City of Seattle

Ethics and Elections Commission

November 16, 2009

Martin H. Kaplan
MHK for Seattle
P. O. Box 9727
Seattle, WA 98109

Dear Mr. Kaplan:

On October 1, 2009, you filed an amended 7-day pre-Primary C-4 that included almost $4,000 in payments to your campaign manager and your fundraising consultant that had not previously been reported. Had the final C-4 you filed before the Primary been accurate, it would have shown your campaign with a balance of just over $800 one week before the election, and not the $6,321.39 you reported. (The amended 7-day C-4 did not include $1,706.25 in obligations that had been previously reported but subsequently paid, but did show a $1,500 change to the expenditure total carried over from the previous C-4 report.)

A major purpose of the Seattle Elections Code is to give the public timely access to information regarding contributions and expenditures made supporting or opposing City candidates. Failing to disclose these expenditures left voters with an inaccurate view of your campaign's financial situation on the eve of the election.

LATE FILING PENALTIES

The Seattle Elections Code requires that all contributions and expenditures be timely reported. The Elections Code authorizes me to assess penalties of $10 for each day a report is late filed and $50 per day within seven days before and including election day. In total, the campaign could be subject to a penalty of up to $780. Since the reporting errors occurred so close to the election, I am compelled to issue a penalty. I am, however, reducing the penalty to $75 in light of your campaign's otherwise unblemished record of compliance.

RIGHT TO APPEAL

You may appeal the Executive Director's assessments to the Commission by **4:00 PM, Monday, November 30, 2009**, pursuant to Administrative Rule 4, which provides in relevant part:

> A. Upon the written request of a party aggrieved by the Executive Director's decision to dismiss a complaint, or to impose late-filing penalties under SMC 2.04.330, the action may be reviewed by the Commission.
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> ...

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GCIU 804-M

C. An appeal of late-filing penalties shall be served at the Commission's office no later than 14 days after the date of mailing the decision of which review is sought.
D. 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 12 characters per inch.

ACTION TO TAKE

Please deliver to the Commission office a check in the amount of $75, payable to the City of Seattle, or an appeal, no later than 4:00 PM on Monday, November 30, 2009.

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

Very truly yours,

Wayne Barnett
Executive Director

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