

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 Friends of Mary Botkin, Mary Botkin,) Final Order by Default
Candidate, Dianna Pauley McCoy, Treasurer, for the Second)
Pre-Election for the May 16, 2006, Primary Election) Case No. I9410

September 19, 2008

Friends of Mary Botkin (005138)
Mary Botkin, Candidate / Dianna Pauley McCoy, Treasurer
3215 SE Stark St
Portland, OR 97214

Dear Ms. Botkin:

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 Friends of Mary Botkin (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 7, 2006. The statement reported Dianna Pauley McCoy as the treasurer and 4110 Hawthorne Blvd #425, Portland, OR 97214 as the mailing address for both candidate and committee correspondence.
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 complete addresses of the payees for ten personal expenditures (10 items).
5. On September 8, 2006, the committee filed a Statement of Organization to discontinue, updating the candidate's mailing address to 3215 SE Stark St, Portland, OR 97214, and the treasurer's mailing address to 503 SE 18th Ave, Portland, OR 97214.
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 candidate and was sent by first class mail to the treasurer at the above-referenced addresses. The notice proposed a civil penalty of \$100.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Michael L. Botkin on June 9, 2008.
7. On June 30, 2008, the secretary received from the committee a request for a public hearing which was subsequently withdrawn on July 17, 2008. The committee did not submit notarized testimony in lieu of the public hearing.
8. The secretary has record of no previous insufficient filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Mary Botkin, Candidate, and Dianna Pauley McCoy, Treasurer, failed to file a sufficient second pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

CONCLUSIONS OF LAW

Candidate Mary Botkin's and Treasurer Dianna Pauley McCoy'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 first violation by the candidate, the penalty is \$10.00 per omission.

ORDER

It is ordered that a penalty of \$100.00 (\$10.00 X 10 items) 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 I9410 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.

Nancy Ferry, Compliance Specialist

DATE of Service: _____

c: Dianna Pauley McCoy, Treasurer
503 SE 18th Ave
Portland, OR 97214