

CITY OF SEATTLE
CLERK OF SUPERIOR COURT
2007 JUL 19 PM 3:23

BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION

2	In the Matter of)	Case No. 04-2-0415-2
3	FRANK COLACURCIO, JR.,)	
4	Respondent,)	

5	In the Matter of)	Case No. 04-2-0507-1
6	FRANK COLACURCIO, SR.,)	
7	Respondent,)	

8	In the Matter of)	Case No. 03-2-0724-1
9	MARSHA FURFARO,)	RESPONDENTS' MOTION AND
10	Respondent,)	AGREED ORDER STAYING
)	PROCEEDINGS

Respondents' Motion to Stay Proceedings:

Respondents (collectively "Respondents") Frank Colacurcio, Jr. ("Colacurcio Jr."), Frank Colacurcio, Sr. ("Colacurcio Sr.") and Marsha Furfaro ("Furfaro") move to stay the proceedings in this matter until completion of the criminal trial pending against them in the King County Superior Court. The Executive Director of the Seattle Ethics and Elections Commission ("Director") does not oppose the motion. The motion, and the Director's agreement with the motion, is based on the following:

1. Pursuant to Rule 2.10 of the Seattle Ethics and Elections Commission Administrative Rules ("Rule"), the Commission has authority to stay proceedings upon a showing of good cause.

2. Each of the Respondents is currently facing criminal prosecution in the King County Superior Court. The prosecution alleges that the Respondents violated RCW 40.16.030.

3. As part of that criminal prosecution, the King County Prosecutor's Office

1 ("KCPA") conducted hearings before a Special Inquiry Judge, as permitted by RCW ch. 10.29.
2 Pursuant to an order issued by the King County Superior Court, the KCPA provided materials
3 from those hearings ("SIJ Materials") to the Director.

4 4. The materials provided by the KCPA comprise a substantial portion of the
5 discovery materials provided by the Director to counsel for the Respondents in this matter. The
6 Director anticipates that a significant portion of the evidence he intends to submit at the hearing
7 on the merits in this matter will be based upon the SIJ Materials.

8 5. Counsel for the Director has spoken with the trial prosecutor in the criminal
9 matter and with John Wolfe, who represents Respondent Colacurcio Jr. in both this matter and in
10 the criminal proceeding. Both the prosecutor and Mr. Wolfe estimate that the criminal matter
11 will be set for trial sometime in February 2008.

12 6. By prior agreed order in this matter, the parties are to submit proposed dates for
13 briefing, a hearing on motions, and a hearing on the merits of this case. In the absence of a stay
14 of the proceedings, and considering potential dates, reasonable vacation schedules and the impact
15 of the holiday season, counsel anticipate requesting a hearing on the merits in mid-December
16 2007 or mid-January 2008.

17 7. Counsel for all parties have reviewed *King v. Olympic Pipe Line*, 104 Wn.App. 338,
18 16 P.3d 45 (2000) and the procedural status of this matter and the criminal prosecution. Based on
19 that review, the Director does not oppose the Respondents' motion to stay the proceedings in this
20 matter pending completion of the trial in the criminal matter.

21 **Order staying proceedings:**

22 1. Proceedings in this matter are hereby stayed pending completion of the trial in the
23 criminal matter involving the Respondents.

1 2. The Director shall notify the Commission upon completion of the criminal trial so
 2 that the Commission may issue an order re-commencing proceedings in this matter. Within 14 days
 3 after proceedings have re-commenced, the parties shall submit to the Commission (a) a proposed
 4 briefing schedule, (b) a proposed hearing date for motions, and (c) proposed dates for hearing the
 5 merits of this matter.

6
 7 DATED this 20th day of July, 2007

8 THOMAS A. CARR
 Seattle City Attorney

WOLFE LEINBACH, P.S.

9
 10 By: Michael J. Finkle
 Michael J. Finkle, WSBA #17911
 11 Carlton W. M. Seu WSBA #26830
 Assistant City Attorneys
 12 Attorneys for the Executive Director of the
 Seattle Ethics and Elections Commission

By: _____
 John W. Wolfe, WSBA #8028
 Attorneys for Frank Colacurcio, Jr.

13 BULLIVANT HOUSER BAILEY, PC

IRWIN H. SCHWARTZ

14
 15 By: [Signature]
 16 Robert S. Mahler, WSBA #23913
 Attorneys for Marsha Furfaro

By: _____
 Irwin H. Schwartz, WSBA #4769
 Attorney for Frank Colacurcio, Sr.

17
 18 APPROVED AND SO ORDERED:

19 SEATTLE ETHICS AND ELECTIONS COMMISSION

20
 21 By: [Signature]
 22 Bruce Heller
 Chair

BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION

2007 JUL 19 PM 4:16
CITY ATTORNEY
CRIMINAL DIVISION

In the Matter of) Case No. 04-2-0415-2
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FRANK COLACURCIO, JR.,)
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Respondent,)

In the Matter of) Case No. 04-2-0507-1
)
FRANK COLACURCIO, SR.,)
)
Respondent,)

In the Matter of) Case No. 03-2-0724-1
)
MARSHA FURFARO,) RESPONDENTS' MOTION AND AGREED
Respondent,) ORDER STAYING PROCEEDINGS

Respondents' Motion to Stay Proceedings:

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7 DATED this 20th day of July, 2007

8 THOMAS A. CARR
Seattle City Attorney

WOLFE LEINBACH, P.S.

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Attorneys for Marsha Furfaro

By: Irwin Schwartz by ONpr
Irwin H. Schwartz, WSBA #4769
Attorney for Frank Colacurcio, Sr.
7/18/07
deborah
author

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18 APPROVED AND SO ORDERED:
19 SEATTLE ETHICS AND ELECTIONS COMMISSION

20
21 By: Bruce Heller
22 Bruce Heller
Chair