

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 Benton County Republican Central Committee, Roscoe R. Conklin, Treasurer, for the Second Pre-Election for the November 2, 2004, General Election ) Final Order by Default ) Case No. I8571 )

January 26, 2006

Benton County Republican Central Committee (000292)  
Roscoe R. Conklin, Treasurer  
Attn: John H. Detweiler  
3130 NW Greenwood Ave  
Corvallis, OR 97330

Dear Mr. Conklin and Mr. Detweiler:

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 November 2, 2004, General Election.

On December 2, 2005, the secretary notified the Benton County Republican Central Committee (committee), pursuant to ORS 260.232(2), that it had failed to file a sufficient 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 filed with the secretary on November 22, 2002. The statement reported Roscoe R. Conklin as the treasurer and 277 NE Conifer Blvd #128, Corvallis, OR 97330 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 October 21, 2004.
3. On November 5, 2004, the secretary sent the committee an exam letter that itemized the areas where the report was not in compliance. The committee was asked to submit the necessary amended information by November 18, 2004, to avoid penalties for failure to file a sufficient report.

4. On the day following the November 18, 2004, amendment deadline, the committee's report was still missing the following required information: a Report of Expenditures Made by an Agent (form PC9) or a copy of an invoice from the agent detailing expenditures of \$930.00 made by the agent on behalf of the committee.
5. On November 26, 2004, the committee filed an amended Statement of Organization, appointing a new treasurer, John H. Detweiler, and updating the committee's mailing address to 3130 NW Greenwood Ave, Corvallis, OR 97330.
6. On December 2, 2005, 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 of record at the time of violation, Roscoe R. Conklin, at 277 NE Conifer Blvd #128, Corvallis, OR 97330. The notice proposed a civil penalty of \$9.30 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by the committee on December 5, 2005.
7. On December 6, 2005, John H. Detweiler, the current treasurer, called and requested that all mail be sent to him at 3130 NW Greenwood Ave, Corvallis, OR 97330, due to the fact that Mr. Conklin has moved and is no longer available to respond to our notices.
8. The committee did not request a public hearing or submit notarized testimony in lieu of a public hearing.
9. The secretary has record of one previous insufficient filing during the two-year period beginning September 15, 2003.

#### ULTIMATE FINDINGS OF FACT

Roscoe R. Conklin, Treasurer, failed to file a sufficient second pre-election contribution and expenditure report for the November 2, 2004, General Election.

#### CONCLUSIONS OF LAW

Treasurer Roscoe R. Conklin's failure to file a sufficient second pre-election contribution and expenditure report for the November 2, 2004, General Election violated ORS 260.073, ORS 260.083 and OAR 165-012-0005. A civil penalty may be imposed for this violation under ORS 260.232(1)(b).

A maximum \$10,000 civil penalty may be imposed for this violation. The *2004 Campaign Finance Manual*, which contains a penalty calculation matrix on pages 104 and 105, is designated in OAR 165-012-0005 as the procedure manual for Oregon campaign finance regulations.

The penalty is 1% of agent expenditures for failure to provide detail of agent expenditures.

#### ORDER

It is ordered that no penalty be assessed because the appropriate penalty is under \$50.

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: \_\_\_\_\_