City of Seattle
Ethics and Elections Commission

August 13, 2015

BY E-MAIL ONLY

Carl McNabb, Treasurer
Friends of Kris Lethin
P.O. Box 75585
Seattle, WA 98175-5585

Dear Mr. McNabb:

The Friends of Kris Lethin Committee (the "Committee") failed to timely report more than $3,700 in expenditures in the weeks before the Primary election. Since the omission occurred on the C-4 due 21 days before the election, and was improperly reported on the report due seven days before the election, I am imposing a penalty of $250.

FACTS

On July 30, 2015, in the course of an SEEC pre-election audit, SEEC staff reviewed the Committee's records and discovered a payment to Boruck Printing was made on June 16. The vendor cashed the check on June 19. The payment, however, was not included on the Committee's 21-day C-4, due on July 14. Instead, the Committee reported the expenditure as having been made on July 27 and included it on the 7-day C-4 filed on July 28.

SEEC staff advised the Committee to amend both the 21- and 7-day C-4s to properly account for the expenditure to Boruck Printing. The Committee filed amended C-4s on July 30.

RELEVANT LAW

The Seattle Elections Code authorizes the Commission's Executive Director to impose late filing penalties of up to $150 per day for reports late-filed in the closing 30 days before an election. SMC 2.04.330 B through D.

The Commission's Elections Code Administrative Rule 4.B states that reports that contain "substantial omissions of fact" are not considered filed, and subject the committee to late filing penalties."

LATE FILING PENALTIES

The Committee filed an accurate 21-day C-4 reporting $3,708.32 in previously unreported expenditures on July 30, 16 days late.

This office consistently imposes penalties for material violations that occur at a time when people are voting their mail-in ballots. The fact that the Committee filed a report inaccurately detailing the date of the expenditure compounds this violation in my estimation. I am therefore imposing a late-filing penalty of $250.

RIGHT TO APPEAL

You may appeal this decision by submitting to this office, by 4:00 p.m., August 27, 2015, a written request for appeal, pursuant to the Commission's Administrative Rule 4.[1]

ACTION TO TAKE

No later than August 27, 2015 deliver payment to the Commission at 700 Fifth Avenue, Suite 4010, P.O. Box 94729, Seattle, WA 98124-4729, or your request for appeal.

CONCLUSION

A successful campaign finance reporting regime requires that all campaigns abide by the same rules, and that campaigns act in good faith to comply with the law.

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

Very truly yours,

Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission
Phil Stutzman, Public Disclosure Commission

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[1] Rule 4 APPEALS

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.

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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…