OFFICE OF THE SECRETARY OF STATE

BILL BRADBURY
SECRETARY OF STATE

ELECTIONS DIVISION

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DIRECTOR

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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 Oregonians Against Off Reservation Casinos, Lawrence J. Kovach, Treasurer, for the Post Pre-Election for the November 7, 2006, General Election	)))))	Final Order by Default Case No. L9134

August 1, 2007

Oregonians Against Off Reservation Casinos (005352)
Lawrence J. Kovach, Treasurer
PO Box 302
Grand Ronde, OR 97347

Dear Mr. Kovach:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a timely post pre-election contribution and expenditure report for the November 7, 2006, General Election.

On June 13, 2007, the secretary notified the Oregonians Against Off Reservation Casinos (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 August 29, 2006. The statement reported Lawrence J. Kovach as the treasurer and PO Box 302, Grand Ronde, OR 97347 as the address to which all committee correspondence was to be sent.

2. The committee was required to file a post pre-election report with the secretary on December 7, 2006.

3. The secretary sent the committee a notice that it had failed to file a timely report on December 8, 2006. The notice was sent by first class mail to the treasurer at the above-referenced address.

4. The secretary received the report on December 13, 2006, which is four business days after the date on which the report was due.

5. The committee reported no contributions and total expenditures of $15.19 during the accounting period for the report.

6. On June 13, 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 treasurer at the above-referenced address. The notice proposed a civil penalty of $50.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by V.A. Roof on June 14, 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 one previous late filing during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Lawrence J. Kovach, Treasurer, failed to file a timely post pre-election contribution and expenditure report for the November 7, 2006, General Election.

CONCLUSIONS OF LAW

Treasurer Lawrence J. Kovach's failure to file a timely post pre-election contribution and expenditure report for the November 7, 2006, General Election violated ORS 260.073.

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 treasurer.

Although the calculated penalty for the late report is $1.82 ($15.19 x 3% x 4 days), the penalty matrix sets a minimum penalty of $50.00 for a candidate's or treasurer's second late violation.

ORDER

It is ordered that a penalty of $50.00 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 L9134 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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Jan Flowers, Compliance Specialist

DATE of Service: August 1, 2007