

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 Citizens to Elect Judge Ron Grensky, Ron Grensky,) Final Order
Candidate, Steffanie Rose, Treasurer, for the First)
Supplement to the Second Pre-Election for the) Case No. L9168
November 7, 2006, General Election)

July 27, 2007

Citizens to Elect Judge Ron Grensky (005297)
Ron Grensky, Candidate / Steffanie Rose, Treasurer
329 Crater Lake Ave
Medford, OR 97504

Dear Judge Grensky:

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 May 16, 2007, the secretary notified the Citizens to Elect Judge Ron Grensky (committee), pursuant to ORS 260.232(2), that it had failed to file a 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, Kathy Schamp, 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 March 1, 2006. The statement reported Steffanie Rose as the treasurer and 329 Crater Lake Ave, Medford, OR 97504 as the mailing address for both candidate and committee correspondence.
2. The committee submitted a timely first supplement to the second pre-election report with the secretary on October 30, 2006. However, an additional contribution (\$3,900.00 from Ron Grensky 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 November 28, 2006, making this portion of the report 19 business days late.

4. On May 16, 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 \$741.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Victoria Grensky on May 21, 2007.
5. On June 4, 2007, the secretary received a notarized letter from Steffanie Rose in lieu of a public hearing.
6. The letter—attached as Exhibit A—was reviewed, considered, and made part of the record.
7. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Ron Grensky, Candidate, and Steffanie Rose, Treasurer, failed 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 Ron Grensky's and Treasurer Steffanie Rose's failure to file a complete first supplement to the second pre-election contribution and expenditure report for the November 7, 2006, General Election violated ORS 260.068.

OPINION

The Citizens to Elect Judge Ron Grensky's first supplement to the second pre-election contribution and expenditure report, filed on November 28, 2006, was late. It was due by 5:00 p.m., October 30, 2006.

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.

After reviewing and considering the evidence and information on file in this office, the hearings officer finds that there has been a violation of Oregon election law. The explanation provided in the notarized testimony does not adequately mitigate the failure to file a report by the deadline. The testimony submitted by Steffanie Rose stated that she was not aware that a loan to be paid back was considered a contribution or she would have reported it on this report. Ms. Rose stated that the committee had reported all other required information and asked for a reduction or elimination of the penalty. While it is unfortunate that Ms. Rose did not fully understand the campaign finance reporting requirements this circumstance is not a mitigating circumstance in which the Secretary can waive or reduce the penalty.

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

It is ordered that a penalty of \$741.00 ($\$3,900.00 \times 1\% \times 19$ days) 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 L9168 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.

Kathy Schamp, Compliance Specialist

DATE of Service: _____

c: Steffanie Rose, Treasurer
329 Crater Lake Ave
Medford, OR 97504