



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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

Subject: PDC Case 143847 regarding Tacoma-Pierce County Association of Realtors (TPCAR)

Dear Tacoma-Pierce County Association of Realtors:

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 Tacoma-Pierce County Association of Realtors (“TPCAR”), a membership and trade organization, may have violated RCW 42.17A.205, .235, .240, .255 & .270 by failing to timely register and report as a political committee, and report earmarked contributions and/or independent expenditures, in 2023.

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.”
- [PDC Interpretation 07-02](#) sets forth guidelines and factors to be considered when determining whether an entity is required to register as a political committee, including the primary purpose test.

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\(39\)](#).

- [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.
- 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.
- [RCW 42.17A.255](#) sets forth the content and timing of disclosing an independent expenditure³ on a C-6 report.
- 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

- Tacoma-Pierce County Association of Realtors (“TPCAR”) 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.

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 “Independent expenditure” is defined in RCW 42.17A.255 to mean any expenditure that is made in support of or opposition to and candidate or ballot proposition that is not otherwise required to be reported pursuant to [RCW 42.17A.225](#), .235 and .240. Some exclusions apply.

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.

- 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:
 - [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 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 (“NOTMOC”) registered with the PDC as a local ballot measure committee and indicated their opposition to Measure 1 in election year 2023. On the committee’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.
- On October 10, 2023, the Respondent 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, the Respondent 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 the Respondent 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.
- Between October 17, 2023 and December 11, 2023, NOTMOC timely filed reports disclosing 1) pledges from NAR, Washington Realtors and the Respondent; 2) the \$200,000 contribution it received from NAR on October 17, 2023; 3) two monetary contributions of \$25,000 and \$3,000 it received from the Respondent on October 25, 2023 and October 26, 2023 respectively; 4) in-kind contributions of staff time received from the Respondent and other organizations valued at \$11,881.85 for work performed from October 17, 2023 through November 30, 2023; and 5) a \$25,000 monetary contribution it received from Washington Realtors on November 6, 2023.
- On October 30, 2023 the attorney for TPCAR and NOTMOC (which is also a Respondent in this complaint, see PDC Case No. 143846), provided a written response to the complaint by email and said the following:
 - The Respondent’s staff was primarily interested in a city council-sponsored alternative to Tacoma Measure 1 (entitled Tacoma Measure 2), but this interest ended when the measure was stricken from the ballot by a Superior Court judge on August 30, 2023.
 - The Respondent did not even begin to consider taking an active position on Tacoma Measure 1 until after the August 30, 2023 court decision, and the allegation that TPCAR staff were working in opposition to Tacoma Measure 1 prior to this time is false.
 - NOTMOC is a separate entity from TPCAR that was formed on September 26, 2023 and no funds were pledged or received, and no contributions were made to NOTMOC before it was registered.
 - The Respondent did not receive any campaign checks⁷ to oppose Tacoma Measure 1 at any time.
 - The \$200,000 contribution was requested by NOTMOC in the form of an invoice to NAR on October 5, 2023, and was accurately reported as a pledge on NOTMOC’s 21-day pre-General C-4 report.
 - 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

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.

⁷ The Respondent’s attorney later confirmed that TPCAR did not receive contributions of any kind, from any source, in 2023 to fund opposition to Tacoma Measure 1 or support Tacoma Measure 2.

who contributed to NOTMOC and that all their 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.
- On October 4, 2024, the Respondent's attorney confirmed that less than 4% of TPCAR's general treasury budget or resources were spent on electoral activity or campaigns in 2023.
- Per the PDC's request, the campaign that supported Tacoma Measure 2 (Yes on Tacoma Measure 2 or "YOTMTC") registered 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 NOTMOC to oppose Tacoma Measure 1.
- The Respondent was cooperative throughout the investigation.
- The Respondent does not have previous warnings/violations of PDC requirements.

Summary and Resolution

Allegations of Failure to Register and Report as a Political Committee (RCW 42.17A.205, .235, .240)

- The \$200,000 grant from NAR effectively became a pledge to the committee that would support Tacoma Measure 2 when it was approved on August 9, 2023. This expectation of receiving contributions in support of a ballot proposition triggered the requirement to register and report as a political committee.
- According to your Advocacy Alert, TPCAR formed a coalition, spearheaded and launched a campaign, and leveraged its memberships to solicit and obtain funding to oppose a ballot proposition. These activities influenced local elections for the benefit of your realtor organization and its members. Such activities may trigger the requirement to register as a political committee. However, because TPCAR did not receive any of the disbursed funds, the contribution prong was not met. Likewise, it appears the expenditure prong as not met because you contributed less

than \$30,000 in monetary and in-kind contributions to NOTMOC and TPCAR's election-related activities accounted for less than 4% of your organization's general treasury budget or resources in 2023; this percentage is well below the spending guideline of 30% that is used as an initial indicator of when an organization's election-related spending is sufficient to make it a primary purpose.

- Nonetheless, campaigns existed to both support and oppose two ballot propositions. Therefore, pursuant to RCW 42.17A.205, we concluded that TPCAR was required to register Yes on Tacoma Measure 2 ("YOTMTC") as a political committee within two weeks of having the expectation that YOTMTC would receive contributions⁸ or make expenditures in support of a ballot proposition, which was August 23, 2023. Per RCW 42.17A.235 & .240, the August 9, 2023 pledge was disclosable on an August C-4 report due by September 11, 2023.
- TPCAR and YOTMTC jointly completed a *Statement of Understanding* (SOU) and paid a \$300 civil penalty in accordance with WAC 390-37-143 (Brief Enforcement Penalty Schedule), acknowledging violations of RCW 42.17A.205, .235 and .240 for: (1) failing to timely and accurately register Yes on Tacoma Measure 2; and 2) disclose YOTMTC's pledge from NAR.
- The Advocacy Alert that you 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, the cost of this membership communication did not need to be reported by YOTMTC as an in-kind contribution from TPCAR.

Allegation regarding Independent Expenditures (RCW 42.17A.255)

- The Advocacy Alert, as an internal membership communication, is also excluded from the definition of an "independent expenditure" pursuant to RCW 42.17A.255(1). Additionally, the content of the communication and timing of NOTMOC's registration as a political committee suggest that the effort was not entirely independent in nature.

Allegation regarding Earmarked Contributions (RCW 42.17A.270)

- Based on our findings, the pledges and contributions that TPCAR facilitated on behalf of NOTMOC and YOTMTC did not meet the definition of earmarking because you did not receive the disbursed contributions on these committees' behalf. Our records show that the contributions made by NAR, Washington Realtors, and the other organizations listed in reports were made directly to NOTMOC.

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

⁸ Per RCW 42.17A.005(15)(a)(i), the definition of a "contribution" includes a pledge.

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)