

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 Boone for State Representative, Deborah Boone,) Final Order by Default
Candidate/Treasurer, for the First Supplement to the Second)
Pre-Election for the November 7, 2006, General Election) Case No. L9147

August 29, 2007

Boone for State Representative (004846)
Deborah Boone, Candidate/Treasurer
PO Box 637
Cannon Beach, OR 97110

Dear Representative Boone:

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

On July 23, 2007, the secretary notified Boone for State Representative (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 Deborah Boone, the candidate, as the treasurer and PO Box 637, Cannon Beach, OR 97110 as the address to which all committee correspondence was to be sent.
2. The committee was required to file a first supplement to the second pre-election report with the secretary on October 30, 2006, because it received aggregate contributions exceeding \$500 from a single source and made aggregate expenditures exceeding \$1,000 to a single payee between October 23 and November 2, 2006.
3. The committee filed a first supplement to the second pre-election report with the secretary on October 31, 2006, disclosing a contribution of \$1,000, making it one business day late.

4. Additionally, the secretary discovered that the committee should have included two expenditures totaling \$2,393.88 to Wendy Yorkshire on October 28 and October 29, 2006, on the first supplement to the second pre-election report because the aggregate for the payee exceeded \$1,000 during the accounting period for the report. These expenditures were first disclosed on the committee's post-election report filed on November 29, 2006, making this portion of the report 20 business days late.
5. On July 23, 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/treasurer at the above-referenced address. The notice proposed a civil penalty of \$1,000.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Deborah A. Boone on July 28, 2007.
6. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
7. The secretary has record of three previous late filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

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

CONCLUSIONS OF LAW

Candidate/Treasurer Deborah Boone's failure to file a timely and complete first supplement to the 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 5% of the total contributions or total expenditures—whichever is greater—for each business day the report was late as this is the fourth late violation by the candidate.

Although the calculated penalty for the late report is \$2,393.80 ($\$2,393.88 \times 5\% \times 20$ days), the penalty matrix sets a maximum penalty of \$1,000.00 when the total contributions or total expenditures—whichever is greater—is between \$2,000.01 and \$10,000.

ORDER

Payment of the proposed civil penalty of \$1,000.00 was received in the office of the Secretary of State on August 8, 2007. 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.

Nancy Ferry, Compliance Specialist

DATE of Service: _____