

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 Oregon Anglers, Fred Van Natta, Treasurer, for the) Corrected
Second Supplement to the Second Pre-Election for the) Final Order
November 7, 2006, General Election) Case No. L9189

August 1, 2007

Oregon Anglers (004084)
Fred Van Natta, Treasurer
2311 Jolie Pointe Rd
West Linn, OR 97068

Dear Mr. Van Natta:

This is a Final Order issued by the Secretary of State (secretary) for your failure to file a timely second 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 Oregon Anglers (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. 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 221), applicable during the reporting period, was filed with the secretary on April 5, 2004. The statement reported Fred Van Natta as the treasurer and 2311 Jolie Pointe Rd, West Linn, OR 97068 as the address to which all committee correspondence was to be sent.
2. The committee was required to file a second supplement to the second pre-election report with the secretary on November 3, 2006, because it received contributions exceeding \$500 from a single source between October 23, 2006 and November 2, 2006.

3. The committee report the contributions required to be on the second supplement to the second pre-election report (\$1,000.00 from John Holloway on November 1, 2006 and \$750.00 from Fred VanNatta on November 1, 2006) on its post-election report filed on December 7, 2006, which is 22 business days after the second supplement to the second pre-election report was due.
4. On January 10, 2007, the committee filed an amended SEL 221, naming Dennis Richey the treasurer.
5. 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 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 Dennis Richey on May 17, 2007.
6. On June 6, 2007, the secretary received a notarized letter from Dennis Richey in lieu of a public hearing and a amendment to the post-election report.
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

Fred Van Natta, Treasurer, was not required to file a second supplement to the second pre-election contribution and expenditure report for the November 7, 2006, General Election.

CONCLUSIONS OF LAW

Treasurer Fred Van Natta's did not violate ORS 260.073.

OPINION

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 no violation of Oregon election law. The explanation provided in the notarized testimony does adequately mitigate the failure to file a report by the deadline. The testimony explains that the contributions were erroneously reported as a range of dates which should have been reported as November 27, 2006. An amendment to the committee's post-election report was filed on June 6, 2007 and signed by Dennis Richey, Treasurer, as true and correct, makes that change in the date of the contributions. Since the committee has certified that the contribution was not received during the accounting period, October 30 through November 2, 2006, it would not have been required to be filed on the second supplement to the second pre-election report.

ORDER

It is ordered that no penalty be assessed.

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: August 1, 2007