

BILL BRADBURY  
SECRETARY OF STATE



ELECTIONS DIVISION  
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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 Majority 2006, Donna L. Butler, Treasurer, for the ) Final Order by Default  
Second Supplement to the Second Pre-Election for the )  
November 7, 2006, General Election ) Case No. L9221  
)

July 27, 2007

Majority 2006 (000682)  
Donna L. Butler, Treasurer  
PO Box 1304  
Silverton, OR 97381

Dear Ms. Butler:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a complete 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 Majority 2006 (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; 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 April 3, 2006. 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 second supplement to the second pre-election report on November 3, 2006; however, three additional expenditures should have also been included on the report.

3. Two of the expenditures that were required to be included on the second supplement to the second pre-election report (\$621.00 account payable to Emerald Staffing on October 30, 2006 and \$349.80 account payable to Jarret Hamstreet on November 1, 2006) was first disclosed on a second supplement to the second pre-election report filed on November 9, 2006, making this portion of the report four business days late. The third expenditure required to be included (\$283.05 account payable to Terry Webber on November 1, 2006) was first disclosed on a second supplement to the second pre-election report filed on November 20, 2006, making this portion of the report 10 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 \$38.84 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Donna L. Butler on May 18, 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

Donna L. Butler, Treasurer, failed to file a complete second supplement to the second pre-election contribution and expenditure report for the November 7, 2006, General Election.

#### CONCLUSIONS OF LAW

Treasurer Donna L. Butler's failure to file a complete 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.

The calculated penalty for the late report is \$38.84 ( $\$970.80 \times 1\% \times 4$  days). Because the appropriate penalty is under \$50, no penalty will be assessed.

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.

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Candy Broucek, Compliance Specialist

DATE of Service: \_\_\_\_\_