

DECLARATION OF
REX FRANKLIN

Rex Franklin declares:

1. I am Rex Franklin, born April 29, 1956, and I reside at Spokane, Washington. I am married to Shari Franklin. I obtained a GED from Spokane Falls Community College in 1981 and graduated from Spokane Community College in 1997 with an AAS degree as a Network Engineer.

2. I am employed by the City of Spokane since 2001 as a Telecommunications Service technician.

3. Between July of 1983 and September of 1994, I was employed by subsidiaries of Cowles Publishing Company and was paid by Citizens Realty Co. My work assignment was at the River Park Square (RPS) parking garage. Initially, I worked as a garage attendant. My duties consisted of collecting parking fees and janitorial work.

In or about 1986, I became a night supervisor, responsible for managing swing-shift staff and closing the garage and the mall.

4. In January of 1990, I was promoted to the position of manager of the garage. My duties included supervising the day-to-day operation of the garage and its employees, managing the operating budget for the garage and generally performing such administrative duties as were incident to its operation.

5. As garage manager, I reported directly to James P. Cowles, III, and R. W. Robideaux. I met regularly with Robert W. Robideaux to report on and discuss the operation of the garage.

6. While I was responsible for proposing the annual budget for the garage and supervising expenditures, I had very limited authority to make expenditures without the approval of James P. Cowles, III. Indeed, basically all expenditures, except those for minor office supplies, had to be approved by him.

7. During my employment at the RPS garage, vehicular contacts with the panels aka spandrels (the curved pieces of concrete panels which comprise the garage's exterior wall), were a regular occurrence. While most of these contacts did not damage the vehicle, the panel involved usually was damaged and had to be replaced. Each year we generally replaced one to three of them because of such contacts.

8. Because of the recurring need to replace spandrels, a protocol was developed for their replacement. Specifically, when a vehicle made contact with a spandrel which cracked, displaced or otherwise damaged it, requiring replacement, I was to contact James P. Cowles, III; Robert Robideaux, the River Park Square mall manager; and Terry Goebel of Goebel Construction, whose business supplied the replacement spandrels. Mr. Goebel would then schedule the replacement work.

9. Because of the ongoing need to make such repairs, a replacement spandrel was typically kept either at the garage or at Goebel Construction so that a damaged spandrel could be promptly replaced.

10. In 1990, a particularly serious vehicular-spandrel incident occurred. An elderly gentleman driving a Cadillac bumped into a spandrel on the south side of the garage. (The exterior wall of the south side of the garage was covered by spandrels at the time. In the late 1990s, after the River Park Square mall was created with the addition of Nordstrom and other retail shops, the south side of the garage abutted the new buildings

and spandrels were no longer required.) This contact occurred on the red level located on the fourth level of the garage. At the time, located two floors directly below this area of the south wall of the garage and the subject spandrel was a hallway for pedestrian traffic.

I personally inspected the subject vehicle, I asked the driver and passenger who were panic stricken to exit their vehicle, and I observed the panel broken off and hanging by rebar. Though the contact resulted in little damage to the vehicle, it caused the spandrel to break and tip out of the building, though it did not fall as the reinforcing steel secured it. The front of the vehicle rested on its undercarriage on the parking deck as it dangled over the garage's edge over the walkway below and its front wheels were unsupported.

11. I immediately notified Divine's Towing Company to secure the vehicle and then both James P. Cowles, III, and Robert Robideaux of the incident and they came to the garage to assess the situation. I suggested that they close the skywalk area below until the vehicle was removed. Instead, Robert W. Robideaux directed me to have staff splash water on the floor of the walkway below the vehicle, erect cones in the area to prevent pedestrian traffic, and not to close the mall under any circumstance.

12. While the RPS garage staff maintained a relatively detailed record of spandrel failures (which included contact and insurance information for each garage patron whose vehicle contacted a spandrel), to my knowledge no public report was made of the occurrences and, generally, the public did not learn of the incidents.

To the best of my recollection, at the time I tendered my resignation in March of 1994, only one of the numerous spandrel failures, the one that occurred in March of 1991, had become public knowledge.

13. Because of the relatively frequent spandrel failures, in the early 1990s an engineering study of the garage was commissioned to evaluate the structural integrity of the spandrels.

In March of 1991 a vehicle struck a spandrel on the north side of the garage, breaking it. Again, though there was little damage to the vehicle, the spandrel broke and collapsed outward, again remaining attached by the rebar. Once again, the vehicle came to rest on its frame so that the front wheels were dangling out of the building; this time above Spokane Falls Boulevard. Because the vehicle was visible and pieces of the broken spandrel had fallen onto the street below, I called Public Safety (Fire Department and Police Department) and then the media learned of this incident and reported it.

14. In any event, the report described above was provided to the River Park Square ownership in 1993. As I recall it, the owners were advised that the spandrels were not an adequate vehicle barrier and that an alternative barrier system, such as cable restraints or guardrails, should be installed in front of the spandrels to prevent vehicular contact.

I distinctly recall that the suggested improvement, cabling, was clearly rejected by the owners in a meeting I attended in the company of James P. Cowles, III, Robert W. Robideaux, Lloyd Willoughby and Terry Goebel.

15. Rather, I was instructed go through the garage with a can of red spray paint and apply a paint mark to those spandrels I believed should be repaired or replaced.

I did as directed and when I finished, I had marked so many spandrels that the RPS owners decided it was not economically feasible to replace all of them.

Based upon my own current observations within the garage, few if any of the spandrels which I had marked for replacement or repair have had the benefit of any attention to date.

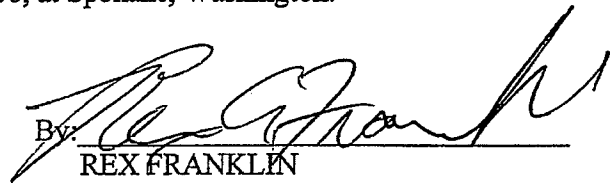
16. I have reviewed a photograph of the spandrel that broke on April 8, 2006, resulting in the death of Jo Ellen Savage. Attached is a copy of the photograph to which I have reference. I believe the photograph shows red spray paint markings indicating that it was one of the spandrels I had marked for repair or replacement.

17. While I made a conscientious effort as garage manager to ensure that regular maintenance was undertaken within the garage, I was told in January of 1994 that I was to restrict maintenance to only that essential for day-to-day operations and that no more would be approved or authorized. I also received pressure from the owners to generally reduce expenses, including staff costs.

18. In March of 1994, I tendered my intent to resign as manager of the River Park Square parking garage, although I continued to manage it until September of 1994, when I returned to school.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 19th day of July, 2006, at Spokane, Washington.

By: 
REX FRANKLIN

