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December 27, 2006

Jan Flowers  
Compliance Specialist  
Elections Division  
141 State Capitol  
Salem OR 97310-0722

Re: Julia Philbrook For Circuit Court Judge (005313)  
Julia Philbrook Candidate, Sharon Kelly Treasurer

Dear Elections Division:

Request is made for a hearing to be conducted by an independent hearings officer to present evidence of mitigating circumstances and compliance as reasons why the proposed penalty should not be assessed against the above candidate and treasurer pursuant to the Notice sent under date of 12/11/06.

Thank you for your consideration. Please contact me with the date and time of the hearing.

Yours very truly,

Sharon Kelly

c: Julia Philbrook

ALL INFORMATION  
SECRETARY OF THE STATE

2006 DEC 29 AM 10:35

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**TO:** Jan Flowers  
Compliance Specialist

**FROM:** Sharon Kelly

**DATE:** 1/25/07

**FAX NUMBER:** 503 373 7414

**TOTAL PAGES:** 3 incl cover

Case No L8847

Attached is a notarized statement evidencing mitigating circumstances submitted in response to the Notice of Proposed Civil Penalty in the above matter.

Upon receipt and acceptance of this evidence for consideration without a hearing, the prior request for hearing in withdrawn.

Thank you for your consideration.

### **IMPORTANT NOTICE**

This communication consists of attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

I, Sharon Kelly duly sworn, depose + say as follows:

Notarized statement for Committee 5313 Notice of proposed penalty:

The undersigned submits the following statements as evidence of mitigating circumstances as to why a Post Election report in the form desired by the Secretary of State's Office was not filed on June 15, 2006 for Committee 5313.

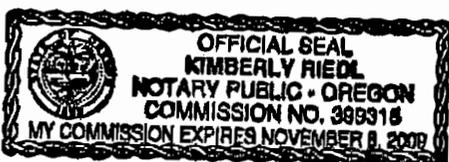
1. The lateness was the direct result of a valid personal emergency. Prior to the 15<sup>th</sup>, the candidate and I had a lot of problems understanding the forms and how the information required was to be set forth on them. We were working with the Division to clarify and correct the four prior filings while we worked on a filing for the 15<sup>th</sup>. The candidate assumed that I would make a filing of some kind despite our confusion. I wanted to confirm some information with the candidate. During the day on the 15<sup>th</sup>, my son became seriously ill in Eugene Oregon where he attends school. I ended up dropping everything and driving to Eugene and bringing him home. This disruption led to the lateness of the filing by two business days.

2. A report entitled Post Election Report was filed and received by the Division on June 19, 2006. The contributions per the Post Election Report as so filed were \$550. The penalty, if assessed, should be \$550 x 1% x 2 business days late, or \$11.00 and not the higher number noticed.

3. The forms and instructions for the election reports are poorly written and despite seeking phone assistance from the division, I was still waiting as of June 15<sup>th</sup>, to see if my four prior filings were correct. In speaking with the Division staff I understood that as long as I was making filings and trying to correct them, that I would be considered to be in compliance. It made no sense to me that the Division would insist on a filing on the 15<sup>th</sup> which would have to be re-done if the prior filing that it tracked to had to be re-done.

Sharon Kelly, Treasurer Committee 5313

Subscribed and sworn to before me on January 25, 2007.



Notary Public of Oregon  
My commission expires: 11/8/2009

SECRETARY OF THE STATE

2007 JAN 25 PM 4:44

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### Oregon Secretary of State Elections Division

Tuesday, January 23, 2007

**Additional Information**

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### Campaign Finance Activity

Committee Name: **Philbrook, Julia, For Circuit Court Judge**

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Beginning with the 2004 General Election, contribution and expenditure reports are PDF's (click the PDF link under the Full Report column to access the complete report information for 1st pre-election, 2nd pre-election, and post-election reports is also link under the Report column).

Election	Report	Date Filed
2006 September Supplemental	<a href="#">Supplemental Report Amendment</a>	11/28/2006
2006 September Supplemental	<a href="#">Supplemental Report</a>	09/12/2006
2006 Primary Election	<a href="#">Post-Election Amendment</a>	11/28/2006
2006 Primary Election	<a href="#">Post-Election Amendment</a>	07/03/2006
2006 Primary Election	<a href="#">Post-Election</a>	06/19/2006
2006 Primary Election	<a href="#">2nd Pre-Election Amendment</a>	06/19/2006
2006 Primary Election	<a href="#">2nd Pre-Election</a>	05/04/2006
2006 Primary Election	<a href="#">1st Pre-Election Amendment</a>	05/08/2006
2006 Primary Election	<a href="#">1st Pre-Election Amendment</a>	05/04/2006
2006 Primary Election	<a href="#">1st Pre-Election</a>	04/04/2006