

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 Wayne Scott, Wayne Scott, Candidate,) Final Order by Default
Doris J. Beck, Treasurer, for the First Supplement to the)
Second Pre-Election for the November 7, 2006, General) Case No. L9205
Election)

August 15, 2007

Friends of Wayne Scott (004352)
Wayne Scott, Candidate / Doris J. Beck, Treasurer
1988 NE 19th Ave
Canby, OR 97013

Dear Representative Scott:

This is a Final Order by Default 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 the Friends of Wayne Scott (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; 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 October 3, 2005. The mailing address provided on the Statement of Organization for the candidate was 1988 NE 19th Ave, Canby, OR 97013. The statement reported Doris J. Beck as the treasurer and 2592 SE First Ave, Canby, OR 97013 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, additional contributions (\$1,000.00 from Psychologists of Oregon PAC on October 24, 2006; \$1,000.00 from Oregon Association of Broadcasters PAC; \$1,000.00 from AT&T Services, Inc. on October 25, 2006, and \$1,000.00 from NAIFA-Oregon PAC on October 26, 2006) should have been included on the report.

3. The committee first reported the contributions that were required to be included on the first supplement to the second pre-election report on its your post-election report filed on December 6, 2006, making this portion of the report 25 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 Steve King on July 28, 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

Wayne Scott, Candidate, and Doris J. Beck, 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 Wayne Scott's and Treasurer Doris J. Beck'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.

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.

ORDER

It is ordered that a penalty of \$1,000.00 ($\$4,000.00 \times 1\% \times 25$ 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 L9205 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.

Jennifer Hertel, Compliance Specialist

DATE of Service: August 15, 2007

c: Doris J. Beck, Treasurer
2592 SE First Ave
Canby, OR 97013