



**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](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

November 28, 2022

Delivered electronically to [benton@pacifier.com](mailto:benton@pacifier.com)

Subject: Complaint filed by Marsha Manning, PDC Case 112654

Dear Don Benton:

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

As noted in the letter to Marsha Manning, 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.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to timely and accurately report contributions and expenditures as noted in the enclosed letter sent to Ms. Manning. PDC staff expects you to timely file all required reports of contributions and expenditures in future years, including critical reports for time-sensitive periods before and after an election. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Sincerely,

/s

Tabatha Blacksmith  
Compliance Officer

Endorsed by,

/s

Peter Lavallee  
Executive Director



**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](mailto:pdcc@pdcc.wa.gov) • Website: [www.pdcc.wa.gov](http://www.pdcc.wa.gov)**

November 28, 2022

Delivered electronically to [pdamm2@comcast.net](mailto:pdamm2@comcast.net)

Subject: Complaint regarding Don Benton, PDC Case 112654

Dear Marsha Manning:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on September 27, 2022. The complaint alleged that Don Benton, a 2022 candidate for County Council Member of Clark County, may have violated RCW 42.17A.235 & .240 by failing to timely and accurately disclose expenditures undertaken by his campaign during election year 2022.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the response provided by the Respondent; the applicable PDC reports filed by the Respondent; and other relevant information to determine whether the record supports a finding of one or more violations.

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

- Donald (Don) Benton (the "Respondent") was a candidate for County Council Member of Clark County during election year 2022 and filed a *Candidate Registration* (C-1 report) for his committee "Friends of Don Benton" on March 25, 2022 wherein he selected the Full Reporting option. The Respondent is serving as his own Treasurer. He did not win the General election.
- Pursuant to [RCW 42.17A.235](#) and [.240](#), candidate committees that select the Full Reporting option are required to disclose contribution and expenditure activity on *Campaign Summary Receipts & Expenditures* reports (C-4 reports), and cash contributions received on *Cash Receipts Monetary Contributions* reports (C-3 reports). The reporting periods and due dates for these reports are based on the election cycle and can be found in .235(2) through (5).
- The Respondent's 7-day pre-Primary C-4 report covering the reporting period of 7/12/22 – 7/25/22 was due on July 26, 2022 and filed on July 29, 2022, which is three days late (report 110103697).
- The Respondent's post-Primary C-4 report covering 7/26/22 – 8/31/22 was due on September 12, 2022 and filed on September 29, 2022, which is 17 days late (report 110115534).

- From June 14, 2022 to November 7, 2022, the Respondent filed nine (9) C-3 reports that were received between 1 – 7 days late (reports 110094420, 110094421, 110095492, 110097878, 110101236, 110103478, 110104731, 110104732 & 110119585).
- The Respondent also filed two incomplete C-4 reports that were later remedied via the submission of additional reports:
  - 1) a monthly March C-4 report, for which a partial report was submitted on 4/1/22 and completed on 9/29/22, after the election, making the full disclosure 181 days late. Adjustments on the amended report include an additional \$100 cash contribution and \$1,922 in additional expenditures (reports 110078354 & 110115537); and
  - 2) a 21-day pre-Primary C-4 report (covering 6/1/22 – 7/11/22), for which a partial report covering the month of June was submitted on 7/11/22 and a supplemental report covering the gap in reporting (7/1/22 – 7/11/22) was filed on 9/29/22, after the election, making the full disclosure 79 days late. Adjustments on the second report include an additional \$300 in cash contributions and \$3,811.87 in expenditures (reports 110097869 & 110115536)
- Per RCW 42.17A.235(10), it is not a violation to submit an amended report within 21 days of filing an initial report if 1) there is not a pending complaint concerning the report; 2) it is properly amended; 3) the amended report is filed more than 30 days before an election; 4) the total aggregate dollar amount adjusted on the amended report is within three times the candidate's contribution limit or \$200, whichever is greater; and 5) the committee reported, or made a good-faith effort to report, the information available to it at the time of filing or it is reporting a refund. The amended March C-4 report and supplemental C-4 report for 7/1 – 7/11 do not appear to meet the above criteria.
- In his email responses to the allegation, the Respondent indicated that four of his committee's reports were completed in a timely manner and saved to the ORCA filing system but failed to be submitted "for some reason." He indicated his belief that a change to ORCA or a software glitch caused the late reports.
- The Respondent does not have previous warnings or violations of PDC requirements.

The Respondent is an experienced candidate who failed to timely file C-4 reports for time-sensitive periods before and after the Primary election, which are aggravating factors. However, the Respondent quickly took corrective action within 24 hours of being notified of the complaint, and has no prior violations, which are mitigating factors. The findings are further mitigated by the Respondent's unfamiliarity with the ORCA system, which frustrated compliance, and what appear to be good-faith errors related to the monthly March C-4 report and 21-day pre-Primary C-4 report.

Based on our findings, staff has determined that, in this instance, failure to timely and accurately file the reports listed above does not amount to a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Don Benton will receive a formal written warning concerning his failure to timely and accurately report all contributions and expenditures. The

formal written warning will include PDC staff's expectation that Don Benton timely files all future required reports of contributions and expenditures. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

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 Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov)

Sincerely,

/s

---

Tabatha Blacksmith  
Compliance Officer

Endorsed by,

/s

---

Peter Lavalley  
Executive Director

cc: Don Benton