

November 1, 2007

Mr. Steve Borgstrom, Treasurer
Seattle Fire Fighters Union Voluntary PAC
517 Second Ave West
Seattle, WA 98119

Re: Late Filed C-4's

Dear Mr. Borgstrom:

The Seattle Fire Fighters Union Voluntary PAC (the "Committee") filed complete and accurate critical reports – both the 21-day C-4 and the 7-day C-4 – one day late.

While we frequently waive penalties when committees promptly correct their errors, we usually do not do so in the final week before the election. As a result of your campaign's failure to timely file the final two C-4's due before the Primary election, I am imposing a late filing penalty of \$50.

LATE FILED C-4 REPORTS

The 21-day C-4 was due on October 16, but a complete and accurate copy was not filed until October 17. (The report filed on October 16 neglected to report approximately \$36,000 in obligations.) The 7-day C-4 was due on October 30, but filed on October 31.

On October 31, Commission staff advised your deputy treasurer that the C-4 due the previous day had not been filed. While it appears that your deputy was having problems with the filing software, those problems stemmed from her misspelling her User ID on five occasions. (At that point, the software js programmed to display the following prompt: "Sorry you are having trouble with your user name and password. There may be technical issues involved. During normal business hours please contact the SEEC at this point...If you are under deadline and have received this message repeatedly for over an hour or more please send an email to us describing the report(s) you are having trouble with. Any information you provide now will be useful in decisions regarding potential late filing penalties.") Although your deputy's problems with the software occurred during office hours, it does not appear that she called or e-mailed anyone on our staff to seek assistance in making sure that the report was timely filed.

LATE FILING PENALTY

During the week before the election, late filing penalties increase from \$10 a day to \$50 a day for each late filed report. (SMC 2.04.330.B.2). At \$10 for the day that the 21-day C-4 was late, and \$50 for the day 7-day C-4 was late, **the Committee is subject to \$60 in late filing penalties.** In light of the proximity to the election, I am imposing a \$50 penalty.

RIGHT TO APPEAL

You may appeal this decision by submitting to this office, by 4:00 p.m., November 15, a written request for appeal, pursuant to Administrative Rule 8.3, which provides in relevant part:

A person may appeal the Executive Director's assessments to the Commission, under the following procedure:

(a) Upon the written request of a party aggrieved by the Executive Director's decision to impose a penalty, the decision may be reviewed by the Commission.

(b) Such a request for review shall be served at the office of the Commission no later than fourteen (14) days after the date of mailing the decision for which review is sought.

(c) 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 twelve characters per inch.

ACTION TO TAKE

No later than Thursday, November 15, deliver to the Commission at 700 Fifth Avenue, Suite 4010, P.O. Box 94729, Seattle, WA 98124-4729, a \$50 check payable to the City of Seattle, or your request for appeal.

CONCLUSION

A major purpose of the Seattle Elections Code is to give the public timely access to the campaign finances of each political committee. Your delays in accurate reporting inhibited this purpose and prevented the opportunity for scrutiny, to which the public was entitled. Therefore, we are compelled to impose these penalties.

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,

Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission
Doug Ellis, Deputy Director, Public Disclosure Commission