

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) Final Order
Report by Connolly for a Safer Oregon (Paul), Paul Connolly,)
Candidate/Treasurer, for the Second Pre-Election for the) Case No. I8601
November 2, 2004, General Election)

January 26, 2006

Connolly for a Safer Oregon (Paul) (004895)
Paul Connolly, Candidate/Treasurer
PO Box 3095
Salem, OR 97302

Dear Mr. Connolly:

This is a Final Order 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 Connolly for a Safer Oregon (Paul) (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. The committee submitted written testimony in the form of a notarized statement in lieu of a personal appearance at a public hearing. Accordingly, after consideration of the applicable law and evidence presented, Jennifer Hertel, Hearings Officer with the Elections Division, 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 11, 2004. The statement reported Paul Connolly, the candidate, as the treasurer and PO Box 3095, Salem, OR 97302 as the address to which all committee correspondence was to be sent.
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: a sufficient name of the payee for one expenditure (1 item).
5. 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/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 Jackie Hanson on December 5, 2005.
6. On December 12, 2005, the secretary received a notarized letter from Paul R.J. Connolly in lieu of a personal appearance at a public hearing.
7. The letter—attached as Exhibit A—was reviewed, considered, and made part of the record.
8. The secretary has record of no previous insufficient filings during the two-year period beginning September 15, 2003.

ULTIMATE FINDINGS OF FACT AND CONCLUSIONS OF LAW

Paul Connolly, Candidate/Treasurer, filed a sufficient second pre-election contribution and expenditure report for the November 2, 2004, General Election.

OPINION

Connolly for a Safer Oregon (Paul)'s second pre-election contribution and expenditure report, filed on October 21, 2004, was sufficient. An exam letter was sent to the committee detailing the insufficiencies of the report and an amendment to the report was required to be filed by November 18, 2004. The committee failed to file an amendment which satisfied all the items listed on the exam letter by the deadline.

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.

After reviewing and considering the evidence and information on file in this office, the hearings officer finds that there has been no violation of Oregon election law.

The testimony disputes the exam letter finding that the name of the payee for one expenditure was insufficient. The name of the payee in question is OSTA Review. It was noted on the exam letter because acronyms are not allowed to be used in place of the full name of the payee. *2004 Campaign Finance Manual*, pg. 74. Mr. Connolly explained that OSTA Review is not an acronym but is the actual name of the magazine published by Manufactured Home Owners of Oregon, Inc. He attached the front inside page from the magazine. This constitutes a valid mitigating circumstance in which the proposed penalty of \$10.00 is waived and there is no violation of election law by the candidate.

ORDER

It is ordered that no penalty be assessed because there has been no violation of Oregon election law. This case 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: _____