City of Seattle
Ethics and Elections Commission

January 15, 2014

Mr. Dennis Karl, Treasurer
Seattle Fire Fighter Union
Local 27 Voluntary PAC
517 Second Ave W
Seattle, WA 98119

Re: Late-Filing Penalties

Dear Mr. Karl:

The Seattle Fire Fighter Union Local 27 Voluntary PAC (the "Committee") failed to timely file reports in the weeks leading up to the Primary and General elections. The reports included information on independent expenditures made in support of Albert Shen's city council candidacy and Ed Murray's mayoral candidacy.

FACTS

Primary Reporting

On August 13, 2013, the Committee filed the 21-day and 7-day pre-Primary C-4s, 28 and 14 days late respectively. On September 10, the Committee filed a post-election report that showed expenditures to West Meridian for "automated voice phone message" and Labels and Lists for "Random Sample Records." The two expenditures totaled $3,576.79. They were listed as independent expenditures, but included no detail on which campaign benefitted from the advertising, or when the advertising occurred.

At the request of my staff, the Committee filed a Special Report of Late Independent Expenditures (SRLIE) on November 5, 2013 for the two expenditures. The report identified Albert Shen as the beneficiary of the automated phone messages conducted on or about August 2, 2013. The SRLIE was filed 95 days late.

General Election Reporting

On October 29, 2013, the Committee filed the 7-day pre-General C-4. It included $23,460 in obligations for what was listed in the report as only "Electioneering Communication." As with the Primary reporting, the C-4 failed to identify the beneficiary of the expenditures. The C-4 failed to even note that the money was spent on independent expenditures. On November 4, in response to a request from my staff, the Committee filed an SRLIE reporting $24,355.90 in independent expenditures supporting Ed Murray's mayoral campaign. The SRLIE was filed six days late.

LATE FILING PENALTIES

The Seattle Elections Code authorizes the Executive Director to impose late filing penalties of $10 per day for each day that each report is due and not filed, and $50 per day for each day a report is due and not filed within seven days of an election. (SMC 2.04.330 B-D). The Committee's reports (two C-4s, two SRLIEs) were filed a total of 143 days late. Twenty-seven of those days were subject to a penalty of $50 per day. The Committee faces a maximum late filing penalty of $2,510.

In determining a suitable penalty, I took into account the fact that that you were responsive to my staff's request to file a Special Report the same day it was requested. On the other hand, the public had no knowledge of your activity in the Primary election until after the Primary election; nor did they have knowledge of your General Election activity until one day before the close of voting. Balancing these factors, I am levying a fine of $750.

RIGHT TO APPEAL

You may appeal the Executive director's assessments to the Commission by **4:00 PM, Tuesday, January 29, 2014**, 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 … impose late-filing penalties under SMC 2.04.330, the action may be reviewed by the Commission.

…

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 ½" 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

Deliver to the Commission office a check in the amount of $750 payable to the City Seattle, or an appeal, no later than **4:00 PM on Tuesday, January 29, 2014**.

CONCLUSION

The public relies on the SEEC's website to provide campaign disclosure information in an easily accessible format. Any delay in reporting inhibits our ability to give the public timely access to this information. Therefore we are compelled to impose penalties when reports have not been timely filed.

If you have any questions, or have information that we have not considered in this letter, please call me at 684-8577.

Very truly yours,

Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission