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WSBA  
Office of Disciplinary Counsel  
Re: Robert Ferguson 26004  
Violation of Washington State Constitutional Rights

March 29, 2017

Dear Disciplinary Counsel,

**Mr. Ferguson, our Attorney General has violated and ignored the HOA/COA citizens Constitutional Rights in Washington State. His duty is:**

**RCW 80.04.510**

**Duties of attorney general.**

It shall be the duty of the attorney general to represent and appear for the people of the state of Washington and the commission in all actions and proceedings involving any question under this title, or under or in reference to any act or order of the commission; and it shall be the duty of the attorney general generally to see that all laws affecting any of the persons or corporations herein enumerated are complied with, and that all laws, the enforcement of which devolves upon the commission, are enforced, and to that end he or she is authorized to institute, prosecute, and defend all necessary actions and proceedings.

[ [2013 c 23 § 279](#); [1961 c 14 § 80.04.510](#). Prior: [1911 c 117 § 5](#); RRS § 10341.]

*I have made many complaints, to the Attorney General, of HOA/COA homeowner's in Washington State, rights being violated by vindictive boards, property managers and attorneys. I have been told that the AG is not over private corporations and cannot help the homeowners, but he is wrong and is ignoring his duty. According to the Washington State Constitution:*

ARTICLE XII CORPORATIONS OTHER THAN MUNICIPAL

**Article XII Section 1 SECTION 1 CORPORATIONS, HOW FORMED. Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited or restrained by law.**

Article I Section 12 SECTION 12 SPECIAL PRIVILEGES AND IMMUNITIES PROHIBITED.

**No law shall be passed**

Article I Section 13 Constitution of the State of Washington

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**granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.**

*Not only has the Attorney General allowed laws to be passed that are not equal, but he has ignored the thousands of complaints from consumers that have been made to the AG's office of abuse, harassment, discrimination, illegal fines and foreclosures of the citizens of Washington State.*

Section 12 prohibits immunities granted to corporations and the word “**shall**” makes it **mandatory** that the law be followed. There is not the word “may” in that clause, so any attorney knows, that makes it so.

AG Ferguson has been fighting for immigrants’ rights stating that “**No one is above the Constitution, not even the President of the United States.**” Then why does he allow over 700,000 HOA/COA homeowner’s constitutional rights to be violated? Why does the Board of Directors have the right to fine me without evidence? The two Attorneys I have turned into the WSBA for ethics violations have denied DUE PROCESS and my CONSTITUTIONAL RIGHTS and you have said they are ETHICAL. The AG and these Attorneys should know the Washington State Constitution and understand our rights. A board of directors are equal partners in a corporation. Owners have NO voting rights or any other rights. **We have not protection of the Government or Municipal services our property taxes pay for (which we pay double). UNCONSTITUTIONAL!! The Board does not have the right to enforce any laws on us, in our own homes and they do not have the right to be JURY, JUDGE AND EXECUTIONER, WITH NO DUE PROCESS!!!!!!**

Article I Section 2 SECTION 2 SUPREME LAW OF THE LAND. **The Constitution of the United States is the supreme law of the land.**

Article I Section 7 SECTION 7 INVASION OF PRIVATE AFFAIRS OR HOME PROHIBITED. **No person shall be disturbed in his private affairs, or his home invaded, without authority of law. We have no privacy and no sanctuary.** The COA board refuses to do their duties and the attorneys and property managers allow and encourage their harassment of the homeowners.

**CIVIL RIGHTS LIABILITY UNDER 42 U.S.C. § 1983 demands that the government protects United States Citizens from anyone who breaks Due Process and our Civil Rights.**

Due Process, a plaintiff must show: (1) that he possessed a constitutionally protected property interest; and (2) that he was deprived of that interest without due process of law. Due process property interests are created by "existing rules or understandings that stem from an independent source such as state law--rules or understanding that secure certain benefits and that support claims of **entitlement to those benefits.**" To have a property interest protected by the Due Process Clause, "a person must have more than an abstract need or desire for it. **He must have more than a unilateral expectation of it.**

There is no requirement to sue in federal court because state courts have concurrent jurisdiction, and the usual rule is exhaustion of administrative and judicial state remedies is not a prerequisite to a section 1983 action. Local governments have no immunity from damages flowing from their constitutional violations, and may not assert the good faith of its agents as a defense to liability. Further, state law sovereign immunity and state law limitations on damages do not protect local governments from liability under section 1983, and state laws requiring pre-suit notification prior to initiating an action against the state or its subdivisions similarly do not apply.

### **FUNDAMENTAL PRINCIPLES OF PROFESSIONAL CONDUCT**

The continued existence of a free and democratic society depends upon recognition of the concept that justice is based upon the rule of law grounded in respect for the dignity of the individual and the capacity through reason for enlightened self-government. Law so grounded makes justice possible, for only through such law does the dignity of the individual attain respect and protection. **Without it,**

*individual rights become subject to unrestrained power, respect for law is destroyed, and rational self-government is impossible.*

[5] A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. *A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others.* A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

[6] As a public citizen, *a lawyer should seek improvement of the law*, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. As a member of a learned profession, a lawyer should cultivate knowledge of the law beyond its use for clients, employ that knowledge in reform of the law and work to strengthen legal education. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority. A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel. A lawyer should aid the legal profession in pursuing these objectives and should help the bar regulate itself in the public interest. *The Attorney General and COA/HOA attorneys are aware of the non-enforcement of the Constitution and they should of stood up for the homeowners in the past. Instead, we have a huge issue in the United States of Attorneys that are taking advantage of poorly written laws. Shame on them. It is the Attorney General's number one job to protect the people of Washington State, and he has refused and ignored the people's cries for help in his state. This is harassment! It is not his right to ignore the people.*

[7] Many of a lawyer's professional responsibilities are prescribed in the Rules of Professional Conduct, *as well as substantive and procedural law.* However, a lawyer is also guided by personal conscience and the approbation of professional peers. A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service. *This is also called DUE PROCESS.*

[9] In the nature of law practice, however, conflicting responsibilities are encountered. Virtually all difficult ethical problems arise from conflict between a lawyer's responsibilities to clients, to the legal system and to the lawyer's own interest in remaining an ethical person while earning a satisfactory living. The Rules of Professional Conduct often prescribe terms for resolving such conflicts. Within the framework of these Rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the Rules. These principles include the lawyer's obligation conscientiously and ardently to protect and pursue a client's legitimate interests, within the bounds of the law, while maintaining a professional, courteous and civil attitude toward all persons involved in the legal system. *COA/HOA's were created to protect Homeowners. When the AG allows Attorneys and Boards to breach these contracts and the WA state Constitution, he is breaking his own Ethical Duties. Many Attorneys and Supreme Court Justices have been disbarred for less. Example; Justice*

*Sanders was found unethical for carrying a rose at a prolife rally. In the WSBA's view, he could not be impartial. How can the AG be ethical if he is NOT ENFORCING THE US CONSTITUTION AND THE WA STATE CONSTITUTION?????*

*Your office can't ignore your Ethical Duty to make sure every Attorney in Washington State is honoring Due Process to protect every Washington State Citizen's Civil Rights. If that isn't your first priority, then what IS your ethics based on? The Government can't give our Constitutional Rights away to a COA/HOA Board. It is the Attorney General's job to make sure our rights are not being violated and the government is responsible for the damages they have caused by writing and implementing laws and then not governing over those entities, as the constitution states they should.*

*Your job is to make sure all Attorneys are being ethical and the Attorney General is not doing his duties to protect the people of Washington State.*

*" Ignoring the CONSTITUTION, is NEVER what is best for our State and holding AG Ferguson responsible for his actions, will let all Attorneys in our state know, that we have Ethics! Stand up and tell him he cannot deny our constitutional rights. No One Can.*

*Your office should investigate all HOA/COA Attorneys. I cannot stand by and watch Homeowner's be bullied out of their homes by vindictive COA/HOA Boards use their power and have Attorneys that deny the constitution. Jennifer Hill and Marlyn Hawkins need to be reviewed again for Ethics violations and I have included my complaints for them in this packet. If these attorneys are found Ethical, I will call for a review of the Ethics Board for being UNETHICAL. Denying our CONSTITUTIONAL RIGHTS is the Tyranny of Government.*

*Raelene A. Schifano*

*CC: ATG of WA*

*CC: Governor Inslee*