



February 21, 2017

BY E-MAIL ONLY

Dan DiLeva, Treasurer
Vote Sawant
P.O. Box 85862
Seattle, WA 98145-1862

Dear Mr. DiLeva:

As you may know, the Public Disclosure Commission recently referred to us a complaint filed against the Vote Sawant Committee (“Committee”) that included allegations that the Committee failed to properly report obligations in 2015. By a letter dated February 7, 2017, I dismissed that complaint, noting specifically that I had penalized the Committee \$1,500 last January for failing to properly report obligations in 2015.

Subsequent to dismissing the complaint, it came to my attention that the \$1,500 penalty was imposed solely for violations that occurred in the month prior to the General Election contest. The complaint, however, further alleged violations prior to the Primary Election, namely the failure to timely report as an obligation a mailer that went out at a cost of approximately \$18,000. In a letter to the Attorney General’s office, the Committee’s attorneys acknowledged that this was not timely reported.

Because the principle goal of a penalty is to educate the filer on the necessity of complying with the law, I do not believe another substantial penalty is warranted for this violation. The January 2016 penalty served to put the Committee on notice that, going forward, it must report obligations in a timely fashion.

There is, however, an outstanding violation that calls for a response from this office. I am imposing a \$150 penalty for this pre-primary violation because it was a significant obligation that went unreported. I believe that this relatively small penalty is appropriate when viewed together with the \$2,000 in penalties that this office already levied against the Committee’s 2015 effort.

RIGHT TO APPEAL

You may appeal this decision by submitting to this office, by 4:00 p.m., March 7, 2017, a written request for appeal, pursuant to the Commission's Administrative Rule 4.¹

ACTION TO TAKE

1. Amend the 7-day pre-Primary C-4 to include obligations that were incurred during the corresponding reporting period but not reported as obligations.
2. No later than March 7, 2017, deliver payment payable to the City of Seattle, to the Commission at 700 Fifth Avenue, Suite 4010, P.O. Box 94729, Seattle, WA 98124-4729, or your request for appeal.

CONCLUSION

A successful campaign finance reporting regime requires that all campaigns abide by the same rules, and that campaigns act in good faith to comply with the law.

If you have any questions, please call me at 684-8577.

Very truly yours,



Wayne Barnett
Executive Director

cc: Seattle Ethics and Elections Commission
Evelyn Fielding Lopez, Executive Director, Public Disclosure Commission
Tony Perkins, Attorney General's Office
Glen Morgan
Dmitri Iglitzin and Laura Ewan, Attorneys for Kshama Sawant

¹ Rule 4 APPEALS

A. Upon the written request of a party aggrieved by the Executive Director's decision 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...