

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 Committee to Elect Avel Louise Gordly, Avel) Final Order by Default
Louise Gordly, Candidate, Jack Liu, Treasurer, for the First)
Pre-Election for the November 2, 2004, General Election) Case No. I8404
)

January 26, 2006

Committee to Elect Avel Louise Gordly (000903)
Avel Louise Gordly, Candidate / Jack Liu, Treasurer
6805 NE Broadway
Portland, OR 97213

Dear Senator Gordly:

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 November 2, 2004, General Election.

On November 16, 2005, the secretary notified the Committee to Elect Avel Louise Gordly (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 23, 2004. The statement reported Jack Liu as the treasurer and 6805 NE Broadway, Portland, OR 97213 as the mailing address for both candidate and committee correspondence.
2. The committee filed a first pre-election report with the secretary on September 27, 2004.
3. On October 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 October 21, 2004, to avoid penalties for failure to file a sufficient report.

4. On the day following the October 21, 2004, amendment deadline, the committee's report was still missing the following required information: the date of one contribution, a sufficient name of one contributor, dates within the accounting period for one expenditure and three personal expenditures, complete dates for three personal expenditures (9 items) and a form PC3A, Personal Expenditure for Reimbursement, detailing personal expenditures of \$236.00.
5. On October 25, 2004, an amendment to the committee's report was filed. The amendment provided nine items of previously insufficient information and form PC 3A.
6. 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 and was sent by first class mail to the treasurer at the above-referenced address. The notice proposed a civil penalty of \$50.90 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was unclaimed. The post office indicated it attempted delivery and a notice was left on December 16, 2005. The certified letter has not been returned to the secretary.
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

Avel Louise Gordly, Candidate, and Jack Liu, Treasurer, failed to file a sufficient first pre-election contribution and expenditure report for the November 2, 2004, General Election.

CONCLUSIONS OF LAW

Candidate Avel Louise Gordly's and Treasurer Jack Liu's failure to file a sufficient first pre-election contribution and expenditure report for the November 2, 2004, General Election 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, less 50% for every omitted item provided prior to the issuance of the proposed penalty notice.

ORDER

It is ordered that a penalty of \$50.90 [(\$10.00 X 9 items - \$45.00) + (5% X \$236.00 - \$5.90)] is assessed. If your payment is not received within 60 days, the Order will be forwarded to our accounting division for collection and may subsequently be sent to the Oregon Department of Revenue.

Please refer to case number I8404 when mailing your payment.

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: Jack Liu, Treasurer
6805 NE Broadway
Portland, OR 97213