

BILL BRADBURY  
SECRETARY OF STATE



ELECTIONS DIVISION  
JOHN LINDBACK  
DIRECTOR  
255 CAPITOL ST NE, STE 501  
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 the Heat and Frost Insulators Local 36 PAC, ) Final Order by Default  
Mark J. Ruple, Treasurer, for the Second Pre-Election for the )  
May 16, 2006, Primary Election ) Case No. I9387  
)

September 19, 2008

Heat and Frost Insulators Local 36 PAC (002294)  
Mark J. Ruple, Treasurer  
11145 NE Sandy Blvd  
Portland, Oregon 97220

Dear Mr. Ruple:

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, the secretary notified the Heat and Frost Insulators Local 36 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 November 1, 2004. The statement reported Mark J. Ruple as the treasurer and 11145 NE Sandy Blvd, Portland, Oregon 97220 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 24, 2006.
3. On June 1, 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 16, 2006, to avoid penalties for failure to file a sufficient report.

4. On the day following the June 16, 2006, amendment deadline, the committee's report was still missing the following required information: the addresses for four cash expenditure payees (4 items).
5. On July 31, 2006, an amendment to the committee's report was filed. The amendment provided four 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 \$30.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Sharena Ruscette on June 5, 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

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

#### CONCLUSIONS OF LAW

Treasurer Mark J. Ruple'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 but prior to the deadline for a candidate or treasurer to request a 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.

---

Candy Broucek, Compliance Specialist

DATE of Service: \_\_\_\_\_