

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 Charlie Ringo for State Senate, Charlie A. Ringo, ) Final Order by Default  
Candidate, Jay Harter, Treasurer, for the Supplemental of )  
2006 ) Case No. L8898  
)

May 31, 2007

Charlie Ringo for State Senate (003493)  
Charlie A. Ringo, Candidate / Jay Harter, Treasurer  
4085 SW 109th Ave  
Beaverton, OR 97005

Dear Mr. Ringo:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a timely supplemental contribution and expenditure report for 2006.

On March 9, 2007, the secretary notified Charlie Ringo for State Senate (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 220), applicable during the reporting period, was filed with the secretary on December 29, 2005. The statement reported Jay Harter, as the treasurer and 4085 SW 109<sup>th</sup> Ave, Beaverton, OR 97005. as the mailing address for both the candidate and committee correspondence.
2. The committee was required to file a supplemental report with the secretary on September 11, 2006.
3. The secretary sent the committee a notice that it had failed to file a timely report on September 12, 2006. The notice was sent by first class mail to the candidate and treasurer at the above-referenced addresses.
4. The secretary received the report on September 29, 2006, which is 14 business days after the date on which the report was due.

5. The committee reported no contributions and total expenditures of \$200.00 during the accounting period for the report.
6. On October 13, 2006, the secretary received an amended SEL 220 indicating the mailing address for the treasurer had changed to 4123 SW Comus St, Portland, OR 97219.
7. On March 9, 2007, the secretary sent the committee a Notice of Proposed Civil Penalty. The notice was sent by both certified and first class mail to the candidate and was sent by first class mail to the treasurer at the above-referenced addresses. The notice proposed a civil penalty of \$84.00 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 March 12, 2007.
8. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
9. The secretary has record of one previous late filing during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

Charlie A. Ringo, Candidate, and Jay Harter, Treasurer, failed to file a timely supplemental contribution and expenditure report for 2006.

#### CONCLUSIONS OF LAW

Candidate Charlie A. Ringo's and Treasurer Jay Harter's failure to file a timely supplemental contribution and expenditure report for 2006 violated ORS 260.058.

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 candidate.

#### ORDER

It is ordered that a penalty of \$84.00 ( $\$200.00 \times 3\% \times 14$  days) 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 L8898 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.

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Stacey Jackson, Compliance Specialist

DATE of Service: May 31, 2007

c: Jay Harter, Treasurer  
4123 SW Comus St  
Portland, OR 97219