

BILL BRADBURY
SECRETARY OF STATE

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 Friends of Laurie Monnes Anderson, Laurie Monnes) Final Order
Anderson, Candidate/Treasurer, for the First Supplement to)
the Second Pre-Election for the November 2, 2004,) Case No. L8137
General Election)

October 28, 2005

Friends of Laurie Monnes Anderson (003584)
Laurie Monnes Anderson, Candidate/Treasurer
PO Box 1531
Gresham, OR 97030

Dear Senator Monnes Anderson:

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

On August 19, 2005, the secretary notified the Friends of Laurie Monnes Anderson (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. The committee submitted written testimony in the form of a notarized statement in lieu of a personal appearance at a public hearing. Accordingly, after consideration of the applicable law and evidence presented, Jennifer Hertel, Hearings Officer with the Elections Division, 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 November 17, 2003. The statement reported Laurie Monnes Anderson, the candidate, as the treasurer and PO Box 1531, Gresham, OR 97030 as the address to which all committee correspondence was to be sent.

2. The committee submitted a timely first supplement to the second pre-election report on October 25, 2004; however additional contributions should have been included on the report. The committee reported the contributions required to be on the first supplement to the second pre-election report (\$8,989.00 on October 18, 2004, and \$34,502.00 on October 22, 2004, from Senate Democratic Leadership Fund) on a first supplement to the second pre-election report filed on October 26, 2004, which is one business day after the report was due.
3. On August 19, 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 candidate/treasurer at the above-referenced address. The notice proposed a civil penalty of \$434.91 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Laurie Monnes Anderson on August 20, 2005.
4. On September 8, 2005, the secretary received a notarized letter from Laurie Monnes Anderson in lieu of a public hearing.
5. The letter—attached as Exhibit A—was reviewed, considered, and made part of the record.
6. The secretary has record of no previous late filings during the two-year period beginning September 15, 2003.

ULTIMATE FINDINGS OF FACT

Laurie Monnes Anderson, Candidate/Treasurer, failed to file a timely first supplement to the second pre-election contribution and expenditure report for the November 2, 2004, General Election.

CONCLUSIONS OF LAW

Candidate/Treasurer Laurie Monnes Anderson's failure to file a timely first supplement to the second pre-election contribution and expenditure report for the November 2, 2004, General Election violated ORS 260.068.

OPINION

The Friends of Laurie Monnes Anderson's first supplement to the second pre-election contribution and expenditure report, filed on October 26, 2004, was late. It was due by 5:00 p.m., October 25, 2004.

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.

After reviewing and considering the evidence and information on file in this office, the hearings officer finds that there has been a violation of Oregon election law. The explanation provided in the notarized testimony does not adequately mitigate the failure to file a report by the deadline. The notarized testimony submitted by Senator Monnes Anderson explains the notification of

the contributions from Senate Democratic Leadership Fund was received after 5 p.m. on the date the first supplement to the second pre-election report was due. While it is unfortunate the committee did not receive notification of the contributions in a timely manner, it is not a mitigating circumstance that would reduce or waive the penalty.

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.

ORDER

It is ordered that a penalty of \$434.91 ($\$43,491.00 \times 1\% \times 1 \text{ day}$) 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 L8137 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.

Jennifer Hertel, Compliance Specialist

DATE of Service: _____