

1 Q Okay. So it's Exhibit 2?

2 A Okay.

3 Q In what way did Mark actually refer to the private
4 negotiations?

5 A Second to the last paragraph, I think the two statements
6 combined: "Edmonds School District was under no obligation
7 to sell," and the next statement, "It was only through
8 exceptional cooperation that the deal came together for the
9 benefit of the public." The implication is that he knows
10 more about the negotiations, knows how it occurred, and is
11 making a declarative statement about it.

12 Q But he did not actually disclose something that was
13 confidential; is that correct?

14 A He didn't disclose something confidential. But he gave the
15 impression he knew more about it, which is why the letter of
16 direction was focused on communication and being clear that
17 a reader of that letter could be confused. And in fact,
18 there were people confused about whether he was speaking on
19 behalf of the district or as a private citizen. The letter
20 of direction clarified that he's free to do letters to the
21 editor and personal expressions but he needed to be clear
22 when he was talking as a citizen, rather than as an employee
23 of the district.

24 Q Could you read to me the first phrase of Mark's letter to
25 the editor.

1 A The first phrase is "As a resident of Edmonds."

2 Q You didn't think that would clarify who he was speaking for?

3 A No, I don't think that was entirely clear. I think that the
4 reason that we got the complaint immediately was because
5 somebody else didn't think it was clear.

6 Q Was that the only complaint you received before you issued
7 the letter of direction?

8 A I don't remember the timing of when Mark told me Roger
9 Hertrich had called him as well. I think I already knew
10 that when the letter of direction was issued.

11 Wendy, I'd like to add to that.

12 Q Sure.

13 A That the letter written by Nick and myself to the editor had
14 already been published by the time the letter of direction
15 was written as well.

16 Q I'm going to hand you another document.

17 A Okay.

18 [Deposition Exhibit No. 23 marked.]

19 Q (By Ms. Mack) Do you recognize this document?

20 A I do.

21 Q Could you identify it, please.

22 A This is an "Answer to the Complaint, Affirmative Defenses,
23 and Counterclaim."

24 Q Did you draft this?

25 A I did not.