

1 **BEFORE THE SEATTLE ETHICS AND ELECTIONS COMMISSION**

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4 In the Matter of)
5 MARSHA FURFARO,) Case No. 03-2-0724-1
6 Respondent,)
7) NOTICE OF CHARGES
8)

9 To: Marsha Furfaro)
10 To: The Seattle Ethics and Elections Commission)

11 Pursuant to Seattle Municipal Code (“SMC”) §§ 2.04.060.I, 2.04.075, and 3.70.100.D, and
12 Seattle Ethics and Elections Commission Administrative Rule 2.8.2, NOTICE IS HEREBY GIVEN
13 that the Executive Director of the Seattle Ethics and Elections Commission (“Director”) has
14 reasonable cause to believe that Marsha Furfaro (“Respondent”) has committed material violations
15 of the Seattle Elections Code. The Executive Director hereby schedules a hearing at 4:00 p.m., June
16 28, 2007, in Seattle Municipal Tower Room 4050, and alleges as follows:

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18 ***Background information on Rick’s and the Furfaros***

19 1. Rick’s nightclub is an adult entertainment establishment located at 11332 Lake City
20 Way NE, registered with the Washington Department of Licensing as follows:

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22 Entity Name: LLC Lake City
23 Firm Name: Rick’s
24 License Type: Washington State Business
25 Entity type: Limited Liability Company
26 UBI: 602039500 business ID:001 Location ID:001
27 Location Address: 11332 Lake City Way NE, Seattle, WA 98125
28 Governing People: David C. Ebert, Frank Colacurcio, Jr., Leroy Christianson, Steven M.

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30 Registered Trade Names: Rick’s

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32 2. Rick’s is also owned by MM MR RM Corporation d/b/a M M R Corporation. M M R
33 Corporation is owned by Frank Colacurcio, Jr.

1 3. Talents West is owned by Colacurcio, Jr. Talents West is a booking agency for exotic
2 dancers and the main office of the Colacurcios' businesses. Respondent is the office manager at
3 Talents West.
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5 4. Respondent is married to Nick Furfaro, who also worked at Rick's in 2003. They have
6 two adult daughters, Stacey and Nicole. Stacey Furfaro is married to Frank Lucarelli. Nicole Furfaro
7 is married to Gary Gill.
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9 ***Rick's Rezone and the City Council***

10 5. In 1988 and again in 1998, Rick's applied to rezone the property adjacent to Rick's to
11 allow for additional parking.
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13 6. On both occasions, the Department of Design, Construction and Land Use ("DCLU")
14 and the Seattle Hearing Examiner recommended that these rezone applications be denied. On
15 both occasions, the City Council denied the applications for rezone.
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17 7. In February 2001, Rick's applied for a third time for a rezone and a conditional use
18 permit to use the property for accessory parking. The application to DCLU for a rezone with an
19 associated application for a Master Use Permit for a conditional use permit triggered a quasi-
20 judicial process before the City Council, the ultimate decision-maker on whether to approve or
21 deny Rick's request for a rezone. This process before the City Council was commonly known as
22 "Rick's Rezone."
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24 8. On October 7, 2002, the City Council referred Rick's Rezone to the Council's Land
25 Use Committee. Councilmember Judy Nicastro chaired the Land Use Committee.
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27 9. In October 2002, DCLU again recommended that Rick's Rezone be denied. In
28 December 2002, the Hearing Examiner agreed and recommended that the rezone be denied.
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1 10. On April 15, 2003, the City Council's Land Use Committee considered Rick's
2 Rezone. Although Councilmember Wills was not a member of the Land Use Committee she
3 attended the meeting and voted, together with Councilmember Nicastro, to recommend that
4 Rick's Rezone be approved. The two other Land Use Committee members voted to deny the
5 rezone, and the matter was referred to the full City Council without a recommendation.

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7 11. On June 16, 2003, the City Council considered Rick's Rezone. The City Council
8 voted 5-4 to approve the motion to grant approval for Rick's Rezone.

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10 ***Respondent's illegal contributions to the Nicastro campaign***

11 12. On June 11, 2003, five days before the City Council's vote on Rick's Rezone,
12 Councilmember Nicastro's campaign committee deposited a \$1,000 contribution drawn on the
13 account of Nick and Marsha Furfaro, as well as \$300 check drawn on Marsha Furfaro's account.

14 13. On June 11, 2003, Nicastro's campaign also deposited a \$1,300 contribution from
15 Nicole Furfaro. One-half of the contribution was attributed to her husband, Gary Gill.

16 14. Respondent reimbursed Nicole Furfaro in cash for the \$1,300 contribution to the
17 Nicastro campaign.

18 15. On June 11, 2003, Nicastro's campaign also deposited a \$1,000 contribution from
19 Stacey Furfaro. One-half of the contribution was attributed to her husband, Frank Lucarelli.

20 16. Respondent reimbursed Stacey Furfaro in cash for the \$1,000 contribution to the
21 Nicastro campaign.

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23 ***Concealing the source of campaign contributions***

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27 Count 1

28 17. The Director has reasonable cause to believe that Respondent violated SMC
29 2.04.290(A) when she reimbursed or caused a reimbursement to be made to Nicole Furfaro for a
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1 contribution of \$650 allegedly made in the name of Nicole Furfaro to the reelection campaign of
2 Judy Nicastro for Position 1 of the Seattle City Council.

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4 Count 2

5 18. The Director incorporates and realleges paragraphs 1 through 17, above.

6 19. The Director has reasonable cause to believe that Respondent violated SMC
7 2.04.290(A) when she reimbursed or caused a reimbursement to be made to Gary Gill for a
8 contribution of \$650 allegedly made in the name of Gary Gill to the 2003 reelection campaign of
9 Judy Nicastro for Position 1 of the Seattle City Council.

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11 Count 3

12 20. The Director incorporates and realleges paragraphs 1 through 17, above.

13 21. The Director has reasonable cause to believe that Respondent violated SMC
14 2.04.290(A) when she reimbursed or caused a reimbursement to be made to Stacey Furfaro for a
15 contribution of \$500 allegedly made in the name of Stacey Furfaro to the 2003 reelection
16 campaign of Judy Nicastro for Position 1 of the Seattle City Council.

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19 Count 4

20 22. The Director incorporates and realleges paragraphs 1 through 17, above.

21 23. The Director has reasonable cause to believe that Respondent violated SMC
22 2.04.290(A) when she reimbursed or caused a reimbursement to be made to Frank Lucarelli for a
23 contribution of \$500 allegedly made in the name of Frank Lucarelli to the 2003 reelection
24 campaign of Judy Nicastro for Position 1 of the Seattle City Council.

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27 ***Contributions Over the Limit***

28 Count 5

29 24. The Director incorporates and realleges paragraphs 1 through 17, above.
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1 25. The Director has reasonable cause to believe that Respondent violated SMC
2 2.04.370(B) when she exceeded the contribution limit by contributing the maximum \$650 in her
3 own name to the 2003 reelection campaign of Judy Nicastro for Position 1 of the Seattle City
4 Council and reimbursing or causing a reimbursement to be made to Nicole Furfaro for a
5 contribution of \$650 allegedly made in the name of Nicole Furfaro to the 2003 reelection
6 campaign of Judy Nicastro for Position 1 of the Seattle City Council.
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9 Count 6

10 26. The Director incorporates and realleges paragraphs 1 through 17, above.

11 27. The Director has reasonable cause to believe that Respondent violated SMC
12 2.04.370(B) when she exceeded the contribution limit by contributing the maximum \$650 in her
13 own name to the 2003 reelection campaign of Judy Nicastro for Position 1 of the Seattle City
14 Council and reimbursing or causing a reimbursement to be made to Gary Gill for a contribution
15 of \$650 allegedly made in the name of Gary Gill to the 2003 reelection campaign of Judy
16 Nicastro for Position 1 of the Seattle City Council.
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19 Count 7

20 28. The Director incorporates and realleges paragraphs 1 through 17, above.

21 29. The Director has reasonable cause to believe that Respondent violated SMC
22 2.04.370(B) when she exceeded the contribution limit by contributing the maximum \$650 in her
23 own name to the 2003 reelection campaign of Judy Nicastro for Position 1 of the Seattle City
24 Council and reimbursing or causing a reimbursement to be made to Stacey Furfaro for a
25 contribution of \$500 allegedly made in the name of Stacey Furfaro to the 2003 reelection
26 campaign of Judy Nicastro for Position 1 of the Seattle City Council.
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1 Count 8

2 30. The Director incorporates and realleges paragraphs 1 through 17, above.

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4 31. The Director has reasonable cause to believe that Respondent violated SMC
5 2.04.370(B) when she exceeded the contribution limit by contributing the maximum \$650 in her
6 own name to the 2003 reelection campaign of Judy Nicastro for Position 1 of the Seattle City
7 Council and reimbursing or causing a reimbursement to be made to Frank Lucarelli for a
8 contribution of \$500 allegedly made in the name of Frank Lucarelli to the 2003 reelection
9 campaign of Judy Nicastro for Position 1 of the Seattle City Council.
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13 Dated: May 31, 2007.

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16 Wayne Barnett, Executive Director
17 Seattle Ethics and Elections Commission
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