

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
CITY OF PORTLAND**

IN THE MATTER OF THE PUBLIC)	PREHEARING ORDER
FINANCING OF:)	
SHO DOZONO)	OAH Case No.: 800420
)	
APPELLANTS: Beryl McNair, Craig)	
Gier, Bruce Broussard and Sam Adams)	

A prehearing conference was held by telephone on March 11, 2008. Participating in the hearing were the City of Portland (“City”) through its counsel Christy Monson (also appearing for the City were Auditor Gary Blackmer, Deputy Auditor Diane Betcher, City Elections Officer Andrew Carlstrom and Vice-Chair of the Citizen Campaign Commission, Kathryn McLaughlin); mayoral candidate Beryl McNair representing herself; mayoral candidate Craig Geir representing himself; mayoral candidate Bruce Broussard representing himself at the prehearing conference (although he will be represented by attorney James Leuenberger for the remainder of the proceedings); and Bruce Campbell, attorney at Miller Nash, appearing for counsel of record Michael Simon, on behalf of mayoral candidate Sho Dozono (also present as observers on behalf of Dozono were his campaign Treasurer Vicky Tagliafico and a campaign volunteer, Stephanie Dozono).

McNair, Gier and Broussard have all appealed the March 5, 2008, Final Certification Determination Letter regarding Sho Dozono. Without objection, all of those appeals were consolidated into a single proceeding. During the prehearing conference, it was also determined that Dozono, whether or not entitled to party status under the Portland City Code, shall be entitled to participate in the hearing in this case, presenting evidence and cross-examining witnesses. Further, unless an objection is made and upheld, Dozono shall also be entitled to appeal the Final Order issued in this case in the same manner as those appealing the Final Certification Determination Letter.

On March 13, 2008, the Office of Administrative Hearings was notified that Sam Adams has also appealed the March 5, 2008, Final Certification Determination Letter regarding Sho Dozono. That appeal is consolidated with the other appeals in this case.

During the prehearing conference, the hearing date was set as March 17, 2008. The parties are to submit, by no later than 5:00 p.m. on Friday, March 14, 2008, prehearing statements containing a list of all witnesses they anticipate calling during the hearing along with a list of all exhibits they plan to offer into evidence and copies of those exhibits. Exhibits shall be marked numerically, with each party using a different prefix: the City will identify exhibits as “City 1,” “City 2,” etc. The candidates will use their own last name as the prefix (e.g. “Dozono 1,” “Geir 1”). If the exhibit is more than one page long, the participants should also number each page of the exhibit (e.g. “McNair 2, page 1 of 4”). The participants are encouraged to include in their prehearing statements citations to provisions of the Portland City Code, Oregon Revised Statutes, Oregon Administrative Rules, or other authorities they believe to be applicable to the case.

Exhibits not disclosed by 5:00 p.m. on March 14 will not be admitted unless the participant offering the exhibit can show good cause for not providing them by that deadline. The parties should arrive at the hearing prepared to identify any exhibits offered by the other

participants to which they have objections and the nature of the objection. Parties should also bring with them a copy of exhibits for witnesses to refer to when testifying. Participants should file any legal memoranda as early as possible but can file them up to the commencement of the hearing.

All documents filed shall also contemporaneously be filed with all other participants in this proceeding and shall include a written statement indicating when this was done and by what method, for instance indicating they were sent by facsimile and indicating on what date that was done, to whom and at which fax numbers. Due to the short timelines in this case, parties are urged to file documents with all participants electronically. Below is the contact information for the participants in this case:

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The City will be represented by attorney Christy Monson in this case. Other participants may be, but need not, be represented by attorneys. If a party is not represented by an attorney but determines during the course of the hearing that it wishes to be represented, the hearing will not be postponed to allow that party to obtain an attorney because of the time constraints for holding the hearing and issuing an order in this case.

Dated this 13th day of March, 2008.

David K. Gerstenfeld
Presiding Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF MAILING

On March 13, 2008, I electronically mailed the foregoing Prehearing Order in OAH Case No. 800420.

By: Electronic Mail

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