

June 16, 2009

Don Stark, Treasurer  
Forward Seattle  
1109 – 1<sup>st</sup> Ave #300  
Seattle, WA 98101

Re: Late-filed reports

Dear Mr. Stark:

On May 18, 2009, Forward Seattle filed 11 reports a total of 366 days late. Since significant receipts and expenditures went unreported, I am imposing a \$250 penalty.

#### **FACTS**

On February 24, 2009 Mr. Stark notified the SEEC that he was taking over the treasurer duties for Forward Seattle and another committee, No on I-97.

In mid-May, Phil Lloyd contacted our office to apprise us that he was working with you to get the Forward Seattle campaign disclosure records filed. Mr. Lloyd filed twelve reports on May 18, covering activity between February 1 and April 30. In February, the committee took in \$7,500 in contributions and conducted a \$10,000 poll. In March, the committee took in \$11,000 and conducted a \$5,000 poll.

#### **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 not filed and due within 7 days of an election. See SMC 2.04.330(B-D). The Committee's C-4s and C-3s filed May 18, 2009 for the February, March and April reporting periods were filed a total of 366 days late. Therefore, the Committee faces a maximum penalty of \$3,660.

In determining a suitable penalty, I took into account the fact that you self-reported, as well as the fact that the failure to timely report the committee's activity did not occur at the height of the election season. On the other hand, though, I took into account the fact that the campaign had significant activity, which I've detailed above. Balancing these factors, I am levying a fine of \$250.

## **RIGHT TO APPEAL**

You may appeal the Executive Director's assessments to the Commission by **4:00 PM, Tuesday, June 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.

...

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**

Deliver to the Commission office a check in the amount of \$250.00, payable to the City of Seattle, or an appeal **no later than 4:00 PM on Tuesday, June 30, 2009**.

File all future reports on time.

## **CONCLUSION**

A major purpose of the Seattle Elections Code is to give the public timely access to the finances of each political committee. Any delay in reporting inhibits this purpose and prevents the opportunity for scrutiny, to which the public is entitled. 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,

/s/

Wayne Barnett  
Executive Director

cc: Phil Lloyd, Project Accounting Services  
Seattle Ethics and Elections Commission  
Doug Ellis, Deputy Director, Public Disclosure Commission