

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 Friends of Chris Edwards, Chris Edwards, Candidate,) Final Order by Default
Sydney Paige Hetfield, Treasurer, for the Second)
Supplement to the Second Pre-Election for the) Case No. L9160
November 7, 2006, General Election)

August 29, 2007

Friends of Chris Edwards (005158)
Chris Edwards, Candidate / Sydney Paige Hetfield, Treasurer
PO Box 42082
Eugene, OR 97404

Dear Representative Edwards:

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

On July 11, 2007, the secretary notified Friends of Chris Edwards (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; 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 May 18, 2006. The statement reported Sydney Paige Hetfield as the treasurer and PO Box 42082, Eugene, OR 97404 as the mailing address for both candidate and committee correspondence.
2. The committee submitted a timely second supplement to the second pre-election report on November 3, 2006. However, two additional contributions (\$726.30 from Citizen Action for Political Education on October 30, 2006, and \$100.00 from Oregon League of Conservation Voters on November 1, 2006) should have been included on the report.
3. The committee first reported the contributions required to be included on the second supplement to the second pre-election report on its post-election report filed on December 6, 2006, making this portion of the report 21 business days late.

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 address. The notice proposed a civil penalty of \$100.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Chris L. Edwards on July 20, 2007.
5. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
6. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Chris Edwards, Candidate, and Sydney Paige Hetfield, Treasurer, failed to file a complete second supplement to the second pre-election contribution and expenditure report for the November 7, 2006, General Election.

CONCLUSIONS OF LAW

Candidate Chris Edwards's and Treasurer Sydney Paige Hetfield's failure to file a complete second 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 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.

Although the calculated penalty for the late report is \$173.46 ($\$826.30 \times 1\% \times 21$ days), the penalty matrix sets a maximum penalty of \$100.00 when the total contributions or total expenditures—whichever is greater—is between \$0 and \$2,000.

ORDER

It is ordered that a penalty of \$100.00 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 L9160 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.

Nancy Ferry, Compliance Specialist

DATE of Service: _____

c: Sydney Paige Hetfield, Treasurer
PO Box 42082
Eugene, OR 97404