

Re: Notice of Campaign Contribution Complaint: 2020-28-UFCW

Thomas Mosher <tmosher@ufcw555.org>

Wed 8/12/2020 12:56 PM

To: Hansen, Louise <Louise.Hansen@portlandoregon.gov>

Cc: City Elections <elections@portlandoregon.gov>; Scroggin, Deborah <Deborah.Scroggin@portlandoregon.gov>; Sibley, Cody <Cody.Sibley@portlandoregon.gov>; Mottet, Susan <Susan.Mottet@portlandoregon.gov>

Ms. Hansen,

Thank you for forwarding the complaint dated July 27, 2020. Our initial question is why we are being brought this complaint and a request to respond when we are not the object of the complaint, but rather, "The Committee to Elect Loretta Smith" is the object of the complaint. In any event, we will still address the complaint in whatever way it seems to relate to us and our organization.

As this complaint itself clearly states referencing Portland City Charter Section 3-304: "A candidate participating in a government system of public funding of campaigns (including the Public Election Fund established under Portland City Code Chapter 2.16) may receive any amount that such system allows a participating candidate to receive." ; And as your office has also previously held in their decisions on July 9th (See, City Candidate: Mingus Mapps, 2020-17-MM, determination <https://www.portlandoregon.gov/auditor/article/763682>); "Candidates may also voluntarily participate in public campaign funding through the OAE Program and participating candidates 'may receive any amount that such system allows a participating candidate to receive.' PCC 2.10.040.", we do not understand what about our June 25th in-kind contribution was in violation of any section of the Portland Charter, or any relevant campaign finance laws, as it was an allowed contribution under Open and Accountable elections and Portland Charter Section 3-304.

As was the findings of the Open and Accountable elections department, the in-kind contribution from "Local 48 Electricians PAC" in the amount of \$9,111.95 was erroneously entered by the treasurer of the Committee to Elect Loretta Smith as having come in at June 10th, and was properly corrected within the OAE cure period to reflect that the in-kind contribution was in fact received on May, 07, 2020. (See SOS reporting information https://secure.sos.state.or.us/orestar/gotoPublicTransactionDetail.do?tranRsn=3519171&OWASP_CSRFTOKEN=WI4F-38.JA-DL85-GSPO-JY2S-AFG0-BFLA-6XRH)

As such, and as determined by the Open and Accountable Elections division, there was no violation of their program, and as our June 25th In-kind contribution is clearly in an "amount that such system allows a participating candidate to receive", it does not come under the scrutiny of any other campaign finance limitations.

As your office has previously determined in the Mingus decision, since these amounts do not violate the OAE guidelines, and the candidate retains their status of a participating candidate in the OAE program, no violation of City Campaign Finance Regulations can be found, when "the candidate has only received contribution amounts permitted by the OAE Program." (See, City Candidate: Mingus Mapps, 2020-17-MM, determination <https://www.portlandoregon.gov/auditor/article/763682>)

For the above reasons it is our position that as our June 25th in-kind contribution has been determined to be "an amount permitted by the OAE Program", it is thus not a violation.

Thank you,

Thomas A. Mosher, Esq
Legislative and Community Affairs Representative, UFCW Local 555

On Tue, Aug 11, 2020 at 8:02 PM Thomas Mosher <tmosher@ufcw555.org> wrote:

Ms. Hansen,

Thank you for your response, it still does not answer my question as to what the specific violation is that is outside of the OAE carve out within Portland Charter Section 3-304. Nor does it answer why we are being called to respond to this complaint as this complaint was filed against The Committee to Elect Loretta Smith, and no complaint was filed against UFCW Local 555, thus we are not the object of the complaint? I will submit a more formal response and get it to you before the deadline in order to preserve all arguments for litigation.

However, any clarity you could provide as to why we are even being called to do so would help us understand what we need to do vis-a-vi our appellate rights, or whatever injunctive relief we may need to call upon from the courts as this moves forward.

Thomas Mosher, Esq. (He/They)
Legislative and Community Affairs Representative
UFCW Local 555
267-241-8397

On Aug 11, 2020, at 9:52 AM, Hansen, Louise <Louise.Hansen@portlandoregon.gov> wrote:

Dear Mr. Mosher:

Respectfully, while OAE may speculate, it does not have the authority to make a determination on whether there has been a violation under the campaign finance regulations falling within the purview of Elections Office enforcement. If you would like for the Elections Office to consider the argument put forth in your earlier email as your response to the allegations and argument as to why there is not a violation under the campaign finance regulations, the Elections Office will accept your email as your response. Or you may provide a more formal response, if desired.

Regards,

Louise Hansen

Louise Hansen (She/Her/Hers)
Office of the City Auditor | City of Portland
Elections Officer

Working Remotely
C: 503-865-6503
E: Louise.Hansen@portlandoregon.gov
W: www.portlandoregon.gov/auditor

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From: Thomas Mosher <tmosher@ufcw555.org>
Sent: Tuesday, August 11, 2020 9:46 AM
To: City Elections <elections@portlandoregon.gov>
Cc: Scroggin, Deborah <Deborah.Scroggin@portlandoregon.gov>; Hansen, Louise <Louise.Hansen@portlandoregon.gov>; Mottet, Susan <Susan.Mottet@portlandoregon.gov>
Subject: Re: Notice of Campaign Contribution Complaint: 2020-28-UFCW

Cody,

I'd appreciate a response so I can know how we need to proceed and if I need to write and file an official response. Thank you,

Thomas

Sent from my iPhone

> On Aug 7, 2020, at 3:23 PM, Thomas Mosher <tmosher@ufcw555.org> wrote:

>

> Cody,

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> Yes I understand, however I am also under the impression and had
> received the advice from OAE, as had multiple campaigns that as
> Portland Charter § 3-304 provides:
> "3-304. Coordination with Public Funding of Campaigns.
> A candidate participating in a government system of public funding of
> campaigns (including the Public Election Fund es- tablished under
> Portland City Code Chapter 2.16) may receive any amount that such
> system allows a participating candidate to receive."

>

> Which would address Mr. Woolley's complaint as it would set the
> contribution limits under OAE, and not Honest elections, thereby upon
> OAE's determination that there was no violation, there would be no
> violation of Honest Elections as well. I have a copy of Mr. Wolley's
> complaint and would request that you let us know which part of his
> complaints goes outside of 3-304 and into Honest Elections?

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> As his complaint from what I can tell does not address anything
> outside of the limits, I do not understand what we are being called to
> comment on?

>

> Thank you,

>

> Thomas Mosher, Esq.
> Legislative and Community Affairs Representative,
> UFCW Local 555

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>> On Aug 7, 2020, at 2:47 PM, City Elections <elections@portlandoregon.gov> wrote:

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>> Hello Thomas Mosher,

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>> Thank you for contacting the City Elections Office with your inquiry. In short, Open and Accountable Elections (OAE) and Honest Elections are related, albeit separate, programs governed by separate provisions of City charter and code. In this particular case, a complaint that was received raised questions under both programs. Therefore, OAE made a determination with regards to whether there was a violation under its program, and the City Elections Office is now in the process of investigating and making a determination as to whether there are any violations under the provisions governed by the City Elections Office. In short, the response requested pertains specifically to the allegations as they relate to overall City Campaign finance regulations, regardless of whether a candidate has participated in the separate Open and Accountable Elections program. I hope that this answers your question.

>>

>> For your convenience, here is a link to the City's campaign finance regulations: <https://www.portlandoregon.gov/citycode/38523>

>>

>> Sincerely,

>> Cody Sibley

>> He/Him/His

>> Elections Coordinator

>> Office of the City Auditor | City of Portland

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>> -----Original Message-----

>> From: Thomas Mosher <tmosher@ufcw555.org>

>> Sent: Thursday, August 6, 2020 5:48 PM

>> To: City Elections <elections@portlandoregon.gov>

>> Subject: Re: Notice of Campaign Contribution Complaint: 2020-28-UFCW

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>> I'm emailing to follow up on this notice we have just received. From my understanding open and accountable determined there was no violation as this was due to a misreported date on the part of Ms. Smith's treasurer and that his complaint was thereby dismissed.

>>

>> I'm trying to get clarity as to what we are responding to given that?

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>> Thank you,

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>> Thomas Mosher, esq

>> Legislative and community affairs representative, UFCW Local 555

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>> Sent from my iPhone