

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 Committee to Elect Ben Westlund, Ben Westlund, Candidate, Dana Billingsley, Treasurer, for the Second Pre-Election for the May 16, 2006, Primary Election)
) Final Order by Default
)
) Case No. I9389

September 19, 2008

Committee to Elect Ben Westlund (002392)
Ben Westlund, Candidate / Dana Billingsley, Treasurer
PO Box 1379
Bend, OR 97709

Dear Mr. Westlund:

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 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 April 28, 2006. The mailing address provided on the Statement of Organization for the candidate was 20590 Arrowhead Dr, Bend, OR 97701. The statement reported Dana Billingsley as the treasurer and PO Box 1540, Bend, OR 97709-1540 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: sufficient occupational information for 38 contributors or the documentation showing the information was requested within seven days of receipt of their contribution (38 items).
5. On October 4, 2007, the secretary received an amended SEL 220 reporting the candidate as the treasurer and the committee's mailing address as PO Box 95, Bend, OR 97709 and candidate's mailing address as PO Box 1379, Bend, OR 97709.
6. On May 20, 2008, the secretary obtained an updated mailing address of 61478 SE Camelot Pl, Bend OR 97702 for Dana Billingsley from voter registration records.
7. 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 candidate and was sent by first class mail to the treasurer at the above-referenced addresses. 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 Jon M. Billingsley on June 12, 2008.
8. On June 24, 2008, the secretary received an amended SEL 220 reporting Dana Billingsley as the treasurer and PO Box 95, Bend, OR 97709 as the committee mailing address.
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 one previous insufficient filing during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Ben Westlund, Candidate, and Dana Billingsley, Treasurer, failed to file a sufficient second 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 second 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 second violation by the candidate, the penalty is \$15.00 per omission.

ORDER

Payment of the proposed civil penalty of \$570.00 was received in the office of the Secretary of State on July 22, 2008. This Order will serve as your receipt and this matter is now considered closed.

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: September 19, 2008

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

Ivo Trummer, Correspondence Recipient
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