

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 ICE PAC, Laverne Saboe, Treasurer, for the Post) Final Order by Default
Election for the May 16, 2006, Primary Election)
) Case No. L8830
)

March 9, 2007

ICE PAC (003190)
Laverne Saboe, Treasurer
915 SE 19th Ave
Albany, OR 97322

Dear Mr. Saboe:

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 6, 2006, the secretary notified the ICE 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 April 6, 2006. The statement reported Laverne Saboe as the treasurer and 915 SE 19th Ave, Albany, OR 97322 as the address to which all committee correspondence was to be sent.
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 the treasurer at the above-referenced address.
4. On June 30, 2006, the secretary sent a letter to the committee informing them that their report had still not been received.

5. The secretary received the report on July 7, 2006, which is 16 business days after the date on which the report was due.
6. The committee reported total contributions of \$6,040.00 and total expenditures of \$1,072.84 during the accounting period for the report.
7. On December 6, 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 at the above-referenced address. The notice proposed a civil penalty of \$1,000.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and returned unclaimed on December 1, 2006 and the post office indicated it gave first notice on December 7, 2006.
8. On January 11, 2007, the committee made a request to repay the civil penalty in agreed upon increments by April 15, 2007.
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 one previous late filing during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

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

CONCLUSIONS OF LAW

Treasurer Laverne Saboe'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 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 treasurer.

Although the calculated penalty for the late report is \$2,899.20 ($\$6,040.00 \times 3\% \times 16$ days), the penalty matrix sets a maximum penalty of \$1,000.00 when the total contributions or total expenditures—whichever is greater—is between \$2,000.01 and \$10,000.

ORDER

It is ordered that a penalty of \$1,000.00 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 L8830 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.

Candy Broucek, Compliance Specialist

DATE of Service: _____