

Political Consultant Reporting, City Code Chapter 2.14

ADM – XX.XX – Enforcement and Civil Penalties

Administrative Rule Adopted by the City Auditor Pursuant to Rule-Making Authority
ARB-ADM-XX.XX

A. Purpose

To establish the City Auditor's decision-making criteria for assessing violations and set civil penalties for City Code Chapter 2.14 Reporting by Political Consultants. This policy is in alignment with the Auditor's Office goals of ensuring open and accountable government.

B. Authority

Code Section 2.14.080 authorizes the Auditor to adopt administrative rules for the regulation and enforcement of the Political Consultant Reporting program.

C. Rules

1. Grace Period

Until February 1, 2017 enforcement of City Code 2.14, adopted by Ordinance No. 187689, will emphasize education, awareness, and training.

2. Finding of Violation and Complaint Process

The Auditor may accept or initiate complaints regarding violations of City Code 2.14.

The Auditor shall produce a written decision, identifying the violations, if any; the amount of the penalty, if any; and the basis for the decision. Written decisions may be in the form of a warning or violation notice.

3. Penalty Determination and Administrative Sanctions

The Auditor may assess civil penalties up to \$1,000 per violation, commensurate with the severity of the violation, according to penalty criteria in Section 4. In lieu of or in conjunction with finding a violation of program requirements, the Auditor may issue a written letter of reprimand, warning, explanation, or suggested training.

4. Penalty Criteria

In determining whether to impose a penalty and the amount of any penalty, the Auditor will consider the nature and extent of the violation. In addition, the Auditor may consider the following mitigating or aggravating factors:

- a. Whether the violation was repeated and continuous, or isolated and temporary;

Example: A political consultant fails to register and report Political Consultant services for a partial quarter, but reports mid-quarter. Violations that occur for partial quarters may be considered temporary, whereas failing to report services in multiple quarters may be considered continuous and therefore an aggravating factor.

- b. Whether the violation appeared to be willful (characterized primarily by purposeful acts of commission or omission);

Determinations of whether violations are willful or unintentional may be based on relevant circumstances and available records.

- c. Whether the individual or entity was offered or received training regarding program requirements within the previous year;
- d. Level of cooperation during an investigation, including providing relevant and timely information as requested;
- e. Any other applicable factors the Auditor deems relevant in the particular case.

5. Cost Recovery

The City Auditor may request that the City Attorney initiate action in Multnomah County Circuit Court to enforce provisions of this chapter, including collection of any unpaid fees or civil penalties. Recoverable costs of enforcement of City Code 2.14 may include City Attorney's Office costs and fees and outside attorney's fees.

All moneys received in civil penalties for violations of Code Chapter 2.14 shall be paid to the Auditor and credited to the City's General Fund.
