

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION
JOHN LINDBACK
DIRECTOR
141 STATE CAPITOL
SALEM, OREGON 97310-0722
ELECTIONS—(503) 986-1518

BEFORE THE SECRETARY OF STATE
OF THE
STATE OF OREGON

In the matter of an Insufficient Contribution and Expenditure) Final Order by Default
Report by Divine Sovereignty Life PAC, Bonnie J. Mabon,)
Treasurer, for the September Initiative Drive for 2004) Case No. I8243

August 5, 2005

Divine Sovereignty Life PAC (004521)
Bonnie J. Mabon, Treasurer
PO Box 13109
Salem, OR 97309

Dear Ms. Mabon:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a sufficient September initiative drive contribution and expenditure report for 2004.

On June 3, 2005, the secretary notified Divine Sovereignty Life PAC (committee), pursuant to ORS 260.232(2), that it had failed to file a sufficient report and that the secretary may impose a civil penalty. An opportunity for a hearing was provided in that notice; however, no request for a hearing was received by the secretary within the time permitted in the notice. Accordingly, after consideration of the records and files of the secretary regarding this matter, the secretary is entering the following Order.

FINDINGS OF FACT

1. The committee's Statement of Organization (SEL 221), applicable during the reporting period, was filed with the secretary on October 14, 2002. The statement reported Bonnie J. Mabon as the treasurer and PO Box 9276, Brooks, OR 97305 as the address to which all committee correspondence was to be sent.
2. The committee filed a September initiative drive report for 2004 with the secretary on September 10, 2003.
3. On September 25, 2003, the secretary sent the committee an exam letter that itemized the areas where the report was not in compliance. The committee was asked to submit the necessary amended information by October 9, 2003, to avoid penalties for failure to file a sufficient report.

4. On the day following the October 9, 2003, amendment deadline, the committee's report was still missing the following required information: the name of the payee for one expenditure (1 item).
5. On October 10, 2003, an amendment to the committee's report was filed. The amendment provided one item of previously insufficient information.
6. On April 11, 2005, the secretary was notified that the treasurer had a new mailing address for committee correspondence. The new address was reported as PO Box 13109, Salem, OR 97309.
7. On June 3, 2005, the secretary sent the committee a Notice of Proposed Civil Penalty. The notice was sent by both certified and first class mail to the treasurer at the above-referenced address. The notice proposed a civil penalty of \$5.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Lon T. Mabon on June 6, 2005.
8. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
9. The secretary has record of no previous insufficient filings during the two-year period beginning September 15, 2001.

ULTIMATE FINDINGS OF FACT

Bonnie J. Mabon, Treasurer, failed to file a sufficient September initiative drive contribution and expenditure report for 2004.

CONCLUSIONS OF LAW

Treasurer Bonnie J. Mabon's failure to file a sufficient September initiative drive contribution and expenditure report for 2004 violated ORS 260.118, ORS 260.083 and OAR 165-012-0005. A civil penalty may be imposed for this violation under ORS 260.232(1)(b).

A maximum \$10,000 civil penalty may be imposed for this violation. The *2002 Campaign Finance Manual*, which contains a penalty calculation matrix on pages 98 and 99, is designated in OAR 165-012-0005 as the procedure manual for Oregon campaign finance regulations.

Since this is the first violation by the treasurer, the penalty is \$10.00 per omission, less 50% for every omitted item provided prior to the issuance of the proposed penalty notice or during the hearing.

ORDER

It is ordered that no penalty be assessed because the appropriate penalty is under \$50.

RIGHT TO JUDICIAL REVIEW

You have the right to appeal this Order to the Oregon Court of Appeals pursuant to ORS 183.482. To appeal you must file a petition for judicial review with the Court of Appeals within 60 days from the day this Order was served to you. Because this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

Jennifer Hertel, Compliance Specialist

DATE of Service: _____