

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 Cowan for State Rep, Jean Cowan, Candidate, Ruthanne ) Final Order  
Lidman, Treasurer, for the First Supplement to the Second )  
Pre-Election for the November 7, 2006, General Election ) Case No. L9155  
)

October 18, 2007

Cowan for State Rep (004878)  
Jean Cowan, Candidate / Ruthanne Lidman, Treasurer  
2710 NE Iler  
Newport, OR 97365

Dear Representative Cowan:

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

On July 11, 2007, the secretary notified Cowan for State Rep (committee), pursuant to ORS 260.232(2), that it had failed to file the complete report and that the secretary may impose a civil penalty. An opportunity for a hearing was provided in that notice. The committee submitted written testimony in the form of a notarized statement in lieu of a personal appearance at a public hearing. Accordingly, after consideration of the applicable law and evidence presented, Jennifer Hertel, Hearings Officer with the Elections Division, 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 October 17, 2005. The mailing address provided on the Statement of Organization for the candidate was 2710 NE Iler, Newport, OR 97365. The statement reported Ruthanne Lidman as the treasurer and 10200 SW Century Oak Dr, Tigard, OR 97224-4643 as the address to which all committee correspondence was to be sent.
2. The committee submitted a timely first supplement to the second pre-election report on October 30, 2006. However, an additional contribution (\$8,804.59 from House Builders Future PAC on October 23, 2006) should have been included on the report.

3. The committee first reported the contribution required to be included on the first supplement to the second pre-election report on its post-election report filed on December 7, 2006, which is 26 business days after the first supplement to the second pre-election report was due.
4. On July 11, 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 addresses. 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 Patrick O. Cowan on July 13, 2007.
5. On July 19, 2007, an amendment to the committee's post-election report was electronically filed, changing the date of the contribution.
6. On July 24, 2007, the secretary received a notarized letter from Ruthanne Lidman in lieu of a public hearing.
7. The letter—attached as Exhibit A—was reviewed, considered, and made part of the record.
8. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

Jean Cowan, Candidate, and Ruthanne Lidman, Treasurer, did not fail to file a complete first supplement to the second pre-election contribution and expenditure report for the November 7, 2006, General Election.

#### CONCLUSIONS OF LAW

Candidate Jean Cowan and Treasurer Ruthanne Lidman did not violate ORS 260.068.

#### OPINION

After reviewing and considering the evidence and information on file in this office, the hearings officer finds that there has been no violation of Oregon election law. The explanation provided in the notarized testimony adequately mitigates the failure to file the contribution of \$8,804.59 from House Builders Future PAC on October 23, 2006, on the first supplement to the second pre-election report. The testimony explains that the date received reported for the contribution was incorrect in the original filing. On July 19, 2007, the treasurer electronically filed an amendment to the post-election report of the November 7, 2006, General Election correcting the date received to November 27, 2006. Since this date is outside the accounting period of October 23 to October 29, 2006, for the first supplement to the second pre-election reports, the contribution was not required to be filed on the first supplement to the second pre-election report.

ORDER

It is ordered that no penalty be assessed, because the contribution electronically amended by the committee is outside the accounting period for the supplement reports, and therefore, not required to be filed on a supplement to the second pre-election report for the November 7, 2006, General Election.

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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Jennifer Hertel, Compliance Specialist

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

c: Ruthanne Lidman, Treasurer  
10200 SW Century Oak Dr  
Tigard, OR 97224-4643