

[Kylemarkstrom](#) replied (Wed, 31 Jul 2024 at 7:08 PM)

To: "PDC Support" pdcc@pdcc.wa.gov

External Email

To: Tabatha Blacksmith, Compliance Officer, Washington State Public Disclosure Commission

From: Kyle Markstrom, Port Commissioner, Port of Centralia

Re: PDC Case # 157492

July 31st 2024

I am writing in response to the complaint filed by Janice Banevich alleging that I have violated RCW 42.17A.555 by endorsing a candidate for public office on a Facebook page that she perceives as official. I understand the importance of complying with all applicable laws and maintaining the public's trust as an elected official. I would also like to clarify that it is not clear to me that the complainant alleged that Facilities of a Public office or agency were used (which would be the violation of RCW 42.17A.555).

Acknowledgment

I acknowledge receipt of the complaint and appreciate the opportunity to provide a detailed response to the allegations.

Statement of Facts

The complaint alleges that I, in my capacity as Port Commissioner, endorsed Sean Swope for Lewis County Commissioner on a Facebook page, giving the impression that the entire Port of Centralia Commission is supporting the endorsement. The endorsement was posted on July 21st, 2024, on a Facebook page that I manage personally. The Facebook page in question is titled "Kyle Markstrom" and is listed in the category of "Elected Official" (<https://www.facebook.com/markstromforport/>).

Defense and Clarification

1. **Allegation: Misrepresentation of the Port of Centralia Commission's Position**
 - **Response:** While RCW 42.17A.555 does not cover the topic of misrepresentation, I will provide a response to that allegation. I believe it is clear the views expressed on this page are that of myself and not of the entire Port of Centralia Commission. My endorsement of Sean Swope is a personal endorsement and I believe none of the language used in the post could be construed as an endorsement from the Commission as a whole. The complaint does not state specifically how it is perceived that I have violated RCW 42.17A.555.
- **Allegation: Use of Official Facebook Page for Endorsement (Violation of RCW 42.17A.555)**
 - **Response:** Although RCW 42.17A.555 was cited in the complaint it is not clear to me how the complainant is alleging RCW 42.17A.555 was violated. After reviewing RCW 42.17A.555 I would like to provide the following for clarification. The endorsement in question was posted on a Facebook page that is personally managed by me. This Facebook page is not "Facilities of a public office or agency" as defined by RCW 42.17A.555. No public office or agency resources were used in creating this post or

any other content on the Facebook page in question. This Facebook page is not the Official Facebook page for the Port of Centralia. The Official Facebook page of the Port of Centralia can be found on Facebook titled "Port of Centralia" and listed as a "Government Organization" (<https://www.facebook.com/portofcentralia>).

Concerns Regarding the Complaint

I feel that this complaint represents an attempt to harass me, to weaponize the PDC against me and to suppress my First Amendment rights. The right to free speech, including political endorsements, is a fundamental aspect of our democracy. I believe it is important to protect this right while also ensuring transparency and adherence to the law.

Conclusion

I am committed to adhering to all laws and maintaining the highest ethical standards as an elected official.

I am fully cooperative with the PDC's investigation and am available for any further inquiries you may have. I very much appreciate the PDC's role in promoting confidence in Washington states' political process. Thank you for your attention to this matter.

Sincerely,

Kyle Markstrom