

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 Tax Fairness Oregon, Jacqueline S. Richey, Treasurer, for  
the Post-Election for the May 16, 2006, Primary Election

)  
) Final Order by Default  
)  
) Case No. L8844  
)

March 9, 2007

Jacqueline S. Richey, Treasurer of Record  
Tax Fairness Oregon (005137)  
Calle Hacienda de Trojes 67  
Fracc. Paseos de la Hacienda,  
CP 58060 Morelia, Mich MEXICO

Dear Ms. Richey:

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 7, 2006, the secretary notified Tax Fairness Oregon (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 October 25, 2005. The statement reported Jacqueline S. Richey as the treasurer and 2856 NW Wardway St Apt 1, Portland, OR 97210-5374 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 signed by Mr. Bill Riley on July 17, 2006, which is 21 business days after the date on which the report was due.
6. The committee reported total contributions of \$102.00 and total expenditures of \$27.00 during the accounting period for the report.
7. On July 17, 2006, the secretary received an amended Statement of Organization. The secretary did not receive sufficient information to update the committee records until August 22, 2006. On August 22, 2006, the secretary updated Mr. Bill Riley as treasurer and the mailing address to 5550 NW Roanoke Ln, Portland, OR 97229.
8. On December 7, 2006, the secretary sent a Notice of Proposed Civil Penalty to Ms. Richey and Mr. Riley. The notice was sent by both certified and first class mail to the treasurers at the above-referenced addresses. The notice proposed a civil penalty of \$21.42 and allowed the committee 20 days to request a hearing. The notices sent by certified mail were received and signed for by Vivian Richey on December 8, 2006, and J. Wisner on December 21, 2007.
9. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
10. On December 28, 2006, the secretary received a letter from Ms. Richey indicating an address of Calle Hacienda de Trojes 67, Fracc. Paseos de la Hacienda, CP 58060 Morelia, Mich, Mexico.
11. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

Jacqueline S. Richey, Treasurer, failed to file a timely post-election contribution and expenditure report for the May 16, 2006, Primary Election.

#### CONCLUSIONS OF LAW

Treasurer Jacqueline S. Richey'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 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 treasurer.

The calculated penalty for the late report is \$21.42 ( $\$102.00 \times 1\% \times 21$  days). Because the appropriate penalty is under \$50, no penalty will be assessed.

ORDER

It is ordered that no penalty be assessed.

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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Stacey Jackson, Compliance Specialist

DATE of Service: March 9, 2007

C: Mr. Bill Riley, Current Treasurer  
5550 NW Roanoke Ln  
Portland, OR 97229