



Bennett Hartman

ATTORNEYS AT LAW, LLP

Margaret Olney
direct: 503.546.9634
margaret@bennethartman.com

Robert A. Bennett (1931-2018)
Nora J. Broker
Thomas K. Doyle ^{WA} *
Nelson R. Hall
Gregory A. Hartman
Henry J. Kaplan ^{NY}
Linda J. Larkin †
Aruna A. Masih ^{WA}
Michael J. Morris
Richard B. Myers ^{WA}
Margaret S. Olney ^{WA}

* special counsel
† of counsel

May 27, 2020

deborah.scroggin@portlandoregon.gov

Deborah Scroggin
City Elections Officer
City of Portland
1221 SW 4th Avenue, Room 130
Portland, OR 97204

Re: Sam Works for Portland
Campaign Regulations Complaints: 2020-13-SWP and 2020-14-SWP

Dear Ms. Scroggin:

This office represents the Sam Works for Portland political committee. I write in response to a request made by your Election Coordinator, Cody Sibley, for additional information relating to Complaint 2020-13-SWP (to which we have previously responded). In addition, he forwarded Complaint 2020-14-SP and asked for our response. Our responses are below.

A. Complaint 2020-13-SWP

Mr. Sibley asked the campaign to answer three additional questions:

Question 1: The date the mailer that is the subject of the complaint was printed and mailed.

Answer 1: SWP mailed two pieces. The first piece, which is the subject of the complaint, had an early drop date of May 4, 2020 and the last date of mailing was May 11, 2020. After SWP became aware of the disclaimer rules, it created a new piece, which was first mailed on May 13, 2020. A copy of the revised mailer is attached.

Question 2: If this mailer was sent to fewer to 500 recipients, please provide documentation supporting that.

Answer 2: The mailer was sent to over 500 recipients

Question 3: The names of any entities or individuals who paid for or provided funds to produce or mail the brochure.

Answer 3: As reflected in the revised mailer (and OreStar), Sam Works for Portland is supported by the following funders:

- **SEIU Local 49 COPE**
Fund (Labor Union), 3 largest contributors Alice Dale (not employed), Allen Wheeland (not employed), Felisa Hagins (SEIU 49)

- **Pacific Northwest Regional Council of Carpenters**
SSF 25120 Pacific Hwy S Suite 200 Kent WA 98032 (Labor Union);

- **Local 48 Electricians PAC** (Labor Union), top three contributors: Nicholas Frye (Electrical Contractor); Thomas Mcardle (Electrical Contractor); Kristen Shumway (Electrical Contractor);

- **The Standard** (Insurance Company)

B. Complaint 2020-14-SWP

In this complaint, Honest Elections alleges that Sam Works for Portland (“SWP”) “no doubt” coordinated with the Sam Adams campaign because the SWP fliers used “professional photographs” of Sam Adams that were publicly available on the Adams’ campaign website, and included hundreds of names of supporters, also publicly available on the Adams’ campaign website. This complaint is without merit. ORS 260.005(10) defines an independent expenditure as an expenditure for a communication for a “clearly identified candidate” (not an issue here),

“that is not made with the cooperation or with the prior consent of, or in consultation with, or at the request or suggestion of, a candidate or any agent or authorized committee of the candidate.

* * *

The complainant assumes cooperation and consent where there is none. Rather, consistent with standard practices in campaigns, Sam Works for Portland used publicly available photos and supporter information to develop its mailing piece. *Anyone* can download the images for their own use; no permission is needed. See, <https://www.samadamspdx.com/about-sam-adams>. Rather, the campaigns put these images out for media and others to use. For example, a non-profit that has endorsed Sam Adams could download the image and use it in an internal

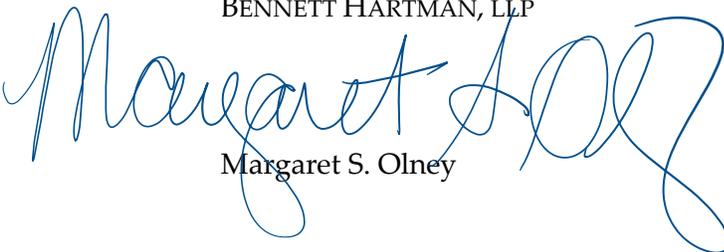
communication to members – a communication that is not considered a contribution under ORS 260.007(7).

The same is true for list of supporters. Those names were published on Sam Adam's website and available to all to review. The point the IE campaign wanted to make in its flyer is that the Sam Adams had support from a variety of people. It just copied the names of supporters from the website and graphically displayed those names on the flyer. Again, no permission was sought or needed since the information was public.

In sum, Sam Works for Portland engaged in a lawful independent expenditure campaign. Portland Election Complaint 20-14-SWP should be dismissed.

Sincerely,

BENNETT HARTMAN, LLP

A handwritten signature in blue ink that reads "Margaret S. Olney". The signature is fluid and cursive, with a large loop at the end.

Margaret S. Olney

cc: Jenn Baker

Enc: Flier #2



**When
Portland
needs
leadership
the most,**

***Sam Adams
Works for
Portland!***

**THE
SKANNER**

May 1, 2020

“Adams is the obvious choice for this position.”

Paid for by Sam Works for Portland, P.O. Box 42307, Portland, OR 97242 Five top contributors: SEIU Local 49 COPE Fund (Labor Union), 3 largest contributors Alice Dale (not employed), Allen Wheeland (not employed), Felisa Hagins (SEIU 49); Pacific Northwest Regional Council of Carpenters, SSF 25120 Pacific Hwy S Suite 200 Kent WA 98032 (Labor Union); Local 48 Electricians PAC (Labor Union), top three contributors: Nicholas Frye (Electrical Contractor); Thomas Mcardle (Electrical Contractor); Kristen Shumway (Electrical Contractor); The Standard (Insurance Company)

Sam Works for Portland
PO Box 42307
Portland, OR 97242

PRSRST STD
US POSTAGE
PAID
CAMPAIGN MAIL



We know **Sam Adams** can help Portland meet incredible challenges –

because he's done it before.

Portland is facing the challenge of our lifetime. One that affects our economy, our people, and the future of how we live. We need leaders who have proven that they can make City Hall work for the people, neighborhoods, and businesses that need it most. That makes Sam the clear choice for City Council.



April 29, 2020

“With the city under tremendous financial pressure, he cut costs aggressively, sometimes shifted city funds creatively and . . . managed to accomplish great things. . . . Portland was adrift prior to the COVID-19 pandemic. Now it faces unparalleled challenges . . . we are endorsing a man who has been through 19 city budget cycles, who has built coalitions, negotiated complex deals—and been humbled by his mistakes.”



May 1, 2020

“Adams is the obvious choice for this position. He is a strong leader . . . accessible, decisive and executes quickly. . . . Adams has a grasp on the issues and challenges that face Portland from a perspective none of his opponents can claim. . . . [W]e believe Adams will bring innovative, big-picture thinking to the council, which is very much needed. Adams outstrips his opponents in experience, knowledge and his ability to get things done.”

The Oregonian

DECEMBER 23, 2012

“. . . through sheer will and hard work . . . Adams can point to accomplishments that could reshape the city for decades.”

Working Families Support Sam!

ENDORSED BY

