

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 Oregon Sierra Club Political Action Committee, ) Final Order by Default  
Andree Bain, Treasurer, for the Post-Election for the )  
November 2, 2004, General Election ) Case No. I8609  
)

January 27, 2006

Oregon Sierra Club Political Action Committee (000252)  
Andree Bain, Treasurer  
PO Box 69212  
Portland, OR 97239

Dear Ms. Bain:

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 December 15, 2005, the secretary notified the Oregon Sierra Club Political Action Committee (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 221), applicable during the reporting period, was filed with the secretary on October 20, 2004. The statement reported Andree Bain as the treasurer and PO Box 80785, Portland, OR 97280-1785 as the address to which all committee correspondence was to be sent.
2. The committee filed a post-election report with the secretary on November 29, 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: the complete address for one contributor (1 item).
5. On January 10, 2005, an amendment to the committee's report was filed. The amendment provided no items of previously insufficient information.
6. On October 10, 2005, an amendment to the committee statement of organization was filed. The committee mailing address was amended to PO Box 69212, Portland, OR 97239.
7. On December 15, 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 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 Andree Bain on December 20, 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

Andree Bain, Treasurer, failed to file a sufficient post-election contribution and expenditure report for the November 2, 2004, General Election.

#### CONCLUSIONS OF LAW

Treasurer Andree Bain's failure to file a sufficient post-election contribution and expenditure report for the November 2, 2004, General Election violated ORS 260.073, 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 treasurer, 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.

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Jennifer Hertel, Compliance Specialist

DATE of Service: \_\_\_\_\_