



**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: pdcc@pdcc.wa.gov • Website: www.pdcc.wa.gov

November 27, 2023

Delivered electronically to Adam Fortney at acfortney@hotmail.com

Subject: Complaint filed by Angela Robinson, PDC Case 141451

Dear Sheriff Fortney:

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

As noted in the letter to Ms. Robinson, the PDC conducted a formal investigation into the allegations and pursuant to WAC 390-37-060(1)(f) we entered a Statement of Understanding with you. The PDC has dismissed this matter following RCW 42.17A.755(1) and will not take any further enforcement action.

PDC staff is in receipt of the Statement of Understanding (SOU) you signed, and the payment of the \$450 civil penalty assessed in this matter, per WAC 390-37-143 (Brief Enforcement Penalty Schedule). This resolves the violation of RCW 42.17A.235 and .240 for not timely and accurately disclosing expenditures and contributions for the period of January 2023 through July 2023 on the Receipts & Expenditure Summary (C-4) report and the Cash Receipts, Monetary Contributions (C-3) report; and RCW 42.17A.405 for accepting over the limit contributions in election year 2023.

PDC staff expects that, in the future, you follow all applicable PDC laws, rules and guidance when reporting contributions and expenditures and accepting contributions. If violations of PDC laws or rules occur in the future, the Commission will consider this SOU in deciding on further Commission action.

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@pdcc.wa.gov.

Sincerely,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

Endorsed by,

/s/ Electronically signed

Peter Frey Lavalley
Executive Director



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November 27, 2023

Delivered electronically to Angela Robinson at angrob206@gmail.com

Subject: Complaint against Adam Fortney, PDC Case 141451

Dear Angela Robinson:

The Public Disclosure Commission (PDC) has completed its review and assessment of the complaint you filed on August 17, 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 and .240 by failing to timely and accurately disclose contributions for the period of January 2023 through July 2023 on the Receipts & Expenditure Summary (C-4) report and the Cash Receipts, Monetary Contributions (C-3) report; and RCW 42.17A.405 for accepting over the limit contributions in election year 2023.

PDC staff reviewed the allegation(s); the applicable statutes, rules, and reporting requirements; the response(s) provided by the Respondent; the applicable PDC reports filed by the Respondent; the Respondent's data in the PDC contribution and expenditure database; and other relevant information, 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 sought re-election to this same position in election year 2023. Snohomish County Elections records show the Respondent did not participate in the Primary Election and advanced 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" (the Campaign) 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 and 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.
- On May 15, 2023, the PDC received a complaint against Adam Fortney alleging failure to timely and accurately file C-4 reports. Staff conducted a case review (see case #137892), and on August 9, 2023, staff issued a formal written warning concerning the Campaign's failure to timely disclose contributions, in-kind contributions, and expenditures made to the Campaign during the period of January 1, 2023, to July 31, 2023.
- On August 17, 2023, PDC Staff received your complaint against the Campaign alleging inaccurate filing of C-3 and C-4 reports and accepting over the limit contributions.
- As alleged in your complaint, the investigation determined the Campaign accepted over-limit contributions. After being notified of the complaint, the campaign refunded \$4,600 on August 29, 2023, to the contributors named in the complaint, and an additional \$4,300 was discovered when the Campaign conducted an audit. The \$4,300 was reported as paid on October 6, 2023, to Billy Dunn, Jantz Gregory, Mark Richardson, Debra Richardson, and Ardor Printing.
- The Campaign filed thirteen amended C-3 reports and seven amended C-4 reports on October 11, 2023. Many of the amended reports were the same reports that the Campaign had previously received the warning about and required further amending to make correct. Also on that date, the Campaign filed two new C-3 reports from July 2023, which were untimely. Information in the new and amended reports included:
 - Reporting of missing in-kind contributions and description details specific to campaign signs acquired in January – March 2023.
 - Reporting of refunds to contributors who donated over the allowed contribution limit of \$1,200.
 - Correction of donor address.
 - Correction of contributions attributed to businesses rather than individual donors.
 - Corrections of contributions attributed to the wrong donor.
 - Reporting of new contributions.
 - Reporting of auction fundraiser.
- In the complaint, you asked whether an “amendment to [an] original contribution is considered a concealment of contribution under RCW 42.17A.435.” There are many reasons a campaign may amend their reports and an amendment is not necessarily an indication of a violation. Neither in the evidence provided nor in our investigation did we find any reporting that support a violation of RCW 42.17A.435.

A mitigating factor in this case is that the Respondent accepted responsibility and took immediate action to hire a new treasurer who completed an audit of the campaign. The campaign issued refunds for the over-limit contributions and addressed reporting errors and missing information timely once notified.

Pursuant to WAC 390-37-060(1)(f), Adam Fortney completed a Statement of Understanding (SOU) and paid a \$450 civil penalty in accordance with WAC 390-37-143 (Brief Enforcement Penalty Schedule), acknowledging violations of RCW 42.17A.235 and .240 for not timely and accurately disclosing expenditures and contributions for the period of January 2023 through July 2023 on the Receipts & Expenditure Summary (C-4) report and the Cash Receipts, Monetary Contributions (C-3) report; and RCW 42.17A.405 for accepting over the limit contributions in election year 2023. The \$450 penalty assessed resolves the allegations listed in your complaint.

Based on this information, the PDC finds that no further action necessary and has dismissed this matter per RCW 42.17A.755(1).

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 pdc@pdc.wa.gov.

Sincerely,

Endorsed by,

/s/ Electronically signed

Tanya Mercier
Compliance Officer

/s/ Electronically signed

Peter Frey Lavallee
Executive Director

cc: Adam Fortney