

**PRACTICE OF LAW BOARD  
STATE OF WASHINGTON**

1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539  
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Stephen Crossland  
Chairperson  
Cashmere

May 30, 2007

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Vice-Chairperson  
Spokane

Allyson Harvey

██████████  
Bonney Lake, WA ██████████

Rita L. Bender  
Seattle

Re: #07-11 -- Unauthorized Practice of Law Complaint

Margaret Bridewell  
Walla Walla

Dear Ms. Harvey:

Brian J. Dano  
Moses Lake

The Practice of Law Board was created by order of the Washington State Supreme Court in General Rule (GR) 25. The Board is charged with the investigation of individuals in Washington allegedly engaging in the unauthorized practice of law. Revised Code of Washington (RCW) 2.48.180 states that a nonlawyer practicing law or holding himself out as entitled to practice law constitutes the unauthorized practice of law. Court rule GR 24 defines the practice of law. The unauthorized practice of law is a crime in Washington.

Jeanne J. Dawes  
Spokane

Stephanie Delaney  
Seattle

Nancy C. Ivarinen  
Burlington

Cheryl D. Kringle  
Seattle

As you are aware, a complaint was filed by S██████ M██████ alleging that you engaged in the unauthorized practice of law by misrepresenting yourself as an attorney. Mr. and Mrs. M██████ disputed a bill they received from U██████ Plumbing. First, the M██████'s wanted to pay only a portion of the bill. U██████ Plumbing demanded the full amount and filed a mechanic's lien against the M██████s' home. U██████ plumbing then demanded a cashier's check for the amount of the bill and an additional \$150 for filing the lien. Mrs. M██████ agreed to pay the full amount by regular check, but not by cashiers check. U██████ Plumbing would not accept a regular check. On that same day, October 16, 2006, the M██████s received a message from you stating that you had been "hired to represent U██████ Plumbing and asked them to call you." When Mrs. M██████ called, you told her that U██████ Plumbing would be filing in small claims court, but that you would not be representing them in court because you only represent clients in civil matters with damages over \$2500. You told Mrs. M██████ that you had represented U██████ Plumbing in other matters. By calling the M██████s on behalf of U██████ Plumbing and using the word "represent," you caused the M██████'s to believe that you were an attorney. You did not explain your role to the M██████s. In an email dated October 16, 2006, Mrs. M██████ told you that since "U██████ Plumbing has contracted with an attorney," she preferred to deal only with you. You

Howard H. Marshack  
Vancouver

Daniel Pérez  
Seattle

Hon. Jane M. Smith  
Nespelem

Administrator  
Julie Shankland

Investigator  
Sandra Schilling

responded in an email dated October 17, 2006, that you “would be more than happy to collect payment...” and that you had advised U [REDACTED] Plumbing to accept the payment via check. You did not correct the M [REDACTED]’s impression that you were a lawyer. In an email from U [REDACTED] Plumbing, dated October 17, 2006, U [REDACTED] Plumbing wrote to Mrs. M [REDACTED]: “...after speaking with my attorney, I have decided [sic] to go ahead and cash your check.” Because the M [REDACTED]’s communicated their offer to pay by check only to you and to U [REDACTED] Plumbing, they reasonably assumed that the reference to “my attorney” was to you. After the M [REDACTED]’s paid the plumbing bill, they discovered that you worked for a mortgage company and are not a lawyer licensed to practice in Washington.

In response to Mrs. M [REDACTED]’s complaint, you sent a letter to the Practice of Law Board stating that you were hired as a mediator between U [REDACTED] Plumbing and the M [REDACTED]’s. U [REDACTED] Plumbing agreed that you were hired to mediate the disputed debt. In fact, you were acting as a collection agency. The Revised Code of Washington (RCW) 19.16.100 defines a “collection agency” to include any person directly or indirectly engaged in soliciting claims for collection, or collecting or attempting to collect claims owed or due or asserted to be owed or due another person. By negotiating the disputed debt, and by offering to collect payment of the debt you acted as a collection agency. Under Washington law, a license is required in order to act as a collection agency.<sup>1</sup> You are not licensed in Washington as a collection agency.

Washington law prohibits a nonlawyer from holding himself or herself out as entitled to practice law. RCW 2.48.180(2)(a). Your use of the terminology “hired to represent” and as having “advised” U [REDACTED] Plumbing reasonably caused the M [REDACTED]’s to believe you were a lawyer. Your statement to Mrs. M [REDACTED] that you had represented U [REDACTED] Plumbing in other civil matters clearly implies that you are an attorney. Mrs. M [REDACTED] refers to you as an attorney in her October 16, 2007, email and requests the name, address, and phone number of your firm in subsequent emails. You did not correct her misunderstanding. RCW 2.48.180(2)(a) states that a nonlawyer practicing law or holding himself out as entitled to do so constitutes the unauthorized practice of law. In addition, it is a violation of the Federal Fair Debt Collection Practices Act for a debt collector to misrepresent or imply that he or she is an attorney.<sup>2</sup> Your conduct constitutes the unauthorized practice of law.

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<sup>1</sup> RCW 19.16.110 No person shall act, assume to act, or advertise as a collection agency or out-of-state collection agency as defined in this chapter, except as authorized by this chapter, without first having applied for and obtained a license from the director.

<sup>2</sup> Federal Fair Debt Collection Practices Act § 807. False or misleading representations [15 USC 1692e] A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

...(3) The false representation or implication that any individual is an attorney or that any communication is from an attorney.

At this time, pursuant to GR 25(f)(4)(B) and (g), we request that you enter into a stipulation with this Board, whereby you agree that you will cease and desist from holding yourself out as entitled to practice law and implying that you are an attorney.

We further ask you to stipulate that in the event you violate this agreement, you agree that this stipulation, evidence of your further violation, the investigative report to the Board of your past violations, the original complaint, your response, and all other evidence of such violations shall be turned over to the appropriate County Prosecutor's Office with a request from the Board that that office institute a criminal proceeding against you.

In the event you do not return this stipulation as signed and agreed to within 15 days of the mailing of this letter, the Board will issue its report and consider turning over its investigation along with a request for prosecution to the County Prosecutor's Office.

If you are willing to so stipulate, please sign and date your signature and have your signature witnessed by a person over the age of eighteen, who will also sign as the witness. The signed letter should be returned to the Board within 15 days.

The Board also decided to forward the information gathered in this investigation to the Collection Agency Division of the Department of Licensing.

Thank you in advance for your anticipated cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stephen Crossland". The signature is written in a cursive, somewhat stylized font.

Stephen Crossland, Chairman  
Practice of Law Board

cc: [REDACTED]