

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 Oregonians for Choice Political Action Committee,) Final Order by Default
Michelle Stranger-Hunter, Treasurer, for the Supplemental)
for the 2005) Case No. L8551
)

August 14, 2006

Oregonians for Choice Political Action Committee (004708)
Caroline Fitchett, Treasurer of Record
Michelle Stranger-Hunter, current Treasurer
310 SW 4th Ave
Portland, OR 97240

Dear Ms. Stranger-Hunter:

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 the 2005.

On May 26, 2006, the secretary notified the Oregonians for Choice Political Action 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 221), applicable during the reporting period, was filed with the secretary on November 20, 2003. The statement reported Caroline Fitchett as the treasurer and PO Box 40457, Portland, OR 97240 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. The secretary received the report on September 14, 2005, which is two business days after the date on which the report was due.
5. The committee reported no contributions or expenditures during the accounting period for the report.
6. On September 14, 2005, the committee amended their statement of organization changing the name of the committee to Oregonians for Choice, naming the treasurer as Michele Stranger-Hunter and the changing the mailing address to PO Box 40472, Portland, OR 97240.
7. On September 29, 2005, the committee amended their statement of organization changing the mailing address to Naral, 330 4th Ave, Portland, OR 97240
8. On November 8, 2005, the committee amended their statement of organization changing the mailing address to Naral, 310 SW 4th Ave, Portland, OR 97240.
9. On May 26, 2006, 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 \$50.00 and allowed the committee 20 days to request a hearing. The notice was returned marked as an insufficient address on June 5, 2006.
10. The proposed penalty notice was resent to the committee using zip code 97204. The notice was sent by certified mail was received and signed for by Hallie Kilbert on June 14, 2006.
11. On June 30, 2006, the original proposed penalty notice was rescinded and an amended proposed penalty notice was issued. The notice was sent by both certified and first class mail to the current treasurer and the treasurer of record. The notice proposed a civil penalty of \$50.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Treasure Mackley on July 3, 2006.
12. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
13. The secretary has record of one previous late filing during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Michelle Stranger-Hunter, Treasurer, failed to file a timely supplemental contribution and expenditure report for the 2005.

CONCLUSIONS OF LAW

Treasurer Michelle Stranger-Hunter's failure to file a timely supplemental contribution and expenditure report for the 2005 violated ORS 260.073.

By statute, a maximum \$10,000 civil penalty may be imposed for this violation. The *2006 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 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 treasurer.

Although the committee reported no activity during the accounting period for the late report, the penalty matrix sets a minimum penalty of \$50.00 for a candidate's or treasurer's second late violation.

ORDER

It is ordered that a penalty of \$50.00 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 L8551 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: _____