

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 the Morley for Oregon, Richard Morley,) Final Order by Default
Candidate/Treasurer, for the Second Supplement to Second)
Pre-Election for the November 7, 2006, General Election) Case No. L9141
)

March 9, 2007

Morley for Oregon (005415)
Richard Morley, Candidate/Christiana Mayer,Treasurer
6630 SW Ventura Dr
Tigard, OR 97223-1133

Dear Mr. Morley:

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

On December 29, 2006, the secretary notified the Morley for Oregon (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 June 29, 2006. The statement reported Richard Morley, the candidate, and 6630 SW Ventura Dr, Tigard, OR 97223-1133 as the address to which all committee correspondence was to be sent and Christiana Mayer as treasurer, and 16055 SW Walker Rd, PMB 174, Beaverton OR 97006 as the address to which all committee correspondence was to be sent.
2. The committee was required to file a second supplement to second pre-election report with the secretary on November 3, 2006.
3. The secretary received the report on November 9, 2006, which is four business days after the date on which the report was due.

4. The committee reported total contributions of \$1,800.00 and no expenditures during the accounting period for the report.
5. On December 29, 2006, the secretary did not send a copy of the Notice of Proposed Civil Penalty to the treasurer, Christiana Mayer at 16055 SW Walker Rd, PMB 174, Beaverton OR 97006 because this campaign office had been closed per the candidate.
6. On December 29, 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/treasurer at the above-referenced address. The notice proposed a civil penalty of \$72.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Joan Piper on December 30, 2006.
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

Richard Morley, Candidate/Treasurer, failed to file a timely second supplement to second pre-election contribution and expenditure report for the November 7, 2006, General Election.

CONCLUSIONS OF LAW

Candidate/Treasurer Richard Morley's failure to file a timely second supplement to second pre-election contribution and expenditure report for the November 7, 2006, General Election 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.

ORDER

Payment of the proposed civil penalty of \$72.00 was received in the office of the Secretary of State on December 29, 2006. This Order will serve as your receipt and this matter is now considered closed.

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.

Candy Broucek, Compliance Specialist

DATE of Service: _____