



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

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March 10, 2023

Delivered electronically to Barry Bush at atomicbt@charter.net

Subject: Complaint regarding Barry Bush, PDC Case #114628

Dear Barry Bush:

The Public Disclosure Commission (PDC) has completed its review and assessment of the staff generated complaint filed on January 06, 2023. The complaint alleged that, as a candidate for Benton County Commissioner, you may have violated: (1) WAC 390-16-125 by exceeding mini reporting limitations; (2) RCW 42.17A.205 for failure to timely file an amended Candidate Registration (C-1 report) changing from Mini Reporting to Full Reporting; and (3) RCW 42.17A.235 and .240 for failure to timely file Monetary Contribution Reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure Reports (C-4 reports) as required for a Candidate required to be under full reporting.

PDC staff reviewed the allegation(s); the applicable statutes, rules, and reporting requirements; the response(s) provided by the Respondent; the applicable PDC reports filed by the Respondent; the Respondent's data in the PDC contribution and expenditure database; 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:

- Your most recent Campaign was for County Commissioner, and you did not proceed past the primary election. You have run four campaigns for elected office starting in 2012 and are currently an incumbent PUD Commissioner in Benton County. You have served in office since January 2013.
- On, December 29, 2021, you filed a Candidate Registration (C-1 report) declaring your candidacy for Benton County Commissioner in accordance with RCW 42.17A.205, selecting the "Mini Reporting" option provided by WAC 390-16-105. By selecting the "Mini Reporting" option, you were not subject to the requirements of RCW 42.17A.235 and .240 to file C-3 and C-4 report, provided your Campaign did not accept more than \$500 from any single source (excluding you as the candidate using your own funds) and did not receive contributions or make expenditures totaling more than \$5,000 in aggregate over the course of your Campaign.
- The 2022 Bush Campaign received \$5,511.44 in cash and in-kind contributions and expended \$5,509.22. The Campaign initially exceeded the \$5,000 total contribution limit

for campaigns registered under the “Mini Reporting” option on June 21, 2022, after depositing \$3,000 in monetary contributions.

- Between June 8, 2022, and July 28, 2022, the 2022 Bush Campaign worked with PDC staff to file and amend numerous C-3 and C-4 reports to bring the campaign into full reporting compliance, but the filings were not completed, and you stopped responding to PDC staff.
- On August 5, 2022, Public Disclosure Commission (PDC) staff sent a letter informing you that your request to change from “Mini Reporting” to the “Full Reporting” option for the primary election was denied because your application was not completed timely, meaning by the deadline of June 21, 2022, per WAC 390-16-125(2). Also at this time, PDC staff informed you that a review of the Monetary Contribution reports (C-3 reports) and Summary Campaign Full Contribution and Expenditure reports (C-4 reports) filed by your Campaign disclosed contributions received exceeded the \$5,000 limitations of the “Mini Reporting” option. You were notified by PDC staff that you had exceeded the limits of the “Mini Reporting” option and our records show you verbally acknowledged the violations.
- On December 22, 2022, PDC Staff opened a complaint against the 2022 Barry Allen Bush Campaign alleging receipt and expenditure of campaign contributions in excess of the \$5,000 mini reporting limitations and late and inaccurate filing of C-3 and C-4 reports.
- Between January 20, 2023, and March 6, 2023, the 2022 Bush Campaign worked with PDC staff to amend and file numerous C-3 and C-4 reports bringing the campaign into full reporting compliance.
- You submitted a response to staff’s complaint, stating that “Initially I expected to stay within the parameters of ‘mini reporting’. Eventually it became clear that I was going to exceed what is allowed under Mini Reporting. At this point I called to inquire about switching to ‘Full Reporting’. I was advised to submit the proper paperwork. It was explained that I was past the required date, but I would likely be permitted to switch. I notified both of my opponents of the switch via the US Mail. At this point I assumed I would be approved for Full Reporting and I moved on. Eventually I was informed that I was not approved. At no point did I attempt to hide any contributions. I was simply trying to win an election. Looking back I could have done things differently. However, I never intended to go beyond the Mini Reporting threshold. In my defense, this was my fourth campaign. Prior to this campaign I have never had any violations or issues with the PDC.”
- There was no evidence found of any intent to conceal or not to disclose Campaign contribution and expenditure activities by you or your Campaign by staying under the “Mini Reporting” option when the limitations of the reporting option had been exceeded.

PDC staff is in receipt of the Statement of Understanding (SOU) you signed on March 10, 2023, along with a \$300 civil total penalty (\$150 for exceeding mini reporting limits and \$150 for late filed C-3 and C-4 reports) for violating WAC 390-16-125 and RCW 42.17A.235 and .240. The SOU was completed in accordance with WAC 390-37-143 (Brief Enforcement Hearing Penalty Schedule) to resolve the PDC staff generated complaint.

Since you have signed an SOU acknowledging violations of WAC 390-16-125 and RCW 42.17A.235 and .240 and paid a \$300 civil penalty, PDC Case number 114628 is resolved. Accordingly, 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 Tanya Mercier at 1-360-586-4746 toll-free at 1-877-601-2828, or by e-mail at pdcc@pdc.wa.gov.

Sincerely,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

Endorsed by,

/s/ Electronically signed

Peter Frey Lavalley
Executive Director