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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT**

ANNIE JANICKI,

Petitioner,

vs.

CITY OF SEDRO-WOOLLEY, a municipal corporation; DELUXE RECYCLING AND DISPOSAL LLC, a Washington limited liability company; and FIRE RIDGE LLC, an Oregon limited liability company,

Respondents,

vs.

SKAGIT COUNTY, a political subdivision of the State of Washington,

Intervenor.

No. 08-2-01130-8

DECLARATION OF ERIC POTASH IN SUPPORT OF CITY'S RESPONSE TO COUNTY'S MOTION TO CLARIFY THE RECORD, VACATE THE HEARING EXAMINER'S DECISION AND REMAND THE PROCEEDINGS

I, Eric Potash, hereby declare, under penalty of perjury under the laws of the State of Washington, that the following is true and correct:

1 1. I am the Buildings Inspector and Plans Examiner for the City of Sedro
2 Woolley.

3 2. At the time of the conversation that Leo Jacobs describes in his declaration,
4 my desk was located next to Planner, John Coleman's desk.

5 3. Our desks were in an open area and not enclosed within individual offices.

6 4. I was not part of the conversation but, I recall Leo Jacobs speaking with John
7 Coleman, Jack Moore and Eron Berg around John Coleman's desk.

8 5. Since my desk was next to John Coleman's desk, I heard the conversation and
9 it was about a document that Leo Jacobs's brought in that he wanted to discuss.

10 6. From what I overheard, it seemed that Leo Jacobs was unsure and hesitant
11 about the format of this document.

12 7. I remember them talking about how the document should be formatted and
13 whether the document should be on City letterhead.

14 8. I am not sure if Leo Jacobs was submitting the document that day or, if he
15 just came in to ask questions about the document he had submitted.

16 9. I never saw the document and no one asked me my opinion that day.

17 10. I also recall that Leo Jacobs was hesitant about his document because he was
18 running for County Commissioner at that time.

19 11. I'm pretty sure that Leo Jacobs took his document with him when he left and
20 said that he was going to fix it.

21 12. I do not recall hearing anyone telling Leo Jacobs that he could not submit his
22 document.

23 13. I was surprised to learn that Leo Jacobs recounted such a different version of
24 the conversation.

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EXECUTED at Sedro-Woolley, Washington, this 4 day of September 2008,
under penalty of perjury under the laws of the State of Washington.



ERIC POTASH