

BILL BRADBURY  
SECRETARY OF STATE



ELECTIONS DIVISION  
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BEFORE THE SECRETARY OF STATE  
OF THE  
STATE OF OREGON

In the matter of a Late Contribution and Expenditure Report )  
by the Committee to Retain Judge Carol E. Jones, Carol E. ) Final Order by Default  
Jones, Candidate, Claudia Steiner-Fricker, Treasurer, for the )  
2006 September Supplemental. ) Case No. L8921  
)

May 31, 2007

Committee to Retain Judge Carol E. Jones (005022)  
Carol E. Jones, Candidate / Claudia Steiner-Fricker, Treasurer  
235 East Third St #1  
McMinnville, OR 97128

Dear Judge Jones:

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 the Committee to Retain Judge Carol E. Jones (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 August 24, 2004. The statement reported Claudia Steiner-Fricker as the treasurer and 235 East Third St #1, McMinnville, OR 97128 as the mailing address for both 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 address.
4. The secretary received the report on February 20, 2007, which is 155 business days after the date on which the report was due.

5. The committee reported no contributions and total expenditures of \$72.00 during the accounting period for the report.
6. 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 address. The notice proposed a civil penalty of \$27.90 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.
7. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
8. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

Carol E. Jones, Candidate, and Claudia Steiner-Fricker, Treasurer, failed to file a timely supplemental contribution and expenditure report for 2006.

#### CONCLUSIONS OF LAW

Candidate Carol E. Jones's and Treasurer Claudia Steiner-Fricker's failure to file a timely supplemental contribution and expenditure report for 2006 violated ORS 260.068.

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 candidate.

Additionally, if a paper copy of a report that is required to be filed electronically is provided to the filing officer prior to the electronic copy, the penalty as calculated above for a late report is reduced by 75% (making the penalty one-quarter of 1% per day), beginning with the day a paper copy of the report is submitted.

The calculated penalty for the late report is \$27.90 ( $\$72.00 \times 1\% \times 155 \text{ days} \times 25\%$ ). 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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Candy Broucek, Compliance Specialist

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

c: Claudia Steiner-Fricker, Treasurer  
235 East Third St #1  
McMinnville, OR 97128