

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 Family Council PAC, Donna Butler, ) Default Final Order  
Treasurer, for the First Pre-Election for the May 16, 2006, )  
Primary Election ) Case No. I9315  
)

February 8, 2008

Oregon Family Council PAC (002189)  
Donna Butler, Treasurer  
PO Box 1304  
Silverton, OR 97381

Dear Ms. Butler:

This is a Default Final Order issued by the Secretary of State (secretary) for your failure to file a sufficient first pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

On September 5, 2007, the secretary notified the Oregon Family Council PAC (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 February 10, 2006. The statement reported Donna Butler as the treasurer and PO Box 1304, Silverton, OR 97381 as the address to which all committee correspondence was to be sent.
2. The committee filed a first pre-election report with the secretary on April 10, 2006.
3. On April 25, 2006, 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 May 4, 2006, to avoid penalties for failure to file a sufficient report.

4. On the day following the May 4, 2006, amendment deadline, the committee's report was still missing the following required information: sufficient purposes for 11 expenditures and the addresses for 85 payees (96 items).
5. On May 8, 2006, an amendment to the committee's report was filed. The amendment provided 78 items of previously insufficient information.
6. On September 5, 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 treasurer at the above-referenced address. 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 Donna L. Butler on September 7, 2007.
7. On September 26, 2007, the secretary received a notarized letter from Donna L. Butler in lieu of a personal appearance at a public hearing. Based on the information provided in the notarized testimony, the secretary determined that the notice dated September 5 incorrectly identified the items that were insufficient on the first pre-election report.
8. The first notice (dated September 5, 2007) was withdrawn and a second notice was reissued to the committee on October 23, 2007. 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 \$570.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Donna L. Butler on October 24, 2007.
9. The secretary has record of no previous insufficient filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

Donna Butler, Treasurer, failed to file a sufficient first pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

#### CONCLUSIONS OF LAW

Treasurer Donna Butler's failure to file a sufficient first pre-election contribution and expenditure report for the May 16, 2006, Primary Election violated ORS 260.063, ORS 260.083 and OAR 165-012-0005. A civil penalty may be imposed for this violation under ORS 260.232(1)(b).

#### OPINION

The Oregon Family Council PAC's first pre-election contribution and expenditure report, filed on April 10, 2006, was insufficient. 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 May 4, 2006. The committee failed to file an amendment which satisfied all the items listed on the exam letter by the deadline.

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Donna Butler, Treasurer

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A maximum \$10,000 civil penalty may be imposed for this violation. The *2006 Campaign Finance Manual*, which contains a penalty calculation matrix on pages 108 and 109, 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.

#### ORDER

It is ordered that a penalty of \$570.00 (\$10.00 X 96 items - \$390.00) is assessed. If your payment is not received within 60 days, the Order will be forwarded to our accounting division for collection and may subsequently be sent to the Oregon Department of Revenue.

Please refer to case number I9315 when mailing your payment.

#### 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: \_\_\_\_\_