

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 Frank Shields, Frank Shields, ) Final Order by Default  
Candidate/Treasurer, for the Supplemental of 2004 )  
Case No. I8389 )

January 27, 2006

Friends of Frank Shields (004284)  
Frank Shields, Candidate/Treasurer  
7802 SW 111th Ave  
Portland, OR 97266

Dear Senator. Shields:

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

On November 29, 2005, the secretary notified Friends of Frank Shields (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 February 1, 2002. The statement reported Frank Shields, the candidate, as the treasurer and 12701 NE Prescott Dr #55, Portland, OR 97230 as the address to which all committee correspondence was to be sent.
2. The committee filed a supplemental report with the secretary on September 10, 2004.
3. On September 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 October 8, 2004, to avoid penalties for failure to file a sufficient report.

4. On the day following the October 8, 2004, amendment deadline, the committee's report was still missing the following required information: the date of one contribution (1 item).
5. On November 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/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 and first class mail was returned by the post office as undeliverable as addressed.
6. The secretary obtained the candidate's mailing address from the 2006 Filing of Candidacy. The address provided by the candidate was 7802 SW 111 Ave, Portland, OR 97266.
7. On November 29, 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/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 received and signed for by Rod Monroe on November 30, 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, 2003.

#### ULTIMATE FINDINGS OF FACT

Frank Shields, Candidate/Treasurer, failed to file a sufficient supplemental contribution and expenditure report for 2004.

#### CONCLUSIONS OF LAW

Candidate/Treasurer Frank Shields's failure to file a sufficient supplemental contribution and expenditure report for 2004 violated ORS 260.068, 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.

#### 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: January 27, 2006