

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 Mac Sumner for HD 18, Donna) Final Order by Default
Butler, Treasurer, for the Second Pre-Election for the)
May 16, 2006, Primary Election) Case No. NT9237
)

September 18, 2007

Mac Sumner for HD 18 (004791)
Donna Butler, Treasurer
PO Box 1304
Silverton, OR 97381

Dear Ms. Butler:

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 16, 2006, Primary Election.

On July 25, 2007, the secretary notified Mac Sumner for HD 18 (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 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 November 15, 2005. The statement reported Donna Butler as the treasurer and PO Box 1304, Silverton, OR 97381 as the address to which all committee correspondence was to be sent.
2. The committee filed a second pre-election report with the secretary on May 4, 2006.
3. On May 19, 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 June 1, 2006, to avoid penalties.

4. On June 5, 2006, an amendment to the committee's report was filed. The amendment added seven personal expenditure for reimbursement transactions totaling \$465.59 and three account payable transactions totaling \$11,054.00. 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 two business days after the new transaction deadline.
5. On July 25, 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 \$230.40 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Angela McDermott on July 27, 2007.
6. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.

ULTIMATE FINDINGS OF FACT

Donna Butler, Treasurer, failed to file a sufficient second pre-election contribution and expenditure report for the May 16, 2006, Primary Election.

CONCLUSIONS OF LAW

Treasurer Donna Butler's failure to file a sufficient second pre-election contribution and expenditure report for the May 16, 2006, 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 *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.

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 \$230.40 ($\$11,519.59 \times 1\% \times 2$ 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 NT9237 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.

Jennifer Hertel, Compliance Specialist

DATE of Service: _____

c: Sandra Sumner