

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 Oregon Doctors of Chiropractic PAC, John Cafferty,) Final Order by Default
Treasurer, William Harden, Signatory , for the)
Second Pre-Election for the May 16, 2006, Primary Election) Case No. L8756
)

October 23, 2006

Oregon Doctors of Chiropractic PAC (001130)
John Cafferty, Treasurer of Record/ William Harden, Signatory
1135 NE Kane Dr
Gresham, OR 97030

Dear Dr. Cafferty:

This is a Final Order by Default 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 Oregon Doctors of Chiropractic PAC (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 221), applicable during the reporting period, was filed with the secretary on December 16, 1997. The statement reported John Cafferty as the treasurer and 1135 NE Kane Dr, Gresham, OR 97030 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. The report was signed by William Harden, 4425 SW Corbett, Portland, OR 97239
5. The committee reported no contributions or expenditures 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 and the signatory at the above-referenced addresses. The notice proposed a civil penalty of \$50.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by the committee on August 15, 2006.
7. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
8. On August 17, 2006, the committees Statement of Organization was processed changing the treasurer to William Harden and the updating the mailing and committee address to 4425 SW Corbett, Portland, OR 97239.
9. The secretary has record of one previous late filing during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

John Cafferty, Treasurer, and William Harden, Signatory, failed to file a timely second pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

CONCLUSIONS OF LAW

Treasurer John Cafferty's and Signatory William Harden's failure to file a timely second pre-election contribution and expenditure report for the May 16, 2006, Primary Election violated ORS 260.063.

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 3% of the total contributions or total expenditures—whichever is greater—for each business day the report was late as this is the second late violation by the candidate.

Although the committee reported no activity during the accounting period for the late report, the penalty matrix sets a minimum penalty of \$50.00 for a candidate's or treasurer's second late violation.

ORDER

It is ordered that a penalty of \$50.00 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 L8756 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.

Jan Flowers, Compliance Specialist

DATE of Service: _____

c: William Harden, Signatory
4425 SW Corbett
Portland, OR 97239