



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908 • (360) 753-1111 • FAX (360) 753-1112  
Toll Free 1-877-601-2828 • E-mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov) • Website: [www.pdc.wa.gov](http://www.pdc.wa.gov)

April 21, 2016

Sent electronically to Tom McCarthy "tmccarthy253@gmail.com"

Tom McCarthy  
801 S Cushman Ave  
Tacoma, WA 98405

Subject: Complaint filed by Michelle Franklin-Wilson, PDC Case 2160

Dear Mr. McCarthy:

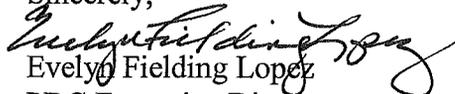
Enclosed is a copy of a letter sent to Michelle Franklin-Wilson concerning a complaint she filed with the Public Disclosure Commission (PDC) on September 4, 2015. The complaint alleged that you violated RCW 42.17A.235 and .240 as a candidate seeking the office of Tacoma City Councilmember in 2015, by failing to file Monetary Contribution reports (C-3 report) disclosing contributions received by your campaign. A copy of the complaint was previously provided to you.

As noted in the letter to Ms. Franklin-Wilson, the PDC will not be conducting a more formal investigation into these allegations or taking enforcement action in this matter.

However, in accordance with Public Disclosure Commission practices to issue a warning for most first-time minor violations of reporting requirements, especially for first-time candidates, this letter serves to warn you that failure to timely file C-3 reports or failure to timely deposit monetary within five business days of receipt for any future campaigns, could result in enforcement action before the Commission.

If you have questions, please contact PDC staff member Kurt Young at (360) 664-8854, toll-free at 1-877-601-2828, or by e-mail at [kurt.young@pdc.wa.gov](mailto:kurt.young@pdc.wa.gov).

Sincerely,

  
Evelyn Fielding Lopez  
PDC Executive Director



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April 21, 2016

Sent electronically to Michelle Franklin-Wilson "michelle@bradtrees.com"

Michelle L. Franklin-Wilson  
614 S. M Street  
Tacoma, WA 98405

Subject: Complaint filed against Thomas McCarthy, PDC Case 2160

Dear Ms. Franklin-Wilson:

Public Disclosure Commission (PDC) staff has completed our investigation of your complaint received on September 4, 2015 against Thomas McCarthy, a 2015 candidate for Tacoma City Council District No. 3. Your complaint alleged that Mr. McCarthy violated RCW 42.17A.235 and .240 by failing to timely file Monetary Contribution reports (C-3 reports) disclosing contributions by received his 2015 campaign, the People for Tom McCarthy.

Your complaint was considered in light of the following statutes:

**RCW 42.17A.235 and .240** requires all candidates appearing on the 2015 primary and/or general election ballots, to timely file C-3 reports every Monday on a weekly basis beginning June 1, 2015, disclosing monetary contributions that were received and deposited in the previous five business days.

PDC staff reviewed your complaint and attachments, responses and email communications from Mr. McCarthy and Rick Yasger, his campaign Treasurer, and the C-3 reports filed by the People for Tom McCarthy. As a result of our investigation, we found the following:

- On August 12, 2014, Mr. McCarthy filed a Candidate Registration (C-1 report) declaring his candidacy for Tacoma City Council District No. 3 for 2015, and selecting the Full Reporting option. Mr. McCarthy was a first time candidate for public office in 2015.
- Mr. McCarthy appeared on the August 4, 2015 Primary election ballot, and was one of the top two candidates receiving the most votes. He advanced to the November 3, 2015 general election where he was defeated by Keith Blocker. The Campaign changed treasurers in September of 2015, after the 2015 Primary election had been held.
- On September 10, 2015, the People for Tom McCarthy filed eight C-3 reports totaling \$5,950 that disclosed the following:
  1. A \$50 contribution was received June 11, 2015, and deposited on August 14, 2015.

2. Three contributions were received in July of 2015 totaling \$375, and deposited on July 29, 2015.
  3. 15 contributions were received in August of 2015 totaling \$5,575, and deposited during the period August 3 through September 10, 2015.
- The eight C3 reports transmitted by the Campaign electronically on September 10, 2015, were filed between 10 and 45 days late.
  - Five contributions totaling \$675 were received prior to the August 3, 2015 primary election being held, but were disclosed after the election and more than five weeks late. All of the late filed C-3 reports were filed more than 53 days prior to the November 3, 2015 general election being held disclosing the contributions.
  - Staff's review determined that some of the September 10, 2015 late reported contributions, had been timely deposited by the Campaign within the required five business days of receipt.
  - Mr. Yasger stated that he took over as treasurer in September of 2015, and that the previous treasurer did not file accurate PDC reports based on the PDC reporting requirements, and that once he had access to the campaign bank information and the ORCA information, he was able to determine which reports had not been filed, and get them filed.

No evidence was found during our review, demonstrating that the People for Tom McCarthy failed to disclose monetary contributions. While the People for Tom McCarthy failed to timely file eight C-3 reports disclosing the receipt of \$5,950 in monetary contributions, the C-3 reports were filed 53 days prior to the November 3, 2015 general election being held. In addition, staff noted the Campaign failed to timely deposit some contributions received during the same period as the late reported contributions.

In accordance with PDC practice, a warning letter was sent to Mr. McCarthy on April 21, 2016, cautioning him that the failure to: (1) Timely file PDC reports, including C-3 reports for any future campaign; and (2) Timely deposit campaign contributions within five business days of receipt in the future, could result in enforcement action before the Commission. Because staff's investigation has not revealed sufficient evidence to establish a material violation of any laws or regulations under the Commission's jurisdiction, and the fact that Mr. McCarthy was a first-time candidate for public office in 2015, I am dismissing your complaint filed against Mr. McCarthy with the concurrence of the Chair of the Public Disclosure Commission.

If you have questions, please contact Kurt Young, PDC Compliance Officer at 360 664-8854, or toll-free at 1-877-601-2828 or by e-mail at [kurt.young@pdc.wa.gov](mailto:kurt.young@pdc.wa.gov).

Sincerely,

  
Evelyn Fielding Lopez  
Executive Director

cc: Tom McCarthy