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**“Seattle Pro Musica should be informed that Windermere-Drayna’s attempted coercive inducing of legally binding settlement agreements that contain clauses which terminate an individual’s speech could be a civil rights violation... Mr. Drayna is not only in the business of SELLING people’s homes, he is also in the business of DESTROYING people’s homes.”**

**An important message to Seattle Pro Musica’s Board of Directors about Pro Musica Corporate Secretary, Legal Counsel, and predatory Windermere Real Estate attorney, Paul S. Drayna: The business ethics and civil conduct your 501(c)3 board members demonstrate at their regular employment also reflects on the way Pro Musica is managed, on its professed core values, and on its high public duties of social responsibility and absolute financial integrity.**



**THE CORPORATE HYPOCRITE PERSONIFIED:** Windermere Services Company's General Counsel, attorney Paul S. Drayna, exploits the pretense of charitable public service at Seattle Pro Musica while he’s simultaneously ruining damaged Windermere customers with false marketing warranties and the costly, mendacious lawsuits he files against defrauded Windermere victims who speak publicly. Drayna sues an outspoken party for trade libel and defamation, tries to coerce the defendant into silence through fear and intimidation, continues to prosecute the bogus action for years, and then voluntarily dismisses his own lawsuit just before trial when the innocent, honest victim persists in refusing to sign away their speech rights. Such are the ethics of the individual who manages Seattle Pro Musica’s legal affairs, a tax-exempt 501(c)3 charitable organization, funded by tax deductible contributions.

**August 5, 2011**

**Seattle Pro Musica  
1770 NW 58th St., Ste. 124  
Seattle, WA 98107-5218**

**Attention Seattle Pro Musica Board Members:**

- John Schilling, *President, Seattle Pro Musica***
- Noreen King, *Vice President, Seattle Pro Musica***
- Josh Smith, *Treasurer, Seattle Pro Musica***
- Paul S. Drayna, *Corporate Secretary/Legal Counsel, Seattle Pro Musica***
- Sammuel F. Dworkin, *DDS, PhD, Board Advisor, President Emeritus, Seattle Pro Musica***
- Shirley Beresford, *Professor, Epidemiology, University of Washington***
- J Howard Boyd, *Manager, Zanadu Comics, Downtown Seattle Store***
- Carole Jones, *Principal, Carole Jones Design***
- Jim Nuerenberg, *Project Manager, The Boeing Company***
- Katie Oman, *Fisher Dachs Associates, Project Manager, Fermata Consulting, Principal***
- Christa M. Phillipson, *Austrian Classics, a Music Education Institute, Sole Proprietor***
- Shannon Huffman Polson, *Writer; Business Manager, Microsoft, ret.; Captain, U.S. Army, ret.***

Dear Pro Musica Board Members:

Distinguished but unfamiliar members of the community often participate together in worthy endeavors through noble and productive volunteerism. In that way our communities are enriched and fortified, but we are often unaware or uninformed about a predator among us—an individual who would employ thoroughly disingenuous means to co-opt our good works and unduly benefit by them. Such an individual is Windermere Services Company’s designated Governing Person and General Counsel, attorney Paul S. Drayna, who is also a member of Seattle Pro Musica’s board, and is its Corporate Secretary and Legal Counsel.



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Seattle Pro Musica's MISSION in part asserts:

“**Community**—belief in the importance of music as a means of connection to each other and the community,” and;

**Respect/Integrity**—a principle of respect and integrity in all our endeavors.”

The predatory business practices, overt marketing fraud, and attempts through mendacious litigation and unlawful coercion at quashing the speech rights of damaged Windermere customers by Mr. Drayna and Windermere Services Company, are incompatible with Seattle Pro Musica's professed mission of integrity. Windermere-Drayna's civic conduct is a growing community scandal, and Seattle Pro Musica's continued professional association with Mr. Drayna renders an indelible public stain upon its legitimate reputation for wholesome family entertainment, pageant prestige and community goodwill.

To induce business, Windermere and Mr. Drayna publicly claim an express warranty in market promotion documents and online which in part states, “We are committed to: The highest ethical standards. Uncompromising honesty and integrity.”

But despite their alleged commitment to ethics, honesty and integrity, in numerous cases where innocent, unsuspecting consumers are victimized by unethical Windermere agents, brokers and franchise owners, Mr. Drayna and Windermere Services Company are completely silent and unresponsive in the face of clear and convincing evidence, demanding that victims sue or go away. Lives and homes are instantly ruined by the expense and emotionally distressing disruption of battling Windermere's intentionally intimidating and abusive legal machine, while Mr. Drayna forces the damaged parties to chase dishonest Windermere personnel through our inundated and dysfunctional civil courts—often for years at a time. The internet has allowed many Windermere victims to connect with one another, and more cases continue to emerge.

As an irreparably damaged Windermere customer who has spoken publicly—and honestly—about my Windermere Real Estate experience, I was initially bullied and intimidated out of my speech rights when Mr. Drayna's company used the legal process to file a specious and vexatious lawsuit against me, falsely alleging trade libel and defamation as a means to threaten and silence me. Shortly after their lawsuit was served, another Windermere attorney managed by Mr. Drayna sent me an email instructing that I “...need not hire an attorney,” and “Unless and until I tell you otherwise, we will try to resolve this directly and outside the legal system.” These statements are unethical, illegal attempts at coercing me into remaining unrepresented under Windermere's prosecution. Incredibly, Windermere and Drayna implement the aggression and arrogance to overtly and unabashedly demand that a damaged customer they have falsely sued be unrepresented by counsel, and resolve their dispute outside the very same legal system in which Windermere itself has brought a lawsuit against them. Windermere ultimately presented me with a “settlement agreement” that terminated my speech rights, while also inferring that the action against me would be dismissed by Windermere when I signed the agreement. As trial drew near and I persisted in refusing to sign away my right to speak, Windermere voluntarily dismissed its own lawsuit under Civil Rule 41, after causing me yet even more years of expense and distress. It is impossible to know how many others have suffered the same threatening abuse of process, and quietly acquiesced. For me and many others, Windermere attorney Paul S. Drayna has caused an incomprehensible nightmare of loss, homelessness and financial ruin.

As one of Windermere's designated governing managers, Mr. Drayna's outright fraudulent public pledge to “The highest ethical standards. Uncompromising honesty and integrity,” when considered in conjunction with Seattle Pro Musica's professed mission of “Respect/Integrity—a principle of respect and integrity in all our endeavors,” motivates my request that you review the following cases at WindermereWatch.com:

**Washington State Court of Appeals Case No. 59321-8-1:**

Windermere broker Dick Pelascini approached Vila Pace-Knapp, a struggling homeowner in pending foreclosure and offered to help “save her home.” The court has stated that Dick and Cecilia Pelascini of Windermere Bellevue Commons violated the Consumer Protection Act, and also that “The Pelascinis' practice of preying on this and other vulnerable home owners on the eve of foreclosure is the type of practice likely to deceive future distressed owners in the same manner.” Despite their CPA violation, the Pelascinis have continued generating commissions for franchiser Windermere Real Estate Services Company. Mr. Drayna's annual compensation is literally paid—to whatever small degree—by Windermere personnel with proven, legally adjudicated histories of unethical misconduct.

**King County Superior Court Case No. 06-2-24906-2SEA:**

Paul Stickney of Windermere Redmond SCA recommended a home improvement company to homebuyers Mark and Carol DeCoursey. But Stickney didn't disclose to DeCourseys that he was a vice president and 20% shareholder of the home improvement company, who botched the renovation so badly that its work could not meet code requirements, and the home was refused the city's certificate of occupancy. Despite their evidence and Windermere's commitment to “The highest ethical standards. Uncompromising honesty and integrity,” Windermere told the DeCourseys they would have to sue.



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DeCourseys have pursued Stickney and Windermere SCA through the courts for years at a cost in legal fees alone exceeding \$500,000. A trial court jury found that Stickney had a conflict of interest and failed to disclose it, awarding a total of \$1,030,427. Windermere appealed, and with a minor recalculation, the appeals court upheld the trial court's award. Windermere petitioned the supreme court for review which was ultimately denied, but extended resolution of the case into nearly 8 years. Even with a verdict against him and Windermere Redmond SCA, Paul Stickney has continued generating commissions for franchiser Windermere Real Estate Services Company.

Once again, Mr. Drayna's annual compensation is literally paid by Windermere personnel with proven, legally adjudicated histories of unethical misconduct.

A pre-trial settlement agreement proposed by Windermere and rejected by the DeCourseys sought to terminate their speech rights: "...DeCourseys agree to completely cease all dissemination, broadcast, distribution, or public availability of any information, statements, claims, photographs, recordings, or other data of any kind relating to their dispute with Windermere, ...The DeCourseys agree not to picket, petition, disrupt or enter any Windermere office or company. **The DeCourseys agree that they shall not communicate with any person about their dispute with Windermere unless asked, and, if asked, will state only that they have resolved their claim to their satisfaction.**"

### **Island County Superior Court Case No. 05-4-00151-0:**

Windermere attorney John Demco also owns interest in several Windermere franchises, including Windermere Whidbey Island-Freeland, where mother-and-daughter agents Samantha Saul and Linda Gabalein were found by the court to have violated Washington's Abuse of Vulnerable Adults Act. The pair exploited and exerted undue influence in the sale of prime Mutiny Bay waterfront view property over widow Emma Endicott, about whom the court said, "But since Shorty's death, Emma has sold 15 acres of property to the Sauls, to the Gabaleins, and to the Thompsons, all of whom are members of the same family." The court further stated, "The assessor's value in 2001 for the property that they bought was \$195,524, yet the Sauls bought the property for \$80,000."

Windermere appealed. The appeals court affirmed the trial court's decision and said in its Conclusion, "Substantial evidence supports finding that Emma is incapacitated as to her person and as to her estate, and that the Sauls and the Gabaleins unduly influenced and exploited Emma." Windermere lawyer and franchisee Demco defended his own agents, forcing Emma Endicott's children into years of litigation and family distress.

### **United States Court Of Appeals For The Ninth Circuit D.C. No. CV-98-01184-RSL:**

Officially designated Windermere Governing Person and attorney Paul S. Drayna is the registered agent of RELO LLC, the current incarnation of Windermere Relocation, where Corporate Services Manager Maureen Little, who was raped in the course of performing her job duties, was told by Windermere Relocation President Gayle Glew — also designated as a Windermere Relocation Governing Person — that "...he did not want to hear anything about it." He told Little that she would have to respond to his attorneys. Glew then informed her that he was restructuring her salary from \$3,000 monthly to \$2,000 monthly plus \$250 per closed transaction. The pay reduction was effective immediately and non-negotiable.

Little found the pay cut unacceptable, and Glew told her to go home for two days to think it over "because he did not want any 'clouds in the office.'" When Little still found the pay cut unacceptable two days later, Glew told her it would be best if she moved on and that she should clean out her desk.

In its Order and Amended Opinion, the court in part stated: "In sum, taking the facts in the light most favorable to Little, **because her employer effectively condoned a rape by a business colleague** and its effects, Little was subjected to an abusive work environment that 'detract[ed] from [her] job performance, discourag[e]d [her] from remaining on the job, [and kept her] from advancing in [her] career [ ].'"

### **King County Superior Court Case No. 02-2-28184-2SEA:**

Windermere Northeast's George Rudiger knowingly sold Gary Kruger a toxic home that had suffered severe rat infestation, but had been painted up in fresh "Martha Stewart Colors." After taking possession of the property, Kruger had an anaphylactic allergic reaction there and discovered concealed rat abatement equipment. He found nests of dead rat carcasses, rat feces, and insulation saturated with rat urine. A pest company discovered yet more rat nests in the walls. Electrical wiring was chewed-out by rats. Interior wall studs and insulation were so soaked with rat waste that an A.S.H.I. expert home inspector concluded the house was "not fit for habitation," and the only way to save it was to strip it to the studs, disinfect, and replace everything—a \$100,000 minimum rehabilitation expense.



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Kruger's attorney wrote via certified mail to George Rudiger at his Kirkland office, and to John W. Jacobi at Windermere Services Company, where Paul S. Drayna is General Counsel. Once again, despite its public commitment to "Uncompromising honesty and integrity," Windermere was silent. Rudiger and his broker, Joan Whittaker, responded that "Mr. Rudiger categorically denies he had any knowledge whatsoever of the alleged conditions. Indeed, if he had such knowledge, he would have seen to it that these conditions would have been disclosed by the seller," and also that "There was no attempt by us to conceal any problematic issues with the property." Unable to live in the toxic home or afford to repair it, Kruger maintained the vacant property, rented, and paid his attorney during the first 9 months litigation, but was eventually forced to sell the home to a contractor at nearly a \$50,000 loss. Just weeks after he sold the ruined, vacant home, documents produced in legal discovery revealed not only that Rudiger and Windermere Northeast had previously sold the very same house to the party Kruger bought it from—Rudiger's personal friends of 30 years—but that Rudiger himself had written an addendum to his friends' purchase and sale agreement that specifically required remediation of rat infestation.

Kruger was forced to sue, but his attorney quit when he ran out of money. Windermere was let out of the suit on summary judgment when he appeared at oral argument without counsel of any kind, and he has been without a home ever since, after working a lifetime to afford one. George Rudiger is still generating commissions for franchiser Windermere Services Company and the annual compensation of Paul S. Drayna, who clearly profits from George Rudiger's documented history of unethical misconduct, committed on behalf of Windermere Real Estate.

### **King County Superior Court Case No. 05-2-34433-4SEA:**

When Kruger initially published WindermereWatch.com—an honest and accurate account of his Windermere experience—franchiser Windermere Services Company sued him for trade libel and defamation. A Windermere attorney managed by Paul Drayna sent Kruger coercive emails urging that he sign a "settlement agreement" which terminated his speech rights. Windermere harassed and intimidated Kruger with the mendacious lawsuit another 23 months, costing him thousands more and causing great distress. But Windermere voluntarily dismissed its own lawsuit under Civil Rule 41 on the eve of trial when Kruger persisted in refusing to relinquish his speech rights.

### **United States District Court For The District Of Idaho Case No. CV 09-522:**

Windermere Real Estate, Capital Group, Inc., of Boise, Idaho, has been sued for violations of the Fair Housing Act, including discrimination on the basis of familial status; discrimination on the basis of handicap; discriminatory notice or statement; and interference, coercion or intimidation.

### **And in a pending California lawsuit:**

Windermere Services is currently being sued for Unfair Trade Practices, and is part of a grand jury/FBI investigation to determine any criminal wrongdoing. The lawsuit alleges that Windermere Services is an "unlicensed entity."

**Seattle Pro Musica should be informed that Windermere-Drayna's attempted coercive inducing of legally binding settlement agreements that contain clauses which terminate an individual's speech could be a civil rights violation, and Windermere clearly counts on the probable fact that no single party will muster the legal or financial resources to test the issue in court. But at the very least, such attempts under false prosecution and threat of trial are an abuse of the legal process.**

This holiday season, while Seattle Pro Musica is presenting beautiful and heartfelt Christmas music magic, and imbibing warm civic fraternity, some of the many Windermere victims will be homeless, ruined financially, and virtually destitute because they did not have the financial resources or legal endurance to go the distance against legal predator Paul S. Drayna and Windermere Real Estate.

"Respect" and "integrity" are often the most disingenuously overused words in our culture. I urge your courageous, socially-responsible and genuine support of those words—and of basic human decency—by severing Seattle Pro Musica's professional association with legal predator Paul S. Drayna. The business ethics and civil conduct your 501(c)3 board members demonstrate at their regular employment also reflects on the way Pro Musica is managed, on its professed core values, and on its high public duties of social responsibility and absolute financial integrity. Pro Musica should not solicit funding from the public on one hand, while it is tacitly condoning the abuse of the public on the other hand. Mr. Drayna is not only in the business of SELLING people's homes, he is also in the business of DESTROYING people's homes.

Until such time that Mr. Drayna is removed from Pro Musica's board, WindermereWatch.com will diligently advocate and promote the boycott of Seattle Pro Musica by patrons and donors, with an emphasis on special internet promotion events during the holiday season.

Most sincerely,

**Gary M. Kruger**

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