

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 the Multnomah County Republican Central Committee,) Final Order by Default
Mae Huston, Treasurer of Record and Laurence Oeth,)
Current Treasurer, for the Post Election for the) Case No. L8819
May 16, 2006, Primary Election)

April 4, 2008

Multnomah County Republican Central Committee (000336)
Mae Huston, Treasurer of Record
10520 SW Mintken Ln
Culver, OR 97734

Laurence Oeth, Current Treasurer
8 Garibaldi
Lake Oswego OR 97035

Dear Ms. Huston and Mr. Oeth:

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

On December 28, 2007, the secretary notified the Multnomah 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; 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 January 20, 2005. The statement reported Mae Huston as the treasurer and PO Box 301125, Portland OR 97294-9125 as the address to which all committee correspondence was to be sent.

2. On June 15, 2006, the committee was required to file a post election report with the secretary.
3. On June 16, 2006, the secretary sent the committee a notice that it had failed to file a timely report. The notice was sent by first class mail to the treasurer at the mailing address for committee correspondence reported on the statement of organization received on January 20, 2005.
4. On June 16, 2006, the secretary faxed a note to Dick Osborne, a committee director, informing him that Ms. Huston had not filed the required reports, and the phone numbers reported on the SEL 221 were both disconnected.
5. On June 30, 2006, the secretary sent a letter to the committee informing them that their report had still not been received.
6. On November 28, 2006, an amended SEL 221 was filed appointing Laurence Oeth as the treasurer and 8 Garibaldi, Lake Oswego, OR 97035, as the address for all committee correspondence.
7. On July 17, 2007, the secretary sent a third late notice to Mae Huston (treasurer of record) and Laurence Oeth (current treasurer). This notice was mailed to the address reported in fact #6. The notice informed the committee that the report had still not been received and that the report was required to be filed electronically.
8. On September 19, 2007, Mr. Oeth informed the secretary that a consulting company had been hired to file the report electronically. The secretary allowed the committee to file the report using the ORESTAR electronic filing system.
9. The secretary received a portion of the report (\$108.00) on November 5, 2007, which is 351 business days after the date on which the report was due. Additional activity (\$725.00) was received on November 11, 2007, which is 356 business days after the date on which the report was due.
10. The committee reported no contributions and total expenditures of \$833.00 during the accounting period for the report.
11. On December 14, 2007, the secretary sent the committee a Notice of Proposed Civil Penalty. The notice was sent by first class mail to the current treasurer (Mr. Oeth) at the address referenced in fact #6 and sent by both certified and first class mail to the treasurer of record (Ms. Huston) at 10520 SW Mintken Ln, Culver, OR 97734, the residence address provided on Ms. Huston's voter registration card. The notice proposed a civil penalty of \$100.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Mae Huston on December 27, 2007.

12. On December 28, 2007, the secretary re-sent the committee a Notice of Proposed Civil Penalty. The notice was sent by both certified and first class mail to the current treasurer (Mr. Oeth) at the address referenced in fact #6 and to the treasurer of record (Ms. Huston) at the address referenced in fact #11. The notice proposed a civil penalty of \$100.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail to Mae Huston was received and signed for by Stanley Huston on January 7, 2008 and the notice sent to Mr. Oeth was signed for by the committee on December 29, 2007.
13. On January 17, 2008, Laurence Oeth requested a public hearing.
14. On February 21, 2008, Laurence Oath sent a letter withdrawing his request for a public hearing on this case.
15. The secretary has record of two previous late filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Mae Huston, Treasurer, failed to file a timely post election contribution and expenditure report for the May 16, 2006, Primary Election.

CONCLUSIONS OF LAW

Treasurer Mae Huston's failure to file a timely post election contribution and expenditure report for the May 16, 2006, Primary Election violated ORS 260.063 and 260.159.

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. The treasurer responsible for the late filing penalty is the treasurer required to file the report (the treasurer of record with the filing officer at the time the report is due). If the late report is filed by a different treasurer, both treasurers shall be jointly liable.

Under the penalty matrix, the maximum statutory penalty of \$10,000 is reduced to 5% of the total contributions or total expenditures—whichever is greater—for each business day the report was late as this is the third late violation by the treasurer.

Although the calculated penalty for the late report is \$14,800.40 [(\$108.00 × 5% × 351 days) + (\$725.00 × 5% × 356 days)], the penalty matrix sets a maximum penalty of \$100.00 when the total contributions or total expenditures—whichever is greater—is between \$0 and \$2,000.

ORDER

Payment of the proposed civil penalty of \$100.00 was received in the office of the Secretary of State on February 26, 2008. 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.

Candy Broucek, Compliance Specialist

DATE of Service: _____