



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

October 23, 2009 800 Fifth Avenue #2000 • Seattle WA 98104-3188

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

Dear Mr. and Mrs. DeCoursey:

The purpose of this letter is to acknowledge your letter of September 1, 2009. I apologize for not answering sooner. I had a spate of bad health and was out of the office and have just now caught up on my correspondence.

The Consumer Protection Division will not initiate an investigation into the issues raised in your letter. No violation of the law has been alleged. In the circumstances outlined in your correspondence, we would not act on an assumption that an illegal act will occur. Should a real estate agent fail to fulfill their obligations under the law, including the duty to disclose known material defects under RCW 18.86.030¹, or a seller violate a duty to properly disclose defects as mandated under common law, RCW 16.34.405, 410, or chapter 64.06 RCW, there exist adequate private remedies to address such disputes. We defer to private remedies where adequate, particularly where there is a specific statutory scheme to protect the interests of buyers and sellers. As you know, we are prohibited by law from representing private citizens on personal legal matters. I will direct a copy of your letter to be placed in our complaint database so that it is available to inform our office and the public in the future. While we do not investigate all matters which may implicate a Consumer Protection Act violation, we do offer informal dispute resolution services between buyers and sellers. In fact, 25,000 people filed complaints with our office last year. Please feel free to refer any individuals who are concerned about a transaction to our Consumer Resource Center, should those services be of use to them. You can file a complaint with our office at www.atg.wa.gov/FileAComplaint.aspx or call the CRC at (800) 551-4636.

Sincerely,

DOUGLAS D. WALSH
Division Chief
Consumer Protection Division
(206) 464-6388

¹ Real estate agents have common law fiduciary duties and must comply with general agency principles in addition to duties under RCW 18.85 and the regulations promulgated for that chapter, RCW 18.86, RCW 18.235, and they have the duty of care of attorneys in drafting purchase and sale agreements.