

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 Elect David Beem Governor Committee, David W. Beem, )  
Candidate/Treasurer, for the first pre-election for the ) Case No. L8718  
May 16, 2006, Primary Election )

October 24, 2006

Elect David Beem Governor Committee (005100)  
David W. Beem, Candidate/Treasurer  
C/O Oregon Republican Party Attn: Amy  
PO Box 789  
Salem, OR 97308

Dear Mr. Beem:

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 September 8, 2006, the secretary notified the Elect David Beem Governor 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 220), applicable during the reporting period, was filed with the secretary on June 20, 2005. The mailing address provided on the Statement of Organization for the candidate was 1919 Fairgrounds Rd. SE #19, Salem, OR 97301. The statement reported Bryan K. Wood as the treasurer and 4130 Kacy Cir NE, Salem, OR 97305-7443 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 candidate/treasurer at the above-referenced address.

4. On April 28, 2006, the secretary sent a letter to the committee informing them that their report had still not been received.
5. The secretary received the report on August 11, 2006, which is 87 business days after the date on which the report was due. On this same date, the committee filed a discontinuing Statement of Organization, naming David W. Beem, the candidate, as the treasurer and updating the mailing address to C/O Oregon Republican Party Attn: Amy, PO Box 789, Salem, OR 97308.
6. 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.
7. On September 8, 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/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 Amy E. Langdon on September 9, 2006.
8. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
9. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

David W. Beem, Candidate/Treasurer, failed to file a timely first pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

#### CONCLUSIONS OF LAW

Candidate/Treasurer David W. Beem'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.

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

Although the calculated penalty for the late report is \$1,740.00 ( $\$2,000.00 \times 1\% \times 87$  days), the penalty matrix sets a maximum penalty of \$100 for a late Certificate of Limited Contributions and Expenditures.

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 L8718 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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Nancy Ferry, Compliance Specialist

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