

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
Candace McNall, Treasurer, for the Supplemental of 2005)
) Case No. NT8638
)

June 30, 2006

Citizens for Common Sense
Candace McNall, Treasurer
8600 SW St Helens Rd, #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 supplemental contribution and expenditure report for 2005.

On April 4, 2006, the secretary notified the Citizens for Common Sense (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 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 supplemental report with the filing officer on September 12, 2005.
3. 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.

4. On September 25, 2005, the filing officer sent the committee an exam letter for the report. The exam letter stated amendments must be submitted by October 7, 2005, to avoid penalties.
5. On October 11, 2005 and December 19, 2005, an amendment to the committee's report was filed. The amendment was for an account payable to Communication Strategies for \$2,909.50 and \$4,988.50, respectively. 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 1 and 70 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 \$3,521.40 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

Candace McNall, Treasurer, failed to file a sufficient supplemental contribution and expenditure report for 2005.

CONCLUSIONS OF LAW

Treasurer Candace McNall's failure to file a sufficient supplemental contribution and expenditure report for 2005 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 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 \$3,521.40 ($\$2,909.50 \times 1\% \times 1$, $\$4,988.50$ respectively $\times 1\% \times 70$ 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 NT8638 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.

Jan Flowers, Compliance Specialist

DATE of Service: _____

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