



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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July 15, 2025

Delivered electronically to sean@tpcar.org, mlamb@carneylaw.com and
lawlor@workerlaw.com

Subject: PDC Case 143846 regarding No on Tacoma Measure 1

Dear No on Tacoma Measure 1:

The Public Disclosure Commission (PDC) completed its review of the complaint filed by Tacoma for All (Abigail Lawlor) on October 18, 2023. The complaint alleged that No on Tacoma Measure 1, a local ballot measure committee, may have violated RCW 42.17A.205, .235, .240 & .270 in 2023 by failing to timely register as a political committee, and timely report 1) contributions received from National Association of Realtors and Washington Realtors; 2) in-kind contribution(s) of staff time from Tacoma-Pierce County Association of Realtors; and 3) earmarked contributions from Tacoma-Pierce County Association of Realtors.

Applicable Laws and Rules

- [RCW 42.17A.005\(15\)\(a\) & \(b\)\(v\)](#) define “contribution” to include a pledge and exclude “an internal political communication primarily limited to the members of a...membership organization.”
- [RCW 42.17A.005\(41\)](#) defines a “political committee” as “any person¹ (except a candidate or an individual dealing with the candidate's or individual's own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.”
- [RCW 42.17A.205](#) requires every political committee to register with the PDC by filing a *Political Committee Registration* (C-1pc report) within two weeks after it is 1) organized; or 2) first has the expectation of receiving contributions or making expenditures in any election campaign.

¹ “Person” includes “an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.” [RCW 42.17A.005\(39\)](#).

- A committee that selects the Full Reporting option on their C-1pc report is required to disclose contributions and expenditures to the PDC on C-3 reports and C-4 reports pursuant to [RCW 42.17A.235](#) & [RCW 42.17A.240](#). The due dates for these reports are based upon the election cycle, the committee’s election participation², and their financial activity.
- Pursuant to [RCW 42.17A.240](#), a monetary contribution is disclosed on a C-3 report, and “contribution,” as defined, includes an in-kind contribution, which is disclosed on a C-4 report.
- Per [RCW 42.17A.265](#), the recipient of a Last-Minute Contribution (LMC) of \$1,500³ or more (aggregate) received within 21 days of a General Election is required to disclose it within 48 hours. The submission of an LMC report, a C-3 report, or a C-4 report within 48 hours may satisfy this requirement.
- An earmarked contribution⁴ as defined in [WAC 390-16-240](#) received by a political committee (the intermediary or conduit) that is made to, or for the promotion of, another political committee (or candidate) is required to be disclosed by both the intermediary/conduit and the committee or candidate that benefitted as indicated in [RCW 42.17A.270](#) and [WAC 390-16-033](#). [PDC guidance](#) explains that earmarked contributions are not simply passed along to the benefitting committee or candidate, but should be spent, at least in part, for the benefit of the intended recipient.

Background and Findings

- No on Tacoma Measure 1 (“NOTMOC”) is the Respondent in this case.
- An initiative petition to enact rental requirements for landlords and rental rights for tenants (which later became known as Resolution 41237) was submitted to the Tacoma City Clerk’s Office on June 16, 2023, and the Pierce County Auditor verified the petition contained the requisite number of signatures⁵ on June 23, 2023.
- On July 11, 2023, the City of Tacoma passed the following two resolutions regarding rental housing to be placed on the November 7, 2023 General Election ballot:

² [RCW 42.17A.005\(38\)](#) defines “participate” to mean that, with respect to a particular election, an entity engages in one or more of the following activities: 1) makes a monetary or in-kind contribution to a candidate; 2) makes an independent expenditure or electioneering communication supporting or opposing a candidate; or 3) engages in an activity described in .005(38)(c), (d) or (e). See also [RCW 42.17A.005\(30\)](#).

³ The threshold for expedited reporting of large, last-minute contributions was increased to \$1,500 effective June 30, 2022.

⁴ An “earmarked contribution” means any contribution given to an intermediary or conduit, either a political committee, candidate or third party, with a designation, instruction, or encumbrance, whether direct or indirect, express or implied, oral or written, which is intended to result in or which does result in all or any part of the contribution being made to or for the promotion of a certain candidate, state official, or ballot proposition. [WAC 390-16-240](#).

⁵ Once the signature requirement is met, a local measure is de facto slated for ballot placement pending the city’s transmission of the ballot measure to the county elections office.

- [Resolution 41237](#) for “City of Tacoma Citizens’ Initiative Measure No. 1” (also known as the [2023 Landlord Fairness Code Initiative](#) or Tenant Bill of Rights), a ballot measure regarding rental requirements for landlords and rental rights for tenants.
 - [Resolution 41238](#) for Tacoma Measure 2, which also concerns rental requirements for landlords and rental rights for tenants. Measure 2 was proposed as an alternative to Measure 1 and would repeal and reenact portions of the city’s housing code (Ordinance No. 28894).
 - Both resolutions were transmitted to Pierce County Elections, which [received](#) them on July 13, 2023.
- In early August of 2023, Sean Martin, CEO of Tacoma-Pierce County Association of Realtors (“TPCAR”), applied for a grant from National Association of Realtors (“NAR”), a non-profit trade organization, to fund a local advocacy effort that would be carried out by a yet-to-be formed committee that supported Tacoma Measure 2 in the 2023 General Election. The Respondent’s attorney, Mark Lamb, confirmed the grant application was not submitted in the Spring, as the complaint alleged.
 - The Complainant initiated court proceedings in Pierce County Superior Court on August 2, 2023 against the City of Tacoma challenging Tacoma Measure 2 (*Tacoma for All v. City of Tacoma case 23-2-08684-3*).
 - On August 9, 2023, NAR notified Sean Martin by email that the Issues Mobilization Grant of \$200,000 had been approved.
 - On August 30, 2023, the Pierce County Superior Court ruled that the alternative second ballot measure (Tacoma Measure 2) be stricken from the 2023 General Election ballot.
 - NAR indicated that, after the court ruling, there was an informal strategy/administrative change concerning the purpose of the grant funding (namely, from supporting Tacoma Measure 2 to opposing Tacoma Measure 1). Our findings suggest this change in strategy occurred sometime between August 30, 2023 and October 5, 2023.
 - On September 25, 2023, No on Tacoma Measure 1 (the “Respondent”) registered with the PDC as a local ballot measure committee and indicated their opposition to Measure 1 in election year 2023. On the Respondent’s C-1pc report (*Political Committee Registration*), Sean Martin is listed as the Campaign Manager/Media Contact and Heather Clarke is listed as the Ministerial Treasurer. The Respondent committee amended their registration the next day (9/26/23) to correct two minor typographical errors, and again on October 10, 2024 to update the Treasurer’s address.

- On October 10, 2023, TPCAR distributed an “Advocacy Alert” notifying their members that Tacoma Measure 1 would be appearing on the ballot for the 2023 General Election. In the alert, TPCAR said they had leveraged their memberships with the NAR and another realtor organization (Washington Realtors) “successfully receiving⁶ \$200,000 and \$25,000 respectively, to oppose Tacoma Measure 1.”
- Our findings show that TPCAR did not receive the funds, once disbursed; serve as a pass-through for the grant recipient; or spend any portion of the contribution from NAR.
- On October 17, 2023, the Respondent committee timely filed a 21-day pre-General C-4 report (covering 9/25/23-10/16/23). The disclosures included, but were not limited to, the following:
 - Pledges of \$200,000 from NAR, \$25,000 from Washington Realtors, and \$25,000 from TPCAR, all with a date notified of October 16, 2023.
 - On October 11, 2024, the Respondent amended their 21-day pre-General C-4 report to correct the date they were notified about NAR’s pledge to October 5, 2023 (the invoice date).
 - On January 23, 2025, the Respondent amended their 21-day pre-General C-4 report to correct the date they were notified about Washington Realtor’s pledge to October 10, 2023.
- The Respondent timely filed a C-3 report on October 19, 2023 disclosing the \$200,000 monetary contribution the committee received from NAR on October 17, 2023. This report also satisfied the Last-Minute Contribution (LMC) reporting deadline.
- On October 27, 2023 the committee timely filed a C-3 report disclosing a \$25,000 monetary contribution from TPCAR, received on October 25, 2023, which also satisfied the LMC reporting deadline.
- The Respondent timely filed a C-3 report on October 30, 2023 disclosing a \$3,000 monetary contribution from TPCAR, received on October 26, 2023. However, the report did not meet the LMC reporting deadline because it was not disclosed within 48 hours.
- On October 30, 2023, the Respondent timely filed a C-3 report disclosing a \$5,000 monetary contribution from Magnolia Manor Apartments General Trust, received on October 27, 2023, but the report did not meet the LMC reporting deadline because it was not disclosed within 48 hours.
- The Respondent timely submitted their 7-day pre-General C-4 report (covering 10/17/23-10/30/23) on October 31, 2023. The disclosures included, but were not limited to, the following:

⁶ TPCAR’s attorney clarified that the word “receiving,” as it was used in the Advocacy Alert, was an imprecise term and a figure of speech intended to convey that money had been pledged, not received. He indicated that Sean Martin drafted the requests for the NAR and Washington Realtors pledges, which were ultimately paid directly to NOTMOC.

- Deposited monetary contributions of \$200,000 from NAR, \$3,000 from TPCAR, and \$5,000 from Magnolia Manor Apartments General Trust; and
 - In-kind contributions of staff time received from TPCAR, Tacoma-Pierce County Chamber and Rental Housing Association of WA on October 30, 2023, valued at \$1,024.05, \$2,580 and \$7,126.30 respectively, for work performed from 10/17/23-10/30/23.
- On November 6, 2023, the committee timely filed a C-3 report disclosing a \$25,000 monetary contribution from Washington Realtors received on November 6, 2023, which also satisfied the LMC reporting deadline.
- The post-General election C-4 report (covering 10/31/23-11/30/23) was timely filed on December 11, 2023. The disclosures included, but were not limited to, in-kind contributions of staff time received from TPCAR, Tacoma-Pierce County Chamber and Rental Housing Association of WA on November 30, 2023, valued at \$631.50, \$220, and \$300 respectively, for work performed between 11/1/23 and 11/30/23.
- On October 30, 2023 and November 7, 2023, the attorney for NOTMOC and TPCAR (which is also a Respondent in this complaint, see PDC Case No. 143847), provided written responses to the complaint by email and said the following:
 - Respondent NOTMOC was formed on September 26, 2023 and no funds were pledged or received, and no contributions were made to NOTMOC until it was registered.
 - The \$200,000 contribution was requested by the Respondent in the form of an invoice to NAR on October 5, 2023, and was accurately reported as a pledge on the Respondent's 21-day pre-General C-4 report.
 - In-kind contributions of staff time made to the Respondent were timely and accurately reported.
 - Counsel indicated the balance of the complaint was conjecture and specious arguments about alleged "dark money," adding that the citizens of Tacoma have, at all times, known who contributed to NOTMOC and that all the committee's contributions and pledges were timely and accurately reported.
- The November 7, 2023 General Election [results](#) show City of Tacoma Citizens' Initiative Measure 1 passed with 50.43% of the vote.
- An Initial Hearing (Case Status Review) was held for this case on January 11, 2024. Mark Lamb and Sean Martin attended remotely.
- Per the PDC's request, TPCAR registered Yes on Tacoma Measure 2 ("YOTMTC") with the PDC as a local ballot measure committee on April 17, 2025, indicating support for Measure 2. Sean Martin is listed as the committee's Campaign Manager/Media Contact and Heather Clarke

is listed as the Ministerial Treasurer on the C-1pc report (*Political Committee Registration*). The committee amended their registration once without making any changes.

- On April 18, 2025, YOTMTC also filed a C-4 report (covering 8/9/23-8/31/23) disclosing the \$200,000 pledge from NAR, and a 21-day pre-General C-4 report (covering 9/1/23-10/16/23) showing that the pledge from NAR was cancelled.
The PDC requested that YOTMTC file these reports to address a gap in reporting for the pledge from NAR, which was approved on August 9, 2023 and originally intended to support Tacoma Measure 2 but was later disbursed to the Respondent to oppose Tacoma Measure 1.
- All the C-3 and C-4 reports filed by Respondent NOTMOC for activity from 9/25/23 through 4/30/25 were timely.
- Although not alleged, the Respondent amended eight expenditure descriptions on their 21-day pre-General C-4 report, per the PDC's request, on October 11, 2024 and November 29, 2024 to include additional details (the number of mailers and ads, where they appeared, and when).
 - The Respondent's attorney indicated that the committee was unable to enter Access Marketing's vendor address for seven expenditures where sub-vendor names and addresses were also disclosed due to an issue in their Online Reporting Campaign Activity (ORCA) account; however, as he pointed out, Access Marketing's address already appears elsewhere in the expenditure section of the same report, so that information is available to the public. PDC staff determined their good-faith effort to amend expenditure descriptions was sufficient and that substantial compliance was achieved with the changes that were made.
- The Respondent was cooperative throughout the investigation.
- The Respondent does not have previous warnings/violations of PDC requirements.

Summary and Resolution

Allegations of Late Registration and Reporting (RCW 42.17A.205, .235, .240)

- Based upon our findings, it appears that No on Tacoma Measure 1 did not receive any pledges or contributions or make any expenditures prior to September 25, 2023 and your committee was, therefore, not required to register earlier than it did. This includes the pledge from NAR that was originally intended for a campaign supporting Tacoma Measure 2 but was made available to your committee on October 5, 2023. As noted above, YOTMTC has since registered and reported the earlier pledge.
- The notified date for two pledges disclosed on the original 21-day pre-General C-4 report were incorrect and later untimely amended. However, one of the disbursed pledges was timely disclosed as a contribution received on a C-3 report filed two days after the original 21-day report was filed, which is a mitigating factor. Both disbursed pledges were disclosed on C-3 reports before the election, which is also mitigating.

- The Advocacy Alert that TPCAR distributed on October 10, 2023 appears to be an internal political communication that was primarily limited to TPCAR's members and, therefore, was not a "contribution" as defined under RCW 42.17A.005(15)(b)(v). Subsequently, your committee did not need to report the cost of this membership communication as an in-kind contribution from TPCAR.
- Your committee did report in-kind contributions of staff time from various organizations, including TPCAR. These contributions appear to have been timely disclosed, based on the received dates indicated on the C-4 reports. While TPCAR's publication of the October 10, 2023 Advocacy Alert suggests that donated staff time could have commenced earlier than October 17, 2023, payroll cycles may determine when in-kind contributions of staff time are concluded, tallied, and become reportable.

Allegation regarding Earmarked Contributions (RCW 42.17A.270)

- Our findings show the pledges and contributions that TPCAR facilitated on behalf of your committee did not meet the definition of earmarking, because TPCAR did not receive the disbursed contributions on your behalf. Our records show that the contributions made by NAR, Washington Realtors, and the other organizations listed in reports were made directly to your committee.

Not Alleged: Late Last Minute Contribution Reporting (RCW 42.17A.265)

- Two of your committee's contributions were timely disclosed on C-3 reports under the accelerated pre-election reporting schedule but were not disclosed within 48 hours as required for a Last-Minute Contribution of \$1,500 or more received within 21 days of the General Election. However, both contributions were disclosed on C-3 reports prior to the election, which is partially mitigating.

Pursuant to [WAC 390-37-060\(1\)\(d\)](#), this serves as a formal written warning concerning your failure to 1) timely and accurately disclose all pledges; and 2) timely disclose Last-Minute Contributions received prior to an election. PDC staff expect you to timely disclose all pledges and Last-Minute Contributions in the future. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

PDC staff is also reminding you about the importance of 1) providing sufficient expenditure details on C-4 reports including, but not limited to, vendor address, the number of mailers and ads, where they appeared, and when; and 2) timely amending C-4 reports within 21 days of original reports, whenever possible. PDC staff expect that, in the future, you will include such details on, and timely amend, C-4 reports in accordance with PDC laws, rules, and guidance.

Based on this information, the PDC has dismissed this matter in accordance with [RCW 42.17A.755\(1\)](#).

If you have questions, you may contact Tabatha Blacksmith at 1-360-753-1111, toll-free at 1-877-601-2828 or by e-mail at pdc@pdc.wa.gov.

Sincerely,

Electronically signed by Tabatha Blacksmith

Tabatha Blacksmith

Compliance Officer

Endorsed by,

Electronically signed by Peter Frey Lavallee

Peter Frey Lavallee

Executive Director

cc: Tacoma for All (Abigail Lawlor)