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**STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT**

WASHINGTON FEDERATION OF
STATE EMPLOYEES,

Petitioner,

v.

STATE OF WASHINGTON,
DEPARTMENT OF GENERAL
ADMINISTRATION,

Respondent.


NO. 07-2-00691-2

NOTICE OF APPEAL
TO THE COURT OF APPEALS,
DIVISION II

Respondent, State of Washington, Department of General Administration,
hereby seeks review by the Court of Appeals, Division II, of the Judgment entered in
this case on May 23, 2008, a copy of which is attached to this Notice of Appeal.

DATED this 19th day of June, 2008.

ROBERT M. MCKENNA
Attorney General


SPENCER W. DANIELS
WSBA No. 6831
Assistant Attorney General
Attorneys for Respondent

1 Attorneys for Respondent (Appellant on Appeal):

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1 **PROOF OF SERVICE**


2 I certify that I served a copy of this document on all parties or their counsel of
3 record on the date below as follows:

4 ABC Legal Messenger:

5
6 Mr. Edward E. Younglove III
7 Younglove Lyman & Coker, PLLC
8 1800 Cooper Point Road SW, Bldg. 16
9 Olympia WA 98507-7846

10 I certify under penalty of perjury under the laws of the state of Washington that
11 the foregoing is true and correct.

12 DATED this 19th day of June, 2008, at Olympia, WA.

13 
14 _____
15 COURTNEY AMIDON
16 Legal Assistant
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RECEIVED
JUN 02 2008
Office of the Attorney General
Government Operations Div.

EXPEDITE
 Hearing is set:
Date: _____
Time: _____
Judge/Calendar: _____

FILED
MAY 23 2008
SUPERIOR COURT
BETTY J. GOWLD
THURSTON COUNTY CLERK

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

WASHINGTON FEDERATION)
OF STATE EMPLOYEES,)
)
Petitioner,)
)
v.)
)
STATE OF WASHINGTON,)
DEPARTMENT OF GENERAL)
ADMINISTRATION,)
)
Respondent.)

NO. 07 2 00691 2

JUDGMENT

This matter having come on regularly before the above-entitled court pursuant to the petition of the Washington Federation of State Employees for judicial review of the validity of WAC 236-51-006, WAC 236-51-010(11) and WAC 236-51-225; the court having reviewed the administrative record and the pleadings and briefs of the parties; having heard oral arguments of counsel; and being otherwise fully advised in the premises; now, therefore, the court makes the following:

FINDINGS OF FACT

1. The administrative record in this case was filed with this court on June 22, 2007.

JUDGMENT

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2. The parties submitted additional legislative history as attachments to affidavits of counsel.

3. The Department of General Administration promulgated WAC 236-51-006, 236-51-010(11) and 236-51-225, relying on the authority granted the Director of the Department of General Administration in RCW 41.06.142(4)(d), to "establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner, and that there exists a competitive market for the service. . . ."

Having made the foregoing Findings of Fact, the court now makes the following:

CONCLUSIONS OF LAW

1. This court has jurisdiction over the parties and the subject matter to these proceedings.

2. The provisions of WAC 236-51-006, 236-51-010(11) and 236-51-225 exceed the rule-making authority granted the Director of the Department of General Administration in RCW 41.06.142(4)(d), and are therefore invalid.

Based upon the foregoing, it is hereby

ORDERED, ADJUDGED AND DECREED that the provisions of WAC 236-51-006, 236-51-010(11) and 236-51-225, be and they hereby are declared to be invalid and of no force and effect.

DONE IN OPEN COURT this 23 day of May, 2008.

CHRIS WICKHAM

JUDGE

JUDGMENT

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1 Presented by:

2 YOUNGLOVE LYMAN & COKER, P.L.L.C.

3

4 Edward Earl Younglove III, WSBA#5873
Attorney for Petitioner

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6 Approved for entry, notice of
presentation waived:

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8 Spencer W. Daniels 5-20-08
Spencer W. Daniels, WSBA#6831
9 Assistant Attorney General
Attorney for Dept. of General Administration

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JUDGMENT

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