

Erick Agina

replied

20 days ago (Tue, 15 Sep 2020 at 4:42 PM)

To:recallfortney@gmail.com

Cc:halvorson.eric@gmail.com

Mr. Halvorson,

The fair market value of legal services being provided to the Committee to Recall Snohomish County Sheriff Adam Fortney (Committee) by attorneys, including Colin McMahon, Brittany Tri, Samantha Sommerman, and Terry Preshaw, are required to be reported as in-kind contributions by the Committee. There is no exception to this reporting requirement based on a committee's characterization of legal services as being performed "Pro Se," or "On Behalf of Themselves" or as "the work of subcommittee members, acting as voters of Snohomish County, on their own time."

In addition, contributions are subject to the contribution limits in RCW 42.17A.405, which for this recall election campaign is \$1,000 per contributor. If the committee is interested in receiving a waiver of the contribution limits, they must request a Declaratory Order in line with the Commission's Declaratory Order 17 – https://www.pdc.wa.gov/sites/default/files/laws-rules-cases/DECL_17.pdf

In your initial response, you stated, in part, "As to Allegation Two: It is our contention that the Committee, and the subcommittee in charge of arguing our Recall Petition through the legal process, are doing so outside of their official, professional duties. As such, and in agreement with the Sheriff's legal team, the attorneys referenced in Mr. Morgan's complaint are doing this work "Pro Se," or "On Behalf of Themselves." Therefore, there has not been nor will there be any legal expenses accrued by the Committee." Please describe the agreement between the Committee to Recall Snohomish County Sheriff Adam Fortney and the Sheriff's legal team.

If you have questions, please contact the Public Disclosure Commission (PDC) staff.

Thank you.

Sincerely,

Erick O. Agina
Compliance Officer
Public Disclosure Commission
360.586.2869

Eric Halvorson

added a private note

7 days ago (Mon, 28 Sep 2020 at 2:10 PM)

Cc:recallfortney@gmail.com

Notified to: "PDC Support" <pdcc@pdc.wa.gov>

Good Afternoon Erick,

It is always our intent to disclose to the public everything required by the laws set forth regarding campaign finances. We maintain that we are doing just that. Through August 31st, the date of the last required C-4 filing, we have fully reported every contribution and every expense, as required by law.

Now, in September, we expect to be filing in-kind contribution reporting for the legal help the petitioners received regarding the intricacies of Supreme Court Filings, formatting, etc., but that report is not due until October 10th.

However, regarding the “fair market value of legal services being provided to the Committee to Recall Snohomish County Sheriff Adam Fortney (Committee) by attorneys, including Colin McMahon, Brittany Tri, Samantha Sommerman, and Terry Preshaw,” it appears that there is a misunderstanding of the term “Pro Se.”

When we use it, we mean that the four main attorneys are, in fact, the petitioners themselves. They are not providing legal services TO the committee. Rather, they filed the recall petition as citizens affected by Sheriff Fortney’s actions, as any voter is allowed to do under the law (RCW 29A.56.110).

In 2020 alone, there have been eight recalls initiated in Washington (See Below):

Matthew Marshall & Scott Bannister (Private Citizens) vs. Bob Ferguson, Attorney General

Jason Erickson (“acting in his capacity as a member of the Benton County Sheriff’s Guild and in his capacity as a citizen”) vs Jerry Hatcher, Benton County Sheriff

Arthur West (Private Citizen) vs John Snaza, Thurston County Sheriff

Jon Pettit (Private Citizen) vs Tye Menser, Thurston County Board of County Commissioners

Ernest H Lou (Private Citizen) vs Kshama Sawant, Seattle City Councilmember

Elliott Grace Harvey, Alan Meekins, Jr., Courtney Scott, Leah Solomon and Charlie Stone (Private Citizens & “King County Voters”) vs Jenny Durkan, Seattle Mayor

Lori Shavlik (Private Citizen) vs. Adam Fortney, Snohomish County Sheriff

Colin McMahon, Brittany Tri, Sam Sommerman, and Terry Preshaw (Private Citizens and Snohomish County Voters) vs Adam Fortney, Snohomish County Sheriff

Note that in all eight of the recall efforts above, the petitioners are Private Citizens and legal voters. Surely the PDC is not going to treat some citizens differently based on their chosen occupation. None of the other petitioners have been required to report in-kind contributions.

As such, we are confident that we are reporting everything correctly and the appearance of misreporting is based solely on a mischaracterization of the petitioners as having provided services rather than BEING the petitioners (private citizens) themselves.

Regarding the "agreement" referenced in the initial response, this was perhaps unartful language describing an understanding expressed in a number of filings by the Sheriff's legal team that the petitioners were acting only in their capacities as private, voting citizens of Snohomish County, and not affiliated with any law firm or association.

Eric Halvorson
Treasurer