

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 Committee to Elect Ben Westlund, Ben Westlund, Candidate, Dana Billingsley, Treasurer, for the First Pre-Election for the May 16, 2006, Primary Election)
) Final Order by Default
)
) Case No. I9318
)

November 15, 2007

Committee to Elect Ben Westlund (002392)
Ben Westlund, Candidate / Dana Billingsley, Treasurer
PO Box 1379
Bend, OR 97701

Dear Senator Westlund:

This is a Final Order by Default 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 Committee to Elect Ben Westlund (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 February 14, 2006. The statement reported Ben Westlund, the candidate, as the treasurer and 89358 Cranberry Ln, Bandon, OR 97411 as the address to which all committee correspondence was to be sent. The candidate's address was listed as.
2. The committee filed a first pre-election report with the secretary on April 11, 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 April 28, 2006, the secretary received an amended SEL 220 reporting Dana Billingsley as the treasurer and PO Box 1540 as the mailing address for the committee.
5. On the day following the May 4, 2006, amendment deadline, the committee's report was still missing the following required information: the complete address for one contributor, the address for three contributors, sufficient occupational information for 106 contributors or the documentation showing that the contributor's occupational information was requested within seven days of receipt of their contribution, and a sufficient name for nine contributors, (119 items).
6. On May 5, 2006 and May 8, 2006, amendments to the committee's report were filed. The amendments provided 80 items of previously insufficient information.
7. On April 20, 2007, the secretary received an amended SEL 220 changing the committee's mailing address to PO Box 95, Bend, OR 97709.
8. 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 candidate at the above-referenced address. The notice was sent by first class mail to the treasurer at the candidate's mailing address. The notice proposed a civil penalty of \$790.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by L. Westlund on September 8, 2007.
9. On October 4, 2007, the secretary received an amended SEL 220 changing the candidate's mailing address to PO Box 1379, Bend, OR 97701
10. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
11. The secretary has record of no previous insufficient filings during the two-year period beginning September 15, 2003.

ULTIMATE FINDINGS OF FACT

Ben Westlund, Candidate, and Dana Billingsley, Treasurer, failed to file a sufficient first pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

CONCLUSIONS OF LAW

Candidate Ben Westlund's and Treasurer Dana Billingsley's failure to file a sufficient first pre-election contribution and expenditure report for the May 16, 2006, Primary Election violated ORS 260.058, 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 *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 candidate, 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 \$790.00 (\$10.00 X 119 items - \$400.00) 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 I9318 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.

Stacey Jackson, Compliance Specialist

DATE of Service: November 15, 2007

c: Dana Billingsley, Treasurer
PO Box 95
Bend, OR 97709