

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION
JOHN LINDBACK
DIRECTOR
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SALEM, OREGON 97310
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 Multnomah County Democratic Central Committee,) Final Order by Default
Moses Ross, Treasurer, for the Second Pre-Election for the)
May 16, 2006, Primary Election) Case No. I9382
)

September 19, 2008

Multnomah County Democratic Central Committee (000335)
Moses Ross, Treasurer
1725 SW Multnomah Blvd #13
Portland, Oregon 97219

Dear Mr. Ross:

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

On June 4, 2008 and June 11, 2008, the secretary notified the Multnomah County Democratic Central Committee (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 January 3, 2006. The statement reported Moses Ross as the treasurer and PO Box 6596, Portland, Oregon 97228 as the address to which all committee correspondence was to be sent.
2. The committee filed a second pre-election report with the secretary on May 5, 2006.
3. On May 19, 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 June 1, 2006, to avoid penalties for failure to file a sufficient report.

4. On the day following the June 1, 2006, amendment deadline, the committee's report was still missing the following required information: the sufficient purposes for forty-three in-kind contributions and sufficient occupational information for two contributors (45 items).
5. On June 9, 2006, an amendment to the committee's report was filed. The amendment provided 45 items of previously insufficient information.
6. On June 4, 2008, 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 \$337.50 and allowed the committee 20 days to request a hearing. The notice sent by certified mail to PO Box 6596 was returned unclaimed and the post office indicated it gave first notice on June 5, 2008. On June 11, 2008 the notice was resent to the Treasurer, Mr. Ross, at the address listed on Oregon Voter Registration database as 1725 SW Multnomah Blvd #13, Portland Oregon 97219 and the notice was received and signed for by Moses Ross on June 13, 2008.
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 one previous insufficient filing during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Moses Ross, Treasurer, failed to file a sufficient second pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

CONCLUSIONS OF LAW

Treasurer Moses Ross's failure to file a sufficient second 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 second violation by the treasurer, the penalty is \$15.00 per omission, less 50% for every omitted item submitted after the amendment deadline and up to the date of the hearing.

ORDER

It is ordered that a penalty of \$337.50 (\$15.00 X 45 items - \$337.50) 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 I9382 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.

Candy Broucek, Compliance Specialist

DATE of Service: _____

Correspondence Recipient

cc: Susan Silador
232 NE 9th Ave
Portland OR 97232