

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 Friends of Dan Doyle, Daniel A. Doyle, Candidate/Treasurer, for the First Pre-Election for the May 18, 2004, Primary Election) Final Order by Default) Case No. NT8454)

February 9, 2006

Friends of Dan Doyle (003506)
Daniel A. Doyle, Candidate/Treasurer
524 Creekside Dr SE
Salem, OR 97306

Dear Mr. Doyle:

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

On October 28, 2005, the secretary notified Friends of Dan Doyle (committee) that it had failed to file a sufficient first pre-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 considering the agency's records and files regarding this matter, which are designated the record in this case, the secretary issues this Final Order.

FINDINGS OF FACT

1. The committee's Statement of Organization (SEL 220), applicable during the reporting period, was filed with the secretary on April 12, 2004. The statement reported Daniel A. Doyle, the candidate, as the treasurer and 2725 12th St SE, Salem, OR 97302 as the address to which all committee correspondence was to be sent.
2. The committee filed a first pre-election report with the secretary on April 12, 2004.
3. On April 27, 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 May 10, 2004, to avoid penalties.

4. On January 21, 2005, two complaints were filed with the Secretary of State, alleging possible violations of Oregon's campaign finance laws. This opened an investigation into the accuracy of your campaign finance reports, in which bank records for the 2004 election cycle were requested. The secretary's investigation revealed that you failed to report two contributions totaling \$3,000.00 (increasing previously reported contributions) and thirty-four expenditures totaling \$25,384.91 (increasing previously reported expenditures). It also revealed that you reported two expenditures totaling \$296.00, not substantiated by bank records or receipts (decreasing previously reported expenditures). No amendments were filed to correct these discrepancies; any amendments filed now to correct these discrepancies would be more than 100 business days after the new transaction deadline, as of the date of this notice.
5. At the time the investigation began, the secretary learned that the mailing address on file for the candidate was no longer valid. All correspondence in this case has since been sent to the candidate's residence address at 524 Creekside Dr SE, Salem, OR 97306. No amended Statement of Organization has been filed to update the address information.
6. On October 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 candidate/treasurer at the above-referenced address. The notice proposed a civil penalty of \$10,000.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Victoria Doyle on October 29, 2005.
7. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.

ULTIMATE FINDINGS OF FACT

Daniel A. Doyle, Candidate/Treasurer, failed to file a sufficient first pre-election contribution and expenditure report for the May 18, 2004, Primary Election.

CONCLUSIONS OF LAW

Candidate/Treasurer Daniel A. Doyle's failure to file a sufficient first pre-election contribution and expenditure report for the May 18, 2004, Primary Election violated ORS 260.058, 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 106, 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

It is ordered that a penalty of \$10,000.00 is assessed because the calculated penalty exceeds the maximum penalty provided by statute. 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 NT8454 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.

Jennifer Hertel, Compliance Specialist

DATE of Service: _____

C: Alan G. Seligson, P.C.
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