

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 Committee to Elect Arnie Roblan for State ) Final Order  
Representative, Arnold Lee Roblan, Candidate, Kathleen )  
Murray, Treasurer, for the First Supplement to the Second ) Case No. L8181  
Pre-Election for the November 2, 2004, General Election )

October 28, 2005

Committee to Elect Arnie Roblan for State Representative (004726)  
Arnold Lee Roblan, Candidate / Kathleen Murray, Treasurer  
PO Box 1410  
Coos Bay, OR 97420

Dear Representative Roblan:

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

On August 19, 2005, the secretary notified the Committee to Elect Arnie Roblan 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. 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 December 5, 2003. The mailing address provided on the Statement of Organization for the candidate was PO Box 1410, Coos Bay, OR 97420. The statement reported Kathleen Murray as the treasurer and 2170 Timberline Dr, Coos Bay, OR 97420 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, an additional contribution (\$16,469.73 from Future Pac on October 23, 2004, as reported on the post-election report) should have been included on the report.

3. The committee first reported the contribution required to be included on the first supplement to the second pre-election report on its second supplement to the second pre-election report filed on October 29, 2004, making it four business days late.
4. 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 \$658.80 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Arnold Roblan on August 22, 2005.
5. On August 29, 2005, the secretary received an amendment to the post-election report, which amended the receipt date of the \$16,469.73 contribution from Future Pac from October 23, 2004 to October 28, 2004.
6. On September 6, 2005, the secretary received a notarized letter from Kathy Murray in lieu of a public hearing.
7. The letter—attached as Exhibit A—was reviewed, considered, and made part of the record.
8. The secretary has record of no previous late filings during the two-year period beginning September 15, 2003.

#### ULTIMATE FINDINGS OF FACT

Arnold Lee Roblan, Candidate, and Kathleen Murray, Treasurer, filed a timely first supplement to the second pre-election contribution and expenditure report for the November 2, 2004, General Election.

#### CONCLUSIONS OF LAW

Candidate Arnold Lee Roblan's and Treasurer Kathleen Murray filed a timely first supplement to the second pre-election contribution and expenditure report for the November 2, 2004, General Election.

#### OPINION

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 not been a violation of Oregon election law.

The explanation provided in the notarized testimony by Ms. Murray indicated that the date of the contribution received from Future Pac was reported incorrectly on the post-election report filed November 24, 2004, and the date indicated on the second supplement to the second pre-election report, October 28, 2004, was correct. On August 29, 2005, the secretary received an amendment to the post-election report, which amended the receipt date of the \$16,469.73 contribution from Future Pac from October 23, 2004 to October 28, 2004. Therefore, the contribution was not required to be included on the first supplement to the second pre-election report filed October 25, 2004. There is no violation of ORS 260.068.

#### ORDER

It is ordered that no penalty be assessed because there is no violation of election law.

#### 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.

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Jennifer Hertel, Compliance Specialist

DATE of Service: October 28, 2005

c: Kathleen Murray, Treasurer  
2170 Timberline Dr  
Coos Bay, OR 97420