

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 Farr For Our Future (Debi), Debi Farr, Candidate,) Final Order by Default
Donna L. Butler, Treasurer, for the First Supplement to the)
Second Pre-Election for the November 7, 2006, General) Case No. L9219
Election)

July 27, 2007

Farr For Our Future (Debi) (004820)
Debi Farr, Candidate / Donna L. Butler, Treasurer
4257 Barger #272
Eugene, OR 97402

Dear Ms. Farr:

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 May 16, 2007, the secretary notified Farr For Our Future (Debi) (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 November 18, 2005. The mailing address provided on the Statement of Organization for the candidate was 4257 Barger #272, Eugene, OR 97402. The statement reported Donna L. Butler as the treasurer and PO Box 1304, Silverton, OR 97381 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 with the secretary on October 30, 2006; however, additional contributions and expenditures should have been included on the report:
 - \$5,093.69 to Lowell's Print-Inn, Inc., on October 24, 2006, an expenditure first disclosed on a first supplement to the second pre-election report filed on November 1, 2006, which is two business days after the report was due;

- \$1,660.00 to CF Strategies on October 26, 2006, an expenditure first disclosed on a first supplement to the second pre-election report filed on November 2, 2006, which is three business days after the report was due;
 - \$620.90 to Lowell's Print-Inn on October 23, 2006, and \$1,832.83 to Lowell's Print -Inn on October 25, 2006, two expenditures first disclosed on a first supplement to the second pre-election report filed on November 7, 2006, which is six business days after the report was due;
 - \$2,000.00 from Anheuser-Busch Cos, Inc on October 27, 2006, a contribution first disclosed on a first supplement to the second pre-election report filed on November 8, 2006, which is seven business days after the report was due; and
 - \$1,500.00 from Majority 2006 on October 23, 2006, a contribution first disclosed on a first supplement to the second pre-election report filed on November 13, 2006, which is 13 business days after the report was due.
3. 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 addresses. The notice proposed a civil penalty of \$298.92 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by D. Johnson on May 17, 2007.
 4. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
 5. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Debi Farr, Candidate, and Donna L. Butler, 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 Debi Farr's and Treasurer Donna L. Butler'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 206.068.

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 \$298.92 [(\$5,093.69 x 1% x 2 days) + (\$1,660.00 x 1% x 3 days) + (\$2,453.73 x 1% x 6 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 L9219 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.

Nancy Ferry, Compliance Specialist

DATE of Service: _____

c: Donna L. Butler, Treasurer
PO Box 1304
Silverton, OR 97381