

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 Donna Nelson for State Representative,) Final Order by Default
Donna Nelson, Candidate, Freda Wilson-Padilla, Treasurer,)
for the Second Pre-Election for the November 2, 2004,) Case No. I8584
General Election)

January 27, 2006

Donna Nelson for State Representative (003652)
Donna Nelson, Candidate / Freda Wilson-Padilla, Treasurer
2150 St. Andrews Dr NW
McMinnville, OR 97128

Dear Representative Nelson:

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

On December 2, 2005, the secretary notified Donna Nelson 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 September 15, 2003. The statement reported Freda Wilson-Padilla as the treasurer and 2150 St. Andrews Dr NW, McMinnville, OR 97128 as the mailing address for both candidate and committee correspondence.
2. The committee filed a second pre-election report with the secretary on October 21, 2004.
3. On November 5, 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 November 18, 2004, to avoid penalties for failure to file a sufficient report.

4. On the day following the November 18, 2004, amendment deadline, the committee's report was still missing the following required information: the name of one contributor and the purpose for one in-kind contribution (2 items).
5. On December 9, 2004, an amendment to the committee's report was filed. The amendment provided two items of previously insufficient information.
6. On December 2, 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 \$10.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Donna Nelson on December 5, 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

Donna Nelson, Candidate, and Freda Wilson-Padilla, Treasurer, failed to file a sufficient second pre-election contribution and expenditure report for the November 2, 2004, General Election.

CONCLUSIONS OF LAW

Candidate Donna Nelson's and Treasurer Freda Wilson-Padilla's failure to file a sufficient second 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

Payment of the proposed civil penalty of \$10.00 was received in the office of the Secretary of State on December 28, 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: Freda Wilson-Padilla, Treasurer
2150 St. Andrews Dr NW
McMinnville, OR 97128