



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

May 20, 2011

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

RE: Flyer – *Legalizing Crime in Washington: The Windermere Prototype*

Dear Mr. and Mrs. DeCoursey:

I received your letter dated May 12, 2011 which asks how the conduct of Attorney General McKenna, as alleged in the above-entitled flyer, promotes open government. The flyer does not accurately portray Attorney General Rob McKenna or the Office of the Attorney General. It is true that the role of the Office of the Attorney General includes defending state agencies in court. The flyer characterizes this legal representation as follows: “Thus McKenna legalizes crime by giving it the color of law.” Ultimately it is for a judge to decide if the Department of Licensing is required to sanction Windermere or its brokers. It is not logical to assume that Attorney General McKenna legalizes crime merely because his office is required by law to defend state agencies in court.

Moreover, the Department of Licensing (DOL) is a separate agency and the director is appointed by the Governor. The Office of the Attorney General provides legal representation to the DOL, but the Attorney General does not direct its policy, nor should legal representation by this office be interpreted to mean that Attorney General McKenna personally supports every action or non-action by a state agency.

The flyer states “To reporter Carol DeCoursey, McKenna admitted he knows about Windermere’s abuse of the law and DOL’s refusal to enforce the law, but said he will do ‘absolutely nothing’ about it.” It is not true that this office will do “absolutely nothing” regarding your concerns with Windermere. You may file a complaint with our Consumer Protection Division at <http://www.atg.wa.gov/FileAComplaint.aspx> and we will review your concerns.

Sincerely,

TIMOTHY D. FORD
Open Government Ombudsman

TDF:eg

cc: Consumer Protection Division