



Rob McKenna

## ATTORNEY GENERAL OF WASHINGTON

800 Fifth Avenue #2000 • Seattle WA 98104-3188

October 27, 2010

Ms. Carol A. DeCoursey  
8209 172nd Avenue NE  
Redmond, WA 98052

**RE: Your Letter Dated October 18, 2010**

Dear Ms. DeCoursey:

I received your letter of October 18, 2010. I thought you did a reasonable job summarizing our late September telephone conversation about how the Consumer Protection Division selects the cases we work on and investigate. Even so, there were some points that were not exactly right or were missing altogether, so I wanted to respond to you.

As I mentioned to you, our division gets thousands of consumer complaints annually, involving every conceivable kind of business, and almost every complainant feels that the business he or she is complaining about needs to be investigated, sued, stopped, sanctioned, and/or compelled to address the complainant's grievance. That is a perfectly human reaction by consumers. The legislature provides our funding and while we appreciate that, and hope our consumers and taxpayers do too, the funding necessarily is limited, and so are the people that we have to work these issues. That hard reality is only increasing in these budget times, as you no doubt are aware, and every case competes for limited resources.

What we look at in trying to allocate our limited resources efficiently is a variety of non-exclusive factors: the kind and extent of the public injury, whether the issue addresses protection of vulnerable groups, whether the case falls within the work plan of the division, the availability of alternative remedies, whether we have adequate resources available, and whether deferral or referral to a primary regulator might be more effective. Furthermore, each of these factors itself has a number of sub-factors. For example, with regard to the availability of alternative remedies, we might look at whether the situation lends itself to either a private, individual consumer lawsuit or whether a private class action is likely or possible. We also might consider whether there is another federal, state, or local government agency that has concurrent or primary jurisdiction, and whether the matter can or should be left to that agency to address. We might also consider whether legislation might be the better route to take on behalf of consumers. Similarly, each of the other factors also has its own sub-factors.

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In addition to the factors I just listed, there are some other factors we often consider. Even though they are maybe not as important as the main factors, they are still important and in some situations may be very important. Those are whether the matter touches on criminal behavior, whether voluntary compliance by the company is possible, whether the law in this area needs to be developed or clarified, what is the strength of the evidence, how complex or straightforward the case and the evidence is, what is the deterrent effect of bringing the case, and what is the likelihood of achieving a meaningful remedy.

These then are the multitude of factors we try to consider.

If you have a particular issue or company that you want our office to "go after," I can appreciate that. When you think someone has "done you wrong," a desire for individual justice can predominate. But please understand that we cannot by law represent individuals, nor can we take a case on their behalf, and that we have to try to do our work in a logical way that we think gives our citizens as a whole the best value we can deliver for their tax dollars. That is what we try to do.

I hope this has been helpful.

Sincerely,



ROBERT A. LIPSON  
Assistant Attorney General

RAL:cm

cc: Michelle Ferazza