

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION
JOHN LINDBACK
DIRECTOR
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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 the Committee to Elect Alex Streich, Alexandria) Final Order by Default
Chris Streich, Candidate, Michael Winger, Treasurer, for the)
First Pre-Election for the May 18, 2004, Primary Election) Case No. I8307
)

August 5, 2005

Committee to Elect Alex Streich (004769)
Alexandria Chris Streich, Candidate / Michael Winger, Treasurer
PO Box 1361
Gold Beach, OR 97444

Dear Ms. Streich:

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 the Committee to Elect Alex Streich (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 January 14, 2004. The statement reported Michael Winger as the treasurer and PO Box 1904, Newport, OR 97365 as the mailing address for both candidate and committee correspondence.
2. The committee filed a first pre-election report with the secretary on April 8, 2004.
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: a sufficient purpose of one expenditure (1 item).
5. On September 23, 2004, the committee filed an amended SEL 220 updating the mailing address for the candidate and committee to PO Box 1361, Gold Beach, OR 97444.
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 address. 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 returned unclaimed and the post-office indicated it gave first notice on June 4, 2005.
7. The committee submitted notarized testimony on June 27, 2005, three days after the deadline for requesting a hearing. Even if the testimony had been considered a part of the record, it would not have changed the outcome of this case.
8. The secretary has record of no previous insufficient filings during the two-year period beginning September 15, 2003.

ULTIMATE FINDINGS OF FACT

Alexandria Chris Streich, Candidate, and Michael Winger, Treasurer, failed to file a sufficient first pre-election contribution and expenditure report for the May 18, 2004, Primary Election.

CONCLUSIONS OF LAW

Candidate Alexandria Chris Streich's and Treasurer Michael Winger'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.

Jennifer Hertel, Compliance Specialist

DATE of Service: August 5, 2005

c: Michael Winger, Treasurer
PO Box 1361
Gold Beach, OR 97444