

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION
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DIRECTOR
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ELECTIONS — (503) 986-1518

BEFORE THE SECRETARY OF STATE
OF THE
STATE OF OREGON

In the matter of an Insufficient Contribution and Expenditure) Final Order by Default
Report by Atkinson for Governor (Jason), Jason A. Atkinson,)
Candidate, Jessica Bean, Treasurer, for the Post-Election for the) Case No. I9437
May 16, 2006, Primary Election)

September 19, 2008

Atkinson for Governor (Jason) (002864)
Jason A. Atkinson, Candidate / Jessica Bean, Treasurer
PO Box 8709
Medford, OR 97504

Dear Senator Atkinson:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a sufficient post-election contribution and expenditure report for the May 16, 2006, Primary Election.

On June 20, 2008, the secretary notified Atkinson for Governor (Jason) (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 August 12, 2005. The statement reported Jessica Bean as the treasurer and PO Box 8709, Medford, OR 97504 as the mailing address for both candidate and committee correspondence.
2. The committee filed a post-election report with the secretary on June 15, 2006.
3. On June 30, 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 July 13, 2006, to avoid penalties for failure to file a sufficient report.

4. On the day following the July 13, 2006, amendment deadline, the committee's report was still missing the following required information: the occupational information for one contributor or documentation showing that the occupational information was requested within seven days of receipt of the contribution (1 item).
5. On June 20, 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 address. The notice proposed a civil penalty of \$15.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Jessica Graham on July 2, 2008.
6. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
7. The secretary has record of one previous insufficient filing during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Jason A. Atkinson, Candidate, and Jessica Bean, Treasurer, failed to file a sufficient post-election contribution and expenditure report for the May 16, 2006, Primary Election.

CONCLUSIONS OF LAW

Candidate Jason A. Atkinson's and Treasurer Jessica Bean's failure to file a sufficient post-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 \$15.00 was received in the office of the Secretary of State on June 30, 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.

Nancy Ferry, Compliance Specialist

DATE of Service: _____

c: Jessica Bean, Treasurer
PO Box 8709
Medford, OR 97504