

## Countryman, Ryan

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**From:** Tom McCormick <tommccormick@mac.com>  
**Sent:** Thursday, June 11, 2015 10:53 AM  
**To:** Cummings, Jason  
**Cc:** White, Clay; Countryman, Ryan  
**Subject:** Re: Records Request related to Margaret King

Thanks Jason. That's what I was looking for.

Regarding an another matter, I'm going to forward you two emails relating to Point Wells. The first email provides a legal analysis as to why the maximum building height at Point Wells is 90 feet (the project applicant is seeking to build 22 towers taller than 90 feet). The second email requests PDS to expand the scope of the project EIS that is currently being prepared to include a 90-foot maximum building height alternative. I figured that you or one of your team will be asked about my analysis, so I'm giving you a heads up and forwarding my emails to you.

In the first email, you'll see that I discussed a Memorandum of Advice from then Asst. Civil Division Chief John Moffat. I received the referenced Memorandum of Advice in response to a public records request. The relevant text from my first email reads as follow:

The GMHB's rejection of the County's argument should come as no surprise, as the County's own in-house legal counsel had earlier advised the Snohomish County Council that the argument would be a "very difficult sell" to the GMHB.

In a June 9, 2009, Memorandum of Advice from John Moffat, Assistant Chief, Civil Division, Snohomish County Prosecuting Attorney's Office, to members of the Snohomish County Council, Mr. Moffat opined that the Point Wells site likely does not meet the criterion in LU Policy 3.A.3, requiring that an Urban Center "be located on a regional high capacity transit route." Mr. Moffat cautioned the County Council with strong words, advising them as follows: "Frankly, we believe taking the position that the site is 'on a regional high capacity transit route' just because tracks run through the site when there is no station or plans for a station will be a very difficult sell to the [GMHB]. It is more likely that the [GMHB] would take a more common sense view . . . that if there is no station and no way for the residents in an Urban Center development in Point Wells to actually access the transit route in Point Wells, that the policy is not met." (Emphasis added.)

Please feel free to give me a call if you have any questions.

Thank you.

Tom McCormick  
206-915-7755

On Jun 10, 2015, at 4:18 PM, Cummings, Jason <[jcumplings@co.snohomish.wa.us](mailto:jcumplings@co.snohomish.wa.us)> wrote:

Good afternoon Tom,

Attached please find our office's most current org chart. Unfortunately, the org chart does not include contact information. However, our lawyer's contact information should be up to date in the WSBA webpage/directory. If there is other contact information you require or if the attached is not what you are looking for, please let me know.

Sincerely,

*Jason J. Cummings*

Chief Civil Deputy  
Snohomish County Prosecuting Attorney's Office  
3000 Rockefeller Avenue, M/S 504  
Everett, WA 98201-4046  
phone: (425) 388-6332  
fax: (425) 388-6333  
email: [jcumings@co.snohomish.wa.us](mailto:jcumings@co.snohomish.wa.us)

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**From:** Tom McCormick [<mailto:tommccormick@mac.com>]  
**Sent:** Tuesday, June 09, 2015 11:43 AM  
**To:** Cummings, Jason  
**Subject:** Re: Records Request related to Margaret King

Jason,

Thank you for getting back to me so quickly.

Tom

On Jun 9, 2015, at 11:41 AM, Cummings, Jason <[jcumings@co.snohomish.wa.us](mailto:jcumings@co.snohomish.wa.us)> wrote:

Good morning Tom,

I am out of the office today and will return tomorrow. Let me see what I can pull together and send your way. We do have an org chart, but it does not include contact info.

I will try and get you something when I return to the office tomorrow.

Sincerely,

Jason Cummings  
Chief Civil Deputy  
Snohomish County Prosecuting Attorney's Office

**\*\*This message has been sent from an iPhone, I apologize for any typos.**

On Jun 9, 2015, at 10:07 AM, Tom McCormick <[tommccormick@mac.com](mailto:tommccormick@mac.com)> wrote:

Jason,

I am looking for an organization chart of the Civil Division of the Snohomish County Prosecuting Attorney's Office, with names and contact info.

Can you help me with this, or do I need to submit a Public Records Request?

Thank you.

Tom McCormick

On Oct 15, 2014, at 3:04 PM, Cummings, Jason  
<[jcummings@co.snohomish.wa.us](mailto:jcummings@co.snohomish.wa.us)> wrote:

Mr. McCormick,

Thank you for taking the time to discuss with me this morning by phone your October 9, 2014, records request regarding Margaret King. As we discussed, the County does not have any records responsive to your first category of records (i.e., records related to Ms. King's application for the job of Shoreline City Attorney).

As to the second category of records, based upon our conversation, I believe that you are withdrawing your request due to the following representations from me. The Civil Division of the Prosecuting Attorney's office is separated into 5 units: Labor and Employment, Litigation (Insurance Defense), Public Records Law, Land Use and Environmental Law, and Municipal Law. As we discussed, the Land Use and Environmental Law unit is responsible for providing advice to the county on matters related to all things land use. This includes development regulations, comprehensive plan amendments, site specific project advice, code amendments, and related litigation (LUPAs, growth board appeals, shoreline hearing board appeals, etc). The Municipal Law unit of the office provides general legal advice to county elected and appointed officials and departments where another unit of the office does not have primary responsibility. As we discussed, all Point Wells related matters have been handled by the attorneys in the Land Use and Environmental Law unit.

During Margaret King's tenure in this office, she has always been assigned to the Municipal Law unit. Two of her assigned clients are the County Council and the Department of Emergency Management. Because the Land Use and Environmental Law unit has primary responsibility on the Point Wells related matters, Ms. King did not have any involvement with Point Wells and related council actions. As the legal adviser to the Department of Emergency Management, Ms. King was very involved in the County's response to the natural disaster that occurred this past spring near Oso. She played a critical role at the County's Emergency Operations Center, and was called to the disaster site on occasion. This work involved legal advice related to the response to the disaster (access to or across properties for the recovery effort, interlocal agreements with various first responders, work with the state Department of Transportation on SR 530 recovery, and much more). Ms. King's Oso work did

not involve the county's regulatory response to the disaster. Again, that work is being performed by attorneys in the Land Use and Environmental Law unit.

Pursuant to our conversation, I believe that your primary concern was whether Ms. King had any involvement with Point Wells/City of Shoreline related matters. Please rest assured that she has not. I believe that this answers your concerns and, as we discussed, you no longer have an interest in the records you originally requested. If you change your mind and believe that you require records, please do not hesitate to contact this office and we will review your request and provide what we can under the Public Records Act (consistent with our ethical obligation to protect the attorney-client privilege and our attorney work product).

Again, I very much enjoyed our conversation this morning and appreciate your willingness to work to this resolution of your records request. Should you have any additional questions regarding this inquiry, please do not hesitate to contact me.

Sincerely,

*Jason J. Cummings*

Chief Civil Deputy  
Snohomish County Prosecuting Attorney's Office  
3000 Rockefeller Avenue, M/S 504  
Everett, WA 98201-4046  
phone: (425) 388-6332  
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<Org Chart April 2015.pdf>