

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 Friends of Larry Barrett, Larry Barrett, Candidate, ) Final Order by Default  
David Tarlow, Treasurer, for the First Pre-Election for the )  
May 18, 2004, Primary Election ) Case No. I8282

August 5, 2005

Friends of Larry Barrett (003721)  
Larry Barrett, Candidate / David Tarlow, Treasurer  
5311 SW Childs Rd  
Lake Oswego, OR 97035

Dear Mr. Barrett:

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 May 18, 2004, Primary Election.

On June 3, 2005, the secretary notified Friends of Larry Barrett (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 220), applicable during the reporting period, was filed with the secretary on March 9, 2004. The statement reported David Tarlow as the treasurer and 7105 SW Varns St, Ste 205, Portland, OR 97223 as the mailing address for both candidate and committee correspondence.
2. The committee filed a first pre-election report with the secretary on April 20, 2004. On the same day, the committee filed a Statement of Organization to discontinue, updating the address for committee correspondence to 7105 SW Varns St #200, Portland, OR 97223, and the address for candidate correspondence to 5311 SW Childs Rd, Lake Oswego, OR 97035.

3. On April 27, 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 May 6, 2004, to avoid penalties for failure to file a sufficient report.
4. On the day following the May 6, 2004, amendment deadline, the committee's report was still missing the following required information: the date of one contribution and the purpose of one in-kind contribution (2 items).
5. On May 11, 2004, an amendment to the committee's report was filed. The amendment provided two items of previously insufficient information.
6. 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 candidate and was sent by first class mail to the treasurer at the above-referenced addresses. The notice proposed a civil penalty of \$10.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Cate Barrett on June 4, 2005.
7. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
8. The secretary has record of no previous insufficient filings during the two-year period beginning September 15, 2003.

#### ULTIMATE FINDINGS OF FACT

Larry Barrett, Candidate, and David Tarlow, Treasurer, failed to file a sufficient first pre-election contribution and expenditure report for the May 18, 2004, Primary Election.

#### CONCLUSIONS OF LAW

Candidate Larry Barrett's and Treasurer David Tarlow's failure to file a sufficient first pre-election contribution and expenditure report for the May 18, 2004, Primary Election violated ORS 260.058, 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 *2004 Campaign Finance Manual*, which contains a penalty calculation matrix on pages 104 and 105, is designated in OAR 165-012-0005 as the procedure manual for Oregon campaign finance regulations.

Since this is the first violation by the candidate, 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.

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Jennifer Hertel, Compliance Specialist

DATE of Service: \_\_\_\_\_

c: David Tarlow, Treasurer  
7105 SW Varns St #200  
Portland, OR 97223