

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 Friends of David Edwards, David Edwards,) Final Order by Default
Candidate, Gail Harrower, Treasurer, for the Second)
Supplement to the Second Pre-Election for the) Case No. L9161
November 7, 2006, General Election)

October 18, 2007

Friends of David Edwards (005261)
David Edwards, Candidate / Gail Harrower, Treasurer
6472 SE Nathan Ct
Hillsboro, OR 97123

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 the Friends of David 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 January 30, 2006. The mailing address provided on the Statement of Organization for the candidate was 6472 SE Nathan Ct, Hillsboro, OR 97123. The statement reported Gail Harrower as the treasurer and 22115 NW Imbrie #328, Hillsboro, OR 97124 as the address to which all committee correspondence was to be sent.
2. The committee submitted a timely second supplement to the second pre-election report on November 3, 2006. However, an additional contribution (\$3,352.55 from Oregon League of Conservation Voters on October 30, 2006) should have been included on the report.
3. The committee first reported the contribution required to be included on the second supplement to the second pre-election report on its post-election report filed on December 4, 2006, making this portion of the report 19 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 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 Michelle D. Edwards on July 12, 2007.
5. The committee submitted a notarized letter on August 6, 2007, but it was after the 20-day deadline to request a hearing.
6. On August 14, 2007, the committee submitted an amended Statement of Organization, updating the treasurer's address to 10260 SW Greenburg Rd, Ste 1180, Portland, OR 97223.
7. On August 21, 2007, the committee submitted an electronic amendment to the post-election report, changing the date of the contribution.
8. The secretary has record of two previous late filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

David Edwards, Candidate, and Gail Harrower, Treasurer, did not fail 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 David Edwards and Treasurer Gail Harrower did not violate ORS 260.068. The amendment filed on August 21, 2007, changed the date of the contribution from October 30, 2006 to November 20, 2006, the date of the memo from Oregon League of Conservation Voters, which notified the committee of the specifics of the in-kind contribution. The amended date is outside the accounting period of October 23 to November 2, 2006, for the supplements 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 supplemental 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.

Nancy Ferry, Compliance Specialist

DATE of Service: _____

c: Gail Harrower, Treasurer
10260 SW Greenburg Rd Ste 1180
Portland, OR 97223