

THE SEATTLE ETHICS AND ELECTIONS COMMISSION

IN THE MATTERS OF FRANK  
COLACURCIO, JR., and FRANK  
COLACURCIO, SR.

Respondents.

Nos. 04-2-0507-1  
04-2-0415-2  
03-2-0724-1

SETTLEMENT

This settlement is made between Frank Colacurcio, Jr. and Frank Colacurcio, Sr., (jointly, "Respondents") and Wayne Barnett, Executive Director of the Seattle Ethics and Elections Commission (collectively, the "Parties"). The following findings, conclusions and agreements will be binding upon the Parties, their successors, heirs and assigns. This agreement is binding on the Parties when signed, subject to the approval of the Seattle Ethics and Elections Commission (the "Commission").

*MJF*  
*WJ*  
~~This settlement is made between Frank Colacurcio, Jr. and Frank Colacurcio, Sr., (jointly, "Respondents") and Wayne Barnett, Executive Director of the Seattle Ethics and Elections Commission (collectively, the "Parties"). The following findings, conclusions and agreements will be binding upon the Parties, their successors, heirs and assigns. This agreement is binding on the Parties when signed, subject to the approval of the Seattle Ethics and Elections Commission (the "Commission").~~

**STIPULATED FACTS**

1. Between November 11, 2002 and September 12, 2003, Respondents agreed to reimburse various individuals, both directly and indirectly, for campaign contributions such persons made to the re-election campaigns of City Councilwomen Judy Nicastro and Heidi Wills. Respondents admit to having reimbursed at least 15 persons for contributions those individuals made to the Nicastro and Wills campaigns and the Commission has evidence supporting these reimbursements.
2. It is anticipated that Respondents will be pleading guilty in King County Superior Court case numbers 05-C08808-3 SEA and 05-C-08809-1 SEA, and (King County Cases) to multiple violations of RCW 40.16.030 (Offering a False Instrument for Filing or Record) and Conspiracy to violate RCW 40.16.030. The guilty pleas will be entered pursuant to a plea agreement with the King County Prosecutor's Office providing that each of the Respondents pays a \$10,000 fine
3. The allegations in this matter are set forth in the charging document. The factual predicate for Respondents' guilty pleas is also the same factual predicate supporting this settlement agreement, and is set out in the charging Information in and the Certification for Determination of Probable Cause in the King County Cases.

**CONCLUSIONS OF LAW**

1. Seattle Municipal Code Section 2.04.290.A prohibits the concealment of the identity of any donor to a candidate seeking elective office within the City of Seattle.

2. Seattle Municipal Code Section 2.04.370 prohibits contributions from a single person in excess of the contribution limit. In 2003, the contribution limit was \$650.

3. By making contributions to the reelection campaigns of Councilmembers Nicastro and Wills through other persons, Respondents concealed their identity as the source of the contributed funds in violation of SMC 2.04.290.A.

4. By making contributions to the reelection campaigns of Councilmembers Nicastro and Wills through other persons, Respondents contributed in excess of the \$650 contribution limit in violation of SMC 2.04.370.

### **AGREEMENT**

5. In order to settle this matter, Respondents jointly and severally agree to pay the City of Seattle a total of fifty-five thousand dollars (\$55,000) within five business days of the approval of this settlement and contingent upon the King County Superior Court's acceptance of their anticipated guilty pleas.

6. The Commission agrees to dismiss Marsha Furfaro from the earlier filed charging document and furthermore agrees not to prosecute her for any conduct alleged in that charging document or in the documents filed by the State of Washington in King County Superior Court Cause Numbers 05-C-08807-5 SEA; 05-C-08808-3 SEA; 05-C-08809-1 SEA; and 05-C-08810-5 SEA.

7. The Parties agree that this settlement agreement, upon the Commission's approval, will constitute, insofar as is legally possible, a full and final settlement between the Parties, as to all facts, actions, controversies and matters that have occurred or may have occurred, as described herein, relating to the Respondents' contributions, both direct and indirect, to 2003 Seattle City Council candidate campaign committees, and do forever release, acquit and discharge each party, its present or former officials, employees, agents, representatives, heirs and assigns from all present claims, demands, damages, costs (specifically including attorney's fees and costs), actions or causes of action arising out of all facts, actions, controversies and matters that have occurred or may have occurred or in any way related to these violations, and the acts or omissions of the Commission, its members, agents or employees in handling any matters filed under Ethics and Elections Commission Case Nos. 04-2-0507-1, 04-2-0415-2, 03-2-0724-1, and any events related to the investigation into Respondents' contributions, both direct and indirect, to 2003 City Council campaign committees.

8. The Commission also agrees not to pursue in any way any action against any other individual who the Commission has alleged was reimbursed by the Respondents for any campaign contribution made to City Council candidates during the 2003 election cycle.

Commission  
JWZ  
SS

9. The Parties agree that the Commission's review of this settlement agreement does not preclude the Commission from hearing this case in the event that the Commission rejects this agreement and calls for a hearing or that the Commission rejects this agreement or any modification thereof and requests a hearing. In the event the Commission rejects this settlement agreement, the Parties disavow all stipulations of fact and conclusions of law contained in this agreement.

10. The Parties agree that this settlement agreement incorporates and supersedes any and all other oral and written agreements and assurances of any and all kinds between the parties, and that there are no other written or oral agreements that alter or modify this agreement.

11. The parties agree that if the Respondents fail to make timely payment as provided for above, the Commission may impose sanctions for each violation which Respondents have admitted to above and that such imposition shall constitute a final adjudication by the Commission and shall have the same effect as a determination made by the Commission that violations have occurred pursuant to SMC 2.04.075, and that the Respondents shall be subject to any and all sanctions provided for under SMC Chapter 2.04 including but not limited to the sanctions enumerated in SMC 2.04.500, and attorneys fees as provided by SMC 2.04.520.

NOTWITHSTANDING THE SIGNATURES OF THE PARTIES HERETO, THIS AGREEMENT HAS ABSOLUTELY NO FORCE OR EFFECT AS TO ANY OF THE PARTIES UNLESS AND UNTIL THE LATER OF RESPONDENTS PLEADING GUILTY IN THE KING COUNTY CASES OR THE SEATTLE ETHICS AND ELECTIONS COMMISSION APPROVING THIS AGREEMENT.

DATED: January 23, 2008

SEATTLE ETHICS AND ELECTIONS COMMISSION

By: Wayne Barnett  
Wayne Barnett, Executive Director

FRANK COLACURCIO, JR.  
By: John W. Wolfe  
John W. Wolfe, WSBA #08028

FRANK COLACURCIO, SR.  
By: Irwin H. Schwartz  
Irwin H. Schwartz, WSBA #04769

FOR THE SEATTLE ETHICS AND ELECTIONS COMMISSION

Michele Radosevich  
Michele Radosevich, Chair

Executed at Seattle, Washington

This action was reviewed and approved by the Commission at a special Commission meeting held January 23, 2008. The Commission members voting to take this action were:

Michele Radosevich

~~Bob Mahon~~

Tarik Burney

Lynne Iglitzin

Mel Kang

Nancy Miller