

Respondent Name

Committee to Recall Adam Fortney

Complainant Name

Glen Morgan

Complaint Description

Glen Morgan

(Fri, 9 Jul 2021 at 6:50 PM)

To whom it may concern,

It has recently come to my attention that the Committee to Recall Snohomish County Sheriff Adam Fortney PAC continues to violate Washington State's campaign finance laws (**RCW 42.17A**) in their continuing political campaign efforts in 2021. The violations are detailed as follows:

Please Note, this short-lived PAC already has an extensive record of violating Washington State's campaign finance laws, as evidenced by their fine and settlement with the Public Disclosure Commission for attempting to conceal extensive in-kind legal fees from the public (Please see attached settlement on **PDC Case #75003**, signed December 9, 2020). While I filed the original complaint that led to the fine and settlement in that case, part of the settlement required this secretive PAC to stop violating Washington State's campaign finance laws in the future (see **Section 4, page 8**). This is a standard part of any settlement with the PDC in matters like this. However, despite that settlement, their agreement to comply, and whatever other verbal assurances they may have given the PDC, **they continued to violate the state's campaign finance laws** as though they never existed in the first place as detailed below.

1. Failure to identify top-5 contributors in paid advertising and publications (Violation of RCW 42.17A.320(2)(b))

On at least two occasions (and based on preliminary review of this PAC's C4s, it is probably many more instances than this), this PAC refused to comply with obvious and well-known state campaign finance laws, and they refused to identify their top5 contributors in their various paid public advertising efforts. Two examples of this law-breaking are provided for reference. Specifically, in the Edmonds Beacon on **February 11, 2021**, and on **February 18, 2021**, large paid advertisements were placed and no identification of the top5 contributors was included, as is so plainly required in **RCW 42.17A.320(2)(b)**. (For reference of this expenditure by this PAC, see **C4 PDC # 110011367**).

It should be noted that both mailers and other advertisements were made by this PAC in 2021 (after the settlement) and **it appears that none of them complied with the law.**

It should be noted that these violations were committed just two months after this secretive PAC's settlement (**PDC Case #75003**) was signed with the PDC on

December 9, 2020 (see attached). Since most of the senior in-kind contributors and participants in this PAC claim to have law degrees and identify themselves as officers of the court, it would appear that they have a much higher standard to which they should be held in complying with Washington State's excellent campaign finance laws than an average, uneducated activist just starting to engage politically may possess.

Additionally, it would seem likely that since they claim to be officers of the court, they should also know that a signed settlement agreement with the PDC would contain requirements that they should continue to follow (like **Section 4**). Yet, they chose to break the law and the agreement they just signed with the PDC regardless. This violation appears to be willful and malicious and perhaps an effort to mock the PDC for the fine just imposed on this PAC two months earlier.

Based on the C4 I have attached, it would appear that a large percentage of the cash contributions received by this PAC were spent on advertising, mailers, and digital ads, all of which were supposed to comply with state law. It appears, based on the evidence I have provided in this case that most of their expenditures in this area did not comply with the law.

Please consider the fact that this secretive PAC has already been found guilty of violating the law, and has paid a fine. Most of their organizers are officers of the court and presumably capable of both reading and understanding the laws they are willfully choosing to violate.

Finally, as officers of the court, they are also aware of the significance of the settlement and legal agreement they signed with the PDC and then promptly broke the agreement. This certainly appears to be a case where the PDC should consider stepping up its enforcement and look at RCW 42.17A.750, .755 for more rigorous enforcement escalation in this case.

Feel free to let me know if you need any additional information about this one.

Best Regards,

Glen Morgan

What impact does the alleged violation(s) have on the public?

The top 5 secretive contributors to this PAC were concealed from the public in the deceptive paid advertising, digital ads, and mailers this PAC widely distributed to the public in Snohomish County. By willfully concealing this information from the public, this PAC has attempted to conceal the truth about who was behind this recall effort. Concealing the truth, which the law obligates this PAC to reveal is a severe breach of the public trust, and considering the fact this crew just finished paying a \$300 fine a few months before they broke the law for previous lawbreaking, they are clearly mocking the concept of Washington State's campaign finance laws.

List of attached evidence or contact information where evidence may be found

Copies of the settlement terms they violated from their December, 2020 agreement with the PDC is attached. Copies of the illegal ads they placed in the Edmonds Beacon paper are included as well as a C4 showing extensive expenditures of a similar nature which also likely violated the law as well.

List of potential witnesses with contact information to reach them

Every single attorney who originally was exposed for violating the law by attempting to conceal their involvement with this case should be forced to explain how even after they signed the original settlement, they decided to willfully violated the law with all their advertising to the public. Willful and egregious decisions by officers of the court who should know better should not be ignored.

Certification (Complainant)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

Signatures needed to recall SnoCo Sheriff Adam Fortney

Sign by March 10 for a chance to
vote him out: www.recallfortney.com



EVERETT – The recall effort against Snohomish County Sheriff Adam Fortney needs 45,000 verified voter signatures to qualify as a ballot initiative in 2021. Organizers are determined to hold Fortney accountable for his misdeeds.

If it qualifies, the ballot initiative will ask voters to end Fortney's term early for endangering the community by intentionally failing to enforce state laws and abusing his power as sheriff.

"Adam Fortney has shown through his actions that he is unfit to safely and responsibly perform the duties of his office," said attorney Colin McMahon, the public defender who heads the Committee to Recall Snohomish County Sheriff Adam Fortney. "He is corrupt and needs to be removed."

Specifically, the recall petition charges that Fortney violated his oath of office by endangering Snohomish County's peace and safety and intentionally flouted his duties when he:

- unreasonably used his discretion to rehire three deputies who had been thoroughly investigated and fired by the previous sheriff – two for illegal search and seizure and one for excessive force. In the latter case, the deputy shot and killed a man after a pursuit;
- refused to enforce the Governor's constitutional, data-driven "Stay at Home - Stay Healthy" order, beginning with an April Facebook post; and
- encouraged the public to violate "Stay at Home - Stay Healthy" orders.

To read the official recall petition in full, visit: www.recallfortney.com.

The Washington Supreme Court cleared the way for signature collecting to begin in September, after earlier court rulings found the charges "sufficiently factually accurate." Volunteers began printing petitions at home and passing them between neighbors in a grassroots effort that respected public health guidelines for stopping the spread of COVID-19.

Now, organizers are carefully going door-to-door and seeking signatures in more public spaces. To qualify, signers must be registered Snohomish County voters by the March 10 submission deadline. An election could be held between 45 and 90 days after the Snohomish County elections office verifies signatures.

McMahon said early responses to signature gathering have been positive, "We have seen a wide range people support our recall effort. Partisan politics aside, the people of Snohomish County deserve better from our top law enforcement official."

He added that signers seem most disturbed by Fortney's apparent corruption. As one of his first acts after taking office in January 2020, the new sheriff reinstated three previously fired deputies, two of whom had been vocal supporters of Fortney's election campaign. All of them previously worked under Fortney's supervision.

One deputy, Arthur Wallin, killed a man after a 2018 car chase that Fortney was supervising. After an extensive investigation into the incident, the former sheriff concluded that the deputy violated department policies about improper use of deadly force and negligence. The county paid \$1 million to settle a civil suit with the victim's family. By rehiring deputy Wallin, Fortney endangered the residents he is charged with protecting and opened the county to costly litigation.

The other two deputies Fortney reinstated had illegally searched and seized items from a car trunk and later lied about it – serious violations of law enforcement procedure. In rehiring them, Fortney showed blatant disregard for individual civil liberties and weakened the county's ability to effectively prosecute crimes.

In addition to improperly exercising his discretion as sheriff to benefit his friends, Fortney jeopardizes residents' safety by encouraging businesses and individuals to defy precautions against spreading COVID-19. The month after Everett saw the country's first known death to a global pandemic, Fortney declared in a rambling Facebook post riddled with falsehoods:

... the Snohomish County Sheriff's Office will not be enforcing an order preventing religious freedoms or constitutional rights. I strongly encourage each of you to ... demand we allow businesses to begin reopening and allow our residents, all of them, to return to work if they choose to do so."

Religious practice always was allowed using alternative methods, such as livestream video, and curbside business transactions were allowed throughout the emergency orders. The state's phased reopening through summer substantially expanded other opportunities to conduct business, recreate and assemble when people followed safety precautions. No court has ruled that the emergency public health orders are unconstitutional.

Yet, Fortney has repeatedly doubled down on his defiance in social media posts, speeches and interviews and encouraged others to follow his lead. Snohomish barber Bob Martin is one business owner who has cited Fortney as inspiration for keeping his shop open in defiance of the state. Martin has welcomed crowds of mostly unmasked customers.

Snohomish County's Lead Prosecuting Attorney Adam Cornell referenced Martin as an example when he declined to use taxpayer money to defend Fortney against recall. Cornell wrote that Fortney's Facebook post could be read as a call to defy public health officials and as permission for citizens to disregard the law.

"The constitution and laws of the state of Washington are crystal clear," Cornell wrote. "In times of emergency the Governor is vested with the responsibility, duty, and authority to protect the health, safety, and welfare of the citizens of our state. Any attempt to undermine that authority is both irresponsible, unhelpful in these difficult times, and contrary to the rule of law."

To learn more, sign the recall petition or donate, visit: www.recallfortney.com. Paid for by the Committee to Recall Snohomish County Sheriff Adam Fortney.

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**BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON**

In re the Matter of Enforcement Action
Against:

PDC CASE NO. 75003

FINAL ORDER

COMMITTEE TO RECALL SNOHOMISH
COUNTY SHERIFF ADAM FORTNEY,

Respondent.

I. INTRODUCTION

This matter was heard remotely by the Washington State Public Disclosure Commission (PDC, Commission) on December 3, 2020, by audio and online streaming. The hearing was held pursuant to Chapter 34.05 RCW, Chapter 42.17A RCW, and Chapter 390-37 WAC.

Commissioners present both telephonically and online were David Ammons, Commission Chair (presiding); Fred Jarrett, Commission Vice-Chair; and Commissioners William Downing, Russell Lehman, and Nancy Isserlis. Also present both telephonically and online were Assistant Attorney General John S. Meader representing the Commission; Assistant Attorney General Chad Standifer representing PDC staff; and Erick Agina, Compliance Officer, for PDC Staff. Respondent Committee to Recall Snohomish County Sheriff Adam Fortney (Committee), was represented by Colin McMahon, Committee Chair, and Eric Halvorson,

1 Committee Treasurer, who also appeared telephonically and online. The Complainant received
2 notice of the proceedings and chose not to appear or submit a written response. The proceeding
3 was open to the public as limited by Governor's Order 20-28 *et seq.* and recorded.

4 The hearing concerned allegations that the Committee violated RCW 42.17A.235 by
5 failing to timely and accurately report in-kind contributions in legal services hours provided by
6 four attorneys, and exceeded the contribution limits established under RCW 42.17A.405(3) and
7 (14) for a recall campaign.

8 The Commissioners had before them the following materials:

- 9 ○ Complaint filed by Glen Morgan dated August 7, 2020;
- 10 ○ Undated response from Eric Halvorson, Committee Treasurer;
- 11 ○ Second Response from Eric Halvorson, Committee Treasurer, and reply
12 from Erick Agina, PDC Compliance Officer, from September, 2020;
- 13 ○ Petition for Declaratory Order from the Committee to Recall Snohomish
14 County Sheriff Adam Fortney, dated October 26, 2020;
- 15 ○ Email to the Commissioners from Executive Director Peter Lavallee
16 concerning the hearing on the proposed stipulation, dated December 1,
17 2020;
- 18 ○ Copy of the decision in *Farris v. Seabrook*, 677 F.3d 858 (9th Cir. 2012);
- 19 ○ PDC Declaratory Order No. 17, dated August 10, 2015, In the Matter of
20 the Petition to Recall Mark Lindquist.
- 21 ○ Proposed Stipulation as to Facts, Violations, and Penalty submitted by the
22 parties, signed for the PDC on December 1, 2020, by Peter Lavallee,
23 Executive Director, and on November 30, 2020, by Colin McMahon,
24 Chairman, on behalf of the Committee to Recall Snohomish County
25 Sheriff Adam Fortney.
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II. STIPULATION

The parties jointly submitted a signed Stipulation as to Facts, Violations, and Penalty (Stipulation). Mr. Standifer presented the Stipulation, reviewed the aggravating and mitigating factors, summarized the proposed penalties, discussed the comparable cases, and asked the Commission to accept the Stipulation. In response to questions from the Commission, Mr. McMahon provided testimony that the Respondent had been responsive in addressing the complaint, had acted in good faith, and asked the Commission to accept the Stipulation. The Commission voted 5-0 to accept the Stipulation with modifications to be reflected in the order.

III. FINDINGS OF FACT

1. The Committee to Recall Snohomish County Sheriff Adam Fortney supports the recall of the Snohomish County Sheriff Adam Fortney. The Committee registered with the Public Disclosure Commission on May 22, 2020, and selected the Full Reporting option. At the time the complaint was filed, and during the period covered by the allegation(s), the Committee officers on the Committee Registration were Colin McMahon, Chair, and Eric Halvorson, Treasurer.

2. On May 15, 2020, the Committee's Chair, Colin McMahon, in conjunction with attorneys Samantha Sommerman, Brittany Tri, and Terry Preshaw, filed a Statement of Charges with the Snohomish County Auditor for Recall of Adam Fortney, in Snohomish County Superior Court.

3. On June 1, 2020, the Committee's Chair, Colin McMahon, in conjunction with attorneys Samantha Sommerman, Brittany Tri, and Terry Preshaw, filed a Petitioner's Motion to Strike and Reply in Support of Recall Petition in the Superior Court.

1 4. On June 4, 2020, the Committee's Chair, Colin McMahon, in conjunction with
2 attorneys Samantha Sommerman, Brittany Tri, and Terry Preshaw, filed a Proposed Ballot
3 Synopsis in Re Petition for Recall of Adam Fortney, Snohomish County Sheriff in Superior
4 Court.

5 5. On June 5, 2020, the Committee's Chair, Colin McMahon, in conjunction with
6 attorneys Samantha Sommerman, Brittany Tri, and Terry Preshaw, filed a Petitioner's Motion
7 to Strike in the Superior Court.

8
9 6. On June 26, 2020, the Committee's Chair, Colin McMahon, in conjunction with
10 attorneys Samantha Sommerman, Brittany Tri, and Terry Preshaw, filed a Motion for
11 Accelerated Review in the Supreme Court of the State of Washington.

12 7. On August 7, 2020, a complaint was filed by Glen Morgan against the Committee for
13 violations of Chapter 42.17A RCW and Title 390 WAC related to in-kind legal services and
14 financial reporting.

15
16 8. On August 14, 2020, the Committee's Chair, Colin McMahon, in conjunction with
17 attorneys Samantha Sommerman, Brittany Tri and Terry Preshaw, filed a Brief of Respondent
18 on appeal in the Supreme Court.

19 9. On October 13, 2020, the Committee filed a Receipts and Expenditure Summary (C-4)
20 Report disclosing the following in-kind contributions received for legal services, provided by:
21 Tiffanie Ma (\$2,000); Cassie TrueBlood (\$925); Jeremy Wood (\$2,000); Tobin Klusty
22 (\$3,000); and Sarah Johnson (\$1,000).

23
24 10. On October 26, 2020, the Committee submitted a petition for a declaratory order to
25 grant relief from the requirements of RCW 42.17A.405(3), pertaining to contribution limits
26 imposed on recall campaigns, and to dismiss current PDC investigations related to the violation
of RCW 42.17A.405(3). The petition was based on PDC Declaratory Order No. 17 (2015), in

1 which the Commission suspended enforcement of RCW 42.17A.405 as applied to a recall
2 committee based on the precedent set in *Farris v. Seabrook*, 677 F.3d 858 (9th Cir. 2012).

3
4 11. On November 30, 2020, the Committee filed four Receipts and Expenditure Summary
5 (C-4) Reports for May, June, July, and August 2020, disclosing the in-kind contributions for
6 legal services provided by Colin McMahon totaling \$6,400; Samantha Sommerman totaling
7 \$4,700; Brittany Tri totaling \$3,180; and Terry Preshaw totaling \$1,980.

8 12. The Committee has not coordinated any contributions or expenditures with, or allowed
9 decision-making control by, a candidate or potential candidate for Snohomish County Sheriff
10 or any member of the Snohomish County Council or its staff.

11 13. The Committee has not had contact or communications with any person known to be a
12 declared or undeclared candidate for Snohomish County Sheriff, concerning the appointment
13 or election of any person to the office of Snohomish County Sheriff, or concerning any other
14 subject.

15 14. The Committee has not had contacts or communications with employees of the
16 Sheriff's Office or with members of the Snohomish County Council concerning the
17 appointment or election of any person to the office of Snohomish County Sheriff.

18
19 15. The Committee has not (a) coordinated any campaign expenditures with any candidate
20 for Snohomish County Sheriff or his or her campaign committee, (b) solicited or accepted
21 contributions from such a candidate or his or her campaign committee, or (c) solicited any
22 donations in support of or opposition to such a candidate or his or her candidate committee.

23 16. The Committee has not included any Snohomish County Council members or staff in
24 Committee decision making, including decisions concerning Committee expenditures, and the
25 solicitation or receipt of contributions.

1 **IV. CONCLUSIONS OF LAW**

2 1. The Commission has jurisdiction over this proceeding pursuant to Chapter 42.17A
3 RCW, the state campaign finance and disclosure law; Chapter 34.05 RCW, the Administrative
4 Procedure Act; and Title 390 WAC.

5
6 2. Based on the facts set forth above and the agreed stipulation of the parties, Respondent
7 Committee violated:

- 8 a. RCW 42.17A.235 by failing to timely and accurately report in-kind
9 contributions in legal services hours provided by attorneys Colin McMahon,
10 Samantha Sommerman, Brittany Tri, and Terry Preshaw, as required by law.

11
12 3. Based on the facts set forth above and the agreed stipulation of the parties, Respondent
13 Committee received in-kind contributions from attorneys Tiffanie Ma, Jeremy Wood, Tobin
14 Klusty, Colin McMahon, Samantha Sommerman, Brittany Tri, and Terry Preshaw, that exceeded
15 the contribution limits established under RCW 42.17A.405(3) and (14) for a recall campaign.

16
17 4. In recognition of the holding in *Farris v. Seabrook*, 677 F.3d 858 (9th Cir. 2012),
18 enforcement of campaign finance contribution limits against the Committee should be deferred.

19
20 **V. ORDER**

21 Based upon its Findings of Fact and the stipulated Findings and Conclusions, the
22 Commission accepts the agreed Stipulation of the parties as modified below and orders that:

- 23
24 1. Respondent Committee for the Recall of Snohomish County Sheriff Adam
25 Fortney is assessed a total civil penalty of \$300 for violation of RCW 42.17A.235.
26

1 a. The civil penalty shall be due and payable in full within thirty
2 days of the date of this order. Failure to make timely payment may
3 result in the PDC referring the matter for collection without further
4 action of the Commission.

5 2. Enforcement of the in-kind contributions that exceeded contribution limits as
6 established under RCW 42.17A.405(3) and (14) for a recall campaign are
7 DEFERRED with the following conditions.

8 a. Should the Respondent become aware of the identity of any
9 candidate for Snohomish County Sheriff, or if any person, when
10 contacted, indicates an intent to run for the office in the future, the
11 Respondent, its officers, directors, and principal decision-makers will
12 not: 1) coordinate any campaign expenditures with such a candidate or
13 their campaign committee, 2) solicit or accept contributions from such a
14 candidate or their campaign committee, and 3) solicit any donations or
15 support, whether in support of or in opposition to such a candidate or his
16 or her candidate committee.

17 b. The Respondent will not include any Snohomish County Council
18 members or staff in Committee decision making, including decisions
19 concerning Committee expenditures, and the solicitation or receipt of
20 contributions.

21 3. The Respondent agrees that its compliance with the conditions of the deferred
22 enforcement set forth in paragraph 2 may be used by the Public Disclosure
23 Commission to assess any current or future complaint that alleges any violation
24 of RCW 42.17A.405(3) or (14) by Respondent in relation to their support for
25 the recall of Snohomish County Sheriff Adam Fortney. If the conditions set
26 forth above in paragraph 2 are found not to have been met, the Respondent may

1 be subject to potential enforcement for any violation(s) of RCW 42.17A.405(3)
2 and (14) including those subject to this order.


3
4 4. The Committee, its officers, and its principal decision-makers shall continue to
5 comply with all campaign finance laws and requirements of Chapter 42.17A
6 RCW and Title 390 WAC, other than the limitations of RCW 42.17A.405(3)
7 and (14) and its implementing regulations. This includes requirements
8 applicable to the coordination of expenditures with a candidate or political
9 committee, and requirements applicable to the disclosure of contributions and
10 expenditures.

11 5. The conditions for deferral of enforcement shall remain in effect until the
12 dissolution of the Committee.

13
14 So ORDERED this 9th day of December, 2020.

15 WASHINGTON STATE PUBLIC
16 DISCLOSURE COMMISSION

17 FOR THE COMMISSION:

18 

19 David Ammons,
20 Chair, Public Disclosure Commission

21 *Copy of this Order emailed to:*

22 Colin McMahon, Chair, Committee to Recall Snohomish County Sheriff Adam Fortney
(recallfortney@gmail.com);

23 Eric Halvorson, Treasurer, Committee to Recall Snohomish County Sheriff Adam Fortney
24 (halvorson.eric@gmail.com)

25 Erick Agina, PDC Compliance Officer (Erick.Agina@pdc.wa.gov);

26 Chad Standifer, Assistant Attorney General, Counsel for PDC Staff (ChadS@atg.wa.gov).

1
2 I, Jana Greer, Administrative Officer, certify that I mailed a copy of this order to the Respondent/
3 Applicant at his/her respective address postage pre-paid on the date stated herein.

4  12/09/20
5 Signed Date

6
7
8 **NOTICE: RECONSIDERATION**

9 Pursuant to the provisions of RCW 34.05.470 and WAC 390-37-150, you may file a Petition for
10 Reconsideration with the PDC within ten (10) days from the date this Final Order is served upon
11 you. Any Request for reconsideration must state the specific grounds for the relief requested.
12 Petitions must be electronically mailed to the Washington State Public Disclosure Commission,
711 Capitol Way, Room 206, Box 40908, Olympia WA 98504-0908, pdc@pdc.wa.gov.

13 **NOTICE: PETITION FOR JUDICIAL REVIEW**

14 You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for
15 Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final
16 Order must be filed with the court and also served upon both the Commission and the Office of
17 the Attorney general within thirty (30) days after the date this Final Order is served upon you.
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**SUMMARY, FULL REPORT
 RECEIPTS AND
 EXPENDITURES**

C4 (3/97)	PDC OFFICE USE
	110011367
	03-07-2021

Candidate or Committee Name (Do not abbreviate. Include full name)
Committee to Recall Snohomish County Sheriff Adam Fortney

Mailing Address
PO Box 2591

City
Everett, WA

Zip + 4 98213	Office Sought (Candidates)	Election Date 2021
Report Period Covered From (last C-4) 02/01/21 To (end of period) 02/28/21		Final Report? Yes No X

***For PACs, Parties & Caucus Committees:** During this report period, did the committee make an **independent expenditure** (i.e., an expense not considered a contribution supporting or opposing a state or local candidate?)

RECEIPTS	*See next page	Yes	No
1. Previous total cash and in kind contributions (From line 8, last C-4) (if beginning a new campaign or calendar year, see instruction booklet)	\$		\$75,475.67
2. Cash received (From line 2, Schedule A)	\$		\$13,738.77
3. In kind contributions received (From line 1, Schedule B).....			\$3,141.36
4. Total cash and in kind contributions received this period (Line 2 plus 3).....			\$16,880.13
5. Loan principal repayments made (From line 2, Schedule L).....			\$0.00
6. Corrections (From line 1 or 3, Schedule C)..... Show + or (-)			\$0.00
7. Net adjustments this period (Combine line 5 & 6)..... Show + or (-)			\$0.00
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)			\$92,355.80
9. Total pledge payments due (From line 2, Schedule B).....	\$0.00		

EXPENDITURES	
10. Previous total cash and in kind expenditures (From line 17, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)	\$61,256.27
11. Total cash expenditures (From line 4, Schedule A)	\$7,556.95
12. In kind expenditures (goods & services) (From line 1, Schedule B)	\$3,141.36
13. Total cash and in kind expenditures made this period (Line 11 plus line 12).....	\$10,698.31
14. Loan principal repayments made (From line 2, Schedule L).....	\$0.00
15. Corrections (From line 2 or 3, Schedule C)..... Show + or (-)	\$0.00
16. Net adjustments this period (Combine lines 14 & 15)..... Show + or (-)	\$0.00
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16).....	\$71,954.58

CANDIDATES ONLY

	Won	Lost	Unopposed	Name not on ballot
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Treasurer's Daytime Telephone No.:
(360) 200-8400

CASH SUMMARY

18. Cash on hand (Line 8 minus line 17)	\$20,401.22
<small>[Line 18 should equal your bank account balance(s) plus your petty cash balance.]</small>	
19. Liabilities: (Sum of loans and debts owed)	\$11,000.00
20. Balance (Surplus or deficit) (Line 18 minus line 19)	\$9,401.22

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true and correct to the best of my knowledge.

Candidate's Signature	Date	Treasurer's Signature	Date
		Eric Halvorson	03/07/21

CASH RECEIPTS AND EXPENDITURE

SCHEDULE A
to C4
(11/93)

2

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

02/01/21 02/28/21

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits
02/01/2021	\$50.00	02/04/2021	\$100.00	02/10/2021	\$1,225.00	
02/02/2021	\$125.00	02/05/2021	\$120.00	02/11/2021	\$1,295.00	
02/03/2021	\$1,400.00	02/09/2021	\$392.00	See attached		

2. TOTAL CASH RECEIPTS

Enter also on line 2 of C4 \$ \$13,738.77

CODES FOR CLASSIFYING EXPENDITURES: If one of the following codes is used to describe an expenditure, no other description is generally needed. The exceptions are:

- 1) If expenditures are in-kind or earmarked contributions to a candidate or committee or independent expenditures that benefit a candidate or committee, identify the candidate or committee in the Description block;
- 2) When reporting payments to vendors for travel expenses, identify the traveler and travel purpose in the Description block; and
- 3) If expenditures are made directly or indirectly to compensate a person or entity for soliciting signatures on a statewide initiative or referendum petition, use code "V" and provide the following information on an attached sheet: name and address of each person/entity compensated, amount paid each during the reporting period, and cumulative total paid all persons to date to gather signatures.

CODE
DEFINITIONS
ON NEXT PAGE

C - Contributions (monetary, in-kind & transfers)
I - Independent Expenditures
L - Literature, Brochures, Printing
B - Broadcast Advertising (Radio, TV)
N - Newspaper and Periodical Advertising
O - Other Advertising (yard signs, buttons, etc.)
V - Voter Signature Gathering

P - Postage, Mailing Permits
S - Surveys and Polls
F - Fundraising Event Expenses
T - Travel, Accommodations, Meals
M - Management/Consulting Services
W - Wages, Salaries, Benefits
G - General Operation and Overhead

3. EXPENDITURES

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures and show the total in the amount column on the first line below..
- b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount.
- c) For each payment to a candidate, campaign worker, PR firm, advertising agency or credit card company, attach a list of detailed expenses or copies of receipts/invoices supporting the payment.

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
N/A	Expenses of \$50 or less	N/A	N/A	\$242.16
02/05/21	SOUND PUBLISHING 1800 41st St Everett, WA 98203		6x20 Ad, Everett Herald 2/7	\$1,795.00
02/05/21	CAPITOL CITY PRESS 2975 37th Ave SW Tumwater, WA 98512		Recall Mailer #2 (20,000)	\$1,728.74
02/06/21	SNOHOMISH COUNTY TRIBUNE 127 Ave C Snohomish, WA 98290		Snohomish Tribune Ad + Digital Space (2 weeks)	\$708.00
02/10/21	POLITICS REWIRED LLC PO Box 110971 Brooklyn, NY 11221		Peer to Peer Texting (30,743 outbound, 4,091 inbound)	\$348.50
02/11/21	GOOGLE 1600 Amphitheatre Parkway Mountain View, CA 94043		Google Ads (Various places online, incl Banner ads, etc.)	\$500.00
02/13/21	BEACON PUBLISHING 806 5th St Mukilteo, WA 98275		Mukilteo Beacon Ad 2/13	\$2,000.00

Total from attached pages \$ \$234.55

4. TOTAL CASH EXPENDITURES

Enter also on line 11 of C4 \$ \$7,556.95

EXPENDITURES CONTINUATION SHEET (Attachment to Schedule A)

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

02/01/21

02/28/21

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Amount
02/16/21	NATIONBUILDER PO Box 811428 Los Angeles, CA 90081		Credit Card Fees	\$51.83
02/22/21	NATIONBUILDER PO Box 811428 Los Angeles, CA 90081		Credit Card Fees	\$182.72

**Attachment to Schedule A
Additional Deposits**

for the period: 02/01/21 02/28/21

4

Name

Date of Deposit	Amount	Date of Deposit	Amount	Date of Deposit	Amount
02/12/21	\$125.00				
02/16/21	\$75.00				
02/17/21	\$150.00				
02/18/21	\$1,486.00				
02/19/21	\$215.00				
02/22/21	\$620.00				
02/23/21	\$735.00				
02/24/21	\$5,375.66				
02/25/21	\$125.00				
02/26/21	\$125.00				
02/28/21	\$0.11				

IN KIND CONTRIBUTIONS, PLEDGES, ORDERS, DEBTS, OBLIGATIONS

SCHEDULE
TO C4

B

(11/93)

5

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

02/01/21

02/28/21

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution	Fair Market Value	Aggregate Total	P R I	G E N	If total over \$100, Employer Name, City, State & Occup
02/09/21	JACK STEPHENS 7107 156th St SW Edmonds, WA 98026	12 Yard Signs (FastSigns of Lynnwood)	\$270.82	\$270.82			RETIRED
02/10/21	CAROL MCMAHON 7105 190th St SW Lynnwood, WA 98036	191 Stamps for mailing flyers	\$105.55	\$165.55			RETIRED
02/13/21	RHONDA BROWN 23009 Lakeview Dr Mounlake Terrace, WA 98043	143 Stamps for mailing flyers	\$78.65	\$153.65			RETIRED
02/18/21	MELISSA TAYLOR 1028 NE 92nd St Seattle, WA 98115	Zoom (Virtual Meeting Space)	\$44.04	\$1,044.04			Health Rosetta Seattle WA OPERATIONS
02/20/21	JOAN YIM 20415 Bothell Everett Hwy Bothell, WA 98012	179 stamps for mailing flyers	\$98.45	\$173.45			RETIRED
02/28/21	CLELAND MARKETING 5540 29th Ave NE Seattle, WA 98105	Marketing services, incl social media management	\$2,543.85	\$4,823.85			
TOTAL THIS PAGE				\$3,141.36			

LOANS

**SCHEDULE
TO C4**

L

(12/99)

6

Candidate or Committee Name

Report Date

02/01/21

02/28/21

4. LOANS STILL OWED. List each loan that has previously been reported and still has a balance due.

Date	Lender's Name and Address	Original Amount	Principal Repaid or Forgiven	Amount Owed
01/12/21	ROBIN MCGEE 2505 Meadow Dr Lake Stevens, WA 98258	\$11,000.00	\$0.00	\$11,000.00
			Subtotal This Page	\$11,000.00

Signatures needed to recall SnoCo Sheriff Adam Fortney

Sign by March 10 for a chance to
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If it qualifies, the ballot initiative will ask voters to end Fortney's term early for endangering the community by intentionally failing to enforce state laws and abusing his power as sheriff.

"Adam Fortney has shown through his actions that he is unfit to safely and responsibly perform the duties of his office," said attorney Colin McMahon, the public defender who heads the Committee to Recall Snohomish County Sheriff Adam Fortney. "He is corrupt and needs to be removed."

Specifically, the recall petition charges that Fortney violated his oath of office by endangering Snohomish County's peace and safety and intentionally flouted his duties when he:

- unreasonably used his discretion to rehire three deputies who had been thoroughly investigated and fired by the previous sheriff — two for illegal search and seizure and one for excessive force. In the latter case, the deputy shot and killed a man after a pursuit;
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- encouraged the public to violate "Stay at Home - Stay Healthy" orders.

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He added that signers seem most disturbed by Fortney's apparent corruption. As one of his first acts after taking office in January 2020, the new sheriff reinstated three previously fired deputies, two of whom had been vocal supporters of Fortney's election campaign. All of them previously worked under Fortney's supervision.

One deputy, Arthur Wallin, killed a man after a 2018 car chase that Fortney was supervising. After an extensive investigation into the incident, the former sheriff concluded that the deputy violated department policies about improper use of deadly force and negligence. The county paid \$1 million to settle a civil suit with the victim's family. By rehiring deputy Wallin, Fortney endangered the residents he is charged with protecting and opened the county to costly litigation.

The other two deputies Fortney reinstated had illegally searched and seized items from a car trunk and later lied about it — serious violations of law enforcement procedure. In rehiring them, Fortney showed blatant disregard for individual civil liberties and weakened the county's ability to effectively prosecute crimes.

In addition to improperly exercising his discretion as sheriff to benefit his friends, Fortney jeopardizes residents' safety by encouraging businesses and individuals to defy precautions against spreading COVID-19. The month after Everett saw the county's first known death to a global pandemic, Fortney declared in a rambling Facebook post riddled with falsehoods:

"Snohomish County Sheriff's Office will not be enforcing an order preventing religious freedoms or constitutional rights. I strongly encourage each of you to ... and we allow businesses to begin reopening and allow our residents, all of them, to return to work if they choose to do so."

Religious practice always was allowed using alternative methods, such as livestream video, and curbside business transactions were allowed throughout the emergency orders. The state's phased reopening through summer substantially expanded other opportunities to conduct business, recreate and assemble when people followed safety precautions. No court has ruled that the emergency public health orders are unconstitutional.

Yet, Fortney has repeatedly doubled down on his defiance in social media posts, speeches and interviews and encouraged others to follow his lead. Snohomish barber Bob Martin is one business owner who has cited Fortney as inspiration for keeping his shop open in defiance of the state. Martin has welcomed crowds of mostly unmasked customers.

Snohomish County's Lead Prosecuting Attorney Adam Cornell referenced Martin as an example when he declined to use taxpayer money to defend Fortney against recall. Cornell wrote that Fortney's Facebook post could be read as a call to defy public health officials and as permission for citizens to disregard the law.

"The constitution and laws of the state of Washington are crystal clear," Cornell wrote. "In times of emergency the Governor is vested with the responsibility, duty and authority to protect the health, safety, and welfare of the citizens of our state. Any attempt to undermine that authority is both irresponsible and unhelpful in these difficult times, and contrary to the rule of law."

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Beacon photo by Brian Soergel

Niles Peacock's two-ton oven can bake 12 pies at the same time.

► from RESTAURATEUR page 1

town with its baked pies crafted from a wood-fired oven.

Berisha, while keeping Evviva in Edmonds, in 2017 opened a second location, in Queen Anne. That restaurant remains in a note to patrons when he closed, Berisha said he hoped to one day return to Edmonds.

Stone-fired pizza, cocktails

Peacock is installing a 2-ton, Marsal stone-fired oven with two stacked baking chambers. He said he'll be able to bake six large pies in each at the same time.

"Evviva was my favorite pizza in Edmonds, hands down," he said. "So I feel like I have some living up to do for the reputation of that space for pizza. There's a flavor you get from wood, but there's also an unmistakable flavor from seasoned stones."

Peacock said his pizza will be a cross between Neopolitan (which Evviva offered) and New York-style. If you sampled the pies at the Wallingford location, you know what they taste like.

"I have a menu that I've already created in Seattle, and I'm going to expand on that. So we'll do crab dip with housemade crackers and pimento cheese dip, for example. The dough is all made in-house, and I have a bigger oven. I'm gonna really expand my capabilities."

"People just love our dough and crust; there's almost a slight pastry-like element to it. Just in its texture and flavor, but not on the savory side. And not on the sweet side. We do not use sugar in our dough, and I do not put sugar in my sauce. That's common, and I say that everybody should do pizza the way that they want. I just don't care for that flavor. I like to put sweet stuff in sweet things."

The drinks? Wine and beer, yes. But diners can expect specially crafted cocktails from Peacock, who in December 2017 was named best bartender by KING 5's Best of Western Washington.

A varied background

Niles Peacock, 50, is the son of the late Gary Peacock, a world-renowned jazz bassist who played and recorded with such luminaries as Keith Jarrett, Bill Evans, and Miles Davis. As his father traveled all over the world, Peacock was born on a tobacco farm in Japan.

Although growing up in Wallingford, Peacock was himself a wanderer, studying Spanish in Mexico and marine biology in the Florida Keys, while playing basketball and lacrosse in Massachusetts and joining a waterski team in Orlando.

While his father lived in Westchester County east of New York City, Peacock took an apartment in the Upper East Side in Manhattan with a roommate and pounded the streets looking for his first job while studying fashion design at the famed Parsons School of Design.

He found a gig as a busboy near the south end of Manhattan Lane, during his first night as a bartender, he said gunfire broke

out. Nevertheless, he loved the gig and had found his chosen career, moving on to more upscale bartending gigs in New York, Miami Beach, West Palm Beach, and Aspen.

"It turned out I absolutely loved the food and beverage industry. The servant's heart is a thing for me. This is my industry."

Finally, Peacock was recruited by Charlie Trotter, a 10-time James Beard winner who owned a restaurant in Las Vegas, to develop and run the bar program in that city. (Trotter died in 2013). It was there that Peacock attended the Academy of Spirits and Fine Service. He's also received certificates from the International Sommelier Guild.

The Niles Peacock brand

No, "Niles Peacock" is not a made-up name. We've already mentioned his musician father and the jazz greats he performed with, including Miles Davis.

About that first name? "My dad said all of his friends were naming their sons Miles, and he didn't want me to have the same name," Peacock said. "So to be different, he named me 'Niles.'"

When it came to naming his restaurant in Wallingford, Peacock admits that he was partly trading on his well-known name, thanks to the KING 5 award, as well as his gigs in Edmonds and elsewhere.

When it came to naming his new place in Edmonds, Peacock said he considered several options. "It's not about me," he told his staff. But they asked him to consider keeping Niles Peacock Kitchen & Bar. Their rationale: Why come up with a name no one's ever heard of? You could use your own name, which a lot of people already are familiar with.

"They also told me," Peacock said, "Niles, no one thinks that's a real name anyway."

A rising tide

Those tuned into the Edmonds restaurant business know there's a camaraderie among many of the owners.

"Yeah, a rising tide lifts all boats," Peacock said, citing a common aphorism coined by President John F. Kennedy. "It's a real thing. We're all making food, man. It's not like this is a possessive thing. I don't have any claim to defend over making pizzas."

"The truth is, all of our foods are going to be different. I can tell you three different pizza places that I love, and none of their pies are the same, right? I'll get a cheese pizza from one place, and there's one pizza I love from PCC."

"So, yes, a big happy family. And craft cocktails and stone-fired pizza are going to be the focus for what I'm doing."

Like other local restaurateurs, Peacock volunteers in Edmonds.

"I'm in my fourth year right now at the Edmonds Food Bank, and those are my people. When we have our grand opening, we're going to do a fundraising for the bank."

He's also an Edmonds Center for the Arts board member.

"Community service," he said, "is really important to me."

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► from CITYWIDE COOPERATION page 13

dining. We saw some of our largest revenues during this time.

Given that success, the Development Services Department and the mayor's office saw the need to draft an outside dining code in order to safely implement ideas like treateries. It took the speed and diligence of the building, engineering, permitting, and fire departments to draft this final code for review by the City Council.

Council then heard from their citizens of the need for this kind of program, and passed the ordinance. It was the efforts of the entire city that made this happen. We then proceeded to pass on our approved design as a template for other restaurant operators, not only to save them time and money, but to also save on resources at Development Services.

Plan reviews take an enormous amount of time when having to consider design safety and the fact that the construction industry is still booming at this time. This allowed the building department to review one singular design instead of 12 separate ones.

The Beacon: Which restaurants have participated?

Shubert Ho: Off the top of my head, I can see the following: The Loft, Leftcraft, Taki Taki, Sante Fe, Las Brisas, The Rusty Pelican, Claire's Pantry, Engels Pub, Daphnes, The Mark-ke, Fire & The Feast, and Salt & Iron.

Many of these restaurants advocated for this program to the City Council during the process and came together to voice their support and experiences during the pandemic. Owners Brian and Louise Taylor of Daphnes already had success with their other units in Bellingham and New York City with outside dining, and contributed to an experience of what could easily be possible in Edmonds.

I think one of the greatest things that have happened during this time is that restaurants (many not on this list) have come together to create a consistent dialogue that really preserves the community spirit of Edmonds. This kind of dialogue didn't really exist before.

The Beacon: Have treateries helped your businesses?

Shubert Ho: They have 100 percent helped our business. Prior to erecting these structures, we had limited outside dining



Photos courtesy of Shubert Ho

Top: The treateries held up during the weekend's snow. The inside of the treateries have a uniform design.

due to the constraints of heat and covered structures. Each 8-by-16 veranda has added a total of two six-seat tables. We have a total of nine sections across our companies, which equates to 18 tables, or about 56 seats.

That goes a long way when you can only seat at a minimal capacity inside. Our revenues have stabilized for now, and are waiting for the warmer months to really recover financially through the means of outside dining.

► from FREED EAGLE page 14

"That bird flew real well, straight out; there with no wind to help him," Brown said. "He's looking good. Big, Strong."

Rescuing injured wildlife is a major part of PAWS' mission, according to CEO Heidi Wills, who attended the release. She noted



Beacon photo by David Pan

After a quick release, the eagle takes flight.

that not long after PAWS opened its doors in 1967 people started bringing injured and orphaned wildlife. A center dedicated to wildlife rehabilitation opened in 1989.

"We have been rehabilitating wild animals to about the tune of 5,000 per year," Wills said.

That number actually is 1,000 more than the companion animal shelter, which cares for about 4,000 cats and dogs a year. The Wildlife Center serves more than 270 species of wildlife each year. Animals can be as small as squirrels or as large as bears.

PAWS cared for 28 eagles last year, the largest number in many years. It's unclear why the number of injured eagles is increasing.

"The average stay for an eagle at PAWS was about 30 to 45 days from intake until it's rehabilitated and released," Wills said. "We usually see eagles because they've been orphaned or they've been struck by traffic. Sometimes they get caught in power lines, and sometimes there are fights over territory that eagles have."

A day earlier, PAWS released an eagle that had been under its care for almost six months after being shot.

It is against federal law to shoot and kill eagles under the Bald and Golden Eagle Protection Act.

PAWS also works with younger and baby birds, some of which fall out of nests.

"We reunite those with their families," Brown said. "It's about waiting for the right moment to get that animal back into the care of its parents. Essentially, it's a combination of when the bird can fly, and it's trying to fly, but not waiting too long that the parents are leaving."

If you come across injured wildlife, you can contact PAWS (www.paws.org), 425-412-4040. The Washington State Department of Fish and Wildlife (bit.ly/36eY2kK), 425-775-1311 also can provide referrals to licensed wildlife rehabilitators.

"We always recommend going to the closest caregiver," Brown said. "It's better for the animals, shorter transport time."