

Complaint Description

[Glen Morgan](#) (Mon, 18 Nov 2019 at 2:55 PM)

To whom it may concern,

It has come to my attention that Francis Benjamin, who ran for the Pullman City Council position #6 this year has committed numerous violations of Washington State's campaign finance laws (**RCW 42.17A**).

1) Failure to accurately describe expense. (Violation of RCW 42.17A.240(6) & WAC 390-16037, RCW 42.17A.235)

Benjamin's campaign has regularly failed to follow Washington State's Campaign Finance laws as they apply to the reporting of expenditures. Many C4s this campaign has filed contains violations of the statute and the rules written by the Public Disclosure Commission which support the statute.

Here are some examples that need to be corrected by Benjamin's campaign to at least go through the motions of complying with the statute: Examples of a failure to provide sufficient detail of expenditures (unambiguous violations of **RCW 42.17A.240(6)** and **WAC 390-16-037** (see **example B** provided at **WAC 390-16-037(3)**):

For example, the expenditures reported on **PDC Report # 100944449** failed to report more than one letter descriptions on a variety of expenditures. It is unclear exactly what the heck this campaign was doing with these expenditures. What the heck is "v", "b", or "ys" for these campaign expenditures? Please note this was for expenditures concealed for months during the critical 21 day window before an election. On the same report, the number of "t-shirts" from vendor "College Hill" were also not detailed. On **PDC Report # 100944451** nebulous "printing" was purchased from vendor "Alegra" on 10/26/19. This appears to be for a mailing, but regardless, the details of what it is, and the quantity must be reported. These are clear violations of **WAC 390-16-037(3) example B** provided. Additionally, see **PDC Report # 100944450** which reports (late) an expenditure of \$424.88 for "yard signs." Again substantially failing to report legally required details.

Most of the C4s which this campaign filed and which mention literature, signs, handouts, or other campaign advertisement materials has failed to provide proper detail as required under the statute. This is a total failure to comply with the statute. There is no excuse for a failure to be fully transparent or compliant with the statute.

2) Failure to file timely C4 reports (Violation of RCW 42.17A.235, .240)

It appears that every C4 report filed by this campaign was filed substantially late. This included concealing expenditures for the campaign during the critical 21 day period before the election.

For example, See **PDC report # 100927505**, which was filed on 9/5/2019, but was reporting on expenditures from May 2019. This report was about 90 days late.

Another example, See **PDC Report # 100944447**, filed 11/7/2019 and reporting a \$500 loan to the campaign from June. Again, this is about 120 days late.

Another example, See **PDC Report # 100944448** filed on 11/7/2019 and reporting an expenditure from July. This report is about 90 days late.

Another example, See **PDC Report # 100944449** (referenced above for additional legal deficiencies) filed on 11/7/2019 concealing about \$1800+ in expenditures from August. This is information (even deficient information though it may be) concealed from the public for months.

Another example, See **PDC Report # 100944450** (also referenced above) which was filed on 11/7/2019 (funny how so many of these reports were hidden from the public until AFTER the election), and which reported on expenditures from September. This made this report 30 days late.

The PDC should conduct a thorough review of this campaign to identify other violations which certainly have been committed.

While these violations are serious and significant, they are not as serious as other violations I have documented and provided to the PDC about other PACs and candidates. However, there is a moral hazard problem created here when candidates like this can just mostly ignore the campaign finance laws, run contested campaigns, and conceal until after the election is done how they spent their campaign funds. In small, local races like this – this type of active concealment is concerning and needs to be confronted, otherwise why should any candidate even bother complying.

It isn't necessary to do the "Tim Eyman" - style scorched earth campaign of personal destruction against this candidate for campaign finance violations. However, they should face some token wrist-slap, penalty for not even coming close to compliance. The PDC should at least pretend these laws matter a little bit at least.

Please don't hesitate to contact me if you need any additional information.

Best Regards,

Glen Morgan

What impact does the alleged violation(s) have on the public?

The public should not have to wait until after an election is over to see how a campaign spent its campaign funds. It is not fair for only one candidate in a race to follow the law while the other one violates that same law with impunity.

List of attached evidence or contact information where evidence may be found.

referenced by PDC tracking number within the body of the complaint

List of potential witnesses with contact information to reach them.

the candidate and his treasurer or campaign helpers seems adequate

Complaint Certification:

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.