

## COMPLAINT TO THE PUBLIC DISCLOSURE COMMISSION

### Go Big Tri-Cities - Proposition 16-8 “The Link Theater”

#### RESPONDENTS

##### GOVERNORS - GO BIG TRI-CITIES (See Exhibit 1):

**Tyler I. Borders** - 3801 E. Lattin Road, West Richland, Washington 99353.

**Eric Van Winkle** – 5812 West Yellowstone Avenue, Kennewick Washington 99336; 509-727-3327.

#### STATEMENT OF FACTS

On August 2, 2016 Primary Election Ballot, the Kennewick Public Facilities District ran Proposition 16-8, The Link Theater Sales Tax Increase.

The Proponent Committee was Go Big Tri-Cities, a Washington Non-Profit Corporation established June 5, 2015. See Exhibit 1.

On August 3, 2016, the day after the Ballot Measure, Go Big Tri-Cities had contributions in excess of contributions of \$3,766.79. With the exception of two (2) minor expenditures after August 2, 2016, this amount was excess, and should have been disposed of under RCW 42.17A.430 Disposal of surplus funds. Exhibit 2 details the contributions, Exhibit 3 details the expenditures.

On August 10, 2016, Go Big Tri-Cities made two (2) expenditures of \$2,097.00 each for “insurance” to Basin Pacific Insurance. These two (2) expenditures constituted 17.5% of total contributions for Go Big Tri-Cities. Basin Pacific Insurance issues a variety of insurance products, including business insurance.

Insurance is always paid in advance for prospective coverage, not postliminary. As such, the “insurance” expenditure was for activities after the campaign, not during the campaign.

#### LAW

##### **RCW 42.17A.430 Disposal of surplus funds.**

The surplus funds of a candidate or a candidate's authorized committee may only be disposed of in any one or more of the following ways:

- (1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;
- (2) Using surplus, reimburse the candidate for lost earnings incurred as a result of that candidate's election campaign. Lost earnings shall be

verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's authorized committee. The committee shall maintain a copy of this record in accordance with \*RCW 42.17A.235(6);

(3) Transfer the surplus without limit to a political party or to a caucus political committee;

(4) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

(5) Transmit the surplus to the state treasurer for deposit in the general fund, the Washington state legacy project, state library, and archives account under RCW 43.07.380, or the legislative international trade account under RCW 43.15.050, as specified by the candidate or political committee; or

(6) Hold the surplus in the depository or depositories designated in accordance with RCW 42.17A.215 for possible use in a future election campaign for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17A.240. If the candidate subsequently announces or publicly files for office, the appropriate information must be reported to the commission in accordance with RCW 42.17A.205 through 42.17A.240. If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

(7) Hold the surplus campaign funds in a separate account for nonreimbursed public office-related expenses or as provided in this section, and report any such disposition in accordance with RCW 42.17A.240. The separate account required under this subsection shall not be used for deposits of campaign funds that are not surplus.

(8) No candidate or authorized committee may transfer funds to any other candidate or other political committee.

The disposal of surplus funds under this section shall not be considered a contribution for purposes of this chapter.

**RCW 42.17A.445 Personal use of contributions—When permitted.**

Contributions received and reported in accordance with RCW 42.17A.220 through 42.17A.240 and 42.17A.425 may only be paid to a candidate, or a treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or payments to cover lost earnings incurred as a result of campaigning or services performed for the political committee. Lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record shall be maintained by the candidate or the candidate's authorized committee in

accordance with RCW 42.17A.235.

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense, and the political committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17A.240.

(3) Repayment of loans made by the individual to political committees shall be reported pursuant to RCW 42.17A.240. However, contributions may not be used to reimburse a candidate for loans totaling more than \*four thousand seven hundred dollars made by the candidate to the candidate's own authorized committee.

### CONCLUSION

Similar to acts outlined on December 10, 2017 in PDC Case 28028, Respondents had nearly \$4,000.00 remaining after the conclusion of the campaign, or 17.5% of contributions.

Rather than follow the provisions of RCW 42.17A.430 Disposal of surplus funds, Respondents purchased an insurance policy for the Corporation, a likely violation of RCW 42.17A.445 Personal use of contributions—When permitted.

# **EXHIBIT 1**

<b>UBI #</b>	603513368
<b>Status</b>	Active
<b>Expiration Date</b>	 6/30/2018
<b>Period of Duration</b>	PERPETUAL
<b>Business Type</b>	WA NONPROFIT CORPORATION
<b>Date of Incorporation</b>	6/5/2015
<b>State of Incorporation</b>	WASHINGTON
<b>Registered Agent</b>	TYLER BORDERS 3801 E LATTIN RD WEST RICHLAND, WA 99353
<b>Governing Persons</b>	TYLER BORDERS — GOVERNOR ERIC VAN WINKLE — GOVERNOR NICK BUMPAOUS — GOVERNOR

# **EXHIBIT 2**



Regulating Candidates, Campaigns, and Lobbyists

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Home > Browse > Campaign Explorer > GO BIG TRI-CITIES, 2016

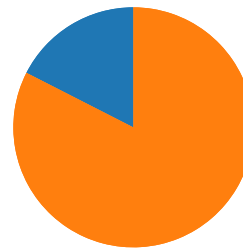
# GO BIG TRI-CITIES, 2016

- Overview
- Contributions**
- Expenditures
- Loans
- Pledges
- Debt
- Reports

Cash contributions: \$23,935.86

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## Contributions by contributor category



Union: \$19,750

Click chart to display dollar amounts.

Contributor name contains

Search

Clear



Top 45 contributors to this campaign

Amounts shown are aggregate totals of cash and in-kind contributions.

NAME	CITY	STATE	CASH/IN-KIND	AMOUNT

NAME	CITY	STATE	CASH/IN-KIND	AMOUNT
WASHINGTON STATE BUILDING AND CONSTRUCTION TRADES COUNCIL	TACOMA	WA	Cash	\$5,000.00
PLUMBERS & STEAMFITTERS LOCAL UNION 598	PASCO	WA	Cash	\$5,000.00
CENTRAL WASHINGTON BUILDING & CONSTRUCTION TRADES COUNCIL	PASCO	WA	Cash	\$5,000.00
FACEBOOK INC	MENLO PARK	CA	Cash	\$4,185.86
WASHINGTON STATE ASSOCIATION OF UA	TACOMA	WA	Cash	\$3,000.00
SOUTHEASTERN WASHINGTON CENTRAL LABOR COUNCIL	PASCO	WA	Cash	\$1,000.00
LABORERS INTERNATIONAL UNION OF NORTH AMERICA LOCAL 348	RICHLAND	WA	Cash	\$500.00
OPERATIVE PLASTERERS AND CEMENT MASONS	RICHLAND	WA	Cash	\$250.00

### [Follow the money FAQ](#)

Data reflects what has been reported by the candidate's campaign, is updated once per day, and may not reflect the most recent report.



## Public Disclosure Commission

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# **EXHIBIT 3**



Regulating Candidates, Campaigns, and Lobbyists

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# GO BIG TRI-CITIES, 2016

Overview

Contributions

Expenditures

Loans

Pledges

Debt

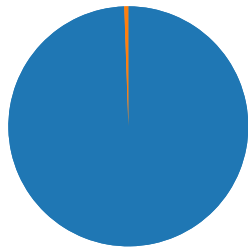
Reports

**Itemized expenditures:** \$ 24,981.51

**Non-itemized expenditures:** \$ 136.99

[View/Download](#)

### Expenditures by itemized/non-itemized



Itemized: \$24,981.51

Click chart to display dollar amounts.

### Most recent expenditures



Non-itemized expenditures will have as the recipient "EXPENSES OF \$50 OR LESS".

RECIPIENT

DATE

DESCRIPTION

AMOUNT

REPORT

RECIPIENT	DATE	DESCRIPTION	AMOUNT	REPORT
FACEBOOK INC	08/31/2016	FACEBOOK ADVERTISING	\$55.94	C4
COKE ROTH LAW	08/29/2016	LEGAL FEE	\$562.50	C4
BASIN PACIFIC INSURANCE	08/10/2016	INSURANCE	\$2,097.00	C4
BASIN PACIFIC INSURANCE	08/10/2016	INSURANCE	\$2,097.00	C4
COKE ROTH LAW	08/01/2016	LEGAL COUNSEL FEES	\$225.00	C4
COKE ROTH LAW	08/01/2016	LEGAL FEES	\$225.00	C4
FACEBOOK INC	07/29/2016	FACEBOOK ADVERTISING	\$250.02	C4
FACEBOOK INC	07/29/2016	FACEBOOK ADVERTISING	\$250.02	C4
FACEBOOK INC	07/16/2016	FACEBOOK ADVERTISING	\$250.00	C4
ALBERTSON'S	07/09/2016	MATERIALS FOR WALK THE BLOCK EVENT	\$95.51	C4
THE DIGITAL IMAGE	07/08/2016	4 ROADSIDE SIGNS	\$222.63	C4
GO UNION PRINTING	07/07/2016	FLIER PRINTING	\$397.71	C4
PLUMBERS AND STEAMFITTERS UA LOCAL 598	07/07/2016	WALK THE BLOCK SUPPLIES	\$500.00	C4
FACEBOOK INC	06/18/2016	FACEBOOK ADVERTISING	\$250.19	C4
FACEBOOK INC	06/17/2016	FACEBOOK ADVERTISING	\$251.52	C4
FACEBOOK INC	06/16/2016	FACEBOOK ADVERTISING	\$250.14	C4

RECIPIENT	DATE	DESCRIPTION	AMOUNT	REPORT
FACEBOOK INC	06/15/2016	FACEBOOK ADVERTISING	\$250.15	C4
RED LION	06/15/2016	BILLBOARD ADVERTISING	\$868.80	C4
TOWNSQUARE MEDIA	06/15/2016	RADIO ADVERTISING	\$2,421.00	C4
GO UNION PRINTING	06/14/2016	YARD SIGNS	\$1,057.02	C4
JACOBS RADIO	06/14/2016	BILLBOARD ADVERTISING	\$1,786.00	C4
FACEBOOK INC	06/14/2016	FACEBOOK ADVERTISING	\$250.48	C4
FACEBOOK INC	06/12/2016	FACEBOOK ADVERTISING	\$250.40	C4
FACEBOOK INC	06/11/2016	FACEBOOK ADVERTISING	\$250.32	C4
FACEBOOK INC	06/10/2016	FACEBOOK ADVERTISING	\$250.15	C4
FACEBOOK INC	06/09/2016	FACEBOOK ADVERTISING	\$250.81	C4
FACEBOOK INC	06/07/2016	FACEBOOK ADVERTISING	\$250.56	C4
FACEBOOK INC	06/06/2016	FACEBOOK ADVERTISING	\$250.06	C4
FACEBOOK INC	06/06/2016	FACEBOOK ADVERTISING	\$250.41	C4
FACEBOOK INC	06/04/2016	FACEBOOK ADVERTISING	\$250.02	C4
TRI-CITY HERALD	06/03/2016	NEWSPAPER PRINT AND DIGITAL ADVERTISING	\$2,945.00	C4
FACEBOOK INC	06/03/2016	FACEBOOK ADVERTISING	\$263.36	C4

RECIPIENT	DATE	DESCRIPTION	AMOUNT	REPORT
FACEBOOK INC	06/02/2016	FACEBOOK ADVERTISING	\$250.51	C4
FACEBOOK INC	05/31/2016	FACEBOOK ADVERTISING	\$168.73	C4
FACEBOOK INC	05/31/2016	FACEBOOK ADVERTISING	\$312.50	C4
FACEBOOK INC	05/30/2016	FACEBOOK ADVERTISING	\$250.38	C4
FACEBOOK INC	05/29/2016	FACEBOOK ADVERTISING	\$250.62	C4
FACEBOOK INC	05/28/2016	FACEBOOK ADVERTISING	\$250.52	C4
FACEBOOK INC	05/27/2016	FACEBOOK ADVERTISING	\$250.86	C4
FACEBOOK INC	05/26/2016	FACEBOOK ADVERTISING	\$250.54	C4
FACEBOOK INC	05/25/2016	FACEBOOK ADVERTISING	\$250.83	C4
TOWNSQUARE MEDIA	05/16/2016	RADIO ADVERTISING	\$2,600.00	C4
GO UNION PRINTING	05/16/2016	PRINTED PAMPHLETS	\$321.30	C4

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