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Grant Degginger Inappropriate for Public Disclosure Commission

1 message

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To: mike.padden@leg.wa.gov

Justice is Everyone's Business
<http://www.everyones-business.org>

April 13, 2015

To: Members of the Washington State Senate
Via email and United States Postal Service
Copy of this letter with live links will be posted at:
<http://www.everyones-business.org/senate-pdc>

Regarding: **Integrity of Public Disclosure Commission**

Dear Senator:

According to the Public Disclosure Commission's website on April 9, the Chair of the Commission is Grant Degginger. According to the website, Mr. Degginger's appointment has not yet been confirmed by the Senate.
<http://www.pdc.wa.gov/home/commission/commissionbiographies.aspx>

We urge you NOT to confirm Attorney Degginger's appointment. We believe that he is eminently DISqualified for the position of Chair, and any other position on the Commission.

In sending this alert, we rely upon the words of Supreme Court Justice Felix Frankfurter concerning the moral character of a lawyer:

It is a fair characterization of the lawyer's responsibility in our society that he [or she] stands 'as a shield' ... in defense of right and to ward off wrong. From a profession charged with such responsibilities there must be exacted those qualities of truth-speaking, of a high sense of honor, of granite discretion, of the strictest observance of fiduciary responsibility, that have, throughout the centuries, been compendiously described as 'moral character.' -- Felix Frankfurter, *Schwartz v. Board of Bar Examiners of New Mexico*. 353 U.S. 232, 247 (1957).

How much more important is the moral character of a lawyer entrusted with the integrity of the electoral process?

Background: Mr. Degginger -- he personally, and those under his supervision -- represented us in a Consumer Protection Act lawsuit between the years 2007-2011. The dispute involved Windermere Real Estate, a construction company, and a number of others. (Case No. 06-2-24906-2 SEA.)

We have described -- with more than 4,000 pages of documentation -- what happened to us as a result of that representation. Our report is available to members of the Washington Legislature, the Washington State Bar Association, and other persons concerned with public policy. It is available at our webpage, together with extensive documentation.

<http://www.everyones-business.org/BarReport/index.html>

Mr. Degginger betrayed the standards enunciated by Justice Frankfurter in the following manner:

(1) **Mr. Degginger failed to disclose his conflict of interest**, and the institutional conflict of interest of his firm. The account can be found at:

<http://www.everyones-business.org/BarReport/hijack-1-1.html#4>

(2) **Mr. Degginger's ruinous billing and award-giveaways served his hidden interests.** Under his supervision,

27 timekeepers were assigned to our case. He and his colleagues allowed Windermere to engage in frivolous and wasteful legalistic maneuvers and refused to ask for sanctions. Following a case estimate of \$100,000 before hiring his firm, Degginger's people invoiced us for \$480,000 at the end of trial activities.

After the trial, Degginger's team gave away approx. \$260,000 in awards that had been granted to us by the trial judge. See "Our CPA Case Is Hijacked and Becomes a Cash Cow. We Become Hostages," and following pages: <http://www.everyones-business.org/BarReport/hijack-1-1.html#6>

While we won our case in the trial court, the "victory" turned out to be ruinous.

(3) **Mr. Degginger lied to us (and later, told numerous lies in court (see Item 6)).** After trial, the judge ordered a post-judgment interest rate of 12%. Before the final judgment, Degginger's crew bargained this down to 3.49%. Even after the statutory post-judgment rate was raised to 5.5% in June 2010, Degginger continued to insist (on behalf of his real estate friends?) that we deserved only 3.49%. This was a primary reason for firing Lane Powell before the remand hearing: we knew Degginger intended to skin us over this post-judgement interest.

Please see Part I, Chapter 1 and Part I Chapter 3 of our report:
<http://www.everyones-business.org/BarReport/hijack-1-1.html#27>
<http://Everyones-Business.org/BarReport/2010/August%2030,%202010.pdf>

But perhaps the most stunning lie Mr. Degginger told was that the Supreme Court had no jurisdiction over Washington's Consumer Protection Act, saying that "only the Legislature" can "change" the law. Degginger told this ludicrous whopper during email exchanges, which emails can be found at our website. See Part I, Chapter 3. <http://www.everyones-business.org/BarReport/hijack-1-3.html#4>

(4) **Mr. Degginger/his firm sued us.** After paying his firm \$313,808 -- and in order to prevent Degginger and his colleagues doing us further harm -- we terminated them on August 3, 2011. Degginger's firm refused to negotiate our differences, and then, on October 5, 2011, sued us. (Case No. 11-2-345976-3 SEA.) The case was assigned to a judge who was married to a Windermere agent/broker, and was himself a beneficiary of the Windermere Retirement Plan.

The day after filing suit, Degginger/Lane Powell threatened to spend \$800,000 in legal fees to win the case, forcing us to represent ourselves. During the proceedings, the judge kept his Windermere connections hidden from us. Not surprisingly, he had less than zero patience for our claims against Lane Powell, dismissed our case in Summary Judgment, and ultimately awarded the firm \$842,734.67. The public lesson may be stated as follows: "Sue Windermere? Even if you win, you'll lose." That is, it appears the judge's decisions in the case served his hidden personal sympathies.

<http://www.everyones-business.org/BarReport/hijack-2-1.html>

(5) **Mr. Degginger's firm used extortion under color of law** to force us to pay exorbitant legal fees to Degginger's firm. See Part II Chapter 1 for a description of how this was done and supporting documentation.

<http://www.everyones-business.org/BarReport/hijack-2-1.html#4>
<http://www.everyones-business.org/BarReport/hijack-2-1.html#5>
<http://www.everyones-business.org/BarReport/hijack-2-1.html#6>
<http://www.everyones-business.org/BarReport/hijack-2-1.html#7>

(6) **Mr. Degginger's firm told numerous material and patent lies in court.** See Part II Chapter 2 for description, "The Truth, the Lie, and the Judge."

<http://www.everyones-business.org/BarReport/liesmatrix.html>

Mr. Degginger must have known what his firm's lawyers were doing, directed them to do it, and approved of what they did. We enclose a print-out of Part II Chapter 2, "The Truth, The Lie, and The Judge."

(The Washington Courts awarded Mr. Degginger's firm \$842,734.67. This, after representing us in a Consumer Protection Act lawsuit! If that is not an abuse of public law, what is it?)

In other situations, too, Mr. Degginger has been less than an exemplar of disclosure.

Degginger's Sound Transit Problem. While Mayor of Bellevue, Mr. Degginger voted to award a huge multi-million dollar light rail contract to Sound Transit, without disclosing that he had personally represented -- and was supervising attorneys who were currently representing -- Sound Transit on multiple issues.

<http://www.everyones-business.org/BarReport/hijack-1-1.html#7>

The votes and the representations and failed disclosures extended from 2002 and 2010. The situation became so

politically embarrassing for Degginger that the City hired mega law firm DLA Piper in 2011 to write a paper exonerating Degginger from any wrong doing, arguing that the representations were on different issues. Details can be found in DLA Piper's paper.

<http://everyones-business.org/BarReport/2011/June%205,%202011.pdf>

Perhaps significantly, Degginger did not seek re-election.

Degginger's Defense of Cowlitz Public Utility District (PUD) General Manager. When Cowlitz PUD General Manager Brian Skeahan was accused of elections violations by the Public Disclosure Commission, Degginger, *pro tem* chair of the Commission, undertook representation of the accused. When confronted with the obvious conflict by The Daily News, Degginger said he would not represent Skeahan if the Commission decided hold a full hearing on the case. See The Daily News January 24, 2013 coverage:

http://tdn.com/news/local/fired-pud-gm-skeahan-hires-attorney-who-serves-on-pdc/article_3a928fa4-6691-11e2-b3de-001a4bcf887a.html

In closing, U.S. District Court Judge Elaine E. Bucklo (Northern District of Illinois) addressed the subject of lying lawyers in "From the Bench. When Lawyers Lie" in the Winter 2007 edition of *Litigation*, Volume 33, Number 2. She sternly points out:

Lawyers and judges are the keepers of the integrity of the judicial process, which is fundamental to our democracy. The importance of candor by lawyers, and the necessity to insist upon it, is well stated in *United States v. Shaffer Equipment Co.*, 11 F3d. 450, 457 (4th Cir. 1993):

Our adversary system for the resolution of disputes rests on the unshakable foundations that truth is the object of the system's process which is designed for the purpose of dispensing justice ... Even the slightest accommodation of deceit or a lack of candor in any material respect quickly erodes the validity of the process.

If Justice Felix Frankfurter were to ask about Degginger's "truth-speaking," "sense of honor," his "granite discretion," and his strict "observance of fiduciary responsibility," what would the record show?

Yet how much more important are these qualities when the lawyer has been entrusted with the integrity of the electoral process? Let us review the mission statement of the Public Disclosure Commission:

The Public Disclosure Commission was created and empowered by Initiative of the People to provide timely and meaningful public access to accurate information about the financing of political campaigns, lobbyist expenditures, and the financial affairs of public officials and candidates, and to ensure compliance with and equitable enforcement of Washington's disclosure and campaign finance laws.

In view of his record, Mr. Degginger is clearly not suited to be a member of the Public Disclosure Commission. The Commission and the People of Washington deserve better.

Sincerely,

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