

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 Sunseri for Senate, Ron Sunseri, Candidate, Angelo Frank) Final Order by Default
Thomason, Treasurer, for the First Supplement to the Second)
Pre-Election for the November 2, 2004, General Election) Case No. L8173
)

April 27, 2005

Sunseri for Senate (004815)
Ron Sunseri, Candidate / Angelo Frank Thomason, Treasurer
393 NE Kelly Ave
Gresham, OR 97030

Dear Mr. Sunseri:

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

On March 11, 2005, the secretary notified Sunseri for Senate (committee), pursuant to ORS 260.232(2), that it had failed to file the complete 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 July 21, 2004. The statement reported Angelo Frank Thomason as the treasurer and 393 NE Kelly Ave, Gresham, OR 97030 as the mailing address for both candidate and committee correspondence.
2. The committed was required to file a first supplement to the second pre-election report with the secretary on October 25, 2004, disclosing contributions exceeding an aggregate of \$500 from a single source and expenditures exceeding an aggregate of \$1,000 to a single payee between October 18 and October 24, 2004.

3. The committee submitted a complete first supplement to the second pre-election report on October 25, 2004. However, three additional expenditures should have been included on the report.
4. One of the expenditures that was required to be included on the first supplement to the second pre-election report (\$935.00 accounts-payable to Good Impression Printing Co, Inc.) was first disclosed on a first supplement to the second pre-election filed on October 29, 2004, making this portion of the report 4 business days late.

The other two expenditures totaling \$29,784.00 (\$27,000.00 to Gateway Communications on October 18, 2004 and \$2,784.00 to Adams & Company on October 22, 2004) were first disclosed on a first supplement to the second pre-election filed December 1, 2004, making this portion of the report 25 days late.

5. On March 11, 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 and was sent by first class mail to the treasurer at the above-referenced addresses. The notice proposed a civil penalty of \$7,483.40 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Ron Sunseri on March 25, 2005.
6. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
7. The secretary has record of no previous late filings during the two-year period beginning September 15, 2003.

ULTIMATE FINDINGS OF FACT

Ron Sunseri, Candidate, and Angelo Frank Thomason, Treasurer, failed to file a complete first supplement to the second pre-election contribution and expenditure report for the November 2, 2004, General Election.

CONCLUSIONS OF LAW

Candidate Ron Sunseri's and Treasurer Angelo Frank Thomason's failure to file a complete first supplement to the second pre-election contribution and expenditure report for the November 2, 2004, General Election 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 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 candidate.

ORDER

It is ordered that a penalty of \$7,483.40 [(\$935.00 x 1% x 4 days) + (\$29,784.00 x 1% x 25 days)] 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 L8173 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: April 27, 2005

c: Angelo Frank Thomason, Treasurer
393 NE Kelly Ave
Gresham, OR 97030