

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 Oregon Federation of College Republicans,) Final Order by Default
Keith Bryan, Treasurer, for the Supplemental of 2005)
) Case No. L8547
)

May 31, 2007

Oregon Federation of College Republicans (004586)
Keith Bryan, Treasurer
John Swanson, Treasurer
PO Box 789
Salem, OR 97308

Dear Mr. Bryan and Mr. Swanson:

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

On March 9, 2007, the secretary notified the Oregon Federation of College Republicans (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 221), applicable during the reporting period, was filed with the secretary on May 23, 2005. The statement reported Keith Bryan, treasurer and PO Box 3046, Eugene, OR 97403 as the address to which all committee correspondence was to be sent.
2. The committee was required to file a 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 treasurer at the above-referenced address.

4. On December 20, 2005, the notice was returned by the post office marked "moved, left no address.
5. On January 23, 2006, the secretary received a statement of organization updating the committee mailing address to 2770 E 16th Ave, Eugene, OR 97403.
6. The secretary received the report on November 27, 2006, which is 304 business days after the date on which the report was due.
7. The committee reported on an amended report filed December 15, 2006, total contributions of \$7313.31 and total expenditures of \$6,095.83 during the accounting period for the report.
8. On January 2, 2007, the secretary received a statement of organization naming John Swanson as treasurer and updating the committee mailing address to PO Box 789, Salem, OR 97308.
9. 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 treasurer at the above-referenced address. 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 the committee on March 14, 2007.
10. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
11. The secretary has record of two previous late filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Keith Bryan, Treasurer, failed to file a timely supplemental contribution and expenditure report for 2005.

CONCLUSIONS OF LAW

Treasurer Keith Bryan's failure to file a timely 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 104–106, 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 5% of the total contributions or total expenditures—whichever is greater—for each business day the report was late as this is the third late violation by the treasurer.

Although the calculated penalty for the late report is \$110,798.01 ($\$7,313.31 \times 5\% \times 304$ 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 L8547 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.

Jan Flowers, Compliance Specialist

DATE of Service: May 31, 2007