

Windermere-Victims.com

*A Realtor® can separate some poor sucker from his life's savings in a single transaction.
No other game offers the same challenge, thrill, reward, and satisfaction.
And to have the cooperation of the Department of Licensing and the Attorney General?
Sweet!*

September 14, 2009

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

Dear Ms. Campbell:

We have been corresponding with you for three months now, and hope you will forgive our candor. Your letter of September 8, 2009 contains a number of misrepresentations. You have misrepresented our correspondence, and you have misrepresented Washington law.

You misrepresent our correspondence.

June 15, 2009. We wrote to Mr. McKenna complaining about the Department of Licensing and the Windermere Real Estate syndicate colluding to flout state law. We gave numerous examples of DOL's refusal to enforce real estate licensing laws and to discipline Windermere for egregiously unlawful conduct. Our examples were impeccably documented, and many were backed by court decisions. Those examples included:

- Windermere knowingly sold a house that had been used as a meth lab without disclosing the home's history to the unsuspecting buyers;
- Windermere knowingly sold a rat-infested house without disclosing the rat infestation;
- Windermere presented a forged signature on a bogus legal description of a property;
- Windermere took advantage of a vulnerable adult and acquired her ocean front property at bargain-basement prices;
- Windermere engaged in a foreclosure scam. Writing of the victim, Judge Suzanne M. Barnett stated: "She ultimately lost the home to the speculators who set her up."

We gave you the URL of our web page which contains documentation and copies of court decisions: <http://Windermere-Victims.com>. We believe you have visited the site.

We likened the DOL/Windermere collusion to a criminal enterprise, and asked that Mr. McKenna take steps to enforce state law. You can see a copy of that letter at:
<http://renovationtrap.com/ag/090615-letter.pdf>

July 2, 2009. You wrote back. You did not question our assertion that DOL and Windermere were colluding to evade state law. You simply told us the Attorney General provided legal advice to DOL but could not force DOL to follow state law. You also told us your office would defend DOL in court against anyone who challenged its actions.
<http://renovationtrap.com/ag/090702-campbell.pdf>

July 13, 2009. We wrote back, pointing out that, according to the Attorney General's official webpage (<http://www.atg.wa.gov/WhatTheOfficeDoes.aspxm>), his office is obliged to represent state employees who are **ethically** acting in their official capacities. We charged the DOL employees were not acting ethically. We drew particular attention to Windermere's knowing sale of a meth lab house to unsuspecting homebuyers, and DOL's failure to discipline Windermere for this. We were curious to know if the Attorney General had advised DOL officers they could flout the law and *not* discipline Windermere in this case.
<http://renovationtrap.com/ag/090713-letter.pdf>

July 24, 2009. You refused to tell us what advice the Attorney General had given DOL on the Windermere meth lab. You told us:

"My role is to give the Department option-based advice, but any advice I give my client is subject to the attorney client privilege."
<http://renovationtrap.com/ag/090724-mckenna.pdf>

August 12, 2009. We wrote back, pointing out that RCW 18.85.040 states: "[T]he director **shall** enforce all laws, rules, and regulations . . ." We noted that nothing in this language gives the DOL the "option" to ignore the laws, rules, and regulations. We asked you to cite the section of the Revised Code of Washington or legal precedent that permits the Department of Licensing to flout RCW 18.85.040.
<http://renovationtrap.com/ag/090812-mckenna.pdf>

August 17, 2009. You wrote back giving us some minor administrative information we had requested, but you avoided the real question: You did not cite any sections of the Revised Code of Washington or legal precedent that permits the Department of Licensing to flout state law (RCW 18.85.040).
<http://renovationtrap.com/ag/090817-mckenna.pdf>

August 21, 2009. We wrote back and repeated our request that you cite the section of the Revised Code of Washington or legal precedent that permits the Department of Licensing to flout RCW 18.85.040.
<http://renovationtrap.com/ag/090821-mckenna.pdf>

September 8, 2009. You wrote back, again avoiding the question. You did not cite the section of the Revised Code of Washington or legal precedent that permits the Department of Licensing to flout RCW 18.85.040. We now assume that you have given us no cites because no such cites exist.

But in your September 8 letter, you also introduced a new element: You stated:

"In particular, you have asked the Attorney General's Office (AGO) to compel the DOL to take action against Windermere and/or one of its agents, Paul Stickney."

You also wrote:

"I appreciate that you are frustrated that the DOL has not taken the action you prefer against Mr. Stickney and Windermere as a result of the civil suit you filed."

You have invented all this. Check out the URLs above. We have never made such requests or statements.

In fact, in our letter of June 15, 2009, we wrote:

"We are NOT asking your office to intervene in any of these cases or to personally assist any of these victims. We are asking you to take measures to see that state law is enforced so that others may be protected."

<http://renovationtrap.com/ag/090615-letter.pdf>

So, Ms. Campbell, you have told exactly the opposite of the truth

Our correspondence contains documented evidence of collusion between DOL and Windermere to evade this state's consumer protection licensing laws. We submitted evidence of the devastating effects this collusion has had on trusting and innocent consumers. We submitted to your office the URL (<http://Windermere-Victims.com>) at which you could find the documentation and the court decisions. Again, we believe you have read the material.

A real Attorney General, knowing that Windermere operates in other states, might have referred our information to the FBI or other federal authority for investigation and prosecution. Within Washington, a real Attorney General might have referred our information to one of Washington's prosecutors.

Instead, you:

- (a) invent discrediting statements and attribute them to us;
- (b) pretend you are a clairvoyant who can see our *real* motives in writing to the Attorney General -- you portray us as motivated by a personal grudge against Paul Stickney;
- (c) engage in a classical *ad hominem* attack on us, the messengers who report DOL/Windermere collusion and what is tantamount to a criminal enterprise, and
- (d) divert attention from real, palpable, documented, and outrageously unlawful acts.

Our webpage documents the depredations Windermere and DOL are working on Washington homeowners and home buyers. The many exchanges we've had with Washington citizens assure us those citizens are as outraged as we are. People in Washington want law and order, not plunder and rapine.

We noticed that WAMU was headquartered in Washington, Rob McKenna's home state. For years, Rob McKenna failed to notice WAMU's unethical mortgage practices when they were occurring right under his nose. It took New York Attorney General Andrew Cuomo -- thousands of miles away -- to file suit on WAMU's appraisers to bring those practices to a halt. Many financial observers have blamed WAMU for the crash in the mortgage market and the foreclosure of hundreds of thousands of homes throughout the US. Arguably, Mr. McKenna could have prevented much of the disaster by stopping WAMU's practices before they reached such ruinous proportions.

Meanwhile, Rob McKenna boasts of prosecuting two New York software firms that--acting together--bilked approx. \$3,000 from the Washington public. <http://www.atg.wa.gov/pressrelease.aspx?&id=4950> .

Rob McKenna also boasts of prosecuting a dairy farmer for dumping cow manure in a Washington stream. The farmer got a two-year suspended jail sentence, had to pay a \$5,000 criminal fine and \$30,000 civil fine, and had to agree not to own or manage a dairy farm ever again. <http://www.atg.wa.gov/pressrelease.aspx?&id=5864>

But when a huge corporation like Windermere bilks hundreds of thousands of dollars from one innocent homeowner after the other and ruins their lives, Rob McKenna “does not have the jurisdiction” to do anything about the problem. He’d like to help, sure, but his hands are tied ...

Most Washington voters would see a pattern here. We do.

You misrepresent the law.

1. In your September 8 letter, you stated:

“As you have been informed by the DOL, the agency is aware of the outcome of your case, and it is monitoring the case as it proceeds to the appellate stage.”

Ms. Campbell, you must be fully aware that DOL operates independent of the courts: It is a regulatory agency, with its own enforcement powers. Remember RCW 18.85.040: “[T]he director **shall** enforce all laws, rules, and regulations”

By pretending the DOL must await the decision of the appellate court, you follow in the footsteps of Ralph C. Osgood, Assistant Director of DOL’s Business and Professions Division. Mr. Osgood used the same excuse in a letter to us dated May 21, 2009. <http://renovationtrap.com/dol/osgood-20090521.pdf>

Indeed, DOL has already shown it does not care a fig for court decisions anyway: On December 8, 2008, Karen Jarvis, Program Manager of DOL’s Real Estate Regulatory and Enforcement Unit, told us that despite the jury verdict against Paul Stickney, DOL found no reason to discipline him. <http://renovationtrap.com/dol/081208-dol.pdf>

2. In your September 8 letter, you cited the following:

RCW 43.10.030
RCW 43.10.040

and inferred that those statutes explain why the Attorney General is powerless when state agencies violate state law. Thank you for those cites. We have read them.

RCW 43.10.030(2) states the Attorney General **shall**

“Institute and prosecute all actions and proceedings for, or for the use of the state, which may be necessary in the execution of the duties of any state officer;”

So then, the statute **requires** the Attorney General to institute actions to effect the duties of any state officer. That includes officers of the DOL. And as we have already seen, RCW 18.85.040 requires the

director of DOL to enforce the real estate laws. So the thrust of RCW 43.10.030(2) is to enable the Attorney General to take whatever action is “necessary” to see that DOL enforces our real estate laws. RCW 43.10.030(2) enables the Attorney General -- it does not make him powerless, as you suggest.

RCW 43.10.030(3) states the Attorney General **shall**

“Defend all actions and proceedings against any state officer or employee acting in his official capacity, in any of the courts of this state or the United States;”

We are **not** complaining of DOL’s actions: We are complaining of DOL’s non-actions. Hence you cannot use this statute to justify your stance, and permit DOL’s lawlessness to continue.

Moreover, refusing to enforce state law is not within a DOL officer’s “*acting in his official capacity.*” In his official capacity, the DOL officer is to enforce state law, not flout it.

So the thrust of RCW 43.10.030(3) is to enable the Attorney General to enforce the law -- it does not prevent him, as you suggest.

RCW 43.10.040 merely states the Attorney General shall represent state agencies before legal and quasi-legal bodies. That is no barrier whatsoever to the Attorney General ensuring state agencies operate lawfully.

Let us suppose a party were to file a Writ of Mandamus in court concerning the DOL’s flouting of Washington’s real estate law. The Attorney General of course would represent the DOL. Arguably, the Attorney General would tell the court:

“Your Honor, we have discussed the matter with our client. The Director of Licensing and the other officers and staff of the DOL want to cop a plea. They have expressed regret that they have been letting Windermere plunder the public, and promise to turn over a new leaf. From now on, they are going to enforce Washington’s real estate laws.”

Yet you suggest RCW 43.10.040 forces the Attorney General defend lawless conduct. It does not.

Here is the sentence with which you conclude your September 8 letter:

“I am sorry that I cannot be of further assistance in this matter, but I trust you will understand that the law does not permit me to help you in the manner you desire.”

No, Ms. Campbell, it is not the law that prevents your office from stopping the collusion and plunder.

Organized Crime

In closing, we offer you some definitions of “organized crime.” The IRS defines “organized crime” as follows:

“Organized Crime refers to those self-perpetuating, structured, and disciplined associations of individuals, or groups, combined together for the purpose of obtaining monetary or commercial gains or profits, wholly or in part by illegal means, while protecting their activities through a pattern of graft and corruption.”

-- Internal Revenue Service Manual 9.5.6.1.1 (07-29-1998)

And the FBI defines “organized crime” as follows:

“The FBI defines organized crime as any group having some manner of a formalized structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of actual or threatened violence, corrupt public officials, graft, or extortion, and generally have a significant impact on the people in their locales, region, or the country as a whole.”

-- <http://www.fbi.gov/hq/cid/orgcrime/glossary.htm>

The history of this correspondence shows that the Attorney General’s office is protecting corrupt public officials and collusion between DOL and Windermere. You have amply demonstrated that the Attorney General himself is acting unlawfully and is an accessory to the acts of which we complain.

Sincerely,

Mark & Carol DeCoursey
8209 172nd Ave., NE
Redmond, WA 98052

P.S. For your convenience, we enclose a print-out of <http://Windermere-Victims.com> .

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