

BILL BRADBURY
SECRETARY OF STATE



ELECTIONS DIVISION
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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 a Late Contribution and Expenditure Report)
by the Heat and Frost Insulators Local 36 PAC,) Final Order by Default
Mark J. Ruple, Treasurer, for the Post Election for the)
May 16, 2006, Primary Election) Case No. L8825
)

March 9, 2007

Heat and Frost Insulators Local 36 PAC (002294)
Mark J. Ruple, Treasurer
11145 NE Sandy Blvd
Portland , OR 97220

Dear Mr. Ruple:

This is a Final Order by Default issued by the Secretary of State (secretary) for your failure to file a timely post election contribution and expenditure report for the May 16, 2006, Primary Election.

On December 6, 2006, the secretary notified the Heat and Frost Insulators Local 36 PAC (committee), pursuant to ORS 260.232(2), that it had failed to file the 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 1, 2004. The statement reported Mark J. Ruple as the treasurer and 11145 NE Sandy Blvd, Portland , OR 97220 as the address to which all committee correspondence was to be sent.
2. The committee was required to file a post election report with the secretary on June 15, 2006.
3. The secretary sent the committee a notice that it had failed to file a timely report on June 16, 2006. The notice was sent by first class mail to the treasurer at the above-referenced address.
4. On June 30, 2006, the secretary sent a letter to the committee informing them that their report had still not been received.

5. The secretary received the report filed on the incorrect forms on June 20, 2006, which is three business days after the date on which the report was due. The secretary received this report filed on the correct forms on July 31, 2006 the late violation was calculated based on the June 20, 2006 date.
6. The committee reported total contributions of \$772.21 and no expenditures during the accounting period for the report.
7. On December 6, 2006, 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 at the above-referenced address. The notice proposed a civil penalty of \$115.83 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Walt Caudle on December 4, 2006.
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 two previous late filings during the two-year period beginning September 15, 2005.

ULTIMATE FINDINGS OF FACT

Mark J. Ruple, Treasurer, failed to file a timely post election contribution and expenditure report for the May 16, 2006, Primary Election.

CONCLUSIONS OF LAW

Treasurer Mark J. Ruple's failure to file a timely post election contribution and expenditure report for the May 16, 2006, Primary Election violated ORS 206.063.

By statute, a maximum \$10,000 civil penalty may be imposed for this violation. The *2006 Campaign Finance Manual*, which contains a penalty calculation matrix on pages 104–106, is designated in OAR 165-012-0005 as the procedure manual for Oregon campaign finance regulations.

Under the penalty matrix, the maximum statutory penalty of \$10,000 is reduced to 5% of the total contributions or total expenditures—whichever is greater—for each business day the report was late as this is the third late violation by the treasurer.

ORDER

Payment of the proposed civil penalty of \$115.83 was received in the office of the Secretary of State on December 5, 2006. 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: _____