OFFICE OF THE SECRETARY OF STATE

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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 Restore Oregon's Term Limits Committee, Kurt Weber, Treasurer, for the Second Supplement to the Second Pre-Election for the November 7, 2006, General Election	)))))	Final Order by Default Case No. L9223

July 27, 2007

Restore Oregon's Term Limits Committee (005462)
Kurt Weber, Treasurer
836 NE Jarrett St
Portland, OR 97211

Dear Mr. Weber:

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 Restore Oregon's Term Limits Committee (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 October 18, 2006. The statement reported Kurt Weber as the treasurer and 836 NE Jarrett St, Portland, OR 97211 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, an additional expenditure should have been included on the report. The committee reported the expenditure required to be on the report ($150.00 to KDK One Digital Media on October 31, 2006) on a second supplement to the second pre-election report filed on November 21, 2006, making this portion of the report 11 business days late.

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 treasurer at the above-referenced address. The notice erroneously proposed a civil penalty of $16.83 and allowed the committee 20 days to request a hearing. The actual proposed civil penalty should have been $16.50. The notice sent by certified mail was received and signed for by Kurt T. Weber 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

Kurt Weber, 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 Kurt Weber'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 $16.50 ($150.00 x 1% x 11 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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Stacey Jackson, Compliance Specialist

DATE of Service: July 27, 2007