

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) Final Order by Default
by Friends of Rob Brading, Robert Brading, Candidate,)
Andre Stewart, Treasurer, Marah Hall, Treasurer, for the) Case No. L8562
Supplemental of 2005)

June 30, 2006

Friends of Rob Brading (004886)
Robert Brading, Candidate
Andre Stewart, Treasurer
Marah Hall, Treasurer
PO Box 1424
Fairview, OR 97024-1424

Dear Mr. Brading:

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 May 26, 2006, the secretary notified Friends of Rob Brading (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 May 7, 2004. The mailing address provided on the Statement of Organization for the candidate was PO Box 1424, Fairview, OR 97024-1424. The statement reported Andre Stewart as the treasurer and 2198 SE Hale Dr, Gresham, OR 97080 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 candidate and treasurer at the above-referenced addresses.

4. On November 16, 2005, the secretary sent a letter to the committee informing them that their report had still not been received.
5. On November 17, 2005, the committee filed an amended Statement of Organization, naming Marah Hall as the new treasurer and updating the committee mailing address to PO Box 1424, Fairview, OR 97024.
6. The secretary received the report on November 21, 2005, which is 48 business days after the date on which the report was due. The report was filed and signed by Marah Hall.
7. The committee reported total contributions of \$50.00 and total expenditures of \$2,325.54 during the accounting period for the report.
8. 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 candidate and was sent by first class mail to both treasurers 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 Marah Hall on May 30, 2006.
9. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
10. The secretary has record of one previous late filing during the two-year period beginning September 15, 2003.

ULTIMATE FINDINGS OF FACT

Robert Brading, Candidate, Andre Stewart, Treasurer, and Marah Hall, Treasurer, failed to file a timely supplemental contribution and expenditure report for 2005.

CONCLUSIONS OF LAW

Candidate Robert Brading's and Treasurers Andre Stewart's and Marah Hall's failure to file a timely supplemental contribution and expenditure report for 2005 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. The treasurer responsible for a late filing penalty is the treasurer required to file the report (the treasurer of record with the filing officer at the time the report is due). If the late report is filed by a different treasurer, both treasurers shall be jointly liable, along with the candidate.

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 \$3,348.96 ($\$2,325.54 \times 3\% \times 48$ days), the penalty matrix sets a maximum penalty of \$1,000.00 for a September supplemental report.

ORDER

Payment of the proposed civil penalty of \$1,000.00 was received in the office of the Secretary of State on June 6, 2006. This Order will serve as your receipt and this matter is now considered closed.

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.

Nancy Ferry, Compliance Specialist

DATE of Service: _____

c: Andre Stewart, Treasurer
2198 SE Hale Dr
Gresham, OR 97080

Marah Hall, Treasurer
PO Box 1424
Fairview, OR 97024-1424