

by Victor Epperly on Fri, 22 Jul at 5:10 PM via Portal

**File a Formal Complaint - Victor Epperly**

A complaint concerning Go Big Tri-cities, Inc, a non-profit organization promoting a YES vote for the Kennewick Public Facilities District's measure requesting voter approval in Kennewick to raise the sales tax rate by 0.2 of 1% to pay for THE LINK, a project to expand the Three Rivers Convention Center complex.

The complaint alleges several things. First, Go Big Tri-cities has not filed documents with the PDC identifying the organization as a "political committee" as defined in RCW 42.17A.005(37). Secondly, Go Big Tri-cities paid for advertising that does not meet the requirements of the law as stated in RCW 42.17A.320. Thirdly, Go Big Tri-cities has not filed periodic reports wit the PDC per RCW 42.17A.200.

Go Big Tri-cities may have a major contributor that is associated with the project.

Go Big Tri-cities does not have a business address or phone, only the name of an agent. Therefore, the public doesn't have access to election records.

There is a Facebook page, facebook.com/linktc. Is the Facebook page owned by Go Big Tri-cities, the Kennewick PFD, or someone else? The issue is important because what shows on what appears to be the official web site for the Kennewick PFD, threeriversconventioncenter.com, is a link that forwards a person to the Facebook page. The Facebook page doesn't identify who is the "Community Organization" sponsoring the page, though its address is that of the Kennewick PFD. The site promotes a "YES" vote on the ballot measure. Information on this aspect of the complaint has been brought to the PDC's attention via case file 5562.

The attachments are relative to this complaint concerning Go Big Tri-cities.

a) A letter from the Kennewick PFD's attorney identifying Go Big Tri-cities as a promoter for the ballot measure. It further identifies Venuworks, the organization that operates the Three Rivers Convention Center for the KPFD and the Toyota Center for the City of Kennewick, as a contributor to the Go Big Tri-cities "political committee".

b) A mobile billboard promoting a YES vote for the ballot measure, yet no identification of who paid for the ad. Mr. Jeff Jacobs, the owner of Tri-cities Billboards, identified Mr. Tyler Borders, President of Go Big Tri-cities, to be the purchaser of the advertising.

c) The cover page of a Sunday Edition of the Tri-city Herald newspaper has a political ad paid for by Go Big Tri-cities

d) The non-profit information listed on the WA Secretary of State's web page for Go Big Tri-cities

Due to technical difficulties some search results may not be current or reflect the most recent filing. We are hoping to have this corrected shortly.



### GO BIG TRI-CITIES

UBI Number	603513368
Category	REG
Profit/Nonprofit	Nonprofit
Active/Inactive	Active
State Of Incorporation	WA
WA Filing Date	06/05/2015
Expiration Date	06/30/2017
Inactive Date	
Duration	
Registered Agent Information	
Agent Name	ROTH BUSINESS SERVICES, PLLC
Address	8836 W GAGE BLVD
City	KENNEWICK
State	WA
ZIP	993367155
Special Address Information	
Address	
City	
State	
Zip	

### Governing Persons

Title	Name	Address
President	BORDERS, TYLER	3801 E LATTIN RD RICHLAND, WA 99353
Secretary	ZANOL, ERIC	421 S ROOSEVELT ST RICHLAND, WA 99336





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June 7, 2016

*Sent via Electronic Mail & USPS First Class Mail*

Mr. Jacob Berkey  
Washington State Public Disclosure Commission  
711 Capitol Way #206  
PO Box 40908  
Olympia, WA 98504-0908  
E-Mail: [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov)

Re: Complaint No. 5562 -- Kennewick Public Facilities District ("KPPD") -- Victor Epperly  
(*Alleged Violation of RCW 42.17A.555*)

Dear Mr. Berkey:

On behalf of our client, Kennewick Public Facilities District, we have been asked to respond to the complaint filed by the Victor Epperly on June 1, 2016.

Kennewick Public Facilities District ("KPPD") is a Washington Public Facilities District which owns the Three Rivers Convention Center and manages City of Kennewick's Toyota Center indoor stadium in Kennewick, Washington. KPPD contracts with VenuWorks of Kennewick, LLC, a private Washington limited liability company, for the management of both facilities. Mr. Pearson is an employee of VenuWorks and serves as the Executive Director for those facilities. He is not an employee, officer, or director of KPPD.

At its March 24, 2016 meeting, KPPD considered placing an item on the August 2016 Ballot for expansion of that Facility. As is evident by the Minutes of March 24, 2016, the feasibility of such action was under discussion. Mr. Pearson reported on the potential expansion. The abbreviated Minutes also speak of his discussions with VISIT Tri-Cities, the local Visitors & Convention Bureau, and upcoming meeting with the Port of Kennewick Commissioners, other entities affected by the District's potential decision. Mr. Pearson also made reference to Tyler Borders, describing his non-profit corporation's past experience with campaigns. As the Minutes reflect, the Board had still not made a decision whether to place the expansion effort, known as "The Link", on the August 2016 Ballot.

That decision was eventually made one month later on April 28, 2016.

As is obvious from the Minutes, the District Board was acting in its usual and ordinary capacity in receiving the Report, and took no action, nor utilized or committed any resources of the District "for the promotion of or opposition to any ballot proposition" in compliance with RCW 42.17A.555.



Ltr. to Mr. Jacob Berkey  
Washington State Public Disclosure Commission  
Re: KPFD – Victor Epperly Complaint Re: Alleged Violation of RCW 42.17A.555  
June 7, 2016  
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Mr. Borders is not an employee of either KPFD, or the Facility third-party manager, Venuworks. Mr. Borders is a director of "Go Big Tri-Cities", a Washington non-profit corporation, dedicated to the advancement and improvement of the Tri-Cities region.

Go Big Tri-Cities has subsequently elected to support "The Link" expansion and has received support from the third-party manager, Venuworks.

In compliance with the law, KPFD has been faithful to its statutory mandates, reserving the individual members' rights to their expression as provided in WAC 390-05-271.

The Facebook page referenced by Mr. Epperly is not the property of KPFD, nor has KPFD participated or approved of any of the content included on that site, nor is KPFD responsible for any of the content whether it is contradictory or not. It was noticed that the site does include one of KPFD's neutral informational signs that simply states "Vote August 2016".

As pointed out in AGO 2006-1, discussing the precursor to RCW 42.17A.555,

"Two characteristics of this statute are important to note. First, the statute relates to the use of public resources, not to actions that public officials may take without actually expending public resources. This includes expression of personal opinion that do not involve use of the facilities of a public agency. WAC 390-05-271(1). Second, the statute prohibits the use of public resources to aid one side or another of a ballot measure campaign; it does not prohibit efforts to provide information about a proposed measure where the office or agency providing the information would be affected, or where information is shared as a part of its responsibilities."

In the case at hand, KPFD was acting in compliance with the law. Neither has it used any of its resources to advocate a "Yes" vote, nor has it disseminated any false information.

Mr. Epperly's complaint while well intended, is unfounded.

If you have any questions or concerns in this regard, please don't hesitate to give me a call.

Sincerely yours,



Leland B. Kerr  
KERR LAW GROUP

LBK/kad

cc: Ms. Barbara Johnson, President of KPFD  
Mr. Corey Pearson, Executive Director



# Tri-City Herald

## SUNDAY

BASED TAXI SERVICE

## Uber talks stall over background checks

Uber offers service, but won't budge on background

checks city background checks are a no-go

but not in the Tri-Cities.

The San Francisco-based firm is eager to offer smartphone-based taxi services in the Tri-Cities. And the city of Kennewick is eager to embrace it and similar transportation network companies.

But Uber and Kennewick are stuck on who should conduct background checks on prospective drivers.

Both sides want to be in charge and both sides appear unwilling to yield.

"We want to do the background checks and we want to make sure

66

WE WANT TO DO THE BACKGROUND CHECKS AND WE WANT TO MAKE SURE THESE DRIVERS ARE INSURED.

Scott Child, Kennewick Police Department

SEE UBER, T1A

THE **LINK** ENTERTAINMENT CENTER

VOTE 'YES' THIS MONTH!

2,300 SEAT  
BROADWAY THEATRE  
TOYOTA CENTER  
RENOVATIONS  
MULTI-PURPOSE  
ENTERTAINMENT SPACE



Photo by the City of Kennewick

DE RAGE



LOCAL





19.07.2016 19:30





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▶ TOYOTA CENTER  
RENOVATIONS

▶ MULTI-PURPOSE  
ENTERTAINMENT SPACE

Tri-City  
**Billboards**  
509.737.8762  
www.tricitybillboards.com

USDOT1229240KD

19.07.2016 19:30