



**State of Washington  
PUBLIC DISCLOSURE COMMISSION**

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December 22, 2022

Delivered electronically to BUSHFORCOMMISSIONER@charter.net

Subject: PDC Staff Assessment of Facts, PDC Case 114628

Dear Barry Bush:

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).

Staff’s 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 apparent violations.

PDC staff have opened an initial review into allegations that your Campaign exceeded the contribution limitations of the “Mini Reporting” option. PDC staff has completed its initial assessment of the facts, which included the following aggravating and mitigating factors:

- 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 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.

- On June 27, 2022, your Campaign filed multiple C4 reports. Reports for periods 12/01/21-12/31/21, 1/1/22-1/31/22, 2/1/22-2/28/22, 4/1/22-4/30/22 show zero receipts or expenditures. For periods 3/1/22-3/31/22 and 5/1/22-5/31/22 show zero receipts and a total of \$4,546.20 in expenditures. These expenditures included the candidate filing fee in the amount of \$1172.70 which does not count against the \$5000 allowable expenditures for a mini filer. There were no C4 reports filed for June or July 2022.
- On June 27, 2022, your Campaign filed C3 #110094965 that was subsequently amended on July 28, 2022, by C3 #110103544 for the period 6/21/22-6/21/22 for \$3000 in contributions from outside sources. Also on June 27, 2022, your Campaign filed C3 #110094969 that was subsequently amended July 28, 2022, by C3 #110103543 for the period 6/21/22-6/21/22 to reflect a contribution made by you in the amount of \$1,611.94 and amended to \$1.00.
- On June 27, 2022, your Campaign filed C3 # 110094971 that was subsequently amended on July 28, 2022, by C3 #110103542 for the period 6/27/22-6/27/22 for \$200.00 in contributions from outside sources. For those same dates, your Campaign also filed amended C3 #110103541 and #110103540 to reflect Personal Funds provided by you in the amount of \$1100.
- Based on our analysis, your Campaign exceeded the \$5,000 contribution limitation of the “Mini Reporting” option on July 19, 2022, when you made a \$1611.94 deposit of Personal Funds to your Campaign, bringing your total contributions to \$5,911.94. This amount reflects a reduction of \$1.01 due to two revisions you made to contributions of Personal Funds and were not able to make those contributions zero in the reporting system.
- As noted in the August 5, 2022, letter, you were informed of a second opportunity to change from “Mini Reporting” to the “Full Reporting” option. The deadline to apply for the second opportunity was August 31, 2022. It was explained to you that for the PDC to consider a second request to change from “Mini Reporting” to the “Full Reporting” option an application would need to be submitted, all filings previously submitted would need to be completed per guidance provided by PDC staff, ensure all filings were up to date, and identify efforts the campaign took to minimize the amount by which limits were exceeded. Staff did outreach multiple times in June and July to your Campaign, but we did not hear back.
- Based on our analysis, the amount of contributions to your Campaign exceeded the expenditures of the campaign. However, this may not be an accurate analysis because a final C4 report was not submitted. If it is the case the expenditures were less than contributions, one way to remedy violating “Mini Reporting” limits would be to either deduct an amount from your Personal Funds contribution or the Campaign could return contributions from outside contributors. Before taking this step, you will want to contact me and work with our filer assistance staff.
- 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.

Depending on the circumstances and the mitigating and aggravating factors of each case, a Respondent may have the opportunity to reach an alternative resolution to a matter, including the option to complete a Statement of Understanding with PDC staff as an alternative to scheduling an enforcement hearing.

I am encouraging you to work with PDC staff on resolving this matter, including determining whether an alternative resolution might be appropriate under the circumstances. If you would like to submit a more formal response to the allegations of exceeding the limitations of the Mini Reporting Option, please do so as soon as possible but no later than Thursday January 5, 2023.

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](mailto:pdcc@pdc.wa.gov).

Sincerely,

/s/ Electronically signed

Tanya Mercier  
Compliance Officer