

Indiana Election Commission Minutes August 18, 2017

Members Present: Bryce H. Bennett, Jr., Chairman of the Indiana Election Commission (“Commission”); Karen Celestino-Horseman, Proxy for S. Anthony Long, Vice Chairman of the Commission; Zachary E. Klutz, member; Suzannah Wilson Overholt; Stephanie Beckley, Proxy for Bryce H. Bennett, Jr., Chairman.

Members Absent: S. Anthony Long, Vice-Chairman of the Commission.

Staff Attending: J. Bradley King, Co-Director of the Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew R. Kochevar, Co-General Counsel of the Election Division; Abbey Taylor, Campaign Finance Division staff; Michelle Thompson, Campaign Finance Division staff.

Others Attending: Dr. Jay Bagga and Dr. Bryan Byers, Voting System Technical Oversight Program (VSTOP); Mr. Dan Ball; Ms. Leslie Barnes; Mr. Philip Bennett; Mr. Dan Cruz; Mr. Evan Demaree; Mr. Robert Deppert; Mr. Daniel Douglass; Mr. William M. Ehret; Mr. Jeff Embry; Mr. Graham Fishell; Mr. Rick Gill; The Hon. Randy Head, Indiana State Senator; Ms. Lacy Hollings; Ms. Brenna McDonald; Mr. Bradford Moulton; Mr. Jeff Murray; Mr. Dale Nowlin; Mr. Matt Owen; Ms. Rebecca Phipps; Ms. Tracy Phillips; Mr. Andy Pickell; Mr. Ian Piper; Mr. Kevin Rogers; The Hon. John Ruckelshaus, Indiana State Representative; Mr. Roy Saenz; Mr. Michael Scott; Mr. James Shelton; Mr. Lawrence Shouse; Mr. Don Shuler; Mr. Farley Smith; Ms. Vicky Sorensen; Mr. Matthew Swentkofske; Ms. Danielle Taylor; The Hon. Greg Taylor, Indiana State Senator; Mr. Andy Talarzyk; Ms. Aurea Torres; Mr. Franklyn Voorhies; Mr. Scott Willis; Ms. Corinne Youngs; Mr. Shane Zoellner.

1. Call to Order:

The Chair called the August 18, 2017 meeting of the Commission to order at 1:33 p.m. EDT in the Indiana Government Center South Conference Center, Room B, 402 West Washington Street, Indianapolis, Indiana.

2. Transaction of Commission Business:

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Elizabeth Summers Long of Connor Reporting.

The Commission corrected the following scrivener’s errors in this document:

Page 1, delete lines 9 through 9, and insert “2017, in the Indiana Government Center South Conference Center, Room B, 402 West Washington Street, Indianapolis, Indiana.

Page 6, line 11, replace “IEC11” with “IEC-11”.

Page 6, line 15, replace “SE861” with “SEA 61”.

Page 6, line 21, replace “IC11” with “IEC-11”.

Page 10, line 21, replace “refusal” with “recusal”.

Page 10, line 23, replace “refusal” with “recusal”.

Page 31, line 17, replace “NUSSMEYER” with “OVERHOLT”.

Page 39, line 5, replace “date” with “pay”.

Page 52, line 16, replace “MEMBER” with “CO-DIRECTOR”.

Page 52, line 16, replace “Abby” with “Abbey”.

Page 56, line 22, replace ‘Barns’ with “Barnes”.

Page 56, line 24, replace ‘Barns’ with “Barnes”.

Page 57, line 9, replace ‘BARNS’ with “BARNES”.

Page 57, line 12, replace ‘BARNS’ with “BARNES”.

Page 57, line 15, replace ‘BARNS’ with “BARNES”.

Page 58, line 5, replace ‘BARNS’ with “BARNES”.

Page 58, line 8, replace ‘BARNS’ with “BARNES”.

Page 58, line 11, replace ‘23-1-729’ with “23-1-7-29”.

Page 59, line 17, replace ‘Prazel’ with “Frizzell”.

Page 60, line 18, replace ‘BARNS’ with “BARNES”.

Page 61, line 11, replace ‘352-37’ with “3-5-2-37”.

Page 61, line 24, replace ‘Razel’ with “Frizzell”.

Page 62, line 2, replace ‘BARNS’ with “BARNES”.

Page 62, line 11, replace ‘BARNS’ with “BARNES”.

Page 62, line 16, replace ‘BARNS’ with “BARNES”.

Page 62, line 23, replace 'BARNS' with "BARNES".

Page 63, line 6, replace 'BARNS' with "BARNES".

Page 63, line 12, replace 'BARNS' with "BARNES".

Page 63, line 16, replace 'BARNS' with "BARNES".

Page 63, line 24, replace 'BARNS' with "BARNES".

Page 64, line 20, replace 'BARNS' with "BARNES".

Page 64, line 22, replace 'BARNS' with "BARNES".

Page 65, line 2, replace 'BARNS' with "BARNES".

Page 65, line 4, replace 'BARNS' with "BARNES".

Page 65, line 13, replace 'BARNS' with "BARNES".

Page 65, line 24, replace 'BARNS' with "BARNES".

Page 73, line 19, replace "Politcal" with "Political".

Page 76, line 15, replace "sportmanships" with "sponsorships".

Page 97, line 11, delete "attorney".

Page 112, line 7, replace "the C" with "these".

Page 113, line 5, after "declaration" insert "of".

Page 127, line 6, replace "CFA11" with "CFA-11".

Page 130, line 12, replace "We" with "He".

Page 133, line 9, replace "Abby" with "Abbey".

Page 139, line 21, replace "plunder" with "blunder".

Page 153, line 16, replace "continuations" with "for continuance".

Page 156, line 3, replace "Abby" with "Abbey".

Page 157, line 5, replace "allow" with "not interfere".

Page 29, line 12, replace "IECA" with "IEC-8".

Page 29, line 13, replace "pay role" with "payroll".

Page 32, line 16, replace "instability" with "accessibility".

Page 35, line 21, replace "DERNULC" with "GABRIONE".

Page 38, line 17, replace "one" with "off".

Page 40, line 14, replace "2016" with "2017".

Page 41, line 9, after "Republican" insert "members of the".

Page 45, line 7, replace "336511210" with "IC 3-6-5.2-10".

Page 46, line 7, replace "3-11-1.54" with "3-11-1.5-4".

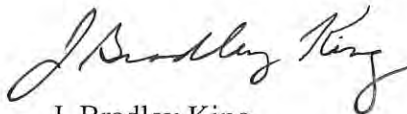
Page 48, line 1, replace "legislation" with "commission".

Page 51, line 8, replace "February" with "January".

Page 56, line 3, replace "CO-COUNSEL KOCHEVAR" with "CO-DIRECTOR KING".

This document is incorporated by reference into these minutes. The Commission adjourned this meeting at 3:15 p.m.

Respectfully submitted,



J. Bradley King
Co-Director



Angela M. Nussmeyer
Co-Director

APPROVED:



Bryce H. Bennett, Jr.
Chairman

COPY

In the Matter Of:

INDIANA ELECTION COMMISSION HEARING

TRANSCRIPT OF HEARING

August 18, 2017



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Transcript of Hearing
August 18, 2017

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BEFORE THE INDIANA ELECTION COMMISSION

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TRANSCRIPT OF HEARING

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Hearing held on the 18th day of August,
2017, in the offices of Indiana State House, 200
West Washington Street, Room 431, Indianapolis,
Indiana.

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A STENOGRAPHIC RECORD

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By: Elizabeth Summers Long
Notary Public
Stenographic Reporter

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Bryce H. Bennett, Jr. - Chairman
- Karen Celestino-Horseman - Proxy Vice-Chairman
- Suzannah Wilson Overholt - Member
- Zachary E. Klutz - Member

INDIANA ELECTION DIVISION STAFF:

- Bradley King - Co-Director
- Angela M. Nussmeyer - Co-Director
- Matthew R. Kochevar - Co-Legal Counsel

ALSO PRESENT:

- Stephanie Beckley - Proxy Chairwoman

1

2

(Time Noted: 1:33 p.m.)

3

CHAIRMAN BENNETT: This meeting of the

4

Indiana Election Commission is called to order.

5

The following members of the commission are

6

present; myself, Chairman Bryce Bennett, our

7

vice-chairman Anthony Long is represented today

8

by proxy, Karen Horseman, and member, Suzannah

9

Wilson Overholt is with us today. Member

10

Zachary Klutz, and Stephanie Beckley is proxy

11

for me on certain campaign finance matters that

12

the commission will consider. Indiana Election

13

Division staff, co-director Brad King is not yet

14

with us, but will be soon, and co-director Angie

15

Nussmeyer. The co-general counsel are Matthew

16

Kochevar who is here, and Dale Simmons, who is

17

absent, taking a well-deserved vacation.

18

Our court reporter today is Elizabeth Long.

19

She has asked me to remind everyone that there

20

are no microphones here in this room. And

21

therefore we ask that you speak loudly and

22

clearly so the the court reporter can hear you

23

and take down your testimony.

24

And if my voice starts to fail, those who

25

can't hear me wave or raise your hand and I'll

1 see if I got anything left in the tank.

2 Before we begin I want to remind everyone
3 on behalf of the court reporter to identify
4 yourself when you're beginning to speak, spell
5 your name when identifying yourself, speak
6 clearly, and do not speak at the same time as
7 others.

8 And at this time I would request that the
9 co-directors confirm that the commission meeting
10 has been properly noticed as required by the
11 open door laws.

12 CO-DIRECTOR KING: Mr. Chairman and members
13 of the commission, this meeting has been
14 properly noticed by being posted under the open
15 door law. And I'll add that the members of the
16 Ball State Voting System Technical Oversight
17 Program are now present.

18 CHAIRMAN BENNETT: Very good. The gang is
19 all here. Thank you. Very good.

20 I now ask that everyone present who plans
21 to testify regarding any matter coming before
22 the commission today, if you would please stand
23 for the administration of the oath. I recognize
24 Mr. Kochevar to administer the oath.

25 MR. KOCHEVAR: Please raise your right hand

1 and say I do after recitation of the oath.

2 Do you solemnly swear or affirm under the
3 penalties of perjury that the testimony you are
4 about to give to the Indiana Election Commission
5 is the truth, the whole truth and nothing but
6 the truth, say I do.

7 THE WITNESSES: I do.

8 CHAIRMAN BENNETT: Our first order of
9 business is the presentation by VSTOP concerning
10 Dominion Voting System's application for
11 recertification of current voting system. I now
12 recognize Dr. Jay Bagga and Dr. Brian Byers, of
13 Ball State University, which administers the
14 Voting System Technical Oversight Program, for a
15 presentation concerning those -- that voting
16 system. At the August 8th meeting, the
17 commission approved the Dominion Voting System
18 report from Pro V&V laboratories, and Dominion
19 Voting System's implementation plan to permit
20 recertification of its current system by the
21 commission.

22 The binders for today's meeting include a
23 report from VSTOP and information regarding
24 Dominion's compliance with the implementation
25 plan and VSTOP's recommendations regarding the

1 recertification of the Dominion Voting GEMS
2 1.18.24D1 system.

3 I would now ask for the VSTOP presentation.

4 DR. BAGGA: Thank you. Mr. Chairman and
5 members of the commission. My name is Jay
6 Bagga, J-A-Y, B-A-G-G-A. I'm a co-director of
7 VSTOP, and with me is Dr. Bryan Byers,
8 B-R-Y-A-N, B-Y-E-R-S, co-director of VSTOP.

9 We wish to present our report on Dominion
10 Voting System. Dominion Voting System submitted
11 the IEC11 application, which is in Appendix E of
12 your report, along with all of the supporting
13 documentation for previously approved system
14 GEMS 1.8.2014. This system was modified to
15 accommodate SE861 changes. The IEC approved
16 this modification and this modification was
17 implemented in 18 Dominion counties between
18 August 9th and August 17th. Please see Appendix
19 C for the implementation report of Dominion's
20 implementation in the 18 counties.

21 VSTOP has reviewed the IC11 application.
22 Also the supporting documentation and
23 attestation from Dominion, which is included in
24 your Appendix D, that the system is identical to
25 the systems certified except for the SEA61

1 modification, which has been approved by the
2 commission.

3 We also have evidence that Dominion has
4 escrowed the software to the third party,
5 escrowed, approved by the State of Indiana.

6 VSTOP finds that this system meets all the
7 requirements of the Indiana Code for the use in
8 the State of Indiana, and as stated in the
9 attached attestation, is identical to what the
10 election approved earlier by the Indiana
11 Election Commission except for the modification.
12 And VSTOP recommends the renewal of the
13 application for GEMS 1.18.24D1.0.

14 CHAIRMAN BENNETT: Thank you. Is there a
15 representative of Dominion or other persons
16 present who wishes to testify regarding this
17 matter?

18 MR. PIPER: Ian Piper, I-A-N, P-I-P-E-R,
19 with Dominion Voting. I have nothing further to
20 say at this time.

21 CHAIRMAN BENNETT: Thank you. Are there
22 any questions or discussion from commission
23 members?

24 Is there a motion to adopt findings that
25 the Dominion Voting System GEMS 1.18.24D1.0

1 voting system complies with the standards
2 prescribed for voting systems under the Indiana
3 law, has worked effectively where the system has
4 been used, and has been adequately supported by
5 the vendor, and therefore, to recertify this
6 voting system for marketing, sale, lease,
7 installation, and implementation in Indiana for
8 a the four-year term beginning October 1, 2017.

9 MEMBER KLUTZ: So moved.

10 CHAIRMAN BENNETT: We have a motion. Is
11 there a second?

12 MS. CELESTINO-HORSEMAN: Second.

13 CHAIRMAN BENNETT: Motion and a second.
14 Any discussion? All in favor say aye?

15 MEMBER WILSON OVERHOLT: Aye.

16 MEMBER KLUTZ: Aye.

17 MS. CELESTINO-HORSEMAN: Aye.

18 CHAIRMAN BENNETT: All opposed say nay.
19 The ayes have it. The motion it adopted. Thank
20 you very much.

21 DR. BAGGA: Thank you, Mr. Chair.

22 DR. BYERS: Thank you, Mr. Chair.

23 CHAIRMAN BENNETT: Thank you for all your
24 attention to this issue.

25 We now turn to ratification of any finance

1 settlement agreements and I ask for a
2 presentation by Ms. Taylor and Ms. Thompson in
3 front of the commission.

4 MS. THOMPSON: We're ready to take this
5 forward.

6 CHAIRMAN BENNETT: Okay. Very well. After
7 that -- I have designated Stephanie Beckley to
8 act as my proxy for consideration in voting on
9 one of these agreements. Before she takes the
10 gavel, is there a motion to ratify the campaign
11 finance settlement agreements as presented with
12 the exception of the Steve Carter committee
13 matter.

14 MEMBER KLUTZ: So moved.

15 CHAIRMAN BENNETT: Is there a second?
16 Any discussion?

17 MEMBER WILSON OVERHOLT: Did you have a
18 second?

19 CHAIRMAN BENNETT: We have a motion and a
20 second -- did we have a second?

21 MEMBER WILSON OVERHOLT: I don't think we
22 did. I'll second.

23 CHAIRMAN BENNETT: Okay. A motion and a
24 second.

25 Any discussion?

1 Hearing none, all in favor say aye.

2 MEMBER WILSON OVERHOLT: Aye.

3 MEMBER KLUTZ: Aye.

4 MS. CELESTINO-HORSEMAN: Aye.

5 CHAIRMAN BENNETT: Ayes have it.

6 We have -- the motion to ratify the
7 agreements is adopted.

8 At this time I will ask Stephanie to assume
9 the chair.

10 MS. BECKLEY: Is there a motion to ratify
11 the campaign finance settlement concerning
12 the --

13 MEMBER KLUTZ: Can we clarify what's on
14 your settlement list?

15 MS. THOMPSON: Yes, Mr. Chairman and
16 members, it's on the green tab.

17 COURT REPORTER: Ma'am, I'm sorry. What's
18 your name?

19 MS. THOMPSON: Michelle Thompson.

20 MEMBER KLUTZ: This is the settlement
21 agreement based upon the refusal or --

22 MS. THOMPSON: I don't understand --

23 MS. TAYLOR: We don't know what the refusal
24 was for.

25 MEMBER WILSON OVERHOLT: What we just

1 approved were the ones -- the settlement
2 agreements on the green tab as well.

3 MS. THOMPSON: Right.

4 MEMBER KLUTZ: Modify the next --

5 MS. CELESTINO-HORSEMAN: Steve Carter would
6 have been -- what happened to Steve Carter? Is
7 there an enforcement action for Steve Carter?

8 MS. THOMPSON: I don't know. I don't know.

9 MS. BECKLEY: All right. So I want to note
10 that no further commission action is necessary
11 at this time, and I will yield the chair back to
12 Chairman Bennett.

13 CHAIRMAN BENNETT: We will now turn our
14 attention to campaign finance referrals to the
15 attorney general for collection. I understand
16 there are referrals of the committee's to the
17 attorney general for collection of the
18 following, and that campaign finances staff can
19 provide information regarding those referrals.
20 And ask that --

21 MS. THOMPSON: Yes, Mr. Chairman, under
22 your red tab are two separate lists of
23 committees that have not paid the fines, and our
24 recommendation is to turn them over to the
25 attorney general.

1 CHAIRMAN BENNETT: I note that -- is there
2 anything further in your presentation?

3 MS. THOMPSON: No.

4 CHAIRMAN BENNETT: I note that no further
5 commission action is necessary for those
6 referrals to be made.

7 So we will turn our attention to the
8 opportunity for committees, or committees with
9 representatives, present today to accept a
10 reduced penalty. Before proceeding with the
11 campaign finance enforcement actions, we want to
12 give any committee present here today a final
13 opportunity to pay a reduced civil penalty by
14 waiving the right to present evidence and
15 arguments to the commission.

16 Any committee is welcome to present
17 evidence and arguments for the proposed penalty
18 to be waived.

19 This is an opportunity for those who want
20 to waive that presentation and accept a reduced
21 penalty without making any arguments or
22 presentations.

23 I move for the following arrangements to be
24 adopted. If this is the committee's first
25 violation, the arrangement is for the committee

1 to agree to pay 25 percent of the proposed fine
2 plus mailing costs.

3 If this the committee's second violation,
4 the arrangement is for the committee to agree to
5 pay 50 percent of the proposed fine plus mailing
6 costs.

7 If this the committee's third violation,
8 the committee would agree to pay 75 percent of
9 the proposed violation plus mailing cost.

10 Is there a second to this motion?

11 MEMBER KLUTZ: Second.

12 CHAIRMAN BENNETT: Any discussion?

13 There is no discussion.

14 All in favor say aye.

15 MEMBER KLUTZ: Aye.

16 MS. CELESTINO-HORSEMAN: Aye.

17 MEMBER WILSON OVERHOLT: Aye.

18 CHAIRMAN BENNETT: All opposed say nay.

19 The ayes have it, and the motion is
20 adopted.

21 Are there any committees who want to accept
22 this arrangement?

23 Yes, sir, in the front row.

24 LAWRENCE SHOUSE: Lawrence Shouse with the
25 Hunter District. L-A-W-R-E-N-C-E, S-H-O-U-S-E.

1 CHAIRMAN BENNETT: And cause number? Do
2 you have your cause number?

3 LAWRENCE SHOUSE: No, I didn't bring it.

4 CHAIRMAN BENNETT: Give us a minute, sir,
5 so we can get the cause number.

6 MS. THOMPSON: Chairman, that's on page 38
7 of the spreadsheet. It's Lawrence B. Shouse for
8 State Representative 100, Cause Number
9 2017-6773-59. Has never been before the
10 commission before, and has a civil penalty of
11 \$150.47.

12 LAWRENCE SHOUSE: I was three days off the
13 mark.

14 CHAIRMAN BENNETT: Are you willing to
15 accept the 25 percent penalty?

16 LAWRENCE SHOUSE: Absolutely.

17 CHAIRMAN BENNETT: If you can hang on one
18 moment -- the arrangement is accepted. You're
19 free to go. Thank you very much.

20 LAWRENCE SHOUSE: Who do I mail the --

21 CHAIRMAN BENNETT: You will be receiving an
22 invoice in the mail for the 25 percent. It may
23 take a little bit of time to get through the
24 system, but you'll get that.

25 AUREA TORRES: Good afternoon, sorry, this

1 is my first time. I'm here to answer for these
2 -- to this hearing for these cause numbers. I
3 have them, if you want me to read them if that's
4 easier for you --

5 CHAIRMAN BENNETT: Yes.

6 AUREA TORRES: -- or I could just give you
7 the --

8 CHAIRMAN BENNETT: Are there several cause
9 numbers?

10 AUREA TORRES: There's three, I believe.

11 CHAIRMAN BENNETT: Go ahead and read them
12 into the record.

13 AUREA TORRES: Okay. Administrative cause
14 number 2017-6923-4. Administrative cause
15 2017-6923-148. And Administrative cause number
16 2017-6923-117.

17 CHAIRMAN BENNETT: And your name?

18 AUREA TORRES: My name is Aurea Torres. My
19 committee was Torres for State Representative
20 Committee. I ran for a state office, much to my
21 regret at this point. I came from La Porte,
22 Indiana, to answer for this. I know that you
23 motioned that we pay 25 percent, I believe the
24 fine for these is \$250.00 or \$200.00. I'm not
25 even sure.

1 CHAIRMAN BENNETT: What is the fine on
2 these?

3 MS. TAYLOR: We --

4 CHAIRMAN BENNETT: We're talking about the
5 first cause number?

6 AUREA TORRES: Any of them. Because --
7 basically, I'm a single mom. I ran for office.
8 My campaign only --

9 CHAIRMAN BENNETT: You don't have to make
10 any argument.

11 AUREA TORRES: Oh, okay.

12 CHAIRMAN BENNETT: We're just trying to
13 find the right --

14 AUREA TORRES: The percentages, yeah. I
15 think I collected \$450.00 total. So I think --

16 MS. THOMPSON: \$1,400.00.

17 CHAIRMAN BENNETT: For all three?

18 MS. THOMPSON: Yes.

19 MS. TAYLOR: Yes.

20 CHAIRMAN BENNETT: That's the 25 percent?

21 MS. THOMPSON: That's her total fine. It
22 would be 25 percent --

23 CHAIRMAN BENNETT: 25 percent of that?

24 MS. THOMPSON: Yes.

25 AUREA TORRES: Which would be -- sorry, I'm

1 not good of math.

2 CHAIRMAN BENNETT: Are you willing to
3 accept the 25 percent?

4 AUREA TORRES: I would ask that it would be
5 reduced further.

6 CHAIRMAN BENNETT: You will have to wait in
7 line because this is the chance to come
8 forward --

9 AUREA TORRES: To accept the --

10 CHAIRMAN BENNETT: -- to accept the
11 25 percent.

12 AUREA TORRES: Okay. What is --

13 MEMBER WILSON OVERHOLT: \$350.00.

14 AUREA TORRES: Okay. No, I will wait.
15 I'll come back again.

16 CHAIRMAN BENNETT: Anybody in line who is
17 not here to accept the arrangements that we have
18 proposed needs to get out of line and sit back
19 down.

20 AUREA TORRES: And come back.

21 KEVIN ROGERS: I don't know how much owe.
22 I just got a letter.

23 CHAIRMAN BENNETT: Well, are you willing to
24 accept the fine?

25 KEVIN ROGERS: Yes, yes.

1 CHAIRMAN BENNETT: Come forward and state
2 your name and the cause number.

3 KEVIN ROGERS: Kevin Rogers, K-E-V-I-N,
4 R-O-G-E-R-S. Cause number 2017-6879-79.

5 CHAIRMAN BENNETT: Just a minute --

6 KEVIN ROGERS: My campaign was Kevin Rogers
7 for State Senate.

8 MS. THOMPSON: Page 48. This is Kevin
9 Rogers for State Senate, cause number
10 2017-6879-79, has never been before the
11 commission before and has a civil penalty of
12 \$350.47.

13 CHAIRMAN BENNETT: Are you willing to
14 accept the 25 percent of that?

15 KEVIN ROGERS: Yes.

16 CHAIRMAN BENNETT: Very well. You're free
17 to go. We'll send you an invoice for
18 25 percent.

19 KEVIN ROGERS: Thank you.

20 CHAIRMAN BENNETT: Thank you.

21 RANDY HEAD: Hello, my name is Randy Head,
22 R-A-N-D-Y, H-E-A-D. Cause number 2017-6874-128.

23 MS. TAYLOR: It's on page 74. Mr. Chairman
24 and members of the commission, this is committee
25 to elect Randy Head attorney general. This is

1 his third time before the commission, and a
2 proposed civil penalty of \$50.47.

3 CHAIRMAN BENNETT: Are you willing to
4 accept 75 percent of that amount --

5 RANDY HEAD: Yes.

6 CHAIRMAN BENNETT: -- to resolve this
7 matter?

8 Very well. You're free to go.

9 RANDY HEAD: Thank you.

10 JOHN RUCKELSHAUS: Good afternoon. John
11 Ruckelshaus, R-U-C-K-E-L-S-H-A-U-S, cause number
12 2017-6828-132.

13 MS. THOMPSON: Mr. Chairman, that's on page
14 76. Hoosiers for Ruckelshaus, cause number
15 2017-6828-132, has never been before the
16 commission before, has a civil penalty of
17 \$1,000.47.

18 CHAIRMAN BENNETT: Are you willing to
19 accept the arrangement to pay 25 percent of that
20 amount?

21 JOHN RUCKELSHAUS: Yes.

22 CHAIRMAN BENNETT: Very well. You're free
23 to go.

24 JOHN RUCKELSHAUS: Thank you.

25 GREG TAYLOR: Greg Taylor, T-A-Y-L-O-R,

1 last name. Cause number 2017-5688-142. And for
2 summary cause 2017-5688-143. Two separate ones.

3 CHAIRMAN BENNETT: Okay.

4 MS. THOMPSON: Page 82 and page 83. This
5 is Greg Taylor from State Senate Committee,
6 cause number 2017-8688-142, and 143. He has
7 one, two, three -- this is his fourth before the
8 commission.

9 GREG TAYLOR: Is it?

10 MS. THOMPSON: Yeah, you had a couple back
11 in 2008 and 2012.

12 He has a civil penalty on one of \$1,000.47
13 and on the other one is \$1,000.47.

14 CHAIRMAN BENNETT: Based on our
15 arrangements, there is no opportunity for a
16 reduction. Are you willing to accept the full
17 amount of the fine?

18 GREG TAYLOR: Before I answer that, can I
19 ask one question?

20 CHAIRMAN BENNETT: Okay.

21 GREG TAYLOR: It was the same report, but I
22 got two different -- it was because it was two
23 different donations is that why it's two
24 different cause numbers? It's on the same
25 report.

1 CHAIRMAN BENNETT: Ask the staff to explain
2 that to us.

3 MS. THOMPSON: Mr. Chairman, this was a
4 large contribution. He had two separate large
5 contributions. One was due on 11/7/2016 and --
6 they were both due on 11/7/2016 from two
7 different contributions.

8 GREG TAYLOR: But it's on the same filing
9 for the same period of time. I've never --

10 MS. TAYLOR: Each large contribution
11 requires a separate CFA11 large contribution
12 report.

13 CHAIRMAN BENNETT: Okay. We're in the mode
14 now of accepting deals and I don't see the
15 eligibility. So, I guess, you could come back
16 and talk about it when it's your turn or accept
17 your full amount of that.

18 MS. CELESTINO-HORSEMAN: He --

19 COURT REPORTER: I'm sorry, what?

20 MS. CELESTINO-HORSEMAN: My question was,
21 eligibility was contingent upon what?

22 CHAIRMAN BENNETT: The procedures allow for
23 a reduction of the fine without a hearing if
24 there is first, second, or third offenses. We
25 don't have any eligibility for waiving the

1 hearing for a fourth offense.

2 MEMBER WILSON OVERHOLT: Right. Just so
3 you understand. You can come back -- this is
4 for people who are automatically, kind of,
5 basically entering a settlement agreement with
6 the counties. But people who don't want to do
7 that, at the end of these, there's a hearing
8 opportunity.

9 GREG TAYLOR: Okay. So this would count as
10 two separate violations?

11 MEMBER WILSON OVERHOLT: Yes.

12 GREG TAYLOR: So this would be three and
13 four; am I right?

14 MS. THOMPSON: Four and five.

15 GREG TAYLOR: Four and five?

16 MS. THOMPSON: Correct.

17 CHAIRMAN BENNETT: So are you accepting the
18 fine?

19 GREG TAYLOR: I mean, yeah. I guess, I --

20 MS. CELESTINO-HORSEMAN: Well, you can --

21 CHAIRMAN BENNETT: You could wait and come
22 back --

23 GREG TAYLOR: All right. I'll wait and
24 come back.

25 CHAIRMAN BENNETT: Is there anyone else who

1 has more than three violations to address? If
2 not, next please.

3 SCOTT WILLIS: Scott Willis, cause number
4 2017-6755-58.

5 MS. TAYLOR: On page 38. This is Friends
6 for Scott Willis. Cause number 2017-6755-58.
7 It's the first violation and a proposed civil
8 penalty of \$1,000.47.

9 CHAIRMAN BENNETT: Are you accepting the
10 25 percent?

11 SCOTT WILLIS: Yes, sir.

12 CHAIRMAN BENNETT: Very well. Thank you.
13 You're free to go.

14 ANDY TALARZYK: Hi, Andy Talarzyk, number
15 2017-6592-48.

16 COURT REPORTER: Can you spell your name?

17 ANDY TALARZYK: T-A-L-A-R-Z-Y-K.

18 MS. THOMPSON: Mr. Chairman, it's on page
19 32. This is Committee to Elect Andy Talarzyk,
20 cause number 2017-6592-48, has never been before
21 the commission before, has a civil penalty of
22 \$1,000.47.

23 CHAIRMAN BENNETT: And are you willing to
24 accept the 25 percent fine?

25 ANDY TALARZYK: Sure.

1 CHAIRMAN BENNETT: Very well. Thank you
2 very much.

3 ANDY TALARZYK: Thank you.

4 DANIEL DOUGLASS: My name is Daniel
5 Douglass, D-A-N-I-E-L, D-O-U-G-L-A-S-S. I'm
6 here on behalf of the Committee to Elect Rose
7 Ryan. I have --

8 CHAIRMAN BENNETT: Do you have a cause
9 number?

10 DANIEL DOUGLASS: My cause numbers are
11 2017-6819-140. The other one is 2017-6819-66.

12 CHAIRMAN BENNETT: Give us a minute to look
13 that up.

14 DANIEL DOUGLASS: I also have the paper
15 here allowing me to speak on behalf of the
16 Committee to Elect Rose Ryan.

17 CHAIRMAN BENNETT: Okay. Very good. Why
18 don't you hand that paper to me for the record?
19 This is a letter to whom it may concern,
20 authorizing Daniel Douglass to appear on behalf
21 of Rose Ryan, dated August 18, 2017; is that --

22 DANIEL DOUGLASS: Yes.

23 MS. THOMPSON: What's the other cause
24 number? I have 140.

25 DANIEL DOUGLASS: 66.

1 MS. THOMPSON: Thank you.

2 Mr. Chairman, one is on page -- at the
3 bottom of page 80. And the other one is on page
4 66. It's Committee to Elect Rose Ryan -- excuse
5 me, 41. Cause number 2017-6819-66, and
6 2017-6819-140. This committee has never been
7 before the commission before, has a civil
8 penalty of \$300.47 cents and \$1,000.47.

9 CHAIRMAN BENNETT: Are you willing to
10 accept the 25 percent penalty?

11 DANIEL DOUGLASS: Yes.

12 CHAIRMAN BENNETT: Very well. You're free
13 to go.

14 DANIEL DOUGLASS: Thank you.

15 Also, I would like to check to make sure we
16 have the proper address. On the paper it has
17 the 224 East Canal Street. Our address has
18 changed. Is that something I need to do at a
19 later time?

20 CHAIRMAN BENNETT: You need to file an
21 amended statement of organization with the
22 Michelle.

23 DANIEL DOUGLASS: Can I do that today?

24 MS. THOMPSON: We have the Canal Street
25 address.

1 CHAIRMAN BENNETT: Yes.

2 MS. THOMPSON: So yes, you will need to
3 change that.

4 CHAIRMAN BENNETT: Next.

5 REBECCA PHIPPS: Hello. I'm Rebecca
6 Phipps, R-E-B-E-C-C-A, P-H-I-P-P-S. I'm here
7 about cause number 2017-6868-76.

8 MS. THOMPSON: Mr. Chairman, that's on page
9 46.

10 REBECCA PHIPPS: And I have a letter
11 authorizing me to speak on behalf of the Oshman
12 Campaign.

13 COURT REPORTER: Speak for the what?

14 REBECCA PHIPPS: Oshman, O-S-H-M-A-N
15 Campaign.

16 MS. THOMPSON: This is cause number
17 2017-6868-76, has a civil penalty of \$350.47
18 cents.

19 CHAIRMAN BENNETT: I have a letter from
20 Stephen Oshman, Campaign Chair, July 19, 2017,
21 authorizing Rebecca --

22 REBECCA PHIPPS: Phipps.

23 CHAIRMAN BENNETT: -- Phipps to represent
24 the campaign today.

25 Hand that exhibit over to Mr. King.

1 Are you willing to accept the 25 percent
2 fine?

3 REBECCA PHIPPS: Yes, sir.

4 CHAIRMAN BENNETT: Very well, you're free
5 to go.

6 REBECCA PHIPPS: Thank you.

7 PHILIP BENNETT: Hi. I'm Philip Bennett,
8 that's P-H-I-L-I-P, B-E-N-N-E-T-T. And my cause
9 number is 2017-6857-71.

10 MS. THOMPSON: Mr. Chairman, that's on page
11 43, cause number 2017-6857-71, has been
12 before -- has been before the commission one
13 other time -- nope. Okay, has been before the
14 commission one other time, has a civil penalty
15 of \$1,000.47.

16 CHAIRMAN BENNETT: Is that accurate?

17 PHILIP BENNETT: I've never been here
18 before.

19 MS. THOMPSON: In 2016 pre-primary was --
20 on the past --

21 PHILIP BENNETT: Okay.

22 MS. THOMPSON: Was late.

23 PHILIP BENNETT: Got it. So there's two --

24 MS. THOMPSON: So you've been here one
25 other time. Yeah, so this is your second.

1 PHILIP BENNETT: Okay.

2 CHAIRMAN BENNETT: So this is the second?

3 MS. THOMPSON: Right.

4 CHAIRMAN BENNETT: Okay. So are you
5 willing to accept the 50 percent --

6 PHILIP BENNETT: 50 percent, yeah.

7 CHAIRMAN BENNETT: Very well.

8 PHILIP BENNETT: Thank you.

9 CHAIRMAN BENNETT: You're free to go.

10 DALE NOWLIN: Dale Nowlin, D-A-L-E,
11 N-O-W-L-I-N. And it's case number
12 2017-6795-131.

13 MS. THOMPSON: Mr. Chairman, that's on the
14 top of page 76, cause number 2017-6795-131, has
15 been before the commission. This is the second
16 offense and has a total civil penalty of
17 \$1,000.00.

18 CHAIRMAN BENNETT: Are you willing to
19 accept --

20 DALE NOWLIN: So no, I didn't know this was
21 my second offense.

22 MS. THOMPSON: So in 2016 --

23 DALE NOWLIN: I realize how you recorded
24 that now. But, I mean, it was late by three
25 hours so the penalty -- but 50 percent I can't

1 afford.

2 CHAIRMAN BENNETT: Okay. Next.

3 DALE NOWLIN: Sorry.

4 LACY HOLLINGS: Lacy Hollings, L-A-C-Y,
5 H-O-L-L-I-N-G-S. And I'm here on cause number
6 2017-6780-144.

7 MS. THOMPSON: That's on page 83. It's
8 cause number 2017-6780-144. Has not been before
9 the commission before, has a civil penalty of
10 \$1,000.47.

11 CHAIRMAN BENNETT: Are you willing to
12 accept the 25 percent?

13 LACY HOLLINGS: Yes.

14 CHAIRMAN BENNETT: Very well, you're free
15 to go.

16 LACY HOLLINGS: Thank you.

17 GRAHAM FISHELL: Graham Fishell,
18 G-R-A-H-A-M, last name Fishell, F-I-S-H-E-L-L.
19 Here on behalf of Committee to Elect Joe
20 Taylor III, cause number 2017-6794-137.

21 MS. THOMPSON: It's on page 79. Cause
22 number 2017-6794-137, and 138. Has a civil
23 penalty of \$1,000.47 on both, and this is his
24 first time before the commission.

25 CHAIRMAN BENNETT: Are you willing to

1 accept the 25 percent penalty for both?

2 GRAHAM FISHELL: Yes.

3 CHAIRMAN BENNETT: Very well. Thank you.

4 GRAHAM FISHELL: I'm here for two other
5 people, do you want me to go to the back of the
6 line or --

7 CHAIRMAN BENNETT: Go ahead.

8 GRAHAM FISHELL: Okay. I got a Citizens
9 for Mara Candelaria Reardon, 2017-5378-100.

10 MS. THOMPSON: Mr. Chairman, that is on
11 page 59, cause number 2017-5378-100, has been
12 before the commission one other time, has a
13 civil penalty of \$50.47. This is the second.

14 CHAIRMAN BENNETT: Are you willing to
15 accept the 50 percent?

16 GRAHAM FISHELL: Yes.

17 CHAIRMAN BENNETT: Very good.

18 GRAHAM FISHELL: And the last one is
19 Citizens for Chuck Committee 2017-5575-134.

20 MS. THOMPSON: Page 77. Cause number
21 2017-5575-134. Has never been before the
22 commission before and has a civil penalty of
23 \$200.47.

24 CHAIRMAN BENNETT: There's a settlement
25 agreement on there?

1 MS. THOMPSON: We don't have it on the
2 spreadsheet. So -- Mr. Chairman, there has not
3 been a settlement agreement on this one. We
4 just checked.

5 CHAIRMAN BENNETT: Okay. Very well.
6 Are you willing to accept the 25 percent
7 penalty?

8 GRAHAM FISHELL: Yes.

9 CHAIRMAN BENNETT: Thank you.

10 GRAHAM FISHELL: Thank you.

11 WILLIAM EHRET: Hello, William M. Ehret,
12 E-H-R-E-T. And I do not have the cause number.

13 MS. THOMPSON: Last name was Ehret?

14 WILLIAM EHRET: Ehret, E-H-R-E-T. It was a
15 State Senate campaign and I don't know the
16 amount.

17 MEMBER NUSSMEYER: Do you recall the year
18 or which report?

19 WILLIAM EHRET: Yes, this past year. So it
20 would have been January.

21 MS. THOMPSON: The annual report?

22 WILLIAM EHRET: Yes.

23 MS. THOMPSON: Mr. Chairman, that's on page
24 39. Cause number 2017-6788-61, has never been
25 before the commission before, and has a civil

1 penalty of \$450.47.

2 CHAIRMAN BENNETT: Are you willing to
3 accept the 25 percent?

4 WILLIAM EHRET: Yes.

5 CHAIRMAN BENNETT: Thank you very much.

6 WILLIAM EHRET: Uh-huh, thank you.

7 JEFF EMBRY: Jeff Embry, E-M-B-R-Y, cause
8 number 2017-6837-91.

9 MS. TAYLOR: It's on page 54. This is Jeff
10 Embry for State Representative of District 54.
11 Cause number 2017-6837-91. This is the first
12 time before the commission a proposed civil
13 penalty of \$700.47.

14 CHAIRMAN BENNETT: Are you willing to
15 accept the 25 percent penalty?

16 JEFF EMBRY: I have a question. I received
17 a letter from a Secretary of State Office the
18 1st of August 2016 that I have not filed the end
19 reports financial statements. I said, "Well, I
20 never did receive a financial manual." And on
21 August 17th I finally received the manual
22 August 17, 2016.

23 CHAIRMAN BENNETT: This is your opportunity
24 to accept the 25 percent discount -- or the
25 75 percent discount for a first time offense.

1 If you want to try the case and talk about it
2 some more, you'll have to go back and sit down
3 and come back up.

4 JEFF EMBRY: I'll take it.

5 CHAIRMAN BENNETT: Okay. Thank you.

6 SHANE ZOELLNER: My name is Shane Zoellner,
7 S-H-A-N-E, Z-O-E-L-L-N-E-R. And my cause number
8 is 2017-6880-80.

9 MS. TAYLOR: On page 48, Mr. Chairman and
10 members of the commission, this is Friends of
11 Shane Zoellner, cause number 2017-6880-80. It's
12 the first time before the commission a proposed
13 civil penalty of \$50.47.

14 CHAIRMAN BENNETT: Are you willing to
15 accept the 25 percent penalty?

16 SHANE ZOELLNER: I am, yes.

17 CHAIRMAN BENNETT: Thank you. You're free
18 to go.

19 SHANE ZOELLNER: I also am here with -- on
20 behalf of John Pickerill. I have a form here
21 that --

22 CHAIRMAN BENNETT: Okay. A letter dated
23 August 18th, 2017, from John Pickerill,
24 authorizing Shane Zoellner to act as the
25 representative; is that correct?

1 SHANE ZOELLNER: Yes.

2 CHAIRMAN BENNETT: The cause number is on
3 here.

4 SHANE ZOELLNER: It's John Pickerill, so
5 J-O-H-N P-I-C-K-E-R-I-L-L.

6 MS. TAYLOR: On page 83 and top of 84,
7 Committee for Pickerill, cause number
8 2017-6827-145. It's first time before the
9 commission, a proposed civil penalty of \$200.45.

10 CHAIRMAN BENNETT: On behalf of Mr.
11 Pickerill are you accepting the 25 percent
12 penalty?

13 SHANE ZOELLNER: I am, yes.

14 CHAIRMAN BENNETT: Very well.

15 SHANE ZOELLNER: That's all.

16 CHAIRMAN BENNETT: Thank you.

17 SHANE ZOELLNER: Thank you very much.

18 CHAIRMAN BENNETT: Yes, sir.

19 JAMES SHELTON: My name is James Shelton,
20 J-A-M-E-S, S-H-E-L-T-O-N, and cause number is
21 2017-6602-49.

22 MS. THOMPSON: Mr. Chairman, it's on page
23 33. Cause number 2017-6602-49. This is his
24 second time before the commission, has a civil
25 penalty of \$300.47.

1 CHAIRMAN BENNETT: Are you willing --

2 JAMES SHELTON: Who was financially liable
3 for this? Is it me or is it the committee?

4 CHAIRMAN BENNETT: Are you representing the
5 committee? Do you have a representation --

6 JAMES SHELTON: Yes. Well, I'm the
7 chairman -- or the only person involved.
8 Because I've disbanded the committee is why I'm
9 asking.

10 CHAIRMAN BENNETT: I think that would be a
11 legal conclusion that you would have to resolve
12 yourself.

13 JAMES SHELTON: Well, everything has been
14 addressed to this committee of, it's not to me
15 personally.

16 CHAIRMAN BENNETT: Mr. King, can you
17 respond that question?

18 CO-DIRECTOR KING: Yeah. Mr. Chairman and
19 members of the commission, I'll -- and when I
20 finish up I'll ask Mr. Kochevar to add anything
21 to my analysis.

22 The Indiana Court of Appeals has ruled that
23 when a committee is unable to pay any debt, that
24 the members of the committee, which include
25 chairman or treasurer are personally liable for

1 the committee's debt.

2 JAMES SHELTON: Okay.

3 CHAIRMAN BENNETT: Mr. Kochevar, anything
4 to add?

5 MR. KOCHEVAR: I have nothing further to
6 add, Mr. Chairman.

7 CHAIRMAN BENNETT: Thank you, Mr. King and
8 Mr. Kochevar.

9 Does that answer your question?

10 JAMES SHELTON: Yep.

11 CHAIRMAN BENNETT: Are you willing to
12 accept the --

13 MS. TAYLOR: This is his second.

14 CHAIRMAN BENNETT: 50 percent -- 50 percent
15 --

16 JAMES SHELTON: When did I have a first?

17 MS. THOMPSON: In the 2016 pre-primary.

18 MS. TAYLOR: You paid a settlement
19 agreement.

20 JAMES SHELTON: How much was that?

21 MS. TAYLOR: \$50.00.

22 JAMES SHELTON: Oh, okay. I think I know
23 what you're talking about.

24 Okay, yes, I'll take it.

25 MS. TAYLOR: And I will add that your

1 committee is still open.

2 JAMES SHELTON: It is?

3 MS. TAYLOR: Oh, nope, we missed the box.
4 It's closed. It's closed.

5 CHAIRMAN BENNETT: Okay. 50 percent,
6 right?

7 JAMES SHELTON: Yep.

8 CHAIRMAN BENNETT: Very good.

9 Anyone else that would like to accept the
10 arrangement?

11 Very well. The remaining committees will
12 be called to present evidence in these matters.
13 Before doing so, I want to note that in the past
14 the commission has followed certain procedures
15 for conducting campaign finance hearings, and I
16 move that the commission use the following
17 procedures today.

18 A. When each campaign finance matter is
19 called, the hearing will begin with recognizing
20 the campaign finance staff to provide
21 information about the documents in this matter
22 provided to commission members, including
23 letters from committees, and the notices given
24 to the campaign committee.

25 B. Unless there is an objection, the

1 documents provided to the commission by the
2 Election Division will be entered into the
3 record at this meeting.

4 C. After campaign finance staff completes
5 presentation, a representative of the committee
6 will be recognized first and may present their
7 case for no more than five minutes.

8 D. Commission members may ask questions
9 during the presentation, but the time spent
10 answering these questions will not be counted
11 against the presenter's time. The Election
12 Division may signal the Chair when the
13 presenter's time is up. If the presenter offers
14 additional documents, or other physical evidence
15 not previously received by the commission, then
16 the original must be provided to the Election
17 Division to preserve for the record.

18 If the commission finds that a committee
19 has violated the campaign finance statutes,
20 state law requires a unanimous vote of all four
21 commissioners to waive or reduce the amount of
22 the penalty by state law.

23 If the commission makes a decision at this
24 meeting to either fine a committee, or dismiss
25 the case against the committee, then the

1 Election Division will prepare a final order for
2 the commission to approve at a later meeting.

3 If a committee is fined today, the
4 committee will receive a notice from the
5 Election Division to date the fine after the
6 commission adopts the final order.

7 So it may be some time after today before a
8 committee will be required to pay the fine.

9 The commission generally begins at the
10 front of a room and asks those persons present
11 to come forward to have their matter heard. It
12 is very helpful if you can speak up and say the
13 cause on your hearing material so the commission
14 and staff can quickly look it up on the
15 spreadsheet.

16 Remember to identify yourself when you
17 start speaking.

18 Is there a second to this motion?

19 MEMBER KLUTZ: Second.

20 CHAIRMAN BENNETT: Motion and a second.

21 Any discussion?

22 Hearing none, all in favor say aye.

23 CHAIRMAN BENNETT: Aye.

24 MS. CELESTINO-HORSEMAN: Aye.

25 MEMBER WILSON OVERHOLT: Aye.

1 MEMBER KLUTZ: Aye.

2 CHAIRMAN BENNETT: All opposed say nay.

3 Ayes have it, motion carries.

4 The commission will now proceed to open its
5 hearings on campaign finance enforcement action.

6 I have designated Stephanie Beckley to act
7 as my proxy for presiding over the hearing and
8 voting on these matters Associated General
9 Contractors of Indiana PAC, Pence Must Go
10 Political Action, PLS Corporation, Excess
11 Corporate Contribution.

12 At this time, I would ask that Stephanie
13 assume the chair.

14 MS. BECKLEY: The first cause to be
15 considered concerns the Associated General
16 Contractors of Indiana PAC. Is there a
17 presenter to speak on behalf of this committee?

18 Anyone? In that case, I declare the
19 hearing on this matter closed.

20 I ask commission members if there are any
21 further discussions or motions in this matter?

22 MS. CELESTINO-HORSEMAN: I have a question.
23 So if they haven't shown, does that mean that
24 they waived their hearing and the penalty just
25 gets imposed?

1 MEMBER KLUTZ: Yes, it's --

2 CO-DIRECTOR KING: Madame Chair, yeah, if I
3 could respond, and again, I'll yield to
4 Mr. Kochevar to add any additional information.

5 Yes, the failure of a committee to appear
6 has been treated by the commission as default.
7 But it takes an affirmative vote from the
8 commission to impose the penalty. As a result
9 of that --

10 MS. CELESTINO-HORSEMAN: Do we have the
11 papers for this one in here?

12 MS. THOMPSON: We're looking for it.

13 MS. TAYLOR: They paid settlement
14 agreement, they're not on the agenda.

15 MS. BECKLEY: Okay. In that case --

16 MS. THOMPSON: I think that was a past
17 settlement agreement that we --

18 MS. BECKLEY: So I will consider that
19 matter closed. Hearing no objections.

20 MS. CELESTINO-HORSEMAN: So was it a past
21 settlement agreement or a --

22 MS. TAYLOR: Past settlement agreement that
23 has already been approved by the commission.

24 MS. CELESTINO-HORSEMAN: Okay. So we don't
25 have to worry about it.

1 MS. BECKLEY: No problem. All right. Then
2 we will go to the Pence must Go PAC. Is there a
3 presenter to speak on behalf of this committee?

4 MS. CELESTINO-HORSEMAN: Let me -- on the
5 other one, if we want to talk about our case --

6 MEMBER KLUTZ: Sir, will you please
7 identify yourself for the record?

8 RICK GILL: Yep, Rick Gill, R-I-C-K,
9 G-I-L-L. On the first one, is that the one we
10 get up and present our case?

11 MS. BECKLEY: Yes -- are you here for the
12 Associated General Contractors --

13 RICK GILL: No.

14 MS. BECKLEY: Then we are going onto the
15 Pence Must Go PAC.

16 RICK GILL: Okay.

17 MS. BECKLEY: Is there a presenter to speak
18 on behalf of Pence Must Go to the committee?

19 MS. CELESTINO-HORSEMAN: Do we have the
20 materials --

21 MS. THOMPSON: This one is on the
22 spreadsheet. It's on page 65, the top of 65.

23 MEMBER KLUTZ: I have a question for the
24 staff. Do we have confirmation that they were
25 properly served for this hearing?

1 MS. THOMPSON: Yes.

2 MEMBER KLUTZ: Can you describe for the
3 commission the proposed penalty?

4 MS. THOMPSON: This is cause number
5 2017-6696-110. It has a -- has never been
6 before the commission before, and has a civil
7 penalty of \$200.47.

8 MEMBER KLUTZ: Okay, I --

9 MS. BECKLEY: And I'd like to make one
10 final call, is there anyone here who would like
11 to present on behalf of the Pence Must Go plea?
12 All right.

13 MEMBER KLUTZ: Madam Chairman, based upon
14 confirmation that notice was given for this
15 hearing and no one is attending, I make a motion
16 that we assess the full proposed penalty of
17 \$200.47.

18 MEMBER WILSON OVERHOLT: Second.

19 MS. BECKLEY: All right. All in favor say
20 aye.

21 MEMBER KLUTZ: Aye.

22 MEMBER WILSON OVERHOLT: Aye.

23 MS. CELESTINO-HORSEMAN: Aye.

24 MS. BECKLEY: All opposed say nay.

25 The ayes have it, and the motion to

1 ratify -- is adopted.

2 I'm sorry. To impose the penalty is
3 adopted.

4 I believe that's all. I'll yield the chair
5 -- okay. And then -- okay, is there a presenter
6 to speak on behalf of PLS Corporation?

7 MATTHEW SWENTKOFKSKE: Yes.

8 MS. BECKLEY: All right. Please come
9 before the committee.

10 MATTHEW SWENTKOFKSKE: Hi, Matthew
11 Swentkofske, S-W-E-N-T-K-O-F-S-K-E. Thank you
12 very much for your time, commissioners --

13 MEMBER KLUTZ: Sir, we're going to ask the
14 staff to --

15 MATTHEW SWENTKOFKSKE: Sure.

16 MS. THOMPSON: Mr. Chairman and members of
17 the commission, it's here on blue tab. Blue tab
18 in the back. It's the top PLS Financial
19 Services, cause number 2017-149 contributed to
20 the Mike Pence for Indiana in the amount of
21 \$5,906.50, never been before the commission
22 before, and the Mike Pence for Indiana Committee
23 has refunded PSL the \$906.50. The proposed
24 civil penalty is three times the excess amount.

25 MEMBER KLUTZ: Three times -- would the --

1 MS. THOMPSON: That would be the 2,000 --

2 MEMBER KLUTZ: That's the --

3 MS. THOMPSON: Yeah, that's the -- three
4 times.

5 MATTHEW SWENTKOFKSKE: Commissioners, thanks
6 for allowing me to speak. I'll just give you a
7 quick background on this. Obviously, we -- the
8 committee, PLS, presented the committee a check
9 for \$5,000.00, what happened was we then had an
10 contribution that put us over the limit. I
11 believe within a week to ten days, we rectified
12 it with the campaign, they paid us back as was
13 noted. And so we caught it very quickly before
14 the reporting period was over. And the overage
15 was repaid to PLS. We have addressed that, and
16 put -- in place to not have that happen again.
17 And I just want to re-emphasize it is our first
18 offense, and that we obviously will accept
19 whatever the commissioners recommend.

20 MEMBER KLUTZ: If I could ask a question.

21 MATTHEW SWENTKOFKSKE: Sure.

22 MEMBER KLUTZ: The return contribution, was
23 that made prior to the notice by our --

24 MATTHEW SWENTKOFKSKE: Yes, yes --

25 MEMBER KLUTZ: -- staff --

1 MATTHEW SWENTKOFKSKE: -- I believe the
2 event happened around November of 2015, I
3 believe, and the check was caught within about
4 three weeks. So it was before any notice from
5 the division.

6 MEMBER KLUTZ: And PLS Financial has taken
7 steps to monitor and track this --

8 MATTHEW SWENTKOFKSKE: Yes.

9 MEMBER KLUTZ: Commission members, my
10 recollection in past events similar to this,
11 that in the event that this is a first time over
12 contribution and where the contribution is
13 returned prior to notice from our office and
14 there's evidence that steps have been taken to
15 ensure this doesn't happen, this board in the
16 past has waived penalties. And I would make a
17 motion that we would do so.

18 MS. BECKLEY: Do we have a second motion?

19 I'll make a second motion. All in favor
20 say aye --

21 MEMBER WILSON OVERHOLT: Wait, wait --

22 MS. BECKLEY: I'm sorry.

23 MEMBER WILSON OVERHOLT: -- we have
24 discussions.

25 MS. BECKLEY: I'm sorry, discussions. My

1 apologies.

2 MEMBER WILSON OVERHOLT: Can staff confirm
3 that that actually has been what we've done in
4 the past?

5 MS. THOMPSON: I believe -- well, I believe
6 that's what we've done in the past.

7 MS. TAYLOR: It's either been a waiver or a
8 10 -- reduced to 10 percent.

9 MEMBER WILSON OVERHOLT: I was going to
10 say, I don't think we necessarily waive it.

11 MS. TAYLOR: Depends on the day.

12 MEMBER WILSON OVERHOLT: Yeah.

13 MEMBER KLUTZ: I think this is a situation
14 that the gap in time is fairly narrow when the
15 contribution was returned. That's the factor I
16 was taking into consideration.

17 MS. BECKLEY: Is there any further
18 discussion on the motion?

19 In that case we will vote on the motion to
20 remove all penalty. All in favor say aye?

21 MEMBER KLUTZ: Aye.

22 MEMBER WILSON OVERHOLT: Aye.

23 MS. CELESTINO-HORSEMAN: Aye.

24 MS. BECKLEY: All opposed say nay.

25 Motion carried.

1 MATTHEW SWENTKOFESKE: Thank you very much.

2 MS. BECKLEY: I believe that is all I'm
3 called upon. So I will now yield the chair back
4 to Chairman Bennett.

5 CHAIRMAN BENNETT: Okay. We're going to
6 start in the front row and work our way to the
7 back. The next person in the front row on the
8 left side, come forward.

9 BRENNA MCDONALD: Hi. I'm Brenna McDonald,
10 B-R-E-N-N-A, M-C-D-O-N-A-L-D. I am here on
11 behalf of the Indiana Psychologist PAC. I'm a
12 licensed clinical psychologist in Indiana and
13 also the treasurer of the PAC.

14 MS. THOMPSON: Could you speak up a little
15 bit?

16 BRENNA MCDONALD: Sure, sorry.

17 CHAIRMAN BENNETT: Let us make sure we get
18 to the right --

19 MS. THOMPSON: Cause number?

20 BRENNA MCDONALD: Yeah, it's 2017-1543-9.

21 MS. THOMPSON: Mr. Chairman, on page 11.
22 Indiana Psychology Political Action Committee,
23 cause number 2017-1543-9. Has been before the
24 commission four -- at least four times before,
25 has a civil penalty of \$150.47.

1 MEMBER KLUTZ: Let me ask a question. Four
2 times before, and then does that include this
3 settlement agreement as well? Or is this
4 settlement agreement in addition to that?

5 MS. TAYLOR: Settlement agreements are
6 included. It's been more than four times. We
7 don't have an exact number.

8 MS. CELESTINO-HORSEMAN: Okay. So if it
9 says three times on the spreadsheet; is that
10 incorrect? Or is --

11 CHAIRMAN BENNETT: Today would be the
12 fourth; is that correct?

13 MS. TAYLOR: Three times before the board
14 and three settlement agreements. So this is at
15 least a seventh time before the commission.

16 MS. CELESTINO-HORSEMAN: Okay.

17 MS. THOMPSON: Our spreadsheet, we just
18 take it by four.

19 CHAIRMAN BENNETT: Well, what do you have
20 to say?

21 BRENNA MCDONALD: I -- thank you for your
22 time. So the first I learned of about it, I
23 took over as treasurer of the PAC in 2015. All
24 of those occurrences were before then.
25 Actually, the first I learned of those

1 occurrences was when I called regarding this
2 instance. So I -- I can't speak to those
3 offenses. I don't actually know anything about
4 them. This occurrence was actually, near as I
5 can tell, this was the most recent report that I
6 filed for the PAC. All of my previous ones had
7 been filed on time. This one I actually mailed
8 further in advance than the previous one I
9 mailed in on the 13th of -- let's see, I have
10 it. I mailed it on the 13th due the 18th and
11 apparently it arrived on the 20th, I'm not sure
12 why. I deposited it at the post office and I
13 was coming to see if it was possible to have the
14 fee waived. I sent it in good faith and have
15 not been late on any of them previously. And
16 found out when I called the office that
17 apparently the previous treasurer had not been
18 as prompt.

19 CHAIRMAN BENNETT: Do we have any records
20 about receipts?

21 MS. THOMPSON: She's looking to see.

22 BRENNA MCDONALD: When I called the office,
23 she -- Abigail spoke with me on the phone and
24 told me that she had the envelopes.

25 MS. TAYLOR: We have the envelope. It's

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1 post marked January 13th.

2 CHAIRMAN BENNETT: It was due when?

3 BRENNNA MCDONALD: January 18th. And I had
4 previously sent all the reports, you know, two
5 or three days in advance, so I thought this was
6 plenty of time.

7 MEMBER KLUTZ: Where did you mail it from?

8 BRENNNA MCDONALD: Broad Ripple Post Office.
9 Yeah, they had all gotten there two or three
10 days before. So I thought I was good.

11 CHAIRMAN BENNETT: Anything else you want
12 to add?

13 BRENNNA MCDONALD: No, I'm honestly just
14 asking -- it's a small PAC, that's why I'm
15 trying be responsible with our resources.

16 CHAIRMAN BENNETT: I understand. I will
17 move that under the circumstances one would
18 reasonably expect that the mail would arrive
19 within five days. So maybe we could waive
20 this -- waive the penalty this time.

21 BRENNNA MCDONALD: I would greatly
22 appreciate that.

23 CHAIRMAN BENNETT: But based on your
24 history of -- oops history of violations, we'll
25 have to look at things in the future very

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1 carefully.

2 BRENNA MCDONALD: I will as well.

3 CHAIRMAN BENNETT: That's my motion.

4 MEMBER WILSON OVERHOLT: I will second
5 that.

6 MS. CELESTINO-HORSEMAN: And I would add
7 that I never trust the mail. If I had something
8 that had to be somewhere at a certain time, I
9 make sure it gets there. So the staff said you
10 can fax it, you can file it online.

11 BRENNA MCDONALD: Really?

12 MS. CELESTINO-HORSEMAN: You don't have to
13 rely on mail.

14 BRENNA MCDONALD: So who should I call to
15 find out more about that?

16 MEMBER NUSSMEYER: Michelle or Abby Taylor.

17 BRENNA MCDONALD: So I'll just call the
18 office?

19 MS. TAYLOR: Yeah.

20 BRENNA MCDONALD: Great, that would be
21 wonderful.

22 CHAIRMAN BENNETT: We have a motion and a
23 second. All in favor of the motion to waive the
24 fine say aye.

25 MEMBER KLUTZ: Aye.

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1 MEMBER WILSON OVERHOLT: Aye.

2 MS. CELESTINO-HORSEMAN: Aye.

3 CHAIRMAN BENNETT: All opposed say nay.

4 Motion carried. You're free to go.

5 BRENNA MCDONALD: Thank you very much.

6 CHAIRMAN BENNETT: Okay. Lady in the white
7 sweater in the front row.

8 WITNESS: I'm just here to support friends.

9 CHAIRMAN BENNETT: Oh, very good. Okay.

10 Moving across the room here. Ma'am, do you wish

11 --

12 WITNESS: I'm just a Republican.

13 CHAIRMAN BENNETT: Okay. Who --

14 RICK GILL: Rick Gill, R-I-C-K, G-I-L-L,
15 cause number is 2016-6546-75.

16 MS. THOMPSON: Here it is. Mr. Chairman
17 and members of the commission, page 8. Rick
18 Gill for State Representative, cause number
19 2016-6546-75, has never been before the
20 commission before, has a civil penalty of
21 1,000.47 cents.

22 MEMBER KLUTZ: What does the --

23 MS. THOMPSON: 2015 annual, he had -- at
24 the last meeting asked for a motion to -- a
25 motion to reconsider. So this was being brought

1 back before the commission.

2 CHAIRMAN BENNETT: So we already listened
3 to this once?

4 MS. THOMPSON: He was already proposed the
5 full fine. Apparently, he wasn't at the last
6 meeting and we're bringing it back and he's
7 asked for a motion to reconsider this fine for
8 the 2015 annual report.

9 CHAIRMAN BENNETT: The commission has
10 already decided to impose 100 percent of the
11 fine?

12 MS. THOMPSON: Correct.

13 CHAIRMAN BENNETT: This is today's motion?
14 To reconsider?

15 MS. THOMPSON: Yes.

16 CHAIRMAN BENNETT: All right. What's the
17 basis for your motion to reconsider?

18 RICK GILL: Yeah, the last time I was not
19 able to get here, my daughter had a stroke and
20 was in the hospital. And so I wasn't able to
21 get here then. So I had to re -- down for
22 today. And I would just ask to have the fine
23 reconsidered. I did -- it was late. It was my
24 fault. It was not -- my daughter has since had
25 blood clots in her lungs two weeks ago. She's

1 living with us, and a \$1,000.00 fine would put
2 us in hardship.

3 MEMBER KLUTZ: What type of notice did the
4 provide the commission?

5 RICK GILL: I called.

6 MEMBER KLUTZ: Before the hearing?

7 RICK GILL: The day of the hearing. There
8 was a lot going on and it just --

9 MS. CELESTINO-HORSEMAN: I have a question.
10 If he had shown up here for the hearing, since
11 he had no prior would he have qualified for the
12 25 percent?

13 CHAIRMAN BENNETT: Yes, if it was the first
14 offense.

15 MS. CELESTINO-HORSEMAN: And you say you
16 were unable to be here because your daughter --
17 she had a stroke that day?

18 RICK GILL: She was in the hospital, and we
19 were dealing with her. She had it two days
20 before.

21 MS. CELESTINO-HORSEMAN: Okay. I will move
22 his fine be reduced to 25 percent. Would that
23 be --

24 RICK GILL: That would still put us -- it's
25 her and she has two daughters that we're taking

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1 care of.

2 MS. CELESTINO-HORSEMAN: So you're saying
3 that you have no money personally to pay for
4 this if you do get a fine?

5 RICK GILL: I could come up with it, yes.

6 MEMBER KLUTZ: There's a motion on the
7 table, I'll second that motion.

8 CHAIRMAN BENNETT: We have a motion and a
9 second. What would -- any further discussion?

10 All in favor of the motion say aye.

11 MEMBER KLUTZ: Aye.

12 MEMBER WILSON OVERHOLT: Aye.

13 MS. CELESTINO-HORSEMAN: Aye.

14 CHAIRMAN BENNETT: All opposed say nay?

15 Motion carries. 25 percent.

16 RICK GILL: What would that be? \$250.00?

17 MS. CELESTINO-HORSEMAN: Yes.

18 RICK GILL: Thank you.

19 CHAIRMAN BENNETT: Thank you.

20 LESLIE BARNS: Thank you, Mr. Chairman and
21 members of the commission. My name is Leslie
22 Barns --

23 MS. CELESTINO-HORSEMAN: Oh, one moment.
24 Before we begin, by way of disclosure, Ms. Barns
25 and I are co-counsel currently on an employment

1 case, and we've been co-counsel before on a
2 couple of other cases, none of which have been
3 involved in election. And I wanted to disclose
4 that.

5 CHAIRMAN BENNETT: I appreciate the
6 disclosure.

7 You may proceed.

8 LESLIE BARNS: Thank you. I'm here
9 representing --

10 CHAIRMAN BENNETT: Do you have a cause
11 number?

12 LESLIE BARNS: I do not believe -- is there
13 a cause number?

14 MS. THOMPSON: Yep.

15 LESLIE BARNS: Oh, thank you. Can you --

16 MS. THOMPSON: Mr. Chairman, this is your
17 blue tab again. It's with the Indiana
18 Association of Nurse and Anesthetics PAC, Inc.,
19 cause number 2017-150, contributing to Indiana
20 house and Indiana state candidates in the amount
21 of \$2,550.00 in the year 2015.

22 This commission -- corporation has never
23 been before the commission before, and also this
24 corporation self-reported the excess
25 corporations to us -- excuse me, contributions

1 to us.

2 CHAIRMAN BENNETT: What was the amount been
3 re-paid?

4 MS. THOMPSON: Has the amount been repaid?

5 LESLIE BARNES: Mr. Chairman, the --

6 CHAIRMAN BENNETT: Okay. We'll hear from
7 the witness.

8 LESLIE BARNES: Thank you. You all should
9 have a letter of my appearance representing the
10 corporation. They were in 2014, formed under
11 Indiana Law 23-1-729, which applies to
12 corporations. Short of PAC being in their name,
13 the IANA PAC, Inc., they've acted as a entirely
14 as a corporation for their entire existence,
15 they filed business entity reports with the
16 Secretary of State. They've held board
17 meetings, they appointed officers, they've
18 raised funds, they've attended national and
19 state conferences, they've engaged in issue
20 advocacy, they've made contributions to
21 candidates, and then they've also monitored
22 legislation and policies. In mid-2016, middle
23 of last year, my client and then their sister
24 organization the IANA, the Indiana Association
25 of Nurse Anesthetists, which is a professional

1 association, those two groups, they hired the
2 courting group as a professional manager, and it
3 was at that time in the middle of 2016 that they
4 discovered they had engaged in excessive
5 corporate contributions. So in the middle of
6 2016, the one contribution in 2016, which put
7 them over the limit, they did refund. And so if
8 you look beyond the letter that we sent
9 self-reporting, you'll see a list of the
10 corporate contributions that they made in 2015
11 and 2016 that exceeded the corporate -- you'll
12 see all the contributions they made as well as
13 on the right-hand column, the amount that's over
14 the corporate contribution limits for state
15 senate and state representatives. So when they
16 caught this in mid-2016, they had just given a
17 donation to representative, Dave Prazel, and
18 they did ask to receive that back.

19 So in 2016 they did not have any excessive
20 corporate contributions, so the only excessive
21 contributions they had were in the two-year
22 period was 2015. We did self-report to the
23 Indiana Election Commission. We -- they have
24 taken steps to engage both legal counsel and
25 professional management counsels. They would

1 like to dissolve this corporation, but not
2 before resolving this issue. And they have
3 opened a new PAC -- well, they have opened a PAC
4 under a new name and they did that in March. I
5 don't know if -- so their hope is to get this
6 resolved, dissolve -- you know, pay the fine,
7 dissolve the corporation and then begin
8 operating as a Political Action Committee, and
9 so I have exhibits for the commission members.
10 They have opened a PAC called Indiana CRME Dream
11 PAC, these anesthetists. And -- let's see, so
12 so we are -- let's see, I believe -- do you have
13 in your pack the certificate of incorporation,
14 and a copy of the business entity reports, if
15 you need those.

16 MS. THOMPSON: Mr. Chairman, the paperclip
17 with all the paperwork behind it.

18 LESLIE BARNES: And then one item that you
19 may not have is a document from the Secretary of
20 State's website, if I may approach, showing that
21 they have been filing our business entity
22 reports. They did not file one last year.
23 They're hoping to resolve this, and then
24 dissolve the corporation.

25 So if you look at the definition -- so the

1 issue before you is, are they a PAC or are they
2 a corporation. We contend they're a
3 corporation. They've acted like a corporation.
4 They've been organized as a corporation. And so
5 short of their name being IANA PAC, Inc.,
6 they've acted in all regards under the Indiana
7 state and federal laws as a corporation.
8 They've paid federal and state income taxes.
9 They file their tax returns.

10 And so if you look at the definition of a
11 PAC under 352-37, there is a subsection B, which
12 says, "A corporation or labor organization that
13 makes a contribution in accordance with Indiana
14 Law, or makes an expenditure is not considered a
15 PAC."

16 So we're asking you to treat the entity as
17 a corporation and to waive or reduce the
18 penalty. This is their first time before you.
19 They did not return the excess -- or ask for the
20 return of excessive contribution in 2015 due to
21 the delay in time, these candidates have spent
22 that money. But as soon as they realized it,
23 they asked for, sought and received a return of
24 contribution from Representative Razel.

25 MEMBER KLUTZ: What is this corporation's

1 business enterprise? What do they do?

2 LESLIE BARNS: Certainly. So they raise
3 funds, they engage issue advocacy, they lobby,
4 they attend conferences, member -- member
5 education, community education, issue advocacy.
6 They are not -- they do not produce or
7 manufacture goods. It is a service
8 organization.

9 CHAIRMAN BENNETT: Where do the revenues
10 come from?

11 LESLIE BARNS: They raise funds. They
12 solicit donations. They do not come from dues,
13 they come from outside.

14 MEMBER WILSON OVERHOLT: So what code are
15 they categorized under?

16 LESLIE BARNS: That, I do not know.

17 MEMBER WILSON OVERHOLT: Because that would
18 kind of a -- I mean, you said they file tax
19 returns. So they have to declare some sort of
20 purpose status on that, so I'm just curious from
21 what you've said. If they're -- I mean, are
22 they 501(c)(4)? Are they --

23 LESLIE BARNS: No, no, they're not --
24 they're not non-profit. They're a support
25 profit corporation organized under --

1 MEMBER KLUTZ: How does the -- I'm sorry.

2 MEMBER WILSON OVERHOLT: No, go ahead.

3 MEMBER KLUTZ: What is the significance for
4 purposes of this fine as to whether it's a
5 corporation or a PAC?

6 LESLIE BARNS: If they were treated as a
7 PAC, then they've never opened and filed their
8 statement of organization. They've never filed
9 the 2015 and 2016 annual reports.

10 MEMBER KLUTZ: But the fine derives from
11 the excess contribution, correct?

12 LESLIE BARNS: If they're a corporation,
13 which we --

14 MS. CELESTINO-HORSEMAN: So then does that
15 mean that --

16 LESLIE BARNS: They owe a fine either way.

17 MS. CELESTINO-HORSEMAN: So is that like on
18 the last time, the last one we just had? The
19 prior -- and you've -- and you waive it?

20 MEMBER KLUTZ: Not only that, but I don't
21 think there's any allegation being waived -- or
22 alleged that you haven't properly filed
23 documents for purposes of a PAC.

24 LESLIE BARNS: No, no, there isn't.

25 MEMBER KLUTZ: So I --

1 MS. CELESTINO-HORSEMAN: I agree. I move
2 we waive the fee.

3 MEMBER KLUTZ: I'll second it.

4 CHAIRMAN BENNETT: All right. We have a
5 motion and a second. Any further discussion?

6 MEMBER KLUTZ: I second it because
7 you've -- this entity, whether it's a
8 corporation, you say it's a corporation, I
9 disagree based on how it operates. But it's
10 never been before the corporation, it
11 self-reported. It sounds like it's taken steps
12 to avoid this situation as soon as this is
13 resolved they're going to dissolve the
14 corporation. So that's why I support the
15 motion.

16 CHAIRMAN BENNETT: The only difference is
17 they haven't returned the funds.

18 MEMBER KLUTZ: I thought the excess
19 contribution have been returned?

20 LESLIE BARNES: They --

21 CHAIRMAN BENNETT: Well --

22 LESLIE BARNES: -- returned the funds in
23 2016, that put them over the limit. They have
24 not attempted to seek the return of
25 contributions that they made in 2015.

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1 MEMBER KLUTZ: And how much was that?

2 LESLIE BARNES: That is the --

3 MEMBER WILSON OVERHOLT: \$2,500.00?

4 LESLIE BARNES: \$2,550.00.

5 MS. CELESTINO-HORSEMAN: (Inaudible.)

6 COURT REPORTER: I'm sorry, ma'am. Could
7 you say that again?

8 CHAIRMAN BENNETT: She said they didn't get
9 it back because the candidates had already spent
10 it.

11 MEMBER KLUTZ: You just -- you're here
12 because of a self-reporting, though?

13 LESLIE BARNES: Yes. Hoping to resolve
14 this.

15 CHAIRMAN BENNETT: Does anybody want to
16 amend the motion or should we continue?

17 Okay. So all in favor say aye.

18 MEMBER KLUTZ: Aye.

19 MEMBER WILSON OVERHOLT: Aye.

20 CHAIRMAN BENNETT: Aye.

21 MS. CELESTINO-HORSEMAN: Aye.

22 CHAIRMAN BENNETT: All opposed say nay.

23 Motion carried.

24 LESLIE BARNES: Thank you very much.

25 CHAIRMAN BENNETT: Okay. Next.

1 CORRINE YOUNGS: Good afternoon. My name
2 is Corrine Youngs, that's C-O-R-R-I-N-E,
3 Y-O-U-N-G-S. I filed an appearance on behalf of
4 my client, the Ninth District Republican
5 committee, cause number 2017-3434-88.

6 MS. THOMPSON: There's also another one.
7 Do you know the other cause number?

8 CORRINE YOUNGS: Oh, okay. 3434-96.

9 MS. THOMPSON: 96? Okay.

10 CORRINE YOUNGS: Yes.

11 MS. THOMPSON: So the first one is cause
12 number 2017-3434-88, and 2017-3434-96. Both of
13 these have a proposed civil penalty of \$1,000.00
14 and this one has been before the board several
15 times as well. One, two, three, four -- at
16 least four times.

17 CHAIRMAN BENNETT: For both?

18 MS. THOMPSON: Yeah.

19 CHAIRMAN BENNETT: There's two of them.

20 MEMBER KLUTZ: For clarification we're on
21 page 52 of --

22 MS. TAYLOR: 57.

23 MS. THOMPSON: 57.

24 CHAIRMAN BENNETT: And what is this fine
25 being assessed for? What was the allegation?

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1 MS. THOMPSON: The first one was for an
2 annual report of 2016 annual, and the second one
3 was for the --

4 MS. TAYLOR: 2016 pre-elect.

5 MEMBER KLUTZ: Because they were late?

6 MEMBER WILSON OVERHOLT: One wasn't even
7 filed.

8 MS. THOMPSON: One says not filed, but
9 since we've ran this, they have filed those
10 reports.

11 MS. TAYLOR: Wednesday.

12 MEMBER WILSON OVERHOLT: Wednesday of this
13 week?

14 MS. THOMPSON: Yes.

15 CORRINE YOUNGS: Once we learned of the
16 violation we filed the report. In good faith,
17 we didn't know that it wasn't filed. So --

18 CHAIRMAN BENNETT: Go ahead and tell us
19 what you --

20 CORRINE YOUNGS: Okay. So today I
21 represent Matt Owen, and that's M-A-T-T,
22 O-W-E-N. And he was the interim treasurer of
23 this committee. In 2015 their elected treasurer
24 unexpectedly passed away. And Matt was
25 appointed. And he is no longer the treasurer at

1 this time, since they've elected a new
2 treasurer. At the beginning of his appointment
3 as interim treasurer someone else filed the
4 report, he did not file it. And also, this week
5 we filed the the pre-election report, discovered
6 that Matt did not know that he could file
7 online, informed him to file it via email, and
8 so it has been filed.

9 These failures to file reports are
10 completely an oversight, and so we're doing our
11 best to remedy the situations moving forward.
12 If you'll see that both of those reports that
13 were filed, there's no activity reports. There
14 were no expenditures or contributions made last
15 year, and so -- so the committee is not trying
16 to hide anything whatsoever, these are just
17 mistakes as that committee was transitioning
18 members.

19 So we respectfully request that you waive
20 the penalty.

21 CHAIRMAN BENNETT: Were you associated with
22 this organization for the four other violations?

23 CORRINE YOUNGS: No. I was -- I have just
24 been retained for this -- for these incidents.
25 I don't regularly --

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1 CHAIRMAN BENNETT: And Matt was not with
2 the organization?

3 MATT OWEN: No, sir. I was appointed as
4 the interim between the time of Mr. Flitz's
5 passing, and then the elections for officers
6 this past spring. I didn't serve the district
7 in any capacity prior to that. I was just a
8 matter of convenience. I think my being the
9 interim. In my oversight on the pre-election
10 report, and the annual report was filed prior to
11 your notice, however, it was late again, because
12 I didn't realize we could file those online.
13 That was filed in March -- or the same month
14 that it was due, just got it up here late.

15 CORRINE YOUNGS: This committee is from
16 Jeffersonville, Indiana, which is way down
17 south. So if you -- so filing online is more
18 convenient than driving all the way to
19 Indianapolis.

20 MS. CELESTINO-HORSEMAN: Yes. I have a
21 question for the staff. On the other times that
22 they've appeared in front of the board it says
23 there's no settlement agreement, does that mean
24 that it's been waived all other times as well?

25 MS. TAYLOR: The settlement agreement is

1 when the committee agrees to pay the proposed
2 civil penalty in full and waive the hearing. So
3 that's only -- that doesn't -- isn't the same as
4 the time before the board. They're not the
5 same. Come before the board, you're asking for
6 a waiver or a reduction or the full fine. The
7 settlement agreement is you just accept it and
8 pay it.

9 MS. CELESTINO-HORSEMAN: Oh, okay. So that
10 means that they came before the board the other
11 times?

12 MS. TAYLOR: Yes.

13 MEMBER KLUTZ: Do we know historically
14 what -- whether there has been prior reductions?

15 MS. TAYLOR: I have no idea.

16 CORRINE YOUNGS: Can we ask what those
17 prior instances were? I think this was prior to
18 this.

19 MATT OWEN: Or the date of the incidents.

20 CORRINE YOUNGS: I don't think that current
21 members of this committee are aware of those
22 violations.

23 MEMBER KLUTZ: It appears to be, perhaps
24 2003, 2015 and three in 2016.

25 CORRINE YOUNGS: Okay.

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1 MS. TAYLOR: That's as far back as we can
2 go.

3 CHAIRMAN BENNETT: Anything else that you
4 would like to present?

5 CORRINE YOUNGS: No.

6 CHAIRMAN BENNETT: Any motion?

7 MEMBER KLUTZ: I'll just say that, you
8 know, you accepted true appointments when you
9 walk into an organization that has problems, you
10 inherit those problems. And we show compassion
11 when it's the first or second time, but this
12 is -- these are multiple times. I do recognize
13 the difficulty of interim positions and catching
14 yourself up to speed and kind of trying to hold
15 the office for an amount of time. But I'm
16 certainly not supportive of waiving all these
17 fines. And I'm not supportive of waiving or
18 providing much of a reduction so that your
19 organization will understand that there are laws
20 on when to file, and how to file, and where to
21 file. Again, I do understand the difficulty of
22 interim. I do understand that it sounds like
23 with respect to one of them you did file before
24 you were noticed, but at the same time this
25 organization has a history of problems. So I

1 guess my motion, I'd be happy to hear
2 discussion, is that the fines be reduced only by
3 25 percent in respect to both fines.

4 CHAIRMAN BENNETT: So your motion would be
5 75 and 75 percent of the fines?

6 MEMBER KLUTZ: Correct.

7 CHAIRMAN BENNETT: Is there a second?

8 MS. CELESTINO-HORSEMAN: I have a question.
9 May I ask a question?

10 CHAIRMAN BENNETT: We have a motion, we
11 need a second before we have discussion.

12 MS. CELESTINO-HORSEMAN: Okay. I'll second
13 it.

14 CHAIRMAN BENNETT: We have a motion and a
15 second.

16 Any discussion?

17 MS. CELESTINO-HORSEMAN: So your -- I mean,
18 your organization, does it -- I'm just curious,
19 does it have money? You said you didn't spend
20 anything.

21 MATT OWEN: No, ma'am. If you see our
22 report, we have approximately \$3,500.00,
23 \$3,541.20.

24 CORRINE YOUNGS: \$3,541.27.

25 MATT OWEN: That has been constant since

1 beginning interim treasurer. We typically don't
2 raise and spend money. We perform mostly as a
3 organizational entity for the structure of a
4 party.

5 CHAIRMAN BENNETT: Any further discussion?

6 We have a motion and a second, all in favor
7 of the motion, say aye.

8 MEMBER KLUTZ: Aye.

9 MS. CELESTINO-HORSEMAN: Aye.

10 MEMBER WILSON OVERHOLT: Aye.

11 CHAIRMAN BENNETT: All opposed say nay.

12 Motion carries. The fine is reduced by
13 25 percent.

14 MATT OWEN: Thank you very much.

15 VICKY SORENSEN: Vicky, V-I-C-K-Y,
16 Sorensen, S-O-R-E-N-S-E-N. And the cause number
17 is 2017-6060-105.

18 MS. TAYLOR: It's on page 62. It's
19 Democratic Womens Politcal Action Committee,
20 cause number 2017-6060-105, this is the
21 committee's fourth time before the commission,
22 with a proposed civil penalty of \$1,000.47.

23 CHAIRMAN BENNETT: Yes, ma'am. Your
24 presentation.

25 VICKY SORENSEN: Okay. I became the new

1 treasurer in 2016. And the former treasurer had
2 left town, and when she returned, she sat down
3 with me, I think it was in -- the 1st of April.
4 We did a filing of the report that was due, and
5 I take responsibility, I didn't ask anymore
6 questions. I put everything aside. I didn't
7 know I was supposed to file another one in
8 October. I didn't have a key to the P.O. box
9 for the political action committee. Some -- I
10 don't live in Bloomington, and so one of the
11 members said that she would check the mailbox,
12 so I was trusting that she was checking the
13 mailbox. And then toward the end of the year
14 she said, "Oh, I'll just give you the key back."
15 So I went to the mailbox and I saw all this
16 documents in there, realizing mail had been sent
17 since March, and I immediately called up here.
18 And I left a message on 12/27, 12/28, 12/29, 1/3
19 and then I spoke to Michelle on 1/4 on what had
20 happened. I said, "I'm not for sure what I'm
21 supposed to do." I felt like it was my
22 responsibility, not the Democratic Womens
23 Political Action Committee, and so I'm taking
24 full responsibility for filing the report late.
25 I immediately filed the report with -- along

1 with the one that was due at the end of the
2 year. I've also gone now to the election
3 division in Monroe County to confirm when I'm
4 supposed to file the next report. I go every
5 week into Bloomington to check the mailbox, so I
6 don't ever miss anything again. So I just come
7 to you with the honest truth of I just didn't
8 know I was supposed to be filing that report.

9 CHAIRMAN BENNETT: Any questions?

10 MS. CELESTINO-HORSEMAN: So how -- so which
11 reports, exactly, did file late or --

12 MS. TAYLOR: This is the 2016 pre-elect
13 report.

14 MS. CELESTINO-HORSEMAN: So that would have
15 been due in --

16 MS. TAYLOR: It was due October --

17 VICKY SORENSEN: 21st.

18 MS. TAYLOR: 21st.

19 VICKY SORENSEN: And I didn't file it until
20 January because I didn't get information --

21 MS. CELESTINO-HORSEMAN: And then year end
22 was due when?

23 MS. TAYLOR: January 18th.

24 VICKY SORENSEN: And that was filed --

25 MS. CELESTINO-HORSEMAN: That was filed on

1 time, right?

2 VICKY SORENSEN: That was filed on time.

3 MS. CELESTINO-HORSEMAN: Okay. And so the
4 only other problems were back in 2012?

5 MS. TAYLOR: Yes.

6 MS. CELESTINO-HORSEMAN: And things went
7 fine '13, '14, '15, and then we had the change.

8 MEMBER WILSON OVERHOLT: What -- do you
9 have -- is there money, actually, in the
10 account?

11 VICKY SORENSEN: Yes. And I have
12 everything up to date. I provide a financial
13 statement to the committee each month. We --
14 we've take in fund raisers on dues on
15 sportsmanships. I have a list of expenditures.
16 So I keep everything up to date to the penny.

17 MEMBER WILSON OVERHOLT: What's the
18 approximate balance in the --

19 VICKY SORENSEN: I believe about
20 \$10,000.00.

21 CHAIRMAN BENNETT: I think a lot of the
22 same principles apply to this case as the last
23 one we just heard --

24 MEMBER WILSON OVERHOLT: Right.

25 CHAIRMAN BENNETT: -- in terms of new

1 people coming in the organization with a history
2 problems. These laws -- or rules are put in
3 place for a reason and we have to enforce them.

4 VICKY SORENSEN: Sure.

5 CHAIRMAN BENNETT: Recognizing some
6 leniency, I suppose, for your situation. I
7 would propose the 75 percent penalty knocking
8 off 25 percent. Is there another motion?

9 MEMBER KLUTZ: Second.

10 CHAIRMAN BENNETT: There has been a motion
11 and second.

12 Any further discussion?

13 All in favor say aye.

14 MEMBER KLUTZ: Aye.

15 MS. CELESTINO-HORSEMAN: Aye.

16 MEMBER WILSON OVERHOLT: Aye.

17 CHAIRMAN BENNETT: All opposed say nay.

18 VICKY SORENSEN: Thank you.

19 CHAIRMAN BENNETT: 75 percent of the fine.
20 Thank you.

21 MICHAEL SCOTT: My name is Michael Scott,
22 S-C-O-T-T. Number 2017-6357-40. And there's
23 also another one that I believe that --

24 MS. THOMPSON: Mr. Chairman, one of them is
25 on page 28. We're checking on the other one.

1 And one on page 6 -- 7.

2 MEMBER WILSON OVERHOLT: Did you say 67?

3 MS. THOMPSON: Page 7.

4 We've got Committee to Elect Michael S.
5 Scott, 2016-6357-67 and cause number
6 2017-6357-40. There's a proposed settlement
7 penalty, this first one is for the 2015 annual,
8 has been before the commission two other times,
9 has a civil penalty of \$1,000.49 on the first
10 one. And the second one has been before the
11 board two other times, and has a civil penalty
12 of \$300.47.

13 CHAIRMAN BENNETT: Yes, sir. What can you
14 tell us about this?

15 MICHAEL SCOTT: My treasurer got into some
16 health issues with her mother and wasn't able to
17 take care of -- and my wife and daughter was
18 trying to help me out. But I'm just asking for
19 mercy. Help me out any way you can. I
20 understand I'm responsible for it. I understand
21 the laws and reasons, and I accept the
22 responsibility. I'm just asking for any help I
23 can get.

24 CHAIRMAN BENNETT: You said your wife and
25 daughter are treasurer; is that right?

1 MICHAEL SCOTT: The treasurer was a friend
2 of the family, and she lived in North
3 California. Her mother lives here, she was from
4 here and a close friend of the family. She was
5 helping me out and her mother became ill,
6 which -- hospice care, so she was not able to
7 help us out. And what had happened was, I think
8 it was in '14, we had to amend the -- do an
9 amendment which she did, and when she did that
10 amendment she actually put the wrong numbers in.
11 In other words, she took, I think it was
12 \$2,500.00 out. But what she entered in the
13 right place, she entered \$5,000.00. So that
14 messed our numbers up, and my wife and daughter
15 at the time was not able to find that. And it
16 was not until I was able to set down with them
17 and figured out the mistake, and then it was
18 either my wife or daughter called and asked how
19 we correct that.

20 We got it corrected and filed and then --
21 right now the account is at 0.00. I was under
22 the understanding that you couldn't close an
23 account out as long as this was pending, but
24 that previous case, he did close it out and it
25 was pending, so I'm not for sure if I'll

1 continue or not. But I just need to get this
2 taken care of and asking for whatever help I
3 can.

4 CHAIRMAN BENNETT: So I'm trying to
5 understand the settlement agreement. I don't
6 see any previous settlement, and it says here
7 previous times before the board, but I see a
8 list of four different delinquent reports.

9 MS. TAYLOR: We have to just chalk this up
10 to computer bugs that we didn't notice. The
11 blank spaces under "time before the board," the
12 list is at the bottom beneath that box of the
13 proposed fine, there's a list of --

14 CHAIRMAN BENNETT: I see that.

15 MS. TAYLOR: -- prior delinquencies.

16 CHAIRMAN BENNETT: So that's what we should
17 rely on then?

18 MS. TAYLOR: Yes.

19 CHAIRMAN BENNETT: There has been a fifth,
20 this would be the fifth?

21 MS. TAYLOR: This is the third and fourth.

22 MICHAEL SCOTT: And I did pay the
23 25 percent, and then I paid the 50 percent. So
24 I knew this --

25 CHAIRMAN BENNETT: I move we bump it up to

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1 50 -- 75 percent.

2 MEMBER KLUTZ: Second. We have a motion
3 and a second.

4 Any discussion?

5 MEMBER WILSON OVERHOLT: I guess -- I guess
6 I'll second for the purposes of discussion --

7 CHAIRMAN BENNETT: I moved, and he
8 seconded.

9 MEMBER WILSON OVERHOLT: Okay. I guess
10 just for discussion purposes I'm going to -- I
11 think as someone who has run for office a few
12 times, and I think it is important that everyone
13 who is -- I think we've, you know, talked to
14 political action committees who aren't actually
15 running for office, and obviously there are
16 rules they need to follow. And I just have to
17 say I'm a little more sympathetic to the folks
18 like that. Once you're running for office, once
19 you're an elected official, you really need to
20 be. Because part of running for office is
21 you're agreeing that you're going to be
22 responsible for upholding these laws and
23 actually offering laws, and so I do -- I always
24 find it quite troubling when candidates and
25 their committees come in and start talking

1 about, "Well, my treasurer had an issue," or,
2 "My family members had an issue." Because you
3 are the person running for office, and you're
4 responsible for making sure everyone working on
5 your committee understands the rules and is
6 playing by the rules and if they aren't, you
7 need to follow-up and make sure everything gets
8 done.

9 That is just my comment on this. And so
10 I -- I don't actually view this as being on par
11 with the others that we've been looking at
12 today. But I know there's a motion out there.
13 I think this is one where I would -- these types
14 of situations, I would be inclined, especially
15 because he's already paid the penalties and the
16 fines, and that hasn't changed behavior. I'm
17 inclined to impose the full amount.

18 MICHAEL SCOTT: Could I ask that the 2016
19 one, had I had the numbers correct, I would have
20 paid the 75 percent on that one, and paid the
21 100 percent on the 2017. So really --

22 MEMBER KLUTZ: We have a motion pending.
23 And you got to see where the road is going.

24 MICHAEL SCOTT: Sure, I --

25 MEMBER KLUTZ: First one is 25 percent, and

1 you would have got 50 percent -- proposing 75, I
2 don't know if it's going to pass --

3 MICHAEL SCOTT: Sure.

4 MEMBER KLUTZ: If it does pass, you need to
5 see what your next time around here is going to
6 look like.

7 MICHAEL SCOTT: Sure.

8 MEMBER KLUTZ: Okay.

9 CHAIRMAN BENNETT: Any further discussion?
10 All in favor of the motion say aye.

11 MEMBER KLUTZ: Aye.

12 MEMBER WILSON OVERHOLT: Aye.

13 MS. CELESTINO-HORSEMAN: Aye.

14 CHAIRMAN BENNETT: All opposed say nay.

15 Motion carried at 75 percent.

16 And if you run for office, keep this --
17 please take the comments here today to heart.

18 MICHAEL SCOTT: I will. Thank you.

19 ROY SAENZ: Roy Saenz, S-A-E-N-Z, cause
20 number 2017-6630-51.

21 MS. THOMPSON: Mr. Chairman, it's on page
22 34. Committee to Elect Roy Saenz, cause number
23 2017-6620-51, has never been before the
24 commission before, has a civil penalty of
25 1,000.47 and he did get the report filed

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1 yesterday.

2 CHAIRMAN BENNETT: Okay. Would you like to
3 present any evidence or testimony?

4 ROY SAENZ: Yes, Mr. Chairman. On my
5 pre-primary, I also indicated that I had a
6 change of treasurer because of a work conflict.
7 So my treasurer then in January moved, I assumed
8 that she had been taking care of all of the
9 paperwork, when I went over that and walked her
10 through that back in April. Then during that
11 moving process, it's apparent she did not file.
12 Then she was sent the notice of this hearing on
13 July 13, and it finally reached her because of
14 the change of address, August 4th. I was out of
15 town and did not get notice until August 9th. I
16 immediately started contacting her and following
17 up with her to confirm the accuracy of the
18 information in the account.

19 So the account currently has a balance of
20 \$14.15 in it. The intent is to dissolve this
21 committee as soon as possible upon conclusion
22 and remedy of the results of this hearing.

23 So I would ask that the committee either
24 waive the fine or assess a fine no more than
25 \$14.15 to allow for a 0.00 balance of the

1 account so we can dissolve this committee within
2 the next 30 days.

3 CHAIRMAN BENNETT: My thought is this may
4 be a situation where we put this on the next
5 agenda and see if the committee is dissolved.

6 MEMBER KLUTZ: I think that's what we've
7 done in the past.

8 MS. CELESTINO-HORSEMAN: Do you understand
9 what he's saying?

10 ROY SAENZ: This is my first time here. So
11 I'm trying to take it all in.

12 CHAIRMAN BENNETT: What has been said, and
13 the key here is to see that that committee is
14 dissolved.

15 ROY SAENZ: Okay.

16 CHAIRMAN BENNETT: And before we reach a
17 verdict on this issue, we'd like to see the
18 committee dissolved. So my motion is to give
19 you 30 days to dissolve the committee and we'll
20 take this up at our next meeting, if the
21 committee is dissolved then the case will be
22 closed.

23 MEMBER WILSON OVERHOLT: And you can talk
24 to staff if you have questions about how to do
25 that.

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1 CHAIRMAN BENNETT: We have a motion. Is
2 there a second?

3 MS. CELESTINO-HORSEMAN: Second.

4 CHAIRMAN BENNETT: All in favor say aye.

5 MS. CELESTINO-HORSEMAN: Aye.

6 MEMBER KLUTZ: Aye.

7 MEMBER WILSON OVERHOLT: Aye.

8 CHAIRMAN BENNETT: All opposed say nay.

9 Motion carries. We would ask that you get
10 your committee dissolved in 30 days and we'll
11 look at this at our next meeting when we address
12 the issues then.

13 ROY SAENZ: Excellent. Thank you.

14 MS. CELESTINO-HORSEMAN: Do you need to
15 return that?

16 ROY SAENZ: Yes, ma'am.

17 AUREA TORRES: Good afternoon. Again, my
18 A-U-R-E-A, T-O-R-R-E-S. Do you need my cause
19 numbers again?

20 COURT REPORTER: Yes.

21 AUREA TORRES: Cause numbers are
22 2017-6923-4, 2017-6923-148 and 2017-6923-117.

23 MS. THOMPSON: Mr. Chairman, that's on page
24 -- bottom of page 3, page 68, and 85. Cause
25 number 2017-6923-4, 2017-6923-117,

1 2017-6923-148.

2 CHAIRMAN BENNETT: Page 3, 68 and what was
3 the last one?

4 MS. THOMPSON: 85.

5 First one has a civil penalty of \$1,000.47.
6 This committee has not been before the
7 commission. All three of these are new on this
8 spreadsheet. And the committee is closed. The
9 second one is a \$200.47 proposed fine. And the
10 last one is \$200.47.

11 CHAIRMAN BENNETT: Okay. What evidence and
12 testimony would you like to present?

13 AUREA TORRES: Good afternoon. Thank you
14 for your time. I apologize for coming before
15 you too early, I didn't know what was going on.
16 But I decided to run for state office to put my
17 name on the ballot to give voters a choice
18 besides Democrat and Republican. It was my
19 first time and I didn't have a whole lot of
20 guidance. I did get the campaign manual, which
21 is, you know, easy reading, if you guys have
22 ever looked at that, I'm sure you have.

23 I, basically, am just here to say I thought
24 that I had filed this paperwork. I think these
25 fees are late fines, or maybe I missed the one

1 that is \$1,000.00, I'm not quite sure which, you
2 know, I think the \$200.00 were the late ones and
3 then maybe I never filed the one that's
4 \$1,000.00, or I don't know why they're different
5 amounts.

6 But basically I thought I was following the
7 calendar that I got that had, like, you know,
8 the dates on it. I think the State gave it to
9 me, or somebody that worked for the State gave
10 it to me. So I thought I was, you know, all on
11 the up and up and then I think I knew that I did
12 get one of my CFA forms in late. I think that
13 might be cause number 148. But other than that,
14 I wasn't expecting so many fines.

15 My entire campaign I think I raised under
16 \$500.00, which is more than I actually wanted to
17 raise. I wasn't really seeking donations or
18 taking donations. I just wanted an option for
19 liberty on the ballot. And so I'm here to plead
20 my case. Please reduce these as much as you see
21 fit.

22 CHAIRMAN BENNETT: Okay. Any discussions?
23 Motions?

24 MS. CELESTINO-HORSEMAN: So you just
25 decided to run and didn't go look at anything to

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1 see what was required or what you had to --

2 AUREA TORRES: Oh, no, that's not true.

3 No, I did look at things that were required. I
4 did -- I don't want to say I read the manual
5 thoroughly, I was more focusing on the calender
6 I received that had dates and which paperwork to
7 file. Our former party chair of our county had
8 moved to Florida, and he was kind of our guiding
9 light, if you will, that would have probably
10 helped me make sure that my paperwork was -- you
11 know, he probably would have been like, "Hey,
12 did you file this one," you know, and I probably
13 would have caught them sooner, so that's --

14 MEMBER WILSON OVERHOLT: From what I've
15 seen here, am I clear that you were filing to
16 fill a vacancy? So were you --

17 AUREA TORRES: That's what --

18 MEMBER WILSON OVERHOLT: -- so -- after the
19 primary -- is what --

20 AUREA TORRES: I'm not sure what that was.
21 Like that's what I'm saying, I don't fully
22 understand --

23 MEMBER WILSON OVERHOLT: I'm asking about
24 the process. Were you -- when you filed as a
25 candidate, were you filing filling a vacancy

1 after -- did you file after the primary
2 post-primary?

3 AUREA TORRES: Well, as a Libertarian
4 candidate we don't participate in running --

5 MEMBER WILSON OVERHOLT: Right.

6 AUREA TORRES: So I'm a little unclear
7 on --

8 MS. CELESTINO-HORSEMAN: So --

9 AUREA TORRES: I'm the abnormal case, I
10 guess.

11 MS. CELESTINO-HORSEMAN: So do you
12 understand that if you run for office and you
13 have to get this and you have to have --

14 AUREA TORRES: I do.

15 MS. CELESTINO-HORSEMAN: -- and you --

16 AUREA TORRES: I do understand. And I
17 understand -- yes, ma'am, and I understand the
18 importance of the process because you do want to
19 keep track of who's giving money to who. I get
20 that we need this process.

21 I just didn't feel like -- I don't feel
22 like the -- you know, the people that are doing
23 it for the first time don't always know what
24 they don't know. So yes, you should read the
25 manual thoroughly, two, three times if you need

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1 to. But I'm a single mom. I work a full-time
2 job. Like I said, this was more about pushing
3 the Liberty agenda versus the left, right, back
4 and forth system government that we have today.

5 CHAIRMAN BENNETT: I'm a little concerned
6 as you sit here today before this commission
7 that you're still not sure what you didn't do
8 correctly.

9 AUREA TORRES: Well, I know I didn't file
10 paperwork. I know I didn't file the CFA one
11 candidate statement of organization report
12 before July 12th. I know I did file that one,
13 because I remember the CFA one, I think it was
14 late. But that \$1,000.00, I think she said.
15 I'm not sure where the penalties are listed.
16 But I know I did file my CFA -- I filed all my
17 CFA forms. I filed the -- you know, the paper
18 to close the committee.

19 What I don't understand is the one that you
20 brought up, which was the pre-elect report. Oh,
21 no, the vacancy. I think that's the one. And I
22 think that's the one with the -- that's the only
23 one that I'm unclear of. Because I don't know
24 what vacancy there is if you're --

25 CHAIRMAN BENNETT: Have you talked to the

1 staff about it?

2 AUREA TORRES: I have talked to -- no,
3 because I just got this letter not too long ago
4 and I was going to see if I could get somebody
5 to come and represent me, but then when I
6 realized how much the fines were going to be, I
7 just better show up and answer for myself.

8 CHAIRMAN BENNETT: Okay. Any motion or any
9 discussions or motions?

10 MS. CELESTINO-HORSEMAN: Um --

11 AUREA TORRES: And I doubt that I will be
12 running for state office.

13 MEMBER WILSON OVERHOLT: My thought is she
14 closed -- you say the committee is closed?

15 AUREA TORRES: It is, yes.

16 MEMBER WILSON OVERHOLT: So she's already
17 closed the committee. And, I mean, I guess my
18 thought would be to, then, waive it based on the
19 fact that it's been closed.

20 MS. CELESTINO-HORSEMAN: And I'll second
21 that.

22 CHAIRMAN BENNETT: Any further discussion?

23 So the point being that if you close your
24 committee, you shouldn't have to pay anything?

25 MEMBER WILSON OVERHOLT: Well, I think

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1 based on the situation -- I mean, I know there's
2 reports here. But it's all for one election.
3 So she had one candidacy, she tried it, she
4 didn't meet the filing deadlines, so it's
5 closed. So I think --

6 CHAIRMAN BENNETT: It's kind of like
7 Mulligan?

8 MS. CELESTINO-HORSEMAN: Yeah.

9 MEMBER WILSON OVERHOLT: I just kind of
10 view it as being similar to the last one where
11 we said that if you close your committee and
12 come back, we'll talk to you then. She's
13 already closed the committee.

14 MEMBER KLUTZ: She also -- this is not one
15 of the major two parties, the first time
16 running, it's not a major party, and you don't
17 have the support of a major party.

18 MEMBER WILSON OVERHOLT: Yeah.

19 MEMBER KLUTZ: Those are factors.

20 MEMBER WILSON OVERHOLT: Yeah, and I'm not
21 sure the calendar -- it's been a little while
22 since I looked at the calendar, but I think when
23 you're filing as not one of the major parties
24 when you come in post-primary, it's -- there are
25 different deadlines that apply --

1 AUREA TORRES: Yes.

2 MEMBER WILSON OVERHOLT: -- that are not
3 necessarily set up as clearly on that calender.
4 Assuming you're part of one of the major two
5 parties and you're going to do a regular cycle
6 of the reporting.

7 CHAIRMAN BENNETT: All right. Well, we
8 have a motion and a second.

9 All in favor say aye.

10 MEMBER KLUTZ: Aye.

11 MS. CELESTINO-HORSEMAN: Aye.

12 MEMBER WILSON OVERHOLT: Aye.

13 CHAIRMAN BENNETT: All opposed say nay.

14 Ayes have it. Motion carried.

15 AUREA TORRES: Thank you very much. And if
16 I may, I just spoke with Carl directly on my way
17 here. He wanted to be here, I know that his --
18 he didn't give me a letter or anything to speak
19 for him, but he asked me to tell you that he
20 does plan on coming to your next meeting to
21 answer for his violations, if he has any.

22 CHAIRMAN BENNETT: Okay. Thank you.

23 DAN CRUZ: Quite a day. Dan Cruz, D-A-N,
24 C-R-U-Z, cause number 2017-6779-60.

25 MS. THOMPSON: Mr. Chairman, it's at the

1 bottom of page 38. This is cause number
2 2017-6779-60. Has not been before the
3 commission before, has a civil penalty of
4 \$1,000.47.

5 CHAIRMAN BENNETT: Yes, sir. What would
6 you like to present?

7 DAN CRUZ: Okay. So currently I have a
8 civil penalty for this? I really didn't know
9 that. I just --

10 CHAIRMAN BENNETT: The fine has been
11 imposed.

12 MS. THOMPSON: Proposed.

13 CHAIRMAN BENNETT: Proposed.

14 DAN CRUZ: Okay. Well then, what -- so it
15 takes a lot to put this out here like this. But
16 mostly this is the deal, my daughter suffered a
17 traumatic brain injury 9 months ago -- 10 months
18 ago, it was a mess back then. My wife was
19 abusing prescription pills, which I didn't even
20 know she was using, that was a mess back then,
21 still is a little bit. Getting better, along
22 multiple other issues that she's dealing with
23 that she brings to the table which has caused me
24 to not even really deal with this and get this
25 filed, okay? So currently, this isn't filed

1 yet. So I believe this needs to be filed and
2 then we'll have another penalty for filing late?

3 MS. THOMPSON: This is your penalty for
4 filing late.

5 DAN CRUZ: Okay.

6 MS. CELESTINO-HORSEMAN: I have a question
7 for the staff. So if we give him a penalty
8 today, does he still have to come back and file
9 the report? Or, I mean --

10 MS. THOMPSON: I mean, none of this was --

11 MEMBER KLUTZ: He'll have to file.

12 MS. CELESTINO-HORSEMAN: He'll have to
13 file? Is he subject, then, to a second penalty
14 if he doesn't file?

15 DAN CRUZ: Okay.

16 MS. CELESTINO-HORSEMAN: So we penalize him
17 today and he never ever files the report there's
18 nothing we can do?

19 MEMBER KLUTZ: Isn't it the maximum fine
20 we're allowed to, and then we would turn it over
21 to attorney general for closure --

22 MS. THOMPSON: Correct.

23 MEMBER KLUTZ: -- or collection.

24 MS. THOMPSON: Correct.

25 MS. CELESTINO-HORSEMAN: So now, did he

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1 have the opportunity to do the 25 percent?

2 MEMBER KLUTZ: Yeah, he was here.

3 MS. CELESTINO-HORSEMAN: He was here?

4 CHAIRMAN BENNETT: Yes.

5 MS. CELESTINO-HORSEMAN: Today? Okay. And
6 you didn't come forward to take a reduced
7 penalty?

8 DAN CRUZ: Well, my understanding reading
9 this is that we were going discuss whether or
10 not I was going to be assigned a penalty. So it
11 says that, "The hearing attorney is to determine
12 if you should be assessed a civil penalty."

13 MS. CELESTINO-HORSEMAN: Were you here at
14 the beginning on the meeting?

15 DAN CRUZ: Yes, I was.

16 MS. CELESTINO-HORSEMAN: Okay. So at the
17 beginning of the meeting, people could --

18 DAN CRUZ: Oh, I know.

19 MS. CELESTINO-HORSEMAN: Come forward and
20 take the 25 percent.

21 DAN CRUZ: Right, but --

22 MS. CELESTINO-HORSEMAN: So what you're
23 asking for is that the fine be waived?

24 DAN CRUZ: Well, ultimately that would be
25 the best thing for me. But at this -- based

1 on -- the reason that I came today was to ask
2 for no penalty to be imposed. I had just now
3 found out that a penalty had been imposed or
4 else I may have come up --

5 MS. THOMPSON: Proposed.

6 DAN CRUZ: Proposed, yeah.

7 Okay. So based on my scenario, I would
8 like for the fine to be waived -- it would be
9 very helpful to me, and I have a lot on my
10 plate. And it takes a lot to even tell you
11 that. But if the best I can get is 25 percent
12 of \$1,000.00 than that would be fine. So --

13 CHAIRMAN BENNETT: Well, I think what the
14 commissioner was trying to say is that we
15 encouraged people to come up and take the
16 25 percent --

17 DAN CRUZ: I understand that.

18 CHAIRMAN BENNETT: -- deal so we can move
19 this along faster for everybody else --

20 DAN CRUZ: Yeah, and I didn't know --

21 CHAIRMAN BENNETT: -- so it doesn't seem
22 fair to have someone reject that offer, come
23 back and expect better than the 25 percent or to
24 ask for the 25 percent.

25 DAN CRUZ: Well, I didn't know that the

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1 25 -- I didn't know there was a \$1,000.00
2 penalty. It says, "The hearing is called to
3 determine if you should be assessed a civil
4 penalty."

5 MS. CELESTINO-HORSEMAN: Does it give you
6 an amount in there?

7 DAN CRUZ: No. So I did not know that I
8 had been assessed a civil penalty. So I'm
9 asking for no penalty to be assessed.

10 MEMBER WILSON OVERHOLT: Did you receive --
11 you should have received a settlement agreement.

12 DAN CRUZ: I haven't received anything
13 other than this that I'm aware of. And so today
14 I'm asking for no penalty to be assessed.

15 CHAIRMAN BENNETT: Well --

16 DAN CRUZ: However, I will take the
17 25 percent, because that's not a bad offer. So
18 I'm not here to argue whatsoever.

19 CHAIRMAN BENNETT: So you didn't understand
20 that you could have taken the 25 percent deal if
21 --

22 DAN CRUZ: I understand that completely.

23 CHAIRMAN BENNETT: Now?

24 DAN CRUZ: No, I did then. But I didn't
25 know that there was a penalty yet.

1 I'm asking for you not to give me a penalty
2 and you're saying you already gave me a penalty.

3 MEMBER WILSON OVERHOLT: He was notified of
4 the penalty.

5 MS. CELESTINO-HORSEMAN: No, he said he's
6 been --

7 DAN CRUZ: My letter doesn't say that. It
8 says show up.

9 MEMBER KLUTZ: Do we have --

10 COURT REPORTER: I'm sorry, could you speak
11 up?

12 MEMBER KLUTZ: Do we have record that a
13 settlement agreement was sent?

14 MS. TAYLOR: I would have a copy upstairs
15 of the settlement agreement.

16 MEMBER KLUTZ: But based on the process and
17 procedure of these facts, he would have fallen
18 under the category of receiving --

19 MS. TAYLOR: -- of receiving it, yes.

20 MEMBER KLUTZ: -- under the normal
21 circumstances?

22 DAN CRUZ: Well, I'll take the 25 percent.

23 I mean, I'm not -- I just -- this is the only

24 paperwork that I have that I saw. Because I

25 came today to just --

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1 CHAIRMAN BENNETT: What I'm struggling with
2 is whether you deserve to take the 25 percent
3 because you didn't take it when --

4 DAN CRUZ: I sure would have.

5 CHAIRMAN BENNETT: You would have if what?

6 DAN CRUZ: If I wasn't reading off of this
7 paper. This is the only one that I received.
8 And so I thought that I was asking for no
9 penalty. I didn't know that I had a \$1,000.00
10 penalty.

11 CHAIRMAN BENNETT: What did you think the
12 offer of 25 percent was for? 25 percent of
13 what? If you knew that the penalty was going to
14 be -- the offer was for 25 percent of whatever
15 penalty that was proposed.

16 DAN CRUZ: Okay. So I didn't know that I
17 had a penalty yet. I thought that you guys were
18 going to tell me whether or not you were going
19 to give me a penalty.

20 CHAIRMAN BENNETT: So you didn't think that
21 you were eligible to take the 25 percent?

22 DAN CRUZ: Correct.

23 CHAIRMAN BENNETT: Okay.

24 DAN CRUZ: That is correct.

25 CHAIRMAN BENNETT: All right. Well, for

1 that confusion I will take responsibility. And
2 I would offer -- I would move that we offer the
3 25 -- I think that we resolve to accept the
4 25 percent of the fine.

5 MEMBER KLUTZ: I'll second.

6 DAN CRUZ: I'll take it.

7 CHAIRMAN BENNETT: Not until we have
8 discussion.

9 DAN CRUZ: I understand.

10 MS. CELESTINO-HORSEMAN: So what about the
11 unfiled report?

12 MEMBER WILSON OVERHOLT: We -- you got a
13 motion and a second?

14 CHAIRMAN BENNETT: We have a motion and a
15 second.

16 MEMBER WILSON OVERHOLT: We have both?

17 So what about making the -- I would -- I
18 think that perhaps what would make sense is
19 could we make sure the report is filed -- gets
20 filed within X amount of time, and if that
21 happens, then we would agree to reduce the
22 penalty to 25 percent. If the report is not
23 filed by the date that we determine, then all
24 bets are off.

25 CHAIRMAN BENNETT: Okay. So is there a

1 second to that amendment?

2 MS. CELESTINO-HORSEMAN: I second.

3 CHAIRMAN BENNETT: We have a motion and
4 a --

5 MEMBER WILSON OVERHOLT: We need to set a
6 date.

7 MS. CELESTINO-HORSEMAN: Do you understand
8 what we're saying?

9 DAN CRUZ: Yeah, totally.

10 CHAIRMAN BENNETT: Okay. So I believe we
11 have a motion on the floor to accept 25 percent
12 of the total fine if, within 30 days, the report
13 that is due is filed, and that you would come
14 back for our next hearing so we can see if that
15 report has been filed, at that point in time if
16 it has, then the fine will be 25 percent. And
17 if it's not been filed, the fine will revert
18 back to statutory fining.

19 Okay. All in favor say aye.

20 MEMBER KLUTZ: Aye.

21 MEMBER WILSON OVERHOLT: Aye.

22 MS. CELESTINO-HORSEMAN: Aye.

23 CHAIRMAN BENNETT: All opposed say nay.

24 DAN CRUZ: Is there any way to wrap that up
25 without having to come back to the hearing? Do

1 I need to be here to --

2 CHAIRMAN BENNETT: I don't think so because
3 we have to see that the report has been filed
4 before we can decide what the ultimate fine is
5 going to be.

6 DAN CRUZ: All right. Thank you.

7 GREG TAYLOR: My name is Greg Taylor,
8 G-R-E-G, T-A-Y-L-O-R.

9 DANIELLE TAYLOR: And I'm Danielle Taylor,
10 D-A-N-I-E-L-L-E, T-A-Y-L-O-R. I did not come up
11 the first time, but I did put my hand up in the
12 audience just --

13 CHAIRMAN BENNETT: Thank you. State your
14 cause number.

15 GREG TAYLOR: Oh, yes, cause number
16 2017-5688-142, and 2017-5688-143.

17 MS. THOMPSON: Mr. Chairman on page 82,
18 cause number 2017-56880142, and 143, both have a
19 civil penalty \$1,000.47. He's been before the
20 board three other times on both of them.

21 MS. CELESTINO-HORSEMAN: On both of these
22 particular --

23 MS. THOMPSON: No, for different matters
24 before the commission.

25 CHAIRMAN BENNETT: Once before and earlier

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1 today?

2 GREG TAYLOR: Well, yes.

3 MS. CELESTINO-HORSEMAN: So these are
4 violations four and five?

5 MS. THOMPSON: Yes.

6 MS. TAYLOR: Yes.

7 MEMBER WILSON OVERHOLT: But the reports
8 were all -- but it's for two --

9 MS. TAYLOR: Separate --

10 MEMBER WILSON OVERHOLT: -- large
11 contributions that were both due to be reported
12 on the same day.

13 MS. TAYLOR: Correct.

14 MEMBER WILSON OVERHOLT: So it's a
15 single -- two contributions on a single report
16 that was late, right? Or was it actually -- has
17 it been filed or --

18 MS. THOMPSON: No.

19 MEMBER WILSON OVERHOLT: It hasn't been
20 filed at all?

21 CHAIRMAN BENNETT: Mr. Taylor, the floor is
22 yours.

23 GREG TAYLOR: Thank you, Commissioner.

24 This is actually my second time in front of this
25 committee, the first two times -- when you say

1 you come in front of a committee, it means you
2 appear, I would imagine. I don't remember the
3 first two. But my wife was here before for
4 filing a report -- filing an actual report late.
5 She is my treasurer.

6 Obviously, this was during the session --
7 when we were in session, no excuse, a large
8 contribution should have been filed. I didn't
9 file it. I'm not going to throw my wife under
10 the bus. But I didn't even know.

11 DANIELLE TAYLOR: I didn't tell him. It
12 was my fault.

13 GREG TAYLOR: Yeah, I didn't even know.
14 All I'm asking is that the commission consider
15 that this was just one filing, and we've got two
16 actual checks that were over \$1,000.00, and I
17 think I should be assessed a penalty, but to be
18 assessed a penalty twice, in my opinion, for the
19 same action because the report would have been
20 necessary for both checks on the same report.
21 So -- and I do understand that this is my --
22 what I consider my third and fourth, because
23 these are two. And I understand the
24 commission's consideration that it's my fourth
25 and fifth. But that's my situation, and I'm

1 willing to pay a penalty, but I just think that
2 from a practical standpoint to pay a penalty on
3 the same report for the same thing, and it's
4 two -- I know it's two different checks, so
5 that's why there's two -- I guess, that's why
6 there's two different cause numbers.

7 But just seems to me to be redundant. It
8 just -- so I'm willing to pay -- in other words,
9 I'm asking for -- I'm willing to pay a penalty
10 that whatever the penalty is that the commission
11 has assessed to me and we will have a report
12 filed within the next 30 days.

13 MS. CELESTINO-HORSEMAN: I have a question.
14 Were these contributions reflected on the
15 year end report?

16 MS. THOMPSON: Correct.

17 MS. TAYLOR: Correct.

18 MS. CELESTINO-HORSEMAN: Okay. So they
19 just were reported. They just weren't reported
20 on the one that -- the contributions for the
21 election.

22 MS. THOMPSON: Right.

23 MS. CELESTINO-HORSEMAN: Okay.

24 MEMBER KLUTZ: And they still haven't been
25 filed, correct?

1 GREG TAYLOR: I have to be honest, I didn't
2 know. That's no excuse, I agree with the
3 commissioner with all that. That's no excuse.
4 But got like 25 different rules when it comes to
5 these large contributions. I actually thought
6 it was over \$1,000.00, that's the word that I
7 get on the street. So that's why -- I thought
8 that's why people wrote checks for \$1,000.00
9 because if it was over \$1,000.00 you would need
10 to report it, but now I know better.

11 CHAIRMAN BENNETT: Well --

12 DANEILLE: I --

13 CHAIRMAN BENNETT: No, go ahead.

14 DANIELLE TAYLOR: And I understand as well.
15 I guess, the last time we came it was also my
16 fault. But there's a short span of time that
17 you have to file those and only during that
18 time. As a matter of fact we were -- we had to
19 get out of the rules again because he just
20 recently received a donation that we have not
21 deposited yet because I went to get a file and
22 file it. We're going to deposit it and file it.

23 GREG TAYLOR: But you don't have to file a
24 report right now.

25 MS. TAYLOR: You don't have to file a

1 report, correct.

2 GREG TAYLOR: For a large contribution
3 right now. But you got to --

4 DANIELLE TAYLOR: So I --

5 COURT REPORTER: One at a time.

6 GREG TAYLOR: So I have to file a report
7 pre-primary, now I understand it. It was during
8 the election year I need to file -- file a large
9 contribution report during that period of time,
10 now I don't.

11 CHAIRMAN BENNETT: Well, this is a
12 situation where the committee is open and
13 ongoing and has a report due to be filed. So I
14 think we ought to maybe move this along 30 days
15 and see what happens at the next meeting before
16 we make any decisions. So I would make that
17 motion. Is there a second?

18 MEMBER KLUTZ: Second.

19 CHAIRMAN BENNETT: Motion and second.

20 Any discussion?

21 Hearing none, all it favor say aye.

22 MS. CELESTINO-HORSEMAN: Aye.

23 MEMBER WILSON OVERHOLT: Aye.

24 MEMBER KLUTZ: Aye.

25 CHAIRMAN BENNETT: All opposed say nay. We

1 encourage you to get that report filed.

2 GREG TAYLOR: I encourage me, too. Thank
3 you.

4 CHAIRMAN BENNETT: Can anybody tell me
5 where we are? We're right here. You're the
6 closest to the table. Come on up.

7 DAN BALL: I think it will be quick. Dan
8 Ball, B as in boy, A-L-L. Number 99-6852. It
9 says file number. I guess I'll just start with
10 why I came in.

11 CHAIRMAN BENNETT: Do you got a cause
12 number?

13 DAN BALL: That was the number I had, was
14 the 99-6852.

15 MS. THOMPSON: Page 43.

16 CHAIRMAN BENNETT: Tell us what you can
17 about this situation.

18 MS. THOMPSON: This is cause number
19 2017-6852-70, has never been before the
20 commission before and has a civil penalty of
21 \$1,000.47, and the report is not filed.

22 CHAIRMAN BENNETT: Okay. Mr. Ball.

23 DAN BALL: Yeah. So, I guess, my purpose
24 for coming in was to request a waive on the fee
25 as well. I wasn't here early enough to hear

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1 that round of -- that you just discussed earlier
2 about 25 percent -- automatic reduction to
3 25 percent. So I wasn't here for that part,
4 apparently there's a big event in town and I had
5 a really hard time finding parking. I missed
6 that initial part of it. And I wasn't even
7 clear, also, that I had a fine because it says
8 may be assessed. But essentially, what I'm
9 looking for -- or what I wanted to explain, was
10 I didn't think that I had to file because I was
11 a candidate who -- I filed fairly late in the
12 process to get on the ballot, it was protested
13 and I got a call within -- I think 24, 36 hours
14 that it was being protested by the county
15 chairman. So because of that, and from looking
16 at the laws around that, I pretty much knew I
17 was going to get kicked off the ballot. So I
18 didn't take any money in, I didn't spend any
19 money, I came up for the hearing, I was kicked
20 off the ballot or removed from the ballot, and
21 then -- so going back and reading through the
22 material that I got that -- the manual that came
23 with it, it said that anyone who was on the
24 ballot for that November election had to file an
25 end of year report. Since I wasn't on the

1 ballot, I didn't think that I had to file
2 something for it.

3 From what I heard today, that seems
4 definitely not to be the case that whether
5 you're on the ballot or not you still need to
6 file a report that says, "I took in this much,"
7 or "spent this much." So the C forms I didn't
8 send in because, like I said, I was removed from
9 the ballot. So I wasn't even on the primary
10 ballot and didn't think that I had to fill out
11 the forms once I was removed from the ballot.

12 CHAIRMAN BENNETT: Okay. Any questions?

13 MEMBER KLUTZ: Just for clarification, so
14 you weren't on the ballot, there was a protest
15 by the chair. Did you raise any money?

16 DAN BALL: No, no, because I was alerted to
17 the protest from the chair within, like, 36
18 hours of filing, so I was advised that pretty
19 much I had no chance of being on the ballot. If
20 your county chair is protesting then you will be
21 kicked off. So because of that, I didn't take
22 any money in so that it would just be a
23 cleaner -- once I get -- anticipated being
24 removed from the ballot and it would be very
25 clean and I'd just be done. And so that's what

1 we did. We didn't take any money in or having
2 any expenditures other than traveling up here
3 for that.

4 MS. CELESTINO-HORSEMAN: You filed a
5 declaration candidacy, though, right?

6 DAN BALL: Yes.

7 MEMBER WILSON OVERHOLT: Is your committee
8 still open?

9 DAN BALL: Yes, it would be because I am
10 the committee. I am the -- I opened it. I'm
11 the committee. I'm the candidate. I'm the
12 treasurer. I was everything on it. And the
13 idea was to go out -- and again, it was late in
14 the process because the candidate who was
15 supposed to run at the last minute, backed out.
16 So I was to go out and get an actual treasurer
17 and those people were going to step in and take
18 over. But when I found out that my -- being on
19 the ballot was protested, we just kind of
20 stopped everything, knowing that it wasn't going
21 to go any further.

22 MS. CELESTINO-HORSEMAN: Is it your
23 intention to close the committee?

24 DAN BALL: Yes, yes. So given that, I
25 guess, I didn't realize it was even still open

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1 at this point. But there's a bank account was
2 never open because we found out about the
3 protest, so there's not even a bank account
4 opened for the committee.

5 CHAIRMAN BENNETT: I move that we move this
6 out 30 days, give you a chance to close the
7 committee, come back and take it up at that
8 point.

9 DAN BALL: Yep.

10 MS. CELESTINO-HORSEMAN: And you file the
11 report the same time you close.

12 CHAIRMAN BENNETT: Motion, let's vote on
13 it. All in favor say aye.

14 MS. CELESTINO-HORSEMAN: Aye.

15 MEMBER KLUTZ: Aye.

16 MEMBER WILSON OVERHOLT: Aye.

17 CHAIRMAN BENNETT: All opposed say nay.

18 Motion carries.

19 DAN BALL: Thank you.

20 CHAIRMAN BENNETT: See you next time.

21 FARLEY SMITH: Hi, my name is Farley Smith,
22 F-A-R-L-E-Y. And I'm with the Vanderburgh
23 County Republican Party Committee.

24 CHAIRMAN BENNETT: Do you have a cause
25 number?

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1 FARLEY SMITH: 2017-5592-102.

2 MS. TAYLOR: On page 60. It's Vanderburgh
3 County Republican Party, cause number
4 2017-5592-102, this is the committee's, at
5 least, fifth time before the commission, and a
6 proposed civil of \$50.47.

7 FARLEY SMITH: How long ago was the --

8 MS. TAYLOR: 2007, '10, '13 and '14.

9 FARLEY SMITH: I've been with the committee
10 since 2011. I'm not aware of any '13 and '14,
11 did you say?

12 MS. TAYLOR: 2013 annual, and the 2014
13 pre-elect report.

14 FARLEY SMITH: Were they late?

15 MS. TAYLOR: Yes.

16 FARLEY SMITH: Huh. I remember one we sent
17 late, one we were faxing and couldn't get it
18 through the fax line, couldn't get it through
19 and I think you guys got it -- finally got it
20 done like 12:02, or something like that. And we
21 got penalized on that, which I didn't think was
22 fair then. Because we was trying to get it up
23 there and we couldn't get it through. And I was
24 working with Michelle on that and it just kept
25 going down and down, so --

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1 But this one here, this particular one, is
2 a -- I overnighted it the night before, and it
3 was received up here according to Fed-Ex at 9:30
4 in the morning. And then it says it wasn't
5 submitted until 1:30. I don't know how -- I
6 don't have any control of -- to get it from
7 whoever signed for it to get it to them. It's
8 out of my control then. I feel like I did
9 everything I needed to do to get it here on
10 time.

11 MEMBER KLUTZ: You didn't take --

12 CHAIRMAN BENNETT: You overnighted it the
13 day before it was due and we received it --

14 FARLEY SMITH: 9:37.

15 MS. TAYLOR: We have it stamped in our
16 office at 1:33 p.m.

17 CHAIRMAN BENNETT: It was on time?

18 MS. TAYLOR: The deadline is noon.

19 CHAIRMAN BENNETT: Oh, noon.

20 MEMBER KLUTZ: What do you have from FedEx?

21 FARLEY SMITH: And I've told your office
22 that I had this, but it didn't seem to matter.
23 Sent it, and there's with FedEx --

24 MEMBER KLUTZ: Delivered at 9:37.

25 MS. CELESTINO-HORSEMAN: You came all the

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1 way for \$50.47?

2 FARLEY SMITH: Yeah, because I thought it
3 was wrong. There's right and there's wrong, and
4 that's wrong.

5 MS. CELESTINO-HORSEMAN: Yes, yes.

6 MEMBER KLUTZ: At first I was wondering why
7 you waited the whole time for \$50.00 but now I
8 see why you would have.

9 CHAIRMAN BENNETT: I move that we waive the
10 fee.

11 MEMBER KLUTZ: Second.

12 CHAIRMAN BENNETT: All in favor say aye.

13 MS. CELESTINO-HORSEMAN: Aye.

14 MEMBER KLUTZ: Aye.

15 MEMBER WILSON OVERHOLT: Aye.

16 CHAIRMAN BENNETT: All opposed say nay.
17 Motion carries. The fee is waived.

18 MEMBER KLUTZ: Can we have this?

19 FARLEY SMITH: Yes. I don't need it now.

20 DALE NOWLIN: Dale Nowlin, D-A-L-E,
21 N-O-W-L-I-N, and case name 2017-6795-131.

22 MS. TAYLOR: It's at the bottom of page 75.
23 This is the Committee to Elect Dale Nowlin,
24 cause number 2017-6795-131. This is for a large
25 contribution, the committee paid one previous

1 settlement agreement and the proposed civil
2 penalty is \$1,000.00.

3 MEMBER KLUTZ: Page number, please?

4 MS. TAYLOR: 75 and 76. The committee is
5 also closed.

6 CHAIRMAN BENNETT: Yes, sir.

7 DALE NOWLIN: So, I wish mine was as easy
8 as the last one. But basically this is the
9 first time any of us involved in this had done
10 this. We -- the large contribution was a local
11 insurance company that did printing for us right
12 before the primary, I ran the primary and lost.
13 And we put it on our final report. We didn't
14 know it also had to go on the large contribution
15 report. When we got notice that the -- that we
16 hadn't filed something, I called and found out
17 what was missing and within two days we filed
18 the large contribution report.

19 So I understand the penalty, but that -- by
20 the time we found out it was missing, the
21 penalty was already \$1,000.00. I would have
22 taken the 25 percent, but -- the first one, and
23 this is -- okay, you've heard a lot of sad
24 stories, this is not a sad story. But it was --
25 the day it was due, I'm a high school department

1 chair, three of my teachers were finalists in
2 the presidential award, I was going to drop it
3 off on the way to their luncheon, I got caught
4 in construction on 65. So I dropped it off
5 after their luncheon. So it was two hours and
6 47 minutes late, it was \$50.00, I thought,
7 "Well, that -- I deserve that because it's
8 late." But that will now cost me \$250.00, the
9 difference between the 25 percent and the
10 50 percent. I didn't know I appeared before
11 this commission before because I just paid the
12 \$50.00. So that's my plea.

13 MS. CELESTINO-HORSEMAN: You say your
14 committee is closed?

15 DALE NOWLIN: Yeah.

16 MS. CELESTINO-HORSEMAN: I move that fine
17 be reduced to 25 percent.

18 MEMBER KLUTZ: I'll second.

19 CHAIRMAN BENNETT: Motion and a second.

20 Any discussion?

21 All in favor say aye.

22 MS. CELESTINO-HORSEMAN: Aye.

23 MEMBER KLUTZ: Aye.

24 MEMBER WILSON OVERHOLT: Aye.

25 CHAIRMAN BENNETT: All opposed say nay.

1 Motion carries.

2 DALE NOWLIN: Thank you very much.

3 JEFF MURRAY: My name is Jeff Murray, my
4 cause number -- one second, 2007-6878-78.

5 MEMBER WILSON OVERHOLT: For 2007 or 2017?

6 JEFF MURRAY: 2017, yes, sorry.

7 MEMBER WILSON OVERHOLT: Just to clarify.

8 MS. THOMPSON: Chairman, it's on page 47,
9 cause number 2017-6878-78, has never been before
10 the commission before, has a proposed civil
11 penalty of \$1,000.47, and the committee is now
12 closed.

13 CHAIRMAN BENNETT: All right. Floor is
14 yours.

15 JEFF MURRAY: All right. Basically, this
16 is my first time ever running, did not end up
17 raising any campaign funds nor did I spend any
18 campaign funds. I had a few issues towards the
19 end of the year and basically dropped out of the
20 race. I don't believe I was actually ever on
21 the ballot. I basically -- I just didn't file
22 my year end report. I just didn't realize that
23 I was supposed to file that report. I thought I
24 had filed everything up until then, correctly.
25 I just didn't realize about that year end

1 report. That is my fault. I take
2 responsibility for that. I just ask for
3 leniency this being my first time.

4 CHAIRMAN BENNETT: And the report still has
5 not been filed?

6 JEFF MURRAY: No, it has been filed.

7 MEMBER KLUTZ: The committee is closed?

8 JEFF MURRAY: Yes, sir.

9 CHAIRMAN BENNETT: Questions?
10 Is there any particular reason for not
11 taking the settlement?

12 JEFF MURRAY: Well, honestly I just -- I
13 didn't think that -- no, I probably should have.
14 I just -- I didn't think that I actually owed --
15 or that, you know, that I would owe anything.
16 Like I said, it was my first time running. You
17 know, towards the end of the year, I'm not going
18 to give you, like, all the sob stories that
19 you've heard tonight. But I've definitely had
20 my fair share at the end the year last year.

21 So filing this report was not at the top of
22 my list of priorities. It probably --
23 obviously, should have been. But my family at
24 that time was a little bit more of a priority to
25 me than this report.

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1 MS. CELESTINO-HORSEMAN: I move the fine be
2 reduced to 25 percent.

3 MEMBER KLUTZ: I will second that.

4 CHAIRMAN BENNETT: Any discussion.

5 Let me just say this. When we are issuing
6 these fines, we're not constrained to 25, 50,
7 and 75, we can do 35, 40.

8 We have a motion on the floor, and a
9 second. All in favor say aye.

10 MS. CELESTINO-HORSEMAN: Aye.

11 MEMBER KLUTZ: Aye.

12 MEMBER WILSON OVERHOLT: Aye.

13 CHAIRMAN BENNETT: All opposed say nay.

14 Motion carries.

15 JEFF MURRAY: Thank you. Sorry for wasting
16 your time, I should have come up earlier.

17 ANDY PICKELL: Cause is 2017-6721-112.

18 COURT REPORTER: Could you identify
19 yourself, please?

20 ANDY PICKELL: Sorry. Andy Pickell,
21 A-N-D-Y, P-I-C-K-E-L-L.

22 MS. THOMPSON: Bottom of page 65, top of
23 page 66, this is Zionsville Chamber of Commerce
24 PAC, cause 2017-6721-112, has two settlement
25 agreements, has a proposed civil penalty of

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1 \$1,000.47.

2 CHAIRMAN BENNETT: The floor is yours, sir.

3 ANDY PICKELL: Well, we are here to say
4 we're sorry, number one. We set up the PAC
5 originally, I think it was a couple of years
6 ago. The interim last year, we had a executive
7 director change. It was announced, I think, in
8 May or so. And then went to January to our new
9 executive director, Tracy Phillips. And kind of
10 a drop the ball issue on the -- on the PAC and
11 filing the paperwork.

12 Currently have \$110.00 in the PAC. We
13 never raised money for the PAC. I realize that
14 doesn't really matter. But the committee has
15 decided that we would like to shut the PAC down,
16 that's our next step after finishing out our
17 penalty here that we have in front of us. So
18 basically, we're at your discretion on how you'd
19 like to deal with it.

20 CHAIRMAN BENNETT: Any questions?

21 MEMBER WILSON OVERHOLT: Sorry, the reports
22 that are due, have they been filed?

23 ANDY PICKELL: Yes.

24 TRACY PHILLIPS: If I may, when I came on
25 in January 3rd, I realized the paperwork had

1 happened, I filed them on the 17th and
2 hand-delivered them to Ms. Taylor because I
3 realized what had happened and we wanted to go
4 forward showing good faith. So I brought this
5 and hand-delivered it to her and had a
6 conversation about this very hearing.

7 MEMBER KLUTZ: Can you identify yourself?

8 TRACY PHILLIPS: My apologies. Tracy,
9 T-R-A-C-Y, Phillips, P-H-I-L-L-I-P-S.

10 CHAIRMAN BENNETT: Sounds like we have a
11 situation where we should move it down and 30
12 days to see if the PAC has dissolved.

13 MEMBER KLUTZ: Sure.

14 CHAIRMAN BENNETT: Come back and address us
15 at that time.

16 TRACY PHILLIPS: We would be happy to.

17 CHAIRMAN BENNETT: We have a motion.

18 MEMBER KLUTZ: Second.

19 CHAIRMAN BENNETT: All in favor say aye.

20 MS. CELESTINO-HORSEMAN: Aye.

21 MEMBER KLUTZ: Aye.

22 MEMBER WILSON OVERHOLT: Aye.

23 CHAIRMAN BENNETT: All opposed say nay.

24 Motion carried.

25 ANDY PICKELL: Thank you very much.

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1 BRADFORD MOULTON: It's hard to say good
2 evening, but I'll say good afternoon still.

3 My name is Bradford Moulton,
4 B-R-A-D-F-O-R-D, last name Moulton,
5 M-O-U-L-T-O-N. Case numbers are 2017-6557-45,
6 and 2017-25 -- or, sorry, 6557-135.

7 MS. THOMPSON: What was the second one you
8 read?

9 BRADFORD MOULTON: 135.

10 MS. THOMPSON: No, the other one, sorry.

11 BRADFORD MOULTON: 45.

12 MS. THOMPSON: 45.

13 MS. TAYLOR: These are on pages 31 and 78.
14 The first is cause number 2017-6557-45, and has
15 a proposed civil penalty of \$150.47. This is
16 the committee's second time before the
17 commission. They paid us one settlement
18 agreement, so this is the first time before you,
19 but their second delinquency. And the other one
20 is on page 78, cause number 2017-6557-135, has a
21 proposed civil penalty of \$1,000.47.

22 MEMBER WILSON OVERHOLT: I'm sorry. What
23 was the first page?

24 MS. TAYLOR: 31.

25 MEMBER WILSON OVERHOLT: Thank you.

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1 CHAIRMAN BENNETT: Mr. Moulton, the floor
2 is yours.

3 BRADFORD MOULTON: I'll start off and be
4 real quick with the first one. As far as case
5 number -45, \$150.00, I'll pay that in full, we
6 filed late.

7 As far as the second one, which is the
8 6557-135, I was not aware of this until July of
9 this year. When I received this, in all
10 fairness, I too never received a settlement
11 hearing until I called, I didn't know what the
12 penalties were for. And I didn't even know what
13 this case was about. Doing research, I found
14 that I loaned my campaign \$1,000.00 during the
15 mandatory reporting period between the
16 pre-election filing and the actual election.
17 And that was so I could get all the bills paid
18 that needed to be paid for all the debts that
19 were coming in.

20 My campaign this year was pretty much
21 self-funded was approximately \$5,000.00 worth of
22 money that came in, most of that was mine. I
23 had about \$1,000.00 in contributions from other
24 places.

25 However, after losing the first election by

1 just a few hundred votes, was asked to run
2 again, and then continued to self-fund my
3 account -- or self-fund my campaign.

4 I was not aware that I needed to file a
5 CFA4 -- or CFA schedule 1- or, 11 -- sorry,
6 CFA11, large contribution report on a loan that
7 I was giving to myself. I specifically asked
8 the party, do I need to do -- you know, is there
9 anything I need to do so I can get these debts
10 paid off, and they were like no. So I'm not
11 saying I got bad advice from a party, but I was
12 not aware of it. When I looked up in the
13 rulebook on page 29 -- under candidate
14 contributions, it says that "If the candidate
15 gives the campaign money it must be treated as a
16 contribution or a loan, and designated on the
17 CFA-4 schedule 1A," which I did.

18 And then it says, in addition, loans is
19 debts owed, got to file CFA-4 schedule D, which
20 is what I also did. What I didn't find until I
21 was given this, and talked to the Election
22 Commission was they said, "Yeah, if you go to 25
23 it says the contribution is anything including a
24 loan."

25 So I would say that in the future if you

1 ever revise that, that probably should be clear
2 that if a candidate loans their campaign money
3 during that window, that it should be made more
4 clear. I looked, I even asked, was told no, and
5 until the election -- I got this letter, I
6 didn't even know that that needed to be filed
7 and they told me that, "Yeah, you should have
8 known that."

9 So I would ask that in the first case the
10 \$150.47, I'm more than willing to pay in full,
11 my treasurer paid late, that's on me. I'll
12 accept that 100 percent.

13 As far as for this one for the \$1,000.00
14 for loaning myself \$1,000.00 that I probably
15 will never get repaid, I would ask that you
16 would waive that in full, and should I ever run
17 for office again I will be more than crystal
18 clear and work with my treasurer to know that if
19 we ever have to loan money to the campaign that
20 we file the appropriate reports.

21 MS. CELESTINO-HORSEMAN: Did -- you said
22 your committee is closed?

23 BRADFORD MOULTON: My committee is not
24 closed. My committee currently has \$4.72 and
25 \$9,000.00 in debts owed, approximately. And

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1 those are all personal loans to the campaign.

2 MS. CELESTINO-HORSEMAN: So are you
3 preparing to close your committee?

4 BRADFORD MOULTON: I was advised not to
5 until it was a 0.00 balance. So I file -- I
6 continue to my annual report since then and all
7 due reports.

8 MS. CELESTINO-HORSEMAN: A 0.00 balance in
9 terms of paying you off or 0.00 balance in terms
10 of your --

11 BRADFORD MOULTON: No, no, they said until
12 all the debts were paid or until you -- if you
13 were going to run for office again, which I
14 don't believe I'm going to run for this, it's
15 not my intention to. They said not to close it
16 out until you are certain whether you are going
17 to run for a different position because that way
18 you would close that one out and then open a new
19 one, is what I was told by the party.

20 MEMBER WILSON OVERHOLT: Have you looked
21 into whether there's a way to forgive the debts?

22 BRADFORD MOULTON: If I forgive the debt, I
23 mean, I'd be forgiving my own debts. I mean,
24 it's personal loans to me, which I don't have a
25 problem with. I mean, obviously I would have

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1 preferred to raise more money, but I've spent,
2 you know, several thousand dollars on
3 self-funding campaigns and haven't had any luck
4 in that district. So --

5 MS. CELESTINO-HORSEMAN: So you're not
6 keeping it open for purposes of paying yourself
7 back?

8 BRADFORD MOULTON: No, no.

9 MS. CELESTINO-HORSEMAN: Okay. So there's
10 a way that you can close the committee with
11 outstanding debt; is there not?

12 MS. THOMPSON: We can forgive the committee
13 the debt and close it, yes.

14 MS. CELESTINO-HORSEMAN: Right.

15 BRADFORD MOULTON: Okay.

16 MS. CELESTINO-HORSEMAN: So if you can do
17 that, would you be interested in closing that
18 committee then?

19 BRADFORD MOULTON: Yeah, I wouldn't have a
20 problem with that.

21 (Inaudible discussion.)

22 CHAIRMAN BENNETT: So we have a motion to
23 move this down the road 30 days while you close
24 your committee and come back once the committee
25 is closed.

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1 BRADFORD MOULTON: Okay.

2 MEMBER KLUTZ: Second.

3 CHAIRMAN BENNETT: We have a second. All
4 in favor say aye.

5 MS. CELESTINO-HORSEMAN: Aye.

6 MEMBER KLUTZ: Aye.

7 MEMBER WILSON OVERHOLT: Aye.

8 CHAIRMAN BENNETT: All opposed say nay.
9 Motion carries.

10 MS. CELESTINO-HORSEMAN: You will need to
11 be -- 0.00, so you can take and donate 4.16 --
12 talk with them.

13 MEMBER WILSON OVERHOLT: Yeah, we aren't
14 here to give advice.

15 CHAIRMAN BENNETT: So, motion carried.

16 Who is next?

17 DON SHULER: My name is Don Shuler,
18 S-H-U-L-E-R. Here on behalf of the Elkhart
19 County Democratic Central Committee, cause
20 number 2016-6617-116.

21 MS. TAYLOR: It's on page 10. Elkhart
22 County Democratic Central Committee, cause
23 number 2016-6617-116. It's the committee's
24 first time before the commission, with a
25 proposed civil penalty of \$300.49.

1 CHAIRMAN BENNETT: Sir, the floor is yours.

2 DON SHULER: Thank you. As the staff said,
3 this is our first time before the commission.
4 This stems from the pre-election filing report
5 that was due October 16, 2015.

6 Just a little bit of background, prior
7 that, we registered with the state in October of
8 2000 -- or 2013 because we knew that we would be
9 supporting a candidate for state office in 2014
10 for the first time. Which led to -- so we filed
11 our annual 2014 report in February of 2015. At
12 that time, I had mailed it in. It was my first
13 time as treasurer, there was some issues with
14 finding that report that I provided to the staff
15 at that time the receipt from the post office.
16 And then I also sent in an electronic copy of
17 that as a PDF. And I was informed that for the
18 future it would be easiest if I just email in my
19 report.

20 So additional background, just to support
21 some of the documentation I have that's relevant
22 is because that was the first time that we did
23 that and then in 2015 it was just a municipal
24 election year and we were only filing -- we
25 still file with the state.

1 Our local county election board still
2 wanted us to file a report with them. And I
3 prefer to keep everybody happy, so I had no
4 problem doing -- filing in both places.

5 So in October of 2015, I filed our
6 pre-election report, which is on Thursday,
7 October 15th. And I followed the same process,
8 each time I do it I create a PDF of the assigned
9 report and I email it to Abby Taylor at the
10 Indiana Election Division. I have a copy of an
11 email dated Thursday, October 15 at 3:12 p.m.
12 from me to Ms. Taylor showing the attachment of
13 the pre-election CFA-4 report. It does show
14 that the file is almost 19 megabits, which is, I
15 believe, what created the issue.

16 After I filed that, I walked across the
17 street to the county courthouse because I work
18 downtown Goshen, Indiana, and I filed the CFA-4
19 with our county clerk. And I have a file
20 stamped copy of that from October 15, 2015 that
21 I could provide for the commission.

22 So I sent that Thursday 3:12 p.m, on
23 Thursday, October 15. I thought the matter was
24 concluded. I did not hear anything until our
25 county chair called me on Wednesday,

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1 October 21st advising that she had received from
2 the Election Division that they did not have our
3 report. I immediately called Ms. Taylor, she
4 said that she could not find it. I then went
5 and checked my email. I never got any email
6 back saying that it was not sent from my email
7 server, use double checked -- I use gmail, I
8 double checked gmail's megabytes limits for
9 attachments, it advised me that it was 25
10 megabits, which is why I never got notice back.
11 My assumption is that some email servers were --
12 don't take anything above 10 megabytes. I went
13 to an online site to figure out a way to attach
14 the file down below 10 megabytes, and then
15 resent it Wednesday, October 21st, with the
16 attachment along with the proper email showing
17 the submission on October 15th.

18 So I -- on one level, I looked at the
19 statute, I see that it talks about filing that
20 is -- it's kind of an interesting thing, where I
21 file it, but it relies on the date that the
22 computer in the Election Division's office
23 shows. Which I think is interesting that it
24 relies a third party for, I guess, full
25 compliance. But from my perspective, again, it

1 was filed on Thursday, October 15th, and I have
2 an email that shows that I sent it on that date.
3 I have a file stamped copy with the county clerk
4 showing that I filed with the local election
5 board on October 15th.

6 So I guess I'm first asking a finding that
7 there is no violation because the report was
8 filed for all intents and purposes, as I was
9 aware of, and if not, underneath the Indiana
10 Code that allows a waiver of it for unjust
11 circumstances, that it would be found to be
12 waived due to the fact that it didn't -- we
13 thought it was filed, had no indication that it
14 was not, and as soon as we heard that it was not
15 filed, we got it figured out and got it filed to
16 the Election Division within a couple of hours.

17 CHAIRMAN BENNETT: Thank you. Do you have
18 exhibits that you want to make a part of the
19 record?

20 DON SHULER: Yes.

21 CHAIRMAN BENNETT: Does the staff have any
22 response or --

23 MS. TAYLOR: No, I think that's what
24 happened.

25 DON SHULER: This is the October 15th

1 email, showing filing of the report. And this
2 is a -- actual report that was filed with the
3 county clerk and file stamped on October 15, the
4 actual submission of the report October 21st.

5 MEMBER KLUTZ: To me this is -- I guess, to
6 me this is similar to the FedEx. Clearly, steps
7 were taken to comply with the law. He didn't
8 receive notice, and it didn't go through. This
9 is much different than just missing a deadline.
10 I think that we waive the fines.

11 CHAIRMAN BENNETT: I second.
12 We have a motion and a second.

13 Any discussion?
14 All in favor say aye?

15 MS. CELESTINO-HORSEMAN: Aye.

16 MEMBER KLUTZ: Aye.

17 MEMBER WILSON OVERHOLT: Aye.

18 CHAIRMAN BENNETT: All opposed say nay.
19 Motion carries. Fine is waived. Thank
20 you.

21 DON SHULER: Thank you.

22 MEMBER WILSON OVERHOLT: Those are
23 originals, do you want the originals back or is
24 it --

25 DON SHULER: The emails are original. It's

1 an original -- but I have a scanned copy of the
2 file stamped version, so --

3 MEMBER WILSON OVERHOLT: Well, you know
4 where the find it if you need it.

5 DON SHULER: Thank you.

6 ROBERT DEPPERT: Hello, Robert Deppert,
7 R-O-B-E-R-T, D-E-P-P-E-R-T. We're here for
8 Democracy for Monroe County. The case would be
9 2017-5865-103 and 104.

10 MEMBER WILSON OVERHOLT: We're waiting for
11 the experts.

12 MS. THOMPSON: One is on page 60, I'm
13 looking for the other one.

14 ROBERT DEPPERT: I had two different sheets
15 and I brought one and left one in the car.
16 Maybe it is just one. We -- you're missing a
17 filing from us in October and January.

18 MS. THOMPSON: So you would have two.

19 ROBERT DEPPERT: I figured the other one
20 was one number.

21 MS. THOMPSON: Page 21. This is cause
22 number 2017-5865-28, has a proposed civil
23 penalty of \$1,000.47, has been before the
24 commission one, two, two other times because
25 he's here twice. The other one is 2017-6865-103

1 has a proposed civil penalty of \$1,000.47 as
2 well.

3 CHAIRMAN BENNETT: Okay.

4 ROBERT DEPERT: Okay. We actually did --
5 we had a new treasurer, like you've heard from
6 many people before, our treasurer had moved away
7 in April of that year. And our new treasurer
8 did file the paperwork, he was actually a
9 candidate, he filed it with the county election
10 board as opposed to the State. And we have
11 since filed and made sure they had copies with
12 the stamp that we believed they were filed on
13 time. We believed that they were filed
14 correctly. We just -- we, as an organization,
15 since then have set down a process to where when
16 we bring in a new treasurer, that treasurer is
17 going to understand the process of filing these
18 forms and they're also going to understand that
19 they need to be filed with the State as opposed
20 to the county.

21 When I went and got copies from the county
22 from a statement that we have from that
23 treasurer, that treasurer told us that the
24 County Election Board told him it was fine for
25 him to file it there. So he was understanding

1 that it had been filed correctly. We did have a
2 new clerk at the Circuit Court at the time
3 because Bloomington lost theirs -- Monroe County
4 lost theirs to a health issue, so we did have
5 that.

6 So basically, what we're asking for --
7 we -- we know they were both \$1,000.00 and there
8 was a prior offense, we don't know what year
9 that was specifically, it's not within the --

10 MS. TAYLOR: 2010 pre-primary was filed
11 late, and 2012 pre-election report was filed
12 late.

13 ROBERT DEPERT: Okay. Okay. So there's
14 that, but we thought we had done our due
15 diligence and got these filed. We just filed
16 them in the wrong office.

17 As an organization, we're going to make
18 sure it does not happen again, and it's filed in
19 the correct office. We would ask that,
20 hopefully, you dismiss the -- dismiss it as a
21 plunder. We did -- we had thought that we had
22 done it correctly.

23 CHAIRMAN BENNETT: Thank you. Any
24 questions?

25 MEMBER WILSON OVERHOLT: Yeah. Do you have

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1 copies of what you supposedly filed with the
2 county clerk?

3 ROBERT DEPPERT: Yeah, they've been refiled
4 filed with the -- these folks.

5 MEMBER WILSON OVERHOLT: They have date
6 stamped, time stamped?

7 ROBERT DEPPERT: Yes, ma'am.

8 CHAIRMAN BENNETT: Time you filed?

9 ROBERT DEPPERT: Yes. I had thought that
10 our treasurer -- he was a certified accountant,
11 he had run for office before and audited federal
12 and state contracts, so I thought he was
13 probably the most qualified person we'd ever had
14 in the position to know how to do that. And,
15 you know, turns out people make mistakes and
16 even when I went and got copies from them, they
17 said the same thing to me at the County
18 Courthouse, "Oh, yes, these can be filed here."
19 They're -- not the county courthouse, but the
20 Circuit Monroe -- Circuit Court Clerk.

21 CHAIRMAN BENNETT: I guess, first of all,
22 it seems to me that you people ought to know
23 better. But second, it looks like you got it
24 half right. So I'm thinking about 50 percent
25 reduction.

1 ROBERT DEPERT: That's still a lot of
2 money.

3 CHAIRMAN BENNETT: Is there any other
4 thoughts before anyone makes a motion?

5 MEMBER KLUTZ: It was -- we have two
6 different -- this happened twice pre-election --

7 ROBERT DEPERT: It was for both the
8 October and the January. The pre-election and
9 post-election.

10 MEMBER KLUTZ: So you filed in local
11 election for -- in October then again in
12 January. You didn't find out about the October
13 one being --

14 ROBERT DEPERT: No, we did not. I think
15 we had the wrong P.O. box filed with the -- we
16 had a P.O. box and got a new one. But it wasn't
17 in the P.O. box, either, so I don't know. We
18 have everything up to date on the --
19 information-wise on contacting us, and basically
20 they are -- you know, we're going to make sure
21 it does not happen again and it's filed
22 correctly and pass a motion among the
23 organization to make sure that we have a spelled
24 out procedure and it has to be approved by the
25 board before it's filed before the filing date

1 and for your --

2 CHAIRMAN BENNETT: Why didn't you take the
3 25 percent deal? Well, you couldn't of. Sorry.

4 ROBERT DEPERT: But we'd be willing to
5 take the 25 percent.

6 CHAIRMAN BENNETT: Any other questions?
7 Any motions? I was talking out loud -- thinking
8 out allowed. But I'll make a motion for the
9 purpose of discussion and nothing else of
10 50 percent reduced penalty because they got is
11 half right.

12 MS. CELESTINO-HORSEMAN: For purposes of
13 discussion, I'll second --

14 CHAIRMAN BENNETT: I need a second.

15 MS. CELESTINO-HORSEMAN: I'll second for --
16 so my only -- I think the distinction to be made
17 with this one is that because they did get it
18 half right. It wasn't that they -- and I can
19 see where a county clerk could say "No, this
20 covers it," because the county clerk was
21 changing at the same time as all this was
22 happening. So, you know, for an organization,
23 50 percent seems kind of steep now. I'm not
24 sitting on this. But, I mean, it's \$2,000, and
25 if we took it down to 25 percent, they'd still

1 have to pay \$500.00.

2 ROBERT DEPERT: Maybe we got it half right
3 and the clerk got is 25 percent wrong. They
4 even when I got copies of it, "Oh, yeah, those
5 can be filed here." And I said, "No, the State
6 is telling us this has to be -- we're a State
7 PAC, this has to be filed with the State." So
8 they put it in their records and then made note
9 --

10 MEMBER KLUTZ: You know, I -- I have
11 trouble when people give bad advice from
12 agencies, and so I just -- I do think 50 percent
13 is steep, at the same time, we don't want you
14 coming back here, we want you to understand
15 there's a penalty involved. I'm unwilling to
16 waive it, but I would be willing to amend it
17 to -- by a 25 percent waiver proposed.

18 CHAIRMAN BENNETT: Is there a second for
19 that?

20 MS. CELESTINO-HORSEMAN: Second.

21 CHAIRMAN BENNETT: All right. Let's accept
22 that to make a motion for a 25 percent of the
23 fine, 75 percent reduction.

24 Any further discussion?

25 All in favor say aye.

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1 MS. CELESTINO-HORSEMAN: Aye.

2 MEMBER KLUTZ: Aye.

3 MEMBER WILSON OVERHOLT: Aye.

4 CHAIRMAN BENNETT: All opposed say nay.

5 Motion carries. 25 percent.

6 ROBERT DEPPERT: Thank you very much.

7 Are you the last one? We're going to take
8 a quick stop here. Five minutes?

9 (A short recess was taken off the record.)

10 CHAIRMAN BENNETT: Okay. Let's proceed.

11 Back on the record.

12 EVAN DEMAREE: My name is Evan J. Demaree,
13 E-V-A-N, J. D-E-M-A-R-E-E.

14 I'm here about the administrative cause
15 number 2017-6918-146 and also 2017-6918-84.

16 MS. THOMPSON: Mr. Chairman, this is on
17 page 50 and page 84.

18 CHAIRMAN BENNETT: Thank you.

19 MS. THOMPSON: It's cause 2017-6918-84, has
20 a civil of \$50.47, has not been before our
21 commission before. And on page 84,
22 2017-6918-146, has a civil penalty of 100.47,
23 this committee is closed.

24 CHAIRMAN BENNETT: Very well, Mr. Demaree.
25 The floor is yours.

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1 EVAN DEMAREE: Okay. In regards to the
2 July 26, 2016, it's the first time I ever ran
3 for anything, and it was a very new experience
4 and I believed that I was going to do everything
5 electronic and I never received any type of
6 paper or anything with any information on how to
7 log into the account on the campaign website.
8 So -- and I was also under the impression, it
9 was about a month later, but I said, you know,
10 "I'm going to make sure I do this right." So I
11 called the Election Division and I do not recall
12 the name of the lady I spoke to, but she said,
13 "Well, you didn't get that yet?" And I'm like,
14 "No, it's not on my email. I didn't get it in
15 the mail. No type of information at all
16 whatsoever came from the Election Commission."
17 So as soon as I found out I'm running a \$0.00
18 campaign anyway, I just went in and filed my
19 report. So I'm asking hopefully that that could
20 be waived because I had no access to even get
21 into the system to file my report and I wasn't
22 given any sort of paper or anything in the mail
23 to file the report, either.

24 MS. CELESTINO-HORSEMAN: I was going to
25 ask, what does this comment mean by 11:14 p.m.

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1 closed?

2 MS. TAYLOR: The report was filed 11:14
3 p.m.

4 EVAN DEMAREE: Well, I'm talking in regards
5 to the other --

6 MS. TAYLOR: Correct.

7 EVAN DEMAREE: -- July 26 --

8 MS. CELESTINO-HORSEMAN: That's the vacancy
9 report?

10 EVAN DEMAREE: 6918 --

11 MS. TAYLOR: Yes.

12 MS. CELESTINO-HORSEMAN: That he's talking
13 about?

14 MS. TAYLOR: Yes.

15 MS. CELESTINO-HORSEMAN: So he would have
16 filed that post-primary? Required to file it
17 post-primary.

18 MS. THOMPSON: Post-primary, right.

19 EVAN DEMAREE: Yeah, I'm just asking that
20 hopefully -- I can ask that -- not having to pay
21 that much money.

22 CHAIRMAN BENNETT: This is your first time
23 before the commission, is there a reason why you
24 didn't go for the 25 percent?

25 EVAN DEMAREE: I really just -- I'm not a

1 person that has a lot of money. And, you know,
2 live paycheck to paycheck, kind of thing. It's
3 kind of a big deal, even, kind of, \$25.00.

4 CHAIRMAN BENNETT: Is your campaign closed,
5 did you say?

6 EVAN DEMAREE: Yes, sir.

7 MEMBER KLUTZ: Did you make any money?

8 EVAN DEMAREE: No.

9 MEMBER KLUTZ: Did you spend any money?

10 EVAN DEMAREE: No.

11 MEMBER KLUTZ: It was completely \$0.00?

12 EVAN DEMAREE: I didn't want any trouble.

13 CHAIRMAN BENNETT: Any questions?

14 MS. CELESTINO-HORSEMAN: No, I make a
15 motion. I move that we waive this.

16 MEMBER KLUTZ: I'll second that.

17 CHAIRMAN BENNETT: Motion and second. Any
18 discussion? Hearing none, all in favor say aye.

19 MS. CELESTINO-HORSEMAN: Aye.

20 MEMBER KLUTZ: Aye.

21 MEMBER WILSON OVERHOLT: Aye.

22 CHAIRMAN BENNETT: All opposed say nay.

23 Motion carried, your fines are waived.

24 EVAN DEMAREE: Thank you, sir.

25 MS. TAYLOR: Page 53, I'm kind of jumping

1 ahead.

2 FRANKLYN VOORHIES: Franklyn Voorhies
3 F-R-A-N-K-L-Y-N, V-O-O-R-H-I-E-S. Here for the
4 in Libertarian Party of Carroll County, cause
5 number 2017-6882-90.

6 MS. TAYLOR: This is the Libertarian Party
7 of Carroll County, cause number 2017-6882-90,
8 it's the first time before the board, and a
9 proposed civil of \$350.47.

10 CHAIRMAN BENNETT: Mr. Voorhies, the floor
11 is yours.

12 FRANKLYN VOORHIES: What happened here was
13 a simple transposing of numbers. I posted on my
14 personal calender 3/10, 3/10 as opposed to 3/1.
15 When I received email and a phonecall from the
16 Election Division, and I immediately got online
17 and made contact and turned in -- turned in my
18 report. I'm requesting that you waive the
19 penalty. It's a brand new party. It's the
20 first time the committee is up, you know, we
21 have a \$110.00, so it's not -- it's not a lot of
22 money, and it's brand new. So I was hoping that
23 could be waived on the first time offense.

24 CHAIRMAN BENNETT: Any questions commission
25 members?

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1 MEMBER WILSON OVERHOLT: I don't want to
2 say the Libertarian Party gets to get away with
3 not paying the fines -- sorry, I don't mean to
4 laugh, I know it's serious. I didn't --

5 FRANKLYN VOORHIES: As I watched several
6 other Libertarians come up here and it's, like,
7 "Yeah, we need more consolidation in our party."
8 We have a lot of people who are very
9 enthusiastic. And I work full-time, I work 10,
10 12 hours a day. So it's easy for some stuff to
11 get away from me. Like I said, it was on my
12 calender. It's a priority, but sometimes things
13 just get -- get the wrong way.

14 MEMBER KLUTZ: What's the total fine?

15 MS. TAYLOR: \$350.47.

16 CHAIRMAN BENNETT: Why didn't you take the
17 25 percent?

18 FRANKLYN VOORHIES: It's -- I only have
19 \$110.00.

20 MEMBER WILSON OVERHOLT: \$110.00 would
21 cover the 25 percent.

22 FRANKLYN VOORHIES: I think it would.

23 MEMBER WILSON OVERHOLT: Because it's less
24 than \$400.00 of a fine.

25 CHAIRMAN BENNETT: It would be \$85.00 or

1 something.

2 Did you close the --

3 FRANKLYN VOORHIES: No, it's -- I just
4 started it and --

5 MEMBER KLUTZ: And you've raised money,
6 obviously, of \$110.00?

7 FRANKLYN VOORHIES: Yes, you know, very
8 little.

9 MEMBER KLUTZ: Right. But you plan to keep
10 it open?

11 FRANKLYN VOORHIES: Yeah, I plan to keep it
12 open.

13 MEMBER KLUTZ: Somewhat different in
14 similar circumstances where we have waived the
15 fee.

16 MEMBER WILSON OVERHOLT: I move that we
17 reduce the penalty, the fine to 25 percent plus
18 mail.

19 MEMBER KLUTZ: Second.

20 CHAIRMAN BENNETT: Yeah, I mean, that's a
21 good as deal we offer. I wish you would have
22 taken it before you sat here all day. I mean, I
23 would -- can I interject with a question?

24 Go ahead.

25 FRANKLYN VOORHIES: Like, in the interest

1 of civil involvement, I mean, it's a new thing
2 that I'm doing, and a lot of people are very
3 fearful of, you know, starting -- doing the
4 paperwork, getting fines and penalties. I
5 understand the need to have rigid -- a rigid
6 schedule for people to file promptly and
7 accurately. Like I say, it's tough when it's a
8 simple a clerical error and you get whacked, I
9 mean --

10 MEMBER KLUTZ: Well, the rigidness is we
11 fine you the full amount.

12 FRANKLYN VOORHIES: Yes.

13 MEMBER KLUTZ: And your desire to be active
14 has obligations.

15 FRANKLYN VOORHIES: I understand.

16 MEMBER KLUTZ: It's not to be active in a
17 free-for-all --

18 FRANKLYN VOORHIES: Right.

19 MEMBER KLUTZ: And if we want to be rigid,
20 we would say, "Whatever was proposed, that's
21 what we're assessing." We're willing to reduce
22 it by 75 percent.

23 FRANKLYN VOORHIES: Right, I'm not
24 saying -- I'm not saying --

25 MEMBER KLUTZ: And you're asking for 100

1 percent --

2 FRANKLYN VOORHIES: Yeah, I'm asking for
3 100 percent, I'm not saying that you're being
4 too rigid, that's not what I'm saying. But I am
5 saying that I understand that there's a deadline
6 and these are rigid deadlines. I'm not saying
7 the committee here is being unreasonable or too
8 rigid. I'm just asking that --

9 MS. CELESTINO-HORSEMAN: I think the thing
10 is, I think that what you're saying is that
11 mistakes will be made, I think what we're saying
12 is that when you are in a political
13 organization, I mean, the last young man who
14 didn't have a lot of resources, when you are a
15 political organization, you have to enter this
16 with a certain amount of responsibility and
17 knowledge. So you have to bring yourself up --
18 so one of the ways that we make sure people do
19 that is through the deadlines, and rules and all
20 of that.

21 FRANKLYN VOORHIES: Right.

22 MEMBER WILSON OVERHOLT: Total fines.

23 MS. CELESTINO-HORSEMAN: Yea, so you're
24 getting a good rate with the 25 percent. So I
25 would take it and run.

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1 FRANKLYN VOORHIES: Okay.

2 CHAIRMAN BENNETT: If we pass the motion.

3 All in favor say aye?

4 MS. CELESTINO-HORSEMAN: Aye.

5 MEMBER KLUTZ: Aye.

6 MEMBER WILSON OVERHOLT: Aye.

7 CHAIRMAN BENNETT: All opposed nay.

8 Motion carries, 25 percent.

9 FRANKLYN VOORHIES: Okay.

10 CHAIRMAN BENNETT: They'll send it to you.

11 Okay. Everyone done?

12 Is there anyone left in the room for
13 campaign finance matters?

14 Seeing and hearing none, I would ask the
15 campaign finance staff to identify any matters
16 for which a motion continuations was received
17 for today's meeting.

18 MS. TAYLOR: Okay. We have several
19 requests for continuance. Do you want cause
20 numbers? Is that what I'm reading?

21 Washington for State Senate, cause number
22 2014-6270-66. Cause number 2015-6645-91. Cause
23 number 2016-5496-103. Cause number
24 2017-5475-24. Cause number 2017-6172-35. Cause
25 number 2017-6653-53. 2017-6724-57.

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1 2017-6938-86. 2017-6938-119. 2016-6873-166,
2 and 2017-6709-133, 136, and 2017-6709-141.

3 All of those causes have asked for a
4 continuance.

5 CHAIRMAN BENNETT: And do they, generally,
6 provide some kind of cause in those --

7 MEMBER WILSON OVERHOLT: If you look at the
8 yellow tab those have written requests --

9 MS. THOMPSON: Yeah, the continued --

10 CHAIRMAN BENNETT: All right. There is a
11 motion -- is there a motion to grant the
12 requests for continuance on these matters?

13 MS. CELESTINO-HORSEMAN: Staff, is there a
14 continuance that you think we need to take
15 special attention to?

16 MS. THOMPSON: No.

17 MEMBER WILSON OVERHOLT: I noticed one that
18 was 11:28 this morning --

19 CHAIRMAN BENNETT: Do we have a motion? We
20 need a motion and a second.

21 MEMBER KLUTZ: I second.

22 CHAIRMAN BENNETT: We have a motion and a
23 second. So now we're in the discussion phase.
24 Go ahead.

25 MEMBER WILSON OVERHOLT: So is the motion

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1 saying we approve all of them?

2 CHAIRMAN BENNETT: Yes.

3 MEMBER WILSON OVERHOLT: Okay. Because --
4 I -- I whipped through what we have in writing,
5 and one stands out is just the one that
6 requested at 11:28 this morning. Saying that --
7 what's the basis there -- that he's not going
8 to -- he won't be able to make the meeting in
9 enough time, which seems -- there's some that
10 seems to have come in at least, you know,
11 yesterday.

12 CHAIRMAN BENNETT: Maybe we should keep an
13 eye open for that one next time if he tries to
14 pull the the same thing.

15 MEMBER WILSON OVERHOLT: Okay.

16 MS. CELESTINO-HORSEMAN: Yeah, if something
17 happened with --

18 CHAIRMAN BENNETT: So any further
19 discussion from -- that's a good point.

20 MS. CELESTINO-HORSEMAN: It is a good
21 point.

22 CHAIRMAN BENNETT: All in favor say aye.

23 MS. CELESTINO-HORSEMAN: Aye.

24 MEMBER KLUTZ: Aye.

25 MEMBER WILSON OVERHOLT: Aye.

1 CHAIRMAN BENNETT: All opposed say nay.

2 Motion carried, continuance is granted.

3 At this time I would like to recognize Abby
4 and Michelle if there's any information
5 regarding the administrative dissolution for
6 certain finance committees?

7 MS. THOMPSON: Mr. Chairman, your little
8 orange tab.

9 These three committees have a --
10 administratively dissolved, they have not filed
11 the report in three years and they have a
12 balance of less than \$1,000.00. Both chairman
13 and treasurer have been notified of this
14 hearing.

15 CHAIRMAN BENNETT: Okay. The campaign
16 finance staff confirmed the penalties these
17 committees have not filed reports expenditures
18 from the previous calendar years and last
19 reported cash on hand in the amount not
20 exceeding \$1,000.00.

21 MS. THOMPSON: That's correct.

22 CHAIRMAN BENNETT: I move that the
23 commission do the following.

24 1. Make a finding there is no evidence
25 that any of these committees continues to

1 receive contributions, make expenditures, or
2 otherwise function as a committee.

3 2. Final -- according to the best evidence
4 available to the commission, the dissolution of
5 these committees will allow -- with any contract
6 or impede collections of any debt or judgment by
7 a person.

8 3. In finding abuse of public resources,
9 makes further efforts to collect any outstanding
10 civil penalties imposed against these committees
11 wasteful or unjust, and therefore, that any such
12 penalties may be waived -- or any such penalties
13 be waived.

14 4. Administratively dissolving each of
15 these committees.

16 Is there a second?

17 MEMBER KLUTZ: So moved.

18 CHAIRMAN BENNETT: I have a motion, you're
19 second --

20 MEMBER KLUTZ: I'm sorry. Second.

21 CHAIRMAN BENNETT: All in favor of the
22 motion say aye.

23 MS. CELESTINO-HORSEMAN: Aye.

24 MEMBER KLUTZ: Aye.

25 MEMBER WILSON OVERHOLT: Aye.

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1 CHAIRMAN BENNETT: All opposed nay.

2 Ayes have it. Motion approved.

3 Turn to anyone present to testify on any of
4 the remaining campaign finance hearing scheduled
5 for today?

6 Seeing and hearing none, I declare the
7 hearing on all remaining campaign finance
8 matters scheduled for today are closed.

9 Is there a motion to impose the entire
10 amount of the proposed penalty plus mailing
11 fines in all remaining campaign finance
12 enforcement actions?

13 MEMBER KLUTZ: So moved.

14 CHAIRMAN BENNETT: Is this a second?

15 MS. CELESTINO-HORSEMAN: Second.

16 CHAIRMAN BENNETT: Any discussion? We have
17 a motion and a second.

18 All favor say aye?

19 MS. CELESTINO-HORSEMAN: Aye.

20 MEMBER KLUTZ: Aye.

21 MEMBER WILSON OVERHOLT: Aye.

22 CHAIRMAN BENNETT: All opposed say nay.

23 Motion carries.

24 The ayes have it, and the motion to impose
25 penalty -- impose the penalty is adopted.

1 We now recognize the commission for new
2 business.

3 MEMBER KLUTZ: Mr. Chairman, I am concerned
4 that the -- this commission is not going to meet
5 or satisfy its -- what I believe to be statutory
6 obligations with the Lake County precinct
7 consolidation. I have a disagreement with
8 Commissioner Long's interpretation of the
9 deadline of September 1, 2017, doesn't apply to
10 us. I believe we have an obligation to move
11 that plan. The statute provides that we can
12 present a plan, the commissioners can present a
13 plan that realizes savings for the county and
14 also does not impose unreasonable obstacles for
15 voters of the county to vote.

16 I believe that plan number one, that was
17 presented at our last meeting, satisfies both of
18 those statutory factors. I don't believe any
19 evidence was submitted contrary to that.
20 Those -- plan number 1, was made available to
21 the public prior to our meeting last time, the
22 commission did not receive any comments at the
23 hearing or receive any written comments prior to
24 the hearing and so, therefore, I, as an
25 individual commissioner, would like to present

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1 plan number one for the commissions'
2 consideration and vote. I would then move for
3 its adoption.

4 CHAIRMAN BENNETT: Is there a second?

5 I'll second the motion.

6 Is there any discussion?

7 Hearing no further discussion, all in favor
8 of the motion say aye.

9 MEMBER KLUTZ: Aye.

10 CHAIRMAN BENNETT: Aye.

11 All opposed say nay.

12 MS. CELESTINO-HORSEMAN: Nay.

13 MEMBER WILSON OVERHOLT: Nay.

14 CHAIRMAN BENNETT: We have a two/two
15 deadlock, and motion does not carry.

16 Indiana Election Commission has finished
17 its business for today. Is there a motion for
18 the Indiana Election Commission to adjourn?

19 MEMBER KLUTZ: So moved.

20 CHAIRMAN BENNETT: I'll second. All in
21 favor say aye.

22 MS. CELESTINO-HORSEMAN: Aye.

23 MEMBER KLUTZ: Aye.

24 MEMBER WILSON OVERHOLT: Aye.

25 CHAIRMAN BENNETT: All opposed nay.

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1 Ayes have it. Indiana Election Committee
2 has adjourned. Thank you.

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1 STATE OF INDIANA)
2 COUNTY OF MARION) SS:

3 I, Elizabeth Summers Long, a Notary
4 Public in and for the County of Marion, State of
5 Indiana at large, do hereby certify that on the
6 18th day of August, 2017, I took down in
7 stenograph notes the foregoing proceedings, and
8 that the foregoing transcript is a full, true
9 and correct transcript made from my stenographic
10 notes.

11 IN WITNESS WHEREOF, I have hereunto
12 set my hand and affixed my notarial seal this
13 _____ day of _____, 2017.

14
15

Elizabeth Summers Long

16

NOTARY PUBLIC

17

18

19 My Commission Expires:

20 April 2, 2022

21

22 County of Residence:

23 Marion

24

25