

BILL BRADBURY  
SECRETARY OF STATE



ELECTIONS DIVISION  
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BEFORE THE SECRETARY OF STATE  
OF THE  
STATE OF OREGON

In the matter of a Late Contribution and Expenditure Report )  
by Dooney for Circuit Court Judge Committee (Michael J.), ) Final Order by Default  
Michael J. Dooney, Candidate, Hayley R. Mousley, )  
Treasurer, for the First Pre-Election for the May 16, 2006, ) Case No. L8724  
Primary Election )

August 14, 2006

Dooney for Circuit Court Judge Committee (Michael J.) (005380)  
Michael J. Dooney, Candidate / Hayley R. Mousley, Treasurer  
PO Box 386  
Seaside, OR 97138

Dear Mr. Dooney:

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 Dooney for Circuit Court Judge Committee (Michael J.) (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 March 27, 2006. The statement reported Hayley R. Mousley as the treasurer and PO Box 386, Seaside, OR 97138 as the mailing address for both candidate and committee correspondence.
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 and treasurer at the above-referenced address.

4. The secretary received the report on April 21, 2006, which is nine business days after the date on which the report was due.
5. The committee reported total contributions of \$500.00 and no expenditures during the accounting period for the report.
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 address. The notice proposed a civil penalty of \$45.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Michael J. Dooney on July 11, 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

Michael J. Dooney, Candidate, and Hayley R. Mousley, Treasurer, failed to file a timely first pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

#### CONCLUSIONS OF LAW

Candidate Michael J. Dooney's and Treasurer Hayley R. Mousley's failure to file a 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 the late report is \$45.00 ( $\$500.00 \times 1\% \times 9$  days).

#### ORDER

Payment of the proposed civil penalty of \$45.00 was received in the office of the Secretary of State on July 21, 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.

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Nancy Ferry, Compliance Specialist

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

C: Hayley R. Mousley  
PO Box 386  
Seaside, OR 97138