

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 the Friends for Charles Hochberg, Charles) Final Order by Default
Hochberg, Candidate, Florence Lichtig, Treasurer, for the)
Second Pre-Election for the May 18, 2004, Primary Election) Case No. I8351
)

October 5, 2005

Friends for Charles Hochberg (004911)
Charles Hochberg, Candidate / Florence Lichtig, Treasurer
23896 Carpenterville Rd
Gold Beach, OR 97444

Dear Mr. Hochberg:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a sufficient second pre-election contribution and expenditure report for the May 18, 2004, Primary Election.

On June 16, 2005, the secretary notified the Friends for Charles Hochberg (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 April 19, 2004. The mailing address provided on the Statement of Organization for the candidate was PO Box 1541, Gold Beach, OR 97444. The statement reported Florence Lichtig as the treasurer and PO Box 1267, Port Orford, OR 97465 as the address to which all committee correspondence was to be sent.
2. The committee filed a second pre-election report with the secretary on May 5, 2004.
3. On May 21, 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 June 3, 2004, to avoid penalties for failure to file a sufficient report.

4. On the day following the June 3, 2004, amendment deadline, the committee's report was still missing the following required information: the date or range of dates for miscellaneous contributions, sufficient occupational information for two contributors or documentation showing that the contributor's occupational information was requested within seven days of the receipt of their contribution (3 items).
5. On June 17, 2004, an amendment to the committee's report was filed. The amendment provided three items of previously insufficient information.
6. On June 16, 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 \$15.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by V. Hochberg on June 17, 2005.
7. On August 1, 2005 mail was returned by the United State Postal Service indicating the above address was no longer valid for the candidate and the new address is 23896 Carpenterville Rd, Gold Beach, OR, 97444.
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, 2003.

ULTIMATE FINDINGS OF FACT

Charles Hochberg, Candidate, and Florence Lichtig, Treasurer, failed to file a sufficient second pre-election contribution and expenditure report for the May 18, 2004, Primary Election.

CONCLUSIONS OF LAW

Candidate Charles Hochberg's and Treasurer Florence Lichtig's failure to file a sufficient second 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: _____

c: Florence Lichtig, Treasurer
PO Box 1267
Port Orford, OR 97465