



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

Licensing & Administrative Law Division

PO Box 40110 • Olympia, WA 98504-0110 • (360) 753-2702

September 8, 2009

Mark and Carol DeCoursey
8209 172nd Ave NE
Redmond, WA 98504

Re: Your Questions about the AGO's Role

Dear Mr. and Mrs. DeCoursey:

Thank you for your letter received August 24, 2009. You ask me to respond to your questions regarding this office's role with respect to the Department of Licensing (DOL). In particular you have asked the Attorney General's Office (AGO) to compel the DOL to take action against Windemere and/ or one of its agents, Paul Stickney.

I have provided you several letters previously explaining the role and authority of this office. I understand that you might believe that this office has independent enforcement authority; however, this office does not have jurisdiction over the licensing and discipline of real estate professionals. Primary jurisdiction lies with the DOL.

I am aware that you sued Mr. Stickney and Windemere and received a substantial jury verdict in your favor. 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.

I appreciate that you are frustrated that the DOL has not taken the action you prefer against Mr. Stickney or Windemere as a result of the civil suit you filed. However, the Department conducts its own investigations and is allowed by law to exercise discretion regarding if or when it disciplines a licensee. Conclusions were drawn by the jury in your case, but the DOL is permitted to investigate and analyze the facts and reach its conclusions based on the law it is required to follow. While the AGO can advise an agency in this process, it cannot compel an agency to act in a certain manner.

As previously noted, the Attorney General's Office serves as a legal counsel to state agencies and certain elected officials. While the office cannot provide legal advice to private citizens, it is our policy to provide members of the public with helpful information whenever possible. With respect to this office's role, you may find Chapter 43.10 of the Revised Code of Washington of

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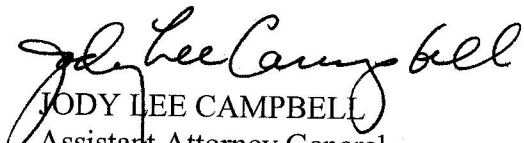
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assistance. In particular, you may wish to look at RCW 43.10.030 and 43.10.040, which describe the general powers and duties of the Attorney General and the role of the Attorney General in representing state agencies such as the DOL.

For information regarding the Department's decisions regarding disciplining Mr. Stickney, or any other real estate licensee, please contact the Department of Licensing, particularly as the appeal goes forward in your civil case. 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.

Sincerely,


JODY LEE CAMPBELL
Assistant Attorney General
(360) 664-2475