

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 Jefferson County Democratic Committee, Krieg S. ) Final Order by Default  
Vezie, Treasurer, for the First Pre-Election for the )  
May 16, 2006, Primary Election ) Case No. L8661  
)

July 27, 2007

Jefferson County Democratic Committee (000316)  
Krieg S. Vezie, Treasurer  
8044 SW Sandy Place  
Crooked River Ranch, OR 97760

Dear Mr. Vezie:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a timely first pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

On June 13, 2007, the secretary notified the Jefferson County Democratic 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 June 25, 2001. The statement reported Lorena Wise as treasurer and 561 9<sup>th</sup> Street, Metolius, OR 97741 as the address to which all committee correspondence was to be sent. An amended statement of organization was subsequently filed on July 19, 2002, changing the mailing address to PO Box 119, Warm Springs, OR 97761. The secretary received notification from the post office on December 11, 2003 that the address for the treasurer had changed to 1505 NW Hartford Ave, Bend, OR 97701. After further investigation by the secretary it was determined that Ms. Wise's mailing address had again changed on April 11, 2006, to 677 S Redwood St, Canby, OR 97013, and then again on February 14, 2007, to 2750 N Maple Court, Canby, OR 97013.

2. The committee was required to file a first pre-election report with the secretary on April 10, 2006.
3. The secretary sent the committee a notice that it had failed to file a timely report on April 11, 2006. The notice was sent by first class mail to the treasurer at 677 S Redwood St, Canby, OR 97013.
4. On April 28, 2006, the secretary sent a letter to the committee informing them that their report had still not been received. Notice was mailed to the treasurer at 677 S Redwood St, Canby, OR 97013
5. The Secretary made several attempts to contact Lorena Wise by telephone and by mail since 2001. Ms. Wise disconnected her telephone and offered no forwarding number and all mail sent to Ms. Wise was returned by the post office with notification that the forwarding order had expired or was refused.
6. The statement of organization was amended on May 15, 2007 naming Krieg S. Vezie as the treasurer and 8044 SW Sandy Pl, Crooked River Ranch, OR 97760 as the address to which all committee correspondence was to be sent.
7. On May 31, 2007 Stephen Hillis, Committee Chairman, met with the Secretary to complete and file the late report.
8. The committee filed a Certificate of Limited Contributions and Expenditures certifying that it did not expect to exceed \$2,000 in either contributions or expenditures for the entire election.
9. On June 13, 2007, the secretary sent the current committee treasurer, Krieg S. Vezie 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 \$100.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Krieg Vezie on June 29, 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 no previous late filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

Lorena Wise, Treasurer, failed to file a timely first pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

#### CONCLUSIONS OF LAW

Treasurer Lorena Wise's failure to file a timely first pre-election contribution and expenditure report for the May 16, 2006, Primary Election violated ORS 260.112.

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. 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.

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 treasurer. For a late Certificate of Limited Contributions and Expenditures, the penalty is based on assumed contributions and expenditures of \$2,000.

The calculated penalty for the late report would exceed the 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 L8661 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.

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Candy Broucek, Compliance Specialist

DATE of Service: \_\_\_\_\_

cc: Stephen Hillis, Committee Chairman  
375 NE Chestnut St  
Madras OR 97741-1910