

BILL BRADBURY  
SECRETARY OF STATE



ELECTIONS DIVISION  
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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 Veterinarians Organized to Elect, David S. Barrows, ) Final Order by Default  
Treasurer, for the Second Supplement to the Second )  
Pre-Election for the November 7, 2006, General Election ) Case No. L9211

July 27, 2007

Veterinarians Organized to Elect (000274)  
David S. Barrows, Treasurer  
1201 SW 12th Ave, Ste 200  
Portland, OR 97205

Dear Mr. Barrows:

This is a Final Order by Default 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 Veterinarians Organized to Elect (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 221), applicable during the reporting period, was filed with the secretary on September 16, 1996. The statement reported David S. Barrows as the treasurer and 1201 SW 12th Ave, Ste 200, Portland, OR 97205 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 and November 3, 2006.

3. The committee reported the contributions required to be on the second supplement to the second pre-election report ( \$1,000 from Jacksonville Veterinary Hospital and \$900 from Murrayhill Veterinary Hospital on October 31, 2006) on the post-election report filed on December 4, 2006, which is 19 business days after the second supplement to the second pre-election report was due.
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 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 Maureen Herman on May 17, 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

David S. Barrows, Treasurer, failed to file a timely second supplement to the second pre-election contribution and expenditure report for the November 7, 2006, General Election.

#### CONCLUSIONS OF LAW

Treasurer David S. Barrows's failure to file a timely second supplement to the second pre-election contribution and expenditure report for the November 7, 2006, General Election violated ORS 260.073.

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 treasurer.

Although the calculated penalty for the late report is \$361.00 ( $\$1,900.00 \times 1\% \times 19$  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

Payment of the proposed civil penalty of \$100.00 was received in the office of the Secretary of State on May 30, 2007. This Order will serve as your receipt and this matter is now considered closed.

Veterinarians Organized to Elect (000274)

David S. Barrows, Treasurer

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#### 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.

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Stacey Jackson, Compliance Specialist

DATE of Service: July 27, 2007