



**State of Washington
PUBLIC DISCLOSURE COMMISSION**

711 Capitol Way Rm. 206, PO Box 40908 • Olympia, Washington 98504-0908
(360) 753-1111 • FAX (360) 753-1112

Toll Free 1-877-601-2828 • E-mail: pdc@pdc.wa.gov • Website: www.pdc.wa.gov

August 9, 2023

Delivered electronically to acfortney@hotmail.com , ginnie_miller@hotmail.com and jmfortney10@gmail.com

Subject: Complaint filed by Marylou Eckart, PDC Case 137892

Dear Adam Fortney:

Below is a copy of an electronic letter sent to Marylou Eckart concerning a complaint filed with the Public Disclosure Commission (PDC).

As noted in the letter to Marylou Eckart, the PDC has dismissed this matter in accordance with RCW 42.17A.755(1) and will not conduct a more formal investigation into these allegations or take further enforcement action in this matter.

However, pursuant to WAC 390-37-060(1)(d), this serves as a formal written warning concerning your failure to comply with the filing requirements noted in the enclosed letter sent to Ms. Eckart. Staff expects you to timely and accurately disclose contributions, in-kind contributions, and expenditures on C-4 reports in the future. The Commission will consider this formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

If you have questions, you may contact Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdc@pdc.wa.gov

Sincerely,

Electronically signed Tabatha Blacksmith
Tabatha Blacksmith
Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavallee
Peter Frey Lavallee
Executive Director



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August 9, 2023

Delivered electronically to m-eckart@hotmail.com

Subject: Complaint regarding Adam Fortney, PDC Case 137892

Dear Marylou Eckart:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on May 15, 2023. The complaint alleged that Adam Fortney, Snohomish County Sheriff and 2023 candidate for re-election to this position, may have violated RCW 42.17A.235 & .240 by failing to timely and accurately file *Campaign Summary Receipts & Expenditures* reports (C-4 reports) disclosing in-kind contributions and expenditures undertaken by the campaign. Specifically, you alleged that Adam Fortney did not timely report expenditures made to, or in-kind contributions received from, Ardor Printing for campaign signs, and pizza provided to Ardor Printing staff on 4/13/23.

On June 7, 2023, you emailed the PDC supplemental complaint information, alleging Adam Fortney did not report an in-kind contribution for cookies from Pilchuck Baking Company that occurred on or about 5/20/23. As we indicated in our email response, dated June 21, 2023, the Respondent's candidate committee reported the in-kind contribution on its May C-4 report, which was timely filed on 6/12/23 and amended on 7/20/23 (report [110160582](#)). The company's name was misspelled on the original report.

PDC staff reviewed the allegations and evidence you submitted; the applicable statutes, rules, and reporting requirements; the response(s) provided by Adam Fortney (the "Respondent"); the applicable PDC reports filed by the Respondent; and other relevant information; and queried the Respondent's data in the PDC contribution and expenditure database, to determine whether the record supports a finding of one or more violations.

Based on staff's review, we found the following:

- The Respondent is Sheriff of Snohomish County with a term beginning January 1, 2020 and seeks re-election to this same position in election year 2023. Snohomish County Elections records show that the Respondent is not participating in the Primary Election and will advance to the General Election.
- The Respondent filed a *Candidate Registration* (C-1 report) with the PDC on February 28, 2022, which was amended on January 23, 2023. "Adam Fortney for Snohomish County

Sheriff” selected the Full Reporting option on its registration. As a result, the candidate committee is required to report contributions and expenditures to the PDC on C-3 and C-4 reports pursuant to [RCW 42.17A.235](#) & [RCW 42.17A.240](#). Due dates for these reports are based upon the election cycle, the candidate’s election participation, and the campaign’s financial activity.

- Effective April 1, 2023, the Commission revised monetary contribution limits, reporting threshold dollar amounts, and code values as set forth in [WAC 390-05-400](#). These reporting threshold changes impact when candidate committees are required to file reports and what must be disclosed therein.
- The Respondent’s campaign committee responded to the complaint by amending its C-4 reports on June 12, 2023. The Respondent and the committee’s Treasurer worked closely with PDC staff from June 23, 2023 through July 20, 2023 to ensure their reports were accurate and complete. In an email dated June 26, 2023, the Respondent said their campaign’s Treasurer was trying her best to comply with PDC laws & rules and reiterated his willingness to resolve any issues.

Ardor Printing

- The Respondent’s candidate committee disclosed the following expenditures made to, or in-kind contributions received from, Ardor Printing for campaign signs:
 - A \$400 in-kind contribution from Ardor Printing dated 1/20/23 for “Signs” – This information was disclosed on an amended January C-4 report filed on June 12, 2023 ([report 110152394](#)). The original C-4 report (due February 10, 2023) did not contain the in-kind contribution, which was reported 122 days late. Per the PDC’s request, the campaign amended this report again on July 20, 2023 to include the number of signs ([report 110160587](#)).
 - An expenditure of \$5,395 made to Ardor Printing on 5/6/23 for “Printing campaign signs: Signs” – This information was timely disclosed on the campaign’s May C-4 report filed on June 12, 2023 ([report 110152405](#)). Per the PDC’s request, the campaign amended this report on July 20, 2023 to include the number of signs and their dimensions ([report 110160582](#)).
 - An expenditure of \$1,348.75 made to Ardor Printing on 5/24/23 for “Printing campaign signs” Signs” – This information was timely disclosed on the campaign’s May C-4 report filed on June 12, 2023 ([report 110152405](#)). Per the PDC’s request, the campaign amended this report on July 20, 2023 to include the number of signs and their dimensions ([report 110160582](#)).

Brava’s Pizza

- The Respondent’s committee timely disclosed an expenditure of \$96.36 made to Brava’s Pizza on 4/7/23 on its April C-4 report filed on May 10, 2023 ([report 110146465](#)). This expenditure was properly included in the campaign’s \$491.95 “Non-itemized expenditures” lump sum total on the C-4 report because the expenditure was not more

than \$200. However, the committee voluntarily amended its April C-4 to itemize and add details to this expenditure on July 20, 2023 ([report 110160584](#)).

- Late-reported information included the following:
 - When the committee amended its January C-4 report on 6/12/23 ([report 110152394](#)), it reported additional expenditures totaling of \$2,608.42, in-kind contributions totaling \$600 (including the \$400 from Ardor Printing), and contributions totaling \$15,060 that were not previously disclosed, making this information 122 days late. However, the \$15,060 in contributions were timely disclosed and available to the public on C-3 reports.
 - Between March 12, 2023 and June 12, 2023, the committee amended its February C-4 report three times to disclose an additional \$47.31 in expenditures and in-kind contributions totaling \$2,956.67 that were not previously reported, making this information 30 and 94 days late respectively ([report 110152397](#)).
 - On June 12, 2023, the committee amended its March C-4 report to disclose a \$100 in-kind contribution that was not previously reported, making this information 63 days late ([report 110152399](#)).
 - Between July 20, 2023 and July 23, 2023, the committee amended its 21-day pre-Primary C-4 report (covering 6/1/23 – 7/10/23) three times, disclosing an additional \$7,000 in contributions and \$473.44 in expenditures, making this information 11 days late ([report 110160990](#)). However, the \$7,000 in contributions were timely disclosed and available to the public on C-3 reports ([report 110158334](#) and [report 110157887](#)).
- On July 19, 2023 and July 20, 2023, the committee amended several C-3 and C-4 reports to 1) improve expenditure descriptions; 2) correct typographical errors; and 3) re-itemize contributions and expenditures that were automatically moved to lump sum categories by the PDC's online filing system (a technical issue caused by the April 1st change to reporting threshold dollar amounts). In addition to making the requested amendments, the committee voluntarily made similar changes to over a hundred other reports.
- The Respondent does not have previous warnings/violations of PDC requirements.

The above findings are mitigated by the fact that the Respondent is not participating in the Primary Election and, therefore, the impact on the public was minimal because they were not deprived of information during a time-sensitive period for the campaign. Contributions made to the committee in January, June, and during the first ten days of July were timely disclosed on C-3 reports, thereby mitigating the late reporting of (cash) contributions on C-4 reports. Other mitigating factors include the committee's demonstrated good-faith efforts to comply after being notified of the complaint, and its willingness to work with PDC staff to ensure reports displayed accurate information.

Based on our findings, staff has determined that, in this instance, failure to timely report contributions and expenditures on reports does not amount to a violation that warrants further investigation.

Pursuant to WAC 390-37-060(1)(d), however, Adam Fortney will receive a formal written warning concerning his failure to timely disclose contributions, in-kind contributions, and expenditures made to the campaign. The formal written warning will include staff's expectation that Adam Fortney timely and accurately disclose contributions, in-kind contributions, and expenditures on C-4 reports in the future. The Commission will consider the formal written warning in deciding on further Commission action if there are future violations of PDC laws or rules.

Based on this information, 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 Tabatha Blacksmith at 1-360-586-8929, toll-free at 1-877-601-2828 or by e-mail at pdcc@pdc.wa.gov.

Sincerely,

Electronically signed Tabatha Blacksmith
Tabatha Blacksmith
Compliance Officer

Endorsed by,

Electronically signed Peter Frey Lavalley
Peter Frey Lavalley
Executive Director

cc: Adam Fortney