

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 Lee Coleman, Leon H. (Lee) Coleman,) Final Order by Default
Candidate, Kenneth R. Brown, Treasurer, for the Second)
Pre-Election for the May 16, 2006, Primary Election) Case No. I9417
)

September 19, 2008

Friends of Lee Coleman (005276)
Leon H. (Lee) Coleman, Candidate / Kenneth R. Brown, Treasurer
21160 SW Sandra Ln
Aloha, OR 97006

Dear Mr. Coleman:

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 Lee Coleman (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 February 8, 2006. The statement reported Kenneth R. Brown as the treasurer and 4130 SW 117th Ave #140, Beaverton, OR 97005 as the mailing address for both candidate and committee correspondence.
2. The committee filed a second pre-election report with the secretary on May 4, 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 one contributor (1 item).
5. On June 2, 2006, an amendment to the committee's report was filed. The amendment provided one item of previously insufficient information.
6. On January 31, 2007, the committee filed an amended Statement of Organization, updating the treasurer's address to 2960 SW 113th Ave, Beaverton, OR 97005-1571.
7. On May 14, 2007, the committee filed an amended Statement of Organization, updating the candidate's mailing address to 21160 SW Sandra Ln, Aloha, OR 97006.
8. 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 \$5.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was returned unclaimed and the post office indicated it gave first notice on June 5, 2008.
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 no previous insufficient filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Leon H. (Lee) Coleman, Candidate, and Kenneth R. Brown, Treasurer, failed to file a sufficient second pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

CONCLUSIONS OF LAW

Candidate Leon H. (Lee) Coleman's and Treasurer Kenneth R. Brown'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, 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.

Nancy Ferry, Compliance Specialist

DATE of Service: _____

c: Kenneth R. Brown, Treasurer
2960 SW 113th Ave
Beaverton, OR 97005-1571