



**Portland
City Auditor**
Chief Deputy



October 3, 2024

Rene Gonzalez
Rene for Portland

Delivered Electronically

candidate@reneforportland.com
amy@reneforportland.com

**Notice of Determination
Letter of Warning and Education
Campaign Finance Complaint No.: 2024-02-RG**

Dear Rene Gonzalez and Rene for Portland:

The City Elections Office, a Division within the Auditor's Office, received a complaint on September 3, 2024, alleging Rene Gonzalez's mayoral campaign, Rene for Portland, violated City Charter campaign finance regulations by omitting required disclaimer information for a large campaign sign on display. The complaint enclosed a picture of a campaign banner hung outside. (Ex. 1.) The complaint contended that the banner did not include information on who paid for the banner, even though signs equal to or larger than six square feet carry this requirement under the City's campaign finance law.

City Charter and Auditor's Office Administrative Rule (ARA) require the inclusion of disclaimer information on signs six square feet or larger that cost \$250 or more to create. (See City Charter Sections 3-303, 3-308(d), (q); ARA 13.04(A)(2)(b).) The Auditor's Office enforces these provisions.

After initial review of the complaint, the Auditor's Office opened an investigation, as detailed below. The Auditor's Office determined there is sufficient evidence to support a finding of **one violation** and issues this **Letter of Warning and Education** with no monetary penalty.

1221 SW Fourth Ave, Room 310
Portland, OR 97204
reed.brodersen@portlandoregon.gov
portland.gov/auditor
503-823-4078

Investigation and Findings

The Auditor's Office sent Notice of Complaint No. 2024-02-RG to Rene Gonzalez and Rene for Portland on September 13, 2024. Rene for Portland provided a response to the complaint and a response to a request for information. (Exs. 5, 6.) The Auditor's Office found the following in the course of its investigation:

1. Rene Gonzalez is a current City commissioner and a candidate for mayor in the November 2024 election.
2. The Auditor's Office reviewed the photograph of the banner provided by the complainant. The banner stated, "GONZALEZ FOR PORTLAND" and included a Rene for Portland campaign website address. (Ex. 1.) The banner did not include any disclaimer information.
3. On September 7, 2024, Elections Division Manager, Deborah Scroggin, conducted a site visit at the location of the banner. Scroggin found the original banner had been removed and replaced with a smaller yard sign. (Ex. 2.) Scroggin compared the area to identifiable markers in complainant's photograph and took measurements to conclude the area covered by the original sign was approximately 4 feet by 7 feet, or 28 square feet. (Exs. 2-4.) Because the original banner was determined not to be smaller than six square feet, the communication does not qualify as a "Small Sign" exempt from the City Charter's disclaimer requirements. (See City Charter Sections 3-308(d), (q) (definitions, specifically for "communication" and "small sign").)
4. The Auditor's Office finds the banner qualifies as a "communication" under City Charter Section 3-308(d)¹ and does not otherwise qualify for any of the exemptions included under that definition, such as for "small signs."
5. In the September 24, 2024, response to a request for information, the campaign confirmed that the "banner was created by Rene for Portland last year around the kick-off of our campaign and intended for use at future events." The campaign also confirmed that "[t]he banner was paid for by Rene for Portland," and was printed in December of 2023. The campaign further stated that it "did not intend for [the banner] to be used outside our office without the disclosure added," and that they requested their volunteer remove the banner after being notified of the complaint. (Ex. 6.)

¹ Charter Section 3-308(d) defines the types of "communication" subject to City disclaimer requirements for communications that also relate to a City of Portland candidate election, and includes "any written, printed, digital, electronic or broadcast communications [excluding] communication by means of small items worn or carried by Individuals, bumper stickers, Small Signs, or a distribution of five hundred (500) or fewer substantially similar pieces of literature within any 10-day period."

6. The campaign provided a printing receipt, confirming that the campaign paid for four banners at a cost of \$125 each, along with \$28 for shipping. (Ex. 7.) The Auditor's Office determined the total cost for this communication to be \$528, which exceeds the \$250 threshold triggering City disclaimer requirements. (See ARA 13.04(A)(2)(b).)
7. The Auditor's Office reviewed Rene for Portland's campaign finance activity reported in the Oregon Elections System for Tracking and Reporting (ORESTAR) and determined that there were no dominant contributors in the current election cycle that were required to be disclosed on the banner communication.

Analysis and Determination

The Auditor's Office enforces Charter Section 3-303, which specifies that "[e]ach Communication to voters related to a City of Portland Candidate Election shall Prominently Disclose the true original sources of the Contributions...used to fund the Communication, including...[t]he names of any Political Committees...that have paid to provide or present" the communication. Pursuant to ARA 13.04(A)(2)(b), only communications costing \$250 or more to create are subject to the City's disclaimer requirements.

Because Rene for Portland paid over \$250 to create the banner, and the banner was not otherwise exempt from the City's disclaimer requirements, the banner was required to include a disclaimer. The required disclaimer should have included who paid to provide or present the communication, which was Rene for Portland. No other disclaimer information was required. Although the banner included the website address "www.reneforportland.com," this is not the campaign's name and is insufficient to meet the City's disclaimer requirements.

The Auditor's Office therefore concludes the evidence substantiates a finding of one violation of City Charter Section 3-303 by Rene for Portland due to excluding a disclaimer on the banner indicating who paid to provide or present the communication.

Outcome

This is the first violation of the City's disclaimer requirements for Rene for Portland in the current election cycle. Rene for Portland cooperated with our investigation by providing a response to the complaint and additional information in response to a request for information. As a result, the Auditor's Office issues this determination as a Letter of Warning and Education rather than a monetary fine.

Additional Authority and Appeals

This Notice of Determination is issued pursuant to the Auditor's authority under City Charter Section 3-305. That section sets forth the process for implementation and enforcement of the provisions of City Charter Article 3 (Campaign Finance in Candidate Elections), including the recipient's appeal rights. (See also ARA 13.03(C) (requiring in part that decisions on complaints be in writing, identify whether a violation occurred, and state the basis for the decision).)

As described by City Charter Section 3-305(i) and [ARA 13.03\(D\)\(5\)-\(6\)](#), the complainant and the subject of the complaint may seek judicial review of the decision in Multnomah County Circuit Court. In addition, the Auditor's Office may, on its own discretion or on request of an interested party, withdraw a decision for reconsideration within the earlier of 30 days from issuance of the decision or until the decision is appealed.

As set out in ARA 13.03(D)(6), decisions of the Auditor's Office can be appealed to the Circuit Court within the following timelines:

- For decisions that are not withdrawn for reconsideration, within 60 days from the issuance of a decision; and
- For decisions that are withdrawn for reconsideration, within 60 days from the issuance of the reissued decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Reed Brodersen", with a long horizontal flourish extending to the right.

Reed Brodersen
Chief Deputy Auditor

cc: Thomas Orleck