

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 the Oregon Doctors of Chiropractic PAC, ) Final Order by Default  
William Harden, Signor, John Cafferty, Treasurer, for the )  
Post-Election for the May 16, 2006, Primary Election ) Case No. L8823  
)

March 9, 2007

Oregon Doctors of Chiropractic PAC (001130)  
William Harden, Signor / John Cafferty, Treasurer  
4425 SW Corbett  
Portland, OR 97239

Dear Dr. Harden:

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 11, 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 mailing address provided for the committee was 4425 SW Corbett, Portland, OR 97239. The Statement of Organization reported John Cafferty as the treasurer and 1135 NE Kane Dr, Gresham, OR 97030 as the address to which all committee correspondence.
2. The committee was required to file a post-election report with the secretary on June 15, 2006.
3. The secretary sent the committee a notice that it had failed to file a timely report on June 16, 2006. The notice was sent by first class mail to Dr. Cafferty at the above-referenced address.

4. The secretary received an amended SEL 221 on May 10, 2006, which names Dr. William Harden, Jr. as treasurer and 4425 SW Corbett, Portland, OR 97239 as the address where all correspondence should be sent. The SEL 221 was insufficient and therefore the secretary was unable to update its records until August 15, 2006 when Dr. Harden filed a SEL 221 to discontinue the committee.
5. On June 30, 2006, the secretary sent a letter to the committee informing them that their report had still not been received.
6. The secretary received the report on August 15, 2006, which is 42 business days after the date on which the report was due.
7. The committee reported no contributions or expenditures during the accounting period for the report.
8. On December 11, 2006, the secretary sent the committee a Notice of Proposed Civil Penalty. The notice was sent by both certified and first class mail to Dr. Cafferty and was sent by first class mail to Dr. Harden at the above-referenced addresses. 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 the committee on December 13, 2006.
9. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
10. The secretary has record of two previous late filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

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

#### CONCLUSIONS OF LAW

Signor William Harden's and Treasurer John Cafferty's failure to file a timely post-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 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 committee.

Although the committee reported no activity during the accounting period for the late report, the penalty matrix sets a minimum penalty of \$100.00 for a Signor's or treasurer's third or subsequent late violation.

ORDER

Payment of the proposed civil penalty of \$100.00 was received in the office of the Secretary of State on December 15, 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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Jan Flowers, Compliance Specialist

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

c: John Cafferty, Treasurer  
1135 NE Kane Dr  
Gresham, OR 97030