

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 Houser for Circuit Judge Committee, William C.) Final Order by Default
Houser, Candidate, Steven L. Lawrence, Treasurer, for the)
2005 September Supplemental) Case No. L8519
)

May 31, 2007

Houser for Circuit Judge Committee (003500)
William C. Houser, Candidate / Steven L. Lawrence, Treasurer
17725 Baywatch Ct NE
Poulsbo, WA 98366

Dear Mr. Houser:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a timely September supplemental contribution and expenditure report for 2005.

On March 9, 2007, the secretary notified the Houser for Circuit Judge 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 220), applicable during the reporting period, was filed with the secretary on December 18, 2001. The mailing address provided on the Statement of Organization for the candidate was 569 Division St Ste E, Port Orchard, WA 98366 but the post office returned mail from this address. The candidate was located at 17725 Baywatch Ct NE Poulsbo, WA 98366, where all subsequent mailings have been sent. The statement reported Steven L. Lawrence as the treasurer and 235 E Third St Ste 1, McMinnville, OR 97128 as the address to which all committee correspondence was to be sent.
2. The committee was required to file a September supplemental report with the secretary on September 12, 2005.

3. The secretary sent the committee a notice that it had failed to file a timely report on September 13, 2005. The notice was sent by first class mail to the candidate and treasurer at the above-referenced addresses.
4. On August 23, 2006, the secretary sent a letter to the committee informing them that their report had still not been received.
5. The secretary received the report on September 1, 2006, which is 345 business days after the date on which the report was due. On this same date, the committee filed a statement of organization to discontinue.
6. The committee reported no contributions and total expenditures of \$384.96 during the accounting period for the report.
7. On March 9, 2007, 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 \$100.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Brenda Houser on March 12, 2007.
8. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
9. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

William C. Houser, Candidate, and Steven L. Lawrence, Treasurer, failed to file a timely September supplemental contribution and expenditure report for 2005.

CONCLUSIONS OF LAW

Candidate William C. Houser's and Treasurer Steven L. Lawrence's failure to file a timely September supplemental contribution and expenditure report for 2005 violated ORS 260.058.

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 100–102, 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.

Although the calculated penalty for the late report is \$1,324.80 ($\$384.96 \times 1\% \times 345$ days), the penalty matrix sets a maximum penalty of \$100.00 when the total contributions or total expenditures—whichever is greater—is between \$0 and \$2,000.

ORDER

It is ordered that a penalty of \$100.00 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 L8519 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.

Candy Broucek, Compliance Specialist

DATE of Service: _____

c: Steven L. Lawrence, Treasurer
235 E Third St Ste 1
McMinnville, OR 97128