

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 the Citizens for Common Sense, ) Final Order by Default  
Candance McNall, Treasurer, for the Post-Election for the )  
November 2, 2004, Local Election ) Case No. NT8637  
)

June 30, 2006

Citizens for Common Sense  
Candance McNall, Treasurer  
8600 SW St Helens Dr, #100  
Wilsonville, OR 97070

Dear Ms. McNall:

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 November 2, 2004, General Election.

On April 4, 2006, the secretary notified the Citizens for Common Sense (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. 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 forwarded to the secretary on January 10, 2005. The statement reported Candance McNall as the treasurer and PO Box 511, Wilsonville, OR 97070 as the address to which all committee correspondence was to be sent.
2. The committee filed a post-election report with the filing officer on December 2, 2004.
3. On December 16, 2004, the filing officer sent the committee an exam letter for the report. The exam letter stated amendments must be submitted by December 30, 2004, to avoid penalties.
4. On September 12, 2005, the committee filed a Statement of Organization (SEL 221) updating the committee mailing address to 8600 SW St Helens Dr, #100, Wilsonville, OR 97070.

5. On December 19, 2005, an amendment to the committee's report was filed. They reported a contribution of \$1,000.00 from Amalgamated Transit Union Division 757 PAC and an account payable of \$28,307.05 for Communication Strategies. 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 244 business days after the new transaction deadline.
6. On April 4, 2006, 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 \$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 Emily Colson on April 6, 2006.
7. The committee requested a public hearing on April 21, 2006.
8. The committee withdrew the request for a public hearing on June 2, 2006.

#### ULTIMATE FINDINGS OF FACT

Candance McNall, Treasurer, failed to file a sufficient post-election contribution and expenditure report for the November 2, 2004, General Election.

#### CONCLUSIONS OF LAW

Treasurer Candance McNall's failure to file a sufficient post-election contribution and expenditure report for the November 2, 2004, General Election 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 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 from 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, (\$29,307.05—\$29,307.05 X 1% X 100 days).

#### ORDER

It is ordered that a penalty of \$10,000.00 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 NT8637 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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Jan Flowers, Compliance Specialist

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

c. John DiLorenzo  
Candace McNall, home address  
Clackamas County Elections