

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)
by the Oregonians for Choice Political Action Committee,) Final Order by Default
Caroline Fitchett, Michele Stranger Hunter, Treasurers, for)
the Post-Election for the November 2, 2004, General Election) Case No. L8104
)

July 6, 2006

Oregonians for Choice Political Action Committee (004708)
Caroline Fitchett, Treasurer
Michele Stranger Hunter, Treasurer
310 SW 4th Ave
Portland, OR 97204

Dear Ms. Fitchett and Ms. Stranger Hunter :

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 May 26, 2006, the secretary notified the Oregonians for Choice Political Action Committee (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 November 20, 2003. The statement reported Caroline Fitchett as the treasurer and PO Box 40457, Portland, OR 97240 as the address to which all committee correspondence was to be sent.
2. On September 9, 2004, the committee filed an amended SEL 221, updating the committee treasurer to Michele Stranger Hunter.

3. On September 29, 2005, the committee filed an amended SEL 221, updating the mailing address for all committee correspondence to NARAL, 330 SW 4th Ave, Portland, OR 97240.
4. The committee was required to file a post-election report with the secretary on December 2, 2004.
5. 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.
6. The secretary received the report on September 29, 2005, which is 208 business days after the date on which the report was due.
7. On November 8, 2005, the committee filed and amended SEL 221, updating the mailing address for all committee correspondence to NARAL, 310 SW 4th Ave, Portland, OR 97240.
8. The committee reported no contributions or expenditures during the accounting period for the report.
9. On May 26, 2006, 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. The notice was returned by the post office because of an erroneous zip code.
10. The notice was resent to the committee using a 97204 as the zip code. The notice proposed a civil penalty of \$50.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Hallie Kibert on June 14, 2006.
11. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
12. The secretary has record of one previous late filing during the two-year period beginning September 15, 2003.
13. The secretary reviewed the violations against the treasurer of record, Caroline Fitchett, and determined there is no violation. However, a violation is assessed against Michele Stranger Hunter, the signer of the report.
14. No penalty will be assessed since this is the first violation.

ULTIMATE FINDINGS OF FACT

Caroline Fitchett or Michele Stranger Hunter, Treasurer, failed to file a timely post-election contribution and expenditure report for the November 2, 2004, General Election.

CONCLUSIONS OF LAW

Treasurer Caroline Fitchett or Michele Stranger Hunter'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 3% of the total contributions or total expenditures—whichever is greater—for each business day the report was late as this is the second late violation by the treasurer.

The treasurer responsible for a late filing penalty is the treasurer required to file the report (the treasurer of record with the filing office at the time the report is due.) If a different treasurer files the late report, both treasurers shall be jointly liable.

Because the committee reported no activity during the accounting period for the late report, no civil 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.

Jan Flowers, Compliance Specialist

DATE of Service: _____