

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 ) Final Order by Default  
Expenditure Report by Friends of Victoria Doyle, )  
Victoria Doyle, Candidate/Treasurer, for the Second ) Case No. NT8462  
Pre-Election for the May 18, 2004, Primary Election )

February 9, 2006

Friends of Victoria Doyle (005108)  
Victoria Doyle, Candidate/Treasurer  
524 Creekside Dr SE  
Salem, OR 97306

Dear Ms. Doyle:

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

On October 28, 2005, the secretary notified Friends of Victoria Doyle (committee) that it had failed to file a sufficient second 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 Marion County on March 11, 2004. The statement reported Victoria Doyle, the candidate, as the treasurer and 524 Creekside Dr SE, Salem, OR 97306 as the address to which all committee correspondence was to be sent.
2. The committee filed a second pre-election report with Marion County on May 6, 2004.
3. On May 21, 2004, Marion County sent the committee an exam letter for the report. The exam letter stated that any amendment which would change the dollar amounts on the summary page must be submitted by June 3, 2004, to avoid penalties.

4. On January 31, 2005, Marion County Elections Division filed a complaint with the secretary, alleging possible violations of Oregon's election laws. This complaint was prompted by a letter from a payee listed on one of your campaign finance reports who had not received any money from you or your campaign. This opened an investigation into the accuracy of the committee's 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 expenditures totaling \$325.00, which increase the previously reported expenditures.
5. On September 12, 2005, an amendment to the committee's report was voluntarily filed with Marion County. The secretary received a copy of this amendment on September 15, 2005. The amendment incorrectly reported the dates and payee names of the two expenditures and was filed for the first pre-election report. This amendment changed the dollar amount of the previously reported expenditures on the report and was filed 100 business days after the new transaction deadline.
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 \$325.00 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. On November 18, 2005, within the time for requesting a hearing, the Elections Division received a letter from Ms. Doyle's counsel dated that same day. However, this letter did not include a request for a hearing, and in fact, stated that it was not a response to the secretary's Notice of Proposed Civil Penalty.

#### ULTIMATE FINDINGS OF FACT

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

#### CONCLUSIONS OF LAW

Candidate/Treasurer Victoria Doyle's failure to file a sufficient second 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 \$325.00 ( $\$325.00 \times 1\% \times 100$  days) is assessed. 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 NT8462 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.

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Jennifer Hertel, Compliance Specialist

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

C: Andrew Aubertine  
1211 SW Sixth Ave  
Portland, OR 97204

Alan Seligson  
142 West 8th Ave  
Eugene, OR 97401