

## CITY OF PORTLAND

In the Matter of: Violations of the Disclaimer Requirements of Portland Charter Chapter 3, Article 3, and Portland City Code Chapter 2.10	No. _____  <b>COMPLAINT</b>  <b>Violations of Portland Campaign Disclaimer Requirements by Committee to Elect Loretta Smith on 4-page Brochure: Not Disclose Top 5 Contributors; Not Identify Businesses of Other Top Contributors</b>
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1. This Complaint is filed by Seth Woolley, resident and elector of Portland.
2. This Complaint is pursuant to Portland Charter § 3-305 and Portland City Code 2.10.050.
3. The Committee to Elect Loretta Smith ("CELS") is the official campaign committee for candidate Loretta Smith for Portland City Commission.
4. CELS has violated the disclaimer requirements of Portland Charter Chapter 3, Article 3, and Portland City Code Chapter 2.10 ("Portland Campaign Disclaimer Requirements") by failing to include qualifying disclaimers on a 4-page brochure mailed to untold thousands of Portland voters. Exhibit 1.
5. The main message on the front of the brochure is "A Progressive Champion for Portland."
6. The brochure's disclaimer does not meet the requirements of Portland City Charter § 3-308(o), because it does not list one of the five largest contributors to CELS during the current election cycle.
7. As indicated by the attached WILLAMETTE WEEK article (Exhibit 2), CELS on July 15, 2020, reported a back-dated contribution of \$6,000 from "Anonymous" supposedly received on April 21, 2020. That makes "Anonymous" one of the top 5 contributors to CELS during this election cycle.
8. The brochure's disclaimer does not meet the requirements of Portland City Charter § 3-303 (a)(2)b), which requires that it state:

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).

9. The brochure's disclaimer does not provide any of the information required by Portland City Charter § 3-303 (a)(2)b).
10. An example of a disclaimer that complies with Portland City Charter § 3-303 (a)(2)b) appears in various publications by the Friends of Ted Wheeler, including the disclaimer at [tedwheeler.com](http://tedwheeler.com):

Paid for by Friends of Ted Wheeler, P.O. Box 42307, Portland, OR 97242.

Top five contributors: Local 48 Electricians PAC (Labor Unions and Similar Labor Organizations), top three contributors: Richard Blair (Electrical Contractors and Other Wiring Installation Contractors); Timothy Hayes (Electrical Contractors and Other Wiring Installation Contractors); Darren Chapman (Electrical Contractors and Other Wiring Installation Contractors). SEIU Local 49 (Labor Unions and Similar Labor Organizations), top three contributors: Felisa Hagins (Labor Unions and Similar Labor Organizations); Jacy Laplante (Direct Health and Medical Insurance Carriers); Myongcha Clinton (Janitorial Services). Melvin Mark Properties LLC (Nonresidential Property Managers). Portland Metro Fire Fighters PAC (Labor Unions and Similar Labor Organizations), top three contributors: Estate of James R. Kluge (Trusts, Estates, and Agency Accounts); Eric Pedersen (Fire Protection); Bryan Profit (Fire Protection). Melvin Mark Brokerage Co. (Offices of Real Estate Agents and Brokers).

11. The Auditor can readily determine how many persons likely received this brochure by requiring CELS disclose that data.
12. Each receipt of this brochure is a separate violation of the disclaimer requirements.
13. The penalty for violation of the disclaimer requirements is "imposition of 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." Portland City Charter § 3-305(b).

14. The "amount of the unlawful Contribution or Expenditure or Independent Expenditure at issue" is the amount spent by CELS to create, produce, re-produce, print, and distribute the brochure.
15. Complainants request that the City Auditor:
  - (a) Find that CELS is in violation of the Portland Campaign Disclaimer Requirements;
  - (b) Impose the lawfully-required penalty for this violation.
16. Complainants request that all correspondence to them in this matter be addressed to [seth@honest-elections.com](mailto:seth@honest-elections.com).

Dated: July 24, 2020		Respectfully Submitted,  <i>/s/ Seth Woolley</i>
		Seth Woolley