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## Out with a Whimper

by **JACOB H. FRIES**

The press release gave no clue; just said reporters were invited to come to the Federal Courthouse last Friday to hear about the "year-long investigation into the River Park Square development project." It was intriguing for its lack of details, and the local media turned out in force.

It had been 10 years since the RPS scandal exploded in suspicion and intrigue. At the center has always been the complex and unusual financing of the mall's parking garage, developed by the Cowles family, which also owns the Spokesman-Review. The deal ultimately spawned countless lawsuits and perhaps even more conspiracy theories.

The Justice Department only took up the case last year after a former city councilwoman and journalist Tim Connor lugged boxes of documents to Jim McDevitt, U.S. Attorney for the Eastern District of Washington, who recused himself because he had worked for a firm that worked on one of the bonds.

At Friday's press conference, Connor sat in the front row, a few chairs from Larry Shook, who works with Connor at Camas Magazine where, for years, they've investigated and written about the RPS deal. The rest of the room was filled with TV and print journalists as well as Ron Wright, a retired police detective who writes to local reporters under the name "rocketsbrain."

Robert Westinghouse, criminal chief for the U.S. Attorney's Office in Western Washington, stood at the lectern in a striped bowtie and began, "Good morning and thank you for coming."

He then methodically went point by point and said senior

prosecutors had found no evidence of fraud; nothing untoward in McDevitt's behavior; and no criminal wrongdoing in the mall development. He noted that in the passage of time, memories had faded and documents had been destroyed as part of "routine practice" — further complicating their investigation.

"Were there problems? Absolutely. Were there mistakes? Undoubtedly. But not every mistake, not every problem, warrants criminal action."

Westinghouse said prosecutors also looked at the 2006 death of Jo Ellen Savage — her car struck a garage wall and fell from the fifth floor to the ramp below, killing her — but they found no federal violations and referred it to county prosecutors.

Westinghouse concluded: "There will be no further federal involvement. We are satisfied that the public interest has been served."

Connor quickly asked Westinghouse if errors were found in an Internal Revenue Service report from 2004. The prosecutor declined: "I'm not prepared to discuss individual findings. I'm not prepared to discuss particular facts."

Shook then pressed him about what questions were put to McDevitt during the investigation. Again, Westinghouse: "I'm not going to get into specific details."

Shook inquired about who they talked to and Westinghouse said he would not reveal the names of those interviewed. Would any documents from the investigation be released?

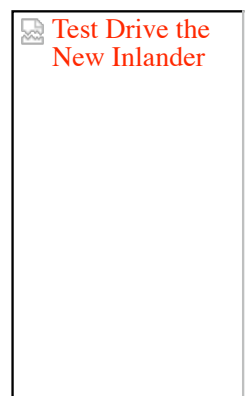
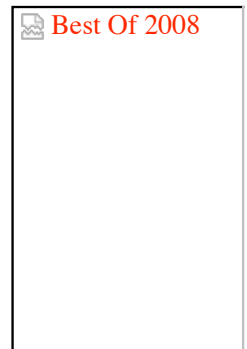
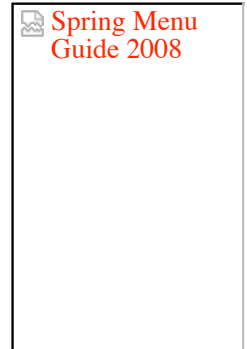
"We do not make work product available ... because it would be unfair to all those involved," he said, adding, "You can assume that we took all reasonable steps to explore and to satisfy ourselves that there was no criminal wrongdoing."

Unsatisfied, reporters chased Westinghouse into the hall after the press conference. An aide shouted at the reporters pursuing the prosecutor: "He won't be taking any more questions."

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