



State of Washington
PUBLIC DISCLOSURE COMMISSION

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April 2, 2021

Sent electronically to Gregory Pratt at gregory.pratt@comcast.net and Lori Shavlik at loritanning@gmail.com

Subject: Complaint(s) regarding the Fortney Recall Legal Defense Fund, PDC Case 69913

Dear Mr. Pratt and Ms. Shavlik:

The Public Disclosure Commission (PDC) has completed its investigation of the complaints received on May 5, 2020 and June 11, 2020, against the Fortney Recall Legal Defense Fund (Committee). The complaints alleged that the Fortney Recall Legal Defense Fund, an anti-recall committee opposed to the recall of Snohomish County Sheriff Adam Fortney committed violations of RCW 42.17A in the 2020 election year.

Specifically, both complaints alleged that the Committee may have:

1. Failed to file timely Monetary Contribution reports (C-3 reports) and Summary Full Campaign Contribution and Expenditure reports (C-4 reports) – RCW 42.17A.235. A link and screen shots of the Committee's GoFundMe page were provided by both complainants to document the alleged violations.
2. Accepted an over limit contribution – RCW 42.17A.405(3) and (14). Both complainants provided/attached a screen shot of the Committee's GoFundMe page showing a \$5,000 contribution from an individual.

RCW 42.17A.235 and **.240** require candidates, single election political committees, and continuing political committees to file timely, accurate reports of contributions and expenditures. Under the full reporting option, until five months before the general election, C-4 reports are required monthly when contributions or expenditures exceed \$200 since the last report. C-4 reports are also required 21 and 7 days before each election in which the committee makes expenditures, and in the month following the election. Contributions are reported weekly during the same time period, and must be disclosed on Monday for contributions deposited during the previous seven days.

RCW 42.17A.405(3) and (14) prohibits making or accepting, respectively, contributions that exceed the limits set forth in RCW 42.17A.405 to certain official against whom recall charges have been filed, or to a political

committee making expenditures in support of the recall of such officials. In 2020, the applicable contribution limit for a recall committee or legal defense fund was \$1,000 per individual contributor.

PDC staff reviewed the complaints, the response from the Committee, and the appropriate reports filed by the respondent with the PDC.

As a result of the investigation, staff found the following:

The Fortney Recall Legal Defense Fund is a registered anti-recall committee opposed to the recall of the Snohomish County Sheriff Adam Fortney. The Committee initially registered with the Public Disclosure Commission on May 14, 2020 and amended the same report/registration twice on May 19 and June 11, 2020. The Committee listed Samuel Wilson and Philip Bentz as treasurer and committee officer, respectively.

Alleged failure to file timely C-3 and C-4 reports (RCW 42.17A.235). The complaints included a link and screen shots of the Committee's GoFundMe page to document the alleged violation(s).

- The statutory requirement in effect during the 2020 election year required C-3 and C-4 reports to be filed monthly by all recall and anti-recall committees not participating in the primary election 2020. On July 28, 2020, the Committee filed its first Cash Receipts Monetary Contribution (C3) and the Summary, Full Report Receipts and Expenditures (C4) reports, depicting receipts and expenditures for the month of June 2020. The C4 report showed a total of \$71,062 in cash contributions received and the same amount (\$71,062) in expenditures made showing \$67,546 paid to attorney Mark Lamb for *legal defense retainer* and \$3,515.32 paid to GoFundMe for *credit processing fees*. The June 2020 C4 report was due no later than July 10, 2020 and was filed 18 days late.

Accepting an over limit contribution in violation of RCW 42.17A.405(3) and (14). The complaints included a link and screen shots of the Committee's GoFundMe page depicting a \$5,000 contribution from an individual to document the alleged violation(s).

- On the C-3 report received on July 28, 2020 for cash donations/contributions received for the month of June 2020, one contributor, on June 4, 2020, contributed a lump sum amount of \$5,000, a \$4,000 over limit contribution that was accepted and deposited by the Committee in violation of RCW 42.17A.305(3) and (14).
- On March 23, 2021, the Committee filed a Summary Full Campaign Contribution and Expenditure reports (C-4) report depicting a \$4,000 refund for the over limit contribution that was received by the Committee from Walter Schlaepfer on June 4, 2020.

Pursuant to WAC 390-37-060(1)(d), the Fortney Recall Legal Defense Fund will receive a formal written warning for failure to timely report contribution and expenditures, and for accepting an over limit contribution. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules by the Committee.

Since staff's investigation did not find evidence of violations warranting enforcement action beyond the Formal Written Warning described above, I am dismissing the remaining alleged violations in your complaint in accordance with WAC 390-37-070.

If you have questions, you may contact Erick Agina, Compliance Officer, at (360) 753-1111, toll-free at 1-877-601-2828, or by e-mail at pdcc@pdcc.wa.gov.

Sincerely,

/s/ Peter Lavallee

Peter Lavallee
Executive Director

cc: Mark Lamb, Attorney for the Fortney Recall Legal Defense Fund