

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 Douglas County Republican Central Committee, ) Final Order  
Dona Lea Brown, Treasurer, for the Second Pre-Election for )  
the May 16, 2006, Primary Election ) Case No. L8740  
)

October 25, 2006

Douglas County Republican Central Committee (000307)  
Dona Lea Brown, Treasurer  
1523 SE Cobb St  
Roseburg, OR 97470

Dear Ms. Brown:

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

On August 14, 2006, the secretary notified the Douglas County Republican Central 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. 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 December 30, 2005. The statement reported Dona Lea Brown as the treasurer and 1523 SE Cobb St, Roseburg, OR 97470 as the address to which all committee correspondence was to be sent.
2. The committee was required to file a second pre-election report with the secretary on May 4, 2006.
3. The secretary sent the committee a notice that it had failed to file a timely report on May 5, 2006. The notice was sent by first class mail to the treasurer at the above-referenced address.

4. The secretary received the report on May 10, 2006, which is four business days after the date on which the report was due.
5. The committee reported total contributions of \$4,750.00 and total expenditures of \$3,316.61 during the accounting period for the report.
6. On August 14, 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 \$190.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Dona Lea Brown on August 16, 2006.
7. On August 17, 2006, the secretary received a notarized letter from Dona Lea Brown 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

Dona Lea Brown, Treasurer, failed to file a timely second pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

#### CONCLUSIONS OF LAW

Treasurer Dona Lea Brown's failure to file a timely second pre-election contribution and expenditure report for the May 16, 2006, Primary Election violated ORS 260.063.

#### OPINION

The Douglas County Republican Central Committee's second pre-election contribution and expenditure report, filed on May 10, 2006, was late. It was due by 5:00 p.m., May 4, 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 been a violation of Oregon election law. The explanation provided in the notarized testimony does not adequately mitigate the failure to file a report by the deadline. The testimony explains that while the treasurer understands that the report was late, she had previously received courtesy letters from the secretary reminding her of the due dates. The secretary's office often does send reminder notices for upcoming reports, but this is not always the case and is not a requirement but a courtesy. The schedule of accounting periods and filing deadlines is clearly defined on page 10 of the *2006 Campaign Finance Manual*. While it is unfortunate that the treasurer has come to depend on the reminder notices, it is not a mitigating circumstance under which the secretary would reduce or waive the civil penalty.

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.

#### ORDER

It is ordered that a penalty of \$190.00 ( $\$4,750.00 \times 1\% \times 4$  days) 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 L8740 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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Jennifer Hertel, Compliance Specialist

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