

BILL BRADBURY
SECRETARY OF STATE



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 Committee to Elect Vicki Walker, Vicki Walker,) Final Order by Default
Candidate, Charles M. Zennache', Treasurer, for the First)
Supplement to the Second Pre-Election for the May 16, 2006,) Case No. L9074
Primary Election)

March 9, 2009

Committee to Elect Vicki Walker (002740)
Vicki Walker, Candidate / Charles M. Zennache', Treasurer
PO Box 10314
Eugene, OR 97440

Dear Ms. Walker:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a timely first supplement to the second pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

On November 30, 2006, the secretary notified the Committee to Elect Vicki Walker (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 February 7, 2006. The statement reported Charles M. Zennache' as the treasurer and PO Box 10314, Eugene, OR 97440 as the mailing address for both candidate and committee correspondence.
2. The committee was submitted a timely first supplement to the second pre-election report on May 8, 2006, however, an additional contribution should have been included on the report. The committee reported the contribution required to be on the first supplement to the second pre-election report (\$3,209.31 from Senate Democratic Leadership Fund on May 5, 2006, inadvertently reported as June 15, 2006 on the proposed penalty notice) on the first supplement to the second pre-election report filed on June 15, 2006, which is 27 business days after the first supplement to the second pre-election report was due.

3. On November 30, 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 candidate and was sent by first class mail to the treasurer at the above-referenced address. The notice proposed a civil penalty of \$866.43 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 December 7, 2006.
4. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
5. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Vicki Walker, Candidate, and Charles M. Zennache', Treasurer, failed to file a timely first supplement to the second pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

CONCLUSIONS OF LAW

Candidate Vicki Walker's and Treasurer Charles M. Zennache''s failure to file a timely first supplement to the second pre-election contribution and expenditure report for the May 16, 2006, Primary Election 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 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.

ORDER

It is ordered that a penalty of \$866.43 ($\$3,209.31 \times 1\% \times 27$ 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 L9074 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.

Stacey Jackson, Compliance Specialist

DATE of Service: March 9, 2007

c: Charles M. Zennache', Treasurer
PO Box 10314
Eugene, OR 97440