

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 the Citizens for Responsible Government, Brian Crane, )  
Treasurer, for the first pre-election for the May 16, 2006, ) Case No. L8711  
Primary Election )

August 14, 2006

Citizens for Responsible Government (004966)  
Brian Crane, Treasurer  
6730 SW 152nd Ave  
Beaverton, OR 97007

Dear Mr. Crane:

This is a Final Order 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 July 10, 2006, the secretary notified the Citizens for Responsible Government (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. The committee submitted written testimony in the form of a notarized statement in lieu of a personal appearance at a public hearing. Accordingly, after consideration of the applicable law and evidence presented, Jennifer Hertel, Hearings Officer with the Elections Division, 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 28, 2004. The statement reported Brian Crane as the treasurer and 6730 SW 152nd Ave, Beaverton, OR 97007 as the address to which all committee correspondence was to be sent.
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 the above-referenced address.

4. The secretary received the report on April 17, 2006, which is five business days after the date on which the report was due. On the same date, the committee filed a discontinuing Statement of Organization.
5. 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.
6. On July 10, 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 \$100.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Anissa Crane on July 11, 2006.
7. On July 31, 2006, the secretary received a notarized letter from Brian Crane in lieu of a public hearing.
8. The letter—attached as Exhibit A—was reviewed, considered, and made part of the record.
9. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

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

#### CONCLUSIONS OF LAW

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

#### OPINION

The Citizens for Responsible Government's first pre-election contribution and expenditure report, filed on April 17, 2006, was late. It was due by 5:00 p.m., April 10, 2006.

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.

After reviewing and considering the evidence and information on file in this office, the hearings officer finds that there has not been a violation of Oregon election law. The explanation provided in the notarized testimony adequately mitigates the failure to file a report by the deadline. Mr. Crane explains that the committee is defunct and has never raised or spent any money. When the treasurer received the late notice, he understood it to mean that he should file a PC 7, Certificate of Limited Contributions and Expenditures. He did not realize that he could file a "No Activity" letter, as the committee was not receiving contributions or making expenditures to support or oppose candidates, measures or political parties at an election. Because Mr. Crane's testimony stated that Citizens For Responsible Government was not politically active and Mr. Crane also filed a Statement of Organization to discontinue the committee, the hearings officer finds no violation of election law.

#### ORDER

It is ordered that no penalty be assessed.

#### 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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Jennifer Hertel, Compliance Specialist

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