

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 Jim Wright, Jim Wright,) Final Order by Default
Candidate, Robert B. Doolen, Treasurer, for the Post-Election)
for the November 2, 2004, General Election) Case No. I8460
)

October 5, 2005

Committee to Elect Jim Wright (004875)
Jim Wright, Candidate / Robert B. Doolen, Treasurer
2594 E Barnett Rd Ste G
Medford, OR 97504

Dear Mr. Wright:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a sufficient post-election contribution and expenditure report for the November 2, 2004, General Election.

On August 18, 2005, the secretary notified the Committee to Elect Jim Wright (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 9, 2004. The statement reported Robert B. Doolen as the treasurer and 2594 E Barnett Rd Ste G, Medford, OR 97504 as the mailing address for both candidate and committee correspondence.
2. The committee filed a post-election report with the secretary on December 1, 2004.
3. On December 17, 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 December 30, 2004, to avoid penalties for failure to file a sufficient report.

4. On the day following the December 30, 2004, amendment deadline, the committee's report was still missing the following required information: a Report of Expenditures Made by an Agent (form PC 9) detailing expenditures of \$16,545.00 made by the agent on behalf of the committee.
5. On January 18, 2005, an amendment to the committee's report was filed. The amendment provided the Report of Expenditures Made by an Agent.
6. On August 18, 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 \$82.73 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Robert B. Doolen on August 29, 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

Jim Wright, Candidate, and Robert B. Doolen, Treasurer, failed to file a sufficient post-election contribution and expenditure report for the November 2, 2004, General Election.

CONCLUSIONS OF LAW

Candidate Jim Wright's and Treasurer Robert B. Doolen's failure to file a sufficient post-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 less 50% for every omitted item provided prior to the issuance of the final order by default.

ORDER

Payment of the proposed civil penalty of \$82.73 was received in the office of the Secretary of State on August 22, 2005. This Order will serve as your receipt and this matter is now considered closed.

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: Robert B. Doolen, Treasurer
2594 E Barnett Rd Ste G
Medford, OR 97504