

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 Vote Robin Brown, Robin Brown, Candidate, )  
John Turman, Treasurer, for the First Pre-Election for the ) Case No. L8723  
May 16, 2006, Primary Election )

August 14, 2006

Vote Robin Brown (005365)  
Robin Brown, Candidate / John Turman, Treasurer  
3077 NW Thistle Pl  
Corvallis, OR 97330

Dear Ms. Brown:

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 July 10, 2006, the secretary notified Vote Robin Brown (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 April 10, 2006. The statement reported John Turman as the treasurer and PO Box 542, Corvallis, OR 97339-0542, as the mailing address for both candidate and committee correspondence.
2. The committee was required to file a complete first pre-election report with the secretary on April 10, 2006, but the report filed on this date was missing the PC 2 detail of cash contributions, loans received and in-kind.
3. The secretary received the PC 2 detail on April 11, 2006, which is one business day after the date on which the report was due, making this portion of the report late.

4. The committee reported total contributions of \$100.00 and total expenditures of \$23.99 during the accounting period for the report.
5. On May 12, 2006, the committee filed an amended Statement of Organization, updating the mailing address to 3077 NW Thistle Pl, Corvallis, OR 97330 for both candidate and committee correspondence.
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 candidate and was sent by first class mail to the treasurer at the above-referenced addresses. The notice proposed a civil penalty of \$.81 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Robin M. Brown on July 17, 2006.
7. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
8. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

Robin Brown, Candidate, and John Turman, Treasurer, failed to file a complete timely first pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

#### CONCLUSIONS OF LAW

Candidate Robin Brown's and Treasurer John Turman's failure to file a complete timely first pre-election contribution and expenditure report for the May 16, 2006, Primary Election violated ORS 260.058.

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. The calculated penalty for a portion of a report that is filed late is based on a percentage of the committee's total activity filed late.

The calculated penalty for the late report is \$.81 [(\$100.00 x 1% x 1 day) x 81%]. Because the appropriate penalty is under \$50, no penalty will be assessed.

#### 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.

---

Nancy Ferry, Compliance Specialist

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

C: John Turman  
PO Box 542  
Corvallis, OR 97339-0542