

**STATE REPRESENTATIVE CHUCK BURLEY**

**PO Box 9424  
BEND, OR 97708-9424  
(541) 408-7919**

RECEIVED  
2005 DEC 19 PM 2:59  
EIL BRADBURY  
SECRETARY OF THE STATE

December 15, 2005

State of Oregon  
Attn: Jennifer Hertel  
Elections Division  
141 State Capitol  
Salem OR 97310-0722

**Re: Notice of Proposed Civil Penalty; Opportunity to Request Hearing/Case No.: I8595**

Dear Ms. Hertel:

This will serve as my notarized written explanation providing evidence of mitigating circumstances regarding the above-referenced matter.

Enclosed please find a copy of the amended PC2 form page 11 with the requested address information previously submitted via e-mail on November 11, 2004 by my Treasurer at the time, Joanne Luke, as she noted on the copy of the Exam Letter dated November 5, 2004. Both Joanne and I believe since we have copies of the documents in the file attached together and completed, that these documents were submitted. I would also like to comment that I believe this current system of delivery with the Campaign Finance E-File program via e-mail is flawed in the fact that there is no actual receipt delivered showing the documents have been submitted correctly and received by the State of Oregon. Furthermore, if the E-File is lost in cyberspace, there is no way the sender or the intended recipient would know.

The whole electronic filing was new last campaign and if someone were not very computer literate, it would be easy to lose track. For instance, in Microsoft Outlook, one could save emails for the record but one would have to know that the Auto Archive feature would have to be turned off to avoid periodic deletion of saved emails. In addition, one could send emails with a Receipt Requested if one knew how but even then the recipient could deny the receipt.

As a final point, I received the above-referenced notice on December 6, 2005 which is over a year after the compliance deadline of November 18, 2004 and I believe if the documents were not received timely, I should have received a notice much sooner.

Due to all of the above circumstances, I am requesting the Civil Penalty and fine be dropped. I make this request under Item c): "The insufficiency was the direct result of failure of a professional delivery service to deliver documents in the time guaranteed for delivery by written receipt of the service provider..." Though there was obviously no written receipt, I would submit this does not apply in the case of the requirement to submit E-Files via email. I believe this highlights a deficiency in the methodology and hence Item c) is an appropriate reason to waive the penalty.

Thank you very much for your prompt attention and consideration with this matter and I look forward to your positive reply

P.S. Enclosed please find the amended PC2 form page 11 to ensure the corrections to the November 2004 are made.

Sincerely,

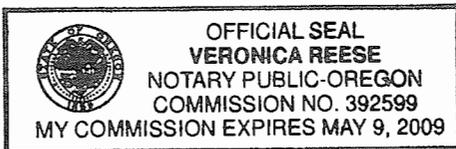
Charles H. Burley

Enclosures

cc: Joanne Luke

State of Oregon, County of Deschutes ) ss.

Subscribed and sworn to before me this 15<sup>th</sup> day of December, 2005.



Notary Public for Oregon  
My Commission Expires: May 9, 2009

# Cash Contributions, Loans Received and In-Kind

Candidate or Political Committee Name:

Chuck Burley for State Representative

Committee ID Number:

004727

Page 11

ion: GENERAL

Report: 2ND PRE

Election Year: 2004

**SEE BACK FOR INSTRUCTIONS AND CODE DEFINITIONS**

**CODE 1: Contributor Type**

- B Business Entity
- C Political Committee (includes business and union PACs)
- F Candidate's Immediate Family (includes candidate)
- I Individual
- L Labor Organization
- O Other
- P Political Party Committee

**CODE 2: Contribution Type**

- CA Cash
- CO Cosigner Obligation
- IK In-Kind
- LR Loan Received

Line #	Name and Address of Contributor	Amount of Contribution	In-Kind Purpose (see manual for suggested purpose codes)	
Date Received	Occupational Information or Contributing Committee's ID#	Contributor Aggregate	Code 1	Code 2
1.	Last Oregon Action Comm First for Rural Electrificati Add 1 707 13th St SE Ste 200 Add 2 City Salem St OR Zip 97301	\$ 500.00	IK Code 1 <input type="checkbox"/> IK Code 2 <input checked="" type="checkbox"/> IK Code 3 <input type="checkbox"/> IK Code 4 <input type="checkbox"/>	
10/8/2004	Employer Name City St Zip Occup Com ID# 117	\$ 500.00	C <input checked="" type="checkbox"/>	CA <input checked="" type="checkbox"/>
2.	Last Safeco Corporatio First Political Account Add 1 Safeco Plaza, Seattle, WA 98185 Add 2 c/o Butterfield Communications Box 1517 City Wilsonville St OR Zip 97070	\$ 1000.00	IK Code 1 <input type="checkbox"/> IK Code 2 <input type="checkbox"/> IK Code 3 <input type="checkbox"/> IK Code 4 <input type="checkbox"/>	
10/8/2004	Employer Name Washington State PAC City St Zip Occup Washington PAC no State # Com ID#	\$ 1000.00	C <input checked="" type="checkbox"/>	CA <input checked="" type="checkbox"/>
3.	Last Center for Citizen First Leadership Add 1 1149 Court St. NE Add 2 City Salem St OR Zip 97301	\$ 3000.00	IK Code 1 <input type="checkbox"/> IK Code 2 <input type="checkbox"/> IK Code 3 <input type="checkbox"/> IK Code 4 <input type="checkbox"/>	
10/9/2004	Employer Name City St Zip Occup Com ID# 10	\$ 3500.00	C <input checked="" type="checkbox"/>	CA <input checked="" type="checkbox"/>

<p>4.</p> <p>10/16/2004</p>	<p>Last <input type="text" value="Oregon Anglers"/> First <input type="text"/></p> <p>Add 1 <input type="text" value="2311 Jolie Pointe Rd."/></p> <p>Add 2 <input type="text"/></p> <p>City <input type="text" value="West Linn"/> St <input type="text" value="OR"/> Zip <input type="text" value="97068"/></p>	<p>\$ <input type="text" value="500.00"/></p>	<p>IK Code 1 <input type="text"/></p> <p>IK Code 2 <input type="text"/></p> <p>IK Code 3 <input type="text"/></p> <p>IK Code 4 <input type="text"/></p> <p>In-Kind Purpose Description</p> <p><input type="text"/></p>
<p>0/9/2004</p> <p>Thru <input type="text"/></p>	<p>Employer Name <input type="text"/></p> <p>City <input type="text"/> St <input type="text"/> Zip <input type="text"/></p> <p>Occup <input type="text"/> Com ID# <input type="text" value="4084"/></p>	<p>\$ <input type="text" value="500.00"/></p>	<p><input type="text" value="C"/> <input type="text" value="CA"/></p>
<p>5.</p> <p>10/16/2004</p>	<p>Last <input type="text" value="Committee to Elect"/> First <input type="text" value="Gene Whisnant"/></p> <p>Add 1 <input type="text" value="P O Box 3565"/></p> <p>Add 2 <input type="text"/></p> <p>City <input type="text" value="Sunriver"/> St <input type="text" value="OR"/> Zip <input type="text" value="97707"/></p>	<p>\$ <input type="text" value="500.00"/></p>	<p>IK Code 1 <input type="text"/></p> <p>IK Code 2 <input type="text"/></p> <p>IK Code 3 <input type="text"/></p> <p>IK Code 4 <input type="text"/></p> <p>In-Kind Purpose Description</p> <p><input type="text"/></p>
<p>10/11/2004</p> <p>Thru <input type="text"/></p>	<p>Employer Name <input type="text"/></p> <p>City <input type="text"/> St <input type="text"/> Zip <input type="text"/></p> <p>Occup <input type="text"/> Com ID# <input type="text" value="4653"/></p>	<p>\$ <input type="text" value="1000.00"/></p>	<p><input type="text" value="C"/> <input type="text" value="CA"/></p>
<p>See Instructions on Back and in Campaign Finance Manual</p> <p>PC 2</p>	<p><b>Page Totals</b> (Add all amounts with the same contribution type. Do not include aggregates.)</p> <p>Cash (CA) \$ <input type="text"/></p> <p>In-Kind (IK) \$ <input type="text"/></p> <p>Loans Received (LR) \$ <input type="text"/></p>	<p><b>Accounting Period Totals</b> (Complete only for last page and transfer these amounts to the Summary Statement, PC 1.)</p> <p>Cash (CA) \$ <input type="text"/> Enter on Summary Statement, Column A, Line 1</p> <p>In-Kind (IK) \$ <input type="text"/> Enter on Summary Statement, Column A, Lines 4 and 9</p> <p>Loans Received (LR) \$ <input type="text"/> Enter on Summary Statement, Column A, Line 2</p>	

BILL BRADBURY  
SECRETARY OF STATE



JOHN LINDBACK  
DIRECTOR

141 STATE CAPITOL  
SALEM, OREGON 97310-0722

ELECTIONS — (503) 986-1518

**EXAM LETTER**  
November 5, 2004

BURLEY, CHUCK, FOR STATE REPRESENTATIVE  
(004727)  
JOANNE LUKE, TREASURER  
PO BOX 9424  
BEND OR 97708

*Seal*  
*11/11/04*

We have examined your second pre-election contribution and expenditure report for the November 2, 2004, General Election and found the following:

- Your committee's report is sufficient.
- Your committee's report is not sufficient in the following way(s).
  - You failed to provide information under an item identified by a ♦. Failure to provide the information requested under an item identified by a ♦ will result in a penalty under ORS 260.232 for failure to file a sufficient report (see the penalty matrix on pages 104-105 of the *2004 Campaign Finance Manual*).
  - You failed to provide information under an item identified by a ▲. Failure to provide the information requested under an item identified by a ▲ may result in a penalty under ORS 260.995 for failure to comply with an administrative rule adopted by the Secretary of State.

You must file the necessary amended information on amendment forms. We will not accept amendments on the regular reporting forms. If requested, you must also file an amended summary page and/or an amended Statement of Organization. All requested information on this exam letter must be received by **November 18, 2004**, to avoid penalties.

**IMPORTANT REMINDER:** Any additional amendments adding or deleting contributions or expenditures or changing the amount of a previously reported contribution or expenditure must be received by **November 18, 2004**, to avoid "new transaction" penalties.