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Notice of Determination: No Violation

November 4, 2020

Scott Hill, Re-Elect Scott Hill Mayor PAC
1525 SW Gilson Ct
McMinnville, OR 97128

Via Email: sahill827@msn.com

Dear Scott Hill,

On October 22, 2020, the City of McMinnville provided notice to you of a complaint from James Goings alleging violations of the City of McMinnville's campaign finance ordinance no. 5096. Specifically at issue are 2.10.30 timely disclosure of large contributions and expenditures in printed materials, a mailer and newspaper advertisement, and digital communications for your mayoral campaign.

After an investigation, I find no violation of City campaign finance ordinance requirements.

Complaint(s): Violation of City Campaign Finance Ordinance

The allegation is that candidate campaign materials were paid for by a \$2,500 contribution from the Oregonians for Affordable Housing political action committee, which was not disclosed, thus violating the rules under 2.10.30 (A1). The complaint acknowledged that some campaign materials now contain a reference to large donors, including the Oregonians for Affordable Housing political action committee, but alleges that the Dominant Contributors of the political action committee are not included as required by the ordinance.

Note: this allegation is similar to a previous complaint received on 10.13.2020 by the same complainant.

Scott Hill, object of the complaint, provided a response to the complaint.

Investigative Summary:

The Finance Director (FD) pulled records from ORESTAR, the State of Oregon's campaign disclosure data base available online both on the date the Notice of Complaint was filed, 10/22/2020, and again on 11/2/2020.

The FD reviewed the information provided by Scott Hill on 10/26/2020 and compared that to ORESTAR contribution and expenditure data. Additional information provided by Scott Hill from ORESTAR for the prior complaint that he can see as the candidate which is different from the public facing data available to the FD was also included in the review of total expenditures and the dates of donations.

The campaign communication materials that are part of this complaint were prepaid and are included in the total cost of the three candidate campaign materials noted in the first complaint. This amount is less than the total donations received by the candidate's campaign in the month of September. The \$2,500 donation noted in the complaint was received on October 5, 2020; therefore, utilizing a first in/first out logic, it was not the contribution used to fund those communications and disclosure under the ordinance was not required.

Of the donations received by Scott Hill's campaign in September, two were for \$1,000 but this amount does not meet the ordinance's "Dominant Contributor" technical definition of "any individual or entity which contributes *more than* \$1,000 during an election cycle" which would also require disclosure on campaign materials under 2.10.30 (A3).

The campaign did add campaign contribution disclosures on some materials referenced in the complaint, a fact acknowledged by both the complainant and object of the complaint. These disclosures were not required by the city's ordinance.

Appeals

Pursuant to 2.10.50(I) of Ordinance No. 5096, an appeal may be filed with the Yamhill County Circuit Court within 30 days of the issuance of a decision.

Sincerely,

A handwritten signature in black ink that reads "J Cuellar-Smith". The signature is written in a cursive, flowing style.

Jennifer Cuellar-Smith
Finance Director
City of McMinnville