



**Portland
City Auditor**
Chief Deputy



November 14, 2024

Sean Moreland
12515 Southeast 18th Avenue
Portland, OR 97222
By certified mail

Notice of Determination
Complaint No. 2024-09-RG

Dear Sean Moreland:

I. Introduction and Overview

On October 25, 2024, the Elections Division, within the Auditor's Office, received a complaint alleging that you and other individuals violated Portland's campaign finance law. (Ex. 1.) The complaint included a detailed spreadsheet of transactions, with information downloaded from the Oregon Elections System for Tracking and Reporting database ("ORESTAR").

Included in the complaint were transactions that you allegedly made to Rene Gonzalez (referred to collectively with his campaign committee, Rene for Portland, as "Gonzalez") on or after December 7, 2023,¹ that, individually or in the aggregate with other transactions during the election cycle, allegedly exceed the amount permitted under the City's campaign finance law and were partially refunded.

¹ December 7, 2023, signifies the date Gonzalez publicly announced his candidacy for City of Portland mayor for the November 5, 2024, General Election, and the date on which Gonzalez filed his initial Notice of Intent with the Small Donor Elections program.

1221 SW Fourth Ave, Room 310
Portland, OR 97204
reed.brodersen@portlandoregon.gov
portland.gov/auditor
503-823-2767

After receiving the complaint, the Auditor's Office conducted an investigation, as detailed below. The Auditor's Office determines you engaged in **one violation** of the City Charter's campaign finance regulations and issues you a civil penalty of **\$1,400**.

II. The Auditor's Office conducted a complete investigation of this matter.

Under City Charter, the Auditor is required to take written complaints of campaign finance violations from any person. (Charter Section 3-305(c).) Upon receipt of a complaint, the Auditor is required, by law, to do the following: examine the complaint, make any investigation necessary, issue a notification of the complaint to every person who is an object of the complaint, accept written materials supporting or opposing the complaint, and render a decision on the complaint. (Charter Section 3-305(e).)

The Auditor's Office provided the complaint in this matter to you on October 28, 2024. The Auditor's Office did not receive a response to the complaint from you. The Auditor's Office finds as follows:

1. You contributed a total of \$1,550 to Rene for Portland from November 8, 2022, through October 25, 2024, based on the following ORESTAR transactions and related findings:
 - a. On December 20, 2022, you contributed \$500 to Rene for Portland. (ORESTAR Transaction ID 4446925.)
 - b. On December 24, 2023, you contributed \$350 to Rene for Portland. (ORESTAR Transaction ID 4722014.)
 - c. On April 2, 2024, you contributed \$350 to Rene for Portland. (ORESTAR Transaction ID 4824899.)
 - d. On July 16, 2024, Rene for Portland issued you a refund in the amount of \$350. (ORESTAR Transaction ID 4970526.) At the time of the refund, your most recent contribution to Rene for Portland was 105 days prior.
 - e. On July 31, 2024, you contributed \$350 to Rene for Portland. (ORESTAR Transaction ID 4982473.)
 - f. On November 4, 2024, Rene for Portland issued you a refund in the amount of \$350. (ORESTAR Transaction ID 5132350.) This refund was issued after the filing of the current complaint, and 97 days after your last contribution to Rene for Portland.

III. Determination

A. City Charter limits the amounts and sources of candidate contributions.

City Charter provides that a contributor can make and a candidate may receive only the following contributions:

- \$500 — adjusted by inflation to be \$579 for the current election cycle — from any individual or political committee other than a “Small Donor Committee”;
- Any amount from a qualified “Small Donor Committee”; and
- For candidates participating in the Small Donor Elections program (which Gonzalez is), any amount permitted by the Small Donor Elections program.²

In addition, the Auditor’s Office does not consider a contribution that is refunded or declined within seven calendar days of receipt by a candidate or candidate committee in determining whether the contributor, candidate, or candidate committee has exceeded the limits set forth above.³

B. You gave an unlawful contribution, which Gonzalez failed to timely refund.

You were identified as contributing to Rene for Portland more than is permitted under Small Donor Elections program rules, and more than is permitted under the City Charter.

Under the rules of the Small Donor Elections program, a candidate can accept contributions of up to \$350 from individuals as either “allowable” or “matchable” contributions. The only other form of contribution that the candidate can accept from individuals is seed money, but that is capped at an aggregate of \$5,000.⁴ Gonzalez reached his seed money limit on or around May 15, 2023.

All of your contributions to Rene for Portland were given after May 15, 2023, except for \$500 contributed on December 20, 2022. The Auditor’s Office finds that because the time period in which the \$500 contribution was made was governed by City Charter

² City Charter Section 3-304.

³ ARA 13.05(B).

⁴ City Code Section 2.16.040 C.

campaign finance regulations and not by the Small Donor Elections program's rules, this contribution was permissible as it did not exceed the \$579 Charter contribution limit.

The Auditor's Office also finds that you contributed \$1,050 after May 15, 2023. The first \$350 given after May 15, 2023, was also permissible, as part of Gonzalez's participation in the Small Donor Elections program. The total amount of your permissible contributions therefore was \$850. However, the amount you contributed over \$850 is an unlawful contribution amount. Although Gonzalez issued refunds to you, Gonzalez did not do so within the 7-day return period that the Auditor's Office Administrative Rule 13.05 (B) extends to candidates and contributors. In total, the unlawful contributions attributed to you are **\$700**.

IV. The Auditor's Office assesses a penalty of \$1,400, which will be deposited into the City's general fund.

The Auditor's Office concludes that the amount of unlawful contributions is a combined total \$700.

The City Charter provides that each violation of the campaign finance provisions "shall be punishable by imposition of a civil fine which is not less than two nor more than twenty times the amount of the unlawful Contribution ... at issue." (Charter Section 3-305.) Thus, the penalty must be between \$1,400 and \$14,000. Auditor's Office Administrative Rule 13.05(D)(4) contains several mitigating and aggravating factors that are considered in deciding whether to set the penalty at the minimum amount or higher.

Here, the Auditor's Office determines that a fine of **\$1,400**, or 2 times the unlawful contribution (\$700), is appropriate. The Auditor's Office notes that this is the first violation for you in the current election cycle.

V. Payment

A penalty in the amount of **\$1,400** shall be paid to the City Auditor's Office. Payment shall be provided to the City Auditor's Office by **Monday, January 13, 2025**. Payment can be sent by mail or delivered to:

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

VI. Additional Authority and Appeals

This Notice of Determination is issued pursuant to the Auditor's authority under City Charter Section 3-305 (Implementation and Enforcement). 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 recipients' appeal rights. (See also Auditor's Office Administrative Rule 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 Auditor's Office Administrative Rule ("ARA") [13.03\(D\)\(5\)-\(6\)](#), the complainant and the subjects 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: Seth Wooley, Complainant