

Phil Yount for State Representative
Philip R. Yount, Candidate & Marion Pettis, Treasurer
11222 SW Cottonwood Lane
Tigard, OR 97233

November 30, 2004

Bill Bradbury, Secretary of State
Office of the Secretary of State
141 State Capitol
Salem, OR 97310-0722

RECEIVED
2004 DEC -3 AM 10:17
PHIL BRADBURY
SECRETARY OF THE STATE

RE: Case Number L7810 – Your Notice of Proposed Civil Penalty
Letter Hearing

Dear Mr. Bradbury:

Please abate the proposed penalty. The following is our explanation for the alleged late filing:

We filed our first report via fax using the fill-in forms downloaded from the Election Division's web page. For that report the fax filing was satisfactory.

When we filed the second report, we used the computer program provided by the Majority Party. We discovered that, in using this program, we not only had to email the report but we were required to fax the printed report as well. Ms. Pettis complied with this regulation.

Since Ms. Pettis had encountered some difficulties in emailing the second report, she decided to simply fax the third report rather than try to email it as well. Ms. Pettis received a phone call from your office advising her that we were required to email the report even though the fax copy had already been received. Our campaign's money totals for the third reporting period were below the threshold for which an electronic filing was mandatory. We had not realized that, once we had used the email filing program, future filings were also required to be made in that manner. This is why the third report was not emailed by the due date.

When she received the phone call from your office, Ms. Pettis immediately called a colleague who works in the office location of the computer in which our data was stored. Ms. Pettis asked the colleague to email the required report to your office. The colleague maintains that she emailed it that very day.

A few weeks later we received a notice from your office that our electronic report had still not been received. Ms. Pettis was certain it had been received so she phoned to check and was told that you had received the fax copy but not the emailed version. Ms. Pettis drove across town to email it again herself. After emailing the report, she called your office to verify its receipt and that it was legible. Ms. Pettis was told your staff was "too busy to check now" but to call back later. Ms. Pettis had taken a "long" lunch break to do this. She waited about twenty (20) minutes and called back. She was told that you couldn't read the data. She again emailed the report. As Ms. Pettis recalls, you were finally able to read the data on the second or third try. She called for verification after each try.

After faxing and emailing our final report, Ms. Pettis was contacted and told the data didn't "load" correctly. After several phone calls and emails back and forth with Jennifer Hertel, and numerous failed attempts, Ms. Pettis manually arranged the data in text mode and it was finally able to be "loaded".

In retrospect, (always 20/20), we would not use the computer program. Using it was ten times more difficult and no technical support was available when we needed it. We reiterate that it was not made clear to us that, once we had filed using the computer program, we had to continue to email the reports. Your failure to clearly disclose that requirement (or our failure to clearly understand it) was the sole cause of the fiasco. Our intent was always to file on time. We were successful in making timely filings by fax. The emailing requirement and its failure to work correctly was the root cause of the problem.

We trust this explanation will be compelling and that you will grant us leniency in waiving (or mitigating) the proposed penalty. There is no money left in the campaign fund. If the proposed penalty stands, we will have to pay it from personal funds.

Respectfully submitted,

Philip R. Yount, Candidate

Marion Pettis, Treasurer

Subscribed and sworn to before me
This 1st day of December, 2004

Subscribed and sworn to before me
this 1st day of December, 2004

My commission expires: 1-30-2005

My commission expires: 12-12-2006

