

BILL BRADBURY
SECRETARY OF STATE

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 an Insufficient Contribution and) Final Order by Default
Expenditure Report by Central Oregon Victory PAC,)
Craig Moore, Treasurer, for the Supplemental of 2004) Case No. NT8065

October 27, 2005

Central Oregon Victory PAC (003212)
Craig Moore, Treasurer
2440 NE 4th St
Bend, OR 97701

Dear Mr. Moore:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a sufficient supplemental contribution and expenditure report for 2004.

On July 28, 2005, the secretary notified Central Oregon Victory PAC (committee) that it had failed to file a sufficient supplemental contribution and expenditure 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 1, 2004. The statement reported Craig Moore as the treasurer and 2440 NE 4th St, Bend, OR 97701 as the address to which all committee correspondence was to be sent. The statement requested to discontinue the committee.
2. The committee filed a 2004 supplemental report with the secretary on September 1, 2004, along with the discontinuing Statement of Organization. Per subsequent phone calls with the committee, it was determined that there was a balance discrepancy of \$202.76. The committee stated that it would file a letter of irreconcilable balance in order to discontinue.

3. On September 28, 2004, the committee filed final discontinuing report, indicating a balance discrepancy of \$200.00. Since the committee was discontinuing as of September 1, 2004, this final report was treated as an amendment to the 2004 September supplemental report.
4. On September 30, 2004, the secretary received a note from the treasurer, Craig Moore, explaining that the committee had an irreconcilable balance of \$202.76. A check for that amount was included with the letter.
5. On July 28, 2005, 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 \$202.76 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Amy Delay on August 1, 2005.
6. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.

ULTIMATE FINDINGS OF FACT

Craig Moore, Treasurer, failed to file a sufficient supplemental contribution and expenditure report for 2004.

CONCLUSIONS OF LAW

Treasurer Craig Moore's failure to file a sufficient supplemental contribution and expenditure report for 2004 violated ORS 260.073, ORS 260.083 and OAR 165-012-0005.

A maximum \$10,000 civil penalty may be imposed for this violation. The *2004 Campaign Finance Manual*, which contains a penalty calculation matrix on page 100, is designated in OAR 165-012-0005 as the procedure manual for Oregon campaign finance regulations.

The maximum penalty of \$10,000 is reduced to 1% of the amount of the change of each transaction multiplied by the number of business days the amendment was filed late, up to 100 days.

ORDER

Payment of the proposed civil penalty of \$202.76 was received in the office of the Secretary of State on September 30, 2004. This Order will serve as your receipt and this matter is now considered closed.

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: _____