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<http://www.RenovationTrap.com>

We're the newcomers to Washington who were brought to the verge of financial ruin by Windermere, the Northwest's largest real estate firm. We're attempting to turn our negative experiences into something positive for our community and the American Homestead. Our website is dedicated to a study of *Public Interest * Public Conscience * Public Duty

"You cannot submit to evil without allowing evil to grow. Each time the good are defeated, or each time they yield, they only cause the forces of evil to grow stronger. Greed feeds on greed, and crime grows with success. Our giving up what is ours merely to escape trouble would only create greater trouble for someone else." -- Louis Lamour, *A Man Called Noon*, Bantam, page 173.

July 13, 2009

Ms. Jody Lee Campbell
Assistant Attorney General
Licensing & Administrative Law Division
PO Box 40110
Olympia, WA 98504-0110

Dear Ms. Campbell:

Thank you for your letter of July 2, 2009, responding to our letter of June 15. We certainly welcome the opportunity to dialog with your office. As a result of your letter, we now understand that the Attorney General:

- will not take any action to compel the Department of Licensing (DOL) to enforce Washington real estate law, and
- will represent DOL in court against anyone who attempts to compel DOL to enforce Washington real estate law, and
- stands behind DOL decisions, including:
 - DOL's decision to take no disciplinary action against Windermere for knowingly selling a contaminated meth lab as a residence without revealing the facts to the unsuspecting buyers.

We appreciated the information you gave us describing the responsibilities of the Attorney General. Your letter encouraged us to do some additional research.

We discovered the Attorney General's war on the manufacture and use of methamphetamine in the state. According to "Operation: Allied Against Meth"

<http://www.atg.wa.gov/AlliedAgainstMeth/default.aspx>

We now know that Mr. McKenna works with law enforcement, public health and safety, child protective, and education personnel throughout the state on this issue.

We also read the Washington Department of Health's Meth Lab Fact Sheet at:

<http://www.doh.wa.gov/ehp/cdl/methlab.htm>

Among other things, the Department of Health's Meth Lab Fact Sheet states:

Exposures to high levels of contaminants found in drug labs can cause shortness of breath, cough, chest pain, dizziness, lack of coordination, chemical irritation, and burns to the skin, eyes,

mouth and nose, and in severe cases, death. Symptoms such as headache, nausea, dizziness, and fatigue have occurred in people who entered a drug lab after the bust was completed, but before the property was properly cleaned and ventilated.

With these facts in mind, let us revisit Windermere's knowing and intentional sale of the methamphetamine-contaminated house. Here is a quick summary. Court documents verifying the facts are cited below.

Eddie and Eva Bloor moved to Longview, Washington from Missouri and bought a home from Robert and Charmaine Fritz in August 2004. Lance Miller of Windermere Real Estate/Allen & Associates served as the agent for both the Bloors and the Fritzes in the transaction.

Miller and the Fritzes decided not to disclose to the buyers that the former rental house had been used to manufacture methamphetamine and grow marijuana. The same Windermere personnel knew of the home's history because they were active in management of the property when it was a rental a few months earlier, and they issued the eviction notice on the tenants when they learned of the illegal activity. Everyone in the area was aware of this local news event, including the Fritzes, who discussed the event with their neighbors. But then they came to the mandatory question, "Has the property been used as an illegal drug manufacturing site?" This question appears on the Seller Disclosure Statement required by Washington law RCW 64.06.020, and Fritz checked "No" while Miller looked on. Later, this form was given to the Bloors.

Soon after the Bloors moved in, they learned about the history of the house from the neighbors and local news reports. When they asked the local health department about the meth lab history, the department condemned the house and forced the Bloors to leave with only the clothes on their backs. Eddie Bloor was forced to abandon the tools by which he earned his living.

Bloors sued the sellers, the agent, Windermere, Windermere Real Estate Services Company, and Cowlitz County. A trial court ruled in favor of the Bloors, awarding them damages jointly and severally against the defendants for the claims of emotional distress, loss of personal property and income, loss of use of the property and damage to the couple's credit. The court also rescinded the sale of the home.

Windermere appealed, but lost on appeal.

Appeals Brief

<http://www.courts.wa.gov/content/Briefs/A02/357402%20appellants%20fritz.pdf>
(cached <http://windermere-gallery.com/357402appellants-fritz.pdf>)

Appeal Reply Rebuttal

<http://www.courts.wa.gov/content/Briefs/A02/357402%20appellants%20reply.pdf>
(cached <http://windermere-gallery.com/357402appellants-reply.pdf>)

Published Decision

http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=wa&vol=2008_app/357402MAJ&invol=4
(cached <http://windermere-gallery.com/bloor-decision2.htm>)

The Department of Licensing took no disciplinary action against Windermere for its sale of the meth-lab house, and you state the Attorney General backs that decision.

We now have a question:

* How can the Attorney General win the war on meth when the Northwest's largest real estate firm is permitted to manage a meth lab house property and then sell the property for its own profit without warning the unsuspecting buyers -- all without even the hint of administrative sanction?

Still inspired to do more research, we read “*What the Attorney General’s Office Does*,”
<http://www.atg.wa.gov/WhatTheOfficeDoes.aspx> .

That web site states the Attorney General:

Advises the Governor, members of the Legislature, other state officers, and county prosecutors on legal issues . . .

We now have another question:

* Did the Attorney General advise the Department of Licensing **not** to take disciplinary action against Windermere for selling the meth lab house without revealing the truth about the house to the buyers, and if so, what were the grounds for his advice?

“*What the Attorney General’s Office Does*,” also states that the Attorney General:

*Represents the State of Washington before the Supreme Court, the Court of Appeals, and the trial courts in all cases involving the state’s interest and defends in court state officers or employees **ethically** acting in their official capacities . . . (Emphasis added).*

Given that you stated the Attorney General would defend any legal challenges to DOL actions, we now have a third question:

* Since the Attorney General represents state employees **ethically** acting in their official capacities, does Mr. McKenna consider those who made that Department of Licensing decision not to discipline Windermere were acting **ethically**?

“*What the Attorney General’s Office Does*,” also states that the Attorney General:

Protects the public by upholding the Consumer Protection Act and enforcing laws against anti-competitive business practices . . .

This leads to a fourth question:

* How does the Attorney General and the Department of Licensing protect consumers by allowing the biggest real estate company in the Northwest to knowingly sell a meth lab house to unsuspecting buyers?

Your answers to these questions would be greatly appreciated.

Sincerely,

Mark & Carol DeCoursey
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P.S. This correspondence will be posted on our website. We believe the public has the right to know how the Attorney General implements his law enforcement, public health and safety, and consumer protection policies, and want to be fair to all sides in our coverage.

cc: Victims of Windermere (VOW)
Society for the Ethical Treatment of Homeowners (SETH)