

22 April 2026

**Response to David Montoya's Malicious Abuse of Process and Frivolous Dilatory SLAP Complaint**

Mr Montoya is confusing legitimate first amendment activity with the actions of a political action committee. He makes this complaint instead of responding properly to the grounds in the **one** complaint that I filed against him for signage and political expenditures the day after the election. (2025-4)—obviously that complaint did not influence the outcome of the election.

Here is the basis of his complaint: "Her unregistered Political Action Committee's activity far exceeds the actions of an individual acting in the public interest. Her targeted political activity has made her a participant in the electoral process." Montoya has cited no case law or ordinances which would support his opinion and given no facts of "excessive activity", and no documentation of the formation of such a committee or the types of activities described under the definition of a political committee. All he did was cite ordinances and resubmit my Complaint and my Modified/Amended Verified Response with some of the exhibits I attached.

Filing one complaint with multiple grounds after the election and filing one complaint re: signs with the city clerk against Montoya the day before the election and writing one letter to the editor that was published is a far cry from excessive activity (undefined by Montoya).

I formed no PAC and have no bank account for a PAC; I have given no money or services to any candidate; I have not paid for any ads against Mr Montoya or paid for any ads for another candidate. I did not coordinate with any candidate in the city election. I did not even put campaign signs on my property or anywhere else during this city election. My actions were independent and individual.

I am asking that the Board immediately dismiss this complaint and have Mr Montoya pay me \$10,000 for this malicious abuse of process and frivolous complaint seemingly intended to chill the exercise of my first amendment rights, delay action on the complaint against him for which the ECRB has found to have probable cause, and to threaten my livelihood.

As I said at the probable cause hearing in 2025-4, I do not know either of the candidates against whom I filed a complaint. I am a concerned citizen who thinks candidates should follow the rules and that they should play on a level field. The complaint against Montoya was signed by me as an individual. There is no reference to any PAC.

I am a historian and lawyer and thus tend to be thorough and exhaustive in my research. I initially tried to keep my complaint simple, but then I felt it was incumbent to reply to the points raised in the unverified email Montoya sent in response to my complaint. At that point, I spent time researching the definition of political purpose since it was raised as an issue and tying that research to his expenditures. After the 25 March 2026 informal meeting in which neither former candidate would take responsibility and insisted on following the letter of the law, I felt it incumbent to look more closely at the applicable ordinances; and thus I modified my verified reply as the chair allowed.

Mr Montoya has produced no evidence or affidavits in support of his vaguely worded complaint. I am entitled to go to political forums to hear what candidates have to say; I am entitled to write a letter to the editor and to comment on articles in the paper. My comments were not removed, but Montoya's response to one of my comments was removed. See Exh 2 and 5 re: LT editor with comments and C. Julig article on first ECRB meeting attached to Verified Reply 2025-4.

As stated in my initial reply to Mr Montoya's email, my contact with Montoya has been limited to a very short positive comment to him at the forum at the SFCC and a short but unproductive interchange at other forum.

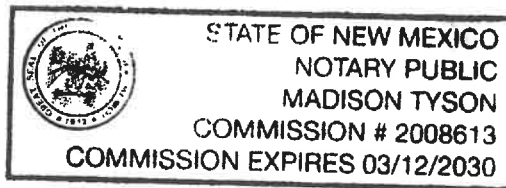
Again I am asking that my complaint (2025-4) be heard as soon as possible and that this complaint be dismissed and that he pay me for this attempt to chill my first amendment rights, for abuse of process that is wasting my time, and for threatening my livelihood.

Thank you

*Submitted under penalty of perjury 5/22/26*  
Stefanie Beninato  
Stefanie Beninato

Subscribed and sworn to before me on this 22<sup>nd</sup> day of April 2026 in the city of Santa Fe, New Mexico

[Seal]



*Madison Tyson*  
Notary Public