

4. On the day following the May 4, 2006, amendment deadline, the committee's report was still missing the following required information: the occupational information for one contributor and the purpose for one in-kind contribution (2 items).
5. On September 5, 2007, the secretary sent the committee a Notice of Proposed Civil Penalty. The notice was inadvertently sent by both certified and first class mail to Bill Riley at 5550 NW Roanoke Ln, Portland OR 97229. The certified letter was returned unclaimed and the post office indicated it gave first notice on September 7, 2007.
6. The notice was withdrawn on November 15, 2007, because Mr. Roanoke did not become treasurer until August 22, 2006, after the filing of this report.
7. On November 15, 2007, the secretary determined Jacqueline S. Richey had an updated mailing address of 2705 SE Stark St, Portland, OR 97214.
8. On November 16, 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 \$20.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Susan J. Sutton on December 4, 2007.
9. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
10. The secretary has record of no previous insufficient filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

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

CONCLUSIONS OF LAW

Treasurer Jacqueline S. Richey'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).

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.

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: January 23, 2008