

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 a Late Contribution and Expenditure Report )  
by Oregonians for Affordable Housing, Jon Chandler, ) Final Order  
Treasurer, for the First Pre-Election for the )  
November 7, 2006, General Election ) Case No. L8945  
)

May 31, 2007

Oregonians for Affordable Housing (002069)  
Jon Chandler, Treasurer  
375 Taylor St SE  
Salem, OR 97303

Dear Mr. Chandler:

This is a Final Order issued by the Secretary of State (secretary) for your failure to file a timely first pre-election contribution and expenditure report for the November 7, 2006, General Election.

On March 23, 2007, the secretary notified Oregonians for Affordable Housing (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. The committee submitted written testimony in the form of a notarized statement in lieu of a personal appearance at a public hearing. Accordingly, after consideration of the applicable law and evidence presented, Kathy Schamp, Hearings Officer with the Elections Division, 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 March 2, 2004. The statement reported Jon Chandler as the treasurer and 375 Taylor St SE, Salem, OR 97303 as the address to which all committee correspondence was to be sent.
2. The committee was required to file a first pre-election report with the secretary on October 2, 2006.
3. The secretary received the report on October 3, 2006, which is one business day after the date on which the report was due.

4. The committee reported total contributions of \$56,139.62 and total expenditures of \$93,091.14 during the accounting period for the report.
5. On March 23, 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 treasurer at the above-referenced address. The notice proposed a civil penalty of \$930.91 and allowed the committee 20 days to request a hearing. The notice sent by certified mail was received and signed for by Carol Hussey on March 26, 2007.
6. On April 10, 2007, the secretary received a notarized letter from in lieu of a public hearing.
7. The letter—attached as Exhibit A—was reviewed, considered, and made part of the record.
8. The secretary has record of no previous late filings during the two-year period beginning September 15, 2005.

#### ULTIMATE FINDINGS OF FACT

Jon Chandler, Treasurer, failed to file a timely first pre-election contribution and expenditure report for the November 7, 2006, General Election.

#### CONCLUSIONS OF LAW

Treasurer Jon Chandler's failure to file a timely first pre-election contribution and expenditure report for the November 7, 2006, General Election violated ORS 260.073.

#### OPINION

The Oregonians for Affordable Housing's first pre-election contribution and expenditure report, filed on October 3, 2006, was late. It was due by 5:00 p.m., October 2, 2006.

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.

After reviewing and considering the evidence and information on file in this office, the hearings officer finds that there has been a violation of Oregon election law. The explanation provided in the notarized testimony does not adequately mitigate the failure to file a report by the deadline. After reviewing and considering the evidence and information on file in this office, the hearings officer finds that there has been a violation of Oregon election law. ORS 246.021 provides that election documents which must be filed with the Secretary of State or other filing officer must be "delivered to and actually received at the office of the designated officer" not later than 5 p.m. of the day the document is due. The filing officer for the campaign finance reports filed by the committee is the Secretary of State Elections Division not an employee of the committee. While it is unfortunate that the committee employee who had responsibility for completing the report was in poor health and did not maintain accurate records, but the explanation provided in the notarized testimony does not adequately mitigate the failure to file a report by the deadline.

Under the penalty matrix, the maximum statutory penalty of \$10,000 is reduced to 1% of the total contributions or total expenditures—whichever is greater—for each business day the report was late as this is the first late violation by the treasurer.

#### ORDER

It is ordered that a penalty of \$930.91 ( $\$93,091.14 \times 1\% \times 1 \text{ day}$ ) 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 L8945 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.

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Kathy Schamp, Compliance Specialist

DATE of Service: \_\_\_\_\_