

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)
Report by Oregon Family Council PAC, Raphael Antico,) Final Order by Default
Treasurer, for the First Pre-Election for the February 3, 2004,)
Special Election) Case No. I8245
)

August 5, 2005

Oregon Family Council PAC (002189)
Raphael Antico, Treasurer
7320 SW Hunziker St, #315
Portland, OR 97223

Dear Mr. Antico:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a sufficient first pre-election contribution and expenditure report for the February 3, 2004, Special Election.

On June 3, 2005, the secretary notified Oregon Family Council 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 December 10, 2003. The statement reported Raphael Antico as the treasurer and 7320 SW Hunziker St, #315, Portland, OR 97223 as the address to which all committee correspondence was to be sent.
2. The committee filed a first pre-election report with the secretary on December 24, 2003.
3. On January 12, 2004, 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 January 22, 2004, to avoid penalties for failure to file a sufficient report.

4. On the day following the January 22, 2004, amendment deadline, the committee's report was still missing the following required information: sufficient occupational information for two contributors and a date within the accounting period for one expenditure (3 items).
5. 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 \$30.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by D. Gill on June 6, 2005.
6. On June 8, 2005, the secretary located an amendment filed on January 21, 2004. The amendment provided three items of previously insufficient information.

ULTIMATE FINDINGS OF FACT

Raphael Antico, Treasurer, filed a sufficient first pre-election contribution and expenditure report for the February 3, 2004, Special Election.

CONCLUSIONS OF LAW

Treasurer Raphael Antico filed a sufficient first pre-election contribution and expenditure report for the February 3, 2004, Special Election in accordance with ORS 260.063, ORS 260.083 and OAR 165-012-0005.

ORDER

It is ordered that no violation is found.

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: _____