

Memo

To: Commission

From: Wayne Barnett, Executive Director

Date: September 5, 2018

Re: Request for Administrative Dismissal: Sheley Secrest

I. OVERVIEW

Sheley Secrest was a candidate for the Seattle City Council District 8 position in the August 1, 2017 primary election. In July 2017, Commission staff were informed of allegations that Ms. Secrest had been falsifying campaign records in order to qualify to receive Democracy Voucher funding. Commission staff immediately informed the Seattle Police Department of the allegations.

Ms. Secrest did not advance beyond the August primary and never received any Democracy Voucher funding. SPD's investigation of the allegations against Ms. Secrest continued after her elimination in the August primary.

On January 31, 2018, Ms. Secrest was charged with the crimes of False Reporting and Attempted Theft/Stealing. Ms. Secrest and prosecutors ultimately entered into an Agreement with respect to those misdemeanor criminal charges on March 26, 2018. At that time, Commission staff resumed our investigation.

Our investigation determined that there is reason to believe that Ms. Secrest committed material violations of the Seattle Elections Code. Given that the same allegations were addressed by the criminal justice system acting on a referral from this agency, and due to additional considerations including criminal and non-criminal consequences for Ms. Secrest, I do not recommend a full hearing with potential monetary penalties that Ms. Secrest would likely be unable to pay. Pursuant to Seattle Ethics and Elections Commission Administrative Rule 3(G)(1), I am requesting an Administrative Dismissal with respect to violations of SMC 2.04.290(A).

II. ALLEGATIONS

On July 21, 2017, Ms. Secrest's then-former Campaign Manager, Patrick Burke,¹ made an in-person report to Commission staff. In that meeting, Mr. Burke informed us that Ms. Secrest had, on multiple occasions, purposefully sought petition signatures without seeking the required accompanying monetary contributions and asked Mr. Burke to do the same. Mr. Burke reported that over one weekend in June, Ms. Secrest had (i) solicited 56 signatures without asking for any campaign donations, (ii) altered the petitions to make it appear that these individuals had donated \$10 each, and then (iii) personally provided the corresponding \$560 in monetary contributions.

III. SPD INVESTIGATION

The Seattle Police Department's investigation of Mr. Burke's allegations confirmed that Ms. Secrest had repeatedly solicited signatures without the accompanying donation. According to Mr. Burke, the 56 signature-incident had occurred on June 23, 2017 at the Trans Pride Festival. SPD detectives spoke with six individuals who signed the Petition on June 23 and were listed as having made a \$10 contribution. All six confirmed that Ms. Secrest had personally asked for their signature and **all six denied that they had donated money**. Additionally, Seattle Police spoke with two more individuals who several months earlier signed Ms. Secrest's petitions, and both denied having contributed money to the campaign. Out of nine witnesses who spoke with detectives, only one confirmed that he had contributed to the Secrest campaign.

SPD also requested Ms. Secrest's credit card records, in light of Mr. Burke's report that Ms. Secrest told him she had charged the \$560 to her credit card. Ms. Secrest voluntarily provided to the Seattle Police Department records for her checking account covering the period March 21 through August 19; however, she provided the Seattle Police Department with credit card statements only through June 21, two to five days before the credit card transaction would likely have occurred.

The SPD investigation concluded that Ms. Secrest's campaign filed with the Commission reports of monetary contributions by individuals who had not contributed money to the campaign. Further, Ms. Secrest had personally (i) requested the signatures, and falsified the contribution information on the Democracy Voucher qualifying petitions and (ii) provided the funding for approximately 56 donations which were then reported to the Commission as having been received from others. As mentioned above, Ms. Secrest was charged with the crimes of False Reporting and Attempted Theft/Stealing.

IV. ADDITIONAL COMMISSION INVESTIGATION

The Commission staff investigation consisted of reviewing the SPD Incident Report as well as SPD and Commission records, and interviewing Ms. Secrest. When evaluating the original petitions, in many instances when listing a \$10 donation, the amount of the donation

¹ Commissioners may remember Mr. Burke from the February 2018 Commission meeting. At that meeting, during the public comment section of the meeting, he offered thoughts on how to improve the Democracy Voucher program and also claimed that Ms. Secrest had failed to fully compensate him for his work as her Campaign Manager.

would appear to be in different handwriting from the signature and sometimes even in a different color ink. Our investigation also verified that Ms. Secrest had received in-person training from Commission staff in January 2017 on the proper way to qualify for Democracy Vouchers and that Commission staff contacted Ms. Secrest's campaign in March to stress that the petition was for eligibility in the Democracy Voucher Program, not inclusion on the ballot, and a **petition signature needed to be accompanied by a donation of at least \$10**. Staff took this step after viewing a television news report where Ms. Secrest appeared to be misrepresenting to voters the purpose of the petition signature and failing to seek the required donations.

Commission staff also found it noteworthy that the June 23 event where she sought signatures without donations was the day after Commission staff had informed Ms. Secrest's campaign via email that she had 192 matching qualifying contributions and signatures from Seattle residents, which was less than half the amount she needed to qualify for Democracy Voucher funding. Commission staff also informed Ms. Secrest's campaign that they had been unable to verify numerous signatures and were sending letters to those individuals for verification. The primary was approximately a month away at that point.

Seattle residents assigned Democracy Vouchers worth a total of \$27,875 to Ms. Secrest's campaign. The Democracy Voucher Program funding would have greatly exceeded the amount of money Ms. Secrest was able to raise from direct contributions. Ms. Secrest had reported total contributions of \$16,149. In other words, there was a clear motivation for the misconduct. Ms. Secrest ultimately **did not receive any of this funding** because she was not deemed eligible for the Democracy Voucher Program prior to her candidacy ending.

After several requests, we met with Ms. Secrest in June. She vigorously denied making contributions to her campaign in the names of others, or in any other way falsifying any qualifying documents. She told us that she believed her former campaign manager manufactured this story in an effort to get her to pay him money he claimed to be owed, and the *Seattle Times* reporter who wrote about this matter did so to discredit the Democracy Voucher program. She told us that the people who told the Seattle Police Department that they were falsely listed as contributors to her campaign were likely influenced by the negative coverage of her campaign in the *Seattle Times*.

Despite Ms. Secrest's protestations of her innocence, the Director has reasonable cause to believe that Ms. Secrest repeatedly violated SMC 2.04.290(A) when she concealed the identity of the source of a contribution, namely when she provided (or caused to be provided) to Commission petitions and C-3s listing \$10 contributions from Elizabeth Atcheson, Richard Davis, Laura Gardener, Stephanie Jamieson, Emily Martin, Nanette Milligan, Julian Tiffay, and Jess Winninghoff, all of whom did not contribute money to Ms. Secrest's 2017 campaign according to their statements to SPD detectives.

V. POSTPONEMENT OF CRIMINAL PROCESS

On March 26, 2018, Ms. Secrest and the City of Seattle entered into an "Agreement to Continue Case for Dismissal or Amendment of Charges" of Seattle Municipal Court Criminal Case 631540. That file is attached as Exhibit A. Ms. Secrest is responsible for completing

community service hours and is barred from participating in the Democracy Voucher program in 2019.

VI. ADDITIONAL FACTORS REGARDING PENALTY

Ms. Secrest told us in June that as a result of the criminal proceedings, she had lost employment contracts with two employers. This has severely impacted her finances, requiring her to rely on family members for secure housing. Additionally, it is noteworthy that Ms. Secrest is a member of the Washington Bar, and it is possible that there will be repercussions impacting her law license based on the criminal charges and their resolution.

VII. CONCLUSION

It is the conclusion of the Executive Director that Ms. Secrest committed material violations of SMC 2.04.290.A in an effort to receive City funds for her campaign. However, with criminal penalties and real-world sanctions already applied, and with the strong likelihood that the Commission would be unable to recover any penalties assessed against Ms. Secrest, it is my recommendation to treat this matter as closed with respect to Ms. Secrest. Pursuant to Seattle Ethics and Elections Commission Administrative Rule 3(G)(1), I therefore request Administrative Dismissal with respect to Ms. Secrest's alleged violations of SMC 2.04.290.A.