

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 Wirth for State Representative, Kelley Wirth, Candidate, Sonya Reichwein, Treasurer, for the Supplemental of 2005)
Final Order by Default)
Case No. I9272)

October 18, 2007

Wirth for State Representative (003563)
Kelley Wirth, Candidate / Sonya Reichwein, Treasurer
PO Box 607
Corvallis, OR 97339

Dear Ms. Wirth:

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, the secretary notified Wirth 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 April 12, 2004. The statement reported Sonya Reichwein as the treasurer and PO Box 607, Corvallis, OR 97339 as the mailing address for both candidate and committee correspondence.
2. The committee filed a supplemental report with the secretary on September 6, 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: a sufficient purpose for one expenditure (1 item).
5. On November 2, 2005, an amendment to the committee's report was filed. The amendment provided one item of previously insufficient information.
6. On February 22, 2006, the secretary received a SEL 220 amending the mailing address for Sonya Reichwein to 337 Edgewater Sq, Lebanon, OR 97355.
7. 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 \$7.50 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was returned undeliverable by the post-office on August 9, 2007.
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 one previous insufficient filing during the two-year period beginning September 15, 2003.

ULTIMATE FINDINGS OF FACT

Kelley Wirth, Candidate, and Sonya Reichwein, Treasurer, failed to file a sufficient supplemental contribution and expenditure report for 2005.

CONCLUSIONS OF LAW

Candidate Kelley Wirth's and Treasurer Sonya Reichwein'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 second violation by the candidate, the penalty is \$15.00 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.

Stacey Jackson, Compliance Specialist

DATE of Service: October 18, 2007

c: Sonya Reichwein, Treasurer
337 Edgewater Sq
Lebanon, OR 97355