

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 Chuck Riley for State Representative, Chuck Riley,) Final Order by Default
Candidate, Linda Ray-Keeney, Treasurer, for the Second)
Supplement to the Second Pre-Election for the) Case No. L8180
November 2, 2004, General Election)

October 28, 2005

Chuck Riley for State Representative (004212)
Chuck Riley, Candidate / Linda Ray-Keeney, Treasurer
250 NE Hillwood Dr
Hillsboro, OR 97124

Dear Representative Riley:

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

On August 19, 2005, the secretary notified Chuck Riley for State Representative (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 February 4, 2004. The mailing address provided on the Statement of Organization for the candidate was 250 NE Hillwood Dr, Hillsboro, OR 97124. The statement reported Linda Ray-Keeney as the treasurer and 14905 SW Peachtree Dr, Tigard, OR 97224 as the address to which all committee correspondence was to be sent.

2. The committee submitted a timely second supplement to the second pre-election report on October 29, 2004; however, an additional contribution should have been included on the report. The committee reported the contribution required to be on the second supplement to the second pre-election report (\$2,064.00 from Future PAC on October 28, 2004) on an amendment to the post-election report filed on March 7, 2005, which is 85 business days after the second supplement to the second pre-election 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 and was sent by first class mail to the treasurer at the above-referenced addresses. The notice proposed a civil penalty of \$1,000.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Charles Riley on August 20, 2005.
4. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
5. The secretary has record of one previous late filing during the two-year period beginning September 15, 2003.

ULTIMATE FINDINGS OF FACT

Chuck Riley, Candidate, and Linda Ray-Keeney, Treasurer, failed to file a timely second supplement to the second pre-election contribution and expenditure report for the November 2, 2004, General Election.

CONCLUSIONS OF LAW

Candidate Chuck Riley's and Treasurer Linda Ray-Keeney's failure to file a timely second 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 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 candidate.

Although the calculated penalty for the late report is \$5,263.20 ($\$2,064.00 \times 3\% \times 85$ days), the penalty matrix sets a maximum penalty of \$1,000.00 when the total contributions or total expenditures—whichever is greater—is between \$2,000.01 and \$10,000.

ORDER

It is ordered that a penalty of \$1,000.00 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 L8180 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: October 28, 2005

c: Linda Ray-Keeney, Treasurer
14905 SW Peachtree Dr
Tigard, OR 97224