

RECEIVED

2007 JAN -3 PM 4:17

BILL BRADBURY  
SECRETARY OF THE STATE

January 3, 2007

Jan Flowers  
Compliance Specialist  
Office of Secretary of State  
Elections Division  
141 State Capitol  
Salem, Oregon 97310

RE: Case #L8821 for PAC #000379

Dear Ms. Flowers:

This letter serves as a letter hearing and written explanation providing evidence of mitigating circumstances regarding a proposed civil penalty of \$10,000 for an alleged late filing of the Oregon Republican Party's post election contribution and expenditure report which was due to your office not later than 5:00 pm on June 15, 2006.

The Oregon Republican Party attempted to file its post election report electronically, as our committee is required to do, at 12:18 pm on Thursday, June 15, 2006 (see exhibit 1). Your office responded at 3:17 pm alerting us that the report did not post and that the "data seemed garbled or corrupt" (exhibit 2). We continued to attempt to file that day, but the SOS Elecfile server continued to reject subsequent emails and continued to do so on June 16, 21, 28, 30, July 12 & 14 (exhibits 3, 4, 5, 6, 7, & 8).

We were finally successful in posting our report electronically with the Secretary of State on July 18.

During this entire ordeal, we were never given any other options. Our administrator was told by the Secretary of State's office that "you are required to file electronically." Therefore, she continued to try and file electronically. During this same period, other email correspondence she was sending and receiving, with attachments, was going through (exhibits 9, 10, 11 & 12.)

Our administrator spoke to the Secretary of State's office several times during this period of attempted filings and was not alerted that we would only be partially penalized if we submitted the report on paper. We did not know this was an option. We continued to attempt to file electronically from June 15<sup>th</sup> through July 18<sup>th</sup> without knowing that there was another option available to us. On July 18<sup>th</sup>, the same day that the electronic filed finally was received and posted, we did receive a letter from the Secretary of State telling us to file a paper copy.

Since we received that letter, we have understood to file a paper copy if a report does not post electronically. We did so when the Secretary of State's email system was down during the filing of the September supplement. This is another example of email difficulties with the Secretary of State's office.

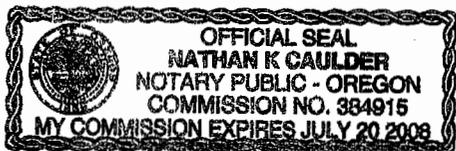
We submit that the mitigating circumstance was filing officer error in that the email system was not working and no other options were given to us until July 18th. If we had known to file a paper copy on June 15th, we would have had several hours prior to the 5:00 pm deadline to do so, thus severely lessening the fine. Without that information, we continued to attempt to file electronically and 22 business days passed.

We respectfully ask that the Secretary of State's office wave the \$10,000 fine as it was filing officer error that caused the delay in timely filing of the Oregon Republican Party's post election report. In the alternative, we ask that the fine be recomputed taking into account that we would have filed the report on paper by 5 pm on June 15<sup>th</sup>, had we been informed, thus reducing the per day penalty by 75%.

Sincerely,

Amy E. Langdon  
*Executive Director*

SUBSCRIBED AND SWORN TO before me on this 3<sup>rd</sup> day of January, 2007.



Nathan K. Caulder  
Notary Public for Oregon

My Commission expires: 7-20-08

Exhibit 1

**Cindy Taylor**

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**From:** Cindy Wolfe  
**Sent:** Thursday, June 15, 2006 12:18 PM  
**To:** elecfile.sos@state.or.us  
**Subject:** 000379 051606 POST ORIG 061506

**Attachments:** 000379 051606 POST ORIG 061506.txt  
Please email to confirm that this filing was received. Thanks!!!

**Cindy Taylor**  
Administrator  
Oregon Republican Party  
[cindy@orgop.org](mailto:cindy@orgop.org)  
503-587-9233

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Internal Virus Database is out-of-date.  
Checked by AVG Free Edition.  
Version: 7.1.375 / Virus Database: 268.4.2/314 - Release Date: 4/16/2006

**Cindy Taylor**

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**From:** SOS Elecfile [Elecfile.Sos@state.or.us]  
**Sent:** Thursday, June 15, 2006 3:17 PM  
**To:** Cindy Wolfe  
**Subject:** Re: 000379 051606 POST ORIG 061506  
Hi,

Your Post report for the 2006 Primary did not post. The data seemed garbled or corrupt. I must also let you know that this report will be considered late and I recommend you get it here as soon as possible.

Please contact me with any questions.

Jan  
503-986-1518

>>> "Cindy Wolfe" <CWolfe@orpsbsnet.org> 6/15/2006 12:18:12 PM >>>  
Please email to confirm that this filing was received. Thanks!!!

**Cindy Taylor**  
Administrator  
Oregon Republican Party  
[cindy@orgop.org](mailto:cindy@orgop.org)  
503-587-9233

--  
Internal Virus Database is out-of-date.  
Checked by AVG Free Edition.  
Version: 7.1.375 / Virus Database: 268.4.2/314 - Release Date: 4/16/2006

**Cindy Taylor**

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**From:** System Administrator  
**To:** SOS Elecfile  
**Sent:** Friday, June 16, 2006 11:22 AM  
**Subject:** Undeliverable: 6-16-06 000379 051606 POST ORIG 061606

Your message did not reach some or all of the intended recipients.

Subject: 6-16-06 000379 051606 POST ORIG 061606  
Sent: 6/16/2006 11:17 AM

The following recipient(s) could not be reached:

SOS Elecfile on 6/16/2006 11:22 AM  
Could not deliver the message in the time limit specified. Please retry or contact your administrator.  
<orpsbsnet.org #4.4.7>

**Cindy Taylor**

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Exhibit 4

**From:** System Administrator  
**To:** elecfile.sos@state.or.us  
**Sent:** Wednesday, June 21, 2006 3:32 PM  
**Subject:** Undeliverable:

Your message did not reach some or all of the intended recipients.

Subject:  
Sent: 6/21/2006 3:25 PM

The following recipient(s) could not be reached:

elecfile.sos@state.or.us on 6/21/2006 3:32 PM

The e-mail system was unable to deliver the message, but did not report a specific reason. Check the address and try again. If it still fails, contact your system administrator.

<orpsbsnet.org #4.0.0 smtp;450 <CWolfe@orpsbsnet.org>: Sender address rejected: Domain not found>

**From:** System Administrator  
**To:** SOS Elecfile  
**Sent:** Wednesday, June 28, 2006 10:17AM  
**Subject:** Undeliverable: 6-28-06 000379 051606 POST ORIG 062806

Your message did not reach some or all of the intended recipients.

**Subject:** 6-28-06 000379 051606 POST ORIG 062806  
**Sent:** 6/28/2006 10:07AM

The following recipient(s) could not be reached:

SOS Elecfile on 6/28/2006 10:17AM  
Could not deliver the message in the time limit specified. Please retry or contact your administrator.  
<orpsbsnet.org #4.4.7>

**Cindy Taylor**

Exhibit 6

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**From:** System Administrator  
**To:** SOS Elecfile  
**Sent:** Friday, June 30, 2006 3:37PM  
**Subject:** Undeliverable: 6-30-06 000379 051606 POST ORIG 063006

Your message did not reach some or all of the intended recipients.

Subject: 6-30-06 000379 051606 POST ORIG 063006  
Sent: 6/30/2006 3:37PM

The following recipient(s) could not be reached:

SOS Elecfile on 6/30/2006 3:37PM  
Could not deliver the message in the time limit specified. Please retry or contact your administrator.  
<orpsbsnet.org #4.4.7>

**Cindy Taylor**

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Exhibit ?

**From:** System Administrator  
**To:** elecfile.sos@state.or.us  
**Sent:** Wednesday, July 12, 2006 3:32 PM  
**Subject:** Undeliverable:

Your message did not reach some or all of the intended recipients.

Subject:  
Sent: 7/12/2006 3:25 PM

The following recipient(s) could not be reached:

elecfile.sos@state.or.us on 7/12/2006 3:32 PM

The e-mail system was unable to deliver the message, but did not report a specific reason. Check the address and try again. If it still fails, contact your system administrator.

<orpsbsnet.org #4.0.0 smtp;450 <CWolfe@orpsbsnet.org>: Sender address rejected: Domain not found>

**From:** System Administrator  
**To:** elecfile.sos@state.or.us  
**Sent:** Friday, July 14, 2006 1:47 PM  
**Subject:** Undeliverable:

Your message did not reach some or all of the intended recipients.

Subject:  
Sent: 7/14/2006 1:25 PM

The following recipient(s) could not be reached:

elecfile.sos@state.or.us on 7/14/2006 1:47 PM

The e-mail system was unable to deliver the message, but did not report a specific reason. Check the address and try again. If it still fails, contact your system administrator.

<orpsbsnet.org #4.0.0 smtp;450 <CWolfe@orpsbsnet.org>: Sender address rejected: Domain not found>

Cindy Taylor

Exhibit 9

**From:** Wayne Brady [wbrady@acm.org]  
**Sent:** Thursday, June 15, 2006 9:37 AM *Received email w/attachments*  
**To:** Cindy Taylor Wolfe  
**Subject:** Marion County Republican Central Committee

**Attachments:** Postcard for MCRCC Call 062606-1.pub; June 14 PCP List.xls



Postcard for MCRCC Call 062606..      June 14 PCP List.xls  
(54 KB)

Cindy,

Take a look at these files and let me know if you have any questions. I will come by before the Pachyderm meeting with the card stock.

Thank you so much for your help.

Wayne Brady

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Internal Virus Database is out-of-date.  
Checked by AVG Free Edition.  
Version: 7.1.375 / Virus Database: 268.5.5/333 - Release Date: 5/5/2006

**Cindy Taylor**

Exhibit 10

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**From:** Cindy Wolfe  
**Sent:** Friday, June 16, 2006 1:21 PM  
**To:** Shelley at RNC  
**Subject:** Oregon COH report 6/15/06  
**Attachments:** NEW 2006 COH Template.xls

*Sent email w/attachments*

*Hi, Shelley!*

*Here's your report. Hope you have pleasant travels, and I'll see ya next week!*

**Cindy Taylor**  
Administrator  
Oregon Republican Party  
[cindy@orgop.org](mailto:cindy@orgop.org)  
503-587-9233

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Internal Virus Database is out-of-date.  
Checked by AVG Free Edition.  
Version: 7.1.375 / Virus Database: 268.5.5/333 - Release Date: 5/5/2006

**Cindy Taylor**

Exhibit 11

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**From:** Cindy Wolfe  
**Sent:** Wednesday, June 28, 2006 2:43 PM  
**To:** 'June Hartley'  
**Subject:** June's Proposed Budget  
**Attachments:** June's Proposed Budget.doc

*Sent email w/attachment*

**Cindy Taylor**  
Administrator  
Oregon Republican Party  
[cindy@orgop.org](mailto:cindy@orgop.org)  
503-587-9233

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*Internal Virus Database is out-of-date.  
Checked by AVG Free Edition.  
Version: 7.1.375 / Virus Database: 268.5.5/333 - Release Date: 5/5/2006*

Cindy Taylor

Exhibit 12

**From:** Cindy Wolfe [cindy@orgop.org]  
**Sent:** Friday, June 30, 2006 9:37 AM  
**To:** 'Shelley Ashenfelter - Political'  
**Subject:** RE:Oregon COH

*Sent email w/attachment*

**Attachments:** NEW 2006 COH Template.xls



NEW 2006 COH  
Template.xls (27 ...

Sorry, Shelley. We had a huge Executive Committee Meeting last night and it was about the budget, so any time they talk money, they get cranky. Meanwhile, at least it's sunny and 80 here!!

Cindy Taylor  
Administrator  
Oregon Republican Party  
cindy@orgop.org  
503-587-9233

-----Original Message-----

**From:** Shelley Ashenfelter - Political [mailto:SAshenfelter@rnchq.org]  
**Sent:** Friday, June 30, 2006 8:10 AM  
**To:** cindy@orgop.org; mikesh Sheridan@wsrp.org  
**Subject:** COH

Still need Nebraska, Washington and Oregon. Please send asap. Thanks.

Shelley Ashenfelter  
Regional Finance Director  
Republican National Committee  
503-888-3985 cell  
503-280-5290 fax  
sashenfelter@rnchq.org <mailto:sashenfelter@rnchq.org>

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Internal Virus Database is out-of-date.  
Checked by AVG Free Edition.  
Version: 7.1.375 / Virus Database: 268.5.5/333 - Release Date: 5/5/2006

--  
Internal Virus Database is out-of-date.  
Checked by AVG Free Edition.  
Version: 7.1.375 / Virus Database: 268.5.5/333 - Release Date: 5/5/2006