



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

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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@pdcc.wa.gov.

Sincerely,

Evelyn Fielding Lopez
PDC Executive Director

RCW 42.17A.235**Reporting of contributions and expenditures—Public inspection of accounts.**

(1) In addition to the information required under RCW 42.17A.205 and 42.17A.210, on the day the treasurer is designated, each candidate or political committee must file with the commission a report of all contributions received and expenditures made prior to that date, if any.

(2) Each treasurer shall file with the commission a report containing the information required by RCW 42.17A.240 at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held;

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date of the special election, or for the period beginning the first day of the fifth month before the date of the general election, and ending on the date of that special or general election, each Monday the treasurer shall file with the commission a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds and the amount contributed by each person. However, persons who contribute no more than twenty-five dollars in the aggregate are not required to be identified in the report. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4)(a) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17A.205, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

(b) At the time of making the appointment, a person wishing to inspect the books of account must provide the treasurer the name and telephone number of the person wishing to inspect the books of account. The person inspecting the books of account must show photo identification before the inspection begins.

(c) A treasurer may refuse to show the books of account to any person who does not make an appointment or provide the required identification.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection by appointment, pursuant to subsection (4) of this section, at the principal headquarters or, if there is no

headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

(6) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(7) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(8) When there is no outstanding debt or obligation, the campaign fund is closed, and the campaign is concluded in all respects or in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there is no obligation to make any further reports.

[2015 c 54 § 1; 2011 c 60 § 23. Prior: 2010 c 205 § 6; 2010 c 204 § 408; 2008 c 73 § 1; 2006 c 344 § 30; 2005 c 184 § 1; 2002 c 75 § 2; 2000 c 237 § 2; 1999 c 401 § 13; 1995 c 397 § 2; 1989 c 280 § 8; 1986 c 28 § 1; 1982 c 147 § 6; 1975 1st ex.s. c 294 § 6; 1973 c 1 § 8 (Initiative Measure No. 276, approved November 7, 1972). Formerly RCW 42.17.080.]

NOTES:

Effective date—2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

Effective date—1989 c 280: See note following RCW 42.17A.005.