

BILL BRADBURY
SECRETARY OF STATE

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) Final Order by Default
Report by Friends of Rob Brading, Robert Brading, Candidate,)
Andre Stewart, Treasurer, for the First Pre-Election for the) Case No. I8436
November 2, 2004, General Election)

October 28, 2005

Friends of Rob Brading (004886)
Robert Brading, Candidate / Andre Stewart, Treasurer
PO Box 1424
Fairview, OR 97024-1424

Dear Mr. Brading:

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 July 28, 2005, the secretary notified Friends of Rob Brading (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 May 7, 2004. The mailing address provided on the Statement of Organization for the candidate was PO Box 1424, Fairview, OR 97024-1424. The statement reported Andre Stewart as the treasurer and 2198 SE Hale Dr, Gresham, OR 97080 as the address to which all committee correspondence was to be sent.
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: dates within the accounting period for ten contributions, occupational information for one contributor, dates within the accounting period for twenty-two expenditures, and the names of the payees for four expenditures (37 items).
5. On October 25, 2004, an amendment to the committee's report was filed. The amendment provided 35 items of previously insufficient information.
6. On July 28, 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 \$195.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Robert Brading on August 3, 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

Robert Brading, Candidate, and Andre Stewart, Treasurer, failed to file a sufficient first pre-election contribution and expenditure report for the November 2, 2004, General Election.

CONCLUSIONS OF LAW

Candidate Robert Brading's and Treasurer Andre Stewart'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 \$195.00 (\$10.00 X 37 items - \$175.00) 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 I8436 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: Andre Stewart, Treasurer
2198 SE Hale Dr
Gresham, OR 97080