

BILL BRADBURY  
SECRETARY OF STATE



ELECTIONS DIVISION  
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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 Chuck Burley for State Representative, ) Final Order by Default  
Charles H. "Chuck" Burley, Candidate, Dana Billingsley, )  
Treasurer, for the Second Pre-Election for the May 16, 2006, ) Case No. L8788  
Primary Election )

October 24, 2006

Chuck Burley for State Representative (004727)  
Charles H. "Chuck" Burley, Candidate / Dana Billingsley, Treasurer  
PO Box 9424  
Bend, OR 97708

Dear Representative Burley:

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 Chuck Burley for State Representative (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 November 3, 2005. The statement reported Dana Billingsley as the treasurer and PO Box 9424, Bend, OR 97708 as the mailing address for both candidate and committee correspondence.
2. The committee was required to file a second pre-election report with the secretary on May 4, 2006.
3. The secretary received the report on May 5, 2006, which is one business day after the date on which the report was due.

4. The committee reported total contributions of \$11,465.00 and total expenditures of \$7,872.69 during the accounting period for the report.
5. 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 candidate and was sent by first class mail to the treasurer at the above-referenced address. The notice proposed a civil penalty of \$114.65 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Kira Billingsley on August 17, 2006.
6. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
7. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

Charles H. "Chuck" Burley, Candidate, and Dana Billingsley, Treasurer, failed to file a timely second pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

#### CONCLUSIONS OF LAW

Candidate Charles H. "Chuck" Burley's and Treasurer Dana Billingsley's failure to file a timely second 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.

#### ORDER

Payment of the proposed civil penalty of \$114.65 was received in the office of the Secretary of State on August 24, 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: Dana Billingsley, Treasurer  
PO Box 9424  
Bend, OR 97708