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September 11, 2012

## CEASE AND DESIST

Via Certified Mail, Return Receipt Requested, Restricted Delivery, and US Mail

Tim Probst  
3205 NE 160<sup>th</sup> Street  
Ridgefield, WA 98642

Dear Mr. Probst:

I represent Senator Don Benton. Senator Benton has brought to my attention statements and claims made against him by you and your affiliated supporters. These statements and claims are false and misleading. They are made by you intentionally, knowingly, and maliciously done with the intent to damage the reputation of Senator Benton. Although the law provides some leeway in the area of liability in slander and defamation cases in public matters, these statements and claims go beyond that allowed by the law.

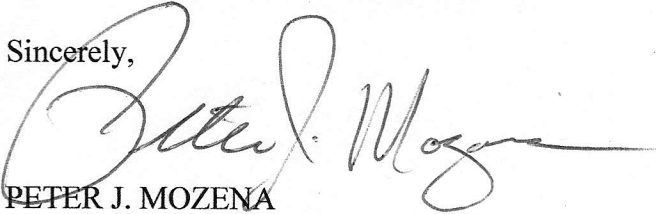
You have knowingly made statements that Senator Benton has missed votes, knowing that the Senate does not vote electronically as the Washington House does. It is my understanding that members of The House of Representatives vote for other members when they are absent from the House via their electronic voting system. As you know, the Senate does not vote electronically and has a system in which members are excused to attend other Senate business, or other important matters. Also, you know that many votes are unanimous. Further, you are aware that the Senate has hundreds more votes than the House, including the approval of the Governor's appointments. Your use of the false claim that Senator Benton missed votes is clearly intentionally misleading and knowing and malicious, and done illegally to harm Senator Benton's reputation.

Secondly, you have knowingly and maliciously stated that Senator Benton was paid one million dollars (\$1,000,000.00) when in fact, you know full well that over his 16 years of public service his compensation has been substantially less. A reasonable person or juror would see through these false claims as intentional and malicious, and with the intent to do harm to Senator Benton's reputation. Additionally, we will be investigating violations of state and federal election's laws for your false and misleading statements.

You have also made false claims regarding Senator Benton's service to the Republican Party as State Chairman. Senator Benton served in that office with integrity and with record fundraising and other exemplary service to the party. Senator Benton's failure to be re-elected to that position resulted both from a close election and internal disputes regarding fiscal policy and other policy matters. The claim that he was forced to resign for fiscal mismanagement is false, is knowingly false, is intentionally false, and is maliciously false. You appear to be intentionally attempting to confuse Senator Benton with his predecessor, who served as Party Chairman. Your making such statements against Senator Benton puts you in the position to bear the liability for your actions under the law of defamation relating to public officials. The damages to Senator Benton's reputation would exceed one million dollars.

These claims and statements must cease and desist or Senator Benton will consider commencing litigation against you without further notice.

Sincerely,



**PETER J. MOZENA**  
Attorney at Law

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