

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 Committee to Retain Judge Julie ) Final Order  
Frantz, Julie Elizabeth Frantz, Candidate, Ruth Coyne, )  
Treasurer, for the Supplemental of 2006 ) Case No. NT8880  
)

May 25, 2007

Committee to Retain Judge Julie Frantz (001799)  
Julie Elizabeth Frantz, Candidate / Ruth Coyne, Treasurer  
Multnomah County Courthouse, 1021 SW Fourth Ave, Rm 510  
Portland, OR 97204

Dear Ms. Frantz:

This is a Final Order issued by the Secretary of State (secretary) for your failure to file a sufficient supplemental contribution and expenditure report for 2006.

On February 21, 2007, the secretary notified the Committee to Retain Judge Julie Frantz (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. The committee submitted written testimony in the form of a notarized statement in lieu of a personal appearance at a public hearing. Accordingly, after consideration of the applicable law and evidence presented, Jennifer Hertel, Hearings Officer with the Elections Division, is entering the following Order.

FINDINGS OF FACT

1. The committee's Statement of Organization (SEL 220), applicable during the reporting period, was filed with the secretary on January 3, 2006. The mailing address provided on the Statement of Organization for the candidate was Multnomah County Courthouse, 1021 SW Fourth Ave, Rm 510, Portland, OR 97204. The statement reported Ruth Coyne as the treasurer and 13th Flr, 1001 SW Fifth Ave, Portland, OR 97204 as the address to which all committee correspondence was to be sent.
2. The committee filed a supplemental report with the secretary on January 3, 2006.

3. The secretary sent the committee an exam letter for the report and a letter dated August 11, 2006, indicating that the secretary would proceed with a new transaction violation after phone conversations and written correspondence regarding a cash balance discrepancy of \$600.00 reported on the 2006 supplemental 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 October 9, 2006, to avoid penalties.
4. On February 21, 2007, 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 and was sent by first class mail to the treasurer at the above-referenced addresses. The notice proposed a civil penalty of \$600.00 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by David Bradley on February 22, 2007.
5. The first class mail sent to the treasurer was returned by the post-office "return to sender, attempted not known, unable to forward" on February 25, 2007.
6. On March 13, 2007, the secretary received a notarized letter from Judge Julie E. Frantz in lieu of a personal appearance at a public hearing.
7. On March 14, 2007, Ms. Coyne called indicating she had moved and had a new mailing address of 6915 SW MacAdam Ave, Ste 115, Portland, OR 97219-2398.
8. The letter—attached as Exhibit A—was reviewed, considered, and made part of the record.

#### ULTIMATE FINDINGS OF FACT

Julie Elizabeth Frantz, Candidate, Ruth Coyne, Treasurer, failed to file a sufficient supplemental contribution and expenditure report for 2006.

#### CONCLUSIONS OF LAW

Candidate Julie Elizabeth Frantz's and Treasurer Ruth Coyne's failure to file a sufficient supplemental contribution and expenditure report for 2006 violated ORS 260.058, ORS 260.083 and OAR 165-012-0005.

#### OPINION

The Committee to Retain Judge Julie Frantz's 2006 supplemental contribution and expenditure report, filed on January 3, 2006, was insufficient.

A maximum \$10,000 civil penalty may be imposed for this violation. The *2006 Campaign Finance Manual*, which contains a penalty calculation matrix on page 110, is designated in OAR 165-012-0005 as the procedure manual for Oregon campaign finance regulations.

After reviewing and considering the evidence and information on file in this office, the hearings officer finds that there has been a violation of Oregon election law. The explanation provided in the notarized testimony does not adequately mitigate the failure to file a sufficient report. The testimony stated the committee received loans totaling \$600.00 in March and April of 1994 in addition to \$200 in cash contributions. The testimony also included exhibits. Exhibit 1, The Summary Statement of Contributions and Expenditures for the 1994 Primary second pre-election report clearly has an error. The committee reports a loan received on line 3, but does not include that amount in its addition to lines 4, 6 and 14, thereby resulting in the \$600 error. Exhibits 4 and 5, bank records provided by the committee, show total deposits of \$200.00, but no \$600 deposit for the loan. The committee's bank account was closed in December 2005, with a zero balance, a balance discrepancy of \$600.00 between the bank balance and contribution and expenditure reports.

The maximum penalty of \$10,000 is reduced to the amount of the committee's balance discrepancy.

#### ORDER

It is ordered that a penalty of \$600.00 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 NT8880 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: Ruth Coyne, Treasurer  
6915 SW Macadam Ave Ste 115  
Portland, OR 97219-2398