

1 **BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION**

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3
4 In the Matter of)
5 FRANK COLACURCIO, JR.,) Case No. 04-2-0415-2
6 Respondent,)
7) NOTICE OF CHARGES
8)

9 To: Frank Colacurcio, Jr.)
10 To: The Seattle Ethics and Elections Commission)

11 Pursuant to Seattle Municipal Code (“SMC”) §§ 2.04.060.I, 2.04.075, and 3.70.100.D, and
12 Seattle Ethics and Elections Commission Administrative Rule 2.8.2, NOTICE IS HEREBY GIVEN
13 that the Executive Director of the Seattle Ethics and Elections Commission (“Director”) has
14 reasonable cause to believe that Frank Colacurcio, Jr. (“Respondent”) has committed material
15 violations of the Seattle Elections Code. The Executive Director hereby schedules a hearing at 4:00
16 p.m., June 28, 2007, in Seattle Municipal Tower Room 4050, and alleges as follows:

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18 ***Background information on Rick’s and the Respondent***

19 1. Rick’s nightclub is an adult entertainment establishment located at 11332 Lake City
20 Way NE, registered with the Washington Department of Licensing as follows:

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22 Entity Name: LLC Lake City
23 Firm Name: Rick’s
24 License Type: Washington State Business
25 Entity type: Limited Liability Company
26 UBI: 602039500 business ID:001 Location ID:001
27 Location Address: 11332 Lake City Way NE, Seattle, WA 98125
28 Governing People: David C. Ebert, Frank Colacurcio, Jr., Leroy Christianson, Steven M.

29 Fueston
30 Registered Trade Names: Rick’s

31 2. Rick’s is also owned by MM MR RM Corporation d/b/a M M R Corporation. M M R
32 Corporation is owned by Respondent.

1 ***Rick's Rezone and the City Council***

2 3. In 1988 and again in 1998, Rick's applied to rezone the property adjacent to Rick's to
3 allow for additional parking.

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5 4. On both occasions, the Department of Design, Construction and Land Use ("DCLU")
6 and the Seattle Hearing Examiner recommended that these rezone applications be denied. On
7 both occasions, the City Council denied the applications for rezone.

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9 5. In February 2001, Rick's applied for a third time for a rezone and a conditional use
10 permit to use the property for accessory parking. The application to DCLU for a rezone with an
11 associated application for a Master Use Permit for a conditional use permit triggered a quasi-
12 judicial process before the City Council, the ultimate decision-maker on whether to approve or
13 deny Rick's request for a rezone. This process before the City Council was commonly known as
14 "Rick's Rezone."
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17 6. On October 7, 2002, the City Council referred Rick's Rezone to the Council's Land
18 Use Committee. Councilmember Judy Nicastro chaired the Land Use Committee.

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20 7. In October 2002, DCLU again recommended that Rick's Rezone be denied. In
21 December 2002, the Hearing Examiner agreed and recommended that the rezone be denied.

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23 8. On April 15, 2003, the City Council's Land Use Committee considered Rick's
24 Rezone. Although Councilmember Wills was not a member of the Land Use Committee she
25 attended the meeting and voted, together with Councilmember Nicastro, to recommend that
26 Rick's Rezone be approved. The two other Land Use Committee members voted to deny the
27 rezone, and the matter was referred to the full City Council without a recommendation.

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29 9. On June 16, 2003, the City Council considered Rick's Rezone. The City Council
30 voted 5-4 to approve the motion to grant approval for Rick's Rezone.

1 ***Respondent's Illegal Contributions to the Wills and Nicastro campaigns***

2 10. On November 13, 2002, Respondent and his then-wife, Teena Colacurcio, each made
3 \$650 cash contributions to Judy Nicastro's campaign. A business associate, Dean Reiber of El Paso,
4 Texas, also contributed \$600 in cash to Nicastro's campaign. Since candidates could accept no
5 more than \$60 in cash from a contributor in the 2003 Election Cycle, the campaign refunded the
6 contributions to the Respondent, his then-wife, and Reiber.
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9 11. Respondent made a \$650 contribution to Nicastro's campaign on January 24, 2003.

10 12. On March 27, 2003, two weeks before the Land Use Committee met to discuss Rick's
11 Rezone, Heidi Wills's re-election campaign received a \$600 contribution from Jennifer Opheim-
12 Palmateer, Teena Colacurcio's sister. At the time, Opheim-Palmateer worked at Kirkland Choppers,
13 a motorcycle shop.
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15 13. Opheim-Palmateer was reimbursed with cash provided by Respondent.

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17 14. Opheim-Palmateer had never before contributed to a candidate seeking office in
18 Seattle.

19 15. Also on March 27, 2003, Heidi Wills's re-election campaign received a \$600
20 contribution from Jeff Carney, Kirkland Choppers's owner.
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22 16. Carney was reimbursed with cash provided by Respondent. Kirkland Choppers
23 deposited \$700 in cash on April 1, 2003.
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25 17. Carney had never before contributed to a candidate seeking office in Seattle.

26 18. Also on March 27, 2003, Heidi Wills's reelection campaign received a \$650 contribution
27 from Respondent.

28 19. James Warner is a general contractor. He resides in Graham, Washington, 45 miles
29 south of Seattle. He does remodeling work, as well as new construction. He has done
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1 remodeling work for Respondent in Puyallup and new construction for Respondent in Kirkland.
2 Warner was working on Respondent's Kirkland home in June 2003.

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4 20. On June 11, 2003, Nicastro's campaign committee deposited a \$1,300 contribution
5 from James Warner and his wife, Derise.

6 21. The Warners' check to the Nicastro campaign is dated June 3, 2003. James Warner
7 delivered the check to Respondent at Respondent's home. The Warners deposited \$600 in cash
8 into their account on June 2, 2003.

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10 22. The Warners had never before contributed to a candidate seeking office in Seattle.

11 23. On June 11, 2003, Nicastro's campaign committee also deposited a \$1,300
12 contribution from Marshall and Pamela Emery of Graham, Washington. Marshall Emery and
13 James Warner have been friends since childhood, and Warner asked Emery to contribute to the
14 Nicastro campaign.

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16 24. The Emery's check to the Nicastro campaign is dated June 2, 2003. The Emerys
17 deposited \$1,300 in cash into their account on June 4, 2003.

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19 25. The Emerys had never before contributed to a candidate seeking office in Seattle.

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21 *Concealing the source of campaign contributions*

22 Count 1

23 26. The Director has reasonable cause to believe that Respondent violated SMC
24 2.04.290(A) when he reimbursed or caused a reimbursement to be made to Jennifer Opheim-
25 Palmateer for a contribution of \$600 allegedly made in the name of Jennifer Opheim-Palmateer
26 to the 2003 reelection campaign of Heidi Wills for Position 7 of the Seattle City Council.

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28 Count 2

29 27. The Director incorporates and realleges paragraphs 1 through 25, above.
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1 28. The Director has reasonable cause to believe that Respondent violated SMC
2 2.04.290(A) when he reimbursed or caused a reimbursement to be made to Jeff Carney for a
3 contribution of \$600 allegedly made in the name of Jeff Carney to the 2003 reelection campaign
4 of Heidi Wills for Position 7 of the Seattle City Council.
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6 Count 3

7 29. The Director incorporates and realleges paragraphs 1 through 25, above.
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9 30. The Director has reasonable cause to believe that Respondent violated SMC
10 2.04.290(A) when he reimbursed or caused a reimbursement to be made to Marshall Emery for a
11 contribution of \$650 allegedly made in the name of Marshall Emery to the 2003 reelection
12 campaign of Judy Nicastro for Position 1 of the Seattle City Council.
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14 Count 4

15 31. The Director incorporates and realleges paragraphs 1 through 25, above.
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17 32. The Director has reasonable cause to believe that Respondent violated SMC
18 2.04.290(A) when he reimbursed or caused a reimbursement to be made to Pamela Emery for a
19 contribution of \$650 allegedly made in the name of Pamela Emery to the 2003 reelection
20 campaign of Judy Nicastro for Position 1 of the Seattle City Council.
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22 Count 5

23 33. The Director incorporates and realleges paragraphs 1 through 25, above.
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25 34. The Director has reasonable cause to believe that Respondent violated SMC
26 2.04.290(A) when he reimbursed or caused a reimbursement to be made to James Warner for a
27 contribution of \$650 allegedly made in the name of James Warner to the 2003 reelection
28 campaign of Judy Nicastro for Position 1 of the Seattle City Council.
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1 Count 6

2 35. The Director incorporates and realleges paragraphs 1 through 25, above.

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4 36. The Director has reasonable cause to believe that Respondent violated SMC
5 2.04.290(A) when he reimbursed or caused a reimbursement to be made to Derise Warner for a
6 contribution of \$650 allegedly made in the name of Derise Warner to the 2003 reelection
7 campaign of Judy Nicastro for Position 1 of the Seattle City Council.
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9 ***Contributions Over the Limit***

10 Count 7

11 37. The Director incorporates and realleges paragraphs 1 through 25, above.

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13 38. The Director has reasonable cause to believe that Respondent violated SMC
14 2.04.370(B) when he exceeded the contribution limit by contributing the maximum \$650 in his
15 own name to the 2003 reelection campaign of Heidi Wills for Position 7 of the Seattle City
16 Council and reimbursing or causing a reimbursement to be made to Jennifer Opheim-Palmateer
17 for a contribution of \$600 allegedly made in the name of Jennifer Opheim-Palmateer to the 2003
18 reelection campaign of Heidi Wills for Position 7 of the Seattle City Council.
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20 Count 8

21 39. The Director incorporates and realleges paragraphs 1 through 25, above.

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23 40. The Director has reasonable cause to believe that Respondent violated SMC
24 2.04.370(B) when he exceeded the contribution limit by contributing the maximum \$650 in his
25 own name to the 2003 reelection campaign of Heidi Wills for Position 7 of the Seattle City
26 Council and reimbursing or causing a reimbursement to be made to Jeff Carney for a contribution
27 of \$600 allegedly made in the name of Jeff Carney to the 2003 reelection campaign of Heidi
28 Wills for Position 7 of the Seattle City Council.
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1 Count 9

2 41. The Director incorporates and realleges paragraphs 1 through 25, above.

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4 42. The Director has reasonable cause to believe that Respondent violated SMC
5 2.04.370(B) when he exceeded the contribution limit by contributing the maximum \$650 in his
6 own name to the 2003 reelection campaign of Judy Nicastro for Position 1 of the Seattle City
7 Council and reimbursing or causing a reimbursement to be made to Marshall Emery for a
8 contribution of \$650 allegedly made in the name of Marshall Emery to the 2003 reelection
9 campaign of Judy Nicastro for Position 1 of the Seattle City Council.
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11 Count 10

12 43. The Director incorporates and realleges paragraphs 1 through 25, above.

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14 44. The Director has reasonable cause to believe that Respondent violated SMC
15 2.04.370(B) when he exceeded the contribution limit by contributing the maximum \$650 in his
16 own name to the reelection campaign of Judy Nicastro for Position 1 of the Seattle City Council
17 and reimbursing or causing a reimbursement to be made to Pamela Emery for a contribution of
18 \$650 allegedly made in the name of Pamela Emery to the 2003 reelection campaign of Judy
19 Nicastro for Position 1 of the Seattle City Council.
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22 Count 11

23 45. The Director incorporates and realleges paragraphs 1 through 25, above.

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25 46. The Director has reasonable cause to believe that Respondent violated SMC
26 2.04.370(B) when he exceeded the contribution limit by contributing the maximum \$650 in his
27 own name to the 2003 reelection campaign of Judy Nicastro for Position 1 of the Seattle City
28 Council and reimbursing or causing a reimbursement to be made to James Warner for a
29 contribution of \$650 allegedly made in the name of James Warner to the reelection campaign of
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1 Judy Nicastro for Position 1 of the Seattle City Council.

2 Count 12

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4 47. The Director incorporates and realleges paragraphs 1 through 25, above.

5 48. The Director has reasonable cause to believe that Respondent violated SMC
6 2.04.370(B) when he exceeded the contribution limit by contributing the maximum \$650 in his
7 own name to the 2003 reelection campaign of Judy Nicastro for Position 1 of the Seattle City
8 Council and reimbursing or causing a reimbursement to be made to Derise Warner for a
9 contribution of \$650 allegedly made in the name of Derise Warner to the reelection campaign of
10 Judy Nicastro for Position 1 of the Seattle City Council.
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14 Dated: May 31, 2007.
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18 Wayne Barnett, Executive Director
19 Seattle Ethics and Elections Commission
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