

September 25, 2007

Mr. Tim Burgess
Jason Bennett, Treasurer
Tim Burgess for Seattle City Council 2007
PO Box 9100
Seattle, WA 98109

Dear Messrs. Burgess and Bennett:

On September 11, 2007, we received a complaint that the Tim Burgess for Seattle City Council 2007 committee (the "Committee") failed to accurately report obligations for radio ads purchased in August on its C-4 report for the period ending August 31 (the "August C-4"). The Committee first amended its August C-4 on September 11, and filed a second amendment on September 24. Balancing the limited time in which the incorrect information was in the public domain with the substantial amount of obligations that initially went unreported, I am imposing a \$100 penalty.

FACTS

On August 30, Elizabeth Kuhn of Northwest Passage Consulting ("Northwest Passage"), acting for the Committee, executed agreements with radio stations KIXI, KWRM, KWJZ, KING FM, and KPTK for radio advertising. That same day, Northwest Passage wrote a check to KIXI, KWRM and KWJZ totaling \$26,877, a check to KING FM totaling \$8,704, and a check to KPTK totaling \$680, all to pay for radio advertising.

On September 10, the Committee filed its August C-4. The report did not include an obligation to Northwest Passage for the money paid to the radio stations on the Committee's behalf.

On September 11, Commission staff received a complaint regarding the Committee's failure to report the obligation. Before making contact with the Committee, Commission staff received a call from the Committee's treasurer alerting the Commission that the Committee would be amending its August C-4.

On September 11, the Committee amended its August C-4 to reflect an obligation to Northwest Passage totaling 29,070.78 for radio advertising. Following discussions with Commission staff, the Committee again amended its August C-4 on September 24 to reflect an obligation to Northwest Passage totaling \$40,331.78 for radio advertising.

LATE FILING PENALTIES

The Seattle Elections Code requires that all expenditures, including obligations or debts, be timely reported. Pursuant to Administrative Rule 8.2, incomplete or inaccurate reports are not considered filed. The Elections Code authorizes me to assess penalties of \$10 for each day that a complete and accurate report is not filed.

The Committee filed a complete and accurate August C-4 14 days late. At \$10 per day, the Committee could be subject to a \$140 penalty. Balancing the limited time in which the incorrect information was in the public domain with the substantial amount of obligations that initially went unreported, I have decided to impose a penalty of \$100.

RIGHT TO APPEAL

You may appeal this decision by submitting by 4:00 p.m., Tuesday, October 9, 2007, a written request for appeal, pursuant to Administrative Rule 8.3, which provides in relevant part:

A person may appeal the Executive Director's assessments to the Commission, under the following procedure:

- (a) Upon the written request of a party aggrieved by the Executive Director's decision to impose a penalty, the decision may be reviewed by the Commission.
- (b) Such a request for review shall be served at the office of the Commission no later than fourteen (14) days after the date of mailing the decision for which review is sought.
- (c) A request for review shall state the grounds therefor, and shall be no longer than twelve 8 1/2" x 11" double-spaced pages in length with margins of at least 1" on every side, and no more than twelve characters per inch.

ACTIONS TO TAKE

The Committee must pay the fine or appeal within 14 days. By Tuesday, October 9, 2007, please deliver a \$100 check payable to the City of Seattle, or your request for an appeal, to the Commission's offices at 700 Fifth Avenue, Suite 4010, P.O. Box 94729, Seattle, WA 98124-4729.

CONCLUSION

A major purpose of the Seattle Elections Code is to give the public timely access to information regarding all contributions and expenditures made supporting or opposing City

Tim Burgess for Seattle City Council 2007
September 25, 2007
Page 3

candidates. The Committee's delay in reporting inhibited this purpose, and therefore I am compelled to impose these penalties.

If you have any questions, please call me at 684-8577.

Very truly yours,

/S/

Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission
Doug Ellis, Public Disclosure Commission