Donna L. Butler, LLC, dba
Capitol Accounting Service
311 S. Water Street
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June 25, 2008

John Lindback
Oregon Elections Division
255 Capitol St. NE, Suite 501
Salem, OR 97310

HEARING REQUEST

Dear Mr. Lindback:

I hereby request hearings for the following committees for penalties issued by your office on June 4 and June 20, 2008, for the 2nd pre-election and the post-election campaign finance reports for the May 2006 Oregon Primary Election:

Case Number:	Committee:
I9426	Biggi, Friends of Domonic
I9409	Cameron for Oregon (Kevin)
I9399	Dalto, Friends of Billy
I9424	Draper, Friends of Joan
I9420	Eddie for Oregon Senate, Bill
I9405	Farr for Our Oregon (Debi)
I9390	Leadership Fund
I9423	McCain, Friends of Bruce
I9402 / I9442	Morse, Friends of Frank
I9386	Oregon Family Council PAC
I9412 / I9450	Parsons, Friends of Shirley
I9425	Rilling, Friends of Terry
I9416	Roberts for Oregon Supreme Court, Jack
I9422	Wieneke, Friends of Carl
I9414	York, Friends of Carol

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I have provided the case numbers for convenience purposes only, and I am either the current or past treasurer for each of the committees listed above. To minimize the time involved, I request **one hearing be scheduled for all of the above-referenced committees** because there was a medical excuse applicable to all my committees.

In addition, I request that your legal counsel review the validity of ALL the penalty notices issued to ALL Oregon committees by the Oregon Elections Division on June 4, 2008. The June 4, 2008, penalties were assessed for items due on June 1, 2006, at 5:00 p.m. A couple of years ago I was advised by either one of your staff members or an attorney who works with election matters that there is a two-year statute of limitations for issuing civil penalties. It stands to reason that a two-year limit applies because the statute regarding records retention, ORS 260.055(3), provides a two-year limit. If committees could have legally disposed of their records on June 2, 2008, the deadline for issuing penalties for exam items due on June 1, 2006, should have been Sunday, June 1, 2008 (the September Supplement portion of the ORS did not apply to

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any of the committees listed above). I believe ALL of the June 4, 2008, proposed penalties were issued too late and must be cancelled.

I also request that all of the June penalty notices be cancelled based upon the Elections Division's failure to make its "case" due to its failure to provide sufficient evidence that a specific offense has occurred. I believe Oregon law requires an agency to provide a detailed description of the offense subject to penalty. Your legal counsel should review and revise the format the Elections Division used to issue the June penalty notices for the following reasons:

1. The Elections Division has failed to clearly identify the individual transactions for which the penalties were issued. None of the individual transactions that created the June penalties are identified by date, name or amount.

2. A reference to a previously issued exam letter is not sufficient because exam letters contain multiple transactions some of which may no longer be subject to penalty.

3. The proposed penalty calculation does not inform treasurers/candidates as to which transactions were found to be sufficient after the deadline and which transaction are penalized at 100%.

4. The failure to clearly identify the defendant's offense unfairly limits the treasurer/candidates' ability to defend themselves against unjustified fines.

Lastly, I am the correspondence recipient for Lane Country Republican Central Committee (LCRCC). LCRCC received a June 4, 2008, penalty notice however I was not provided a copy by your office. Doesn't the 2007 statute change require that copies of ALL correspondence issued after January 1, 2008, be sent to the treasurer, candidate and recorded correspondence recipients?

I request that your conclusions regarding the statute of limitations and inadequate documentation issues be sent to me in writing.

Very truly yours,

DONNA L. BUTLER, LLC dba CAPITOL ACCOUTING SERVICE

Donna L. Butler, CPA
Member

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Cc by mail: Larry Andrews, attorney
Senator Ted Ferrioli
Representative Bruce Hanna
Jonathan Thompson, The Leadership Fund
Nick Graham, Oregon Family Council PAC
Electronic cc: All other committees shown above

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