

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION
JOHN LINDBACK
DIRECTOR
141 STATE CAPITOL
SALEM, OREGON 97310-0722
ELECTIONS — (503) 986-1518

BEFORE THE SECRETARY OF STATE
OF THE
STATE OF OREGON

In the matter of a Late Contribution and Expenditure Report) Final Order by Default
by the Friends of Chris Bevens, Christopher Dean Bevens,)
Candidate, Russell D. Bevens, Treasurer, for the) Case No. L7893
Supplemental of 2004)

May 31, 2007

Friends of Chris Bevens (003443)
Christopher Dean Bevens, Candidate / Russell D. Bevens, Treasurer
340 E Rosewood
Eugene, OR 97404

Dear Mr. Bevens:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a timely supplemental contribution and expenditure report for 2004.

On March 9, 2007, the secretary notified the Friends of Chris Bevens (committee), pursuant to ORS 260.232(2), that it had failed to file the 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 5, 2000. The statement reported Russell D. Bevens as the treasurer and PO Box 40517, Eugene, OR 97404 as the mailing address for both candidate and committee correspondence. Mail from this address was returned by the post office and the secretary located the candidate at 340 E Rosewood, Eugene, OR 97404. The Statement of Organization was never amended but the secretary has used this address since August 31, 2001.
2. The committee was required to file a supplemental report with the secretary on September 10, 2004.
3. The secretary sent the committee a notice that it had failed to file a timely report on September 13, 2004. The notice was sent by first class mail to the candidate and treasurer at the above-referenced address.

4. The secretary received the report on January 22, 2007.
5. The committee reported total contributions of \$100.00 and total expenditures of \$100.00 during the accounting period for the report.
6. On March 9, 2007, 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 \$100.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Tricia Bevans on March 12, 2007.
7. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
8. The secretary has record of no previous late filings during the two-year period beginning September 15, 2003.

ULTIMATE FINDINGS OF FACT

Christopher Dean Bevans, Candidate, and Russell D. Bevans, Treasurer, failed to file a timely supplemental contribution and expenditure report for 2004.

CONCLUSIONS OF LAW

Candidate Christopher Dean Bevans's and Treasurer Russell D. Bevans's failure to file a timely supplemental contribution and expenditure report for 2004 violated ORS 260.068.

By statute, a maximum \$10,000 civil penalty may be imposed for this violation. The *2004 Campaign Finance Manual*, which contains a penalty calculation matrix on pages 100-102, is designated in OAR 165-012-0005 as the procedure manual for Oregon campaign finance regulations.

Under the penalty matrix, the maximum statutory penalty of \$10,000 is reduced to 1% of the total contributions or total expenditures—whichever is greater—for each business day the report was late as this is the first late violation by the candidate. The penalty matrix sets a maximum penalty of \$100.00 when the total contributions or total expenditures—whichever is greater—is between \$0 and \$2,000. In this case, the actual calculated penalty would exceed the maximum, since this report was filed over two years after the due date.

ORDER

It is ordered that a penalty of \$100.00 is assessed. If your payment is not received within 60 days from the date of service noted below, this Order will be sent to our accounting division for collection and may be subsequently sent to the Oregon Department of Revenue.

Please refer to case number L7893 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: Russell D. Bevans, Treasurer
340 E Rosewood
Eugene, OR 97404