

BILL BRADBURY  
SECRETARY OF STATE



ELECTIONS DIVISION  
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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 Wayne Krieger for State Representative, Wayne ) Final Order by Default  
Krieger, Candidate, Colleen Krieger, Treasurer, for the )  
Post-Election for the November 2, 2004, General Election ) Case No. I8623  
)

January 26, 2006

Wayne Krieger for State Representative (003477)  
Wayne Krieger, Candidate / Colleen Krieger, Treasurer  
95702 Skyview Ranch Rd  
Gold Beach, OR 97444

Dear Representative Krieger:

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 Wayne Krieger 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 March 11, 2004. The mailing address provided on the Statement of Organization for the candidate was 95702 Skyview Ranch Rd, Gold Beach, OR 97444. The statement reported Colleen Krieger as the treasurer and 11855 SW Katherine St, Tigard, OR 97223-3145 as the address to which all committee correspondence was to be sent.
2. The committee filed a post-election report with the secretary on December 2, 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 occupational information for one contributor, the candidate or treasurer's signature on the PC 1 form (2 items) and a form PC 3A Personal Expenditures for Reimbursement, detailing personal expenditures of \$553.80 made by the candidate or treasurer.
5. 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 candidate and was sent by first class mail to the treasurer at the above-referenced addresses. The notice proposed a civil penalty of \$57.69 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Becky Brotton on December 29, 2005.
6. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
7. The secretary has record of one previous insufficient filing during the two-year period beginning September 15, 2003.

#### ULTIMATE FINDINGS OF FACT

Wayne Krieger, Candidate, and Colleen Krieger, Treasurer, failed to file a sufficient post-election contribution and expenditure report for the November 2, 2004, General Election.

#### CONCLUSIONS OF LAW

Candidate Wayne Krieger's and Treasurer Colleen Krieger'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 second violation by the candidate, the penalty is \$15.00 per omission and 5% of the amount of the personal expenditures.

#### ORDER

Payment of the proposed civil penalty of \$57.69 was received in the office of the Secretary of State on December 19, 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.

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Jennifer Hertel, Compliance Specialist

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

c: Colleen Krieger, Treasurer  
11855 SW Katherine St  
Tigard, OR 97223-3145