



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

October 27, 2020

Delivered electronically to Eric Temple on behalf of Portland Vancouver Junction Railroad at
“etemple@pvjr.com”

Subject: Complaint filed by Johnny Alvarado, PDC Case 74490

Dear Mr. Temple:

Below is a copy of an electronic letter sent to Johnny Alvarado concerning a complaint filed with
the Public Disclosure Commission (PDC).

As noted in the letter to Johnny Alvarado, the PDC has dismissed this matter in accordance with
RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or
take further enforcement action in this matter.

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-
601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Barbara Sandahl
Deputy Director
For Peter Lavallee
Executive Director



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October 27, 2020

Delivered electronically to Johnny Alvarado at “johnny@srcc.org”

Subject: Complaint regarding Portland Vancouver Junction Railroad, PDC Case 74490

Dear Johnny Alvarado:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on August 2, 2020. The complaint alleged that Portland Vancouver Junction Railroad (PVJR), a lobbyist employer during calendar year 2020, may have violated: (1) RCW 42.17A.255 for failure to report the value of independent expenditures for political advertising; and (2) RCW 42.17A.320 for failure to disclose sponsor identification on political advertising.

PDC staff reviewed the allegations; the applicable statutes, rules, and reporting requirements; the response provided by President Eric Temple, on behalf of PVJR (the “Respondent”); and the applicable PDC reports filed by the Respondent, to determine whether the record supports a finding of one or more violations.

Based on staff’s review, we found the following:

- The Respondent, PVJR, was a registered lobbyist employer and employed the services of lobbyist, Amber Carter Government Relations LLC., during calendar year 2020.
- RCW 42.17A.255 defines the term “independent expenditure” and describes the reporting requirements for disclosing independent expenditure activity.
- RCW 42.17A.005(40) states that includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, digital communication, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.
- RCW 42.17A.320 describes the sponsor identification requirements for independent expenditure advertisements.
- The complaint alleged that PVJR had produced two paid Facebook advertisements in opposition to Senator Ann Rivers but failed to disclose expenditures connected to the ads and did not include proper sponsor identification.
- In his response, Mr. Temple referred to a July 31, 2020 conversation PVJR’s registered lobbyist, Amber Carter, had with PDC staff regarding the Facebook posts. Ms. Carter had noted the disclaimer shared by Facebook when posting or sharing content which stated that when an advertiser categorizes their ad as being about social issues, elections or politics, they are required to disclose who paid for the ad. During the exchange, Ms. Carter stated her concerns about posting information on PVJR’s Facebook page that she believed may not require the referenced sponsor identification. Based on the information

provided to staff at the time of the inquiry, staff did not conclude that sponsor identification or reporting was required of PVJR's posts.

- During a more in-depth review of the complaint, staff found that the items posted on PVJR's Facebook posts included copies of a press release related to an earlier complaint filed with the PDC, and links to a Portland based radio show with interviews conducted by the radio show. Staff did not find that these posts met the statutory definition of political advertisement.

It appears that the posts referenced in the complaint did not meet the statutory definition of political advertisement and therefore did not require PVJR to include sponsor identification. In addition, staff did not find evidence that the posts were independent expenditures reportable under RCW 42.17A.255.

Based on our findings staff has determined that, in this instance, no evidence supports a finding of a violation that warrants further investigation.

Based on this information, the PDC finds that no further action is warranted and has dismissed this matter in accordance with RCW 42.17A.755(1).

If you have questions, you may contact Jennifer Hansen at 1-360-586-4560 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

Electronically signed

Jennifer Hansen
Compliance Officer

Endorsed by,

Electronically signed

Barbara Sandahl
Deputy Director
For Peter Lavalley
Executive Director

cc: Eric Temple on behalf of Portland Vancouver Junction Railroad