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BARBARA ROBERTS
SECRETARY OF STATE
MARILYNNE T. KEYSER
DEPUTY SECRETARY OF STATE



Vol. m89 Page 14082

Rel:
STATE OF OREGON
SECRETARY OF STATE
136 STATE CAPITOL
SALEM, OREGON 97310-0722
(503) 378-4139

BEFORE THE SECRETARY OF STATE
OF THE
STATE OF OREGON

IN THE MATTER OF FAILURE OF
NO SPECIAL RIGHTS COMMITTEE
TO FILE A SUFFICIENT SECOND PRE-ELECTION
STATEMENT OF CONTRIBUTIONS AND EXPENDITURES
FOR THE GENERAL ELECTION OF 1988

FINAL ORDER

Due notice, as prescribed by law, for failure to file a sufficient Second Pre-Election Statement of Contributions and Expenditures by the deadline, dated December 1, 1988, was sent to No Special Rights Committee, attn: Robert S. McDaniel. An opportunity for a hearing was provided in such notice. Written testimony in the form of a notarized statement was submitted in lieu of a personal appearance at a public hearing. The Secretary of State's hearings officer, Marilynne T. Keyser, Deputy Secretary of State, considered the evidence submitted in the notarized statement in reaching her opinion.

FINDINGS OF FACT

1. A Second Pre-Election Statement of Contributions and Expenditures was filed by No Special Rights Committee in the office of the Secretary of State on or before November 3, 1988, 5:00 p.m., as provided under ORS 260.073.
2. This Second Pre-Election Statement of Contributions and Expenditures was required to include certain information on contributions and expenditures as provided under ORS 260.083.
3. A final notice prior to proposing a penalty was sent to No Special Rights Committee, attn: Robert S. McDaniel, on November 14, 1988 as the statement was missing required information. A request was made that the committee file a statement with the complete information no later than November 25, 1988.
4. A Notice of Insufficient Filing was sent by certified mail with return receipt to No Special Rights Committee, attn: Robert S. McDaniel, on December 1, 1988 as the following omitted information was not provided by the deadline: 43 occupations, 50 names and/or addresses of employers and 19 detailed purposes of reported expenditures.
5. This notice was received by the committee and signed for by Bonnie J. Mabon.
6. The amount of the contributions reported was \$99,380.01. The amount of the expenditures reported was \$101,264.41.
7. A request for a hearing was received by this office.

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8. On December 8, 1988 this office received a notarized letter submitted in lieu of a personal appearance at a public hearing.
9. The notarized statement was reviewed and considered and made a permanent part of the record. The cause of the insufficient filing, as explained by Bonnie J. Mabon in the notarized statement, was as follows: She stated that she believes she has answered all the inquiries. On November 13th, she sent copies of the missing checks. On November 28th, she answered the remaining questions on our November 14th inquiry. She enclosed a copy of a letter that has been sent to 36 people asking again for their occupation and employer information and she provided that information for the people who had responded to previous requests. She also gave further detailed explanation of expenditures asked for. As soon as she receives any occupation and employer information she will send in an amendment.
10. The following previously omitted information was provided in the amended report filed on November 28, 1988: 12 occupations, 10 names and/or addresses of employers and 18 purposes of reported expenditures. No other information was provided for the hearing.
11. The Secretary of State has record of one previous insufficient filing under the same treasurer during the two year period beginning the 250th day before the 1988 Primary Election.

CONCLUSIONS OF LAW

The Secretary of State may impose a civil penalty, as provided in ORS 260.232, for failure to include in a statement filed under ORS 260.058 to 260.156 the information required under ORS 260.083. The civil penalty shall be not more than five percent of the total contributions or total expenditures required to be reported in the statement, whichever is greater, for each day after the day on which the statement is due until the day a sufficient statement is filed or omitted information is supplied. Notwithstanding the provisions of ORS 260.232, for insufficient filings, the Secretary of State has adopted the policy of assessing a penalty based on the number of omissions and the number of insufficient filings by a candidate or committee treasurer, not to exceed the maximum penalty provided under ORS 260.232.

The Secretary of State proposes a civil penalty of \$1,120.00 for this violation.

OPINION

After having reviewed the evidence and information currently on file in this office, and given due consideration thereto, it is the finding of the hearings officer that there has been a violation of Oregon election law. The explanation provided in the notarized statement is not an adequate excuse for failure to file a sufficient statement by the deadline. However, since there has been only one previous violation by this treasurer and additional efforts were expended to obtain omitted information, the penalty will be \$10.00 per omission, less \$1.00 for every omitted item provided for the hearing.

FINAL ORDER

It is ordered that a penalty of \$1,080.00 is assessed. Please refer to account number C01394 when mailing your payment. If your payment is not received, the Final Order will be recorded in the County Clerk Lien Record pursuant to ORS 260.232(7). If you wish to appeal the Final Order, you must file a petition for review with the Oregon Court of Appeals within 60 days after the Final Order is mailed. ORS 183.480 through 183.497.

Marilynne T. Keyser
Marilynne T. Keyser

Marilynne T. Keyser, Deputy Secretary of State

July 25, 1989
May 1, 1989

Date

Certified Mail
 Return Receipt Requested
 cc: Uncertified
 WVELEC:16:28

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Secretary of State the 1st day
 of Aug. A.D., 19 89 at 10:15 o'clock A.M., and duly recorded in Vol. M89,
 of Co. Lien Docket on Page 14082.

FEE non

Evelyn Biehn County Clerk

By *Pauline M. Melendres*