

CITY OF PORTLAND

In the Matter of: Violations of Campaign Contribution Limits of Portland Charter Chapter 3, Article 3, and Portland City Code Chapter 2.10

No. _____

COMPLAINT

Violations of Portland Campaign Disclaimer Requirements by Campaign of Ted Wheeler

1. Ron Buel, a resident of Portland, hereby files this Complaint alleging violations of the disclaimer requirements of Portland Charter Chapter 3, Article 3, and Portland City Code Chapter 2.10 ("Portland Campaign Disclaimer Requirements") by Friends of Ted Wheeler, the principal campaign committee of his campaign for Mayor of Portland.
2. This Complaint is pursuant to Portland Charter § 3-305 and Portland City Code 2.10.050.
3. Portland Charter § 3-303 provides these Portland Campaign Disclaimer Requirements:

Timely Disclosure of Large Contributions and Expenditures.

- (a) Each Communication to voters related to a City of Portland Candidate Election shall Prominently Disclose the true original sources of the Contributions and/or Independent Expenditures used to fund the Communication, including:
 - (1) The names of any Political Committees and other Entities that have paid to provide or present it; and
 - (2) For each of the five Dominant Contributors providing the largest amounts of funding to each such Political Committee or Entity in the current Election Cycle:

- a) The name of the Individual or Entity providing the Contribution.
- b) The types of businesses from which the maker of the Contribution has obtained a majority of income over the previous 5 years, with each business identified by the name associated with its 6-digit code of the North American Industry Classification System (NAICS).

* * *

- (b) If any of the five largest Dominant Contributors or Dominant Independent Spenders is a Political Committee (other than a Small Donor Committee) or nonprofit organization, the prominent disclosure shall include its top three funders during the current Election Cycle.
- (c) The disclosure shall be current to within ten (10) days of the printing of printed material or within five (5) days of the transmitting of a video or audio communication.

4. Portland Charter § 3-308 provides these definitions:

Definitions.

- (d) "Communication" means any written, printed, digital, electronic or broadcast communications but does not include communication by means of small items worn or carried by Individuals, bumper stickers, Small Signs, or a distribution of five hundred (500) or fewer substantially similar pieces of literature within any 10-day period.
- (f) "Dominant Contributor" means any Individual or Entity which contributes more than one thousand dollars (\$1,000) during an Election Cycle to a Candidate Committee or Political Committee.

5. These Portland Campaign Disclaimer Requirements went into effect on September 1, 2019, pursuant to Portland Charter § 3-305(a).

6. Friends of Ted Wheeler has made communications to voters in violation of the Portland Campaign Disclaimer Requirements. Its website appears to consist of 5 pages. None of those pages discloses "the five Dominant Contributors providing the largest amounts of funding to each such Political Committee or Entity in the current Election Cycle," as required by Portland Charter § 3-303. None of the pages names any such individual or entity nor discloses their primary businesses, as also required.
7. Nor does the Facebook page of the Wheeler campaign (www.facebook.com/teamted2020) disclose any of the contributors to the campaign.
8. Nor does the Twitter page of the Wheeler campaign (twitter.com/ted_mayor) disclose any of the contributors to the campaign.
9. Friends of Ted Wheeler has received at least 35 contributions from Dominant Contributors, as defined by Portland Charter § 3-308, including those set forth in the attached table.
10. At present, it appears that the top 2 dominant contributors to the Wheeler campaign are: Local 48 Electricians PAC and Melvin Mark Brokerage Co. There is a 8-way tie for 3rd, 4th and 5th place (each \$5,000) among Charles Swindells, Kroger Corporation, Robert Warren, Noydena Brix, and Peter Brix, American Beverage Association, and Portland Metro Fire Fighters PAC.
11. Ronald Buel requests that the City Auditor:
 - (a) Find that Friends of Ted Wheeler is in violation of the Portland Campaign Disclaimer Requirements due to its failure to prominently disclose its top 5 dominant contributions on each page of its website;
 - (b) Pursuant to Portland Charter § 3-305(h), "determine the true original sources of the Contributions and/or Independent Expenditures used to fund the Communication at issue" and "immediately issue a statement to all interested parties and

news organizations containing all of the information about the involved donor(s) required by Section 3-303 above."

12. Ronald Buel requests that the City Auditor apply the fines required by Portland Charter § 3-305(b): "a civil fine which is not less than two nor more than twenty times the amount of the unlawful Contribution or Expenditure or Independent Expenditure at issue." The amount of the unlawful expenditure is the amount spent by Friends of Ted Wheeler to create and maintain the website.
13. Ronald Buel requests that all correspondence to him in this matter be addressed to buel@honest-elections.com.

Dated: March 20, 2020

/s/ Ronald Buel

Ronald Buel

Contributions Received by Friends of Ted Wheeler (up to March 3, 2020)

Tran Id	Date	Contributor/Payee	SubType	Amount	Aggregate	Rank
3396796	3/3/2020	Local 48 Electricians PAC (4572)	Cash	\$10,000		1
3379370	2/5/2020	Bart Eberwein	Cash	\$1,000		
3379371	2/1/2020	Melvin Mark Brokerage Co.	In-Kind	\$1,278	\$8,600.94	2
3379381	1/27/2020	Elisabeth Lyon	Cash	\$1,000		
3379332	1/22/2020	Ivan Gold	Cash	\$1,000		
3379328	1/17/2020	Portland Metro Fire Fighters PAC (223)	Cash	\$5,000	tied	3
3379329	1/17/2020	Coca-Cola North America	Cash	\$1,000		
3379366	1/17/2020	Matthew Chapman	Cash	\$2,500		
3348955	1/14/2020	John Blackwell	Cash	\$1,000		
3348942	1/7/2020	Charles Swindells	Cash	\$5,000	tied	3
3348956	1/7/2020	Frank Foti	Cash	\$2,500		
3348948	1/2/2020	William Dickey	Cash	\$1,000		
3334016	1/1/2020	Melvin Mark Brokerage Co.	In-Kind	\$1,278	repeat	
3334005	12/27/2019	American Beverage Association	Cash	\$5,000		3
3334010	12/27/2019	Kroger	Cash	\$5,000	tied	3
3334015	12/27/2019	Kenneth Thrasher	Cash	\$1,000		
3334020	12/12/2019	Capstone Partners LLC	Cash	\$2,500		
3311219	12/11/2019	The Standard	Cash	\$2,500		
3311218	12/10/2019	Vanessa Sturgeon	Cash	\$2,500		
3311220	12/10/2019	Robert Briscoe	Cash	\$1,000		
3305873	12/9/2019	Robert Walsh	Cash	\$2,500		
3305831	12/8/2019	Philip Kalberer	Cash	\$1,000		
3305832	12/8/2019	Robert Warren	Cash	\$5,000	tied	3
3305825	12/6/2019	Mike Golub	Cash	\$2,000		
3305830	12/6/2019	Noydena Brix	Cash	\$5,000	tied	3

3305824	12/5/2019	Mark C. Edlen	Cash	\$2,500		
3305835	12/3/2019	Thomas Cody	Cash	\$1,000		
3303569	12/1/2019	Melvin Mark Brokerage Co.	In-Kind	\$1,278	repeat	
3305833	11/26/2019	John Andrews	Cash	\$2,500		
3294168	11/22/2019	Peter Brix	Cash	\$5,000	tied	3
3294165	11/21/2019	William R Swindells	Cash	\$2,500		
3289621	11/14/2019	Mark Madden	Cash	\$5,000	tied	3
3282206	11/1/2019	Melvin Mark Brokerage Co.	In-Kind	\$1,278	repeat	
3261443	10/1/2019	Melvin Mark Brokerage Co.	In-Kind	\$1,278	repeat	
3248929	9/13/2019	Melvin Mark Brokerage Co.	In-Kind	\$2,210.94	repeat	