

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION
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DIRECTOR
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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)
by the New Covenant PAC, Bonnie J. Mabon, Treasurer, for) Final Order by Default
the Post-Election for the November 2, 2004, General Election)
) Case No. L8100
)

May 12, 2005

New Covenant PAC (004566)
Bonnie J. Mabon, Treasurer
PO Box 13109
Salem, OR 97309-1109

Dear Ms. Mabon:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a timely post-election contribution and expenditure report for the November 2, 2004, General Election.

On March 30, 2005, the secretary notified the New Covenant PAC (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 221), applicable during the reporting period, was filed with the secretary on January 2, 2003. The statement reported Bonnie J. Mabon as the treasurer and PO Box 9127, Brooks, OR 97305 as the address to which all committee correspondence was to be sent.
2. The committee was required to file a post-election report with the secretary on December 2, 2004.
3. The secretary sent the committee a notice that it had failed to file a timely report on December 3, 2004. The notice was sent by first class mail to the treasurer at the above-referenced address.

4. The secretary received the report on December 22, 2004, which is 14 business days after the date on which the report was due.
5. The committee reported total contributions of \$100.00 and total expenditures of \$312.24 during the accounting period for the report.
6. On March 25, 2005, the secretary sent the committee a Notice of Proposed Civil Penalty. The notice was erroneously sent to 3760 Brooklake Rd NE, Salem, OR 97303. It was returned by the post office because the forwarding order had expired.
7. On March 30, 2005, the secretary sent the committee a Notice of Proposed Civil Penalty. The notice was sent by both certified and first class mail to the treasurer at the above-referenced address in fact number one. The notice proposed a civil penalty of \$43.71 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Lon T. Mabon on April 8, 2004.
8. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
9. The secretary has record of no previous late filings during the two-year period beginning September 15, 2003.
10. On April 11, 2005, the committee filed an amended SEL 221, updating the mailing address for all committee correspondence to PO Box 13109, Salem, OR 97309-1109.

ULTIMATE FINDINGS OF FACT

Bonnie J. Mabon, Treasurer, failed to file a timely post-election contribution and expenditure report for the November 2, 2004, General Election.

CONCLUSIONS OF LAW

Treasurer Bonnie J. Mabon's failure to file a timely post-election contribution and expenditure report for the November 2, 2004, General Election violated ORS 260.073.

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 101 and 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 treasurer.

The calculated penalty for the late report is \$43.71 ($\$312.24 \times 1\% \times 14$ days). Because the appropriate penalty is under \$50, no penalty will be assessed.

ORDER

It is ordered that no penalty be assessed.

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.

Jennifer Hertel, Compliance Specialist

DATE of Service: _____