



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: pdcc@pdc.wa.gov • Website: www.pdc.wa.gov

November 10, 2021

Sent electronically to Tosh Sharp

Subject: Complaint regarding Tosh Sharp, PDC Case 100072

Tosh Sharp:

The Public Disclosure Commission (PDC) has completed its review of the complaint Pamela Carter filed against the 2021 Tosh Sharp Campaign (Campaign). The complaint alleged that your Campaign for Tukwila City Council may have violated RCW 42.17A.320(1) by failing to include the required sponsor identification information on a joint political advertisement mailer your Campaign co-sponsored with Dennis Martinez, another candidate Tukwila City Council in 2021.

Pursuant to WAC 390-37-060(1)(d), you are receiving this formal written warning concerning your failure to include the required sponsor identification on political advertising sponsored by your Campaign, specifically the joint mailer co-sponsored with the Dennis Martinez Campaign. The formal written warning includes staff's expectation that you will include the complete sponsor identification on all future political advertisements as required by law, including joint candidate mailers. The Commission will consider the formal written warning in deciding on future Commission action if there are future violations of PDC laws or rules.

The PDC has dismissed this matter in accordance with RCW 42.17A.755(1). If you have any questions, please contact PDC Compliance Officer Kurt Young by e-mail at pdcc@pdc.wa.gov.

Sincerely,

Endorsed by,

/s

Electronically Signed Kurt Young
Compliance Officer

/s

Electronically Signed Peter Lavallee
PDC Executive Director



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November 10, 2021

Sent electronically to Pamela Carter

Subject: Complaint regarding Tosh Sharp, PDC Case 100072

Pamela Carter:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on October 24, 2021. The complaint alleged that Tosh Sharp, a candidate for Tukwila City Council in 2021, may have violated RCW 42.17A.320(1) by failing to include the required sponsor identification information on a joint political advertisement mailer that was co-sponsored by Mr. Sharp and Dennis Martinez, another candidate Tukwila City Council in 2021.

PDC staff reviewed the complaint, the allegation and attached exhibit, the political advertising statutes and rules, and the responses submitted by Tosh Sharp, to determine whether the record supports a finding of one or more violations. Based on staff's review, we found the following:

- On February 21, 2021, Tosh Sharp (Tosh Sharp) filed a Candidate Registration (C-1 report) with the PDC declaring his candidacy in 2021 for Tukwila City Council, Position #1, selecting the Full Reporting option, and listing Andy Lo as Ministerial Treasurer.
- The political advertisement provided as part of the complaint: (1) was a joint mailer that included photographs of Tosh Sharp and Dennis Martinez; (2) provided information concerning both candidates' shared vision for the city of Tukwila; and (3) featured both Mr. Sharp and Mr. Martinez equally as candidates. The joint mailer included Mr. Martinez's name and the Campaign PO Box in the return address area of the joint mailer.
- The joint mailer did not meet the political advertisement requirements by including the required sponsor identification (sponsor ID) for both candidates. The sponsor ID requirements for a joint candidate mailer requires that the words "Paid for" or "Sponsored by" followed by each candidate's name and mailing address be included; that the sponsor ID for each candidate appears on the first page of the mailer; and that it is printed in at least ten-point type and set apart from any other printed content.
- Mr. Sharp stated he did not realize he needed to include the words "Paid For" on the joint mailer his Campaign co-sponsored with Mr. Martinez. He stated that he normally has his Campaign's literature "done through another printer and this mailer was done with a new printer. So, it totally slipped my mind." He stated that his "intent with this mailer was to express my campaign message and also assist my friend with his campaign by dividing the cost equally between us."

- Mr. Sharp stated he “honestly didn't know or try to deceive anyone in creating this mailer”, and added Mr. Martinez is his friend, and that the two candidates co-sponsored the joint mailer since Mr. Martinez was attempting to keep his costs down (Dennis Martinez was under the Mini Reporting option). He stated that he sincerely apologized for the confusion that the mailer has created, and this was an “honest mistake on our part. Let me know what I need to do to make it right.” He stated the joint mailer was for approximately 2,900 mail pieces, that the Renton Printery invoice was forwarded to his treasurer, and the “charge will be captured and added to my PDC report.”
- PDC staff reviewed the amended 7-Day Pre-General Election Summary Full Campaign Contributions and Expenditures report (C-4 report) that was filed by the Campaign on October 28, 2021, and found the Campaign disclosed a \$1,593.18 order placed with Renton Printery for the costs of the joint or dual mailer. Both Mr. Sharp and Mr. Martinez were billed separately for their respective portions of the joint mailer costs.

Based on these findings staff has determined, in this instance, the allegations concerning the failure to include the required sponsor ID for both candidates on the joint political advertisement do not amount to a violation warranting investigation or further enforcement action.

However, pursuant to WAC 390-37-060(1)(d), Tosh Sharp will receive a formal written warning concerning his failure to include the required sponsor identification on political advertising co-sponsored by his Campaign along with another candidate. The formal written warning includes staff's expectation that Tosh Sharp will in the future include the complete sponsor identification on all future political advertisements as required by law, including joint candidate mailers. The Commission will consider the formal written warning in deciding on future Commission action if there are future violations of PDC laws or rules.

Based on this information, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1). If you have questions, please contact PDC Compliance Officer Kurt Young by e-mail.

Sincerely,

Endorsed by,

/s

 Electronically Signed Kurt Young
 Compliance Officer

/s

 Electronically Signed Peter Lavallee
 PDC Executive Director

cc: Tosh Sharp