



STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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June 7, 2021

Sent electronically to Lori Shavlik at [loritanning@gmail.com](mailto:loritanning@gmail.com)

Subject: Complaint regarding Sheriff Adam Fortney, PDC Case 89226

Dear Ms. Shavlik:

The Public Disclosure Commission (PDC) has completed its review of the complaint you filed on March 29, 2021. The complaint alleged that Adam Fortney, the incumbent Snohomish County Sheriff, may have violated RCW 42.17A.555 by using county facilities to assist an election campaign/oppose a ballot proposition (Recall Adam Fortney), and RCW 42.17A.710 for failing to disclose Dawson Place directorship and board membership with Pennies for Puppies on his Personal Financial Affairs Statement (F-1) report.

PDC staff reviewed the allegations listed in the complaint to determine whether a formal investigation or enforcement action is warranted. Staff reviewed all attachments submitted with the complaint, the statute, rules, and PDC Interpretation 04-02 "Guidelines for Local Government Agencies in Election Campaigns," and the May 7, 2021, response from Sheriff Adam Fortney.

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

***Alleged use of the office of the Snohomish County Sheriff's Office to assist an election campaign and/or oppose a ballot proposition (Recall Sheriff Adam Fortney).***

- The complaint alleged that Sheriff Adam Fortney used the status of his office/agency facilities to assist an election campaign and/or oppose a ballot proposition (Recall Sheriff Adam Fortney) by (1) using official email address to hire Dawson Place employees; (2) responding to an email from David Fontenot regarding his contribution to the recall defense fund using official county email; and (3) using the Sheriff's logo on Anita Shad's GoFundMe page/site for the Fortney Recall Defense Fund expenses.

- RCW 42.17A.555 states that no elective official nor employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency directly or indirectly to assist a campaign for election of any person to any office.
- Staff's review of the evidence provided by the complainant found that only the email response from Sheriff Fortney to David Fontenot on April 30, 2020, regarding the recall defense fund violated the prohibition against using facilities. Staff noted that Sheriff Fortney did not initiate the email from his official county email but should have known better not to respond to Fontenot's email using his official county email or encourage the use of Snohomish County email to be used in connection to the recall effort.
- In his response to this allegation, Sheriff Fortney stated: "I did not initiate or solicit anything in the April 30, 2020, email. The email was written by a Sheriff's Office employee when he learned about the first recall filed against me through an article in the [Everett] Herald. In my response I did not solicit anything. The email clearly shows that I responded politely to an employee's declaration of support, and expressed my optimism that I would get through the recall process." Sheriff Fortney further stated: "On April 30, 2020, when the communication occurred, the recall petition was not yet a ballot proposition. The hearing on factual and legal sufficiency, the court's order, did not occur until May 15, 2021. Accordingly, the recall petition did not advance to the status of a ballot proposition until the Superior Court determined the sufficiency of the petition and certified and transmitted the ballot synopsis to the County Auditor."

***Alleged failure to disclose Dawson Place directorship and board membership with Pennies for Puppies on his Personal Financial Affairs Statement (F-1) report.***

- RCW 42.17A.710(1) requires filers to disclose specific personal financial information on the F-1 report including income sources, real estate holdings, banking, insurance, investments, and creditor information, including directorship on boards, commissions, and entities when applicable.
- In his response to this allegation, Sheriff Fortney stated: "I am a board member, but not an officer, of Pennies for Puppies, a Washington non-profit corporation. I did not include my membership on the Pennies for Puppies Board on my 2020 F-1 disclosure because I was under the impression that my service on the Pennies for Puppies Board was a part of my official duties as the elected Sheriff. Pennies for Puppies was founded in 1997, for the purpose of establishing, expanding and enhancing a K-9 Unit for the Snohomish County Sheriff's Office. It is my understanding, that historically, the elected Snohomish County Sheriff has been a member of Pennies for Puppies, or its predecessor corporation, Pennies for Puppies and Ponies. Because I believed that my membership was associated with my office, I did not think that it needed to be reported. (WAC 390-24-211(1) "An elected official or executive state office for service on a governmental board, commission, association, or functional equivalent, when such service is part of the elected official's or executive state officer's official duties." Sheriff Fortney further stated: "After I was notified of this complaint, I reviewed the Pennies for Puppies Bylaws and determined that in spite of the

historic practice in Snohomish County, there is no specific reference to a position on the Board for the elected Sheriff. To the extent that the PDC determines that Pennies for Puppies should be listed on my F-1 disclosure, I am happy to amend my disclosure. Furthermore, in the abundance of caution, I will make sure to include this organization on any future F-1 disclosure.”

- Staff review of the F-1 report filed by Sheriff Fortney for the 2020 reporting period found that the board membership with Pennies for Puppies was not disclosed on the F-1 report. Staff noted that this position is not a legal requirement for the Snohomish County Sheriff’s Office and as such should have been reported on the F-1 report by Sheriff Fortney.
- Regarding the Dawson Place directorship, staff found that this position has traditionally been a part of the official duties of the Snohomish County Sheriff-elect and as such was not required to be reported on the F-1.
- In his response regarding the Dawson Place directorship, Sheriff Fortney stated: “The Child Advocacy Center of Snohomish, d/b/a Dawson Palace, is a 501(c)(3) non-profit corporation. As a 501(c)(3) non-profit corporation, Dawson Place is governed by a Board of Directors. Pursuant to its Bylaws, the Snohomish County Sheriff is a member of the Dawson Place Board of Directors. See *Shavlik v. Dawson Place*, 11 Wn. App. 2d 250, 268, 452 P.3d 1241, 1252, review denied, 195 Wn.2d 1019, 464 P.3 208 (2020). I have served as a regular member of the Dawson Place Board, in my official capacity, with no additional compensation, since becoming the Snohomish County Sheriff in January 2020. In 2017, the PDC issued a guidance that elected official who serve on boards as a part of their official duties are generally not required to disclose their membership on the F-1 report. See PDC May 25, 2017, Regular Meeting Minutes (elected and appointed officials who receive compensation under \$1,200 from a board or commission where they serve pursuant to a legal obligation as an office holder, are not required to list their membership on the supplement to the F-1). In addition, in response to a complaint filed against my predecessor, the PDC determined that the Snohomish County Sheriff has no obligation to list Dawson Place on his/her F-1 filing.”

Based on these findings staff has determined that, in this instance, Sheriff Fortney’s use of Snohomish County’s email and failure to disclose board membership with Pennies for Puppies on his 2020 report, do not amount to violations warranting further investigation. Sheriff Fortney was under the impression that his board membership with Pennies for Puppies was a requirement of the Office of the Snohomish County Sheriff-elect.

However, Sheriff Fortney will receive a reminder letter about the importance of avoiding even the appearance or perception of using agency facilities to support or oppose a ballot proposition by using facilities/county email. In the reminder letter, staff will inform Sheriff Fortney that it expects him to include the board membership with Pennies for Puppies on his Personal Financial Affairs Statements for all future F-1 reports.

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 Erick Agina, Compliance Officer at (360) 586-2869, toll-free at 1-877-601-2828, or by e-mail at [erick.agina@pdc.wa.gov](mailto:erick.agina@pdc.wa.gov).

Sincerely,

Endorsed by:

Erick Agina  
PDC Compliance Officer

BG Sandahl, Deputy Director for  
Peter Lavallee, Executive Director

cc: Sheriff Adam Fortney

