

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 Scott Bruun for State Representative, Scott Bruun, Candidate, Stan W. Baumhofer, Treasurer, for the First Pre-Election for the November 2, 2004, General Election) Final Order by Default) Case No. I8437)

January 26, 2006

Scott Bruun for State Representative (004897)
Scott Bruun, Candidate / Stan W. Baumhofer, Treasurer
23069 Bland Circle
West Linn, OR 97068

Dear Representative Bruun:

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 Scott Bruun for State Representative (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 March 26, 2004. The statement reported Stan W. Baumhofer as the treasurer and 333 S State St, V229, Lake Oswego, OR 97034, 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: sufficient occupational information for one contributor (1 item).
5. On November 15, 2004, an amendment to the committee's report was filed. The amendment provided one item of previously insufficient information.
6. On January 31, 2005, the committee filed an amended Statement of Organization, updating the candidate's mailing address to 23069 Bland Circle, West Linn, OR 97068, and the mailing address for committee correspondence to PO Box 8556, Portland, OR 97207.
7. 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 addresses. The notice proposed a civil penalty of \$5.00 and allowed the committee 20 days to request a hearing. The certified card was not returned in the mail; however, the post office confirms delivery on November 28, 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

Scott Bruun, Candidate, and Stan W. Baumhofer, Treasurer, failed to file a sufficient first pre-election contribution and expenditure report for the November 2, 2004, General Election.

CONCLUSIONS OF LAW

Candidate Scott Bruun's and Treasurer Stan W. Baumhofer'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 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: Stan W. Baumhofer, Treasurer
PO Box 8556
Portland, OR 97207