

Seattle Ethics and Elections Commission Special Meeting

October 25, 2019

A special meeting of the Seattle Ethics and Elections Commission (SEEC) convened on October 25, 2019 in Room 4090 of the Seattle Municipal Tower, 700 Fifth Avenue. Commission Chair Brendan Donckers called the meeting to order at 11:03 a.m. Vice Chair Hardeep Singh Rekhi and Commissioners Eileen Norton, and Richard Shordt participated in the meeting via telephone. Executive Director Wayne Barnett was joined by Assistant City Attorneys Jeff Slayton, and Gary Smith, along with staff members Chrissy Courtney, Polly Grow, René LeBeau, Tomica Ransaw, and Annie Tran. Also in attendance was Josie Olson of Blue Wave Political Partners, as a representative of the Egan Orion campaign.

1) Settlement in Case No. 19-2-1010-1

This settlement was negotiated by the Director and the Orion campaign. A copy of the advertisement was replicated as the final page of the settlement agreement. The key issue is that the Sponsor ID was not on the first page of the ad as required by law. The parties agreed to a settlement of \$1,000, which is 1/3rd higher than the \$750 settlement agreement between the Commission and the Seattle Police Officers Guild (SPOG) for their full page ad without a Sponsor ID in the *Seattle Times* in 2017. The key factor for the Director was that the agreement was settled on so quickly, because while fines are punitive, they are also to educate the public about the wrongdoing and now, while people still have their ballots, there is an agreement with the campaign that they violated the law. The Director thinks this was an appropriate settlement and urged the commission to accept it.

The Chair asked if there was anyone from the campaign who would like to address the commission. Ms. Olson said no, everything was in the settlement. The Chair asked the Director

if there had also been a complaint received and the Director answered that the SEEC office had received an email from someone who said they believed the fine was too low, which is why the settlement amount was addressed directly. The Chair asked if any of the commissioners on the phone had any questions for the campaign at this point. Commissioner Norton asked if it was known why the violation occurred and the Director indicated that there was not a known reason but the Sponsor ID was on the second page, and the first page noted that there was a paid advertisement, but that was not in compliance with the law, and the campaign has acknowledged the violation. The Chair asked for legal counsel to remind the commission of the standard of review for the amount of the fine.

Attorney Gary Smith said the settlement review is a *de novo* review, applying the law to the set of facts to determine whether the penalty amount is appropriate and if the commission were to reject the settlement, the matter would go to a hearing. Mr. Smith noted that the commission could ask for further investigation, but the facts are predetermined here so there is really no deferential standard of review. Vice Chair Rekhi asked if this was the first violation for the campaign and the Director answered yes. The Chair asked if Seattle Municipal Code 2.04.290.B.4.c would come into play here at all? The Director answered that if the Sponsor ID had been on the first page, then that subsection would have been relevant but in the absence of the Sponsor ID, it is not at issue.

The Chair asked if the commissioners would like to revisit the amount of the fine. Commissioner Shordt asked since the SPOG fine was \$750, if the amount paid for the SPOG ad was known, to see the proportional amount paid for the ad in the *Seattle Times* and the fine. The Director answered that the SPOG paid \$8,600 for their ad, and the Orion campaign paid \$6,500 for their ad so the fine was higher for the Orion campaign. The Director offered that this was due

to the belief that the Orion ad on the front wrapper of the *Stranger* was more widely seen, since the *Stranger* is widely available in coffee shops and businesses around town for free, compared to the SPOG ad on page A9 of the Sunday *Seattle Times*. The Chair stated that he could not recall any larger Sponsor ID fines. The Director noted that he did not have many Sponsor ID violations to point to and agreed with the Chair. Commissioner Norton moved to accept the settlement. The motion was seconded by Vice Chair Rekhi. All agreed unanimously, with no opposition, and no abstentions. The Chair asked if there was any further business. The Director answered no, and reminded the commission that the next meeting would be held the following Wednesday.

The Special Commission meeting of October 25, 2019 adjourned at 11:10 a.m.