

**PRACTICE OF LAW BOARD
STATE OF WASHINGTON**

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Members

December 20, 2005

**Stephen Crossland
Chairperson
Cashmere**

Kenneth Wayne Leaming
[REDACTED]
Spanaway WA [REDACTED]

**Hon. Paul A. Bastine
Vice-Chairperson
Spokane**

Re: #05-12 and 05-27 -- Unauthorized Practice of Law
Complaints

**Rita L. Bender
Seattle**

Dear Mr. Leaming:

**Jennie Bigley
Seattle**

The Practice of Law Board was created by order of the Washington State Supreme Court, 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 defines conduct constituting the unauthorized practice of law. Court rule GR 24 defines the practice of law. The unauthorized practice of law is a crime in Washington.

**Brian J. Dano
Moses Lake**

**Jeanne J. Dawes
Spokane**

**Stephanie Delaney
Seattle**

**C. Robert Ford
Bellevue**

**Nancy C. Ivarinen
Burlington**

**Cheryl Kringle
Seattle**

As you are aware, P [REDACTED] W [REDACTED] and S [REDACTED] H [REDACTED] filed complaints alleging that you¹ engaged in the unauthorized practice of law. Ms. W [REDACTED] alleged that you actively market legal services via seminars and the internet and that you provide legal advice and prepared pleadings for many clients. Mr. H [REDACTED] alleged that you contracted to assist him in avoiding an IRS lien on his home and failed to provide the services.

**Howard H. Marshack
Vancouver**

**Daniel Pérez
Seattle**

You advised Ms. W [REDACTED] in a scheme to avoid licensing a vehicle in the State of Washington. You prepared a document entitled Negotiated Registration for Ms. W [REDACTED]. Although Ms. W [REDACTED] signed these documents, she did so based on your advice.

**Hon. Jane M. Smith
Nespelem**

**Administrator
Julie Shankland**

¹ You are also known as Kenneth Wayne.

You also advised and represented Ms. W■■■■ in a DUI charge in Tacoma. You drafted several pleading and advised Ms. W■■■■ to file four separate actions to stay the DUI prosecution. The pleadings you drafted alleged that the district court lacked jurisdiction and requested that the Superior Court issue an injunction against the district court proceeding. You also interfered with Ms. W■■■■s' relationship with her public defender.

You employed Ms. W■■■■ to work for the Civil Rights Task Force. The Civil Rights Task Force is a business organization through which you appear to present legal advice to the public during seminars. Ms. W■■■■ alleges that during this time you coerced her into notarizing documents that resulted in the loss of her notary license. You drafted letters to several government offices in Klickitat County, businesses and individuals. You instructed Ms. W■■■■ to notarize these documents. When Ms. W■■■■ questioned you about the legality of notarizing the documents you drafted, you were physically and emotionally abusive to her. Ms. W■■■■ voluntarily resigned her notary license as a consequence of the acts you directed.² She has also obtained an order of protection against you.

S■■■■ H■■■■ contacted the Civil Rights Task Force to provide assistance in avoiding an IRS tax lien filed against real property in Georgia. You told Mr. H■■■■ that you were a lawyer. Mr. H■■■■ indicated that he entered into a contract with the Civil Right Task Force to provide these services in January or February 2005, but that the services were not performed. Mr. H■■■■ resolved the lien issue on his own.

You are listed on a website Trustedbusiness.com as the author of CDs and seminar presenter on topics such as how to structure a business to avoid judgments and lawsuits. In CD #2 you purport to explain the legal differences between sole proprietorships and Limited Liability Corporations. In CD #4, you purport to explain how the public can avoid IRS seizures, creative artificial poverty and protect books and records from subpoenas.

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. GR 24 includes the following conduct in the definition of the practice of law:

- (1) giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration;
- (2) selecting, drafting or completion of legal documents or agreements which affect the legal rights of an entity or person; and
- (4) negotiation of legal rights or responsibilities on behalf of another entity or person.

² Ms. W■■■■ agreed to do this as part of a disciplinary charge brought against her by the Notary Division of the Department of Licensing, Business and Professions.

Letter to Kenneth Wayne Leaming

December 14, 2005

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The Board finds that your conduct constitutes the unauthorized practice of law.

At this time, pursuant to GR 25(f)(4)(B), we request that you enter into a written agreement with this Board, to refrain from the following conduct:

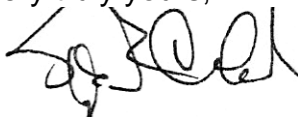
- ◆ Drafting legal documents affecting the legal rights of other;
- ◆ Giving advice or counsel to others regarding legal rights or responsibilities;
- ◆ Holding yourself out as able to give legal advice or provide counsel through Trustedbusiness.com, Civil Rights Task Force or other organizations;
- ◆ Negotiating legal rights of others.

In the event you do not return the signed agreement within 15 days of the mailing of this letter, GR 25(h)(1) requires the Board to consider referring this matter to the County Prosecutor's Office for prosecution. GR 25(h)(2) requires the Board to send the following documents with the prosecution request: original complaint, response, evidence or other proof, investigative report, and transcript of informal conference, if any. You will be notified in writing of the Board's referral.

We are hopeful that we will be able to resolve these matters by stipulation. If you are willing to agree, please sign and date the agreement. You must 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.

Thank you in advance for your anticipated cooperation.

Very truly yours,



Stephen Crossland, Chairman
Practice of Law Board

cc: P [redacted] W [redacted]
S [redacted] H [redacted]