

May 2, 2011

Mr. Jim Neff  
Seattle Times Investigative Editor  
PO Box 70  
Seattle, WA 98111

Dear Mr. Neff:

We notice that *The Seattle Times* supports the Washington Coalition for Open Government.

But is *The Times* sincerely interested in letting the public know how their government is run? We wonder.

Case in point: You ran a story on April 18, 2011 about loan shark Emiel Kandi (*State takes aim at practices of loan 'wolf'*). We noticed that the culprit was a small-time operator, apparently doing nothing actually unlawful. Yet you refuse to cover a court-documented story concerning:

- \* The repeated and knowing law-breaking the state's largest real estate company,
- \* The refusal of the Department of Licensing to enforce state law on the company,
- \* The complicity of the Attorney General's Office in allowing the combine to flourish.

That is: You refuse to run a story about what is tantamount to state-sponsored organized crime.

You might remember that on March 15, 2011, when I spoke to you at the Washington Coalition for Open Government meeting, you told me you'd never heard of the story.

I was surprised, because six months earlier, I'd given you the information, personally, at the September 17, 2010, meeting of the Washington Coalition for Open Government. I gave you the information at the behest of your publisher Frank Blethen, who was being honored at that meeting.

Despite all that, your reporters still have not called. You give the impression *The Seattle Times* is not interested. Let us review the history:

The Seattle Times has known about the story since 2006. In fact, for about five years, we have met or have otherwise communicated with 16 (sixteen) persons at *The Seattle Times* concerning this story. Copies of appropriate emails can be found at <http://windermere-gallery.com/files/letters-to-seattle-times.pdf>. Here is a brief summary:

- \* On September 29, 2006, we emailed Elizabeth Rhodes concerning the story.
- \* On October 30, 2006, we wrote a letter to Editor-at-Large Mike Fancher about the story. (Copy enclosed.) Mr. Fancher passed the lead on to Susan Kelleher.
- \* In December, 2006, Susan Kelleher, having heard about the story via Mr. Fancher, visited our home to interview us. She brought photographer John Lok with her. He took many photos. Susan wrote a story and told us she anticipated its publication within two weeks. But it was never published.
- \* On January 13, 2007, we emailed Susan Kelleher with an update.
- \* On February 13, 2007, we wrote again to Mike Fancher, telling him Susan Kelleher's story had been killed. The letter was forwarded to Cindy Zetts.
- \* On February 22, 2007, we emailed Susan Kelleher with another update.

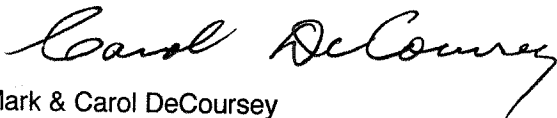
- \* On March 13, 2007, we emailed David Postman concerning another angle of the story.
- \* On October 16, 2008, we emailed Eric Pryne about the story.
- \* On October 16, 2008, we emailed M. Cater and M. Allison about the story.
- \* On October 24, 2008, we emailed Elizabeth Rhodes about the story.
- \* On December 21, 2008, we emailed Michael Berens about the story.
- \* On December 30, 2008, we emailed B Young, Berens, J. Mayo, M. Carter, S. Kelleher, S. Bhatt, and D. Postman about the story.
- \* On March 20, 2009, email to Susan Kelleher.
- \* On July 1, 2009, email to J. Mayo
- \* On April 26, 2010 email to M. Berens
- \* On August 31, 2010, email to E. Pryne, B. Bisbee, D. Boardman.
- \* On August 31, 2010, B. Bisbee emails us to say she is forwarding the information to you.
- \* On September 10, 2010, we email Frank Blethen via Shirley Stone.
- \* On September 17, 2010, at the suggestion of Seattle publisher Frank Blethen, at the James Madison/ James Anderson Award breakfast organized by the Coalition for Open Government, I presented you with a summary of the story. (See above.)
- \* On March 15, 2011, I spoke to you . . .

Mr. Neff, it's simple enough to run government press releases. It is simple enough to blow the whistle on someone like Kandi. It is simple enough to blow the whistle on Mom & Pop Adult Homes. None of those people are connected with big corporate interests.

But when did *The Seattle Times* last *initiate* an investigation into the predatory and unlawful practices of a big Washington corporation and the corrupt government agencies that permit the predation to continue?

It seems to us *The Seattle Times* is less of a newspaper and more of an advertiser. Please make us wrong. The documentation is already in the court records and available on our web-sites. Go for it.

Sincerely,



Mark & Carol DeCoursey  
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 Redmond, WA 98052  
 Webmasters  
 Windermere-Victims.com  
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# RenovationTrap.com

<http://www.RenovationTrap.com>

We're the Redmond, Washington family whose **bathtub was electrified** at 110 Volts AC during renovation . . .

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  
And Ethical Practices in the Real Estate and Construction Industries

October 30, 2006

Michael R. Fancher  
Seattle Times Editor at Large  
Seattle Times  
PO Box 70  
Seattle, WA 98111

Dear Mr. Fancher:

We have been reading with interest the *Seattle Times* articles concerning secrecy in the courts, and we have noticed a recurring theme: Our courts have turned to secrecy AFTER the responsible public officials covered up an abuse of public trust.

In the October 22, 2006 article "District ignored warnings, then silenced girls fondled by teacher," we read that the principal covered for the offending teacher. In the April 23, 2006 article, "License to harm," we read about the Department of Health covering up for a gynecologist who was sexually abusing his patients.

We suspect that the Department of Licensing/Real Estate Unit, Regulatory and Enforcement Section covers up for real estate agents and brokers. We'd like to offer to help you investigate and track the story.

Our case is before them now. The facts of our case is as follows:

In 2004, we were brand new to the state of Washington. We wanted to buy a home. We put our trust in one of Windermere Redmond's top real estate agents who put together a house purchase and renovation package to us. He claimed he was an expert at knowing which upgrades made sense from the resale viewpoint, and claimed he had the real estate investment expertise we needed.

But when the agent brought his contractor in to give us initial bids (we wanted to see if the house could be renovated to our tastes within our budget), he did not tell us his contractor was *not* bonded and registered with the Department of Labor and Industries, as required by law. Nor did the agent tell us he was one of the incorporators when the company was incorporated in 2001.

Several months after our job was started the contractor registered for the first time with the Department of Labor and Industries (October, 2004). And who was named as Vice President at that time? Our Windermere real estate agent . . .

We discovered all this much too late, after the harm was done. What harm was done? Much of the work on our home was done without required permits and inspections. Much of it fails to meet Code. Significant aspects of the work will have to be demolished and done again. Among other things, we have a swaybacked roof, an electrified bathtub, and an unstable extension.

You can see photos and independent reports about the work on our website. The contractor's bonding company recently sent us a check for the \$6,000 remaining in the bond—without even a court fight.

Cost over runs? The contractor offered to do the work for approx. \$90,000. But after the house was made unlivable through demolition and the \$90,000 was spent, the price went up and up. At the end we were presented with a bill for approx. \$211,000. We paid \$163,000 to the contractor already. And quite aside from the bad work, significant aspects of the job have not been done at all.

We are on the brink of financial ruin.

We were not the first to have an unhappy experience with this agent. In 2001, a Bellevue construction attorney had an unsatisfactory experience with the same agent and the same contractor. The attorney has given us an affidavit.

The agent is the broker's responsibility, and Redmond is still very much like a small town. If newcomers to the state can discover these facts about one of Windermere Redmond's leading agents in short order, how could Windermere be blind to it over the course of the ten (or more) years the agent has been with them?

In fact we discovered that Windermere Redmond was recommending the contractor to its customers without revealing their agent's role. In a bizarre twist, we also discovered that for years the Better Business Bureau has listed the contractor as a "window-cleaning service." Apparently Windermere Redmond did not even check the contractor out with the BBB.

The Revised Code of Washington 18.85.155 states: "Responsibility for any salesperson, associate broker or branch manager in conduct covered by this chapter shall rest with the broker to which such licensees shall be licensed."

**But we are not suggesting a story about Windermere. The real story, it seems to us, is the real estate environment in Washington that has persuaded key real estate players they can act like this.**

The facts of the case are fully known to Windermere Redmond, yet when we last checked the agent's website, he had eight listings . . . it's business as usual for him. Windermere and the agent seem to feel pretty certain that nothing too serious will happen to them. They are probably

right. Our experience with the real estate unit of DOL so far indicates that -- although they may hang a few heads on a pike every now and again to maintain credibility -- they find dodges for agents. We are betting DOL won't come close to giving the agent or the broker the discipline they surely deserve.

We think we may be able to help you find other victims of real estate agents . . . and victims of a Department of Licensing that is all too willing to look the other way.

Please contact us at:  
mhdecoursey@gmail.com or  
caqdecoursey@netscpe.net

Sincerely

Carol and Mark DeCoursey  
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Redmond, WA 98052  
425-885-3130

February 13, 2007

Michael R. Fancher  
Seattle Times Editor at Large  
Seattle Times  
PO Box 70  
Seattle, WA 98111

Dear Mr. Fancher:

We wrote to you back in October 2006 with a story idea (letter enclosed). You kindly passed it along to Susan Kelleher. Just before Christmas, Susan visited our home with photographer John Lok. Susan wanted to focus on the "no inspections, negligent inspections" aspect of the case—great idea. It looked as if everything was lined up. Then Susan got a new editor, and the story was killed.

Now we're writing again, with another idea, for the person who covers the Legislature.

On October 25, 2006, we wrote to every member of the House and Senate in Olympia about our situation, giving them the above-cited URL. On December 19, 2005 we wrote to Sen. Weinstein, Chairman of the Consumer Protection and Housing Committee, once more, offering to help in any effort he might make to protect homeowners.

Imagine our surprise when we read that the Senate Consumer Protection and Housing Committee held hearings on a new "Homeowners' Bill of Rights" on January 16 and did not ask us to testify. ["New houses of horrors – Senate panel considers owners' Bill of Rights," Spokesman Review, January 17, 2007.] After all, few homeowners can boast of an electrified bathtub and a well documented web page. Our story could have been easily presented to the Committee and grabbed well-deserved headlines.

We then wrote once more to Committee Chairman Weinstein, asking if the Committee excluded us from the hearing because our story involved malfeasance by WINDERMERE. We asked if the Committee had any conflicts of interest. Weinstein's office e-mailed back quickly, denying that there was any conflict of interest with Windermere.

But then, researching the background of Senate committee members, we found that our own senator (we live in the 48th District) IS A WINDERMERE AGENT AND ASSOCIATED BROKER and SITS ON THE CONSUMER PROTECTION AND HOUSING COMMITTEE.

Imagine that! Tom, an agent and broker of the largest real estate firm in Washington, sits on the committee that regulates the housing industry. Are we going to trust Tom -- or any of the senators who, with eyes wide open, allowed Tom on that committee?

How do you hide conflict of interest? Right in the open, in plain view.

Yes, we have written to Tom and Weinstein and the others upbraiding them, but of course there has been no reply.

We see today that the Times has endorsed Weinstein's bill, "The house that Carmela built." We have read the bill ourselves, and found that it focuses largely on builder warranties. Yet in a recent case a New Jersey judge called a warranty a "useless piece of paper."

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"And as I have indicated during the course of oral argument, the homeowner warranty is required by law, but as I used to do when I was practicing, I used to tell my clients in the strongest terms possible, that this is a useless piece of paper. And I truly believe that.

Having gone through the process in private practice, with the few clients that wouldn't listen to me, and did go through with this homeowner warranty and arbitration, it is an utter waste of time if you are a homeowner. The only remedy you actually get is if your house literally falls down on your head, then you will get compensation in satisfaction. Other than that it is just a feel good thing that when people walk away from a closing table, they think they have some kind of a security blanket. They don't. In this particular situation ... some of these people encounter problems with these houses in the first six months, – you know it is not unlike many of the tract houses that are built in New Jersey. Some of these things are put together with a staple gun. You know, that is how they put these together. [...] I am well aware of the RWC program, the homeowner warranty program, and the election of remedies. It is set up with the specific goal in mind that there is declining coverage for the benefit of the homeowner, it declines. This is a program, even though it is distinguished by the Legislature, as a homeowner warranty, it is basically a safety net for the builder, as opposed to the homeowner."

[Cesard v. D.R. Horton, Docket No. MON-L-3147, Monmouth County, Law Division, Civil Part, Transcript of Decision December 1, 2006, as quoted in Start & Stark's Construction Litigation Law Blog, and <http://blog.njeifs.com> . Look for the article entitled "Superior Court Judge Finds New Jersey's Home Owner Warranty Program 'A Useless Piece of Paper.'"]

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Shouldn't the fact that Tom is on the Committee give you pause? Our point is not analyze the bill, but to point out there is a HUGE story waiting to be told concerning the Senate Consumer Protection and Housing Committee and "conflict of interest" among its members. Sen. Tom should surely be a prime exemplar.

One of your sharpest reporters needs to expose the situation in Olympia. We need a real Consumer Protection and Housing Committee, not a Committee of Foxes Guarding the Henhouse.

Sincerely,

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