

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 Charles E. Lee for State) Final Order by Default
Representative, Charles E. Lee, Candidate, Mary E. Lee,)
Treasurer, for the First Pre-Election for the) Case No. NT9227
November 7, 2006, General Election)

July 27, 2007

Charles E. Lee for State Representative (005328)
Charles E. Lee, Candidate / Mary E. Lee, Treasurer
3445 Willamette Dr. N
Keizer, OR 97303

Dear Mr. Lee:

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 November 7, 2006, General Election.

On June 22, 2007, the secretary notified Charles E. Lee for State Representative (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 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 220), applicable during the reporting period, was filed with the secretary on March 9, 2006. The statement reported Mary E. Lee as the treasurer and 3445 Willamette Dr. N, Keizer, OR 97303 as the mailing address for both candidate and committee correspondence.
2. The committee filed a first pre-election report with the secretary on October 2, 2006.

3. On October 17, 2006, 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 October 30, 2006, to avoid penalties.
4. On November 2, 2006, an amendment to the committee's report was filed. The amendment changed three previously reported cash contributions to three in-kind contributions. 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 three business days after the new transaction deadline.
5. On June 22, 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 address. The notice proposed a civil penalty of \$751.20 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Charles E. Lee on June 23, 2007.
6. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.

ULTIMATE FINDINGS OF FACT

Charles E. Lee, Candidate, Mary E. Lee, Treasurer, failed to file a sufficient first pre-election contribution and expenditure report for the November 7, 2006, General Election.

CONCLUSIONS OF LAW

Candidate Charles E. Lee's and Treasurer Mary E. Lee's failure to file a sufficient first pre-election contribution and expenditure report for the November 7, 2006, General Election violated ORS 260.068, ORS 260.083 and OAR 165-012-0005.

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 , 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

Payment of the proposed civil penalty of \$751.20 was received in the office of the Secretary of State on July 2, 2007. This Order will serve as your receipt and this matter is now considered closed.

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.

Candy Broucek, Compliance Specialist

DATE of Service: _____

c: Mary E. Lee, Treasurer
3445 Willamette Dr. N
Keizer, OR 97303