



December 4, 2019

BY E-MAIL ONLY

Re: Case No. 19-2-1028-1

Dear M*****:

On October 28, 2019, you filed a complaint with this office. The complaint included seven allegations of wrongdoing by the Seattle for Strauss Committee (the "Committee"). I have dismissed Allegations 1, 3, 4, 5, and 7 because our investigation found no reasonable grounds to believe there were violations in those cases.

I have determined that Allegation 2, the failure to timely report an obligation of \$250 or more, was inadvertent and minor. I have dismissed this section of your complaint.

In regard to Allegations 6 (a and b), I have determined that the Committee failed to timely report an obligation of \$1,010. I fined the Committee \$200 for this late-filed report, and have attached that late-filing penalty letter to this dismissal.

DISCUSSION

Allegation 1: May 2, 2019 Campaign Kick-off at Phinney Neighborhood Association. Food and beverage expenses or obligations for campaign kick-off were not reported on the April C4.

Obligations for food and beverages dated May 2, 2019 were reported on the May C4 filed on June 10, 2019. Those obligations were paid in early June and reported on the 21-day pre-primary C4 filed on July 16, 2019.

Allegation 2 and Allegation 3: July 24, 2019 Campaign Event at Populuxe Brewery; Unknown event and date for expenditures charged on 8/16/19. Failure to timely report an obligation of \$250 or more (2), and reported only partial fair market value of event (3).

The Committee reported on September 11, 2019, a \$250 reimbursement on August 16, 2019 to Katherine Bobman for a payment to Populuxe Brewery and Trader Joe's for beverages and supplies at the July 24 event. Elections Code Rule 7D requires that "...when the estimated value of an obligation at the time it is incurred is \$250 or more, the treasurer shall report the actual value, if known, or a reasonable estimate of the value of the obligation." The Committee should have reported the \$250 as an obligation on the C4 for the period ending July 29.

SEEC staff interviewed the treasurer. Based on the amount of the unreported obligation, along with other timely filed transactions, I have determined the violation to be inadvertent and minor, and therefore I am dismissing this portion of your complaint.

Allegation 4: August 1, 2019: Phone banking event. No in-kinds were reported for the event.

Our investigation found that the phone banking was done from the home of a Strauss supporter. The use of a person's home for this type of event does not constitute an in-kind contribution.

Allegation 5: August 6, 2019: Election Night Part, Obec Brewing. No expenditures for food or beverage were reported.

Our investigation found that the Committee did not treat its guests to food or beverages at the election night celebration.

Allegation 6a and Allegation 6b: October 8, 2019 Campaign Event at Pacific Fishermen Shipyard. Expenses for the event were reported ten days late (6a). The Committee received a contribution over the \$500 limit (6b).

As the attached letter shows, I penalized the Committee \$200 for this late-filed expense. There was no violation of the contribution limit.

Allegation 7: October 13, 2019: Campaign event at The Dane.
Allegation: Failure to report food and beverage deposit or expenses.

Our investigation found that the event at the Dane was not a private or a semi-private event. Guests paid for their own food and beverages. Therefore, no deposit was required, and no expenses, other than those of the campaign staff, were reported.

CONCLUSION

I found no evidence of a violation in Allegations 1, 3, 4, 5 or 7. I found that Allegation 2 was a violation, but it was inadvertent and minor, and therefore, I dismissed it. I imposed a \$200 late-filing penalty for the conduct described in Allegation 6.

If you would like to appeal this dismissal, you may do so under the Ethics and Elections Commission's Administrative Rule 4.¹

Very truly yours,



Wayne Barnett
Executive Director

Attachment: Late-filing penalty letter

cc: Seattle Ethics and Elections Commission (*Complainant's name and address redacted*)
Andy Lo, Treasurer, Seattle for Strauss (*Complainant's name and address redacted*)

¹ Rule 4 APPEALS

- A. Upon the written request of a party aggrieved by the Executive Director's decision to dismiss a complaint, or to impose late-filing penalties under SMC 2.04.330, the action may be reviewed by the Commission.
- B. An appeal of a dismissal shall be served at the Commission's office no later than 21 days after the date of mailing the decision of which review is sought.
- 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, and no more than 12 characters per inch.
- E. When an appeal is filed, the Executive Director's decision shall not be final until the Commission has acted on the appeal.
- F. The Commission shall act on the request at the next meeting at which it may be practicable by:
1. deciding whether to review the Executive Director's decision; and
 2. if it decides to do so, either affirming, reversing, or amending the decision.
- G. In reviewing the Executive Director's decision, the Commission shall base its review on whether the Executive Director had a rational basis for the decision, and shall only reverse or amend a decision to the extent that a rational basis is lacking.