



P O R T L A N D
CITY AUDITOR
Elections

January 29, 2021

Ted Wheeler
PO Box 42307
Portland, OR 97242

Friends of Ted Wheeler
3321 SE 20th Avenue
Portland, OR 97202

DELIVERED ELECTRONICALLY

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**NOTICE OF WITHDRAWAL OF DETERMINATION
AND ISSUANCE OF AMENDED DETERMINATION**

Campaign Regulation Complaint No.: 2020-29-TW

- ***On Reconsideration: Violation and Civil Penalty*** -

Dear Ted Wheeler and Friends of Ted Wheeler,

On July 29, 2020, the City of Portland Auditor's Office received the complaint named above, alleging campaign contribution violations under [Portland City Charter Section 3-301](#) and corresponding [Portland City Code \(PCC\) Section 2.10.010](#). Specifically, the complaint alleged that Friends of Ted Wheeler violated City campaign finance regulations by receiving individual contributions in excess of City campaign contribution limits.

On August 27, 2020, the Auditor's Office issued a determination finding five violations of City campaign regulations and issued a mandatory civil penalty. By this letter, the Auditor withdraws that determination. **On reconsideration, the Auditor's office finds four violations and issues a mandatory civil penalty of \$3,200.**

Violation of City Campaign Finance Regulations

Aggregate individual contributions exceeded contribution limits

Complaint No. 2020-29-TW alleged multiple instances in which Friends of Ted Wheeler received contributions from an individual in the same election cycle where the contribution total exceeded campaign contribution limits. The individuals alleged to have contributed in excess of the limits were Charles Swindells, Tom Drewes, Paul Pedreira, and Warren Rosenfeld.

City of Portland
1221 SW 4th Avenue, Room 130, Portland, OR 97204
(503) 823-3546
www.portlandoregon.gov/auditor/elections



City campaign finance regulations limit contributions to a candidate from an individual to \$500 during the applicable election cycle. See [City Charter Section 3-301\(a\)-\(b\)\(1\)](#) and [PCC Section 2.10.010 A.- B. 1](#). On May 4, 2020, the City Auditor’s Office began enforcing these provisions,¹ finding violations for aggregate individual contributions exceeding \$500. Candidates qualified to appear on the ballot for the May 19, 2020 Primary Election were given notice on April 29, 2020 of the change in law and the new enforcement date.²

For candidate Ted Wheeler, the election cycle relevant to this complaint ran from July 6, 2016³ until July 29, 2020. The Auditor’s Office conducted investigations into the contributions made to Friends of Ted Wheeler during this timeframe by the individual contributors named in Complaint No. 2020-29-TW: Charles Swindells, Tom Drewes, Paul Pedreira, and Warren Rosenfeld.

The results of the investigation into contributions from these individual contributors are summarized as follows:

Individual Contributor: Charles Swindells

Date	ORESTAR Transaction ID	Amount	Total Contribution Overage	Details
1/7/2020	3348942	\$5,000	\$4,500	Violation Exempt: Received prior to 5/4/2020 enforcement date.
6/28/2020	3502971	\$500	\$5,000	VIOLATION

Individual Contributor: Tom Drewes

Date	ORESTAR Transaction ID	Amount	Total Contribution Overage	Details
3/25/2020	3415234	\$1,000	\$500	Violation Exempt: Received prior to 5/4/2020 enforcement date.
6/22/2020	3497971	\$100	\$600	VIOLATION
8/6/2020	3530470	- \$100 (refund)	\$600	Invalid Refund: Contribution occurred more than 42 days in advance of the general election, and refund was not issued within 30 days.

¹Although passed by voters in 2018, regulations regarding campaign contribution limits were enforced beginning May 4, 2020, following the decision in *Multnomah County v. Mehrwein*, 366 Or. 295 (2020) .

² See the December 29, 2020 email notification sent from the City Elections Office to candidate Ted Wheeler with email subject line, “City of Portland campaign contributions to be enforced May 4, 2020.”

³ July 6, 2016 is the date the last mayoral election results were certified.

Individual Contributor: Paul Pedreira

Date	ORESTAR Transaction ID	Amount	Total Contribution Overage	Details
9/22/2016	2361851	\$500	\$0	No Violation: Received prior to 5/4/2020 enforcement date and within \$500 contribution limit.
5/8/2020	3462411	\$500	\$500	VIOLATION
6/22/2020	3497993	\$500	\$1,000	VIOLATION
7/22/2020	3519772	\$500	\$1,500	Potential Violation: Contribution was made after the 5/4/2020 enforcement date and was in excess of the aggregate \$500 limit.
7/23/2020	3519915	-\$500 (refund)	\$1,000	Violation Cured: Contribution occurred more than 42 days in advance of the general election, and the refund was issued within 30 days.
8/6/2020	3530507	-\$500 (refund)	\$1,000	Invalid Refund: Contribution occurred more than 42 days in advance of the general election, and refund was not issued within 30 days.

Individual Contributor: Warren Rosenfeld

Date	ORESTAR Transaction ID	Amount	Total Contribution Overage	Details
3/11/2020	3415231	\$5,000	\$4,500	Violation Exempt: Received prior to 5/4/2020 enforcement date.
3/19/2020	3415232	\$5,000	\$9,500	Violation Exempt: Received prior to 5/4/2020 enforcement date.
4/14/2020	3440738	-\$500 (refund)	\$9,000	Refund: Occurred prior to 5/4/2020 enforcement date.
6/17/2020	3497969	\$500	\$9,500	Potential Violation: Contribution was made after the 5/4/2020 enforcement date and was in excess of the aggregate \$500 limit.
7/1/2020	3502973	-\$500 (refund)	\$9,000	Violation Cured: Contribution occurred more than 42 days in advance of the general election, and the refund was issued within 30 days.

The following table summarizes the number of violations and corresponding fines from the findings above:

Individual Contributor's Name	Finding	Amount of Excess Contribution	Corresponding Mandatory Fine Amount
Charles Swindells	1 Violation	\$500	\$1,000
Tom Drewes	1 Violation	\$100	\$200
Paul Pedreira	2 Violations	\$1,000	\$2,000
Warren Rosenfeld	No Violation	\$0	\$0
		\$1,600	\$3,200

As identified in the tables above, there were six instances in which individuals made contributions to Friends of Ted Wheeler during the same election cycle in excess of the \$500 contribution limit. In two of those instances, the campaign refunded the excess of those contribution amounts within the 30-day window in which the state requires the campaign to report its contributions in ORESTAR, including refunded contributions. ORS 260.057(2). Because the campaign refunded two of the six contributions within the applicable reporting timeframe, on reconsideration I find four unlawful contributions received by the campaign for purposes of City Code Section 2.10.010 A:

- \$500 contribution from Charles Swindells on June 28, 2020;
- \$100 contribution from Tom Drewes on June 22, 2020;
- \$500 contribution from Paul Pedreira on May 8, 2020; and
- \$500 contribution from Paul Pedreira on June 22, 2020.

Therefore, I find four violations of the City's campaign finance regulations.

Penalties

The City campaign finance regulations require financial penalties following violations of campaign contribution limits. In particular, each violation of City Charter Article 3 and corresponding City Code Chapter 2.10 requires a fine of "not less than two nor more than twenty times the amount of the unlawful Contribution or Expenditure..."⁴ In determining the required penalty within the range allowed, I considered the following factors:

- Timing of violation transactions in relation to notice and determinations issued for a prior, similar complaint;
- Individual contributors related to this complaint were first-time violators in this elections cycle;
- Cooperation of the parties with the investigation;
- Amount of any penalties issued in similar circumstances;
- Whether the campaign issued any refunds to the individual contributors; and
- The fact that the City's definition of Elections Cycle differs from the State of Oregon's.

⁴ See [City Charter Section 3-305\(b\)](#); see also [City Code Section 2.10.050 B](#).

Based on these factors, the fine issued is the lowest amount allowed, or two times the total unlawful contribution amount of \$1,600 resulting in a fine of \$3,200.

Friends of Ted Wheeler shall pay \$3,200 to the City Auditor's Office by March 1, 2021.

NOTE: Late payments for fines may be subject to an increase in fee.

Payment must be postmarked by the due date and can be sent by mail to:

City of Portland Auditor's Office
1221 SW 4th Ave, Rm 130
Portland, OR 97204

Appeals

Pursuant to PCC 2.10.050 I., an appeal may be filed with the Multnomah County Circuit Court within 30 days of the issuance of a decision.

Sincerely,

A handwritten signature in black ink that reads "Louise Hansen". The signature is written in a cursive style with a large initial "L" and "H".

Louise Hansen
City Elections Officer



P O R T L A N D
CITY AUDITOR
Elections

February 16, 2021

Ted Wheeler
PO Box 42307
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Friends of Ted Wheeler
3321 SE 20th Avenue
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DELIVERED ELECTRONICALLY

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ADDENDUM TO AMENDED DETERMINATION
Campaign Regulation Complaint No.: 2020-29-TW
- Addendum: Removal of One Violation and Corresponding Fine -

Dear Ted Wheeler and Friends of Ted Wheeler,

On January 29, 2021, the City of Portland Auditor's Office issued an Amended Determination for the complaint named above. In the Amended Determination, the Auditor's Office found four violations and issued a mandatory civil penalty of \$3,200. For the reasons explained below, the Auditor's Office now issues the current Addendum reversing one of the findings of violation and removing the corresponding civil penalty.

Based on new findings included in this Addendum, the Auditor's office finds three violations and issues a mandatory civil penalty of \$2,200 for Complaint No. 2020-29-TW.

Violation Reversed for Campaign Contribution from Charles Swindells

Aggregate individual contribution did not exceed contribution limit due to timely refund

On August 27, 2020, the Auditor's Office issued its original determination for Complaint No. 2020-29-TW. Included in that determination was a finding of violation based on Friends of Ted Wheeler's receipt of a contribution from Charles Swindells on June 28, 2020 (ORESTAR Transaction No. 3502971), that exceeded contribution limits by \$500.

On September 1, 2020, the treasurer for Friends of Ted Wheeler informed the Auditor's Office that the campaign had failed to timely report a refund it had issued to Charles Swindells on June 30, 2020 for \$500. The campaign provided the Auditor's Office with a receipt of the refund and filed the belated refund transaction in ORESTAR on September 1, 2020 (Transaction No. 3553834).



At the time of the original determination, the information about the June 30, 2020 refund was not available and therefore not part of the original record. As a result, on reconsideration, the Auditor’s Office unintentionally did not account for the refund. This Addendum corrects this oversight with the following findings:

Individual Contributor: Charles Swindells

Date	ORESTAR Transaction ID	Amount	Total Contribution Overage	Details
1/7/2020	3348942	\$5,000	\$4,500	Violation Exempt: Received prior to 5/4/2020 enforcement date.
6/28/2020	3502971	\$500	\$5,000	Potential Violation: Contribution was made after the 5/4/2020 enforcement date and was in excess of the aggregate \$500 limit.
6/30/2020	3553834	- \$500 (refund)	\$4,500	Violation Cured: Contribution occurred more than 42 days in advance of the general election, and the refund was issued within 30 days.

Based on the findings above, the following table summarizes the number of violations and corresponding fines for Complaint No. 2020-29-TW:

Individual Contributor’s Name	Finding	Amount of Excess Contribution	Corresponding Mandatory Fine Amount
Charles Swindells	No Violation	\$0	\$0
Tom Drewes	1 Violation	\$100	\$200
Paul Pedreira	2 Violations	\$1,000	\$2,000
Warren Rosenfeld	No Violation	\$0	\$0
		\$1,100	\$2,200

As identified in the Amended Determination and tables above, there were six instances in which individuals made contributions to Friends of Ted Wheeler during the same election cycle in excess of the \$500 contribution limit. In three of those instances, the campaign refunded the excess of those contribution amounts within the 30-day window in which the state requires the campaign to report its contributions in ORESTAR, including refunded contributions. ORS 260.057(2). As now reflected in this Addendum, because the campaign refunded three of the six contributions within the applicable reporting timeframe, for purposes of City Code Section 2.10.010 A., I find the following three unlawful contributions were received by the campaign:

- \$100 contribution from Tom Drewes on June 22, 2020;
- \$500 contribution from Paul Pedreira on May 8, 2020; and
- \$500 contribution from Paul Pedreira on June 22, 2020.

Therefore, I find three violations of the City’s campaign finance regulations.

Penalties

The City campaign finance regulations require financial penalties following violations of campaign contribution limits. In particular, each violation of City Charter Article 3 and corresponding City Code Chapter 2.10 requires a fine of “not less than two nor more than twenty times the amount of the unlawful Contribution or Expenditure...”¹ In determining the required penalty within the range allowed, I considered the following factors:

- Timing of violation transactions in relation to notice and determinations issued for a prior, similar complaint;
- Individual contributors related to this complaint were first-time violators in this elections cycle;
- Cooperation of the parties with the investigation;
- Amount of any penalties issued in similar circumstances;
- Whether the campaign issued any refunds to the individual contributors; and
- The fact that the City’s definition of Elections Cycle differs from the State of Oregon’s.

Based on these factors, the fine issued is the lowest amount allowed, or two times the total unlawful contribution amount of \$1,100 resulting in a fine of \$2,200.

Friends of Ted Wheeler shall pay \$2,200 to the City Auditor’s Office by March 1, 2021.

NOTE: Late payments for fines may be subject to an increase in fee.

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Appeals

Pursuant to PCC 2.10.050 I., an appeal may be filed with the Multnomah County Circuit Court within 30 days of the issuance of a decision.

Sincerely,



Louise Hansen
City Elections Officer

¹ See [City Charter Section 3-305\(b\)](#); see also [City Code Section 2.10.050 B](#).