File a Formal Complaint - Chestine Edgar

chestine edgar (Mon, 13 Nov at 3:14 AM) via Portal Meta

This PDC complaint-that involves the databases of Nancy Tosta, Krystal Marx, Pedro Olguin and Jimmy Matta.

Alleged Violation 1-Violation of RCW 42.17A.235-failure to accurately and timely file contribution (C-3) and expenditure (C-4) reports

Alleged violation 2- Violation of RCW 42.17A.235 and WAC360-16-205 and WAC390-16-37-failure to accurately show detailed breakdown of expenditures

The PDC information for writing this complaint was taken from the PDC database on 11/12/17 The alleged violations are as follows-

I will file a separate complaint on each of the listed candidates but it will require the PDC to look at the records of all of these individuals concurrently together to see what has happened in these campaigns.

Background-Nancy Tosta, Krystal Marx, Pedro Olguin and Jimmy Matta formed a coalition like PAC in this 2017 campaign for Burien Council positions. As members of this partisan (DEMS) coalition, they decided to pool their cash donations to run a number of events and join like services to further their campaigns. They did this with enormous support and consulting help from the Washington State Democratic Party. This Party committed Statewide resources to them-see the statement on this

link, https://www.facebook.com/washdems/videos/1686796748019282/

The City Council positions are intended to be nonpartisan and run by each individual candidate. However, why their resources were pooled and used together appears to be much more like a PAC operates and has the benefits attached to this pooling of money like a PAC has. An example of this was the way Tosta, Marx, Matta and Olguin ran phone calling and phone banking. Rather than having the phone callers make a call for a specific individual, they had callers call for them as a voting slate of four. This is what PACs do; not what individual candidates do to promote their own single, separate election campaign. It is the kind of thing the Democratic National Committee does to promote a slate of Democrats but not what typical individual candidates do. In this case, these partisan candidates benefiting from each other's resources and drawing benefit from a single political party, the Washington State Dems and King County Dems and the 34th and 33rdDems. As a specific example, look at the strange mailer that some of them paid the King County Dems to develop and print and then reimbursed the Dems back for it (Tosta, Marx). I would ask that the PDC look into whether this pooling of money between candidates really constitutes the campaigns of single nonpartisan individuals or whether this methodology takes on the trappings of a PAC run by candidates to benefit those selfsame candidates

From their Facebook pages and their PDC files, these are the services that I can link together that they purchased and ran together;

1. GOTV campaigns and services-these are purchased and charged for through some sort of service because some of these candidates make note of paying for them. Pedro starts discussing them on his Facebook page around mid-October, 2017.

Please note this expenditure on the Nancy Tosta PDC expenditures that appears on none of the other coalition candidates expenditures forms-

Report BURIEN 4
OLGUIN

10/30/2017 \$125.00 BURIEN WA 98166 PHONE BANK PROGRAM None of the other candidates (Marx, Olguin, Matta) make reference to this expenditure and Pedro Olguin doesn't even report having paid the fee for the total group for a phone bank program. He does not report having received money back from Nancy Tosta. It remains unclear what happened; what services were paid for and used by these candidates.

2. The cost of rental of a restaurant, bar or a hall to organize campaigning in, to educate and train workers in and the a space to do phone bank calling from, script writing from and materials distribution from- this is obvious from comments and pictures put out on the Facebook pages of some of this group of candidates. And while all of the candidates make some mention of this site, not all of them agree to what was cost of this divided through a 4 way split of costs. Also, it remains unclear as to how this exchange of money between the four of them it being returned back to one of them, Jimmy. The return of money is not showing up as a cash contribution from a donor, and inkind contribution or an independent expenditure.

Additionally an earlier physical site was used for these same purposes. It is unclear where this site was but it does not show up as a rental fee and it is unclear who handled the charges for the phone banking or what they did at this other site. No rental fees, In kind donations or outside expenditures show where this was done on any of the candidates reporting forms.

Please note this expenditure on the Nancy Tosta expenditures form and it doesn't appear as such on any of the other candidates forms-

Report FRIENDS OF 10/30/2017 \$132.50 BURIEN WA 98166 1/4TH COST VENUE **JIMMY** RENTAL FOR PHONE BANKING

This is what appears on the Krystal Marx PDC expenditures for her campaign-

Report FRIENDS 10/30/2017 \$176.97 BURIEN WA 98166 REIMBURSE

OF SHARE OF JIMMY **EVENT MATTA SPACE** (TIJUANAS)

This is what Jimmy Matta reported from his PDC expenditures-

Report XFINITY 10/27/2017 \$530.01 PHILADELPHIA PA 19103 PAID PHONE BILL TO COVER RENT AT TIJUANA

BAR FOR GOTV PHONE BANK SPACE

Nowhere is it clear where Jimmy Matta is putting back the money (in which of his PDC columns) he is receiving back from the other candidates.

Pedro Olguin reports in his PDC expenditures-

Report FRIEND OF JIMMY MATTA 10/26/2017 \$176.97 BURIEN WA 98166 HALL RENTAL

This fee for the venue/bar/space rental is inconsistently reported by all of the candidates and the amount paid is not in agreement. It remains unclear which location(s) they rented. And what were all of the uses for the rental space.

(3) This group appeared to have paid for a mailer that King County Dems developed and purchased for the four candidates? And distributed? Again how this is being paid for by all four of these candidates remains unclear.

Nancy Tosta reported it like this in her PDC expenditures sheet-

Report KING COUNTY 10/7/2017 \$146.03 RENTON WA 98057 1/4TH OF PRINTING DEMOCRATS COST FOR MAILER ON "FANTASTIC FOUR"

Krystal Marx reported it like this on her PDC expenditures-

Report KING COUNTY 10/5/2017 \$146.03 RENTON WA 98057 REIMBURSE 1/4 SHARE DEMOCRATS PRINTING OF

PRINTING OF LITERATURE (SUBVENDOR: OVERNIGHT PRINTING, 2500 PIECES)

And Jimmy Matta and Pedro Olguin both failed to report it at all as a PDC expenditure.

What this mailer was used for and who paid to mail it remains unclear. It is not shown by any candidate as an in-kind contribution or as an outside expenditure to their campaign. Two of the candidates failed to report this expenditure completely.

Further, it would seem that when the resources from the Washington State Democratic Party, the King County Democratic Party, and the 33rd and 34th Democratic Parties are brought into play at the level the State Dems Chair Tina Podiodowski speaks of, a record of cash, inkind contributions or outside expenditures should show on each of the candidates PDC reporting databases in that time period. Tina Podiodowski/Chair of the State Democratic Party made this commitment of resources to these candidates On Nov. 4, 2017 at 5:09 pm. Specifically a video was produced by the Washington State Dems to benefit the campaigns of all four candidates, state level phone banking was announced for the candidates and it appears that state level consultation and assistance was given to these candidates-Please refer to this sitePedro Olguin for Burien City Council - Home | Facebook www.facebook.com/Burien4Olguin

I was unable to find any evidence of this level of support or contribution by the State Dems on the individual candidates' PDC site or on the State political central committee party site, in the time frame of this occurrence.

Files have been embedded in the document letter. No addition files are attached.
D. C. II
Respectfully,
C. Edgar