

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 an Insufficient Contribution and)
Expenditure Report by Oregonians For Schools, Robin) Final Order by Default
Denburg, Treasurer, for the Post-Election for the)
May 18, 2004, Primary Election) Case No. NT8128
)

April 12, 2005

Oregonians For Schools (004498)
Robin Denburg, Treasurer
4225 SW Agate Ln
Portland, OR 97239

Dear Mr. Denburg:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a sufficient post-election contribution and expenditure report for the May 18, 2004, Primary Election.

On March 10, 2005, the secretary notified Oregonians For Schools (committee) that it had failed to file a sufficient post-election 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 May 10, 2004. The statement reported Robin Denburg as the treasurer and 3534 SE Main St, Portland, OR 97214 as the address to which all committee correspondence was to be sent.
2. The committee filed a post-election report with the secretary on June 15, 2004.
3. On July 2, 2004, the secretary sent the committee an exam letter for the report. The exam letter stated that any amendment adding or deleting a contribution or expenditure or changing the amount of a previously reported contribution or expenditure must be submitted by July 15, 2004, to avoid penalties.

4. On November 30, 2004, an amended SEL 221 was filed with the secretary. The amendment reported 4225 SW Agate Ln, Portland, OR 97239, as the mailing address for all committee correspondence.
5. On December 30, 2004, an amendment to the committee's report was filed. The amendment increased previously reported expenditures totaling \$297.92, deleted a previously reported expenditure in the amount of \$987.70, decreased a previously reported expenditure by \$.06, and added new expenditure entries totaling \$549.09. This amendment added or deleted a contribution or expenditure or changed the amount of a previously reported contribution or expenditure on the report and was filed 100 business days after the new transaction deadline.
6. On March 10, 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 \$1,000.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was returned unclaimed and the post office indicated it gave first notice on March 14, 2005.
7. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.

ULTIMATE FINDINGS OF FACT

Robin Denburg, Treasurer, failed to file a sufficient post-election contribution and expenditure report for the May 18, 2004, Primary Election.

CONCLUSIONS OF LAW

Treasurer Robin Denburg's failure to file a sufficient post-election contribution and expenditure report for the May 18, 2004, Primary Election violated ORS 260.063, 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. The penalty shall not exceed a maximum penalty of \$1,000 because the committee's activity level during the accounting period was between \$2,000.01 and \$10,000.

ORDER

Payment of the proposed civil penalty of \$1,000.00 was received in the office of the Secretary of State on March 22, 2005. 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: _____