



## **FAQs**

### **Frequently Asked Questions addressing dissatisfied homebuyers:**

#### **Q: Who is behind Windermerewatch.com?**

**A:** Windermerewatch.com is a Web site created by Mark and Carol DeCoursey, a couple who purchased a \$280,000 home in Redmond, WA from a Windermere agent in 2004 with the intent of doing a significant remodel on the home. The real estate agent who sold them the home, Paul Stickney, recommended a contractor to them. Unfortunately, the remodel was fraught with issues, problems and cost overruns, resulting in the DeCourseys suing the contractor, the agent and Windermere.

In the course of discovery, the DeCourseys learned that Paul Stickney was an officer of the contractor's company, a fact he did not disclose. Nor did he disclose that the contractor was operating without a license at the time.

The Decourseys charged all parties with "conspiracy to defraud." They claimed that all parties involved were engaged in a form of real estate and renovation confidence game that might be called "equity raiding."

It was during the court trial in 2008 that the DeCourseys created windermerewatch.com – a Web site they continue to maintain to this day. Somewhere along the way, the DeCourseys decided it wasn't just about recouping the damages and fixing the remodel-gone-wrong; it was about punishing the real estate industry in general, and Windermere in particular.

Windermere experts estimated the DeCoursey's expenses to cover the needed repairs at \$70k. The DeCoursey's original estimate was \$170k. However, when appearing in court the DeCourseys upped their estimated damages to \$525k.

The DeCourseys prevailed in court. A week before the trial they actually settled with the contractor for \$270k, followed by the judge awarding them \$525k in damages and \$500k for attorney fees.

Five years later, after being awarded more than \$1 million, the DeCourseys continue to attack Windermere, primarily through Windermerewatch.com. The DeCoursey case is currently on appeal, with a hearing scheduled for early March 2010. A decision on the appeal will likely be issued within three to six months after the hearing.

**Q: I also hear things about “Ratman.” Who is he and what’s his story?**

**A:** Gary Krueger is often referred to as “Ratman” by those familiar with his situation. Krueger purchased a home in 2002. Shortly after he moved in he started having health issues. When he proceeded to tear out the walls, he discovered numerous rat carcasses. He filed claims against the agent and seller, claiming they did not disclose a previous problem. The sellers, who had lived there for a number of years, actually discovered a rat problem prior to purchasing the home. Prior to that sale they exterminated and took extensive steps to eliminate the problem, never to have it occur again throughout their years of owning the home.

Krueger sued and claimed that legally the agent and seller were required to disclose. The case never made it to court because the judge ruled that the seller and agent had done nothing wrong, and dismissed the case. Krueger was furious. He started a Web site and began defaming Windermere. Windermere contacted him and asked him to stop or they would file suit. He did not stop, so Windermere filed suit for defamation. During mediation prior to the trial, the parties could not reach a settlement. At that point Windermere made the business judgment that – although they expected to prevail at trial – further expense was not justified in light of the limited scope of Krueger’s activities. Windermere therefore dropped the case. Krueger, to this day, still feels wronged by Windermere. He has since joined forces with the DeCourseys, posting to Windermerewatch.com and assisting them in postcard dissemination. Some of the postcards you’ve seen are postmarked from Nevada, which is where Krueger now resides.

**Q: Why doesn’t Windermere sue the DeCourseys (Windermerewatch.com) and get them to stop the Web site and stop sending postcards?**

**A:** Windermere has had several attorneys review the actions of the DeCourseys to evaluate whether legal action for defamation is possible, or advisable. Technically, defamation means they are making false statements of fact - either on their Web site or on the postcards they mail. As inflammatory as their materials are, most of what appears on their Web site is comprised of direct statements from court documents, or are simply the DeCoursey’s opinions. Both of these categories of speech are legally privileged. While some of the DeCoursey’s statements are arguably defamatory, so far at least there hasn’t been a strong enough case to justify a lengthy, expensive court battle.

From a public relations perspective, bringing a lawsuit against the DeCourseys would only serve to shine light on the issue. By doing so, it simply adds fuel to the fire and gives the DeCourseys exactly what they want, a new reason and new avenues for sharing their messages about Windermere.

It’s important to keep in mind this issue has received little to no media attention. The last media hit came after the DeCourseys won in court in 2008. A lawsuit by Windermere against two citizens (who already prevailed in court) would give the media and the DeCourseys ample opportunity to paint Windermere as the evil corporate giant with big pockets taking on “Joe consumer” who has already been wronged once.

**Q: Why doesn't Windermere wage a PR campaign directly attacking the DeCourseys, taking them head on and exposing them for who they really are?**

**A:** In the court of public opinion, name calling or direct attacks never win. While the DeCourseys are clearly misguided and think about the world differently than many of us, attacking them and calling them names only serves to position Windermere as the big bully. Corporations are expected to take the high road, and there should be no exception in this case.

This approach would also move this issue into the public realm, since the goal of taking people head on and attacking them is to "expose them to the world." What has essentially remained an internal Windermere issue for five years would become a public issue. And, since the DeCourseys have been unsuccessful in getting any measurable public attention or following over the past five years, we believe this approach is best in preventing it from ever becoming a public issue.

**Q: Why does Windermere believe this isn't a public issue when they are sending postcards to Windermere clients?**

**A:** We acknowledge that the DeCourseys and Gary Krueger have been reaching out to your clients and making your lives difficult. Our hope and goal is that by providing you the answers and tools you can easily respond to client questions and eliminate any concerns clients may have.

Remember, for five years the DeCourseys have established no following through their Web site and postcards. In today's viral world of social networking, that tells us they are not effective and not considered credible. The important thing is to be consistent in our responses to clients and others. Our responses should always clearly define Windermere, put the DeCourseys in context and be clear on what clients can expect from us (see messaging section.)

**Q: If somebody asks about who's behind Windermerewatch.com, why can't we just tell it like it is?**

**A:** It depends what you mean by "telling it like it is." Yes, we believe these three people are misguided. Some have called them crazy – or worse – but Windermere prides itself on its integrity and professionalism, and we need to maintain those standards when being asked about former clients.

In this case, providing some context and background is important, but we ask that you keep your opinions out of it. The most important step we can take to minimize the DeCoursey's impact on clients is to be consistent and professional in our response. Fact-based messages will always prevail in the court of public opinion (Please see key messages.)

**Q: What will make the DeCourseys stop?**

**A:** They may never stop. It appears to be their life's work to rally against Windermere. Let's not forget that the DeCourseys settled with their contractor and also prevailed in court, receiving a judgment of more than \$1 million. Their motivation apparently goes beyond money.

The DeCourseys actually have a history that includes a similar situation in Virginia. The only other home they purchased resulted in a settlement with the real estate company.

It appears that regardless of what Windermere does or doesn't do, the DeCourseys will most likely never stop unless they somehow get focused on another cause or corporation. The best course of action is to minimize their impact by not engaging with them, responding to those who ask with consistent, appropriate messages and continuing to uphold the Windermere brand through the good work you do.

**Q: Is there anything else in the DeCoursey's background that would give us insight into who they are?**

A: It might be of interest to know that Carol DeCoursey also goes by the name Carol A. Valentine. In addition to the Web site about Windermere, Carol DeCoursey also has [www.public-action.com](http://www.public-action.com) (which appears to argue that the United States government intentionally slaughtered the Branch Davidians in Waco) and [www.come-and-hear.com](http://www.come-and-hear.com) (which appears to argue that a conspiracy exists for Jewish domination of the world). Google her and you'll also find arguments that the United States government was behind the attacks of September 11, 2001, found at [www.conspiracyplanet.com](http://www.conspiracyplanet.com) among other websites: "Those who want to pursue the War on Islam of course want to sustain the lie that Muslim suicide pilots were responsible for 9-11. They want to keep the real trigger men – the men working behind the NORAD cover – hidden from public view."

**Q: What else can we do? I'm not convinced having us all use the same messages will change anything.**

**A:** Windermere has chosen to ignore the DeCourseys and Gary Krueger for five years. We believed that three people could have little to no impact on our business, and we still believe that. However, we acknowledge that all of Windermere's area representatives, owners and agents need to be aligned in how we talk about the DeCourseys and Windermerewatch.com. We are confident that by defining who we are, providing some context on the situation and remaining focused on the service we are known to provide, the DeCourseys will make no inroads with their antics and messaging.

It's important to keep in mind that they are three people with no real power, and you make an army that can drown out any static they might be making. While they are annoying, we can align our actions and responses to help ensure they are not effective in damaging the Windermere brand in any way.

This is our first focused effort aimed at managing the DeCourseys by using deliberate, well-thought-out messaging and providing you the tools you need to be well informed and prepared to address this issue, if asked. We ask that you support us in this approach. We are confident that by coming together with a united voice the DeCourseys will become inconsequential to all of us.

**Q: What if the approach you are suggesting doesn't work?**

**A:** You won't see changes overnight. First, we need to ensure that all of you are using the messaging and tools we provide. We may need to make adjustments, and we'll determine that by continuing to monitor the situation and by gathering your feedback.