11 15:40:05	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:40:31	8/2/11 15:40:31	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:41:43	8/2/11 15:41:43	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:48:47	8/2/11 15:48:47	0	522
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:50:39	8/2/11 15:50:58	19	166
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 15:51:17	8/2/11 15:51:22	5	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:51:37	8/2/11 15:51:37	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 15:51:38	8/2/11 15:52:26	48	166
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 15:59:41	8/2/11 16:00:34	53	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 16:01:43	8/2/11 16:02:43	60	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:02:44	8/2/11 16:02:44	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:03:09	8/2/11 16:03:09	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:03:14	8/2/11 16:03:14	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:03:19	8/2/11 16:03:19	0	514
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 16:05:10	8/2/11 16:05:10	0	296

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	RECALL_#
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 16:06:56	8/2/11 16:06:56	0	525
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 16:07:19	8/2/11 16:07:19	0	529
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 16:07:43	8/2/11 16:07:43	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:08:02	8/2/11 16:09:01	59	166
-253	(253) 330-3400		Inbound	8/2/11 16:08:45	8/2/11 16:09:44	59	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:12:07	8/2/11 16:12:07	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:17:31	8/2/11 16:17:31	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:33:18	8/2/11 16:33:18	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:33:31	8/2/11 16:33:31	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:33:40	8/2/11 16:33:40	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:34:41	8/2/11 16:34:41	0	530
-3333	(253) 330-3400		Inbound	8/2/11 16:34:42	8/2/11 16:34:42	0	524
(509) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:46:49	8/2/11 16:46:49	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:09:45	8/2/11 17:09:45	0	516
(253) [REDACTED]	(253) [REDACTED]		Outbound	8/2/11 17:12:14	8/2/11 17:12:14	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:12:14	8/2/11 17:12:14	0	532
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:14:12	8/2/11 17:14:12	0	533
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:14:18	8/2/11 17:14:18	0	519
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:15:12	8/2/11 17:15:12	0	521
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:15:31	8/2/11 17:15:31	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:18:19	8/2/11 17:18:19	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:19:57	8/2/11 17:19:57	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:20:34	8/2/11 17:20:34	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:21:07	8/2/11 17:21:07	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:32:05	8/2/11 17:32:05	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:34:33	8/2/11 17:34:33	0	520
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:35:15	8/2/11 17:35:15	0	521
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:36:02	8/2/11 17:36:02	0	521
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:36:15	8/2/11 17:36:15	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:36:37	8/2/11 17:36:37	0	297
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:36:47	8/2/11 17:36:47	0	521

0-000000845

QINT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	RECALL_#
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:39:31	8/2/11 17:39:31	0	521
(253) 330-3400	[REDACTED]		Outbound	8/2/11 17:41:25	8/2/11 17:41:25	0	521
(253) 330-3400	(253) 330-3400		Outbound	8/2/11 17:42:12	8/2/11 17:42:12	0	525
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:43:02	8/2/11 17:43:02	0	296
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:45:21	8/2/11 17:45:21	0	532
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:45:25	8/2/11 17:45:25	0	529
(253) 330-3400	[REDACTED]		Outbound	8/2/11 17:47:32	8/2/11 17:47:32	0	519
(253) 330-3400	(253) 209-9392		Outbound	8/2/11 17:48:36	8/2/11 17:48:36	0	521
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:49:25	8/2/11 17:49:25	0	295
(253) 330-3400	[REDACTED]		Outbound	8/2/11 17:51:14	8/2/11 17:51:14	0	516
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:55:47	8/2/11 17:55:47	0	522
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:56:11	8/2/11 17:56:11	0	518
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:56:12	8/2/11 17:56:12	0	518
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:57:41	8/2/11 17:57:41	0	525
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:58:21	8/2/11 17:58:21	0	525
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:59:27	8/2/11 17:59:27	0	295
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:59:28	8/2/11 17:59:28	0	526
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:59:43	8/2/11 17:59:43	0	531
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:59:56	8/2/11 17:59:56	0	519
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 18:00:38	8/2/11 18:00:38	0	526
(253) 330-3400	(253) 861-9046		Outbound	8/2/11 18:04:07	8/2/11 18:04:07	0	527
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 18:06:42	8/2/11 18:06:42	0	515
(253) 330-3400	[REDACTED]		Outbound	8/2/11 18:15:43	8/2/11 18:15:43	0	515
(253) 330-3400	(253) 330-3400		Outbound	8/2/11 18:16:09	8/2/11 18:16:09	0	296
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 18:16:15	8/2/11 18:16:15	0	523
(253) 330-3400	[REDACTED]		Outbound	8/2/11 18:17:47	8/2/11 18:17:47	0	515
(253) 330-3400	(253) 330-3400		Outbound	8/2/11 18:18:11	8/2/11 18:18:11	0	515
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 18:18:45	8/2/11 18:18:45	0	296
(253) 330-3400	[REDACTED]		Outbound	8/2/11 18:19:35	8/2/11 18:19:35	0	297
(253) 330-3400	(253) 330-3400		Outbound	8/2/11 18:19:54	8/2/11 18:19:54	0	514
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 18:23:06	8/2/11 18:23:06	0	520

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	REPOLL_#
(253) 330-3400	(360) [REDACTED]		Outbound	8/2/11 18:23:55	8/2/11 18:23:55	0	529
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:26:00	8/2/11 18:26:00	0	519
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:26:55	8/2/11 18:26:55	0	517
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:27:31	8/2/11 18:27:31	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:27:43	8/2/11 18:27:43	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:29:12	8/2/11 18:29:12	0	296
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:29:56	8/2/11 18:29:56	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:31:50	8/2/11 18:31:50	0	297
(206) [REDACTED]	(6245000) 000-0016	(253) 330-3400	Routed_Call	8/2/11 18:32:04	8/2/11 18:32:06	2	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:34:56	8/2/11 18:34:56	0	521
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:39:15	8/2/11 18:39:15	0	530
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:44:00	8/2/11 18:44:00	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:45:42	8/2/11 18:45:42	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:46:46	8/2/11 18:46:46	0	521
(253) [REDACTED]	(253) [REDACTED]		Outbound	8/2/11 18:49:33	8/2/11 18:49:38	5	166
(253) 330-3400	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 18:51:54	8/2/11 18:51:54	0	518
(253) [REDACTED]	(253) [REDACTED]		Outbound	8/2/11 18:54:10	8/2/11 18:54:10	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:54:49	8/2/11 18:54:49	0	297
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:56:49	8/2/11 18:56:49	0	532
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:56:52	8/2/11 18:56:52	0	519
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:57:30	8/2/11 18:57:30	0	525
(253) [REDACTED]	(253) [REDACTED]		Inbound	8/2/11 18:57:36	8/2/11 18:57:36	0	532
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:57:50	8/2/11 18:57:50	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:57:53	8/2/11 18:57:53	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:58:20	8/2/11 18:58:20	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:58:24	8/2/11 18:58:24	0	517
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:00:47	8/2/11 19:00:47	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:00:50	8/2/11 19:00:50	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:03:18	8/2/11 19:03:18	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:03:42	8/2/11 19:03:42	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:09:56	8/2/11 19:09:56	0	515

0-000000847

QINT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:14:24	8/2/11 19:14:24	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:14:33	8/2/11 19:14:33	0	518
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:15:08	8/2/11 19:15:08	0	517
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:16:36	8/2/11 19:16:36	0	514
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:17:00	8/2/11 19:17:00	0	519
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:17:24	8/2/11 19:17:24	0	524
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:17:36	8/2/11 19:17:36	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:17:45	8/2/11 19:17:45	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:18:19	8/2/11 19:18:19	0	514
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:18:31	8/2/11 19:18:31	0	526
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:18:43	8/2/11 19:18:43	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:18:45	8/2/11 19:18:45	0	529
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:19:24	8/2/11 19:19:24	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:19:24	8/2/11 19:19:24	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:19:57	8/2/11 19:19:57	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:21:28	8/2/11 19:21:28	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:22:19	8/2/11 19:22:19	0	533
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:23:35	8/2/11 19:23:35	0	516
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:23:51	8/2/11 19:23:51	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:24:21	8/2/11 19:24:21	0	516
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:25:15	8/2/11 19:25:15	0	516
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:25:47	8/2/11 19:25:47	0	297
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:26:09	8/2/11 19:26:09	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:27:32	8/2/11 19:27:32	0	519
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:30:04	8/2/11 19:30:04	0	518
(253) 330-3400	(253) 861-8611	(253) 861-8611	Outbound	8/2/11 19:33:23	8/2/11 19:35:58	155	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:35:14	8/2/11 19:35:14	0	531
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:38:48	8/2/11 19:38:48	0	524
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:40:07	8/2/11 19:40:07	0	521
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:56:44	8/2/11 19:56:44	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:57:56	8/2/11 19:57:56	0	519

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL #
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 19:58:26	8/2/11 19:58:26	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:59:35	8/2/11 19:59:35	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:01:43	8/2/11 20:01:43	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:13:19	8/2/11 20:13:19	0	524
(253) [REDACTED]	(253) 00-0016	(253) 330-3400	Routed_Call	8/2/11 20:14:09	8/2/11 20:14:12	3	166
(253) [REDACTED]	(253) 00-0016	(253) 330-3400	Routed_Call	8/2/11 20:16:43	8/2/11 20:16:46	3	166
(253) [REDACTED]	(253) 00-0016	(253) 330-3400	Routed_Call	8/2/11 20:28:49	8/2/11 20:28:52	3	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:33:49	8/2/11 20:33:49	0	519
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:37:39	8/2/11 20:40:13	154	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:39:08	8/2/11 20:39:08	0	297
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:46:01	8/2/11 20:46:01	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:47:28	8/2/11 20:47:28	0	529
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:48:26	8/2/11 20:48:26	0	528
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:48:53	8/2/11 20:48:53	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:49:52	8/2/11 20:49:52	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:49:59	8/2/11 20:49:59	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:50:41	8/2/11 20:50:41	0	530
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:50:43	8/2/11 20:50:43	0	522
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:51:27	8/2/11 20:51:27	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:54:10	8/2/11 20:54:10	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:54:46	8/2/11 20:54:46	0	532
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:58:34	8/2/11 20:58:34	0	525
(253) 861-8611	(6245000) 000-0016	(253) 330-3400	Routed_Call	8/2/11 21:01:00	8/2/11 21:01:05	5	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:01:21	8/2/11 21:01:21	0	524
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:06:23	8/2/11 21:06:23	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:08:12	8/2/11 21:08:12	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:16:04	8/2/11 21:16:04	0	529
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:16:55	8/2/11 21:16:55	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:17:25	8/2/11 21:17:25	0	297
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:33:03	8/2/11 21:33:03	0	296
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:33:21	8/2/11 21:33:58	37	166

0-000000849

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:33:43	8/2/11 21:33:43	0	527
(253) [REDACTED]	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 21:34:06	8/2/11 21:52:16	1090	166
(253) 330-3400	[REDACTED]		Outbound	8/2/11 21:40:00	8/2/11 21:40:00	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:40:30	8/2/11 21:40:30	0	297
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:40:57	8/2/11 21:40:57	0	297
(253) 330-3400	[REDACTED]		Outbound	8/2/11 21:42:03	8/2/11 21:42:03	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:46:01	8/2/11 21:46:01	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:51:59	8/2/11 21:51:59	0	530
(253) 330-3400	(253) 861-8611	(253) 861-8611	Outbound	8/2/11 21:52:28	8/2/11 21:53:50	82	166
(253) 330-3400	[REDACTED]	[REDACTED]	Outbound	8/2/11 21:54:13	8/2/11 21:54:32	19	166
(253) 861-8611	(6245000) 000-0016	(253) 330-3400	Routed_Call	8/2/11 21:54:24	8/2/11 21:54:29	5	166
(253) 330-3400	[REDACTED]		Outbound	8/2/11 21:56:12	8/2/11 21:56:12	0	524
(253) 861-8611	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 21:56:24	8/2/11 21:56:45	21	166
(253) 330-3400	[REDACTED]		Outbound	8/2/11 21:56:27	8/2/11 21:56:27	0	529
(253) 330-3400	(253) 861-8611	(253) 861-8611	Outbound	8/2/11 21:57:47	8/2/11 22:03:35	348	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:01:56	8/2/11 22:01:56	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:04:04	8/2/11 22:04:04	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:05:54	8/2/11 22:05:54	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:07:03	8/2/11 22:07:03	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:10:46	8/2/11 22:10:46	0	296
(253) 861-8611	(6245000) 000-0016	(253) 330-3400	Routed_Call	8/2/11 22:10:58	8/2/11 22:11:01	3	166
(253) 330-3400	[REDACTED]		Outbound	8/2/11 22:12:32	8/2/11 22:12:32	0	297
(509) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:14:07	8/2/11 22:14:07	0	525
(253) 861-8611	(6245000) 000-0016	(253) 330-3400	Routed_Call	8/2/11 22:14:27	8/2/11 22:14:31	4	166
(253) 330-3400	(253) 861-8611	(253) 861-8611	Outbound	8/2/11 22:21:31	8/2/11 22:27:22	351	166
(253) 330-3400	[REDACTED]		Outbound	8/2/11 22:22:47	8/2/11 22:22:47	0	297
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:23:03	8/2/11 22:23:03	0	532
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:23:39	8/2/11 22:23:39	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:26:09	8/2/11 22:26:09	0	296
(253) 330-3400	[REDACTED]		Outbound	8/2/11 22:27:25	8/2/11 22:27:25	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:30:39	8/2/11 22:30:39	0	519

0-000000850

QINT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL_#
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 22:33:01	8/2/11 22:33:01	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:36:01	8/2/11 22:36:01	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:36:08	8/2/11 22:36:08	0	295
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 22:36:38	8/2/11 22:36:38	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 22:37:17	8/2/11 22:37:17	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:46:11	8/2/11 22:46:11	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:46:16	8/2/11 22:46:16	0	517
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 22:54:04	8/2/11 22:54:12	8	166
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 22:55:06	8/2/11 22:55:11	5	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 23:09:15	8/2/11 23:09:15	0	533
(206) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 23:21:43	8/2/11 23:21:50	7	166
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 23:29:46	8/2/11 23:29:51	5	166
(253) 330-3400	(206) [REDACTED]	(206) [REDACTED]	Outbound	8/3/11 0:07:01	8/3/11 0:07:36	35	166
(253) 330-3400	(206) [REDACTED]	(206) [REDACTED]	Outbound	8/3/11 0:11:47	8/3/11 0:30:47	1140	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 0:29:56	8/3/11 0:29:56	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 0:30:00	8/3/11 0:30:00	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/3/11 0:48:45	8/3/11 0:48:45	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 0:53:48	8/3/11 0:53:48	0	526
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 0:53:51	8/3/11 0:53:51	0	526
(206) [REDACTED]	(253) 330-3400		Inbound	8/3/11 0:58:56	8/3/11 0:58:56	0	526
(253) 330-3400	(253) [REDACTED]		Outbound	8/3/11 1:11:38	8/3/11 1:11:38	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 1:15:31	8/3/11 1:15:31	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/3/11 1:16:37	8/3/11 1:16:37	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 1:17:29	8/3/11 1:17:29	0	521
(206) [REDACTED]	(253) 330-3400		Inbound	8/3/11 1:22:06	8/3/11 1:22:06	0	521
(253) 330-3400	(206) [REDACTED]		Outbound	8/3/11 1:27:23	8/3/11 1:27:23	0	523
(206) [REDACTED]	(253) 330-3400		Inbound	8/3/11 1:30:34	8/3/11 1:30:34	0	525
(253) 330-3400	(206) [REDACTED]		Outbound	8/3/11 2:08:09	8/3/11 2:08:09	0	524
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/3/11 8:02:00	8/3/11 8:02:21	21	166
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/3/11 9:25:43	8/3/11 9:25:45	2	166
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/3/11 9:36:12	8/3/11 9:36:18	6	166

Exhibit 5

0-000000852

EISENHOWER

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1201 Pacific Avenue
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L. CLAY SELBY
Direct Dial: (253)620-2528
cselby@eisenhowerlaw.com

November 7, 2011

Via Certified Mail

Brent Bomkamp, Public Records Officer
Pierce County Sheriff's Department
930 Tacoma Ave. S., 1st Floor
Tacoma, WA 98402

Re: *Public Disclosure Request, RCW 42.56*

Dear Mr. Bomkamp:

This firm represents Mary Robnett with regard to potential civil claims against *Glenda Nissen*. This letter represents our second Public Disclosure Records Request pursuant to the provisions of RCW 42.56.

On August 1, 2011, we received 527 pages in answer to our original Public Disclosure Request dated June 23, 2011. We hereby request the Pierce County Sheriff's Department produce the following documents:

- ✓ (1) Any and all records of correspondence and/or communication, including, but not limited to, email, between Todd Karr and Glenda Nissen, including records in which one or more other persons are addressed or copied, for the period of June 7, 2010 to present;
- ✓ (2) Any and all records of correspondence and/or communication, including, but not limited to, email, between Todd Karr and Tim Kobel, including records in which one or more other persons are addressed or copied, for the period of June 7, 2010 to present;
- ✓ (3) Any and all records of correspondence and/or communication, including, but not limited to, email, between Denny Wood and Glenda Nissen, including records in which one or more other persons are addressed or copied, for the period of October 1, 2010 to present;
- ✓ (4) Any and all records of correspondence and/or communication, including, but not limited to, email, between Todd Karr and Denny Wood, including records in which one or more other persons are addressed or copied, for the period of October 1, 2010 to present;

0-000000853

November 7, 2011

Page 2

✓ (5) Any and all records of correspondence and/or communication, including, but not limited to, email, related in any way to Glenda Nissen's restriction from the Pierce County Prosecuting Attorney's Office;

DATE

✓ (6) Any and all records of correspondence and/or communication, including, but not limited to, email, documents, files, or other records related in any way to allegations and/or suspicion of Glenda Nissen's violation and/or misconduct including violation of communication policy, code of ethics, misuse of county property and/or equipment, her criticism of public officials, her criticism of the criminal justice system, her conduct or role as a county employee, her performance including courtesy and any other allegation and/or suspicion of her misconduct or violation of a code, policy or law;

Phone

(7) Any and all records of Glenda Nissen's business telephone(s) for the period of June 1, 2010 to present. This request is meant to include, but is not limited to, records of telephone calls and text messages;

(8) Any and all records of Glenda Nissen's business and/or work related telephone calls and text messages made on/from her personal telephone(s) for the period June 1, 2010 to present;

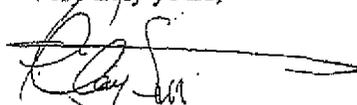
✓ (9) Any and all records of Glenda Nissen's email correspondence, both messages sent and received, for the period of October 1, 2011 through October 20, 2011; and

✓ (10) Any and all email correspondence sent or received by any PCSD employee or agent which references or otherwise discusses Mary Robnett for the period of June 1, 2010 through October 31, 2011.

Please call me at your convenience to discuss the scope of these requests. I request the opportunity to review responsive documents before copying in order to avoid unnecessary costs.

Thank you in advance for your cooperation.

Very truly yours,



L. Clay Selby

LCS:jnz
cc: Client
00497356.DOC

0-000000854

Exhibit 6

0-000000855



Pierce County

Sheriff's Department

930 Tacoma Avenue South
Tacoma, Washington 98402

Pierce County Detective Glenda Nissen's personal cell phone records are currently in the possession of Ramsey Ramerman, a specially deputized prosecutor working for Pierce County. These records are sealed and have not been reviewed by Mr. Ramerman. The County does not possess any other copy of these records.

Mr. Ramerman will maintain possession of these records until further notice. Before Mr. Ramerman seeks to review these records or transfer custody of these records, Pierce County shall provide attorney Joan Mell, who represents Detective Nissen, with at least 10-days' notice to allow Detective Nissen to seek court relief.

Pierce County agrees that by allowing Mr. Ramerman to maintain possession of these records, Detective Nissen does not intend to and has not waived any expectation of privacy she may have in these records. By recognizing Nissen does not intend to waive any such privacy interest, Pierce County does not intend to take a position on whether any such privacy right actually exists.

Agreed to by

Paul A Pastor 3-8-12
Sheriff Paul A. Pastor date

Joan Mell date
Attorney for Glenda Nissen

Ramsey Ramerman 3/11/12
Ramsey Ramerman date
Special Deputy Prosecutor

Glenda Nissen 3-12-12
Glenda Nissen date

From: Joan Mell <joan@3brancheslaw.com>
Subject: Re: Question about records
Date: March 8, 2012 11:15:35 AM PST
To: Ramsey Ramerman <ramseyramerman@gmail.com>
Bcc: Glenda Nissen <g.nissen@comcast.net>

Call me on this. I am not following you.
On Mar 7, 2012, at 7:46 PM, Ramsey Ramerman wrote:

Joan,

Sorry for the delay on the agreement. It is at the Sheriff's and I will forward it once I get it back and sign it.

Included in the records we sent you was a spreadsheet printout of what appears to be phone records Nissen sent Denny Wood. I am wondering if these are some form of Glenda's personal phone records, but because I have not looked at her records, I cannot make that determination.

The transmittal email is bates number 117 and spreadsheet follows on pages 118-125. I have pasted the substance of the transmittal email below so you can locate it with a term search. I pulled these from the installment we are providing Clay this week, so please let me know if you know what these records are.

EMAIL:

From: Glenda Nissen
To: Denny Wood
Subject: 10-162-0622 phone log
Date: Monday, December 20, 2010 4:41:00 PM
Attachments: VoiceDetails.xls

Please let me know if there is anything else you need from me.

Detective Glenda Nissen
Greater Puget Sound
Financial Fraud and Identity Theft Task Force
271 John Bananola Way E
Puyallup, Wa 98374
(253) 377-8432 (cell)
(253) 798-3879 (office)
(253) 798-3940 (fax)
Gnissen@co.pierce.wa.us

Thank you

Ramsey Ramerman

On Tue, Mar 6, 2012 at 8:23 AM, Joan Mell <joan@3brancheslaw.com> wrote:
My client does not intend to seek an injunction on the e-mails provided.

0-000000857

I need to get an agreement from you regarding the personal cell phone records. Pomeroy did not reverse her decision on reconsideration. The matter will be appealed. So we need to have a binding agreement because as of today the only court to address the issue says she has a privacy interest in the records.

I look forward to getting the additional records.

I also need to get the records actually produced.

On Mar 6, 2012, at 7:56 AM, Ramsey Ramerman wrote:

Joan,

Having not heard from you I assume that you aren't going to try to block the release of the "Nissen" emails you were provided. They will therefore be released this week. You should also get the additional CD with other Nissen emails for you review. We will release these on March 20 absent an injunction.

Thank you

Ramsey Ramerman

On Thu, Feb 16, 2012 at 7:16 AM, Ramsey Ramerman
<ramseyramerman@gmail.com> wrote:

Joan

Are you available at noon today? On the issue of names, the confidentiality protect that allows redaction of the numbers (42.56.250(3)) does not protect the employee's names, nor is there any confidentiality in the fact that Detective Nissen called those employees. The protection is strictly for the numbers. Because of *the contentious nature of this dispute, we expect significant push back from the requester.* Thus, additional due diligence is required. We are asking for the names to simplify the verification process to determine that these are actually employees. We could simply have Captain Bombkamp call the numbers to determine the identities, but it would easier to have Detective Nissen inform us who they are. I am happy to discuss further and hear your concerns, however.

On another note, you will soon get a CD with numerous emails that

0-000000858

involve your client. These are emails we intend to release but are first providing you with third party notice pursuant to RCW 42.56.540.

In addition to these emails, we also intend to release the Internal Investigation.

If you object to the disclosure of any of these records, please let me know as soon as possible, *no later than Monday the 27th*. If we aren't able to agree, then you will need to obtain an injunction blocking disclosure by Friday, March 2.

We will have at least one more installment of emails for third party notice, probably next week. Please let us know as soon as possible if you don't object so we can disclose the records.

Thank you

Ramsey Ramerman

On Wed, Feb 15, 2012 at 2:02 PM, Joan Mell <joan@3brancheslaw.com> wrote:

Ok. Can you call me. I have an issue regarding inquiries into the names of DPAs by Bomkamp. *No inquiry has been made into the identity of any of the other employees. My client objects to listing the names of any dpa's on any exemption log associated with a redacted number. It should suffice to say county employee personal number.*

Joan K. Mell
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Fircrest, WA 98466
253-566-2510 ph
281-664-4643 fx
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|||
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0-000000860

ALLIED LAW GROUP LLC

February 14, 2014 - 9:36 AM

Transmittal Letter

Document Uploaded: 448521-Response Brief~2.pdf

Case Name: Nissen v. Pierce County et al.

Court of Appeals Case Number: 44852-1

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

Brief: Response

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

Amicus response without Appendices. Oral argument 2/25/14

Sender Name: Michel Earl-hubbard - Email: michele@alliedlawgroup.com

A copy of this document has been emailed to the following addresses:
info@alliedlawgroup.com

Appendix A-1

Grandview 2008 personal cell phone policy

Chapter 25

CELLULAR TELEPHONE USE POLICY

25.01 Policy Statement. The purpose of the Cellular Telephone Use Policy is to provide guidance regarding the purchase and use of cellular telephones and establish the protocol for reimbursement by employees for personal use of City cell phones.

It is the policy of the City to entrust employees with communications equipment for productivity and safety reasons; and it remains employees' responsibility to use such equipment prudently such that the safety of themselves, their co-workers and the general public is always their top priority.

Employees who abuse this policy for whatever reason may be subject to disciplinary action, up to and including termination.

City-Owned Cell Phones

1. Protocol for Assignment of City-Owned Cell Phones. A cell phone is considered a requirement under one or more of the following conditions:
 - A. Job Responsibilities require an employee to be away from regular land line access for long periods of time and communication by the employee is necessary to fulfill job objectives.
 - B. Cellular telephone use enhances the employee's personal safety on the job.
 - C. The employee's role carries responsibilities such that the ability to conduct two-way communication is necessary at all times.
2. No Right to Privacy. Employees have no right to privacy with respect to the use of City-Owned Cell Phones. This includes any and all voicemails, social media messaging, emails, text messages, call history and/or any other information stored on a cell phone, regardless of whether stored in the device or in remote sites and/or with remote services. The City has the right to inspect any and all City-Owned Cell Phones used by employees for such information at any time and without notice.
3. Authorized use of City-Owned Cell Phones. Cell phones provided by the City are the property of the City and are to be used to conduct City business as outlined below:
 - A. Cell phones should not be used for personal use, except for necessary work-related situations such as unanticipated overtime or family emergencies. Calls of this nature should be infrequent in number and brief in duration.
 - B. Employees must report non-work related, local and long-distance personal cell phone charges to the City and reimburse the City at the per-minute rate the City pays for minutes billable to the phone in excess of the "free-time" minutes.

- C. Cell phone use in violation of any local, state, or federal law is prohibited. Cell phone use in violation of City or department work policies or for the purpose of personal financial gain is prohibited. Cell phones may not be used for blogging, jokes, gambling, games, or social networking (e.g., Facebook, MySpace, Twitter). Cell phone use for any discriminatory, derogatory, sexual, illegal, unethical or otherwise inappropriate remarks or purposes is strictly prohibited.
 - D. Cell phone use and text messaging with a City-owned or privately-owned cell phone is prohibited while the employee is operating a City-owned motor vehicle, except as provided in RCW 46.61.667. Speaking on the cell phone while driving should be done so only with a hands-free device. If no hands-free device is available, the driver shall pull to the side of the road in a safe location prior to answering or initiating cell calls. The use of hands-free technology is encouraged.
3. Employee Responsibilities Regarding City-Owned Cell Phones.
- A. Protect the City-owned cell phone from theft, loss or damage.
 - B. Immediately report loss or theft of a City-owned cell phone to your supervisor or Department Director.
 - C. As cell phone calls are not secure, use discretion while making calls of a sensitive or confidential nature.
 - D. Immediately return the telephone to your supervisor or Department Director if it is determined that the phone is no longer necessary for your job or upon leaving employment with the City.

Use of Personal Cellular Telephones to Conduct City Business

The City recognizes that some staff members carry personal cell phones for their personal use. Use of those cell phones during business hours should be kept at a minimum to discourage adverse impact on employee or co-worker performance and safety.

Employees using privately-owned cellular phones may be reimbursed by City for direct air time for calls to conduct authorized City business when evidenced by a billing detail. Reimbursement is made through the City's expense claim process with the billing detail attached. City business calls should be identified, including the name of the person/agency called and the reason for the call.

Any violation of this Cellular Telephone Use Policy may result in disciplinary action, up to and including termination.

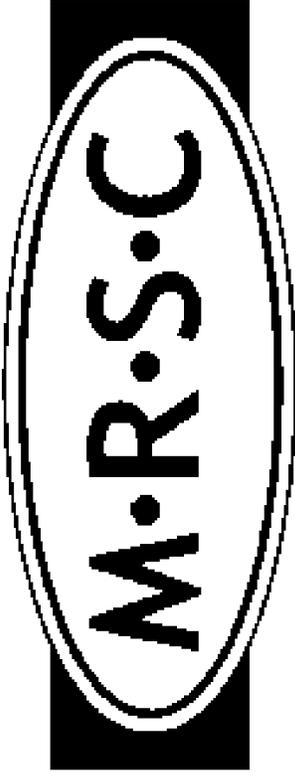
Public Records Act – Employees should be aware that work-related texts and voice messages on cell phones are public records subject to the Public Records Act. Employees have a duty to maintain such records in accordance with the Washington Local Government Record Retention Schedules.

Appendix A-2

2010 “Managing Your Electronic
Communications” PowerPoint

**MANAGING YOUR ELECTRONIC
COMMUNICATIONS**

**PUBLIC HOSPITAL DISTRICT
COMMUNICATIONS**



MRSC PROGRAMS

- Inquiries
- Publications
- Web Site

What to do

- *Call us*

- *E-mail*

How to Reach Us

- Phone (206) 625-1300
1-800-933-MRSC (6772)
- E-mail mrsc@mrsc.org
- Web

MANAGING YOUR ELECTRONIC COMMUNICATIONS

- Practical suggestions for PHD commissioners in managing records
- Key practical

Retention Rules

- “Preservation of Electronic Public Records”
- Chapter 434-662 WAC (2009 & 2010)
- Electronic records in electronic form

Common Types of Electronic Records

- E-mail
- Electronic documents
- Electronic copies of documents (e.g., scanned copies)
- Web pages
-
-
-

E-Mail as a Public Record

- Which e-mails are public records with retention value?
- E-mail messages are public records when they are created or received in the transaction of public business and retained as evidence of official policies, actions, decisions, or transactions
- Such messages must be identified, filed, and retained just like records in other formats
- Review

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Question:

Case

a

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Answer:

Yes. Records maintained in that are related to whatever

Use of Personal E-mail Accounts and Personal Computers for PHD Business

- Under the PRA, whether a record is a “public record” is determined by its content and use, not by how the record was

- A

Use of Personal E-mail Accounts and Personal Computers for PHD Business

- It does not matter that an e-mail is created with an e-mail address ending with “.com,” “.org,” or “.gov”
- For example, a PHD student's official membership in a professional organization

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Answer:

Yes. If a PHD commissioner has been conducting PHD business through a

Use of Personal E-mail Accounts and Personal Computers for PHD Business

- Additionally, if the PRA request results in a lawsuit and a court finds that the search that was conducted was insufficient, the entire hard

Use of Personal E-mail Accounts and Personal Computers for PHD Business

- This scenario would not result in the entire hard drive of your personal computer becoming a public record.
- However, it could mean that ~~the account~~ would give someone ~~access to~~ your e-mail and other and

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Question:

Are e-mails and files on personal computers records when they are used for business?

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Answer:

Yes. In addition to a personal computer, there are a number of other factors that are important in determining the use of personal e-mail accounts and personal computers for PHD business.

Use of Personal E-mail Accounts and Personal Computers for PHD Business

- An e-mail or text message related to PHD business falls within the broad definition of public record.
- Because PHD business is not saved

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Question:

Are there some research-based e-mail

Use of Personal E-mail Accounts and Personal Computers for PHD Business

Answer:

Yes. Hackers have been able to break into Web-based e-mail accounts.

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

1. **Keep PHD and Campaign E-mails Completely Separate.**

- If you have

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- 2. Keep your PHD e-mails and records clearly segregated from your personal e-mails and records.**

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- Similarly, if you also have a personal e-mail account that you use solely for that purpose, do not use that account related to any PHD work.
- If someone has access to your account,

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- If you have a Web-based e-mail account for campaign purposes, make sure you keep that account completely segregated from any e-mail account you use for personal purposes.

- E

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- Never send campaign-related e-mails from any PHD e-mail account.
- When using your personal computer, create a folder for all PHD e-mails, replacing all

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

3. Ensure your records are retained consistent with the state record retention requirements.

- |a

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- However, some local governments have e-mail accounts with automatic deletion policies.
- Keep in mind that a power outage or a crash, or the

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- Recognizing such issues, take it upon yourself to understand how long these records must be retained, and what records are

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

4. **Adopt a clear policy governing the use of personal e-mail accounts and personal computers.**
 - There are many ways to implement an official policy.

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- Such a policy can also help inform the public to prevent surprises when an issue or controversy arises.

- If a lawsuit is filed, you can argue that

you

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

5. Copy to your PHD-issued e-mail account all PHD-related correspondence.

- **If you have a personal e-mail account but are**

Practical Advice if You're Using Personal Computers and Personal E-mail Accounts

- This can help ensure that your PHD will have a copy of all e-mails that constitute public records, making it easier for the PHD to request public records.

Constituent E-mail

- Based on the above referenced decision in O'Neill v. Shoreline (2008), a constituent e-mail that is specifically referenced by a member of the governing body in a public meeting is a public record and subject to disclosure.

E-mails and the OPMA

- As a PHD commissioner, anytime you are sending e-mails to fellow commissioners, keep in mind that a Washington appellate court has ruled that e-mail exchanges between commissioners can

Policy Principles – Best Practices

A few key points after reviewing several electronic communication policies:

- Employees are responsible for their own privacy over the internet

Policy Principles – Best Practices

- To better control records, it is best for PHD commissioners to only use PHD-issued e-mail accounts to conduct PHD business
- It is likely preferable for PHD commissioners to be issued ~~rather~~ other

Sample Innovative Policies Regarding Electronic Communications

- The City of Bellevue has developed a unique approach regarding electronic records management
- In particular

Sample Innovative Policies Regarding Electronic Communications

Goals:

1) To comply with rules for records retention, public disclosure, legal discovery

2) To address the massive volumes of information

Sample Innovative Policies Regarding Electronic Communications

RCW 40.14 - Preservation and destruction of public records

What is a record

Destruction of public records / retention schedules

WAC 434-662 - Preservation of electronic public records

Electronic records
Department for the

-
-
-

Sample Innovative Policies Regarding Electronic Communications

Goals of Bellevue project:

- Manage all e-mail and voicemail records in one place.
- Build in-retention policies to do it themselves.

Sample Innovative Policies Regarding Electronic Communications

Determined common e-mail folder categories:

- Administrative
- Citizen Comments
- Financial

Sample Innovative Policies Regarding Electronic Communications

Allow users to customize to meet their needs, to
some extent

- Subfolders away each

Sample Innovative Policies Regarding Electronic Communications

Bellevue uses a system called **EmailXtender**

- **EmailXtender** is an e-mail management software product that preserves e-mail

- **Migrates** e-mail from one server (where

you're

Sample Innovative Policies Regarding Electronic Communications

Bellevue Procedure

1. Employees are responsible for evaluating all e-mail messages for the accuracy

Sample Innovative Policies Regarding Electronic Communications

3. Employees have 3 months (approximately 90 days) from the date a message was created or received to determine if it meets the definition of a public record.

4.

Sample Innovative Policies Regarding Electronic Communications

5. Each functional category is tied to an appropriate retention period, in accordance with records management policies.

6. The

Sample Innovative Policies Regarding Electronic Communications

7. Messages placed in *Email Storage* folders will be retained for the length of the minimum retention period as approved by the Washington State Local Records Commission - City of Bellevue Records Commission

Additional Resources

- **MRSC Website (www.mrsc.org):**
 - Electronic Public Records Retention
 - Social Media
 - Open Government Adviser

Additional Resources

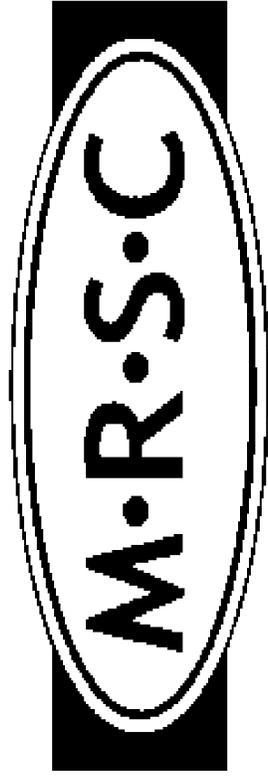
- **Secretary of State – Washington State Archives website**
E-mail Management – “What should I be doing?”
Electronic Records Management - Advice and Resources
- Blogs / Wikis / Facebook / Twitter / Web 2.0
- E-mail Management
- Impact

-
-

Contact Info

- JOE LEVAN, MRSC LEGAL
CONSULTANT

jlevan@mrsc.com



Appendix A-3

Bellevue 2009 personal cell phone policy



Mobile Phone Policy

Mobile phones and mobile phone services must be acquired following both the City's purchasing policies and procedures and the most recent edition of the Technology Resource Usage Policy and Work Rules issued by the Information Technology Department. All City-provided mobile phone services and equipment are subject to the approval of department directors or their designee

1.1 Usage Policy

The City of Bellevue audits all City-provided mobile phone services (voice minutes used, text messages sent/received, and data service use) which include a review of the monthly billing by the individual's supervisor.

Most wireless transmissions are not secure. Therefore, individuals using wireless services should use discretion in relaying confidential information. Reasonable precautions should be made to prevent equipment theft and vandalism to City issued mobile phones.

1.2 Personal Use of City-Provided Mobile Phones

The City of Bellevue issues mobile phones or provides a monthly mobile phone stipend to allow efficient and cost effective execution of City business. Incidental personal use of City-provided mobile phone lines is permitted. Any extra costs incurred, above what the City would normally pay, for such personal use to be reimbursed to the City according to paragraph 1.6 below.

If personal use of City-provided mobile phone lines becomes regular and on-going, the employee may be moved to a monthly mobile phone stipend or asked to obtain a personal mobile phone. See paragraph 1.5 below.

1.3. Shared and Vehicle-Installed City-Provided Mobile phones

Where a City-provided mobile phone is assigned to more than one individual or is installed in a City vehicle, all individuals who make or receive personal calls on such phones shall make a record of such calls to assist in reconciling the mobile phone bill. Any extra costs incurred, above what the City would normally pay, for such personal use is to be reimbursed to the City according to paragraph 1.6 below.

1.4. Reimbursement for Business Use of Personal Mobile Phones

Individuals who conduct City business on their personal mobile phones may apply for reimbursement for such calls or texts. To receive reimbursement, the individual must indicate the date and purpose of the call or text, and submit this information along with

the original phone bill. The reimbursement amount will be based on the cost of the City-business calls that exceed the normal monthly calling plan cost.

1.5 City paid monthly stipend for use of personal Mobile Phones

At the department director's discretion employees who would otherwise be provided with a City issued mobile phone can request to receive a monthly stipend for using their personal mobile phone for City business. The monthly stipend is paid through the payroll system as a taxable benefit, and the amount of the monthly stipend is based on one of three plan options as determined appropriate by the employee's director, or designee:

A. Phone only	\$45 / month
B. Data plan	\$60 / month
C. Phone with data	\$85 / month
D. Wireless Priority Service	\$4.50 / month add on

(for some EOC/EOB members)

Stipend amounts for data plan and phone with data factor in a device replacement cost.

Employees who receive a monthly stipend agree to purchase a device that meets the City's technical standards, adhere to the City's Smart Phone policy and use their personal phone for City business (Smartphone Policy). In addition, employees must execute a Monthly Mobile Phone Stipend Agreement to be submitted to the employee's manager/supervisor for approval. The monthly stipend process is administered and overseen by the Finance and Information Technology departments.

1.6 Reimbursing the City for Personal Calls

Individuals who use City-provided mobile phones for personal use (calls or text messages) are responsible for reimbursing the costs associated with the personal use. The amount of the reimbursement to the City will be equal to the increase in monthly charges to the City caused by the personal calls.

For example: The calling plan for a particular mobile phone is 60 minutes for \$19.95 with additional minutes at \$.25 per minute and \$.20 per text message, and the person assigned to the phone uses the phone for 5 minutes of personal calls and sends 5 personal text messages.

- a. If the total minutes for all calls does not exceed the 60 minutes in the plan during the month, the individual would owe nothing for the personal phone calls and would owe \$1.00 for the personal text messages
- b. If the total minutes exceed the 60 minutes, the individual would owe \$.25 for each minute over the 60 minutes, to a maximum of 5 minutes (the total length of their personal calls.)



Mobile Phone Policy FAQ

Q. How will I receive my monthly mobile phone stipend?

A. The stipend will be effective on either the 1st or 16th of the initial month. You will receive 50% of the monthly stipend amount in each of your paychecks. The stipend is considered a taxable fringe benefit by the IRS and therefore the stipend will be added to your taxable earnings and appropriate federal taxes will be withheld each pay period.

Q. If I'm using my personal mobile phone to conduct City business, are my phone records considered public records?

A. Public records include any information documenting City business, so just like any work you conduct on personal devices (home e-mail account, personal computer, personal mobile phone or writing tablet you liberated from a hotel room), if the information you are creating meets the definition of a public record, you should preserve it just like you would any other public record.

Q. If my phone records are considered to be a public record, does that mean they can be subject to a public records request?

A. Yes, this is possible, but unlikely. The City has only had one public records request for mobile phone records since 2006, and it was made by the State Auditor's Office. This is not a frequent request.

Q. Since this is a personal phone, are my phone number and other personal details not related to work subject to public disclosure?

A. No, personal information about City employees such as phone number (mobile and land line), home e-mail, or home address are exempt from public disclosure under **RCW 42.56.250(3)**. If there was a request for your phone records, the City's Public Records staff would work with you to determine what to collect, and redact any information that is not subject to public disclosure. You will be kept in the loop on all of this.

Q. What do I need to do to maintain my personal mobile phone records if they are a public record?

A. Maintain your records and information on your mobile phone just like you would if it was a city-owned device. As a general rule, text messages should be kept short and simple (ie: I'm at the inspection location; can you call my next appointment and let them know I'm running behind, etc.) which means they are transitory records and can be deleted once their administrative use is completed. If you receive a voicemail with specific details that you need to keep, take notes and maintain them as a record, or forward it to your City desk phone. Maintain your phone bill just like you would any other bill after you pay it. For specific questions, contact Records Management: publicrecords@bellevuewa.gov.



Mobile Phone Policy FAQ

Q. Why are some employees not allowed to receive a stipend?

A. Each Department needs to determine the most cost effective method for providing the appropriate level of communication tools to their employees. Some Departments utilized pooled minute plans that allow staff with varying levels of usage to maintain phones that cost as low as \$9.99 each. In other situations the Department has determined that the equipment is a tool that must be available to execute the job and the risk of privately owned phones breaking and being unavailable for use is too significant.

Q. I receive a monthly mobile phone stipend and am having problems with my mobile phone or PDA. Who do I call to resolve the problem?

A. You will work with your mobile phone provider to correct the issue. If your provider deems that the connectivity problem is related to the City's network you can contact ITD.

Q. I am going to receive a stipend. Can I buy any phone I want?

A. If you are receiving a stipend for voice only, you may purchase any phone you want. If you are receiving either a data only or voice/data stipend you will need to purchase a phone/PDA that meets the City's standards and follow the City's Smartphone Policy: [Smartphone Policy](#)

Q. I am on the EOC or EOB and currently have access to the National Communication Systems, Wireless Priority System (WPS). Should I retain that coverage?

A. Yes! Employees currently authorized with the WPS will need to provide the Emergency Preparedness Division with your new Mobile phone information so they can activate it for you. You will be provided an additional monthly stipend of \$4.50 to cover the additional cost that will be billed on your personal mobile phone. If you should utilize the system during an emergency event you can submit any usage charges (\$.75 each) for reimbursement.

Q. If I move to a stipend and get a new phone, will I be able to keep my work phone #?

A. Yes, let the new provider know that you want to port your existing number to the new account. You will need to have the current city account number and 5 letter account code when you go sign up for service. Both numbers are available from your Department's phone account administrator.

The whole process should take 2 to 2.5 hours for the transfer to occur from your old phone.

Appendix A-4

Sequim 2010 personal cell policy



Personnel Policies and Procedures

SUBJECT: PRIVATELY OWNED CELL PHONE ALLOWANCE		
REVIEW ED: SEPTEMBER 17, 2010	<input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> ADMINISTRATIVE - RESOLUTION _____	EFFECTIVE: SEPTEMBER 17, 2010

I. PURPOSE.

This policy is intended to provide for and regulate City cell phone and data phone use by City employees. It also provides policies for the use of employee owned phones for City business where the City partially compensates the employee for such use. It is not intended to modify any collective bargaining agreement.

II. POLICY.

1. The City of Sequim recognizes that cell phones are an important and necessary tool in the performance of certain employees' job duties. For those employees who have a valid business purpose, the City of Sequim provides cell phones for that employee's City of Sequim business use. The determination of which City-owned phone and plan is appropriate for each employee will normally be made by the IT department.
2. It is preferred that a City-provided cellular device be used for City business. The use of private cell phones for City business is discouraged. The reason for this is because a City-issued cell phone allows standardization of equipment, the enforcement of security policies, and the consistent review of billing statements and compliance with Public Records Act and State Archivist requirements. Tracking of private cell phone records is difficult. However a personal cellular device may be used in lieu of a City provided cellular device at the sole discretion of the City Manager. If an authorized personal cell phone is used for City business, the City will reimburse the user as set forth in the Cell Phone Allowance Contract.
3. The City Manager, at his/her sole discretion, may authorize a cell phone allowance. Management and certain other employees, at the option of the City Manager, may be eligible for a cell phone allowance in lieu of a City-issued cell phone. Only such employees who have a legitimate business need and who would normally be eligible for a City-owned cell phone are eligible for consideration of the cell phone allowance.
4. The request to utilize a privately-owned personal cell phone for City purposes and receive an allowance must be approved by the City Manager. If approved, the amount of the allowance will be based upon the cost of the City business portion of use and what the cost to the City would have been to issue the employee a City-owned cell phone for such use.
5. If approved for a cell phone allowance, the employee shall enter into a Cell Phone Allowance Agreement. See Cell Phone Allowance Agreement below.



Personnel Policies and Procedures

SUBJECT: PRIVATELY OWNED CELL PHONE ALLOWANCE		
REVIEWED: SEPTEMBER 17, 2010	<input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> ADMINISTRATIVE - RESOLUTION _____	EFFECTIVE: SEPTEMBER 17, 2010

6. Employees who receive a cell phone allowance are responsible for:
- Purchase of equipment
 - Payment of bills and charges, including cost for any cosmetic or other extras associated with the phone
 - Account setup
 - Notifying the City immediately if the monthly bill is less than the City allowance
 - Applicable taxes (allowance is taxable income paid through payroll)
 - Retaining six months of monthly billing records
 - Upon request by the city, providing recent billing statements reflecting all business-related phone calls (personal phone use may be redacted)
7. The use of cell phones, whether owned by the employee or the City, creates a record of the number dialed or the number of the caller or both. When the cell phone is used for City business, a record of such use is in nearly every case a public record subject to possible disclosure under the Public Records Act. Similarly, any message relating to City business that is left on a cell phone, whether owned by the employee or the City, is, in nearly every case, a public record subject to possible disclosure under the Public Records Act.
8. Employees receiving a cell phone allowance must retain an active cell phone contract with a wireless provider as long as the cell phone allowance is in place.
9. Use of the cell phone in any manner contrary to local, state or federal laws will constitute misuse and will result in immediate termination of the cell phone allowance.
10. The City will not provide technical support for personal cell phones, except for limited support for data communication with the City's network for those authorized to have the ability to do so.
11. An employee operating a moving motor vehicle while holding a wireless communication device to his or her ear is guilty of a traffic infraction with the exception of City employees operating certain emergency vehicles and when reporting certain emergencies or illegal activity or to prevent injury. Generally speaking, except for the exceptions listed above and in state law, employees using cell phones in a moving vehicle must utilize a hands-free device and may not text message while driving.
12. It is recognized that different cell phone allowance rates may apply depending upon the type of cell phone usage deemed necessary by the City Manager. For instance, business use of cell phones with data capability is more expensive than business use of cell phones without data capability.



Personnel Policies and Procedures

SUBJECT: PRIVATELY OWNED CELL PHONE ALLOWANCE		
REVIEWED: SEPTEMBER 17, 2010	<input checked="" type="checkbox"/> PERSONNEL <input type="checkbox"/> ADMINISTRATIVE – RESOLUTION _____	EFFECTIVE: SEPTEMBER 17, 2010

III. PROCEDURE.

Employees approved for a cell phone allowance for use of their privately-owned cell phone for City business shall sign both the Cell Phone Allowance Agreement and the City of Sequim’s Phone, Internet, Computer & E-Mail Use Policy Acknowledgement.

CELL PHONE ALLOWANCE AGREEMENT

Date: _____	
Employee Name: _____	
City ID: _____	Paygroup: (Please Check One) <input type="checkbox"/> Monthly <input type="checkbox"/> Semi-Monthly <input type="checkbox"/> Weekly
Job Title: _____	
Department: _____	
Position Number (Input by Finance): _____	
Allowance Amount: \$ <input type="checkbox"/> 50 <input type="checkbox"/> 25 () _____	
One-Time Equipment Payment: \$ _____	
<input type="checkbox"/> Data phone "smart phone" <input type="checkbox"/> Cell phone only All cell phone allowance payments are departmental responsibility and considered other compensation charged to account _____. The cell phone allowance will start at the next scheduled monthly pay date. Appropriate payroll taxes on the allowance amount will be withheld from the paycheck, and the amount of the allowance will be included on the year-end W-2. The allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to annual raises, job upgrades, bonuses, benefits based on a percentage of salary, etc.	
Employee Certification and Signature:	
I certify that I have read, understood, and intend to comply with Sequim's Cell Phone and E-Mail Policy and Privately Owned Cell Phone Allowance Policy.	
_____ Signature	_____ Date
City Manager Approval:	
I have approved this employee for the Privately Owned Cell Phone Allowance.	
_____ Signature	_____ Date



Personnel Policies and Procedures

SUBJECT PRIVATELY OWNED CELL PHONE ALLOWANCE		
REVIEWED: SEPTEMBER 17, 2010	(<input checked="" type="checkbox"/>) PERSONNEL (<input type="checkbox"/>) ADMINISTRATIVE - RESOLUTION _____	EFFECTIVE: SEPTEMBER 17, 2010

IV. APPROVAL OF POLICY.


Steve C. Burkett, City Manager

V. ACKNOWLEDGEMENT.

This is to acknowledge that I have read and understand the City of Sequim's Phone, Internet, Computer & E-Mail Use Policy.

I understand that any and all messages whether voice or email are the property of the citizens of Sequim and as such can be reviewed with a proper request.

I understand that failure to follow the provisions of this policy could lead to the loss of my computer system privilege and/or other disciplinary action, including termination. I am also aware that the City reserves the right to change this policy at any time.

Name: _____

Title: _____

Signature: _____

Date: _____

Appendix A-5

Spokane 2010 personal cell policy

CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE	ADMIN 0040-10-06 LGL 2009-0022
TITLE: Wireless Communication Devices (Cell Phones) EFFECTIVE DATE: June 10, 2009 REVISION EFFECTIVE DATE: November 17, 2010	

1.0 GENERAL

1.1 The purpose of this policy is to provide guidelines regarding wireless communication devices. This policy enables the City of Spokane to meet its fiduciary responsibility to the taxpayers. It is recognized that the day-to-day operations of the workforce require voice and data communications and there is often a need to communicate when access to a regular telephone or computer is unavailable. Wireless communication devices are a valuable resource for certain personnel in order to conduct City business in an effective and timely manner.

1.2 TABLE OF CONTENTS

1.0	GENERAL
2.0	DEPARTMENTS/DIVISIONS AFFECTED
3.0	REFERENCES
4.0	DEFINITIONS
5.0	POLICY
6.0	PROCEDURE
7.0	RESPONSIBILITIES
8.0	APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to all City divisions, departments, and employees.

3.0 REFERENCES

United States Code Title 26, Subtitle A, Chapter 1, Subchapter B, Part 1, Section 61(1)(1)
IRS - "Taxable Fringe Benefit Guide"
Chapter 42.56 RCW - Public Records Act
RCW 46.61.667 - Cell Phones
RCW 46.61.668 - Text Messaging

4.0 DEFINITIONS

- 4.1 "Wireless Communication Device" is any device that is used, by any measure, to send or receive wireless voice or data transmissions, commonly referred to as cell phones (hereinafter "cell phones"). This does not include the City's two-way radio devices.

5.0 POLICY

- 5.1 The City of Spokane recognizes that cell phones may be an important and necessary tool in the performance of certain employees' job duties. For those employees who have an approved and valid business purpose, the City of Spokane will, subject to specified terms and restrictions, provide a City owned cell phone for that employee's business use. For those employees who regularly use a personal cell phone for City of Spokane business purposes, a cell phone allowance may be provided.

It is the intention of the City to strictly curtail and limit the number of City owned cell phones with internet and/or data capability. When internet or data capability is warranted, it is the intention of the City to make such provision by means of a cell phone allowance as specified herein.

- 5.2 The determination of which phone and plan is appropriate for each employee will be made by the Management Information Services (MIS) Department, except for Police and Fire department employees, whose phone and plan will be determined by their respective departments. This determination will be made by taking into account the employee's individual job duties and related wireless communications needs. These needs will be determined by consulting with the department/division head and when necessary, the employee. Based on these individual needs, it will be the responsibility of MIS/Police/Fire to procure the most cost effective alternative of cell phone and plan. State contracts, pooling of minutes, and free phone offers are examples of the methods that will be used to establish the most cost effective alternative for cell phones and plans.
- 5.4 To meet the City's goal to strictly curtail and limit the number of City-owned cell phones, especially those with internet and/or data capacity, an employee may be eligible to receive a cell phone allowance. Only employees who have a legitimate business need, and who would normally be eligible for a City-owned cell phone are eligible for the cell phone allowance. The request to utilize a personal cell phone for regular business purposes and receive an allowance must be approved by the employee's department or division head. If approved, the amount of the allowance will approximate the business portion of use, and what the cost to the City would have been to issue the employee a City owned cell phone.

- 5.5 Determination of eligibility and the dollar amount of the allowance is made at the department/division head level, but must be approved by the City Administrator. The allowance must be within the guidelines and dollar limits established under this policy. [SEE APPENDIX 1: CELL PHONE ALLOWANCE TIERS]
- 5.6 If an employee chooses a cell phone allowance, the employee shall enter into a Cell Phone Contract with the City, which must be active as long as a cell phone allowance is in place. [SEE APPENDIX 2: CELL PHONE ALLOWANCE CONTRACT]
- 5.7 Regardless of whether or not an employee receives a cell phone allowance, all City employees are allowed to use discounted plans for their personal plan from any provider offering these City employee discounts.
- 5.8 City of Spokane employees receiving a cell phone allowance are responsible for:
- Purchase of equipment
 - Payment of bills and charges, including cost for any cosmetic or other extras associated with the phone
 - Account set up
 - Notifying the City immediately if the monthly bill is less than the City allowance
 - Applicable taxes (allowance is taxable income, paid through payroll)
 - Retaining six (6) months of monthly billing records
 - Upon request by the City, providing recent billing statements reflecting all business related phone calls. Personal phone use may be redacted.
- 5.9 The use of cell phones, whether owned by the employee or the City creates a record of the number dialed or the number of the caller. When the cell phone is used for City business, that record is, in nearly every case, a public record, subject to possible disclosure under the Public Records Act. Similarly, any message relating to City business that is left on a cell phone, whether owned by the employee or the City, is, in nearly every case, a public record, subject to possible disclosure under the Public Records Act.

6.0 PROCEDURE

- 6.1 Determination of Cell Phone Eligibility
- 6.1.1 Eligibility is based on the need for frequent use of a cell phone, such as an employee who needs to be frequently available for emergency contact, and whose duties require him/her to be quickly

contacted, anywhere, anytime as determined by his/her supervisor and department/division head.

6.1.2 Employees leaving City employment must turn in city-owned cell phones to the MIS/Police/Fire department as part of their termination process. Employees transferring or promoting within the City must coordinate their prior cell phone hardware and account with MIS, and eligibility in the new department or position must be re-established.

6.2 Determination of Phone, Plan or Allowance

6.2.1 The cell phone model, plan attributes, and dollar amount of the cell phone allowance should cover the employee's projected business-related needs and expenses only. Basic equipment costs and the employee's cell phone use related to business should be considered. Costs for non-business-related cosmetic or technical extras and upgrades cannot be considered.

6.2.2 Departments are responsible for projecting business use to the best of their ability, and for communicating this estimate to the MIS Department. The MIS Department will be responsible for purchasing all City-owned cell phones and establishing plans with cell phone providers. Departments with special needs must identify such to MIS prior to purchase. MIS will utilize its expertise, and purchase the most cost effective option of phones and plans to meet the departments' business requirements. The MIS Department will establish a standard menu of phones and plans. The standards will represent the options that best meet the City's business needs at the lowest cost. The same needs analysis, standard hardware and plans, and most cost effective options will be utilized by the Police and Fire departments for their cell phone users. Employees requesting a phone or plan in excess of the standards must have written approval from the City Administrator.

6.3 Establishing a Cell Phone Allowance Contract

6.3.1 The allowance process is initiated by the employee by completing a Cell Phone Allowance Contract, and obtaining approval through the appropriate channels. The employee will attach to the form a copy of his/her cell phone contract or a current cell phone bill. The forms are to be submitted to the department/division head for eligibility and dollar allowance determination. Once approved, the department/division head will submit the forms to the Accounting Department to facilitate MIS and City Administrator approval. After final approval, the Payroll unit in the Accounting Department will set

up the monthly allowance plan. The allowance will be paid through the employee's normal payroll check on a monthly basis. [SEE APPENDIX 2: CELL PHONE ALLOWANCE CONTRACT]

6.3.2 When an employee moves from a City owned cell phone/plan to a personal plan with an allowance, the ownership of their City phone will transfer to the employee at no cost. If the employee purchases a new phone with his/her new personal plan, the employee must turn in his/her previous City phone to the MIS department.

6.4 Use of Cell Phone

6.4.1 Except for incidental personal use, City owned cell phones are to be used for business purposes only. Incidental personal use is defined as use that is infrequent and insubstantial. Incidental personal use phone calls are to be made at times that do not adversely affect the performance of official duties and are brief in duration and frequency. Whenever possible, incidental personal calls are to be made during breaks. Use of a City-owned cell phone for other than City business or personal incidental use will result in the entire cost of the phone and plan to be added to the employee's taxable wages as a taxable fringe benefit.

6.4.2 For employees receiving a cell phone allowance, the employee must retain an active cell phone contract with a wireless provider as long as a cell phone allowance is in place. If the employee is receiving a cell phone allowance based on data usage, his/her contract must provide for unlimited data use (or the maximum level of data plan offered). Because the cell phone is owned personally by the employee, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. Personal use should be kept at a minimum during the employee's working hours. The employee may, at his or her own expense, add extra services or equipment features, as desired. Use of the device in any manner contrary to local, state, or federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance. The City will not provide technical support for these personal cell phones, except for limited support for data communication with the City's network, for those authorized to have the ability to do so.

6.4.3 City employees operating a moving motor vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction with exception of a City employee operating:

- a. an authorized emergency vehicle, or a tow truck responding to a disabled vehicle;

- b. a moving motor vehicle using a wireless communications device in hands-free mode;
- c. a moving motor vehicle using a hand-held wireless communication device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property; or relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle; or
- d. a moving motor vehicle while using a hearing aid.

For purposes of this section, "hands-free mode" means the use of a wireless communications device with a speaker phone, headset, or earpiece.

6.4.4 City employees operating a moving motor vehicle who, by means of an electronic wireless communications device, sends, reads, or writes a text message, is guilty of a traffic infraction with exception of a City employee operating:

- a. an authorized emergency vehicle;
- b. a voice-operated global positioning or navigation system that is affixed to the vehicle and that allows the user to send or receive messages without diverting visual attention from the road or engaging the use of either hand; or
- c. a moving motor vehicle while using an electronic wireless communications device to report illegal activity, summon medical or other emergency help, prevent injury to a person or property, or relay information that is time sensitive between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.

A person does not send, read or write a text message when he or she reads, selects, or enters a phone number or name into a wireless communications device for the purpose of making a phone call.

6.4.5 In many cases, cell phones operate as a camera or as a way to access the internet or email. Employees operating a city-owned cell phone in these capacities must comply with City of Spokane policy ADMIN 0620-06-56, "Internet Access," and City of Spokane policy ADMIN 0620-05-055, "Email."

6.5 Cell Phone Allowance Documentation and Review Requirements

6.5.1 A copy of the Cell Phone Allowance contract will be kept on file in the Accounting Department. Affected employees' monthly wireless provider billing records that establish business use are subject to audit at any time by the Accounting Department, Internal Audit, or external auditors engaged by the state or federal government. By November 30 of each year, individuals receiving a cell phone allowance will fill out the Cell Phone Allowance Contract and Annual Certification. The department/division head is responsible for an annual review of employee business-related wireless communication device use, to determine if existing cellular phone allowances should be continued as-is, changed, or discontinued, and to determine if any new allowances should be established.

6.5.2 On an annual basis, an evaluation will be made by the Accounting and MIS Departments to determine if existing allowance tiers are equitable with current market conditions. Allowance tiers may be adjusted upward or downward based on this evaluation.

7.0 RESPONSIBILITIES

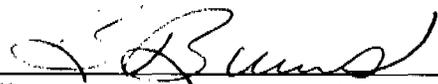
The Accounting and MIS Departments shall administer this policy.

8.0 APPENDICES

Cell Phone Allowance Tiers

Cell Phone Allowance Contract / Annual Certification

APPROVED BY:



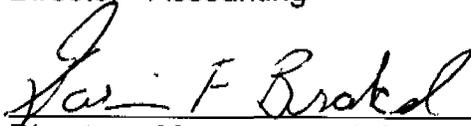
City Attorney (Asst)

10-23-10
Date



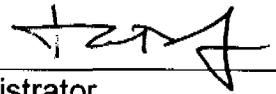
Director - Accounting

10/25/10
Date



Director - Management Information Services

11/1/10
Date



City Administrator

11-2-10
Date

CITY OF SPOKANE
Cell Phone Allowance Tiers

[Appendix 1]

ALLOWANCE TIERS	DESCRIPTION	MONTHLY ALLOWANCE AMOUNT
A	Business Use with Data	\$45.00
B	Business Use without Data	\$22.00

These guidelines are general only, and are maximum reimbursements. Note, that all reimbursement levels must be substantiated, and a lower level of reimbursement may therefore be requested.

CITY OF SPOKANE

Cell Phone Allowance Contract and Annual Certification [Appendix 2]

(Please attach copy of current cell phone contract or bill)

NAME OF EMPLOYEE: _____

EMPLOYEE SS# or ID#: _____

DEPARTMENT: _____

MONTHLY ALLOWANCE AMOUNT: _____

Employee Certification and Signature:

I certify that I will use the funds requested toward the business use of my cell phone, and promptly report any changes in the level of those business expenses to my supervisor. I further certify that I have read, understood and intend to comply with City of Spokane Wireless Communication Devices (Cell Phones) Policy, ADMIN 0040-09-06.

Employee Signature **Date**

Department/Division Head Certification and Signature:

I certify that the requested allowance is needed for this employee to cover work-related expenditures due to cell phone communications, as described above. I further certify that I have read, understood and intend to comply with City of Spokane Wireless Communication Devices (Cell Phones) Policy, ADMIN 0040-09-06.

Department/Division Head Signature **Date**

- This contract is
- A new contract
 - Replaces an existing contract
 - Annual certification

_____ MIS APPROVAL	PAYPERIOD EFFECTIVE _____
_____ CITY ADMINISTRATOR APPROVAL	ENTERED BY _____

Appendix A-6

Everett 2010 cell phone policy



POLICY/PROCEDURE

TITLE ELECTRONIC COMMUNICATIONS & TECHNOLOGY RESOURCES		NUMBER 400-10-01
EFFECTIVE DATE 07/01/10	SUPERCEDES 400-07-01	PAGE NUMBER 1 OF 13

- Section Index:
- 1.0 Purpose
 - 2.0 Policy
 - 3.0 Definitions
 - 4.0 Guidelines and Procedures

1.0 PURPOSE

- 1.1 This policy establishes guidelines for the use of City electronic communications, computers, networks and other information technology resources.
- 1.2 This policy shall apply to all City employees and volunteers as defined herein.
- 1.3 This policy is initiated by City Administration, the Information Technology Department, and the Human Resources Department.

2.0 POLICY

- 2.1 The City electronic communications and technology resources are provided for the purpose of conducting City business. City officers and employees are obligated to conserve and protect City electronic communication and technology resources for the benefit of the public interest. Responsibility and accountability for the appropriate use of City electronic communication and technology resources ultimately rest with the individual City officer or employee or with the City officer or employee who authorizes such use.

Improper use of the City's electronic communications and technology resources may result in discipline, up to and including termination.

- 2.2 City electronic communications and technology resources include computer systems, telecommunications systems, networks, supporting equipment, and services such as e-mail, telephones, cell phones, voice mail, data storage, and Internet use.
- 2.3 Cellular Telephones

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

- A. Cellular telephones are issued to City staff when their current job justifies receiving or making calls away from their office or work base.
- B. The cellular telephone is the responsibility of the employee or group of employees to which it was issued.
- C. The cellular telephone is to be used solely by the employee or the group of employees to which it was issued.
- D. The cellular telephone is to be used for calls that pertain to the specific job, project, or work assignment for the business of the City of Everett.
 - a. Cellular telephones assigned to an employee – Personal cellular telephone call(s) are permitted when appropriate, with the understanding that the total cost of the call(s) will be reimbursed to the City of Everett within 30 days of the employee’s receipt of the cellular telephone detail report.
 - b. Cellular telephones assigned to a group of employees – Personal cellular telephone calls are strongly discouraged but are permitted when appropriate, with the understanding that the total cost of the call(s) will be reimbursed to the City of Everett within 30 days of the employee’s receipt of the cellular telephone detail report.
- E. Use of a cellular phone should be limited to instances when a less costly means of communication is not available.
- F. Employees are to immediately report the loss of a cellular phone to their manager and to the Telecommunications Division. This will allow the Telecommunications Staff to stop the cellular service for that device in an attempt to prevent unauthorized use and cost to the City.
- G. As cell phone text messaging presents a potential records retention requirement, the use of City owned or personal cell phones to send text messages to conduct City business is prohibited without prior approval of the Mayor or the Mayor’s designee. Such approval will only be considered when the benefits of texting outweigh the burdens and risks of texting. Any requests for exemption must include a proposed procedure for meeting records retention requirements.

2.4 Smart Phones

- A. All Cellular Telephone polices described in Section 2.3 also apply to smart phones.

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

- B. IT will establish smart phone equipment and carrier standards. These standards will be made available on the City Intranet.
- C. In addition to reporting the loss of a smart phone, users are to immediately report any incident of unauthorized access to a City owned smart phone that may have resulted in the unauthorized access to City resources, databases, networks, passwords, etc.
- D. The City reserves the right to disable without notice any cellular access to the City's network that puts the City's systems, data or users at risk.
- E. All e-mail and Internet access acceptable use described in this policy also applies to smart phones.
- F. The IT Department does not support privately owned smart phones.
- G. Smart phone users are required to follow all security procedures established by the IT Department. Smart phone users are not to load unauthorized software and are not to change security configurations on the smart phone.
- H. Smartphone devices can be useful communications tools for providing access to e-mail and calendar appointments as well as being a cell phone. When using these devices it is important to remember to be respectful of other City employees and citizens. As with a standard cell phone, set the device to vibrate when attending meetings. Attention should be on the matter being discussed in the meeting rather than reviewing e-mail on a smart phone. If you must take a call or respond to a time sensitive e-mail, excuse yourself in a manner that does not disrupt the meeting.

2.5 Department Directors will be responsible for assuring compliance with this policy.

3.0 DEFINITIONS

3.1 For the purpose of this policy, the following definitions apply:

- A. Telecommunications equipment: Any telephone (including cellular devices), pager, fax machine, or voicemail service.
- B. Cellular Device: Cellular communication devices include, but are not limited to, cellular phones, smart phones and cellular data communication cards.
- C. Smart Phone: A Blackberry or Blackberry-like hand held device that is capable of voice and e-mail wireless communications. All references to cellular telephones in this policy also apply to smart phones.

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

- D. IT: Information Technology
- E. Computers: Any programmable electronic device that contains or transmits electronic data, messages, text, ideas, or images.
- F. Electronic Mail (e-mail): E-mail is a method of exchanging digital messages. E-mail systems are based on a store-and-forward model in which e-mail server computer systems accept, forward, deliver and store messages on behalf of users. The term e-mail applies to Internet based systems as well as systems internal to the City of Everett.
- G. Misuse or inappropriate use includes, but shall not be limited to the following:
1. violating copyright license agreements or other contracts;
 2. interfering with the intended use of information resources;
 3. seeking to gain unauthorized access to information resources;
 4. using any telecommunication, computer, or network resources under false pretenses;
 5. using any telecommunication, computer, or network resources for any campaign or political use; for the purpose of conducting an outside business; for commercial uses such as selling or advertising; for any illegal activity; for the purpose of supporting, promoting, or soliciting for an outside organization or group, unless provided for by law or authorized by the Mayor's Office or designee.
 6. destroying, altering, dismantling or otherwise interfering with the integrity of electronic information and/or information resources without authorization, or using telecommunication or computer resources in a negligent or intentional manner that could introduce viruses to the network, circumvents system protection facilities, or produces system failure or degraded performance;
 7. transmitting or causing to be transmitted, communications that may be construed as being harassing or disparaging to others, or otherwise offensive, demeaning, insulting, or sexually suggestive; and
 8. visiting Internet Web sites that are pornographic in nature or involve on-line gambling.
- H. Internet: A worldwide, publicly accessible network of interconnected computers and computer networks that transmit data by packet switching and use the standard Internet Protocol (IP). The Internet carries various information and services such as electronic mail, file transfer and interlinked Web pages and other documents of the World Wide Web.
- I. Network resources: The City's computer and network systems, shared/network drives, shared/network programs, databases, calendar and e-

ELECTRONIC COMMUNICATIONS & TECHNOLOGY RESOURCES

mail systems, shared/network printers, and all other resources associated with the City network, and/or subsequent City systems.

- J. City employees: All full-time, part-time, and seasonal employees of the City. References in this policy to employees are also intended to include volunteers; namely, all persons assisting the City in a non-pay status, whether direct or indirect, who have occasion to use the City resources that are the subject of this policy. Contract employees or consultants that are granted access to City electronic communications and technology resources are also subject to this policy.
- K. Wireless access point: Any device that provides access to the City's network resources using wireless technology.

4.0 GUIDELINES AND PROCEDURES

4.1 General

- A. The City furnishes electronic communications and IT equipment and related services for the purpose of conducting City business or activities. Improper use of the City's electronic communications and IT systems and equipment may result in discipline, up to and including termination.
- B. Employee communications must be consistent with conventional standards of ethical and proper conduct, behavior, and manners, and are not to be used to create, forward, or display any offensive or disruptive messages, including photographs, graphics, and audio materials.
- C. All City electronic communications and network equipment and services, including the messages transmitted or stored by them, are the property of the City. No employee should have any expectation of privacy regarding the information stored, sent, or received on a City-owned voice processing system, personal computer, personal digital assistant, smart phone or network storage system. The City reserves the right to access, read, use, monitor, and disclose employee communications, files, and other use without prior notice as it considers appropriate. The City may access information that is normally under an individual's control without the consent of the individual when necessary to carry out normal business functions, or when misuse is suspected.
- D. The use of City telecommunications services, computer services, software, and equipment for private gain is prohibited. Soliciting via telephone, e-mail, or the Internet is also expressly prohibited, as is the unauthorized transmission or disclosure of confidential or proprietary information belonging to or entrusted to the City.

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

- E. If an employee has questions regarding the proper conduct and use of City telecommunications equipment, computer networks, e-mail, and Internet resources, guidance can be obtained from the employee's supervisor, the Information Technology Department, or Telecommunications Division.

4.2 Voice mail and e-mail

- A. Voice mail and e-mail messages (including attachments) should not be regarded as private communications. Any message sent or received can be forwarded on to anyone else on the system. Even after a voice mail or e-mail has been deleted, it may still be possible to retrieve it and review it. Public disclosure laws in Washington may be interpreted to permit the sharing of content of voice mail and e-mail messages with the public. Therefore, the content of all messages should be tailored accordingly. Employees are not to delete files (e-mail or other files) that do not belong to them.
- B. Improper use of the City's electronic communications and IT resources may result in discipline, up to and including, termination. Improper use includes any misuse as described in this policy, as well as harassing, disparaging, offensive, demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.
- C. Voice mail or electronic mail should not be used in such a way that it directly or indirectly strains the network or interferes with other users.
- D. Voice mail or e-mail should not be constructed or sent in such a way as to make it appear that the communication is from someone other than the sender.
- E. Electronic mail to or from the City's lawyers (both the in-house legal staff and special counsel retained to represent the City) for the purposes of obtaining legal advice or handling pending or threatened lawsuits should be marked both in the subject header and in the body of the message as "Privileged Attorney-Client Communication." Communication to or from the City's lawyers for the purposes of obtaining legal advice or handling threatened or actual lawsuits is usually privileged from disclosure. Just as privileged communications on paper should be clearly marked as privileged, so too should privileged electronic mail be marked as privileged. Privileged paper communications should be filed separately from other records to prevent inadvertent disclosure. Should privileged electronic communications be filed separately and then printed onto paper, the paper copies should be kept in a separate folder in the file that consists of only similarly privileged communications.
- F. Whether sending a paper letter through the mail or an electronic mail message, a recipient will often view the communication as representing the official and formal stance and position of the City. Authors of e-mail should,

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

therefore, be just as careful when drafting e-mail as when writing a paper letter on City letterhead. If the author is communicating his or her own opinion, and not necessarily the position of the City, an appropriate disclaimer should be added, such as “These statements are mine, and not the position of the City of Everett.”

- G. Individuals must be aware of, and at all times attempt to prevent, potential City liability in their use of voice mail or e-mail. It is the personal responsibility of each individual using voice mail and e-mail to ensure no misunderstandings occur as to representations made by such individuals.

4.3 Internet

- A. With prior authorization of the department director, use of the Internet is permitted provided that the employee ensures adequate protection of City resources and does not engage in inappropriate use of City network resources. Inappropriate use includes a violation of generally accepted business standards for the use of publicly owned and operated resources. Specifically prohibited are inappropriate activities as defined above in Section 3.1.G. Except for City business related purposes, visiting or otherwise accessing the following sites is prohibited:
 - a. “adult” or sexually-oriented web sites,
 - b. sites associated with hate crimes, or violence,
 - c. sites that create discomfort in a reasonable person in the workplace,
 - d. personal dating sites
- B. When connected to the City’s computer network, circumventing the City’s standard Internet access through the use of an individual modem to access an alternate Internet Service Provider (ISP) is prohibited.
- C. Individuals must be aware of and at all times attempt to prevent potential City liability in their use of the Internet. It will be the personal responsibility of each individual using the Internet to ensure no misunderstandings occur as to representations made by such individuals. Any correspondence to be transmitted via network resources or the Internet that purports to represent the views of the City of Everett will require review and approval of the department directors or their designees.
- E. Each City department is provided a location on the City’s official website (www.ci.everett.wa.us) to post department related information and content. Other Internet based web sites shall not be created or used by employees to post City related information or content without prior approval of the Mayor or his/her designee.
- F. The use of personal Internet accounts including, but not limited to personal e-mail accounts and personal social networking sites to conduct City business

ELECTRONIC COMMUNICATIONS & TECHNOLOGY RESOURCES

presents a potential records retention requirement which could result in an employee's personal e-mail or social networking site being subject to a public disclosure search. As such, using a personal e-mail account or personal social networking site to conduct City business is prohibited without prior approval of the Mayor or the Mayor's designee. Such approval will only be considered when the exception serves an important City purpose and that purpose cannot be reasonably achieved by a different technology solution. To meet records retention requirements, unsolicited City business related electronic communications received by an employee's personal Internet account should be forwarded to the employee's City provided e-mail account.

4.4 Software Restrictions

- A. Only City provided software is to be installed on a City computer system. Acquisition of software that falls outside of the City's adopted standards must be submitted for approval to the IT Department.
- B. Employees are expected to comply with licensing agreements for use of all City provided software and computer resources. Any misuse or suspected misuse of software licensing agreements should be reported to your supervisor.

4.5 Hardware and Network Restrictions

- A. In order to ensure protection of the City's data network, only approved electronic devices may be connected to the City's data network.
 - a. Electronic devices include, but are not limited to, computers, wireless access points and data storage systems.
 - b. Electronic devices not purchased through the City's Purchasing Division will require prior approval of the Information Technology Director or designee before being connected to the City's data network.

4.6 Director and Supervisor Responsibility

- A. Directors and supervisors shall be responsible for distributing this policy to employees and for monitoring employee compliance with the policy's provisions.
- B. Each employee has the responsibility for complying with this policy and to immediately notify his/her supervisor of any apparent violations.
- C. Department directors may authorize occasional, incidental personal use of City electronic communications and technology resources only if:
 - 1. There is no cost to the City.

ELECTRONIC COMMUNICATIONS & TECHNOLOGY RESOURCES

2. The use of City resources does not interfere with the performance of the employee's duties.
 3. The use is brief in duration and does not disrupt or distract from the conduct of City business due to volume or frequency.
 4. The use does not compromise the security or integrity of City IT systems.
- D. Department directors may review usage on a case by case basis to determine compliance. If violations are found, an employee's occasional usage may be limited or eliminated and/or subject to further monitoring.

4.7 Security

- A. Passwords: Each employee that needs to access City data network resources will be assigned a userid and password. The employee is responsible for maintaining the privacy of that password and shall not attempt to circumvent the minimum password requirements set by the IT Department. The unauthorized use of another employee's userid or attempting to capture other user's passwords is prohibited.
- B. The City will take necessary steps to protect the confidentiality, integrity, and availability of all of its critical information. Critical information is defined as information which if released could damage the City financially, put staff at risk, put citizens at risk, put facilities at risk, or could cause legal liability. Examples of critical data include, but are not limited to employee health information, social security numbers, credit card holder information, banking information, citizen medical incident information, and police crime investigation information.
- C. Employees with access to critical information are responsible for its protection. Critical information should not be stored on laptops or removable memory devices unless absolutely necessary. Staff must take reasonable steps to ensure the safety of any critical information that is copied or electronically transmitted outside of the City's data network including encrypting said data to prevent inadvertent access or viewing of that information. Any loss of control of, or incident of unauthorized access to critical information must immediately be reported to the responsible employee's manager and to the IT Director.
- D. Access to the City's IT network and to software applications is authorized by Department Directors or their designees via the IT Helpdesk system which can be found on the City's Intranet. Access to the payroll system or payroll information must also be approved by the Human Resources Manager.

4.8 Cellular Communication Device Procedures

**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

- A. Requests for new cellular lines of service should be submitted during the budget process using the Telecommunications Budget Request Form. Each request will be reviewed and if additional information is required during this process the department will be asked to fill out the Cellular Telephone Request Form. The request will be either approved or denied before the end of the budget process and the requesting department will be notified as to the status of their request.
- B. When a requirement exists after the budget process, the department will request a new cellular line of service using the Cellular Telephone Request Form. This 2-page form must be completed and approved by the department Director. The forms will then be forwarded to the Telecommunications Division for informational comments and pricing. The Telecommunications Manager and the IT Director or designee, will review and approve/deny the request. Requests for multiple phones will be reviewed on an individual basis with the possibility of approving/denying all or part of the request. At any time, the Telecommunications Manager and the IT Director can and will bring requests to the CAA or Executive Director for review and guidance. The requesting department is responsible for the purchase and use of the cellular telephone and cellular accessories.
- C. Requests for smart phones, in addition to following the Cellular Telephone Request procedure, will also require that a "Smart Phone Request Form" be submitted. The City supports the use of smart phone devices for certain employees when there is a compelling City business interest to do so such as:
 - a. Immediacy of access to systems such as e-mail and meetings calendar is of significant value to the City.
 - b. Essential work assignments are often out of the office and/or outside normal business hours. Smart phone capabilities are needed to allow employee immediate and timely conduct of business.
 - c. Emergency Operations Center (EOC) procedures require that the employee be able to respond to e-mail outside of normal business hours.
- D. The IT Department will maintain an inventory that will be sent to each department annually for review. It is the responsibility of each department to notify the IT Department when a telephone is reassigned from one employee to another.
- E. IT Department will arrange and provide training in cellular telephone usage.
- F. The Telecommunications Division of the IT Department will pay for all cellular service relating to City business and charge each department on a yearly basis for their cellular costs through the "Interfund Matrix". The cellular costs will be based on actual prior year usage with a determined

ELECTRONIC COMMUNICATIONS & TECHNOLOGY RESOURCES

percentage increase based on the current market rate of service. If during a budget year, the department exceeds their allotted cellular budget, they will be requested to provide funding for the remainder of the year. Quarterly reports will be sent to each department, with additional reports to departments that show signs of exceeding their cellular budget.

- G. Cellular telephone service is based on the Washington State Contract or an appropriate government usage based rate plan with a cellular service vendor.

Employees are discouraged from making personal calls on their City issued cellular telephones. All personal calls on City issued cellular telephones are the responsibility of the employee to whom the phone is issued. All personal cellular telephone calls, as shown on billings for calls made on or after that date, regardless of the rate plan, shall be billed and reimbursed on a “per minute” basis in a predetermined amount plus the actual long distance and roaming charges. Reimbursement rates can be obtained through the Telecommunications Division of the Information Technology Department.

- H. Telecommunications will receive the City’s monthly cellular phone bills and stamp each one with a “certification” stamp. The bills will be separated by department and distributed with a cellular summary sheet summarizing the department’s monthly activity. The cellular summary sheet and bills will be sent to the department’s designated division representative.

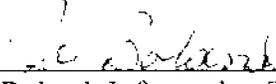
- a. Cellular telephone assigned to an employee – The department representative is responsible for distributing the cellular phone bills to the employees. The employees must review the detail billings, highlight any personal phone calls, include a personal check or money order for the amount of the personal calls, sign the billing as acknowledgement of review, and return the certified billing to the department representative within thirty (30) days. The signed billing must be returned to the department representative whether or not there are personal calls. The department representative must also acknowledge with a signature on the cellular summary sheet that all billings have been reviewed and signed by the users. The department Director must also sign the cellular summary sheet.
- b. Cellular telephones assigned to a group of employees – since personal phone calls are strongly discouraged, only the department Director’s or designee’s signature would be necessary on a group cellular phone bill. The department Director or designee must review the detail billings and identify any unusual phone calls. Unusual phone calls could include large dollar amounts, out of state calls, high minutes, etc.

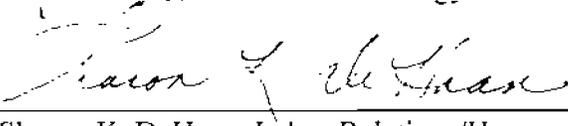
**ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES**

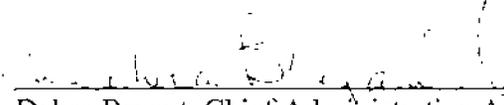
It is up to the department Director or designee, based on his/her knowledge of normal business for that particular group phone, to have other users review the bill as necessary or just sign the billings themselves. The certified billing must be returned to the division representative. The division representative must acknowledge with a signature on the cellular summary sheet that all billings have been reviewed and signed by the users. The department Director must also sign the cellular summary sheet.

- c. The division representative is responsible for sorting the returned certified cellular phone bills and placing the bills with personal calls directly under the cellular summary sheet followed by those bills with no personal activity. The division representative forwards the department's signed cellular summary sheet, the certified cellular phone bills, and the employee's payments made out to the "City of Everett" in the amount of the personal charges to the Telecommunications Division of the IT Department.
- d. Telecommunications will review each department's packet to ensure the division representative and the Department Director has signed the cellular summary sheet. The individual telephone bills are certified, and the checks total the personal phone calls identified.
- e. Telecommunications will prepare the deposit for the Treasurer's Office by totaling all of the checks by department and listing the amount being reimbursed to the City on the cellular bill deposit sheet. This deposit sheet and the checks will be brought to the Treasurer's Office and deposited.
- f. Telecommunications is also responsible for delivering a copy of the cellular bill deposit sheet, the cellular summary sheets, and the cellular telephone bills to the City Clerk's Office of the Finance Department. The records will be filed and maintained for review in the City Clerk's Office. A copy of the deposit sheet and the cellular summary sheets will also be filed with the City of Everett Auditor and the Telecommunications Manager.

ELECTRONIC COMMUNICATIONS
& TECHNOLOGY RESOURCES

Issued By: 
Joe Boland, Information Technology Director

Approved By: 
Sharon K. DeHaan, Labor Relations/Human Resources Director

Approved By: 
Debra Bryant, Chief Administrative Assistant – CFO

Approved By: 
Ray Stephanson, Mayor

ALLIED LAW GROUP LLC

February 14, 2014 - 9:37 AM

Transmittal Letter

Document Uploaded: 448521-Appendix A-1 to A-6.pdf

Case Name: Nissen v. Pierce County et al.

Court of Appeals Case Number: 44852-1

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

Brief: ____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: Appendix A-1 to A-6 to Amicus Answer

Comments:

Oral argument 2/25/14

Sender Name: Michel Earl-hubbard - Email: michele@alliedlawgroup.com

A copy of this document has been emailed to the following addresses:
info@alliedlawgroup.com

Appendix B

Clerks Papers from Nissen v. Pierce County,
Division Two Case No. 45039-9-II

1
2
3 Requests for Production.

4 1.5 Attached hereto as Exhibit 3 is a true and correct copy of the Defendant
5
6 Pierce County's "Answers and Responses" to Det. Nissen's Interrogatories and
7
8 Requests for Production.

9 1.6 Attached hereto as Exhibit 4 is a true and correct copy of the Sheriff's
10
11 Department's Disclosure of Ed Troyer's Personal Phone Records.

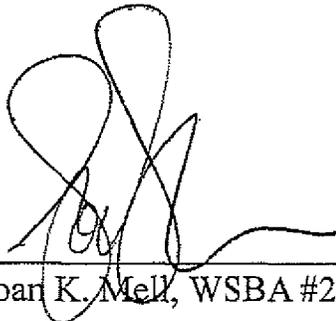
12 1.7 Attached hereto as Exhibit 5 is a true and correct copy of the Public Records
13
14 Request of Mary Robnett through attorney Clay Selby.

15 1.8 Attached hereto as Exhibit 6 is a true and correct copy of Det. Nissen's
16
17 Agreement with the Sheriff's Department regarding her personal phone records
18
19 and related email communications.

20 1.9 Attached hereto as Exhibit 7 is a true and correct copy of the City of
21
22 Everett's policy regarding text messaging.

23 The above information is true and correct to the best of my ability.

24 DATED this 28th day of March 2013, at Fircrest, Washington.

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32
33
34

Joan K. Mell, WSBA #21319

III BRANCHES LAW, PLLC
Joan K. Mell
1033 Regents Blvd. Ste. 101
Fircrest, WA 98466
joan@3brancheslaw.com
253-50-000000757
281-604-4043 IX

III
Branches
law office
A Professional Limited Liability Co.

By FAX: 253-798-6712

August 3, 2011

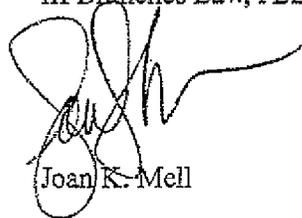
Brent Bomkamp
Public Disclosure Officer
Pierce County Sheriff's Department
County-City Building
910 Tacoma Ave S.
Tacoma, WA 98402

Re: Request for Public Records
Ed Troyer's Cell Phone Records

Dear Mr. Bomkamp:

Please produce any and all of Ed Troyer's cellular telephone records for number 253-377-9055 or any other cellular telephone he uses to conduct his business including text messages from August 2, 2011. Also include Ed Troyer's incoming and outgoing e-mails for that same time period. Thank you for your attention to this matter.

Very truly yours,
III Branches Law, PLLC



Joan K. Mell

Joan K. Mell
Lawyer

1033 Regents Blvd. Ste. 101
Fircrest, Washington 98466
253.566.2510 ph.
281.664.4643 fx.
joan@3brancheslaw.com

0-000000833



Pierce County

Sheriff of Pierce County

930 Tacoma Avenue South
Tacoma, Washington 98402

ENTERED

COPY RECEIVED

AUG 09 2011

Branch, PLLC

8 August 2011

Ms. Joan Mell
Attorney at Law
Suite 101
1033 Regents Blvd.
Fircrest, WA. 98466

RE: Request for records

Dear Ms. Mell:

Thank you for your letter of August 3, 2011 in which you seek Ed Troyer's cell phone records for August 2, 2011. Please be advised that this Department does not currently have that record. Those records are provided on a billing cycle by the phone service provider. Once those records are made available by the service provider the record may be made available to you. I have ordered a copy of any email communication. Please anticipate that it could take up to fourteen (14) days to provide that record. If the record is sooner available it will be sooner provided.

Yours very truly,

A handwritten signature in black ink, appearing to read "Craig Adams".

Craig Adams
Deputy Prosecuting Attorney and
Legal Advisor to the Sheriff

0-000000834





Pierce County

Sheriff of Pierce County

930 Tacoma Avenue South
Tacoma, Washington 98402

30 August 2011

Ms. Joan Mell
Attorney at Law
Suite 101
1033 Regents Blvd.
Fircrest, WA. 98466

0000000835

SEP 02 2011

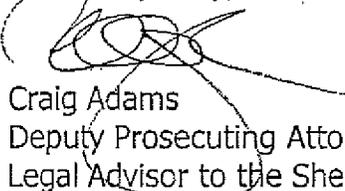
91 Street 101, LLC

RE: Request for records

Dear Ms. Mell:

On August 3, 2011 you sought, by letter, a copy of Detective Ed Troyer's email and cell phone records for August 2, 2011. I enclose a CD which contains all of Detective Troyer's emails for that date. The cost of the disc is twenty dollars (\$20.00). In addition I enclose a copy of his cell phone records for phone number 253-377-9055. I have deleted the calls made on August 1, 2011. Because the cost of this single page is less than one dollar there is no charge. There may or may not be calls made from another phone used by Detective Troyer. However, those records are not currently available to me. I have made a request to the service carrier and am in the process of having them search in order to provide that record. Once received, I will be in a better position to determine what record, if any, may be disclosed. Please anticipate that it may take another thirty (30) days to make that determination. But, if the records are sooner made available you will be sooner notified. Please remit payment in the sum of twenty dollars, made payable to Pierce County, and I will see that it is promptly posted.

Yours very truly,


Craig Adams
Deputy Prosecuting Attorney and
Legal Advisor to the Sheriff

0-000000835



JR SPRINT INVOICE

253-377-9055, ED TROYER conl.

SUBSCRIBER ACTIVITY DETAIL

Cellular Services Call Detail

No.	Date	Time	Call To	Number	Footnote (See pg. 2)	Min/Sec	Usage	Long Dist./ Other	Total Charges
410	08/02	07:58A	Incoming	253-365-5157	PP/AU	4:06	0.00	0.00	0.00
411	08/02	08:54A	Incoming	206-718-9624	PP/AU	1:00	0.00	0.00	0.00
412	08/02	10:10A	Incoming	206-728-7777	PP/AU	2:00	0.00	0.00	0.00
413	08/02	10:34A	TACOMA, WA	253-471-4990	PP/AU	1:00	0.00	0.00	0.00
414	08/02	01:25P	TACOMA, WA	253-597-8698	PP/AU	3:00	0.00	0.00	0.00
415	08/02	01:28P	TACOMA, WA	253-977-3584	PP/AU	2:00	0.00	0.00	0.00
416	08/02	02:26P	Incoming	253-597-8742	PP/AU	1:00	0.00	0.00	0.00
417	08/02	07:10P	TACOMA, WA	253-471-4990	PP/AU	2:00	0.00	0.00	0.00
418	08/02	07:10P	TACOMA, WA	253-698-5448	PP/AU	2:30	0.00	0.00	0.00
419	08/02	10:03P	TACOMA, WA	253-427-0887	PP/AU	2:00	0.00	0.00	0.00
420	08/02	11:44P	TACOMA, WA	253-471-4990	PP/AU	2:00	0.00	0.00	0.00
421	08/02	11:48P	SEATTLE, WA	206-404-4145	PP/AU	2:00	0.00	0.00	0.00
422	08/02	11:49P	SEATTLE, WA	206-448-3850	PP/AU	1:00	0.00	0.00	0.00
423	08/02	11:50P	SEATTLE, WA	206-728-8307	PP/AU	2:00	0.00	0.00	0.00
Total Cellular Services Charges						927:00	\$0.00	\$0.00	\$0.00

*Long Distance/Other column includes any Long Distance, Directory Assistance (411), and Out of Area charges.
*Total includes used may not be the same across all invoice sections due to the presence of non-chargable calls.

Account/DAC Number 978722311-0138985743
 Billing Period 07/03/11-08/02/11 Page 151 of 646
 Invoice Date August 06, 2011 Invoice Number 978722311-117
 Account Name PIERCE COUNTY SHERIFF DPT
 Address PIERCE COUNTY SHERIFF DPT

NEXTEL
 000000836

Your Rate Plans

The following reports are compiled as a courtesy to help you analyze usage trends and manage your subscription.

Plan

Calling Line ID Restriction	Service
Mexico Cross Border Int'l LD	International Long Distance
International Calling Limited	Limited International Calling
NexTel Worldwide	International Roaming Minutes
Unltd BlackBerry Email & Web	BlackBerry Email
	Shared Short Messages
	Private IP Address
	Packet Data Usage
	Split Data Services
	PDS Application
	Nationwide Direct Connect
	PDS Application
	MMS Usage
	Enhanced Text Msg
	SMS Text Messages
	International Direct Connect
	Call Detail
	Caller ID
	Talkback(S/M)
	Direct Connect on Nextel
	Domestic LD Rate \$0
	Direct Connect Cross Fleet
	Anytime Minutes
	Nationwide Direct Connect
	Cellular Minutes

Nextel Pre IDEN with PTT

Unltd Messages

Unltd Intl Direct Connect
 Business Essentials 4000 9pm

Subscriber Usage Summary

Pooled Services Plan - Business Essentials 4000 9pm

Usage ID	Usage Type	Included	Used	Eligible
CSZ7	Anytime Minutes	4,000	759	0
	Direct Connect on Nextel	Unlimited	32:50	0
PSF1	Text	200	0	0
	Enhanced Text Messages	Unlimited	29	0
	Two Way Messages	Unlimited	0	0
	Night & Weekend	Unlimited	188	0
	Multimedia Messages	Unlimited	0	0
	Packet Data	Unlimited	9,474	0

Total Additional Charges
 To view total charges and usage, please go to the Account Level Usage Summary. To view your phone additional charges, please go to the Subscriber Activity Summary for this phone.
 Dates next to a Usage Type indicates a price plan change.

From: Joan Mell <joan@3brancheslaw.com>
Subject: Re: Troyer Cell Phone Records
Date: October 11, 2011 4:11:42 PM PDT
To: Craig Adams <cadams@co.pierce.wa.us>

Thank you.

On Oct 11, 2011, at 4:02 PM, Craig Adams wrote:

He is working on them and I am hopeful within a week to ten days.

From: Joan Mell [mailto:joan@3brancheslaw.com]
Sent: Tuesday, October 11, 2011 16:02
To: Craig Adams
Subject: Troyer Cell Phone Records

Can you please give me a status update on Troyer's cell phone records?

Thank you.

Joan K. Mell
III BRANCHES LAW, PLLC
1033 Regents Blvd. Ste. 101
Fircrest, WA 98466
253-566-2510 ph
281-664-4643 fx
joan@3brancheslaw.com

Joan K. Mell
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joan@3brancheslaw.com

0-000000837



Pierce County

Sheriff of Pierce County

930 Tacoma Avenue South
Tacoma, Washington 98402

ENTERED

20 October 2011

2011 OCT 20 10:00 AM

OCT 20 2011

36 Pierce County, Wash.

Ms. Joan Mell
Attorney at Law
Suite 101
1033 Regents Blvd.
Fircrest, WA. 98466

RE: Records request

Dear Ms. Mell:

You had previously sought certain phone records from Sheriff's Detective Ed Troyer. It has taken some doing but we were able to locate those records through the service provider. There are thirteen (13) pages in this production. At .15/page the total due and owing is One dollar and ninety five cents (\$1.95). Please remit that sum, made payable to Pierce County, and I will see that it is promptly posted.

There are redactions made to this list. Redactions are in accord with RCW 42.56.250 as being the personal wireless phone numbers of employees and volunteers of public agencies and, in some cases, the residential home phone numbers of other employees and volunteers. I have however provided those numbers when public business was potentially being discussed. If you want a full exemption log for this please let me know, otherwise I will assume that this will suffice.

Yours very truly,

Craig Adams
Deputy Prosecuting Attorney and
Legal Advisor to the Sheriff

0-000000838



CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	REPOLL_#
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 0:01:18	8/2/11 0:01:18	0	525
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 0:18:37	8/2/11 0:18:44	7	166
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 0:19:32	8/2/11 0:26:39	427	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 0:25:55	8/2/11 0:25:55	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 0:27:23	8/2/11 0:27:23	0	523
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 0:42:50	8/2/11 0:42:50	0	514
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 0:49:07	8/2/11 0:49:07	0	527
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 0:49:08	8/2/11 0:49:08	0	527
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 0:49:43	8/2/11 0:49:43	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 1:07:58	8/2/11 1:07:58	0	533
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 1:08:38	8/2/11 1:08:38	0	295
(253) 330-3400	(360) [REDACTED]		Outbound	8/2/11 1:09:46	8/2/11 1:09:46	0	523
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 1:10:02	8/2/11 1:10:02	0	514
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 1:11:11	8/2/11 1:11:11	0	517
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 1:12:35	8/2/11 1:12:35	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 1:21:05	8/2/11 1:21:05	0	518
[REDACTED]	(253) 330-3400		Inbound	8/2/11 1:41:37	8/2/11 1:41:37	0	519
[REDACTED]	(253) 330-3400		Inbound	8/2/11 1:42:23	8/2/11 1:42:23	0	517
[REDACTED]	(253) 330-3400		Outbound	8/2/11 2:12:28	8/2/11 2:12:28	0	516
(253) 330-3400	(253) [REDACTED]		Inbound	8/2/11 2:16:51	8/2/11 2:16:51	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 2:30:55	8/2/11 2:30:55	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 2:30:59	8/2/11 2:30:59	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 2:50:14	8/2/11 2:50:14	0	520
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 2:52:12	8/2/11 2:52:12	0	521
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 3:00:27	8/2/11 3:00:27	0	298
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 3:01:10	8/2/11 3:01:10	0	532
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 3:42:33	8/2/11 3:42:33	0	532
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 3:50:58	8/2/11 3:50:58	0	528
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 3:52:13	8/2/11 3:52:13	0	518
(53) 330-3400	(253) [REDACTED]		Outbound	8/2/11 3:53:21	8/2/11 3:53:21	0	529
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 3:54:51	8/2/11 3:54:51	0	522

0-000000839

QINT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	RECALL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 3:54:51	8/2/11 3:54:51	0	526
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 9:12:12	8/2/11 9:12:12	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 10:03:38	8/2/11 10:03:38	0	522
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 10:06:04	8/2/11 10:06:04	0	524
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 10:07:06	8/2/11 10:07:06	0	528
(253) [REDACTED]	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 10:41:32	8/2/11 10:43:55	143	166
(253) [REDACTED]	([REDACTED]) 000-0016	(253) 330-3400	Routed_Call	8/2/11 10:44:53	8/2/11 10:45:30	37	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 10:52:02	8/2/11 10:52:02	0	525
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 11:10:33	8/2/11 11:15:48	315	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 11:32:43	8/2/11 11:32:43	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 11:42:52	8/2/11 11:42:52	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 11:42:53	8/2/11 11:42:53	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 11:42:54	8/2/11 11:42:54	0	296
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 11:46:21	8/2/11 11:46:45	24	166
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 11:58:27	8/2/11 11:58:29	2	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:11:41	8/2/11 12:11:41	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:12:32	8/2/11 12:12:32	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:13:08	8/2/11 12:13:08	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:13:21	8/2/11 12:13:21	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:13:44	8/2/11 12:13:44	0	533
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:13:54	8/2/11 12:13:54	0	519
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:14:13	8/2/11 12:14:13	0	520
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:14:42	8/2/11 12:14:42	0	296
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:15:14	8/2/11 12:15:14	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:15:42	8/2/11 12:15:42	0	518
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:16:47	8/2/11 12:16:47	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:18:53	8/2/11 12:18:53	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:18:56	8/2/11 12:18:56	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:21:24	8/2/11 12:21:24	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:21:35	8/2/11 12:21:35	0	532
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 12:22:01	8/2/11 12:22:01	0	296

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CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:22:26	8/2/11 12:22:26	0	295
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:22:29	8/2/11 12:22:29	0	524
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:22:53	8/2/11 12:22:53	0	515
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:23:08	8/2/11 12:23:08	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:23:32	8/2/11 12:23:32	0	516
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:24:30	8/2/11 12:24:30	0	515
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:24:59	8/2/11 12:24:59	0	298
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:27:00	8/2/11 12:27:00	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:27:28	8/2/11 12:27:28	0	529
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:36:28	8/2/11 12:36:28	0	529
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:37:26	8/2/11 12:37:26	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:38:13	8/2/11 12:38:13	0	524
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:40:42	8/2/11 12:40:42	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:43:03	8/2/11 12:43:03	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:44:03	8/2/11 12:44:03	0	516
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:44:34	8/2/11 12:44:34	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:44:48	8/2/11 12:44:48	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:44:57	8/2/11 12:44:57	0	298
(253) 330-3400	[REDACTED]		Outbound	8/2/11 12:45:09	8/2/11 12:45:09	0	526
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:45:17	8/2/11 12:45:17	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:45:33	8/2/11 12:45:33	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:45:45	8/2/11 12:45:45	0	522
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:46:05	8/2/11 12:46:05	0	522
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:46:41	8/2/11 12:46:41	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:46:50	8/2/11 12:46:50	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:46:51	8/2/11 12:46:51	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:02	8/2/11 12:47:02	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:12	8/2/11 12:47:12	0	516
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:23	8/2/11 12:47:23	0	517
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:32	8/2/11 12:47:32	0	528
(53) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:42	8/2/11 12:47:42	0	295

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CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	REPOIL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:46	8/2/11 12:47:46	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:47:58	8/2/11 12:47:58	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:48:08	8/2/11 12:48:08	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:48:25	8/2/11 12:48:25	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:48:44	8/2/11 12:48:44	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:48:56	8/2/11 12:48:56	0	524
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:07	8/2/11 12:49:07	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:17	8/2/11 12:49:17	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:26	8/2/11 12:49:26	0	517
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:36	8/2/11 12:49:36	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:46	8/2/11 12:49:46	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:46	8/2/11 12:49:46	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:47	8/2/11 12:49:47	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:57	8/2/11 12:49:57	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:49:57	8/2/11 12:49:57	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:50:08	8/2/11 12:50:08	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:51:18	8/2/11 12:51:18	0	524
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:51:19	8/2/11 12:51:19	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:51:40	8/2/11 12:51:40	0	527
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 12:55:11	8/2/11 12:55:14	3	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 12:57:40	8/2/11 12:57:40	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:04:08	8/2/11 13:04:08	0	527
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 13:09:57	8/2/11 13:14:27	270	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 13:16:37	8/2/11 13:16:37	0	297
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:20:46	8/2/11 13:20:46	0	516
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:37:48	8/2/11 13:37:48	0	522
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:37:49	8/2/11 13:37:49	0	522
(253) [REDACTED]	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 13:42:25	8/2/11 13:42:53	28	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 13:43:46	8/2/11 13:43:46	0	526
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 13:44:43	8/2/11 13:45:15	32	166
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 13:45:59	8/2/11 13:47:38	99	166

INT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	REPOLL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:46:19	8/2/11 13:46:19	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:48:24	8/2/11 13:48:24	0	526
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:48:56	8/2/11 13:48:56	0	530
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:50:06	8/2/11 13:50:06	0	517
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:50:33	8/2/11 13:50:33	0	514
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:52:16	8/2/11 13:52:16	0	528
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:52:38	8/2/11 13:52:38	0	524
(253) 330-3400	[REDACTED]		Outbound	8/2/11 13:53:20	8/2/11 13:53:20	0	527
(253) 330-3400	[REDACTED]	(253) [REDACTED]	Outbound	8/2/11 13:54:14	8/2/11 13:54:45	31	166
(206) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:55:40	8/2/11 13:55:40	0	515
(206) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:56:12	8/2/11 13:56:12	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 13:57:47	8/2/11 13:57:47	0	515
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:00:31	8/2/11 14:00:31	0	518
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:00:47	8/2/11 14:00:47	0	520
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:01:07	8/2/11 14:01:07	0	296
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:01:41	8/2/11 14:01:41	0	525
(206) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:02:24	8/2/11 14:02:24	0	514
(253) [REDACTED]	(000-0016)	(253) 330-3400	Routed_Call	8/2/11 14:04:34	8/2/11 14:04:38	4	166
(253) 330-3400	[REDACTED]	(253) [REDACTED]	Outbound	8/2/11 14:05:44	8/2/11 14:06:13	29	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:08:20	8/2/11 14:08:20	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:11:00	8/2/11 14:11:00	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:12:34	8/2/11 14:12:34	0	530
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:16:08	8/2/11 14:16:08	0	523
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:16:26	8/2/11 14:16:26	0	529
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:16:43	8/2/11 14:16:43	0	533
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:19:09	8/2/11 14:19:09	0	526
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:22:05	8/2/11 14:22:05	0	519
(253) 330-3400	[REDACTED]	(253) [REDACTED]	Outbound	8/2/11 14:25:13	8/2/11 14:31:20	367	166
(253) 330-3400	[REDACTED]		Outbound	8/2/11 14:30:02	8/2/11 14:30:02	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:40:15	8/2/11 14:40:15	0	532
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 14:55:46	8/2/11 14:55:46	0	526

QINT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL_#
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 14:55:58	8/2/11 14:55:58	0	533
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 14:57:44	8/2/11 14:57:44	0	515
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 14:58:11	8/2/11 14:58:11	0	529
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 15:01:54	8/2/11 15:01:54	0	519
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:02:42	8/2/11 15:02:42	0	521
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:14:30	8/2/11 15:14:30	0	521
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:30:13	8/2/11 15:30:13	0	514
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 15:32:20	8/2/11 15:32:20	0	525
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 15:33:04	8/2/11 15:33:04	0	519
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:33:51	8/2/11 15:33:51	0	517
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:34:53	8/2/11 15:34:53	0	530
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 15:35:42	8/2/11 15:35:42	0	515
(253) 330-3400	(253) 330-3400		Outbound	8/2/11 15:36:17	8/2/11 15:36:17	0	529
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:36:24	8/2/11 15:36:24	0	522
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:36:45	8/2/11 15:36:45	0	522
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 15:39:13	8/2/11 15:39:13	0	518
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:40:05	8/2/11 15:40:05	0	527
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:40:31	8/2/11 15:40:31	0	528
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:41:43	8/2/11 15:41:43	0	527
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:48:47	8/2/11 15:48:47	0	522
(253) 330-3400	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 15:50:39	8/2/11 15:50:58	19	166
(253) 330-3400	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 15:51:17	8/2/11 15:51:22	5	166
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 15:51:37	8/2/11 15:51:37	0	514
(253) 330-3400	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 15:51:38	8/2/11 15:52:26	48	166
(253) 330-3400	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 15:59:41	8/2/11 16:00:34	53	166
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 16:01:43	8/2/11 16:02:43	60	166
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 16:02:44	8/2/11 16:02:44	0	527
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 16:03:09	8/2/11 16:03:09	0	295
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 16:03:14	8/2/11 16:03:14	0	295
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 16:03:19	8/2/11 16:03:19	0	514
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 16:05:10	8/2/11 16:05:10	0	296

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	RECALL_#
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 16:06:56	8/2/11 16:06:56	0	525
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 16:07:19	8/2/11 16:07:19	0	529
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 16:07:43	8/2/11 16:07:43	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:08:02	8/2/11 16:09:01	59	166
-253	(253) 330-3400		Inbound	8/2/11 16:08:45	8/2/11 16:09:44	59	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:12:07	8/2/11 16:12:07	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:17:31	8/2/11 16:17:31	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:33:18	8/2/11 16:33:18	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:33:31	8/2/11 16:33:31	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:33:40	8/2/11 16:33:40	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:34:41	8/2/11 16:34:41	0	530
-3333	(253) 330-3400		Inbound	8/2/11 16:34:42	8/2/11 16:34:42	0	524
(509) [REDACTED]	(253) 330-3400		Inbound	8/2/11 16:46:49	8/2/11 16:46:49	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:09:45	8/2/11 17:09:45	0	516
(253) [REDACTED]	(253) [REDACTED]		Outbound	8/2/11 17:12:14	8/2/11 17:12:14	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:12:14	8/2/11 17:12:14	0	532
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:14:12	8/2/11 17:14:12	0	533
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:14:18	8/2/11 17:14:18	0	519
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:15:12	8/2/11 17:15:12	0	521
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:15:31	8/2/11 17:15:31	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:18:19	8/2/11 17:18:19	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:19:57	8/2/11 17:19:57	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:20:34	8/2/11 17:20:34	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:21:07	8/2/11 17:21:07	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:32:05	8/2/11 17:32:05	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:34:33	8/2/11 17:34:33	0	520
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:35:15	8/2/11 17:35:15	0	521
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:36:02	8/2/11 17:36:02	0	521
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:36:15	8/2/11 17:36:15	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:36:37	8/2/11 17:36:37	0	297
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:36:47	8/2/11 17:36:47	0	521

0-000000845

QINT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	REPOLL_#
(253) 330-3400	(253) 330-3400		Inbound	8/2/11 17:39:31	8/2/11 17:39:31	0	521
(253) 330-3400	[REDACTED]		Outbound	8/2/11 17:41:25	8/2/11 17:41:25	0	521
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 17:42:12	8/2/11 17:42:12	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:43:02	8/2/11 17:43:02	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:45:21	8/2/11 17:45:21	0	532
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:45:25	8/2/11 17:45:25	0	529
(253) 330-3400	[REDACTED]		Outbound	8/2/11 17:47:32	8/2/11 17:47:32	0	519
(253) 330-3400	(253) 209-9392		Outbound	8/2/11 17:48:36	8/2/11 17:48:36	0	521
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:49:25	8/2/11 17:49:25	0	295
(253) 330-3400	[REDACTED]		Outbound	8/2/11 17:51:14	8/2/11 17:51:14	0	516
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:55:47	8/2/11 17:55:47	0	522
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:56:11	8/2/11 17:56:11	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:56:12	8/2/11 17:56:12	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:57:41	8/2/11 17:57:41	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:58:21	8/2/11 17:58:21	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:59:27	8/2/11 17:59:27	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:59:28	8/2/11 17:59:28	0	526
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:59:43	8/2/11 17:59:43	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 17:59:56	8/2/11 17:59:56	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:00:38	8/2/11 18:00:38	0	526
(253) 330-3400	(253) 861-9046		Outbound	8/2/11 18:04:07	8/2/11 18:04:07	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:06:42	8/2/11 18:06:42	0	515
(253) 330-3400	[REDACTED]		Outbound	8/2/11 18:15:43	8/2/11 18:15:43	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:16:09	8/2/11 18:16:09	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:16:15	8/2/11 18:16:15	0	523
(253) 330-3400	[REDACTED]		Outbound	8/2/11 18:17:47	8/2/11 18:17:47	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:18:11	8/2/11 18:18:11	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:18:45	8/2/11 18:18:45	0	296
(253) 330-3400	[REDACTED]		Outbound	8/2/11 18:19:35	8/2/11 18:19:35	0	297
(253) [REDACTED]	(253) [REDACTED]		Outbound	8/2/11 18:19:54	8/2/11 18:19:54	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:23:06	8/2/11 18:23:06	0	520

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION(SEC)	REPOLL_#
(253) 330-3400	(360) [REDACTED]		Outbound	8/2/11 18:23:55	8/2/11 18:23:55	0	529
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:26:00	8/2/11 18:26:00	0	519
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:26:55	8/2/11 18:26:55	0	517
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:27:31	8/2/11 18:27:31	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:27:43	8/2/11 18:27:43	0	296
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:29:12	8/2/11 18:29:12	0	296
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:29:56	8/2/11 18:29:56	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:31:50	8/2/11 18:31:50	0	297
(206) [REDACTED]	(6245000) 000-0016	(253) 330-3400	Routed_Call	8/2/11 18:32:04	8/2/11 18:32:06	2	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:34:56	8/2/11 18:34:56	0	521
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:39:15	8/2/11 18:39:15	0	530
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:44:00	8/2/11 18:44:00	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:45:42	8/2/11 18:45:42	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:46:46	8/2/11 18:46:46	0	521
(253) [REDACTED]	(253) [REDACTED]		Outbound	8/2/11 18:49:33	8/2/11 18:49:38	5	166
(253) 330-3400	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 18:51:54	8/2/11 18:51:54	0	518
(253) [REDACTED]	(253) [REDACTED]		Outbound	8/2/11 18:54:10	8/2/11 18:54:10	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:54:49	8/2/11 18:54:49	0	297
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:56:49	8/2/11 18:56:49	0	532
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:56:52	8/2/11 18:56:52	0	519
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 18:57:30	8/2/11 18:57:30	0	525
(253) [REDACTED]	(253) [REDACTED]		Inbound	8/2/11 18:57:36	8/2/11 18:57:36	0	532
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:57:50	8/2/11 18:57:50	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:57:53	8/2/11 18:57:53	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:58:20	8/2/11 18:58:20	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 18:58:24	8/2/11 18:58:24	0	517
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:00:47	8/2/11 19:00:47	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:00:50	8/2/11 19:00:50	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:03:18	8/2/11 19:03:18	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:03:42	8/2/11 19:03:42	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:09:56	8/2/11 19:09:56	0	515

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:14:24	8/2/11 19:14:24	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:14:33	8/2/11 19:14:33	0	518
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:15:08	8/2/11 19:15:08	0	517
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:16:36	8/2/11 19:16:36	0	514
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:17:00	8/2/11 19:17:00	0	519
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:17:24	8/2/11 19:17:24	0	524
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:17:36	8/2/11 19:17:36	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:17:45	8/2/11 19:17:45	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:18:19	8/2/11 19:18:19	0	514
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:18:31	8/2/11 19:18:31	0	526
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:18:43	8/2/11 19:18:43	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:18:45	8/2/11 19:18:45	0	529
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:19:24	8/2/11 19:19:24	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:19:24	8/2/11 19:19:24	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:19:57	8/2/11 19:19:57	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:21:28	8/2/11 19:21:28	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:22:19	8/2/11 19:22:19	0	533
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:23:35	8/2/11 19:23:35	0	516
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:23:51	8/2/11 19:23:51	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:24:21	8/2/11 19:24:21	0	516
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:25:15	8/2/11 19:25:15	0	516
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:25:47	8/2/11 19:25:47	0	297
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:26:09	8/2/11 19:26:09	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:27:32	8/2/11 19:27:32	0	519
(360) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:30:04	8/2/11 19:30:04	0	518
(253) 330-3400	(253) 861-8611	(253) 861-8611	Outbound	8/2/11 19:33:23	8/2/11 19:35:58	155	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:35:14	8/2/11 19:35:14	0	531
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:38:48	8/2/11 19:38:48	0	524
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:40:07	8/2/11 19:40:07	0	521
(253) 330-3400	[REDACTED]		Outbound	8/2/11 19:56:44	8/2/11 19:56:44	0	528
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:57:56	8/2/11 19:57:56	0	519

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	RECALL #
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 19:58:26	8/2/11 19:58:26	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 19:59:35	8/2/11 19:59:35	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:01:43	8/2/11 20:01:43	0	518
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:13:19	8/2/11 20:13:19	0	524
(253) [REDACTED]	(253) 00-0016	(253) 330-3400	Routed_Call	8/2/11 20:14:09	8/2/11 20:14:12	3	166
(253) [REDACTED]	(253) 00-0016	(253) 330-3400	Routed_Call	8/2/11 20:16:43	8/2/11 20:16:46	3	166
(253) [REDACTED]	(253) 00-0016	(253) 330-3400	Routed_Call	8/2/11 20:28:49	8/2/11 20:28:52	3	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:33:49	8/2/11 20:33:49	0	519
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:37:39	8/2/11 20:40:13	154	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:39:08	8/2/11 20:39:08	0	297
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:46:01	8/2/11 20:46:01	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:47:28	8/2/11 20:47:28	0	529
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:48:26	8/2/11 20:48:26	0	528
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:48:53	8/2/11 20:48:53	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:49:52	8/2/11 20:49:52	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:49:59	8/2/11 20:49:59	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:50:41	8/2/11 20:50:41	0	530
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:50:43	8/2/11 20:50:43	0	522
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:51:27	8/2/11 20:51:27	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:54:10	8/2/11 20:54:10	0	514
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 20:54:46	8/2/11 20:54:46	0	532
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 20:58:34	8/2/11 20:58:34	0	525
(253) 861-8611	(6245000) 000-0016	(253) 330-3400	Routed_Call	8/2/11 21:01:00	8/2/11 21:01:05	5	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:01:21	8/2/11 21:01:21	0	524
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:06:23	8/2/11 21:06:23	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:08:12	8/2/11 21:08:12	0	530
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:16:04	8/2/11 21:16:04	0	529
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:16:55	8/2/11 21:16:55	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:17:25	8/2/11 21:17:25	0	297
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:33:03	8/2/11 21:33:03	0	296
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:33:21	8/2/11 21:33:58	37	166

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL_#
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:33:43	8/2/11 21:33:43	0	527
(253) [REDACTED]	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 21:34:06	8/2/11 21:52:16	1090	166
(253) 330-3400	[REDACTED]		Outbound	8/2/11 21:40:00	8/2/11 21:40:00	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:40:30	8/2/11 21:40:30	0	297
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:40:57	8/2/11 21:40:57	0	297
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:42:03	8/2/11 21:42:03	0	529
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:46:01	8/2/11 21:46:01	0	525
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 21:51:59	8/2/11 21:51:59	0	530
(253) 330-3400	(253) 861-8611	(253) 861-8611	Outbound	8/2/11 21:52:28	8/2/11 21:53:50	82	166
(253) 330-3400	(253) [REDACTED]	(253) [REDACTED]	Outbound	8/2/11 21:54:13	8/2/11 21:54:32	19	166
(253) 861-8611	(6245000) 000-0016	(253) 330-3400	Routed_Call	8/2/11 21:54:24	8/2/11 21:54:29	5	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:56:12	8/2/11 21:56:12	0	524
(253) 861-8611	(253) 330-3400	(253) 330-3400	Inbound	8/2/11 21:56:24	8/2/11 21:56:45	21	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 21:56:27	8/2/11 21:56:27	0	529
(253) 330-3400	(253) 861-8611	(253) 861-8611	Outbound	8/2/11 21:57:47	8/2/11 22:03:35	348	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:01:56	8/2/11 22:01:56	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:04:04	8/2/11 22:04:04	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:05:54	8/2/11 22:05:54	0	531
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:07:03	8/2/11 22:07:03	0	523
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:10:46	8/2/11 22:10:46	0	296
(253) 861-8611	(6245000) 000-0016	(253) 330-3400	Routed_Call	8/2/11 22:10:58	8/2/11 22:11:01	3	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 22:12:32	8/2/11 22:12:32	0	297
(509) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:14:07	8/2/11 22:14:07	0	525
(253) 861-8611	(6245000) 000-0016	(253) 330-3400	Routed_Call	8/2/11 22:14:27	8/2/11 22:14:31	4	166
(253) 330-3400	(253) 861-8611	(253) 861-8611	Outbound	8/2/11 22:21:31	8/2/11 22:27:22	351	166
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 22:22:47	8/2/11 22:22:47	0	297
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:23:03	8/2/11 22:23:03	0	532
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:23:39	8/2/11 22:23:39	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:26:09	8/2/11 22:26:09	0	296
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 22:27:25	8/2/11 22:27:25	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:30:39	8/2/11 22:30:39	0	519

0-000000850

QINT NEXTEL CORPORATION
MA Network

CALLING_NBR	CALLED_NBR	DIALED_DIGITS	M_R_#	START_DATE	END_DATE	DURATION (SEC)	REPOLL_#
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 22:33:01	8/2/11 22:33:01	0	519
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:36:01	8/2/11 22:36:01	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:36:08	8/2/11 22:36:08	0	295
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 22:36:38	8/2/11 22:36:38	0	515
(253) 330-3400	(253) [REDACTED]		Outbound	8/2/11 22:37:17	8/2/11 22:37:17	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:46:11	8/2/11 22:46:11	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 22:46:16	8/2/11 22:46:16	0	517
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 22:54:04	8/2/11 22:54:12	8	166
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 22:55:06	8/2/11 22:55:11	5	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/2/11 23:09:15	8/2/11 23:09:15	0	533
(206) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 23:21:43	8/2/11 23:21:50	7	166
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/2/11 23:29:46	8/2/11 23:29:51	5	166
(253) 330-3400	(206) [REDACTED]	(206) [REDACTED]	Outbound	8/3/11 0:07:01	8/3/11 0:07:36	35	166
(253) 330-3400	(206) [REDACTED]	(206) [REDACTED]	Outbound	8/3/11 0:11:47	8/3/11 0:30:47	1140	166
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 0:29:56	8/3/11 0:29:56	0	527
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 0:30:00	8/3/11 0:30:00	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/3/11 0:48:45	8/3/11 0:48:45	0	520
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 0:53:48	8/3/11 0:53:48	0	526
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 0:53:51	8/3/11 0:53:51	0	526
(206) [REDACTED]	(253) 330-3400		Inbound	8/3/11 0:58:56	8/3/11 0:58:56	0	526
(253) 330-3400	(253) [REDACTED]		Outbound	8/3/11 1:11:38	8/3/11 1:11:38	0	515
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 1:15:31	8/3/11 1:15:31	0	527
(253) 330-3400	(253) [REDACTED]		Outbound	8/3/11 1:16:37	8/3/11 1:16:37	0	295
(253) [REDACTED]	(253) 330-3400		Inbound	8/3/11 1:17:29	8/3/11 1:17:29	0	521
(206) [REDACTED]	(253) 330-3400		Inbound	8/3/11 1:22:06	8/3/11 1:22:06	0	521
(253) 330-3400	(206) [REDACTED]		Outbound	8/3/11 1:27:23	8/3/11 1:27:23	0	523
(206) [REDACTED]	(253) 330-3400		Inbound	8/3/11 1:30:34	8/3/11 1:30:34	0	525
(253) 330-3400	(206) [REDACTED]		Outbound	8/3/11 2:08:09	8/3/11 2:08:09	0	524
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/3/11 8:02:00	8/3/11 8:02:21	21	166
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/3/11 9:25:43	8/3/11 9:25:45	2	166
(253) [REDACTED]	(253) 000-0016	(253) 330-3400	Routed_Call	8/3/11 9:36:12	8/3/11 9:36:18	6	166

Exhibit 5

0-000000852

EISENHOWER

EISENHOWER & CARLSON, PLLC

1200 Wells Fargo Plaza
1201 Pacific Avenue
Tacoma, WA 98402

Tel: 253.572.4500
Fax: 253.272.5732

A Pacific Northwest Law Firm
www.eisenhowerlaw.com

L. CLAY SELBY
Direct Dial: (253)620-2528
cselby@eisenhowerlaw.com

November 7, 2011

Via Certified Mail

Brent Bomkamp, Public Records Officer
Pierce County Sheriff's Department
930 Tacoma Ave. S., 1st Floor
Tacoma, WA 98402

Re: *Public Disclosure Request, RCW 42.56*

Dear Mr. Bomkamp:

This firm represents Mary Robnett with regard to potential civil claims against *Glenda Nissen*. This letter represents our second Public Disclosure Records Request pursuant to the provisions of RCW 42.56.

On August 1, 2011, we received 527 pages in answer to our original Public Disclosure Request dated June 23, 2011. We hereby request the Pierce County Sheriff's Department produce the following documents:

- ✓ (1) Any and all records of correspondence and/or communication, including, but not limited to, email, between Todd Karr and Glenda Nissen, including records in which one or more other persons are addressed or copied, for the period of June 7, 2010 to present;
- ✓ (2) Any and all records of correspondence and/or communication, including, but not limited to, email, between Todd Karr and Tim Kobel, including records in which one or more other persons are addressed or copied, for the period of June 7, 2010 to present;
- ✓ (3) Any and all records of correspondence and/or communication, including, but not limited to, email, between Denny Wood and Glenda Nissen, including records in which one or more other persons are addressed or copied, for the period of October 1, 2010 to present;
- ✓ (4) Any and all records of correspondence and/or communication, including, but not limited to, email, between Todd Karr and Denny Wood, including records in which one or more other persons are addressed or copied, for the period of October 1, 2010 to present;

0-000000853

November 7, 2011

Page 2

✓ (5) Any and all records of correspondence and/or communication, including, but not limited to, email, related in any way to Glenda Nissen's restriction from the Pierce County Prosecuting Attorney's Office;

DATE

✓ (6) Any and all records of correspondence and/or communication, including, but not limited to, email, documents, files, or other records related in any way to allegations and/or suspicion of Glenda Nissen's violation and/or misconduct including violation of communication policy, code of ethics, misuse of county property and/or equipment, her criticism of public officials, her criticism of the criminal justice system, her conduct or role as a county employee, her performance including courtesy and any other allegation and/or suspicion of her misconduct or violation of a code, policy or law;

Phone

(7) Any and all records of Glenda Nissen's business telephone(s) for the period of June 1, 2010 to present. This request is meant to include, but is not limited to, records of telephone calls and text messages;

(8) Any and all records of Glenda Nissen's business and/or work related telephone calls and text messages made on/from her personal telephone(s) for the period June 1, 2010 to present;

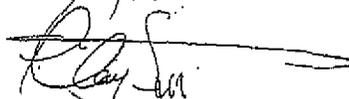
✓ (9) Any and all records of Glenda Nissen's email correspondence, both messages sent and received, for the period of October 1, 2011 through October 20, 2011; and

✓ (10) Any and all email correspondence sent or received by any PCSD employee or agent which references or otherwise discusses Mary Robnett for the period of June 1, 2010 through October 31, 2011.

Please call me at your convenience to discuss the scope of these requests. I request the opportunity to review responsive documents before copying in order to avoid unnecessary costs.

Thank you in advance for your cooperation.

Very truly yours,



L. Clay Selby

LCS:jnz
cc: Client
00497356.DOC

0-000000854

Exhibit 6

0-000000855



Pierce County

Sheriff's Department

930 Tacoma Avenue South
Tacoma, Washington 98402

Pierce County Detective Glenda Nissen's personal cell phone records are currently in the possession of Ramsey Ramerman, a specially deputized prosecutor working for Pierce County. These records are sealed and have not been reviewed by Mr. Ramerman. The County does not possess any other copy of these records.

Mr. Ramerman will maintain possession of these records until further notice. Before Mr. Ramerman seeks to review these records or transfer custody of these records, Pierce County shall provide attorney Joan Mell, who represents Detective Nissen, with at least 10-days' notice to allow Detective Nissen to seek court relief.

Pierce County agrees that by allowing Mr. Ramerman to maintain possession of these records, Detective Nissen does not intend to and has not waived any expectation of privacy she may have in these records. By recognizing Nissen does not intend to waive any such privacy interest, Pierce County does not intend to take a position on whether any such privacy right actually exists.

Agreed to by

Paul A Pastor 3-8-12
Sheriff Paul A. Pastor date

Joan Mell date
Attorney for Glenda Nissen

Ramsey Ramerman 3/11/12
Ramsey Ramerman date
Special Deputy Prosecutor

Glenda Nissen 3-12-12
Glenda Nissen date

From: Joan Mell <joan@3brancheslaw.com>
Subject: Re: Question about records
Date: March 8, 2012 11:15:35 AM PST
To: Ramsey Ramerman <ramseyramerman@gmail.com>
Bcc: Glenda Nissen <g.nissen@comcast.net>

Call me on this. I am not following you.
On Mar 7, 2012, at 7:46 PM, Ramsey Ramerman wrote:

Joan,

Sorry for the delay on the agreement. It is at the Sheriff's and I will forward it once I get it back and sign it.

Included in the records we sent you was a spreadsheet printout of what appears to be phone records Nissen sent Denny Wood. I am wondering if these are some form of Glenda's personal phone records, but because I have not looked at her records, I cannot make that determination.

The transmittal email is bates number 117 and spreadsheet follows on pages 118-125. I have pasted the substance of the transmittal email below so you can locate it with a term search. I pulled these from the installment we are providing Clay this week, so please let me know if you know what these records are.

EMAIL:

From: Glenda Nissen
To: Denny Wood
Subject: 10-162-0622 phone log
Date: Monday, December 20, 2010 4:41:00 PM
Attachments: VoiceDetails.xls

Please let me know if there is anything else you need from me.

Detective Glenda Nissen
Greater Puget Sound
Financial Fraud and Identity Theft Task Force
271 John Bananola Way E
Puyallup, Wa 98374
(253) 377-8432 (cell)
(253) 798-3879 (office)
(253) 798-3940 (fax)
Gnissen@co.pierce.wa.us

Thank you

Ramsey Ramerman

On Tue, Mar 6, 2012 at 8:23 AM, Joan Mell <joan@3brancheslaw.com> wrote:
My client does not intend to seek an injunction on the e-mails provided.

0-000000857

I need to get an agreement from you regarding the personal cell phone records. Pomeroy did not reverse her decision on reconsideration. The matter will be appealed. So we need to have a binding agreement because as of today the only court to address the issue says she has a privacy interest in the records.

I look forward to getting the additional records.

I also need to get the records actually produced.

On Mar 6, 2012, at 7:56 AM, Ramsey Ramerman wrote:

Joan,

Having not heard from you I assume that you aren't going to try to block the release of the "Nissen" emails you were provided. They will therefore be released this week. You should also get the additional CD with other Nissen emails for you review. We will release these on March 20 absent an injunction.

Thank you

Ramsey Ramerman

On Thu, Feb 16, 2012 at 7:16 AM, Ramsey Ramerman
<ramseyramerman@gmail.com> wrote:

Joan

Are you available at noon today? On the issue of names, the confidentiality protect that allows redaction of the numbers (42.56.250(3)) does not protect the employee's names, nor is there any confidentiality in the fact that Detective Nissen called those employees. The protection is strictly for the numbers. Because of *the contentious nature of this dispute, we expect significant push back from the requester.* Thus, additional due diligence is required. We are asking for the names to simplify the verification process to determine that these are actually employees. We could simply have Captain Bombkamp call the numbers to determine the identities, but it would easier to have Detective Nissen inform us who they are. I am happy to discuss further and hear your concerns, however.

On another note, you will soon get a CD with numerous emails that

0-000000858

involve your client. These are emails we intend to release but are first providing you with third party notice pursuant to RCW 42.56.540.

In addition to these emails, we also intend to release the Internal Investigation.

If you object to the disclosure of any of these records, please let me know as soon as possible, *no later than Monday the 27th*. If we aren't able to agree, then you will need to obtain an injunction blocking disclosure by Friday, March 2.

We will have at least one more installment of emails for third party notice, probably next week. Please let us know as soon as possible if you don't object so we can disclose the records.

Thank you

Ramsey Ramerman

On Wed, Feb 15, 2012 at 2:02 PM, Joan Mell <joan@3brancheslaw.com> wrote:

Ok. Can you call me. I have an issue regarding inquiries into the names of DPAs by Bomkamp. *No inquiry has been made into the identity of any of the other employees. My client objects to listing the names of any dpa's on any exemption log associated with a redacted number. It should suffice to say county employee personal number.*

Joan K. Mell
III BRANCHES LAW, PLLC
1033 Regents Blvd. Ste. 101
Fircrest, WA 98466
253-566-2510 ph
281-664-4643 fx
joan@3brancheslaw.com

0-000000859

|||
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ALLIED LAW GROUP LLC

February 14, 2014 - 9:39 AM

Transmittal Letter

Document Uploaded: 448521-Appendix B.pdf

Case Name: Nissen v. Pierce County et al.

Court of Appeals Case Number: 44852-1

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

Brief: ____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: Appendix B to Amicus Answer

Comments:

Oral argument 2/25/14

Sender Name: Michel Earl-hubbard - Email: michele@alliedlawgroup.com

A copy of this document has been emailed to the following addresses:
info@alliedlawgroup.com

No. 44852-1-II

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON, DIVISION TWO

GLEND A NISSEN, an individual,

Appellant,

v.

PIERCE COUNTY, a public agency; PIERCE COUNTY
PROSECUTOR'S OFFICE, a public agency,

Respondent,

v.

PROSECUTOR MARK LINDQUIST,

Intervenor/Respondent.

CERTIFICATE OF SERVICE

Michele Earl-Hubbard, WSBA #26454
Allied Law Group
P.O. Box 33744
Seattle, WA 98133
Phone (206) 443-0200
Fax: (206) 428-7169



Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on February 14, 2014, I caused the delivery of Appellant's Answer To Amicus Curiae Briefs Of Attorney General's Office, WASAMA, WAPA and Public Employee Unions and Appendix A-1 to A-6 and Appendix B to same.

to the following by email pursuant to agreement:

Stewart Estes
sestes@kbmlawyers.com
Attorney for Respondent Mark
Lindquist

Dan Hamilton
dhamilt@co.pierce.wa.us
Attorney for Respondent Pierce
County

Peter B. Gonick
Deputy Solicitor General
Office of the Attorney General
peterg@atg.wa.gov;
wendyo@atg.wa.gov
Attorney for Amicus AGO

Judith A. Endejan
Garvey Schubert Barer
jendejan@gsblaw.com
Attorney for Amici
ADNW/WNPA/WCOG

Ramsey Ramerman
Assistant City Attorney, Everett
RRamerman@ci.everett.wa.us
Attorney for Amicus WSAMA

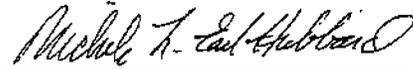
Jared Ausserer, Deputy Pros. Atty
Pierce County Prosecutor's Office
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Attorney for Amicus WEA

Jeffrey Julius
Vick, Julius & McClure
jeffj@vjmlaw.com
Attorney for Amici
WACOPS/WSPTA

Dated this 14th day of February, 2014, at Seattle, Washington.



Michele Earl-Hubbard

ALLIED LAW GROUP LLC

February 14, 2014 - 9:09 AM

Transmittal Letter

Document Uploaded: 448521-2014-02-14 cert of service.pdf

Case Name: Nissen v. Pierce County et al.

Court of Appeals Case Number: 44852-1

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

Brief: ____

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: Certificate of Service

Comments:

Oral argument set 2/25/14.

Sender Name: Michel Earl-hubbard - Email: michele@alliedlawgroup.com

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ALLIED LAW GROUP LLC

February 14, 2014 - 9:07 AM

Transmittal Letter

Document Uploaded: 448521-Response Brief.pdf

Case Name: Nissen v. Pierce County et al.

Court of Appeals Case Number: 44852-1

Is this a Personal Restraint Petition? Yes No

The document being Filed is:

Designation of Clerk's Papers Supplemental Designation of Clerk's Papers

Statement of Arrangements

Motion: ____

Answer/Reply to Motion: ____

Brief: Response

Statement of Additional Authorities

Cost Bill

Objection to Cost Bill

Affidavit

Letter

Copy of Verbatim Report of Proceedings - No. of Volumes: ____

Hearing Date(s): _____

Personal Restraint Petition (PRP)

Response to Personal Restraint Petition

Reply to Response to Personal Restraint Petition

Petition for Review (PRV)

Other: _____

Comments:

Answer to Amicus Briefs and Appendix A-1 to A-6 and B. Oral argument set for 2/25/14

Sender Name: Michel Earl-hubbard - Email: michele@alliedlawgroup.com

A copy of this document has been emailed to the following addresses:
info@alliedlawgroup.com