

1 **BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION**

2 In the Matter of )  
3 )  
4 FRANK COLACURCIO, SR., ) Case No. 04-2-0507-1  
5 )  
6 Respondent, ) NOTICE OF CHARGES  
7 )

8 To: Frank Colacurcio, Sr. )  
9 To: The Seattle Ethics and Elections Commission )

10 Pursuant to Seattle Municipal Code (“SMC”) §§ 2.04.060.I, 2.04.075, and 3.70.100.D, and  
11 Seattle Ethics and Elections Commission Administrative Rule 2.8.2, NOTICE IS HEREBY GIVEN  
12 that the Executive Director of the Seattle Ethics and Elections Commission (“Director”) has  
13 reasonable cause to believe that Frank Colacurcio, Sr. (“Respondent”) has committed material  
14 violations of the Seattle Elections Code. The Executive Director hereby schedules a hearing at 4:00  
15 p.m. June 28, 2007, in Seattle Municipal Tower Room 4050, and alleges as follows:

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17 ***Background Information on Rick’s and the Respondent***

18 1. For many years, Respondent operated Rick’s nightclub on Lake City Way NE in  
19 Seattle as well as other adult entertainment enterprises in the Western United States. Gradually,  
20 Respondent turned the day-to-day management of these businesses, including Rick’s, over to his  
21 son, Frank Colacurcio, Jr.  
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23 2. Rick’s nightclub is an adult entertainment establishment located at 11332 Lake City  
24 Way NE, registered with the Washington Department of Licensing as follows:  
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26 Entity Name: LLC Lake City  
27 Firm Name: Rick’s  
28 License Type: Washington State Business  
29 Entity type: Limited Liability Company  
30 UBI: 602039500 business ID:001 Location ID:001  
Location Address: 11332 Lake City Way NE, Seattle, WA 98125  
Governing People: David C. Ebert, Frank Colacurcio, Jr., Leroy Christianson, Steven M.

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1           Registered Trade Names: Rick's

2           3. Rick's is also owned by MM MR RM Corporation d/b/a M M R Corporation. M M R  
3 Corporation is owned by Frank Colacurcio, Jr.

4           ***Rick's Rezone and the City Council***

5           4. In 1988 and again in 1998, Rick's applied to rezone the property adjacent to Rick's to  
6 allow for additional parking.

7           5. On both occasions, the Department of Design, Construction and Land Use ("DCLU")  
8 and the Seattle Hearing Examiner recommended that these rezone applications be denied. On  
9 both occasions, the City Council denied the applications for rezone.  
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11           6. In February 2001, Rick's applied for a third time for a rezone and a conditional use  
12 permit to use the property for accessory parking. The application to DCLU for a rezone with an  
13 associated application for a Master Use Permit for a conditional use permit triggered a quasi-  
14 judicial process before the City Council, the ultimate decision-maker on whether to approve or  
15 deny Rick's request for a rezone. This process before the City Council was commonly known as  
16 "Rick's Rezone."  
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18           7. On October 7, 2002, the City Council referred Rick's Rezone to the Council's Land  
19 Use Committee. Councilmember Judy Nicastro chaired the Land Use Committee.  
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21           8. In October 2002, DCLU again recommended that Rick's Rezone be denied. In  
22 December 2002, the Hearing Examiner agreed and recommended that the rezone be denied.  
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24           9. On April 15, 2003, the City Council's Land Use Committee considered Rick's  
25 Rezone. Although Councilmember Wills was not a member of the Land Use Committee she  
26 attended the meeting and voted, together with Councilmember Nicastro, to recommend that  
27 Rick's Rezone be approved. The two other Land Use Committee members voted to deny the  
28 rezone, and the matter was referred to the full City Council without a recommendation.  
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1           10. On June 16, 2003, the City Council considered Rick's Rezone. The City Council  
2 voted 5-4 to approve the motion to grant approval for Rick's Rezone.

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4 ***Respondent's illegal contributions to the Nicastro campaign***

5           11. Walter Dauber is a retired attorney, although he is still associated with Dauber,  
6 Bartheld, and Schwartz, a law firm in Yakima, Washington. Dauber has been friends with  
7 Respondent and has represented Respondent since 1973.

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9           12. In May 2003, Dauber met with Respondent in Seattle. Respondent asked Dauber  
10 whether he would be willing to contribute to Councilmember Nicastro's reelection campaign, and  
11 Dauber agreed to do so. Respondent then asked Dauber whether his partners would be willing to  
12 contribute, and Dauber told Respondent he expected they would. Respondent provided Dauber  
13 with cash to reimburse him and his partners for their contributions.  
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15           13. On June 11, 2003, five days before the City Council's vote on Rick's Rezone,  
16 Councilmember Nicastro's campaign deposited a \$1,300 contribution from Walter Dauber and  
17 his wife. The contribution was made with a check dated May 28, 2003.

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19           14. The prior day, May 27, 2003, Dauber deposited \$1,300 in cash into his bank account.

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21           15. On June 11, 2003, Nicastro's campaign also deposited a \$1,300 contribution from  
22 Dauber's law partner, Howard Schwartz, and Schwartz's wife, Stephanie. The contribution was  
23 made with a check dated May 27, 2003.

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25           16. Respondent reimbursed Walter Dauber in cash for the Schwartz's \$1,300 contribution  
26 to the Nicastro campaign, which Dauber gave to Schwartz.

27           17. On June 11, 2003, Nicastro's campaign deposited a \$650 contribution from Dauber's  
28 law partner, Richard Bartheld. The contribution was made with a check dated May 27, 2003.  
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1 18. Respondent reimbursed Walter Dauber in cash for Bartheld's \$650 contribution to the  
2 Nicastro campaign, which Dauber gave to Bartheld.

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4 19. Respondent made no contributions to the Nicastro campaign in his own name.

5 ***Concealing the source of campaign contributions***

6 Count 1

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8 20. The Director has reasonable cause to believe that Respondent violated SMC  
9 2.04.290(A) when he reimbursed or caused a reimbursement to be made to Walter Dauber for a  
10 contribution of \$650 allegedly made in the name of Mr. W.B. Dauber to the reelection campaign  
11 of Judy Nicastro for Position 1 of the Seattle City Council.

12 Count 2

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14 21. The Director incorporates and realleges paragraphs 1 through 19, above.

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16 22. The Director has reasonable cause to believe that Respondent violated SMC  
17 2.04.290(A) when he reimbursed or caused a reimbursement to be made to Dauber's wife, Joan,  
18 for a contribution of \$650 allegedly made in the name of Ms. W.B. Dauber to the reelection  
19 campaign of Judy Nicastro for Position 1 of the Seattle City Council.

20 Count 3

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22 23. The Director incorporates and realleges paragraphs 1 through 19, above.

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24 24. The Director has reasonable cause to believe that Respondent violated SMC  
25 2.04.290(A) when he reimbursed or caused a reimbursement to be made to Howard Schwartz for  
26 a contribution of \$650 allegedly made in the name of Howard Schwartz to the reelection  
27 campaign of Judy Nicastro for Position 1 of the Seattle City Council.

28 Count 4

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30 25. The Director incorporates and realleges paragraphs 1 through 19, above.

1 26. The Director has reasonable cause to believe that Respondent violated SMC  
2 2.04.290(A) when he reimbursed or caused a reimbursement to be made to Schwartz's wife,  
3 Stephanie, for a contribution of \$650 allegedly made in the name of Stephanie Shchwartz to the  
4 reelection campaign of Judy Nicastro for Position 1 of the Seattle City Council.  
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6 Count 5

7 27. The Director incorporates and realleges paragraphs 1 through 19, above.  
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9 28. The Director has reasonable cause to believe that Respondent violated SMC  
10 2.04.290(A) when he reimbursed or caused a reimbursement to be made to Richard Bartheld for a  
11 contribution of \$650 allegedly made in the name of Richard Bartheld to the reelection campaign  
12 of Judy Nicastro for Position 1 of the Seattle City Council.  
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14 ***Exceeding the Campaign Contribution Limit***

15 Count 6

16 29. The Director incorporates and realleges paragraphs 1 through 19, above.  
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18 30. The Director has reasonable cause to believe that Respondent violated SMC  
19 2.04.370(B) when he exceeded the contribution limit by contributing the maximum \$650 in the  
20 name of Walter Dauber to the reelection campaign of Judy Nicastro for Position 1 of the Seattle  
21 City Council and reimbursing or causing a reimbursement to be made to Dauber's wife, Joan, for  
22 a contribution of \$650 allegedly made in the name of Ms. W.B. Dauber to the reelection  
23 campaign of Judy Nicastro for Position 1 of the Seattle City Council.  
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26 Count 7

27 31. The Director incorporates and realleges paragraphs 1 through 19, above.  
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29 32. The Director has reasonable cause to believe that Respondent violated SMC  
30 2.04.370(B) when he exceeded the contribution limit by contributing the maximum \$650 in the

1 name of Walter Dauber to the reelection campaign of Judy Nicastro for Position 1 of the Seattle  
2 City Council and reimbursing or causing a reimbursement to be made to Howard Schwartz for a  
3 contribution of \$650 allegedly made in the name of Howard Schwartz to the reelection campaign  
4 of Judy Nicastro for Position 1 of the Seattle City Council.  
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6 Count 8

7 33. The Director incorporates and realleges paragraphs 1 through 19, above.  
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9 34. The Director has reasonable cause to believe that Respondent violated SMC  
10 2.04.370(B) when he exceeded the contribution limit by contributing the maximum \$650 in the  
11 name of Walter Dauber to the reelection campaign of Judy Nicastro for Position 1 of the Seattle  
12 City Council and reimbursing or causing a reimbursement to be made to Stephanie Schwartz for  
13 a contribution of \$650 allegedly made in the name of Stephanie Schwartz to the reelection  
14 campaign of Judy Nicastro for Position 1 of the Seattle City Council.  
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16 Count 9

17 35. The Director incorporates and realleges paragraphs 1 through 19, above.  
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19 36. The Director has reasonable cause to believe that Respondent violated SMC  
20 2.04.370(B) when he exceeded the contribution limit by contributing the maximum \$650 in the  
21 name of Walter Dauber to the reelection campaign of Judy Nicastro for Position 1 of the Seattle  
22 City Council and reimbursing or causing a reimbursement to be made to Richard Bartheld for a  
23 contribution of \$650 allegedly made in the name of Richard Bartheld to the reelection campaign  
24 of Judy Nicastro for Position 1 of the Seattle City Council.  
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27 Dated: May 31, 2007.  
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30 Wayne Barnett, Executive Director  
Seattle Ethics and Elections Commission