

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 <u>Bruce Starr for State Senate</u> , Bruce Starr, Candidate,)	Final Order by Default
Nancy Stout, Treasurer, for the Supplemental of 2005)	Case No. I9265
)	

October 18, 2007

Bruce Starr for State Senate (002752)
Bruce Starr, Candidate / Nancy Stout, Treasurer
22115 NW Imbrie Dr #290
Hillsboro, OR 97124

Dear Senator Starr:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a sufficient supplemental contribution and expenditure report for 2005.

On August 1, 2007 (erroneously dated August 1, 2005), the secretary notified Bruce Starr for State Senate (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 January 6, 2005. The mailing address provided on the Statement of Organization for the candidate was 22115 NW Imbrie Dr #290, Hillsboro, OR 97124. The statement reported Nancy Stout as the treasurer and 4251 SE Averi Ct, Hillsboro, OR 97123 as the address to which all committee correspondence was to be sent.
2. The committee filed a supplemental report with the secretary on September 12, 2005.
3. On September 27, 2005, 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 October 10, 2005, to avoid penalties for failure to file a sufficient report.

4. On the day following the October 10, 2005, amendment deadline, the committee's report was still missing the following required information: the date for one personal expenditure, a sufficient name of the payee for one expenditure and the purpose for one expenditure (3 items).
5. On March 13, 2006, the secretary received an amended SEL 220 updating the mailing address for Nancy Stout to 4888 NW Bethany Blvd Ste K5 #367, Hillsboro, OR 97229.
6. On August 1, 2007, 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 \$30.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by S. Burley on August 2, 2007.
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

Bruce Starr, Candidate, and Nancy Stout, Treasurer, failed to file a sufficient supplemental contribution and expenditure report for 2005.

CONCLUSIONS OF LAW

Candidate Bruce Starr's and Treasurer Nancy Stout's failure to file a sufficient supplemental contribution and expenditure report for 2005 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.

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.

Stacey Jackson, Compliance Specialist

DATE of Service: _____

c: Nancy Stout, Treasurer
4888 NW Bethany Blvd Ste K5 #367
Portland, OR 97229