



P O R T L A N D
CITY AUDITOR
Elections

August 27, 2020

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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amy@tedwheeler.com
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NOTICE OF DETERMINATION

Campaign Regulation Complaint No.: 2020-29-TW
- Violations 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.

After an investigation, I find five violations of City campaign regulations. I am issuing Friends of Ted Wheeler a fine in the amount of \$4,200 due September 28, 2020.

Complaint: 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 campaign finance regulations limit contributions to a candidate from an individual to \$500 during the applicable current 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 current election cycle runs from July 6, 2016³ until the date of certification for the results of the November 2020 election. 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 (i.e., Charles Swindells, Tom Drewes, Paul Pedreira, and Warren Rosenfeld). Each investigation identified at least one contribution violation. For more detailed specifics on the transactions and support for the Auditor’s Office’s findings, please see the Notices of Determination issued for companion complaints 2020-29-CS, 2020-29-TD, 2020-29-PP, and 2020-29-WR.

In summary, the results of those investigations are as follows:

Complaint No.	Individual Contributor’s Name	Finding	Amount of Excess Contribution	Fine Issued to Individuals
2020-29-CS	Charles Swindells	1 Violation	\$500	\$1,000
2020-29-TD	Tom Drewes	1 Violation	\$100	\$200
2020-29-PP	Paul Pedreira	2 Violations	\$500 + \$500	\$2,000
2020-29-WR	Warren Rosenfeld	1 Violation	\$500	\$1,000
TOTAL			\$2,100	\$4,200

Based on the findings in the companion complaints listed in the table above, I find that Friends of Ted Wheeler received contributions on five occasions from four individuals during the current election cycle when the \$500 individual contribution limit had already been reached.

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

¹Although passed by voters in 2018, regulations regarding campaign contribution limits were enforced beginning May 4, 2020, following recent court decisions. For recent court decisions, see Oregon Supreme Court, *Multnomah County et al v. Mehrwein et al* (Case No. 5066445) and Court of Appeals Order to vacate and remand for reconsideration, *In the Matter of Validation Proceeding to Determine the Legality of City of Portland Charter Chapter 3, Article 3 and Portland City Code Chapter 2.10 Regulating Campaign Finance and Disclosure* (Case No. A171435).

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.

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. Based on these factors, the fine issued is the lowest amount allowed, or two times the total unlawful contribution amount of \$1,700, resulting in a fine of \$4,200.

Friends of Ted Wheeler shall pay \$4,200 to the City Auditor’s Office by September 28, 2020.

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,



Louise Hansen
City Elections Officer

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