

Indiana Election Commission Minutes March 16, 2009

Members Present: Thomas E. Wheeler, II, Chairman of the Indiana Election Commission ("Commission"); S. Anthony Long, Vice Chairman of the Commission; Daniel A. Dumezich, member of the Commission; Sarah Steele Riordan, member of the Commission.

Members Absent: None

Proxies: Todd Tolson acted as proxy for Thomas E. Wheeler, II, in cause number 2007-156 (Liberty Mutual); Todd Tolson acted as proxy for S. Anthony Long in cause number 2009-4360-231 (Warrick County Democrat Central Committee); Michael D. Rogers acted as proxy for Thomas E Wheeler, II, in cause number 2009-4692-233 (First District Republican Committee).

Staff Attending: Pamela Potesta, Co-Director of the Indiana Election Division; Dale Simmons, Co-General Counsel of the Election Division; Leslie Barnes, Co-General Counsel of the Election Division; Michelle Thompson, Campaign Finance Co-Director of the Election Division, and Abbey Taylor, Campaign Finance Co-Director of the Election Division.

Also Attending: John Watkins, Marybeth Fehribach, Linda Grass, Representative William Friend, Senator Lonnie Randolph, Rick Whitener, Representative Jacque Clements, Senator Jean Breaux, Representative Matt Lehman, Andrew Gangwer, Dee Saul, Lawrence Newman, Kenneth Kern, Chuck Williams, Jen Grawcock, John Davis, Tom Mauser, John Barth, David Nicholson, Ken Morgan, Chris Collins, Terry Michael, Jim Whelan, Charles Ewing, LaRon Keith, Richard Skiles, Ryan Thomas, Tim Frye, John Jessup, Martin Voegelé, Dan Dykes, Matthew Morgan, Michelle Niemeyer, Patricia Bernens, Bethany Banet, Nicolas Carson, Fred Mills, Gary Avery, Penny Bigelow, Daniel Brook Tarr, Zachary Rice, Jud McMillin, Chris Worden, Ryan Laymon, John Meuser, Tom Goecker, Melissa Acton, Ed Angleton, Donald Patton, Eric Gillman, Brian Shaw, Amber Elliott, Al Cox, Rex Bell, Pam Buhman, Greg Valentine, Julie Reed, Lars McCormick, Mark Bailey, Larry Cooper, Jody Mauller, Les Compton, Chris Gibson, J. Hastings, Tim Maloney, Wade Mitchell, Shawn Olson, Bill Johnson, Larry Calvert, Kyle Conrad, Scott Lewis, Larry Shickles, and Chad Duran.

1. Call to Order

The Chair called the March 16, 2009 meeting of the Commission to order at 9:00 a.m. in the Indiana Government Center South Conference Center, Conference Room A, at 402 West Washington Street, Indianapolis, Indiana.

The Chair noted that proper notice of the meeting had been given, as required by state law. A copy of the meeting notice, agenda, and designations of proxy are incorporated by reference in these minutes. *[Copies of all documents incorporated by reference are available for public inspection and copying at the Election Division Office.]*

2. Transaction of Business

The Commission transacted the business set forth in the Transcript of Proceedings prepared by Ms. Rhonda J. Hobbs, RPR, of Connor and Associates, Inc. A copy of this document is incorporated by reference in these minutes.

The following corrections of scrivener's errors in this document are approved by the Commission:

- Page 12, line 4, delete "Ferrybach" and insert "Fehribach".
- Page 12, line 5, delete "Ferrybach (Phonetic)" and insert "Fehribach".
- Page 32, line 13, delete "alluded" and insert "inclined".
- Page 64, lines 6 and 18, delete "Graucock" and insert "Grawcock".
- Page 65, line 6, delete "Graucock" and insert "Grawcock".
- Page 66, line 17, delete "Graucock" and insert "Grawcock".
- Page 99, lines 13, 17, and 22, delete "Vegley" and insert "Voegele".
- Page 100, line 39, delete "39-1.5" and insert "3-9-1-5".
- Page 102, lines 1, 9 and 21, delete "Vegley" and insert "Voegele".
- Page 103, lines 4 and 10, delete "Vegley" and insert "Voegele".
- Page 104, lines 2, 5 and 10, delete "Vegley" and insert "Voegele".
- Page 109, line 2, delete "Niemyer" and insert "Niemeyer".
- Page 116, line 14, delete "B-A-N-N-E-T" and insert "B-A-N-E-T".
- Page 117, line 17, delete "nut" and insert "not".
- Page 117, lines 3, 6, 11, 17, and 25, delete "Bannet" and insert "Banet".
- Page 118, lines 3, 12, and 20, delete "Bannet" and insert "Banet".
- Page 141, line 14, delete "Lamon" and insert "Laymon".
- Page 143, line 25, delete "Bricker" and insert "Goecker".
- Page 144, line 13, delete "Bricker" and insert "Goecker".
- Page 145, lines 2, 4, and 22, delete "Bricker" and insert "Goecker".
- Page 146, line 10, delete "Bricker" and insert "Goecker".
- Page 176, lines 10 and 14, delete "Muller" and insert "Mauller".
- Page 177, lines 3 and 8, delete "Muller" and insert "Mauller".
- Page 178, line 15, delete "Muller" and insert "Mauller".
- Page 183, line 16, delete "Garden" and insert "Garton".
- Page 188, line 21, delete "Garden" and insert "Garton".
- Page 188, line 24, delete "Garden" and insert "Garton".
- Page 200, line 9, delete "9.3" and insert "9:30".
- Page 210, line 25, delete "dues" and insert "through".
- Page 211, line 8, delete "diminimous" and insert "*de minimis*".
- Page 215, line 10, delete "diminimous" and insert "*de minimis*".
- Page 217, line 20, delete "diminimous" and insert "*de minimis*".
- Page 230, line 16, delete "treasury" and insert "treasurer".
- Page 231, line 10, delete "Lanskey (Phonetic)" and insert "Landske".

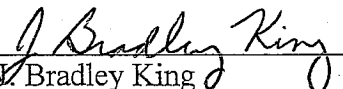
In the Concordance, the following errors are fixed and approved by the Commission:

- Page 1, column 3, delete "alluded" and insert "inclined".
- Page 2, column 2, delete "Bannet" and insert "Banet".
- Page 2, column 5, delete "Bricker" and insert "Goecker".
- Page 6, column 2, delete "diminimous" and insert "de minimis".
- Page 6, column 5, delete "dues" and insert "through".
- Page 7, column 5, delete "Ferrybach" and insert "Fehribach".
- Page 8, column 5, delete "Garden" and "Garden's" and insert "Garton" and "Garton's".
- Page 9, column 3, delete "Graucok" and insert "Grawcock".
- Page 11, column 3, delete "Lanskey" and insert "Landske".
- Page 13, column 2, delete "Muller" and insert "Mäuller".
- Page 13, column 5, delete "nut" and insert "not".
- Page 21, column 2, delete "Vegley" and insert "Voegele".

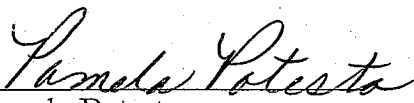
3. Adjournment

There being no further items on the Commission's agenda, the Chair entertained a motion to adjourn. Ms. Riordan moved, seconded by Mr. Dumezich, that the Commission do now adjourn. The Chair called the question, and declared that with four members voting "aye" (Mr. Wheeler, Mr. Long, Mr. Dumezich and Ms. Riordan), and no Commission member voting "no," the motion was adopted and the Commission then adjourned at 12:15 p.m.

Respectfully submitted,

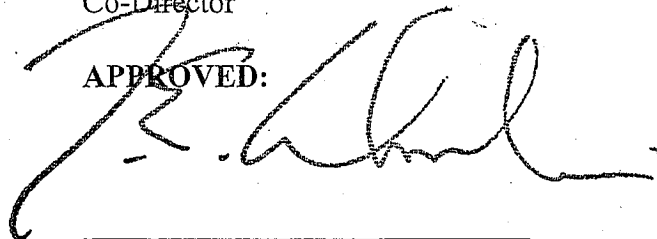


J. Bradley King
Co-Director



Pamela Potesta
Co-Director

APPROVED:

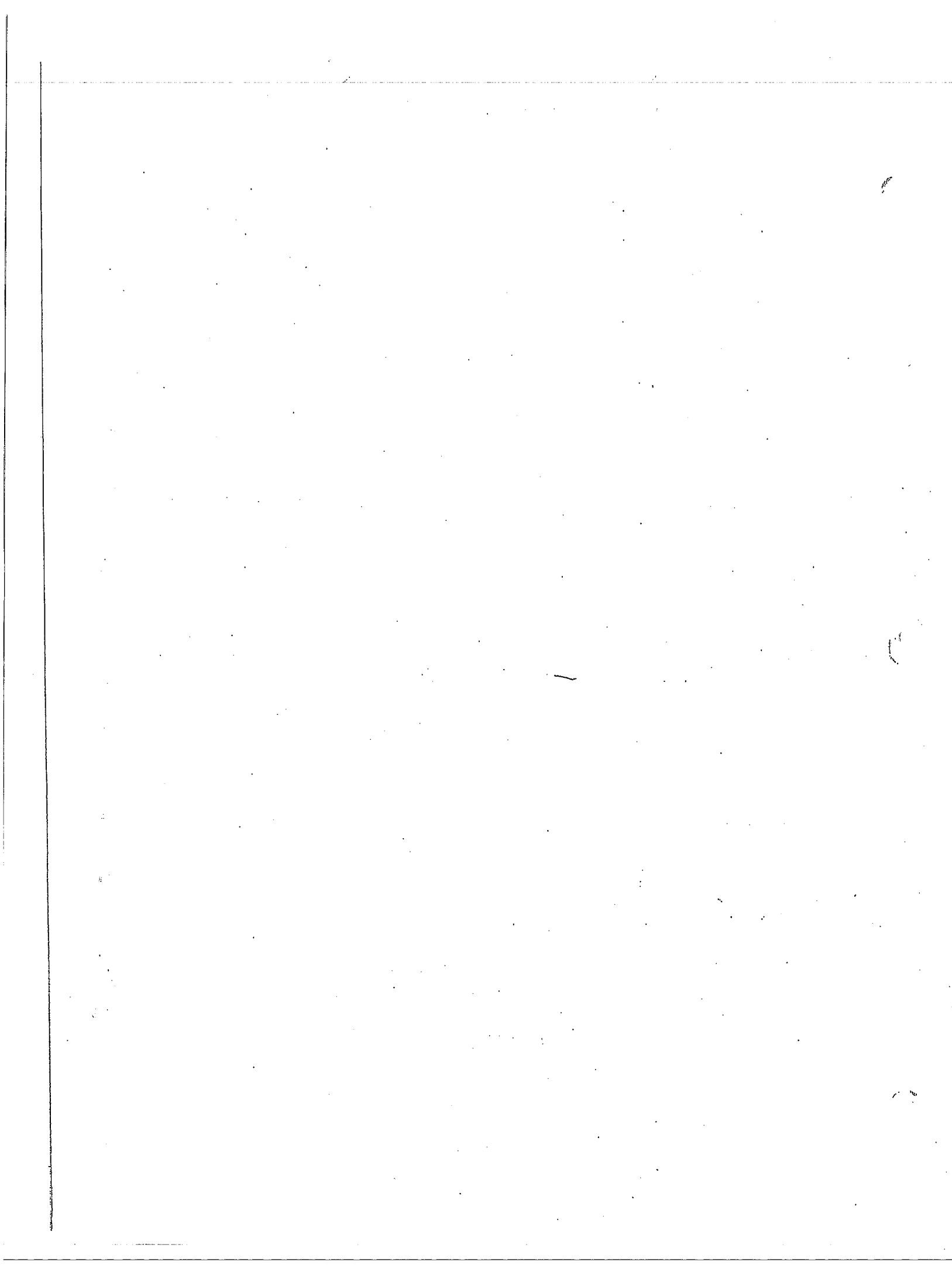


Thomas E. Wheeler, II
Chairman

**IN THE MATTER OF: INDIANA
ELECTION COMMISSION HEARING**

DATE TAKEN: MARCH 16, 2009

**CONNOR+ASSOCIATES, INC.
1650 ONE AMERICAN SQUARE
BOX 82020
INDIANAPOLIS, IN 46282
(800) 554-3376
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MARCH 16, 2009

Page 1

INDIANA ELECTION COMMISSION
PUBLIC SESSION NOTICE

Date: March 16, 2009

At: Indiana Government Center South
402 West Washington Street
Conference Room C
Indianapolis, Indiana 46204

A STENOGRAPHIC RECORD BY:
Rhonda J. Hobbs, RPR
Notary Public
Stenographic Reporter

Connor + Associates, Inc.
1650 One American Square
Indianapolis, IN 46282
(317) 236-6022

INDIANA ELECTION COMMISSION

Mr. Thomas E. Wheeler, II (Chairman)
Mr. S. Anthony Long, Vice Chairman
Mr. Daniel A. Dumszich, Commission Member
Ms. Sarah Steele Riordan, Commission Member
Mr. Todd Tolson - Proxy (Chairman Thomas Wheeler and
Mr. Vice Chairman Anthony Long)
Mr. Michael Rogers - Proxy (Chairman Thomas Wheeler)

INDIANA ELECTION DIVISION

Mr. Dale Simmons - Co-General Counsel
Ms. Leslie Barnes - Co-General Counsel
Ms. Pamela Potesta - Co Director
Ms. Michelle Thompson
Ms. Abbey Taylor

that.
VICE CHAIR A. LONG: So the request for a
continuance has been withdrawn?
MR. J. WATKINS: Yes.
VICE CHAIR A. LONG: So we're here to deal
with the merits?
MR. J. WATKINS: Yes, sir.
VICE CHAIR A. LONG: Questions or comments,
I'm sorry?
MR. J. WATKINS: Just by way of
background --
VICE CHAIR A. LONG: I'm sorry, I thought
you had already been -- forgive me, I was
paying -- we've got to get everybody sworn in.
MR. D. SIMMONS: All those who will testify
at today's meeting of the Indiana Election
Commission, please rise?
(The participants complied.)
MR. D. SIMMONS: Raise your right hand and
say I do after the administration of the oath.
Do you solemnly swear or affirm under the
penalties for perjury that the testimony you are
about to give before the Indiana Election
Commission at today's meeting is the truth, the
whole truth, and nothing but the truth, say I

CHAIRMAN T. WHEELER: The first item of
business is I will be recusing myself for the
first matter and passing the gavel to the Vice
Chair, Mr. Long, and appointing a proxy, Mr.
Tolson, to sit in my spot.

VICE CHAIR A. LONG: I call Cause No.
2007-156, Liberty Mutual. We have a staff
report, I believe is the first order of
business.

MS. M. THOMPSON: Thank you, Mr. Chairman.
Under the pink tab is where the corporations
are.

VICE CHAIR A. LONG: This is the second
page?

MS. M. THOMPSON: Yeah. Mr. Chairman, this
is Liberty Mutual, Cause No. 2007-156. This is
for Friends of Mike Ripley. During the year of
2006, Friends of Mike Ripley refunded 2,000, and
are you here to represent Liberty Mutual?

MR. J. WATKINS: Yes, I am.

MS. M. THOMPSON: Or it's not a
continuance?

MR. J. WATKINS: No, I can represent
Liberty Mutual.

MS. M. THOMPSON: Okay, then we're here for

do?
THE PARTICIPANTS: I do.
MR. D. SIMMONS: Thank you.
VICE CHAIR A. LONG: Identify yourself for
the record?
MR. J. WATKINS: My name is John Watkins.
I'm from Liberty Mutual Insurance Company in
Boston, Massachusetts.
VICE CHAIR A. LONG: And we're here to hear
what you have to say?
MR. J. WATKINS: Thank you. Just by way of
background, in April of 2006, Liberty Mutual
issued \$2,000 checks to the Friends of Mike
Ripley. On August 27th, Indiana Insurance
Company, an affiliate of Liberty Mutual, issued
a \$2,000 check to the Friends of Mike Ripley.
The research was proper, not against the
rules. We did an internal audit process that is
automated and we determined that -- this was on
June 2nd of 2006, we determined that the check
that was intended to be written by Indiana
Insurance Company was actually written on a
Liberty Mutual draft.
We immediately notified the campaign,
received a refund, and I have a copy of the

1 refund check for the Commission. This is truly
 2 an extensive -- given our -- given the fact that
 3 the NCAA was in town, no harm, no foul. We
 4 self-audited, we self-corrected, got the money
 5 back. The campaign didn't benefit in any way.
 6 We would ask that this matter be dismissed.
 7 VICE CHAIR A. LONG: We would, first of
 8 all, receive the exhibit -- Leslie, do you want
 9 to mark that and --
 10 MS. L. BARNES: Certainly.
 11 VICE CHAIR A. LONG: -- see that that's
 12 entered as part of the record in this
 13 proceeding. Anyone have any questions.
 14 COMMISSIONER S. RIORDAN: I have one. Mr.
 15 Watkins, when was the refund paid, the date of
 16 the check?
 17 MR. J. WATKINS: July 6th. Our
 18 notification to the campaign went off
 19 immediately upon finding the error. It was
 20 simply human error.
 21 COMMISSIONER D. DUMEZICH: Can you give me
 22 the dates again, sir?
 23 MR. J. WATKINS: Sure, April 26, 2006,
 24 Liberty Mutual issued a \$2,000 check to the
 25 Friends of Mike Ripley. April 27th of 2006,

1 Indiana Insurance Company intended to issue a
 2 \$2,000 check that erroneously went on a Liberty
 3 Mutual draft. In early June, we determined
 4 through a self-audit that the mistake was made.
 5 We immediately contacted the campaign, and on
 6 July 6th, 2006, a refund check was issued back
 7 to Liberty Mutual and Indiana issued a correct
 8 check thereafter -- not until we received a
 9 check back at Indiana sending a draft back to
 10 Friends for Mike Ripley.
 11 VICE CHAIR A. LONG: Anything else?
 12 MR. J. WATKINS: That's it, sir.
 13 VICE CHAIR A. LONG: Any other questions?
 14 MR. J. WATKINS: Other than Liberty
 15 Mutual -- I came from Boston. We take our
 16 reputation very seriously, and that's the reason
 17 that we came today instead of sending it on
 18 paper, mentioning how important we think our
 19 reputation is in matters like this.
 20 VICE CHAIR A. LONG: Yeah, and you had a
 21 ball game.
 22 MR. J. WATKINS: I had a nice dinner last
 23 night.
 24 VICE CHAIR A. LONG: Have they been here
 25 before?

1 MS. M. THOMPSON: No.
 2 COMMISSIONER D. DUMEZICH: I'd like to make
 3 a motion to --
 4 VICE CHAIR A. LONG: I recognize the
 5 motion.
 6 COMMISSIONER D. DUMEZICH: -- dismiss this
 7 claim.
 8 VICE CHAIR A. LONG: I'll second that. We
 9 appreciate people who self-audit and catch
 10 themselves on these things and mistakes get made
 11 and you took care of it.
 12 MR. J. WATKINS: Thank you very much.
 13 VICE CHAIR A. LONG: All in favor of the
 14 motion, signify by saying aye?
 15 THE COMMISSIONER: Aye.
 16 VICE CHAIR A. LONG: Those opposed, same
 17 sign?
 18 (No response.)
 19 VICE CHAIR A. LONG: It carries.
 20 MR. J. WATKINS: Thank you very much.
 21 VICE CHAIR A. LONG: Don't leave yet. Move
 22 over. You did good. I'm going to appoint him
 23 as a proxy for this.
 24 CHAIRMAN T. WHEELER: A proxy for what?
 25 VICE CHAIR A. LONG: For the next one.

1 CHAIRMAN T. WHEELER: All right. The
 2 second one is matter of Warrick County. Record
 3 shows the Vice Chairman, Commissioner Long, has
 4 recused himself and has been replaced by proxy,
 5 Mr. Tolson. What page number is Warrick County
 6 on?
 7 MS. M. THOMPSON: Page 114.
 8 CHAIRMAN T. WHEELER: Warrick County
 9 Democrat Central Committee, IEC Cause No.
 10 2009-4360-231. Is someone here from Warrick
 11 County Central Committee; do you have paperwork
 12 on them?
 13 MS. M. THOMPSON: Yes, Mr. Chairman,
 14 there's a letter in your packet. This is
 15 Warrick County Democrat Central Committee, Cause
 16 No. 2009-4360-231. They've never been before
 17 the Board before and proposed civil penalty is
 18 \$353.45.
 19 CHAIRMAN T. WHEELER: What's the page
 20 number for the letter?
 21 MS. A. TAYLOR: Under the blue turquoise
 22 tab, and it's halfway back. The cause number is
 23 on the top right.
 24 CHAIRMAN T. WHEELER: The letter indicates
 25 that the party finance campaign report (post

1 primary) in seven days late. Does that comport
 2 with what you guys have calculated.
 3 MS. M. THOMPSON: Yes.
 4 MS. A. TAYLOR: Yes.
 5 CHAIRMAN T. WHEELER: They've only --
 6 they've been before the board zero times?
 7 MS. M. THOMPSON: Correct.
 8 CHAIRMAN T. WHEELER: Questions from the
 9 commissioners?
 10 (no response.)
 11 CHAIRMAN T. WHEELER: I'll accept a motion.
 12 COMMISSIONER D. DUMEZICH: Motion to
 13 dismiss.
 14 CHAIRMAN T. WHEELER: I'll have a second on
 15 the motion to dismiss?
 16 COMMISSIONER S. RIORDAN: Second it.
 17 CHAIRMAN T. WHEELER: Motion is made and
 18 seconded, any further discussion?
 19 (No response.)
 20 CHAIRMAN T. WHEELER: All those in favor
 21 signify 'by saying aye?
 22 THE COMMISSION: Aye.
 23 CHAIRMAN T. WHEELER: Those opposed, same
 24 sign?
 25 (No response.)

1 CHAIRMAN T. WHEELER: Dismiss 231. Mr.
 2 Tolson, thank you very much for your service.
 3 VICE CHAIR A. LONG: Thank you.
 4 CHAIRMAN T. WHEELER: All right. Next up
 5 is Hoosiers for an Inclusive -- I'm not sure. I
 6 can't read my writing.
 7 MS. M. THOMPSON: Indiana.
 8 MS. A. TAYLOR: Indiana.
 9 CHAIRMAN T. WHEELER: Hoosiers for an
 10 Inclusive Indiana.
 11 VICE CHAIR A. LONG: Could I -- I want --
 12 the reason I recused, I'm not a member of the
 13 Warrick County Democratic Central Committee,
 14 that's just my home county, unless anyone had a
 15 question. That's why I recused.
 16 CHAIRMAN T. WHEELER: Okay. There's a
 17 podium right around that corner. Give me one
 18 second.
 19 (A discussion was held off the record.)
 20 MS. M. THOMPSON: Hoosiers for an Inclusive
 21 Indiana, Cause No. 2009-5555-127, it's never
 22 been before the Board before, and the proposed
 23 civil penalty is \$53.53.
 24 CHAIRMAN T. WHEELER: And is someone here
 25 from Hoosiers for an Inclusive Indiana?

1 MS. M. FERRYBACH: Yes, Mr. Chairman.
 2 CHAIRMAN T. WHEELER: Could you identify
 3 yourself?
 4 MS. M. FERRYBACH: My name is Marybeth
 5 Ferrybach (Phonetic). I'm treasurer of the
 6 Hoosiers for an Inclusive Indiana. First off,
 7 I'd like to say I'm sorry for our late filing.
 8 We had a calendar miss. I was on a medical
 9 issue at the time. I found out that we were
 10 behind and had this filed within 24 hours.
 11 Our chairperson of our committee has been
 12 out of touch with us, so upon reviewing the fact
 13 that the missing date, we went ahead and filed
 14 for a change in our chairperson, so we've
 15 corrected that, and I also signed up for the
 16 financial reporting on-line filing so that we
 17 could be better prepared not to miss in the
 18 future.
 19 So I feel like we've taken some corrective
 20 action on our part, and we, again, are sorry for
 21 the late filing, again, within 24 hours, and I'd
 22 ask that this case be dismissed.
 23 CHAIRMAN T. WHEELER: And you guys have
 24 never been before the Board?
 25 MS. M. FERRYBACH: We have never been

1 before the Board.
 2 CHAIRMAN T. WHEELER: Any questions from
 3 the commissioners?
 4 (No response.)
 5 CHAIRMAN T. WHEELER: I'll accept a motion.
 6 COMMISSIONER S. RIORDAN: I move that we
 7 dismiss this cause.
 8 COMMISSIONER D. DUMEZICH: Second it.
 9 CHAIRMAN T. WHEELER: Discussion?
 10 (No response.)
 11 CHAIRMAN T. WHEELER: Let me raise an
 12 issue. Historically, with the Commission, in
 13 situations like this, we impose on the first
 14 offense a 25 percent fine. I would ask the
 15 commissioners to consider -- pay a 25 percent
 16 fine, that's a 75 percent reduction in the fine?
 17 COMMISSIONER S. RIORDAN: I'll accept a
 18 friendly amendment to that effect.
 19 CHAIRMAN T. WHEELER: All right. The
 20 motion's been made as amended, any further
 21 questions?
 22 (No response.)
 23 CHAIRMAN T. WHEELER: All in favor, signify
 24 by saying aye?
 25 THE COMMISSION: Aye.

1 CHAIRMAN T. WHEELER: Those opposed, same
 2 sign?
 3 (No response.)
 4 CHAIRMAN T. WHEELER: Thank you very much.
 5 Next up, we'll start with the legislators.
 6 MS. M. THOMPSON: This is --
 7 CHAIRMAN T. WHEELER: Did you give a list
 8 of who...
 9 MS. M. THOMPSON: Yes.
 10 CHAIRMAN T. WHEELER: Okay, go ahead. Call
 11 them and tell me where we are?
 12 MS. M. THOMPSON: This is 5th District,
 13 Republican, Page 4, on your spread sheet. 5th
 14 Congressional District Republican, Cause No.
 15 2007-4690-81. This is a motion to reconsider.
 16 This has been before the Board, and they've
 17 never been before the Board prior, and this is
 18 for the 2006 PreElect. The proposed civil
 19 penalty is 152.50.
 20 CHAIRMAN T. WHEELER: All right. Is that
 21 already a reduced penalty, the one that's on
 22 there?
 23 MS. M. THOMPSON: No.
 24 VICE CHAIR A. LONG: We did not reduce it?
 25 CHAIRMAN T. WHEELER: No.

1 MS. A. TAYLOR: No.
 2 REPRESENTATIVE B. FRIEND: Mr. Chairman...
 3 CHAIRMAN T. WHEELER: Could you identify
 4 yourself, I'm sorry?
 5 REPRESENTATIVE B. FRIEND: State
 6 Representative, Bill Friend, but I'm here in the
 7 capacity of 5th District Congressional, the
 8 chairman of that district. I have with me today
 9 Linda Grass, who is the treasurer for
 10 5th Congressional District, and thank you for
 11 allowing us to be here. Unfortunately, this is
 12 our first appearance. And we have documentation
 13 and would like to submit it to the Commission.
 14 We feel the time stamp on the fax that was
 15 submitted, the congressional report is timely,
 16 and would just ask that this case be dismissed.
 17 CHAIRMAN T. WHEELER: Let me see the
 18 documents. These are originals; right?
 19 MS. L. GRASS: You can have them.
 20 CHAIRMAN T. WHEELER: These are my copy.
 21 We'll accept this as an exhibit to No.
 22 207-4690-81. All right, work with me here,
 23 what's the difference here?
 24 MS. M. THOMPSON: I'm assuming you're
 25 showing the fax time that you faxed the report;

1 is that correct?
 2 MS. L. GRASS: The top copy is the receipt
 3 that came off the fax machine. The second copy,
 4 is the actual report that was faxed.
 5 CHAIRMAN T. WHEELER: Time stamp for being
 6 faxed out is 10 --
 7 MS. L. GRASS: Yeah.
 8 CHAIRMAN T. WHEELER: Right, 10:43 on
 9 Friday, October 20th, 2006; correct?
 10 MS. L. GRASS: Correct. The Indiana
 11 Election Division stamp is -- when we didn't
 12 receive notification because of a change of
 13 address, Representative Friend and I came to the
 14 Indiana Election Division and brought those
 15 copies as you see almost a year ago.
 16 CHAIRMAN T. WHEELER: Right, April of 2008?
 17 MS. L. GRASS: Yeah, to give -- to give to
 18 them, and that's the difference. I mean, it
 19 wasn't submitted in April. It was...
 20 CHAIRMAN T. WHEELER: No, I understand.
 21 MS. L. GRASS: Okay.
 22 CHAIRMAN T. WHEELER: What is our -- do we
 23 have a version of this?
 24 MS. M. THOMPSON: I have the same thing
 25 that she sent me.

1 VICE CHAIR A. LONG: Do I understand we
 2 received the one they faxed us?
 3 MS. M. THOMPSON: Correct.
 4 CHAIRMAN T. WHEELER: Is that what
 5 happened?
 6 MS. M. THOMPSON: Yeah.
 7 CHAIRMAN T. WHEELER: So this says
 8 transmission okay. It indicates the fax went
 9 through?
 10 MS. M. THOMPSON: Correct.
 11 CHAIRMAN T. WHEELER: We just don't have a
 12 record of receiving it?
 13 MS. M. THOMPSON: No.
 14 CHAIRMAN T. WHEELER: All right. What's
 15 our fax number?
 16 MS. M. THOMPSON: (317) 233-6793.
 17 CHAIRMAN T. WHEELER: Same thing.
 18 MS. L. GRASS: We did fax it a second time
 19 when they told us they didn't receive it.
 20 MS. M. THOMPSON: Right, that's when it
 21 came in on -- we received it on the 23rd.
 22 CHAIRMAN T. WHEELER: Okay. So you
 23 notified them they didn't have it and then you
 24 guys called and said hey, wait, we got a fax.
 25 The transmission showed we did something?

1 MS. M. THOMPSON: Right.
 2 CHAIRMAN T. WHEELER: And then you sent it
 3 again on the 23rd?
 4 MS. L. GRASS: Yes.
 5 CHAIRMAN T. WHEELER: Questions from the
 6 Commissioners?
 7 (No response.)
 8 CHAIRMAN T. WHEELER: I'll accept a motion.
 9 VICE CHAIR A. LONG: I move that we move to
 10 reconsider this and reverse the previous fine
 11 because it's obvious that they submitted it
 12 timely and it was a mechanical mistake and we
 13 dismiss the cause.
 14 CHAIRMAN T. WHEELER: Second?
 15 COMMISSIONER D. DUMEZICH: Second.
 16 CHAIRMAN T. WHEELER: Any further
 17 discussion?
 18 (No response.)
 19 CHAIRMAN T. WHEELER: Hearing none, all in
 20 favor of dismissing Cause No. 2007-4690-81 based
 21 upon the fact that they didn't fax it in on
 22 time, signify by saying aye?
 23 THE COMMISSION: Aye.
 24 CHAIRMAN T. WHEELER: Those opposed, same
 25 sign?

1 (No response.)
 2 CHAIRMAN T. WHEELER: Motion carries.
 3 Thank you.
 4 MS. L. GRASS: Thank you.
 5 REPRESENTATIVE B. FRIEND: Thank you very
 6 much.
 7 CHAIRMAN T. WHEELER: What do we have next?
 8 MS. M. THOMPSON: On Page 126 -- actually,
 9 he has two causes here, Page 126 and Page 146.
 10 CHAIRMAN T. WHEELER: You can -- you can
 11 just stay. That's usually where we put people.
 12 Okay, 126, and what's the second one?
 13 MS. M. THOMPSON: 146.
 14 CHAIRMAN T. WHEELER: 146, got it.
 15 MS. M. THOMPSON: The first one is
 16 Committee to Elect Lonnie M. Randolph, Cause No.
 17 2009-5719-255, been before the Indiana Election
 18 Commission once for a total civil penalty of
 19 \$253.45, that's the first one.
 20 CHAIRMAN T. WHEELER: All right. That's
 21 why the second one says zero and the first
 22 one...
 23 MS. M. THOMPSON: Yeah, to explain the
 24 spreadsheet.
 25 CHAIRMAN T. WHEELER: This is?

1 COMMISSIONER D. DUMEZICH: 146.
 2 CHAIRMAN T. WHEELER: Yeah, 146 is
 3 technically the first one. That's why it shows
 4 zero.
 5 MS. M. THOMPSON: This is the first one and
 6 126 is the second one.
 7 CHAIRMAN T. WHEELER: So no show of times
 8 before the board, he hasn't been before the
 9 board before today?
 10 MS. A. TAYLOR: Correct.
 11 MS. M. THOMPSON: No -- before today,
 12 correct. Then the second one is Committee to
 13 Elect Attorney Lonnie Randolph, Cause No.
 14 2009-5719-291. This is for his statement of
 15 organization, proposed civil penalty is
 16 \$1,003.45.
 17 CHAIRMAN T. WHEELER: And there's notation
 18 that we have a letter on this one, too?
 19 MS. M. THOMPSON: Yes.
 20 CHAIRMAN T. WHEELER: And that would have
 21 been on 291; right, so it'd be right in the
 22 back?
 23 MS. M. THOMPSON: Yes.
 24 CHAIRMAN T. WHEELER: Sorry, we've got
 25 paper, too.

1 SENATOR L. RANDOLPH: Yeah, I know.
 2 CHAIRMAN T. WHEELER: All right, Senator.
 3 SENATOR L. RANDOLPH: I've got two causes.
 4 One is, the last three numbers are 255 and 291.
 5 CHAIRMAN T. WHEELER: Which one do you want
 6 to start with?
 7 SENATOR L. RANDOLPH: Why don't we start
 8 with 291, I guess.
 9 CHAIRMAN T. WHEELER: Okay.
 10 SENATOR L. RANDOLPH: And I think that's
 11 the one where I had faxed a copy to the Election
 12 Board; and there's a copy of my fax sheet, then
 13 when I got it back, I wrote a follow-up letter
 14 to Mr. King after I got notice of delinquency
 15 indicating that -- that I had faxed it earlier.
 16 CHAIRMAN T. WHEELER: Give me one second.
 17 I want to make sure. All right, we got a
 18 transaction report from the fax that shows
 19 March 6th, and that's in the commissioners'
 20 binders, March 6th at 10:42, and you were faxing
 21 in your statement of organization?
 22 SENATOR L. RANDOLPH: Yes.
 23 CHAIRMAN T. WHEELER: And that's -- you've
 24 given us a copy of that. You've also given us a
 25 copy of the cover sheet as well, and let me go

1 ahead -- we'll accept that as an exhibit to 291.
 2 And then you had something else, I'm sorry?
 3 SENATOR L. RANDOLPH: A cover -- after I
 4 got the notice of delinquency, I sent a letter
 5 to Mr. King.
 6 CHAIRMAN T. WHEELER: Is that in your
 7 packet or not?
 8 SENATOR L. RANDOLPH: I don't know. I
 9 think I sent another report in with the letter.
 10 MS. M. THOMPSON: It should be in there.
 11 CHAIRMAN T. WHEELER: Yeah, it's -- it's in
 12 there as well. Actually, all of this is in the
 13 packet under 291 so I think we've got all of
 14 that. So basically on that one -- when was the
 15 report dated, the statement of organization was
 16 due when?
 17 MS. M. THOMPSON: February 29th.
 18 CHAIRMAN T. WHEELER: And it looks like you
 19 faxed it on March 6th. So it was due February
 20 9th and you faxed it on the 6th?
 21 SENATOR L. RANDOLPH: I'm not sure which
 22 one it is in terms of what you're referring to.
 23 VICE CHAIR A. LONG: The statement of
 24 organization.
 25 SENATOR L. RANDOLPH: Yeah, there's one of

1 means we just -- we didn't -- we just never got
 2 it.
 3 MS. M. THOMPSON: We didn't get it until
 4 March 24th.
 5 CHAIRMAN T. WHEELER: But he indicates that
 6 he's faxed -- he's got a fax cover sheet that
 7 shows received that same fax number on 10:42 on
 8 March 6th. If we use that March 6th date, what
 9 would the fine be?
 10 MS. A. TAYLOR: \$300.
 11 CHAIRMAN T. WHEELER: And he's never been
 12 before the Commission before; correct?
 13 MS. A. TAYLOR: Correct.
 14 CHAIRMAN T. WHEELER: I'll accept a motion
 15 on 291 -- I'm sorry, did you have a question Mr.
 16 Long?
 17 VICE CHAIR A. LONG: No.
 18 CHAIRMAN T. WHEELER: I'll accept a motion
 19 on 291.
 20 VICE CHAIR A. LONG: I would move, just
 21 thinking out loud, to reduce his fine to
 22 25 percent first time.
 23 CHAIRMAN T. WHEELER: 25 percent of the
 24 300?
 25 VICE CHAIR A. LONG: Yes.

1 them I had faxed prior to...
 2 CHAIRMAN T. WHEELER: It would have been
 3 this one, CFA-1.
 4 COMMISSIONER D. DUMEZICH: So it was dated
 5 before and faxed after.
 6 CHAIRMAN T. WHEELER: Because your fax
 7 cover sheet says March 5th, so it would have
 8 been late; correct?
 9 MS. M. THOMPSON: Yes.
 10 CHAIRMAN T. WHEELER: By six days?
 11 SENATOR L. RANDOLPH: Is it referencing
 12 that one or is it referencing the other report?
 13 COMMISSIONER D. DUMEZICH: It's referencing
 14 that one.
 15 SENATOR L. RANDOLPH: Okay.
 16 CHAIRMAN T. WHEELER: I'm just trying to do
 17 the fines on statement of organization right
 18 now. And the fines on statement of
 19 organization, is that just a flat or is that a
 20 compilation; is that by day or...
 21 MS. M. THOMPSON: By day.
 22 CHAIRMAN T. WHEELER: And how much per day?
 23 MS. M. THOMPSON: \$50.
 24 CHAIRMAN T. WHEELER: So rather than being
 25 a thousand dollar fine -- the thousand dollars

1 CHAIRMAN T. WHEELER: Which would be \$75;
 2 correct -- check it -- I don't have a
 3 calculator.
 4 MR. D. SIMMONS: Yes.
 5 CHAIRMAN T. WHEELER: All right. There's
 6 been a motion to reduce the fine on 291 to \$75.
 7 COMMISSIONER D. DUMEZICH: Second.
 8 CHAIRMAN T. WHEELER: The motion's been
 9 made and seconded, any further discussion?
 10 (No response.)
 11 CHAIRMAN T. WHEELER: Hearing none, all in
 12 favor, signify by saying aye?
 13 THE COMMISSION: Aye.
 14 CHAIRMAN T. WHEELER: Those opposed, same
 15 sign?
 16 (No response.)
 17 CHAIRMAN T. WHEELER: Motion carries. Fine
 18 on 2009-5719-291 is \$75. Now on 255, and
 19 although that says one time before the Board,
 20 that's -- I treat that as a zero as well.
 21 VICE CHAIR A. LONG: So did I.
 22 CHAIRMAN T. WHEELER: And what is that, 255
 23 is -- 255 is, what's that?
 24 VICE CHAIR A. LONG: Pre-Primary, isn't it?
 25 MS. M. THOMPSON: Pre-Primary, yes.

1 CHAIRMAN T. WHEELER: Okay. And was that
 2 ever filed?
 3 MS. M. THOMPSON: Yes, on April the 23rd.
 4 CHAIRMAN T. WHEELER: Okay, Senator, on the
 5 preprimary report?
 6 SENATOR L. RANDOLPH: I was late on that.
 7 CHAIRMAN T. WHEELER: Okay. Any questions
 8 on that?
 9 VICE CHAIR A. LONG: I'm sorry, I didn't
 10 hear the Senator.
 11 SENATOR L. RANDOLPH: Yes.
 12 VICE CHAIR A. LONG: You agree that it was
 13 late?
 14 SENATOR L. RANDOLPH: Yes.
 15 CHAIRMAN T. WHEELER: I'll accept a motion.
 16 VICE CHAIR A. LONG: I didn't get the
 17 number.
 18 CHAIRMAN T. WHEELER: 255.
 19 VICE CHAIR A. LONG: Reduce it to --
 20 CHAIRMAN T. WHEELER: 25 percent of 253 is
 21 45; right?
 22 VICE CHAIR A. LONG: 250 and then plus the
 23 mailing.
 24 CHAIRMAN T. WHEELER: So what do you want
 25 it reduced?

1 COMMISSIONER D. DUMEZICH: 65.4_ --
 2 VICE CHAIR A. LONG: 65.4_ --
 3 MR. D. SIMMONS: 67.50, plus costs.
 4 CHAIRMAN T. WHEELER: What, 67.50, plus
 5 costs?
 6 VICE CHAIR A. LONG: Yeah, 67.50.
 7 CHAIRMAN T. WHEELER: All right. I've got
 8 a motion to reduce the fine to \$70.95. Do I
 9 have a second?
 10 COMMISSIONER S. RIORDAN: Second.
 11 CHAIRMAN T. WHEELER: Motion's made and
 12 seconded, any further discussion?
 13 (No response.)
 14 CHAIRMAN T. WHEELER: All in favor of
 15 reducing the fine to \$70.95, signify by saying
 16 aye?
 17 THE COMMISSION: Aye.
 18 CHAIRMAN T. WHEELER: Those opposed, same
 19 sign?
 20 (No response.)
 21 CHAIRMAN T. WHEELER: The motion carries.
 22 No. 255 is reduced to \$70.95. Thank you,
 23 Senator.
 24 SENATOR L. RANDOLPH: Is there a deadline
 25 that I get that in?

1 MS. M. THOMPSON: Pardon me?
 2 CHAIRMAN T. WHEELER: When does he have to
 3 have it in?
 4 MS. M. THOMPSON: We'll send you the
 5 orders.
 6 CHAIRMAN T. WHEELER: Okay, so you've got
 7 some time.
 8 SENATOR L. RANDOLPH: Thank you.
 9 CHAIRMAN T. WHEELER: Thank you very much.
 10 SENATOR L. RANDOLPH: Thank you very much.
 11 CHAIRMAN T. WHEELER: Okay, next up.
 12 MS. M. THOMPSON: Representative Clements.
 13 CHAIRMAN T. WHEELER: You okay there or you
 14 want to come up?
 15 MR. R. WHITENER: I'm okay here because...
 16 CHAIRMAN T. WHEELER: Okay, as long as the
 17 court reporter can hear you. What number are
 18 we?
 19 MS. M. THOMPSON: 172. Okay, Page 85.
 20 CHAIRMAN T. WHEELER: Clements for State
 21 Representative.
 22 MS. M. THOMPSON: Clements for State
 23 Representative, Cause No. 2009-5782-172.
 24 CHAIRMAN T. WHEELER: And who's speaking on
 25 this one?

1 MS. M. THOMPSON: Rick Whitener.
 2 MR. R. WHITENER: I'm Rick Whitener,
 3 campaign assistant to Jackie Clements, and Steve
 4 Frey for treasurer and Jackie are both present,
 5 so if there are any questions that you have for
 6 either -- either of them, we'll certainly be
 7 glad to answer them.
 8 CHAIRMAN T. WHEELER: All right, give me
 9 one second. Go ahead and read this one off.
 10 MS. M. THOMPSON: Okay. This is for the
 11 2008 nomination report. They've never been
 12 before the Commission. The proposed civil
 13 penalty is \$353.53.
 14 MR. R. WHITENER: Jackie was appointed to
 15 run for State Representative 38 when that seat
 16 was resigned, when Senator -- when
 17 Representative Buck became senator, so she had
 18 just been appointed as the candidate for that
 19 district.
 20 The campaign finance report of one
 21 contribution of \$100 was filed with the Clerk of
 22 Court of Frankfort County where Frankfort -- in
 23 Frankfort where Jackie resides, and that was
 24 mailed to the Election Commission on July 21st.
 25 We were notified by letter on July

1 28th that that had not been received. Once that
2 was noted that the receipt had not been made,
3 the report was then faxed to Michelle Thompson
4 and the committee on July 31st when that letter
5 had been received.

6 So this is really -- merely a manner of we
7 filed it by U.S. mail, we did not bring it in
8 person, and we remedied that with our next
9 report, being our -- being a first time
10 committee.

11 COMMISSIONER D. DUMEZICH: Is this a
12 nomination report or a CFA-4?

13 MS. M. THOMPSON: It's a -- it's a CFA
14 report, but it's called a nomination report.
15 There's where he filed it with the clerk's
16 office.

17 CHAIRMAN T. WHEELER: So you filed it with
18 the clerk's office -- when was it actually due
19 in our office?

20 MS. M. THOMPSON: 24th, July 24th.

21 MS. A. TAYLOR: July 24th.

22 CHAIRMAN T. WHEELER: So you filed it in
23 the clerk's office July 21st in Clinton and then
24 you just dropped it in the mail?

25 MR. R. WHITENER: Correct.

1 by July 31st?

2 MR. R. WHITENER: Correct.

3 VICE CHAIR A. LONG: I just didn't see a
4 fax -- maybe there is one -- okay.

5 CHAIRMAN T. WHEELER: Any other questions?
6 (No response.)

7 CHAIRMAN T. WHEELER: I'll accept a motion.

8 VICE CHAIR A. LONG: My philosophy has
9 always been when you mail them, I heard them say
10 that, so that's what -- I'm always in a quandary
11 because I think we have a good faith mailing and
12 it didn't get here. I think I accept completely
13 that it was mailed on the 21st. I'm alluded to
14 dismiss it. I understand what the statutes
15 says, but I would like to dismiss.

16 CHAIRMAN T. WHEELER: Motion's been made,
17 is there a second.

18 COMMISSIONER D. DUMEZICH: Second.

19 CHAIRMAN T. WHEELER: The motion's been
20 made and seconded, any further discussion?

21 (No response.)

22 CHAIRMAN T. WHEELER: I'm inclined to agree
23 with the Vice-Chair and myself as well. My
24 philosophy towards this and this Commission's
25 philosophy is look, if people are making a good

1 CHAIRMAN T. WHEELER: And it came into our
2 office on July 31st?

3 MS. M. THOMPSON: Uh-huh.

4 CHAIRMAN T. WHEELER: It took them ten days
5 to get from Frankfort to Indianapolis?

6 MR. R. WHITENER: I don't believe it ever
7 arrived in Indianapolis. The way it arrived was
8 when we were notified was by fax that -- having
9 been notified that the notice did not arrive.

10 VICE CHAIR A. LONG: Still in route.

11 MR. R. WHITENER: So we would ask that this
12 be dismissed since the -- certainly, the intent
13 to file was there, and the actions that were
14 taken we believe were appropriate.

15 CHAIRMAN T. WHEELER: Questions from the
16 commissioners?

17 VICE CHAIR A. LONG: As I understand, you
18 got a fax where they just filed them both at the
19 same time or the next report -- I'm not for
20 sure, how did we get the CFA?

21 MR. R. WHITENER: It was mailed on July
22 21st. We were notified on July 28th that it had
23 not arrived and so we faxed it at that point on
24 July 31st.

25 VICE CHAIR A. LONG: Okay. So it's filed

1 faith effort unless we're bound -- there are
2 times when we're bound by statutes, then we
3 can't make changes.

4 Our intent is if you make good faith
5 effort, if you're trying to do it, we work with
6 you, and I think that this clearly reflects they
7 filed it, albeit in the Clinton County Circuit
8 Court, and dropped it in the mail and the Postal
9 Service didn't come through for us. I'm going
10 to vote in favor of the motion as well. Any
11 further discussion?

12 (No response.)

13 CHAIRMAN T. WHEELER: All those in favor,
14 signify by saying aye?

15 THE COMMISSION: Aye.

16 CHAIRMAN T. WHEELER: Those opposed, same
17 sign?

18 (No response.)

19 CHAIRMAN T. WHEELER: Motion carries.

20 Thank you. I'm going to call one, First
21 District Chair, First Congressional District
22 real quick.

23 VICE CHAIR A. LONG: Republican or
24 Democrat?

25 CHAIRMAN T. WHEELER: Republican -- oh, I'm

1 sorry, hold on, let me call Jean Breaux.
 2 SENATOR J. BREAU: Thank you.
 3 MS. M. THOMPSON: Page 64.
 4 CHAIRMAN T. WHEELER: You're sitting in the
 5 corner.
 6 SENATOR J. BREAU: I'm trying to stay
 7 under the radar here, not the most comfortable
 8 place to be this morning.
 9 CHAIRMAN T. WHEELER: If we've got more
 10 legislators, come on up front so we can get
 11 through this.
 12 MS. M. THOMPSON: Okay, this is Page 64,
 13 Breau for Indiana, Cause No. 2009-5522-124. It
 14 has never been before the board before. Her
 15 total proposed civil penalty is \$353.53.
 16 SENATOR J. BREAU: Good morning, Mr.
 17 Chairman, Members of the Commission, my name is
 18 Jean Breau, I'm state Senator for District 34,
 19 which is portions of Marion county here in
 20 Indianapolis.
 21 CHAIRMAN T. WHEELER: Senator, would you
 22 spell your last name for the court reporter --
 23 oh, I'm sorry, she's got it.
 24 SENATOR J. BREAU: I do have a treasurer
 25 of record. As my fate would have it, she's a

1 home that will make this much easier for me to
 2 maintain the paperwork in a way that I believe
 3 will prevent me from being before you again in
 4 the future, and I -- I'm very humbly apologetic
 5 that it resulted in this, and I will work very
 6 hard to insure that it doesn't happen again.
 7 CHAIRMAN T. WHEELER: Any further questions
 8 from the Commissioners?
 9 VICE CHAIR A. LONG: I appreciate your
 10 candor.
 11 CHAIRMAN T. WHEELER: I'll accept a motion.
 12 COMMISSIONER D. DUMEZICH: Motion to reduce
 13 the fee to -- by 25 percent or to 25 percent,
 14 reduction 75 percent.
 15 COMMISSIONER S. RIORDAN: Second.
 16 CHAIRMAN T. WHEELER: Are we going to get a
 17 number from somebody?
 18 MR. D. SIMMONS: 87.50.
 19 CHAIRMAN T. WHEELER: Pardon me?
 20 MR. D. SIMMONS: 87.50 plus costs.
 21 CHAIRMAN T. WHEELER: The motion has been
 22 made and seconded to reduce the fine to \$87.50,
 23 plus costs, which are 3.53, make a total fine of
 24 \$91.03.
 25 SENATOR J. BREAU: Thank you very much.

1 very accomplished young lady, a master's degree
 2 in finance, and was very excited about coming on
 3 board to help me maintain my records. As fate
 4 would have it, she immediately became pregnant
 5 and gave birth to a baby and the baby had a few
 6 health issues and so I took over the
 7 responsibilities of this job as treasurer.
 8 And it was also okay because most of the
 9 materials would come in to me and I was making
 10 most of the expenditures and that sort of thing
 11 so it just seemed to make sense that it reside
 12 with me. I did pretty well up until this most
 13 recent filing, when it was really just the
 14 result of a very hectic campaign season and the
 15 last minute opportunity to attend the
 16 inauguration in Washington -- I don't know if I
 17 should say that, but that's the honesty of it.
 18 So the inauguration conflicted a little bit
 19 with the filing and I didn't have all of my
 20 materials together and certainly didn't have
 21 them together before going to Washington, so
 22 went ahead and made the decision to go to
 23 Washington and dealt with this when I returned,
 24 which resulted in its being late.
 25 And I have since put in some systems at

1 May I make one --
 2 CHAIRMAN T. WHEELER: Can you give us.
 3 COMMISSIONER D. DUMEZICH: We've got to
 4 vote.
 5 CHAIRMAN T. WHEELER: We've got to vote,
 6 first. Motion's been made and seconded, any
 7 further discussion?
 8 (No response.)
 9 CHAIRMAN T. WHEELER: All in favor, signify
 10 by saying aye?
 11 THE COMMISSION: Aye.
 12 CHAIRMAN T. WHEELER: Those opposed, same
 13 sign?
 14 (No response.)
 15 CHAIRMAN T. WHEELER: Motion carries --
 16 Senator?
 17 SENATOR J. BREAU: One last time, I just
 18 want to say I received great assistance from the
 19 Election Division. Your staff has been very
 20 very helpful to me.
 21 CHAIRMAN T. WHEELER: They've been very
 22 helpful to us and we know that. Thank you very
 23 much.
 24 MS. A. TAYLOR: I'll send you a letter.
 25 I'll call you.

1 SENATOR J. BREAUX: Okay.
 2 CHAIRMAN T. WHEELER: Okay, next up.
 3 REPRESENTATIVE MATT LEHMAN: All right.
 4 Thank you.
 5 CHAIRMAN T. WHEELER: Just introduce
 6 yourself so they can get it.
 7 REPRESENTATIVE MATT LEHMAN: Representative
 8 Matt Lehman.
 9 CHAIRMAN T. WHEELER: They will give us the
 10 number.
 11 REPRESENTATIVE M. LEHMAN: That's fine.
 12 CHAIRMAN T. WHEELER: Did you say a number?
 13 MS. M. THOMPSON: I haven't yet. I've got
 14 to find it. Page 108.
 15 CHAIRMAN T. WHEELER: Page 108?
 16 MS. M. THOMPSON: 108, yes.
 17 CHAIRMAN T. WHEELER: Okay.
 18 MS. M. THOMPSON: Okay.
 19 CHAIRMAN T. WHEELER: Matt Lehman for State
 20 Representative.
 21 MS. M. THOMPSON: Yes, Cause No.
 22 2009-5693-304. These are for his supplemental
 23 reports. His proposed civil penalty is \$353.53
 24 and he's never been before the Commission
 25 before.

1 CHAIRMAN T. WHEELER: There's a comment
 2 there, what's the comment?
 3 MS. M. THOMPSON: This is who he receives
 4 his large supplemental from.
 5 CHAIRMAN T. WHEELER: All right,
 6 Representative.
 7 REPRESENTATIVE M. LEHMAN: Thank you,
 8 Commission. I come here today. What happened
 9 here is my treasurer who is -- we're both new to
 10 this -- I've been in county government and I now
 11 I'm at state level, and I received a check on
 12 the 17th which was past the date prior to the
 13 general election. I gave that to my treasurer.
 14 He looked in the green handbook that he's
 15 using as his guide, and in the handbook, it
 16 notes there that it gives him no more than 25
 17 days prior to the convention and 48 hours prior
 18 to the general election. The book did not state
 19 the 48 hours required for a large donation.
 20 When he went that weekend to the bank, and
 21 we went that weekend to fill out the form, on
 22 the back of the form, he noticed the 48 hours.
 23 At that point we did the report, as we're
 24 supposed to and, we sent it in -- our mistake.
 25 We -- we just missed it, and you know, going by

1 the green handbook and not looking at the form
 2 itself, and like I said, sorry for the mistake,
 3 and we do now look at those forms religiously.
 4 CHAIRMAN T. WHEELER: Questions from the
 5 commissioners?
 6 VICE CHAIR A. LONG: No, these things
 7 happen.
 8 CHAIRMAN T. WHEELER: I'll accept a motion.
 9 VICE CHAIR A. LONG: I move to reduce this
 10 to 25 percent plus the mailing. It should be
 11 the same as the last one we just did.
 12 CHAIRMAN T. WHEELER: 91.03.
 13 COMMISSIONER D. DUMEZICH: 91.03.
 14 MS. L. BARNES: Yes.
 15 CHAIRMAN T. WHEELER: Motion's been made,
 16 do I have a second?
 17 COMMISSIONER D. DUMEZICH: Second.
 18 CHAIRMAN T. WHEELER: Motion's been made
 19 and seconded, any further discussion?
 20 (No response.)
 21 CHAIRMAN T. WHEELER: All in favor, signify
 22 by saying aye?
 23 THE COMMISSION: Aye?
 24 CHAIRMAN T. WHEELER: Those opposed, same
 25 sign?

1 (No response.)
 2 CHAIRMAN T. WHEELER: Thank you,
 3 Representative.
 4 REPRESENTATIVE M. LEHMAN: Thank you.
 5 CHAIRMAN T. WHEELER: I would -- if you
 6 could talk to our staff about making sure that
 7 that -- if it is not in the book, it does need
 8 to be in the book.
 9 REPRESENTATIVE M. LEHMAN: I think they're
 10 going to be the same issues.
 11 MS. M. THOMPSON: Okay.
 12 CHAIRMAN T. WHEELER: And we'll make sure
 13 that changes.
 14 REPRESENTATIVE M. LEHMAN: Thank you.
 15 CHAIRMAN T. WHEELER: The indication --
 16 just for clarification from the staff is that it
 17 is in the book but on another page, but it may
 18 make sense to clarify, because we've had a
 19 couple of people on that, that it's in there as
 20 well. We will look at that. Next one.
 21 MS. M. THOMPSON: Mr. Chairman, this is on
 22 Page 128.
 23 CHAIRMAN T. WHEELER: Wes Culver for
 24 Indiana State Representative.
 25 MS. M. THOMPSON: 128, 131 and 132.

1 CHAIRMAN T. WHEELER: 128, 130 -- 128, 131
 2 and 132.
 3 MS. M. THOMPSON: Yes. This is Wes Culver
 4 for Indiana State Representative. These are all
 5 for pre-primary supplementals. It's Cause Nos.
 6 2009-5655-259, 263, 264, 265 and 266.
 7 CHAIRMAN T. WHEELER: So these are all
 8 supplemental reports --
 9 MS. M. THOMPSON: They're all supplemental.
 10 CHAIRMAN T. WHEELER: -- that are not made
 11 within 48 hours?
 12 MS. M. THOMPSON: Forty-eight hours,
 13 correct.
 14 CHAIRMAN T. WHEELER: Although it says --
 15 and you've not been before the Commission
 16 before; right?
 17 MR. A. GANGWER: Right.
 18 CHAIRMAN T. WHEELER: And these are
 19 four that piled up; four separate contributions?
 20 MR. A. GANGWER: Yes.
 21 CHAIRMAN T. WHEELER: All right. Go ahead,
 22 I'm sorry.
 23 MR. A. GANGWER: My treasurer in the
 24 beginning -- again, being new to -- both of us,
 25 and I am the treasurer for the campaign, and I

1 versed myself to this book, 2008, and I went
 2 down to that, the bottom of Page 18, where it
 3 says 25 days, no more than 48 hours, and I took
 4 that to mean that I had 48 hours before the
 5 actual election.
 6 So unfortunately, there were five of these
 7 that come in on a large supplemental CFA-11
 8 report that came in, which I now know of course
 9 it needs to be within 48 hours and so I want
 10 this to be known that nothing on my candidate or
 11 myself was trying to do anything here other than
 12 follow the laws of the campaign.
 13 CHAIRMAN T. WHEELER: Questions from the
 14 commissioners?
 15 VICE CHAIR A. LONG: They were filed, all
 16 of them were filed?
 17 MR. A. GANGWER: As soon as I knew, UPS.
 18 VICE CHAIR A. LONG: I'm thinking out loud,
 19 this is a delivery process?
 20 MR. A. GANGWER: It's a delivery process.
 21 VICE CHAIR A. LONG: And let's take the one
 22 that's most delinquent.
 23 CHAIRMAN T. WHEELER: You filed all of
 24 these on April 29th; correct?
 25 MR. A. GANGWER: Correct.

1 CHAIRMAN T. WHEELER: And some of them are
 2 older and some them are not that old?
 3 MR. A. GANGWER: Yes, correct.
 4 VICE CHAIR A. LONG: I'm going to make a
 5 motion. I move with regard to Cause No. 266
 6 that we reduce the proposed fine by
 7 25 percent -- we can do this one, it would be
 8 \$100.
 9 CHAIRMAN T. WHEELER: There you go.
 10 VICE CHAIR A. LONG: Plus the costs, and we
 11 dismiss the other three because of the miscue,
 12 and I think that's my motion.
 13 COMMISSIONER D. DUMEZICH: Second it.
 14 CHAIRMAN T. WHEELER: Any discussion?
 15 (No response.)
 16 CHAIRMAN T. WHEELER: All in favor, signify
 17 by saying aye?
 18 THE COMMISSION: Aye.
 19 CHAIRMAN T. WHEELER: Those opposed, same
 20 sign?
 21 (No response.)
 22 CHAIRMAN T. WHEELER: Let me note for the
 23 record, Cause No. 259 has been dismissed; Cause
 24 No. 263 has been dismissed; Cause No. 264 has
 25 been dismissed; Cause No. 265 has been

1 dismissed; and Cause No. 266, a fine of \$103.45
 2 is what it is. Thank you very much.
 3 MR. A. GANGWER: Thank you.
 4 CHAIRMAN T. WHEELER: Any other
 5 representatives, sitting legislators?
 6 (No response.)
 7 CHAIRMAN T. WHEELER: All right. We're
 8 going to start right there. Come on up on the
 9 front and state your name. Give us your name as
 10 you're coming up?
 11 MR. D. SAUL: Dee Saul, spelled D-E-E,
 12 S-A-U-L. I am the treasurer of the Citizens
 13 Save Our Assessors Political Action Committee.
 14 CHAIRMAN T. WHEELER: Hang on one second.
 15 Let her look it up.
 16 MS. M. THOMPSON: Page 105 --
 17 MS. A. TAYLOR: And 152.
 18 MS. M. THOMPSON: -- and Page 152.
 19 MR. D. SAUL: I gave staff a copy --
 20 CHAIRMAN T. WHEELER: Hold on, let me get
 21 to where we are. 152 and 105, Citizens to Save
 22 our Assessors.
 23 MR. D. SAUL: There's two -- two items.
 24 CHAIRMAN T. WHEELER: Right, it's Cause
 25 Nos. 215 and 302.

1 MS. M. THOMPSON: The first one is Citizens
2 to Save our Assessors, Cause No. 2009-5840-215.
3 Again, it says one time before the Board, but we
4 have two separate issues here.

5 CHAIRMAN T. WHEELER: All right. So this
6 is his first time?

7 MS. M. THOMPSON: Exactly. This first one
8 is for his pre-election report. The proposed
9 civil penalty is \$853.53 -- do you want me to
10 them together?

11 CHAIRMAN T. WHEELER: Do the second one as
12 well.

13 MS. M. THOMPSON: Citizens to Save our
14 Assessors, Cause No. 2009-5840-302 is for his
15 statement of organization; again, he's not been
16 before the Commission and his proposed civil
17 penalty is \$1,003.53.

18 CHAIRMAN T. WHEELER: All right, sir.

19 MR. D. SAUL: I--

20 CHAIRMAN T. WHEELER: State your name
21 again, I'm sorry?

22 MR. D. SAUL: My name is Dee Saul, D double
23 E, S-A-U-L.

24 CHAIRMAN T. WHEELER: Okay. Great. And
25 you've indicated you gave documents to staff?

1 we had.

2 CHAIRMAN T. WHEELER: But you'd agree right
3 now, it wasn't timely; right?

4 MR. D. SAUL: That's correct. All the
5 facts reveal that both the pre-election report
6 and the organization report were late. As soon
7 as all the facts became available to me, on
8 October the 29th, I filed -- of course, the
9 organization had already been filed, but I filed
10 the pre-election report in less than two
11 business days to get it in, and we fully
12 acknowledge our responsibility and apologize for
13 the lateness, and we attempted to comply, we
14 just didn't have all the facts before us.

15 CHAIRMAN T. WHEELER: Questions from the
16 commissioners?

17 VICE CHAIR A. LONG: After you got up and
18 running, did you then go on and function as a
19 organization?

20 MR. D. SAUL: Yes. It was -- if you
21 recall, the -- the issue was a referendum on the
22 fall ballot so this all started and was over
23 very -- very quickly.

24 CHAIRMAN T. WHEELER: Does your
25 organization continue to operate now?

1 MR. D. SAUL: Yes, it is a chronology of
2 events.

3 CHAIRMAN T. WHEELER: So statement of
4 organization was never filed?

5 MR. D. SAUL: No, it -- it was filed.

6 CHAIRMAN T. WHEELER: I see, October 22nd.
7 That is -- is that before they hooked you into
8 this?

9 MR. D. SAUL: Yes. So when I -- when I
10 agreed, I was already in default without
11 knowledge.

12 CHAIRMAN T. WHEELER: Correct.

13 MR. D. SAUL: And when I--

14 CHAIRMAN T. WHEELER: Just to be clear, you
15 weren't the -- the entity, Citizens to Save our
16 Assessors, was in default?

17 MR. D. SAUL: Correct. I was am the
18 treasurer of the responsible party. Both --
19 both fines would exceed the amount of money
20 available so I have a personal stake in this.

21 CHAIRMAN T. WHEELER: The statement of
22 organization -- the statement of organization
23 was filed October 22nd?

24 MR. D. SAUL: Correct, which we believe to
25 be timely when we filed it from the information

1 MR. D. SAUL: Only for this purpose.

2 CHAIRMAN T. WHEELER: Do you continue to
3 operate, and let me tell you why I ask that
4 question, historically, where situations like
5 this have arisen, and then the organizations,
6 the entity, the campaign committee, that
7 organization is then shut down. I think the
8 Commission is -- typically look more leniently
9 on violations if the organization is...

10 MR. D. SAUL: There is no reason for this
11 to continue past this issue before the
12 Commission today.

13 VICE CHAIR A. LONG: And I move to continue
14 this matter until the next meeting and let him
15 file his statement of conclusion and...

16 CHAIRMAN T. WHEELER: Typically, what we
17 have done is where a situation like this has
18 arisen and the entity is ceasing to exist, what
19 we've done is we've continued that to the next
20 meeting. If the entity does indeed file the
21 paperwork indicating the cease and desist, we
22 dismiss the cause and we can move on.

23 MR. D. SAUL: Okay.

24 CHAIRMAN T. WHEELER: It doesn't make sense
25 to beat somebody that's essentially ceasing to

1 exists anyway. If that in fact is where you
 2 guys are going, and I see you're nodding your
 3 head behind you, that looks like that's where
 4 you're going, I would accept a motion to
 5 continue this pending a filing.
 6 VICE CHAIR A. LONG: So moved.
 7 COMMISSIONER D. DUMBEZICH: Second it.
 8 CHAIRMAN T. WHEELER: All right. The
 9 motion's been made and seconded, Cause No. 215
 10 and 302 pending the filing of completion of the
 11 organization, signify by saying aye?
 12 THE COMMISSION: Aye.
 13 MR. D. SAUL: Thank you, Commissioner.
 14 CHAIRMAN T. WHEELER: Those opposed, same
 15 sign?
 16 (No response.)
 17 VICE CHAIR A. LONG: We can't force you to
 18 quit.
 19 MR. D. SAUL: No, I understand.
 20 VICE CHAIR A. LONG: If you're headed in
 21 that direction, then our records get cleaned up
 22 and everything's done at one time.
 23 MR. D. SAUL: Thank you.
 24 CHAIRMAN T. WHEELER: Thank you very much.
 25 You guys are up next. Could you tell us who

1 The statement of organization ended up
 2 being the very first thing that was due, and
 3 trying to learn the ropes and everything, I was
 4 not aware of it. I did not become aware of my
 5 responsibilities in that regard until I received
 6 a mailing from the Indiana Election Division
 7 stating that I was in default and actually
 8 having filed one on my behalf.
 9 After I got that, I immediately pulled it
 10 out and filed it. You see it was dated March
 11 17th, 2008. There was no attempt on my part to
 12 hide the fact on the date I actually did it. I
 13 would like to explain why it took so long, from
 14 February 29th til March 17th, when that was
 15 filed.
 16 Although the form indicates that it was
 17 created 1:46 p.m. on February 29th, less than
 18 two hours after the form was due, it was
 19 actually sent out to me -- excuse me, it was
 20 sent out on March 4th -- here it is -- the
 21 envelope, it's actually got two postmarks on it,
 22 and one says March 3rd and one says March 4th.
 23 Apparently, it was not mailed a good three
 24 or four days and it was sent to my home which
 25 was certainly legitimate. I was not living at

1 you're here for and what you're here on?
 2 MR. L. NEWMAN: I'm Lawrence Newman, Newman
 3 for State Representative Committee.
 4 MS. M. THOMPSON: Page 147.
 5 CHAIRMAN T. WHEELER: Newman for State
 6 Representative Committee. Go ahead.
 7 MS. M. THOMPSON: Newman for State
 8 Representative Committee, File No., or Cause
 9 No., excuse me, 2009-5720-292. He's never been
 10 before the Commission before. The proposed
 11 civil penalty is \$853.45 and this is for his
 12 statement of organization.
 13 CHAIRMAN T. WHEELER: And you are?
 14 MR. L. NEWMAN: Lawrence Newman.
 15 CHAIRMAN T. WHEELER: Go ahead, Mr. Newman.
 16 MR. L. NEWMAN: Thank you. Mr. Chairman,
 17 Members of the Commission, my name is Lawrence
 18 Newman. I ran as a Republican for State
 19 District 96 in the most recent election. I've
 20 never run before. This was my first campaign
 21 and I indeed had a campaign of one, being
 22 myself. So you had a person with no experience
 23 jumping in. I've never done this before. I had
 24 no one really to -- to lean on to help get
 25 information.

1 my home at that time. Our house was flooded out
 2 we were living somewhere else and we're having
 3 major repair work done. I would only stop by
 4 the house occasionally to check on it and pick
 5 up the mail, which I did, and that's when I
 6 found this certainly several days after it was
 7 received.
 8 CHAIRMAN T. WHEELER: So as I understand
 9 it, it was due February 29th?
 10 MR. L. NEWMAN: Correct.
 11 CHAIRMAN T. WHEELER: And you filed it --
 12 you don't despite that you filed it on March
 13 17th?
 14 MR. L. NEWMAN: That's correct.
 15 CHAIRMAN T. WHEELER: And that was an
 16 oversight because you were new to this and had
 17 never done this before?
 18 MR. L. NEWMAN: Absolutely. I would
 19 note -- you know, as I was going through the
 20 process and looking at the campaign finance
 21 manual, although there are many dates and things
 22 due, that's not one of the ones listed in the
 23 chart. It is in the red book somewhere, but
 24 somebody looking at the chart trying to figure
 25 out what to do with what my obligations are, it

1 wasn't there.
 2 So it's not easily found by somebody just
 3 getting his feet wet and trying to get things
 4 going and seeing what your obligations are at
 5 the beginning of the process.
 6 CHAIRMAN T. WHEELER: All right. Questions
 7 from the commissioners?
 8 VICE CHAIR A. LONG: None.
 9 CHAIRMAN T. WHEELER: Any questions,
 10 further questions?
 11 (No response.)
 12 CHAIRMAN T. WHEELER: I'll accept a motion.
 13 VICE CHAIR A. LONG: Due to his
 14 explanation, I think he's entitled to the
 15 75 percent reduction. It would reduce his fine
 16 to 25 percent, which I think would be \$212.50
 17 plus the mailing.
 18 MR. L. NEWMAN: May I address the
 19 Commission first?
 20 CHAIRMAN T. WHEELER: Sure, if you'd like.
 21 MR. L. NEWMAN: I appreciate that. A
 22 couple of things, my campaign, as I said, was a
 23 campaign of one. I raised and spent a total of
 24 \$8.55 on this campaign, as indicated on my
 25 filings and all subsequent filings were on a

1 (No response.)
 2 CHAIRMAN T. WHEELER: Motion No. 292 is
 3 hereby continued pending the filing of a -- what
 4 is the formal document?
 5 MS. M. THOMPSON: The CFA-4.
 6 CHAIRMAN T. WHEELER: CFA-4.
 7 MS. M. THOMPSON: Report of receipts and
 8 expenditures.
 9 VICE CHAIR A. LONG: This is the final.
 10 MS. M. THOMPSON: Final report.
 11 VICE CHAIR A. LONG: Final report, and you
 12 come back on the next agenda, and that's been
 13 filed, then...
 14 MR. L. NEWMAN: Will I receive a notice
 15 come to the next meeting?
 16 CHAIRMAN T. WHEELER: You won't have to
 17 come to the next meeting.
 18 COMMISSIONER D. DUMEZICH: Just file it.
 19 VICE CHAIR A. LONG: You'll get notice of a
 20 meeting and you're welcomed to come. I think we
 21 told you what's going on happen.
 22 MR. L. NEWMAN: I appreciate that.
 23 VICE CHAIR A. LONG: Not unless we end up
 24 changing our minds.
 25 MR. L. NEWMAN: Thank you.

1 timely basis also, and the committee became
 2 dormant, the election having ended. So any --
 3 any fine above zero would have to come out of my
 4 personal...
 5 VICE CHAIR A. LONG: If he will withdraw?
 6 CHAIRMAN T. WHEELER: As an option that has
 7 been offered before, if you are shutting this
 8 committee down and not planning on running
 9 again, you also have the option of asking the
 10 Commission to continue this particular matter
 11 and conclude your committee, formally, conclude
 12 your committee as an option, if you're
 13 interested in doing that.
 14 VICE CHAIR A. LONG: If you run again,
 15 you'll just have to file new committee.
 16 MR. L. NEWMAN: I understand that. Yes, I
 17 would request the Commission to continue this.
 18 VICE CHAIR A. LONG: So moved.
 19 COMMISSIONER S. RIORDAN: Second it.
 20 CHAIRMAN T. WHEELER: All right. The
 21 motion's been made and seconded, signify by
 22 saying aye?
 23 THE COMMISSION: Aye.
 24 CHAIRMAN T. WHEELER: Those opposed, same
 25 sign?

1 MR. KERN: 5724 Kern.
 2 CHAIRMAN T. WHEELER: Pardon me -- Kern?
 3 MR. KERN: 5724 Kern.
 4 MS. M. THOMPSON: Page 148.
 5 CHAIRMAN T. WHEELER: Kern in 2008.
 6 MS. M. THOMPSON: Kern in 2008, Cause No.
 7 2009-5724-294. This is for the statement of
 8 organization. He's never before the Commission.
 9 The proposed civil penalty is \$153.45.
 10 CHAIRMAN T. WHEELER: There's a notation
 11 it's closed?
 12 MS. M. THOMPSON: He is closed.
 13 CHAIRMAN T. WHEELER: He's closed the
 14 committee?
 15 MS. M. THOMPSON: Yes.
 16 VICE CHAIR A. LONG: Filed all the reports
 17 necessary except for this one?
 18 MS. M. THOMPSON: Yes.
 19 CHAIRMAN T. WHEELER: He is now closed.
 20 MS. M. THOMPSON: Yes.
 21 MR. KERN: Just an extremely brief
 22 explanation. When I filed the declaration of a
 23 candidacy, I asked the young lady there how long
 24 I had to file, and she said ten days, and I
 25 complied with the ten days. Then later I got a

1 letter and I -- and it was three days late
 2 because it was seven days but -- and I see where
 3 the ten days came from, it came from Paragraph
 4 I -- I complied with that, but when you -- when
 5 I got the letter, then I read the CFA-1 and
 6 CFA-1 in Paragraph 2 causes us to have a 7-day
 7 frame in which to file. So we...
 8 CHAIRMAN T. WHEELER: And you filed -- it
 9 was due on the 29th?
 10 MR. KERN: We ended up filing three days
 11 late.
 12 CHAIRMAN T. WHEELER: It was due on the
 13 29th, you filed on the 30th?
 14 MR. KERN: Yes.
 15 CHAIRMAN T. WHEELER: The committee is
 16 closed; correct?
 17 MS. M. THOMPSON: Yes.
 18 CHAIRMAN T. WHEELER: It is now closed?
 19 MS. M. THOMPSON: Yes.
 20 MS. A. TAYLOR: Yes.
 21 VICE CHAIR A. LONG: I move to dismiss it.
 22 CHAIRMAN T. WHEELER: The motion's been
 23 made to dismiss it, do I have a second?
 24 COMMISSIONER D. DUMZICH: Second it.
 25 CHAIRMAN T. WHEELER: Made and seconded,

1 them look at the book and make sure it can be
 2 clarified. That's all. I guess we're done. No
 3 one is in that row.
 4 MR. C. WILLIAMS: 307.
 5 CHAIRMAN T. WHEELER: Okay, 307?
 6 MR. C. WILLIAMS: 307.
 7 CHAIRMAN T. WHEELER: If you've got the
 8 numbers, that will move things along quickly.
 9 VICE CHAIR A. LONG: Smith Ready Mix.
 10 CHAIRMAN T. WHEELER: Is this an excess,
 11 what is it?
 12 MR. C. WILLIAMS: Yes, excess.
 13 MS. L. BARNES: And before you start, can
 14 you give her your name, please?
 15 MR. C. WILLIAMS: Chuck Williams.
 16 COMMISSIONER D. DUMZICH: Mr. Williams,
 17 have you already been sworn?
 18 MR. C. WILLIAMS: Yes, I am.
 19 CHAIRMAN T. WHEELER: 2007, Ready Mix.
 20 MS. M. THOMPSON: Oh, Ready Mix, this is a
 21 corporation?
 22 CHAIRMAN T. WHEELER: Yes, this is a
 23 corporation.
 24 VICE CHAIR A. LONG: Third one down.
 25 MS. M. THOMPSON: Okay. These are 2007

1 all those in favor, signify by saying aye?
 2 THE COMMISSION: Aye.
 3 MR. KERN: Thank you very much.
 4 CHAIRMAN T. WHEELER: Those opposed, same
 5 sign?
 6 (No response.)
 7 VICE CHAIR A. LONG: Do we have something
 8 on our book, comments that we need to take heed
 9 to?
 10 CHAIRMAN T. WHEELER: Dale, you're making
 11 notes if these; right?
 12 MR. D. SIMMONS: Well; and I don't know
 13 what he was told, but the rule is you file at
 14 the earliest, raising of spending \$100 or seven
 15 days after you file --
 16 MS. M. THOMPSON: Seven days after the
 17 final hour.
 18 MR. D. SIMMONS: Yeah, the final hour of
 19 filing the declaration. These are triggered by
 20 filing the declaration. And I guess he's saying
 21 somebody told him about the ten days -- I -- I
 22 don't know if it's some -- I certainly didn't
 23 and...
 24 VICE CHAIR A. LONG: My opinion, if someone
 25 is up here and they express confusion, we have

1 Corporations, Smith Ready Mix, Inc., Cause No.
 2 09-307, contributed to Porter County Republican
 3 Central Committee in the amount of 2,500 during
 4 the year 2007. Porter County did refund \$500
 5 and the proposed civil penalty is three times
 6 the amount, excess contribution.
 7 CHAIRMAN T. WHEELER: And state your name
 8 again, please?
 9 MR. C. WILLIAMS: Chuck Williams.
 10 CHAIRMAN T. WHEELER: All right. Mr.
 11 Williams, what happened?
 12 MR. C. WILLIAMS: I'm chairman of the
 13 Republican Party and Mr. Smith was kind enough
 14 to be a sponsor of the golf outing. He asked me
 15 what the corporate contribution limit was and I
 16 told him \$2,500, and it's not \$2,500, it's
 17 \$2,000, and I'm just here to plead his case.
 18 This isn't Mr. Smith's fault. We returned
 19 the money as soon as we learned about it and we
 20 would just ask for some forgiveness. He
 21 specifically asked me what the corporate
 22 contribution limit was and I misinformed him.
 23 CHAIRMAN T. WHEELER: Apparently,
 24 Commissioner Long thinks you're a biker on this
 25 one.

1 COMMISSIONER D. DUMEZICH: Is this your
 2 first time before the Board?
 3 MR. C. WILLIAMS: Yes.
 4 VICE CHAIR A. LONG: Who caught it?
 5 CHAIRMAN T. WHEELER: Did you guys catch
 6 it?
 7 MR. C. WILLIAMS: Actually, no, the State
 8 notified us.
 9 MS. M. THOMPSON: During an audit?
 10 MR. C. WILLIAMS: Yes, and that's when I
 11 learned the corporate contribution was 2,500.
 12 VICE CHAIR A. LONG: 2,000.
 13 MR. C. WILLIAMS: 2,000 instead of 2,500.
 14 CHAIRMAN T. WHEELER: Questions from the
 15 commissioners?
 16 (No response.)
 17 CHAIRMAN T. WHEELER: Discussion, motion?
 18 VICE CHAIR A. LONG: If the -- who's going
 19 to pay the fine, the Party?
 20 MR. C. WILLIAMS: One way or the another,
 21 I'm sure we will.
 22 VICE CHAIR A. LONG: I will move to reduce
 23 the penalty to \$500, plus the mailing -- are the
 24 mailing costs on these?
 25 MS. M. THOMPSON: No.

1 CHAIRMAN T. WHEELER: What page are we on?
 2 MS. A. TAYLOR: It's on Page 16.
 3 VICE CHAIR A. LONG: 16 or 60?
 4 MS. A. TAYLOR: 16.
 5 CHAIRMAN T. WHEELER: What do we got?
 6 MS. J. GRAUCCOCK: My name is Jen Grauccock.
 7 I represent Marion County Young Democrats.
 8 MS. M. THOMPSON: Page 16, Marion County
 9 Young Democrats, Cause No. 2009-5276-20. This
 10 is for their annual report. They've never been
 11 before the Commission. Their proposed civil
 12 penalty is \$353.43 and the committee is closed.
 13 CHAIRMAN T. WHEELER: The committee is
 14 closed?
 15 MS. M. THOMPSON: Yes.
 16 CHAIRMAN T. WHEELER: You closed the Marion
 17 County Young Democrats?
 18 MS. J. GRAUCCOCK: I know. I know. We took
 19 it down to a zero balance and contributed to the
 20 Greater Indianapolis Young Democrats, which we
 21 are not officially affiliated with and thought
 22 they would do better work. So yet, in January
 23 of 2008, we realized exactly one week, that we
 24 were exactly one week late. On the date we
 25 realized we were late, we filed a report. Like

1 VICE CHAIR A. LONG: No, we don't have
 2 them.
 3 CHAIRMAN T. WHEELER: Is the motion
 4 seconded?
 5 COMMISSIONER D. DUMEZICH: Second it.
 6 CHAIRMAN T. WHEELER: Motion's made and
 7 seconded, any further discussion.
 8 (No response.)
 9 CHAIRMAN T. WHEELER: Nothing heard, I'll
 10 just throw my two cents. I would suggest the
 11 Party pay it as well.
 12 MR. C. WILLIAMS: Oh, we will.
 13 CHAIRMAN T. WHEELER: I will leave that up
 14 to you. In any event, motion's been made and
 15 seconded, any further discussion?
 16 (No response.)
 17 CHAIRMAN T. WHEELER: Hearing none, all in
 18 favor, signify by saying aye?
 19 THE COMMISSION: Aye.
 20 CHAIRMAN T. WHEELER: Those opposed, same
 21 sign?
 22 (No response.)
 23 CHAIRMAN T. WHEELER: No. 307 has been
 24 dismissed for \$500.
 25 MR. C. WILLIAMS: Thank you.

1 she mentioned, the committee was open about five
 2 years. This is the first time we've ever filed
 3 late and had to appear before you guys so..
 4 CHAIRMAN T. WHEELER: And the committee is
 5 now closed?
 6 MS. J. GRAUCCOCK: It is closed as of early
 7 2009.
 8 CHAIRMAN T. WHEELER: Any questions from
 9 the commissioners?
 10 (No response.)
 11 CHAIRMAN T. WHEELER: I'll accept a motion.
 12 VICE CHAIR A. LONG: I think if they come
 13 back again -- once the committee is closed and
 14 they've invested all their money, all we end up
 15 with is a list of fines against the committees.
 16 CHAIRMAN T. WHEELER: Which we'll be
 17 addressing several later.
 18 VICE CHAIR A. LONG: And I think
 19 administratively it's a bigger problem and I'm
 20 inclined to move to dismiss it because they
 21 don't exist and they have no money.
 22 COMMISSIONER D. DUMEZICH: Second it.
 23 CHAIRMAN T. WHEELER: Frankly, I'm inclined
 24 to cut a little slack for young individuals that
 25 want to get involved in the party, and I

1 certainly want to encourage that, not discourage
 2 that, but since you've closed your party, I'll
 3 vote for the motion.
 4 VICE CHAIR A. LONG: It's not the Party,
 5 it's the committee.
 6 CHAIRMAN T. WHEELER: Okay.
 7 VICE CHAIR A. LONG: That gavel is...
 8 CHAIRMAN T. WHEELER: It's gone straight to
 9 my head. All in favor of the motion, signify by
 10 saying aye?
 11 THE COMMISSION: Aye.
 12 CHAIRMAN T. WHEELER: Those opposed, same
 13 sign?
 14 (No response.)
 15 CHAIRMAN T. WHEELER: Motion carries, Cause
 16 No. 2009-5276-20 is dismissed. Thank you.
 17 MS. J. GRAUCCOCK: Thank you very much.
 18 CHAIRMAN T. WHEELER: Next up.
 19 MR. J. DAVIS: Farmers for Rex Bell. It's
 20 Cause No. 5845-303.
 21 CHAIRMAN T. WHEELER: 303?
 22 MR. J. DAVIS: Yes.
 23 MR. D. SIMMONS: Last one.
 24 MS. M. THOMPSON: Last page.
 25 CHAIRMAN T. WHEELER: That is the very last

1 one.
 2 MS. M. THOMPSON: Yes. Farmers for Rex
 3 Bell, Cause No. 2009-5845-303, never been before
 4 the Commission before, the proposed civil
 5 penalty is \$1,003.53, and the committee is now
 6 closed.
 7 MR. J. DAVIS: My name is John Davis. I'm
 8 an attorney from Noblesville with the firm of
 9 Church, Church, Hittle & Antrim, and with me
 10 here today is Marvin Luellen. He was the
 11 chairman of a putative committee entitled,
 12 "Farmers for Rex Bell."
 13 This case comes to the Commission by virtue
 14 of a complaint letter filed by the incumbent in
 15 the Indiana House, Tom Saunders, and it's a
 16 failure to timely file a campaign financial
 17 report case. Mr. Luellen --
 18 CHAIRMAN T. WHEELER: Can I cut you
 19 straight to the chase because we have a lot of
 20 people?
 21 MR. J. DAVIS: Yes.
 22 CHAIRMAN T. WHEELER: I know the committee
 23 is closed now?
 24 MR. J. DAVIS: It is.
 25 CHAIRMAN T. WHEELER: And you don't plan

1 any further activity on the committee?
 2 MR. J. DAVIS: We do not.
 3 VICE CHAIR A. LONG: Does it hurt any that
 4 I went to school with Church and Hittle?
 5 CHAIRMAN T. WHEELER: Not anymore than -- I
 6 happen to know Mr. Day as well so...
 7 MR. J. DAVIS: Mr. Day is Mr. Luellen's
 8 son.
 9 CHAIRMAN T. WHEELER: My sympathies. I'll
 10 accept a motion:
 11 VICE CHAIR A. LONG: This is a statement of
 12 organization; I believe; correct?
 13 MS. M. THOMPSON: Yes.
 14 VICE CHAIR A. LONG: And they've filed all
 15 of their forms and everything is square within
 16 the statement, it's closed?
 17 MS. M. THOMPSON: Yes.
 18 VICE CHAIR A. LONG: I move to dismiss.
 19 COMMISSIONER D. DUMBZICH: Second.
 20 CHAIRMAN T. WHEELER: The motion's been
 21 made and seconded, any further discussion?
 22 (No response.)
 23 CHAIRMAN T. WHEELER: All in favor, signify
 24 by saying aye?
 25 THE COMMISSION: Aye.

1 CHAIRMAN T. WHEELER: Those opposed, same
 2 sign?
 3 (No response.)
 4 CHAIRMAN T. WHEELER: I hope you're
 5 charging him a vast amount. Tell Mr. Day I said
 6 hi.
 7 MR. J. DAVIS: Thank you.
 8 VICE CHAIR A. LONG: As well as the
 9 Churches and Mr. Hittle.
 10 MR. J. DAVIS: I shall. Thank you.
 11 CHAIRMAN T. WHEELER: All right, next up,
 12 State your name?
 13 MR. T. MAUSER: Tom Houser, 187.
 14 CHAIRMAN T. WHEELER: What number?
 15 MR. T. MAUSER: 187.
 16 MS. M. THOMPSON: It's on Page 92.
 17 VICE CHAIR A. LONG: It's 187?
 18 COMMISSIONER D. DUMBZICH: Yes.
 19 MS. M. THOMPSON: Iron Workers Local 439
 20 PAC Fund, Cause No. 2009--4374-187, proposed
 21 civil penalty is \$1,003.53, and the committee is
 22 closed.
 23 CHAIRMAN T. WHEELER: And as I note in your
 24 cover letter, you discuss why the committee was
 25 closed, that they voted to dissolve the fund?

1 MR. T. MAUSER: Yes.
 2 CHAIRMAN T. WHEELER: And disbursed to
 3 some -- and I commend you for disbursing your
 4 fund to various charities in Terre Haute so...
 5 MR. T. MAUSER: Yes. We felt it was the
 6 right thing to do.
 7 CHAIRMAN T. WHEELER: Questions from the
 8 commissioners?
 9 (No response.)
 10 CHAIRMAN T. WHEELER: I'll accept a motion.
 11 COMMISSIONER D. DUMEZICH: Motion to
 12 dismiss.
 13 VICE CHAIR A. LONG: Second it.
 14 CHAIRMAN T. WHEELER: Those opposed, same
 15 sign?
 16 (No response.)
 17 CHAIRMAN T. WHEELER: And again, I do
 18 commend you for disbursing your funds to
 19 charity.
 20 MR. T. MAUSER: Thank you, sir.
 21 CHAIRMAN T. WHEELER: Next up.
 22 MR. J. BARTH: John Barth.
 23 CHAIRMAN T. WHEELER: Do you know what
 24 number you're on?
 25 MR. J. BARTH: 627.

1 VICE CHAIR A. LONG: What's the page, 6 --
 2 MS. A. TAYLOR: Page 68.
 3 VICE CHAIR A. LONG: Page what?
 4 MS. A. TAYLOR: 68.
 5 MS. M. THOMPSON: This is the committee to
 6 elect John Barth, Cause No. 2009-5627-134. He's
 7 never been before the commission. Proposed
 8 civil penalty is \$303.53 and the committee is
 9 closed.
 10 MR. J. BARTH: Do you need to know any more
 11 than that. That's the situation. That's -- I
 12 decided to run and not raising any money, zero
 13 reports. Once I realized it was late, I
 14 submitted it as soon as I could and dissolved
 15 the committee.
 16 COMMISSIONER D. DUMEZICH: Move to dismiss.
 17 VICE CHAIR A. LONG: Second it.
 18 CHAIRMAN T. WHEELER: Motion's made and
 19 seconded, any further discussion?
 20 (No response.)
 21 CHAIRMAN T. WHEELER: Hearing none, all
 22 those in favor, signify by saying aye?
 23 THE COMMISSION: Aye.
 24 CHAIRMAN T. WHEELER: Those opposed, same
 25 sign?

1 (No response.)
 2 CHAIRMAN T. WHEELER: Cause No.
 3 2009-5627-124 is dismissed. Thank you very
 4 much.
 5 MR. J. BARTH: Thank you.
 6 CHAIRMAN T. WHEELER: Do you have a cause
 7 number?
 8 MR. D. NICHOLSON: I don't with me, no.
 9 CHAIRMAN T. WHEELER: What's your name?
 10 MR. D. NICHOLSON: David Nicholson,
 11 chairman, for Political Action Committee for
 12 Personal Freedom.
 13 MS. L. BARNES: Can you state your name,
 14 please?
 15 MR. D. NICHOLSON: My name is David
 16 Nicholson. I'm the chairman of the Political
 17 Action Committee For Personal Freedom.
 18 MS. M. THOMPSON: Mr. Chairman, this the
 19 Political Action Committee for Personal Freedom,
 20 Cause No. 2009-5296-59. This has never been
 21 before the commission before and the proposed
 22 civil penalty is \$1,003.45.
 23 CHAIRMAN T. WHEELER: And what did they
 24 fail to report?
 25 MS. M. THOMPSON: The 2007 pre-elect.

1 CHAIRMAN T. WHEELER: It was never filed?
 2 MS. M. THOMPSON: Yes, they ended up filing
 3 one on 2/14 of '08, yeah.
 4 CHAIRMAN T. WHEELER: Oh, I see. They
 5 filed it a year later?
 6 MS. M. THOMPSON: Yeah.
 7 MR. D. NICHOLSON: I'll explain as best I
 8 can what happened. There's a piece of the
 9 puzzle missing that I don't -- can't explain.
 10 We formed the political action committee in
 11 December of 2005. Because I knew how important
 12 these reports were, every time that it was due,
 13 I contacted my treasurer, Eric Mattson, and
 14 verified -- he verified to me that he had filed
 15 it. This was up -- up to and including October
 16 of 2007.
 17 Shortly after that, he informed me I was
 18 going to need to find another treasurer because
 19 his employment had changed and he was going to
 20 be spending a lot of time outside of the area.
 21 In December I found somebody that I was
 22 comfortable with. I came over to get -- since I
 23 didn't have the records, his wife had the
 24 records, I came over to get a copy of the
 25 October filing so that I could get the figures

1 to do an outgoing treasury report, and that is
 2 when I learned --
 3 CHAIRMAN T. WHEELER: It wasn't filed.
 4 MR. D. NICHOLSON: -- that it wasn't over
 5 here so I recontacted him and he still verified
 6 that he had filed it. Now whether he put the
 7 wrong file number on it and it got misfiled
 8 after he filed it or whether he thought he filed
 9 it and didn't, I don't know.
 10 CHAIRMAN T. WHEELER: He didn't have a copy
 11 to give you.
 12 MR. D. NICHOLSON: When I got the records
 13 from him, there were a number of things missing
 14 from the records, including that.
 15 CHAIRMAN T. WHEELER: Questions from the
 16 commission?
 17 VICE CHAIR A. LONG: Everything filed and
 18 up-to-date now?
 19 MR. D. NICHOLSON: Yes. Once I resolved
 20 that as best I could, I came back over and they
 21 said, you know, go ahead and refile it and I
 22 filed it at that time.
 23 VICE CHAIR A. LONG: You're still an active
 24 committee?
 25 MR. D. NICHOLSON: Yes.

1 CHAIRMAN T. WHEELER: Any other questions
 2 from the commissioners?
 3 (No response.)
 4 CHAIRMAN T. WHEELER: I'll accept a motion.
 5 VICE CHAIR A. LONG: I move to reduce the
 6 proposed fine by 25 percent to \$250 plus the
 7 mailing.
 8 CHAIRMAN T. WHEELER: Is there a second?
 9 COMMISSIONER D. DUMEZICH: Second.
 10 CHAIRMAN T. WHEELER: Any further
 11 discussion?
 12 (No response.)
 13 CHAIRMAN T. WHEELER: All in favor of
 14 reducing the fine as indicated, signify by
 15 saying aye?
 16 THE COMMISSION: Aye.
 17 CHAIRMAN T. WHEELER: Those opposed, same
 18 sign?
 19 (No response.)
 20 CHAIRMAN T. WHEELER: Motion carries. The
 21 fine in Cause No. 2009-5296-59 is reduced to
 22 \$250 plus \$3.45 for mailing. Thank you, sir.
 23 MR. D. NICHOLSON: Thank you.
 24 CHAIRMAN T. WHEELER: Next up. Which one
 25 are you here on?

1 MR. K. MORGAN: Indiana Voters League.
 2 CHAIRMAN T. WHEELER: Do you have a number
 3 or not?
 4 MR. K. MORGAN: 2009-5569-67.
 5 CHAIRMAN T. WHEELER: 67?
 6 MS. M. THOMPSON: Yeah, Page 40. This is
 7 Indiana Voters League, Cause No. 2009-5569-67.
 8 It has not been before the commission before and
 9 the it has a proposed civil penalty of \$353.45
 10 and the committee is closed.
 11 MR. K. MORGAN: My name is Ken Morgan. I
 12 was the chairman of the PAC. We formed it, a
 13 small group of citizens who were thinking we
 14 wanted to influence the mayoral election here in
 15 Marion County. We were informed that we were
 16 supposed to create these -- form a PAC, got on
 17 the web, organized -- filed the PAC, and then we
 18 failed to report our first financial report,
 19 which was -- came couple of weeks later. We
 20 were notified of this and immediately filed it.
 21 Up til that time, we had not spent more than
 22 \$50.76.
 23 CHAIRMAN T. WHEELER: All right. And you
 24 guys are now closed; correct.
 25 MR. K. MORGAN: And we are now closed.

1 CHAIRMAN T. WHEELER: Any questions from
 2 the commissioners?
 3 (No response.)
 4 CHAIRMAN T. WHEELER: I'll accept a motion.
 5 VICE CHAIR A. LONG: Motion to dismiss.
 6 CHAIRMAN T. WHEELER: Motion's been made,
 7 do I have a second?
 8 COMMISSIONER D. DUMEZICH: Second.
 9 CHAIRMAN T. WHEELER: Motion's been made
 10 and seconded; any further discussion?
 11 (No response.)
 12 CHAIRMAN T. WHEELER: Hearing none, all in
 13 favor signify by saying aye?
 14 THE COMMISSION: Aye.
 15 CHAIRMAN T. WHEELER: Those opposed, same
 16 sign?
 17 (No response.)
 18 CHAIRMAN T. WHEELER: Motion carries.
 19 Cause No. 2009-5569-67 is dismissed.
 20 MR. K. MORGAN: Thank you.
 21 MR. C. COLLINS: 305.
 22 MS. M. THOMPSON: University Health?
 23 MR. C. COLLINS: Yes.
 24 CHAIRMAN T. WHEELER: Universal Loft?
 25 MR. C. COLLINS: Yes, uh-huh.

1 MS. M. THOMPSON: 2007 Corporations, it's
 2 behind the pink tab?
 3 VICE CHAIR A. LONG: It's the pink one?
 4 MS. M. THOMPSON: Yes, the pink tab -- no,
 5 back the other way.
 6 VICE CHAIR A. LONG: 305.
 7 MS. M. THOMPSON: This is University Loft
 8 Company, Cause No. 09-305, contributed to the
 9 Mitch Daniels for Governor Campaign in the
 10 amount of \$5,250 during the year 2007. The
 11 Mitch Daniels for Governor Campaign refunded
 12 \$250 and the proposed civil penalty is three
 13 times the excess contribution.
 14 MR. C. COLLINS: My name is Chris Collins.
 15 I'm the comptroller of University Loft Company.
 16 We did overpay \$250 to the Mitch Daniels
 17 Campaign Committee, and it was just an error
 18 that we did not catch in our payables process,
 19 making an additional \$250 payment.
 20 CHAIRMAN T. WHEELER: You did multiple
 21 contributions?
 22 MR. C. COLLINS: We did two contributions.
 23 One for five and one for 250.
 24 CHAIRMAN T. WHEELER: One for 5,000 --
 25 MR. C. COLLINS: -- and one for 250. we've

1 made and seconded, any further discussion?
 2 (No response.)
 3 CHAIRMAN T. WHEELER: All in favor, signify
 4 saying aye?
 5 THE COMMISSION: Aye.
 6 CHAIRMAN T. WHEELER: Those opposed, same
 7 sign?
 8 (No response.)
 9 CHAIRMAN T. WHEELER: Cause No. 09-305 has
 10 been dismissed. Thank you very much.
 11 MR. C. COLLINS: Thank you for your time.
 12 MR. T. MICHAEL: 283.
 13 CHAIRMAN T. WHEELER: So what number are we
 14 on?
 15 MS. M. THOMPSON: Page 142.
 16 CHAIRMAN T. WHEELER: Page what, I'm sorry?
 17 MS. M. THOMPSON: Page 142.
 18 CHAIRMAN T. WHEELER: And which one?
 19 MS. M. THOMPSON: Terry Michael.
 20 CHAIRMAN T. WHEELER: Terry Michael for
 21 Senate.
 22 MS. M. THOMPSON: Terry Michael, Cause No.
 23 2009-5708-283, never has been before the
 24 commission before, has a proposed civil penalty
 25 of \$1,003.45, and this is for his statement of

1 now instituted a procedure that requires
 2 executive management approval on any political
 3 contributions going forward.
 4 CHAIRMAN T. WHEELER: Questions from the
 5 commissioners?
 6 VICE CHAIR A. LONG: When did you discover
 7 it?
 8 MR. C. COLLINS: Actually, we discovered it
 9 when the check was returned to us a few months
 10 later.
 11 CHAIRMAN T. WHEELER: So the campaign
 12 caught it during an audit?
 13 MR. C. COLLINS: Yes.
 14 CHAIRMAN T. WHEELER: So you've now
 15 instituted --
 16 MR. C. COLLINS: -- a process to prevent
 17 this from occurring in the future, yes.
 18 CHAIRMAN T. WHEELER: Any other questions?
 19 (No response.)
 20 CHAIRMAN T. WHEELER: I'll accept a motion.
 21 VICE CHAIR A. LONG: Motion to dismiss?
 22 CHAIRMAN T. WHEELER: The motion's been
 23 made to dismiss this.
 24 COMMISSIONER D. DUMEZICH: Second.
 25 CHAIRMAN T. WHEELER: The motion has been

1 organization.
 2 CHAIRMAN T. WHEELER: And I see you've got
 3 a letter here as well?
 4 MR. T. MICHAEL: I do.
 5 CHAIRMAN T. WHEELER: Go ahead, I'm sorry.
 6 MR. T. MICHAEL: My name is Terry Michael
 7 for the record. I was the campaign person. I
 8 filed on the day to -- on the day that I was
 9 supposed to at the county level, which was the
 10 same day that I filed for candidacy back in
 11 January. At that time I did not know and did
 12 not realize that I was supposed to file it with
 13 the State of Indiana. It was an error on my
 14 part and I just ask for leniency. Thank you.
 15 CHAIRMAN T. WHEELER: So did you file it in
 16 Hamilton County.
 17 MR. T. MICHAEL: I did, and it should be
 18 time stamped there.
 19 CHAIRMAN T. WHEELER: I see that. January
 20 29th by Peggy Beaver?
 21 MR. T. MICHAEL: Yes, ma'am, or yes, sir.
 22 CHAIRMAN T. WHEELER: Is your campaign up
 23 and active, are you going to keep it going?
 24 MR. T. MICHAEL: It is, yes.
 25 VICE CHAIR A. LONG: Have all the other

1 appropriate documents been filed?
 2 MS. M. THOMPSON: Yes.
 3 CHAIRMAN T. WHEELER: And this report was
 4 due February 18th?
 5 MR. T. MICHAEL: No, I think this report --
 6 MS. A. TAYLOR: February 29th.
 7 MR. T. MICHAEL: The 29th, and when I
 8 received a letter, I contacted Kathy Richardson
 9 immediately.
 10 CHAIRMAN T. WHEELER: So you filed it a
 11 month early?
 12 MR. T. MICHAEL: Yes, sir, I did.
 13 CHAIRMAN T. WHEELER: Just in the wrong
 14 place?
 15 MR. T. MICHAEL: Just didn't file it with
 16 you guys as well, and the flow chart -- and
 17 again, the flow chart did not state that it
 18 needed to be in both, and that was an error on
 19 my part, not anyone else's.
 20 CHAIRMAN T. WHEELER: Questions from the
 21 commissioners?
 22 (No response.)
 23 CHAIRMAN T. WHEELER: I'll accept a motion.
 24 VICE CHAIR A. LONG: You got a file mark on
 25 there?

1 MR. J. WHELAN: No, I don't. Boone County
 2 Democratic Party.
 3 CHAIRMAN T. WHEELER: Boone County
 4 Democratic Party.
 5 MS. M. THOMPSON: Page 39. This is the
 6 Boone County Democratic Central Committee, Cause
 7 No. 2009-5568-68 or 66, excuse me. They have
 8 never been before the commission before and this
 9 is for their 2007 pre-elect and the proposed
 10 civil penalty is \$303.45.
 11 CHAIRMAN T. WHEELER: Could you introduce
 12 yourselves?
 13 MR. J. WHELAN: For the record, I'm Jim
 14 Whelan, current chairman of the Boone County
 15 Democratic Party. This is Charles Ewing,
 16 B-W-I-N-G. He's the treasurer of the Boone
 17 County Democratic chairman.
 18 Just a matter of history, on September
 19 20th of 2007, we had four new officers elected
 20 into Boone County Democratic Central Committee.
 21 These guys -- the previous committee was very
 22 very inactive, hadn't been doing anything, and
 23 we were asked to take over start the party, try
 24 to revive the party.
 25 As you'll see in the packet -- in the

1 CHAIRMAN T. WHEELER: He's got a file mark
 2 that shows -- in fact, it shows that he filed
 3 with the Hamilton County Courts, January 29th,
 4 2008, it looks like. It was just filed in the
 5 wrong place.
 6 VICE CHAIR A. LONG: I'm going to move that
 7 we reduce the penalty to \$100, plus mailing
 8 costs.
 9 COMMISSIONER D. DUMBEZICH: Second it.
 10 CHAIRMAN T. WHEELER: Motion's been made
 11 and seconded, any further discussion?
 12 (No response.)
 13 CHAIRMAN T. WHEELER: All in favor signify
 14 by saying aye?
 15 THE COMMISSION: Aye.
 16 CHAIRMAN T. WHEELER: Those opposed, same
 17 sign?
 18 (No response.)
 19 CHAIRMAN T. WHEELER: The filing of No.
 20 2009-5708-283 has been reduced to \$100 plus
 21 costs for a total \$103.45.
 22 MR. T. MICHAEL: Thank you, Commissioner.
 23 Thank you very much.
 24 CHAIRMAN T. WHEELER: Do you know what
 25 number you guys are here on?

1 letter I gave you there, inside there, we
 2 received a check from the former chairman. It's
 3 dated September 21st. I finally got it on
 4 September 24th, I believe it was the following
 5 Monday.
 6 On September the 25th, we filled out and
 7 mailed the statement of organization. We had
 8 been told to do this by our 4th District
 9 chairman, otherwise, we wouldn't have done it
 10 and we opened a bank account with our names on
 11 it at that point in time.
 12 October 18th, all candidates and everybody
 13 were filing their reports, and just prior to
 14 that Mr. Ewing had called the clerk's office and
 15 asked if we needed to file, and he was told no,
 16 the county committee doesn't -- and we're not
 17 sure who he spoke with at that point in time --
 18 no, you guys don't have to file.
 19 I have an e-mail from Leslie Barnes, and as
 20 you'll see, this was dated October 18th at 11:35
 21 in the morning. Ms. Barnes told us yes, we
 22 would need to file by noon tomorrow Friday, the
 23 19th, and if you don't file, etc. -- she told us
 24 it was due the next day.
 25 We did actually file it. We filed it with

1 the Boone County clerk. We didn't realize -- we
 2 hadn't gotten all of the packets and the
 3 material together at that point in time to
 4 review and find out -- well, we were all new at
 5 this, and we filed it on October 19th prior to
 6 the noon deadline, and we thought that was the
 7 only place we had to file it, was at the Boone
 8 County Clerk's Office, until we received a
 9 letter.

10 The letter was dated October 23rd. I
 11 believe Mr. Ewing got it on the 26th. And at
 12 that point in time we -- Mr. Ewing can testify
 13 to the fact that he did fax it, and he has a
 14 cover letter here, that he did in fact fax the
 15 report down to the commission.

16 We were new at this. We didn't know what
 17 we were doing admittedly, but we definitely ask
 18 for leniency in this. As soon as we found out
 19 we were required to file with the State Election
 20 Commission, Mr. Ewing did almost -- I believe on
 21 the same; am I correct, Charles?

22 MR. C. EWING: Yes. On October 26th I
 23 called and spoke with Abbey Taylor and faxed a
 24 copy of our report immediately at that time.

25 CHAIRMAN T. WHEELER: And you talked with

1 Leslie?

2 MR. C. EWING: Abbey Taylor, I did.

3 MR. J. WHELAN: No, I did. I called --
 4 e-mailed Leslie and she e-mailed me back on the
 5 18th and we assumed that all we had to do was
 6 file with the Boone County Clerk and that's what
 7 we did.

8 CHAIRMAN T. WHEELER: Did you ask her where
 9 to file it; did you ask Leslie where to file?

10 MR. J. WHELAN: No, the e-mail's in there.
 11 In fact, a copy of the e-mail is in there. It
 12 just says to file and that was -- that was it.

13 CHAIRMAN T. WHEELER: Commissioner Long is
 14 looking at it.

15 MR. J. WHELAN: Until that e-mail we didn't
 16 even realize we had to file anything at all.

17 COMMISSIONER D. DUMEZICH: Motion to reduce
 18 the fine to 25 percent.

19 CHAIRMAN T. WHEELER: Give me just a
 20 second. Did you timely file in Boone County?

21 MR. J. WHELAN: Yes, there's a date stamped
 22 on the...

23 MS. A. TAYLOR: There's a copy attached to
 24 yours.

25 VICE CHAIR A. LONG: When was it?

1 MS. A. TAYLOR: 19th.

2 MR. J. WHELAN: 19th by noon, and if you
 3 look at the report there...

4 CHAIRMAN T. WHEELER: At the time it was
 5 filed in Boone County?

6 MR. C. EWING: Boone County, 8:39 a.m.

7 CHAIRMAN T. WHEELER: October 19th at 8:39.
 8 When was this one due?

9 MS. M. THOMPSON: October 19th.

10 CHAIRMAN T. WHEELER: But they did not file
 11 it here?

12 MS. M. THOMPSON: But then they caught it,
 13 they caught that it should have been filed with
 14 the State, and they did that within a week.

15 MR. J. WHELAN: The day we got the letter,
 16 we filed it.

17 VICE CHAIR A. LONG: I would move to
 18 dismiss the case.

19 CHAIRMAN T. WHEELER: The motion's been
 20 made to dismiss the case due to the fact they
 21 timely filed and they made every attempt to get
 22 this filed correctly. Do I have a second on the
 23 motion?

24 COMMISSIONER S. RIORDAN: Second.

25 CHAIRMAN T. WHEELER: As a Boone County

1 resident, I'll make the motion as well, and
 2 appreciate you guys' effort and willingness to
 3 get involved. I know Mr. Ewing, you've made a
 4 couple of runs at the commissioner, I believe,
 5 in the past. I'm glad to see you guys here.
 6 I'm going to vote for the motion as well. Any
 7 further discussion?

8 (No response.)

9 CHAIRMAN T. WHEELER: All in favor, signify
 10 by saying aye?

11 THE COMMISSION: Aye.

12 CHAIRMAN T. WHEELER: Those opposed, same
 13 sign?

14 (No response.)

15 MR. J. WHELAN: Thank you, sir.

16 CHAIRMAN T. WHEELER: Thank you very much.

17 COMMISSIONER S. RIORDAN: I'd like to have
 18 a break.

19 CHAIRMAN T. WHEELER: Yeah, we're going to
 20 take a break.

21 (A recess was taken.)

22 CHAIRMAN T. WHEELER: Let's go ahead and
 23 get started. We have two I'm going to take out
 24 of order real quick. For personal reasons,
 25 these people -- where is the person that...

1 MS. M. THOMPSON: La Ron Keith.
 2 VICE CHAIR A. LONG: Keith, Mr. Keith.
 3 He's way back there. Mr. Keith, okay, come on
 4 down.
 5 MS. M. THOMPSON: This is on Page 40.
 6 VICE CHAIR A. LONG: Thank you, Mr.
 7 Chairman. It seemed like a very legitimate
 8 situation.
 9 MS. M. THOMPSON: This is on Page 40. This
 10 is La Ron Keith, Cause No. 2009-5562-68.
 11 CHAIRMAN T. WHEELER: We'll do this real
 12 quick. Your committee is closed?
 13 MR. L. KEITH: Yes.
 14 CHAIRMAN T. WHEELER: Everything else is up
 15 to date on this?
 16 MS. M. THOMPSON: Yes.
 17 VICE CHAIR A. LONG: This was a
 18 semi-report; correct?
 19 MS. M. THOMPSON: Yes.
 20 VICE CHAIR A. LONG: I move to dismiss it.
 21 CHAIRMAN T. WHEELER: Do I have a second?
 22 COMMISSIONER D. DUMÉZICH: Second it.
 23 CHAIRMAN T. WHEELER: Any further
 24 discussion?
 25 (No response.)

1 CHAIRMAN T. WHEELER: All in favor, signify
 2 by saying aye?
 3 THE COMMISSION: Aye.
 4 CHAIRMAN T. WHEELER: Those opposed, same
 5 sign?
 6 (No response.)
 7 CHAIRMAN T. WHEELER: I've got one more,
 8 Mr. Skiles.
 9 VICE CHAIR A. LONG: Do you have something
 10 you want to say?
 11 MR. L. KEITH: I do, but I'm going to keep
 12 my mouth shut. It ain't got nothing to do with
 13 this.
 14 CHAIRMAN T. WHEELER: What's your number,
 15 Mr. Skiles?
 16 VICE CHAIR A. LONG: Write us a letter.
 17 MR. L. KEITH: This is what's left right
 18 here.
 19 CHAIRMAN T. WHEELER: If you've got a
 20 letter, give it to them.
 21 MR. L. KEITH: This is for future
 22 reference. This almost happened to me. My name
 23 wouldn't have got on the ballot. This is from
 24 the state attorney, my state senator. I would
 25 hate to see this happen to anybody else. This

1 guy is a friend of mine and this happened to him
 2 by mistake and that was told to me as well.
 3 CHAIRMAN T. WHEELER: I tell you what, can
 4 I have them make a copy of this and give this
 5 back to you?
 6 MR. L. KEITH: Yes.
 7 CHAIRMAN T. WHEELER: Do you want this back
 8 or not?
 9 MR. L. KEITH: Yeah.
 10 CHAIRMAN T. WHEELER: Because I want to
 11 give it to our staff so they can address it.
 12 Thank you very much.
 13 MR. L. KEITH: Thank you.
 14 VICE CHAIR A. LONG: Drive safely.
 15 CHAIRMAN T. WHEELER: Don't speed. Mr.
 16 Skiles, have you closed your committee?
 17 MR. R. SKILES: I have.
 18 CHAIRMAN T. WHEELER: All right.
 19 VICE CHAIR A. LONG: We not encouraging
 20 people to get out of the business. We encourage
 21 people, if you decide to get out of the
 22 business, you do all the paperwork. That makes
 23 our job much easier.
 24 MR. R. SKILES: I was told. I didn't take
 25 any money. I didn't spend any money.

1 MS. M. THOMPSON: Page 75, Skiles for State
 2 Senate.
 3 VICE CHAIR A. LONG: 75?
 4 MS. M. THOMPSON: Uh-huh.
 5 CHAIRMAN T. WHEELER: Skiles for State
 6 Senate. We've got a note that the letter -- a
 7 note that the committee is now closed. Any
 8 discussion by the commissioners?
 9 (No response.)
 10 CHAIRMAN T. WHEELER: I'll accept a motion.
 11 VICE CHAIR A. LONG: Do you have anything
 12 you want to say?
 13 MR. R. SKILES: No.
 14 VICE CHAIR A. LONG: Okay.
 15 CHAIRMAN T. WHEELER: All signify by saying
 16 aye?
 17 THE COMMISSION: Aye.
 18 CHAIRMAN T. WHEELER: Those opposed, same
 19 sign?
 20 (No response.)
 21 CHAIRMAN T. WHEELER: Do you have a number?
 22 MS. M. THOMPSON: Page 69, Brian for
 23 Senator-Lets Fix the Problem, Cause No.
 24 2009-5652-138. The proposed civil penalty is
 25 \$303.53 and he's never been before the

1 commission.
 2 CHAIRMAN T. WHEELER: State your name?
 3 MR. R. THOMAS: Ryan Thomas.
 4 CHAIRMAN T. WHEELER: And Mr. Thomas, go
 5 ahead.
 6 MR. R. THOMAS: I was the candidate. My
 7 wife reluctantly was my treasurer. She didn't
 8 want to do it.
 9 CHAIRMAN T. WHEELER: You're not going to
 10 blame it on your wife, are you?
 11 MR. R. THOMAS: No, not at all.
 12 CHAIRMAN T. WHEELER: I would note that
 13 Commissioner Dumezich, in case you guys are
 14 wondering, prior to coming onto the commission
 15 sat out there and blamed it on his
 16 mother-in-law.
 17 COMMISSIONER D. DUMEZICH: That's not true.
 18 It was my mother.
 19 MR. R. THOMAS: Once I got the letter, I
 20 faxed it the same day.
 21 VICE CHAIR A. LONG: Did you fix the
 22 problem?
 23 MR. R. THOMAS: Nope, I didn't get elected.
 24 That's one reason my wife was done with it. She
 25 wasn't happy about it.

1 CHAIRMAN T. WHEELER: Are you still running
 2 again; is it still active?
 3 MR. R. THOMAS: It's still active if I get
 4 a treasurer.
 5 CHAIRMAN T. WHEELER: All right. I'll
 6 accept a motion.
 7 VICE CHAIR A. LONG: Everything's filed
 8 now?
 9 MS. M. THOMPSON: Yes.
 10 VICE CHAIR A. LONG: I move to reduce the
 11 penalty to 25 percent, \$75 --
 12 COMMISSIONER D. DUMEZICH: Second it.
 13 VICE CHAIR A. LONG: -- plus 3.53.
 14 CHAIRMAN T. WHEELER: Motion has been made
 15 and seconded, any further discussion?
 16 (No response.)
 17 CHAIRMAN T. WHEELER: All in favor signify
 18 by saying aye?
 19 THE COMMISSION: Aye.
 20 CHAIRMAN T. WHEELER: Those opposed, same
 21 sign?
 22 (No response.)
 23 CHAIRMAN T. WHEELER: Again, Cause No.
 24 2009-5652-138, the fine is \$75 plus the \$3.53
 25 mailing, so it's \$78.53, and I assume that that

1 will be mailed to you, and I hope you find a
 2 treasurer.
 3 MR. R. THOMAS: Thank you.
 4 CHAIRMAN T. WHEELER: Next up. It's
 5 MR. T. FRYE: 2009-5619-276.
 6 CHAIRMAN T. WHEELER: If you've got your
 7 numbers, that's very very helpful.
 8 MR. T. FRYE: Thank you, sir. Thank you.
 9 MS. M. THOMPSON: Page 138.
 10 CHAIRMAN T. WHEELER: And which one is
 11 this, Frye for Governor?
 12 MS. M. THOMPSON: Frye for Governor, Cause
 13 No. 2009-5619-276, never been before the board,
 14 proposed civil penalty is \$53.53, and the
 15 committee is now closed.
 16 CHAIRMAN T. WHEELER: And he missed it by
 17 an hour and a half?
 18 MS. M. THOMPSON: An hour and a half.
 19 CHAIRMAN T. WHEELER: The committee is now
 20 closed?
 21 MR. T. FRYE: Yes, sir.
 22 CHAIRMAN T. WHEELER: Anything else you
 23 want to add?
 24 MR. T. FRYE: No, sir.
 25 VICE CHAIR A. LONG: Go ahead. I'll defer

1 to you.
 2 COMMISSIONER S. RIORDAN: I move we dismiss
 3 this.
 4 MR. T. FRYE: Thank you, ma'am.
 5 COMMISSIONER D. DUMEZICH: Second it.
 6 CHAIRMAN T. WHEELER: All those in favor
 7 signify by saying aye?
 8 THE COMMISSION: Aye.
 9 CHAIRMAN T. WHEELER: Those opposed, same
 10 sign?
 11 (No response.)
 12 CHAIRMAN T. WHEELER: Thank you.
 13 MR. T. FRYE: Thank you.
 14 MR. D. SIMMONS: Could we get your name
 15 real quick?
 16 MR. T. FRYE: Frye, I'm Tim Frye.
 17 MR. D. SIMMONS: Oh, you're Tim Frye.
 18 MR. T. FRYE: F-R-Y-E. Thank you, sir.
 19 CHAIRMAN T. WHEELER: What number?
 20 MS. M. THOMPSON: 174.
 21 VICE CHAIR A. LONG: Page No. 174.
 22 MS. M. THOMPSON: No, Page 86.
 23 CHAIRMAN T. WHEELER: Jessup.
 24 MR. J. JESSUP: John Jessup.
 25 MS. M. THOMPSON: Jessup for 53 Committee,

1 Cause No. 2009-5793-174, never been before the
 2 board, proposed civil penalty is \$453.53.
 3 CHAIRMAN T. WHEELER: And you are, Mr.
 4 Jessup?
 5 MR. J. JESSUP: Yes.
 6 CHAIRMAN T. WHEELER: And you were going to
 7 say the committee is...
 8 MR. J. JESSUP: Would be closed. I only
 9 left it open until a resolution in this matter.
 10 COMMISSIONER D. DUMBEZICH: Motion to
 11 continue.
 12 CHAIRMAN T. WHEELER: You're comfortable
 13 closing it?
 14 MR. J. JESSUP: Yes.
 15 CHAIRMAN T. WHEELER: So what we'll do is
 16 we'll continue it and we'll get the closure
 17 documents and then we'll dismiss it at the next
 18 commission hearing.
 19 VICE CHAIR A. LONG: You'll get a notice
 20 that you're entitled to appear, but you don't
 21 have to.
 22 MR. J. JESSUP: Okay.
 23 CHAIRMAN T. WHEELER: Motion's been made?
 24 VICE CHAIR A. LONG: Second it.
 25 CHAIRMAN T. WHEELER: And seconded, any

1 Election Division Office, and I do have copies
 2 of this, and 21 days later I received my
 3 certification from the Secretary of State and I
 4 duly filed my campaign finance report on
 5 August 1st.
 6 This last election cycle in 2008, I filed
 7 my CAN-20 at the Election Division on June
 8 21st and never received notice from the Election
 9 Division that I had been certified. I didn't
 10 file -- I'll be honest with you, I didn't file
 11 my report.
 12 On August 5th, I finally received any
 13 certification from the Secretary of State that I
 14 was late. I didn't know I was officially a
 15 candidate and had to file until I received my
 16 certification. I was notified by the nice
 17 ladies at the Election Division on the 14th of
 18 August, and before the end of the day, I did
 19 file my report.
 20 That's the only thing I completed. I
 21 wasn't certified. I thought I was an
 22 independent candidate. The first time it went
 23 out, I thought I had plenty of cushion on my
 24 signatures. I made it by two. The second time
 25 out, I thought I just washed out and hadn't made

1 further discussion?
 2 (No response.)
 3 CHAIRMAN T. WHEELER: All in favor signify
 4 by saying aye?
 5 THE COMMISSION: Aye.
 6 CHAIRMAN T. WHEELER: Those opposed, same
 7 sign?
 8 (No response.)
 9 CHAIRMAN T. WHEELER: Thank you. 173.
 10 MS. M. THOMPSON: 173, Page No. 85.
 11 CHAIRMAN T. WHEELER: We're on 85 now, the
 12 prior page.
 13 MR. M. VEGLEY: I have copies of a bunch of
 14 paperwork here.
 15 MS. M. THOMPSON: Is this The Independent
 16 Voice?
 17 MR. M. VEGLEY: Yes, it is.
 18 MS. M. THOMPSON: Page 85, Cause No.
 19 2009-5424-173, never been before the commission,
 20 proposed civil penalty \$453.53, and again, this
 21 is a nomination report.
 22 MR. M. VEGLEY: Good morning. My name is
 23 Martin W. Vegley. I was an independent
 24 candidate for state representative in 2006 and
 25 2008. In 2006, I filed my CAN-20 forms with the

1 it and I didn't file like I said until the
 2 ladies at the Election Division notified me that
 3 I was late and by the end of the day I filed.
 4 I'd like to say that the ladies at the
 5 Election Division have always -- and Mr. Dale
 6 Simmons have always been very helpful with my
 7 candidacy, and I apologize for any inconvenience
 8 to the Commission, but I do apologize very
 9 sincerely and would like to have this case
 10 dismissed.
 11 I'm very sorry about this, and I do have
 12 all the original copies of my certification, if
 13 anybody would like to see it?
 14 VICE CHAIR A. LONG: Do our filings reflect
 15 what he just told you chronologically?
 16 MS. A. TAYLOR: They do.
 17 VICE CHAIR A. LONG: With regard to the
 18 independent candidate, once they file, that's --
 19 I'm not familiar with it myself. He filed a
 20 CAN-20 -- that's all right -- and then what
 21 happens?
 22 MS. M. THOMPSON: Dale, can you explain?
 23 MR. D. SIMMONS: Yeah. Under Section
 24 39-1.5, the petition candidate -- I assume
 25 you're a petition candidate?

1 MR. M. VEGLEY: Correct.
 2 MR. D. SIMMONS: Would have noon seven days
 3 following the date of the petition to file a
 4 statement of organization, is this...
 5 MS. M. THOMPSON: Seven days following the
 6 deadline.
 7 MR. D. SIMMONS: And is this a report
 8 filing or a statement of organization?
 9 MR. M. VEGLEY: This is a nomination
 10 report.
 11 MS. M. THOMPSON: Nomination report.
 12 MR. D. SIMMONS: Nomination report, then
 13 it's 14 -- it's 21 days, isn't it?
 14 MS. M. THOMPSON: Yes.
 15 MR. D. SIMMONS: 21 days after the...
 16 VICE CHAIR A. LONG: How does he know that
 17 he's qualified, that's the troublesome thing
 18 that I have?
 19 MS. M. THOMPSON: How does he know he's
 20 qualified?
 21 MR. M. VEGLEY: That's -- I guess that's my
 22 question.
 23 MR. D. SIMMONS: It's triggered -- it's
 24 triggered by the nomination date of when you
 25 file the petitions.

1 CHAIRMAN T. WHEELER: So if you don't get a
 2 ding notice, you move forward?
 3 MR. D. SIMMONS: Right.
 4 MR. M. VEGLEY: Even like -- and the first
 5 time in '06, I was notified by the Secretary of
 6 State's Division in 21 days that I was certified
 7 and on the ballot, and in '08, it was 43 days.
 8 VICE CHAIR A. LONG: It sounds like the
 9 state is dragging its feet.
 10 MR. M. VEGLEY: In fact -- and I'm not
 11 blaming anybody, but they even misspelled my
 12 name on the certification paper.
 13 COMMISSIONER S. RIORDAN: I'm going to move
 14 to dismiss.
 15 VICE CHAIR A. LONG: I'll second that.
 16 CHAIRMAN T. WHEELER: The motion's been
 17 made and seconded, any further discussion?
 18 (No response.)
 19 CHAIRMAN T. WHEELER: All in favor signify
 20 by saying aye?
 21 THE COMMISSION: Aye.
 22 CHAIRMAN T. WHEELER: Those opposed, same
 23 sign?
 24 (No response.)
 25 CHAIRMAN T. WHEELER: I appreciate your

1 willingness to run as an independent candidate.
 2 MR. M. VEGLEY: Thank you very much.
 3 CHAIRMAN T. WHEELER: I know there's some
 4 additional parties involved in that.
 5 MR. M. VEGLEY: I sure appreciate it. If I
 6 go again, believe me, I'll -- I won't forget.
 7 Thank you very much.
 8 CHAIRMAN T. WHEELER: All right. Thank
 9 you.
 10 MR. M. VEGLEY: Thank you guys.
 11 CHAIRMAN T. WHEELER: All right.
 12 MR. D. DYKES: 5281-21, Dan Dykes.
 13 CHAIRMAN T. WHEELER: 21, Page 16.
 14 MR. D. DYKES: The committee is closed.
 15 I'm trying to help them out.
 16 CHAIRMAN T. WHEELER: I'm sure they all
 17 appreciate it.
 18 VICE CHAIR A. LONG: Everything's filed
 19 properly with the Division?
 20 MS. M. THOMPSON: Yes.
 21 CHAIRMAN T. WHEELER: The committee is now
 22 closed.
 23 COMMISSIONER D. DUMBEZICH: Second it.
 24 CHAIRMAN T. WHEELER: All in favor, signify
 25 by saying aye?

1 THE COMMISSION: Aye.
 2 CHAIRMAN T. WHEELER: Those opposed, same
 3 sign?
 4 (No response.)
 5 CHAIRMAN T. WHEELER: Motion carries.
 6 MR. D. DYKES: Thank you very much.
 7 MS. M. THOMPSON: This is the pink tab.
 8 CHAIRMAN T. WHEELER: Pink tab, 1st Source.
 9 MS. M. THOMPSON: 1st Source. This is the
 10 2007 Corporation, Cause No. --
 11 CHAIRMAN T. WHEELER: You guys aren't in
 12 Porter County by chance, are you?
 13 MR. M. MORGAN: St. Joseph County -- I'm
 14 not.
 15 CHAIRMAN T. WHEELER: That was a slight
 16 joke over the \$500. Nobody told you.
 17 MR. M. MORGAN: No, I got it.
 18 MS. M. THOMPSON: 1st Choice, Cause No.
 19 09-316, contributed to Pat Bauer for State Rep.
 20 CHAIRMAN T. WHEELER: I got you under 316.
 21 COMMISSIONER D. DUMBEZICH: 316.
 22 VICE CHAIR A. LONG: 316.
 23 MS. M. THOMPSON: It's 316.
 24 MR. M. MORGAN: I'm sorry.
 25 CHAIRMAN T. WHEELER: Okay.

1 MS. M. THOMPSON: Contributed the amount of
2 2,500 during 2007, Pat Bauer for State Rep
3 refunded 500, proposed civil penalty is three
4 times the excess contribution.

5 CHAIRMAN T. WHEELER: What happened?
6 MR. M. MORGAN: I'm Matthew Morgan of the
7 Barnes & Thornburg law firm here in Indianapolis
8 representing 1st Source Bank. On July 27th of
9 2007, 1st Source Bank contributed \$2,500 to Pat
10 Bauer for State Representative.

11 While 1st Choice Bank takes this very
12 serious, they have an internal compliance
13 system. Unfortunately, the \$500 excess got
14 through that internal compliance system.
15 However, the excess didn't get through the audit
16 system because in November 1st Source Bank
17 notified the representative's campaign that it
18 needed the \$500 refunded because it was in
19 excess.

20 CHAIRMAN T. WHEELER: So you guys caught
21 it?

22 MR. M. MORGAN: We caught it, 1st Source
23 caught it, and asked for the refund, got the
24 refund. The dates in the letter that were sent
25 out were incorrect. The date -- the check was

1 CHAIRMAN T. WHEELER: They didn't catch it
2 themselves.

3 VICE CHAIR A. LONG: That's the issue here.
4 COMMISSIONER D. DUMEZICH: I'll second it.

5 CHAIRMAN T. WHEELER: All right. Motion's
6 made and seconded, any further discussion?
7 (No response.)

8 CHAIRMAN T. WHEELER: All in favor -- and
9 the motion is dismissed; right?

10 VICE CHAIR A. LONG: Dismissed, yes.

11 CHAIRMAN T. WHEELER: All in favor, signify
12 by saying aye?

13 THE COMMISSION: Aye.

14 CHAIRMAN T. WHEELER: Those opposed, same
15 sign?

16 (No response.)

17 CHAIRMAN T. WHEELER: Send Mr. Graham hugs
18 and kisses for me.

19 MR. M. MORGAN: Oh, I will.

20 CHAIRMAN T. WHEELER: United Senior Action.

21 MS. M. THOMPSON: United Senior Action,
22 Cause No. 2009-3740-7, has been before the board
23 two other times, proposed civil penalty of
24 \$353.45, '07 annual.

25 CHAIRMAN T. WHEELER: All right. And you

1 dated November 13th and it was received by 1st
2 Source Bank and processed on November 20th,
3 2007.

4 VICE CHAIR A. LONG: So the contribution
5 was November 13th?

6 MR. M. MORGAN: No, the contribution was on
7 July 27th, 2007, but the refunding process was
8 incorrect in the documents.

9 VICE CHAIR A. LONG: Your audit caught it
10 on the 13th of November?

11 MR. M. MORGAN: Caught it the day before,
12 on the 12th. The check was written on the
13 13th.

14 VICE CHAIR A. LONG: From the Bauer
15 campaign.

16 MR. M. MORGAN: From the Bauer campaign and
17 was received by the bank on the 20th.

18 CHAIRMAN T. WHEELER: Any other questions
19 from the commissioners?

20 VICE CHAIR A. LONG: I would move to
21 dismiss it. It's self caught, self policed,
22 they did it themselves, so obviously, it was an
23 internal situation.

24 COMMISSIONER D. DUMEZICH: Must have been
25 Porter County.

1 are?

2 MS. M. NIEMEYER: Michelle Niemyer,
3 executive director. Our current balance in our
4 PAC is \$107.65. Our only income in any given
5 income for a year has been on interest that was
6 earned, so our current incoming interest was
7 1.50 for last year, so I respectfully request
8 either the commission dismiss the penalty or
9 significantly reduce it.

10 CHAIRMAN T. WHEELER: You've been here
11 before twice?

12 MS. M. NIEMEYER: That's what it say. I
13 thought once with you -- clearly, their records.

14 CHAIRMAN T. WHEELER: Is this the second
15 time?

16 VICE CHAIR A. LONG: This is the third.

17 CHAIRMAN T. WHEELER: Would this be the
18 second time or the third?

19 MS. M. THOMPSON: This would be the third.
20 It would be two other times, right.

21 MS. M. NIEMEYER: I assume the Commission
22 is right.

23 CHAIRMAN T. WHEELER: Questions from the
24 commissioners?

25 VICE CHAIR A. LONG: I guess \$107 in the

1 bank, what's the activity?
 2 MS. M. NIEMEYER: Our Non-partisan PAC as
 3 opposed to other PACS doesn't do financial
 4 contributions to candidate. As a statewide
 5 independent nonprofit senior group, we do
 6 endorsements on a limited number of both
 7 Democrats and Republicans or state
 8 representative or state senator. That -- that
 9 name endorsement is our effective tool and we
 10 don't choose every race either, hence, there's
 11 not a whole lot of activity ingoing or outgoing.
 12 COMMISSIONER S. RIORDAN: What kind of
 13 safeguards do you have in place to make sure
 14 that filings will be done in a timely manner?
 15 MR. M. MORGAN: The filing responsibilities
 16 are mine. The wrong date at this time. I do
 17 not recall the other ones, and I apologize, I
 18 thought this was one, so it came in one week
 19 past the deadline. So my commitment to you
 20 would be to be more diligent in having at least
 21 a second person in that monitoring the deadline.
 22 VICE CHAIR A. LONG: She acknowledges from
 23 her memory. Let's reduce it to 50 percent plus
 24 the mailing and I'm not set in stone on that.
 25 CHAIRMAN T. WHEELER: I'm willing to go

1 down to \$50. I hate to take the entire balance.
 2 VICE CHAIR A. LONG: Is that your motion?
 3 CHAIRMAN T. WHEELER: Sarah's going to make
 4 the motion.
 5 COMMISSIONER S. RIORDAN: Mine is going to
 6 be one day's penalty.
 7 VICE CHAIR A. LONG: One day's penalty.
 8 COMMISSIONER S. RIORDAN: Yes.
 9 CHAIRMAN T. WHEELER: That would be \$50
 10 plus mailing?
 11 COMMISSIONER D. DUMEZICH: Plus mailing.
 12 CHAIRMAN T. WHEELER: The motion's been
 13 made and seconded for a \$50 fine plus mailing
 14 costs of \$3.45 for a total of 53.45, all in
 15 favor, signify by saying aye?
 16 THE COMMISSION: Aye.
 17 CHAIRMAN T. WHEELER: Those opposed, same
 18 sign?
 19 (No response.)
 20 CHAIRMAN T. WHEELER: Thank you.
 21 MS. M. NIEMEYER: Thank you.
 22 MS. P. BERNENS: 06-158.
 23 MS. M. THOMPSON: Are you a corporation?
 24 MS. P. BERNENS: Yes.
 25 MS. M. THOMPSON: Data Truckings, Inc.?

1 MS. P. BERNENS: Yes.
 2 MS. M. THOMPSON: The pink tab. This is
 3 the '04.
 4 CHAIRMAN T. WHEELER: The first one.
 5 MS. M. THOMPSON: The very first one, Data
 6 Trucking, Cause No. 06-158, contributed to the
 7 Monroe County Republican Central Committee in
 8 the amount of \$9,000 during 2004. Never been
 9 before the commission and Monroe County refunded
 10 7,000 and the proposed civil penalty is three
 11 times the excess contribution.
 12 CHAIRMAN T. WHEELER: And you are?
 13 MS. P. BERNENS: I'm Patricia Berneas. I'm
 14 an attorney representing Data Trucking, Inc. If
 15 you need another copy, I have that.
 16 CHAIRMAN T. WHEELER: And who's with you?
 17 MS. P. BERNENS: This is Mr. Bruce Furr,
 18 who is the president of Data Trucking, Inc.
 19 CHAIRMAN T. WHEELER: All right. Tell me
 20 what happened?
 21 MS. P. BERNENS: Well, I -- if it's all
 22 right, I will tell the story very quickly. It
 23 was inadvertent. There was just an error made.
 24 I believe it was the first political
 25 contribution by this corporation. There have

1 been none since.
 2 The error was discovered when the State
 3 notified the Republican Party and the Party
 4 notified Mr. Furr, and within a month of that, a
 5 refund was made by the Party to the corporation,
 6 and there has been no further violation. There
 7 have been probably no further contributions. I
 8 think Mr. Furr indicated he may have given up on
 9 that process at that point.
 10 But essentially, we're here asking for
 11 mercy. It was a mistake. The Republican Party
 12 in Monroe County also made a mistake. They did
 13 not understand that there was a contribution
 14 limit at the time. I have a few documents that
 15 I'd like to share. I'm not sure what the
 16 process is.
 17 CHAIRMAN T. WHEELER: Shoot them up here.
 18 MS. P. BERNENS: Just shoot them up there
 19 and offer them as an exhibit. This is an e-mail
 20 from the Republican Chair at the time, Mr. John
 21 Sheham (Phoentic), that was who notified Mr.
 22 Furr about the error, the over contribution.
 23 And the importance of that e-mail to us is that
 24 it indicates to us that neither the Chair nor
 25 the treasurer of the Party understood.

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1 Clearly, the contributions could have been
 2 put into places where the limit wouldn't apply.
 3 Had collectively, the Party or Mr. Furr had
 4 known, it wouldn't have happened, and they're
 5 very regretful for that. I would also like
 6 to -- oh, you have the check already in your
 7 records; is everything there?
 8 MS. M. THOMPSON: Yeah.
 9 MS. P. BERNENS: I have a copy of that.
 10 MS. M. THOMPSON: It's in the record.
 11 MS. P. BERNENS: Okay.
 12 MS. M. THOMPSON: Let me double check and
 13 make sure.
 14 MS. P. BERNENS: I'll just go ahead and put
 15 it in.
 16 MS. M. THOMPSON: We've got it in the
 17 record.
 18 MR. D. SIMMONS: It's in the back.
 19 MS. P. BERNENS: I'm not going to go on
 20 much longer. Do you want me to stop?
 21 CHAIRMAN T. WHEELER: Let me -- first of
 22 all, who caught -- the State caught it, it
 23 wasn't caught by you?
 24 MS. P. BERNENS: I'm afraid the State
 25 caught it.

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1 CHAIRMAN T. WHEELER: And I assume if you
 2 continue to participate in this process, you'll
 3 recommend a process to make sure it doesn't
 4 happen again?
 5 MS. P. BERNENS: Oh, Absolutely.
 6 VICE CHAIR A. LONG: I would move we reduce
 7 the penalty to \$500.
 8 COMMISSIONER D. DUMBEZICH: Second it.
 9 CHAIRMAN T. WHEELER: Any further
 10 discussion?
 11 (No response.)
 12 CHAIRMAN T. WHEELER: All in favor, signify
 13 by saying aye?
 14 THE COMMISSION: Aye.
 15 CHAIRMAN T. WHEELER: Those opposed, same
 16 sign?
 17 (No response.)
 18 CHAIRMAN T. WHEELER: Motion carries.
 19 Thank you very much.
 20 MS. P. BERNENS: Thank you very much.
 21 CHAIRMAN T. WHEELER: I hope that doesn't
 22 completely discourage you on the process.
 23 MS. P. BERNENS: I don't think that's why
 24 he was giving up. Thank you so much.
 25 MS. M. THOMPSON: Harrison County Young

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1 Democrats, Page 68, Page 121 and -- excuse me,
 2 68, 99 and 121.
 3 CHAIRMAN T. WHEELER: You were here for all
 4 the things I said about the young democrats
 5 before, right?
 6 VICE CHAIR A. LONG: 68 --
 7 MS. M. THOMPSON: -- 99 and 121.
 8 MS. B. BANNET: Giving has never been
 9 intent to give to campaigns.
 10 CHAIRMAN T. WHEELER: Wait one second.
 11 Sure.
 12 MS. L. BARNES: And don't forget your name.
 13 MS. B. BANNET: Bethany Bannet,
 14 B-A-N-N-B-T.
 15 MS. L. BARNES: Thanks.
 16 CHAIRMAN T. WHEELER: I take it these are
 17 all '08 violations?
 18 MS. M. THOMPSON: Yes, and the committee
 19 has closed on them.
 20 CHAIRMAN T. WHEELER: And the committee has
 21 closed?
 22 MS. M. THOMPSON: Yes. Harrison County
 23 Young Democrats, Cause 2009-5632-135, 201 and
 24 245. The committee is now closed and hasn't --
 25 other than this has never been before the board

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1 before:
 2 VICE CHAIR A. LONG: Yes.
 3 MS. B. BANNET: Last year we raised
 4 about -- it was less than 150.
 5 CHAIRMAN T. WHEELER: 150,000.
 6 MS. B. BANNET: \$150. Our highest balance
 7 was \$104, and all of our expenditures have been
 8 for community service activities.
 9 VICE CHAIR A. LONG: What happened to your
 10 treasury balance, when did you close?
 11 MS. B. BANNET: We have not closed the
 12 account. We requested the closing committee,
 13 but the checking account is still there so we
 14 intend to continue our efforts as a committee
 15 service organization.
 16 VICE CHAIR A. LONG: But not as a...
 17 MS. B. BANNET: But not -- we never wanted
 18 to get to candidates or campaigns. We just kind
 19 of got ahead of ourselves in forming the PAC in
 20 the first place.
 21 VICE CHAIR A. LONG: Leslie, can they do
 22 this as a community action organization and
 23 still call yourselves young democrats; is that
 24 what you do?
 25 MS. B. BANNET: Correct.

1 MS. L. BARNES: Are you still active on the
 2 local level, is your PAC open on the...
 3 MS. B. BANNET: No.
 4 MS. M. THOMPSON: I don't know, can they do
 5 that, Dale?
 6 MR. D. SIMMONS: Not engaged in the
 7 advocacy of elections, it's not our business.
 8 CHAIRMAN T. WHEELER: Yeah, as long as
 9 they're not in the engaged in the advocacy, you
 10 can name your organization anything they want.
 11 I don't want you guys to get in trouble.
 12 MS. B. BANNET: Sure. We appreciate that.
 13 VICE CHAIR A. LONG: I would move we
 14 dismiss that following the termination of
 15 documents.
 16 COMMISSIONER D. DUMEZICH: Second it.
 17 CHAIRMAN T. WHEELER: Same thing, I don't
 18 want to discourage you from engaging in the
 19 political process either as well.
 20 MS. B. BANNET: We do our politics directly
 21 through the party and use our community service
 22 to bring it in.
 23 CHAIRMAN T. WHEELER: All right. I got a
 24 motion made and seconded? Any further
 25 discussion? Commissioner Long is reminiscing.

1 (No response.)
 2 CHAIRMAN T. WHEELER: All in favor signify
 3 by saying aye?
 4 THE COMMISSION: Aye.
 5 CHAIRMAN T. WHEELER: Those opposed, same
 6 sign?
 7 (No response.)
 8 CHAIRMAN T. WHEELER: Thank you very much.
 9 MS. B. BANNET: Thank your staff for your
 10 help.
 11 VICE CHAIR A. LONG: Thank you.
 12 MS. M. THOMPSON: Page 94, Indiana Young
 13 Democrats.
 14 CHAIRMAN T. WHEELER: That seems to be a
 15 theme right now.
 16 VICE CHAIR A. LONG: The Young Democrats
 17 have gone wild.
 18 MS. M. THOMPSON: Cause No. 2009-4965-121.
 19 COMMISSIONER S. RIORDAN: 191 or 121?
 20 MS. M. THOMPSON: 191.
 21 CHAIRMAN T. WHEELER: 191, Page 94.
 22 COMMISSIONER S. RIORDAN: I think you said
 23 121.
 24 MS. M. THOMPSON: Oh, I did, sorry.
 25 Times -- been before the board one other time,

1 proposed civil penalty is \$603.53.
 2 CHAIRMAN T. WHEELER: And you are?
 3 MR. N. CARSON: My name is Nicolas Carson.
 4 I am the current treasurer of Indiana Democrats.
 5 CHAIRMAN T. WHEELER: Okay, what happened?
 6 MR. N. CARSON: What happened is in the
 7 fall of last year I was transitioning into my
 8 new position as the treasurer. For the time of
 9 the pre-election report, it was my
 10 understanding, although I should have been more
 11 clearer with the previous treasurer, that he was
 12 going to file the pre-election report.
 13 I checked on-line to make sure that it was
 14 filed. The on-line -- the campaign finance
 15 in.gov stated that we had filed our pre-election
 16 report. Abbey Taylor notified our chairman, who
 17 unfortunately was unable to be here because he
 18 has an illness today, notified our chairman that
 19 we had not filed.
 20 I received that same communication on
 21 October 28th. I was in contact with Abbey, and
 22 what had happened -- I don't remember which one
 23 it is, but one of the Congressional Republican
 24 Central Committees had a similar filing number
 25 to ours and the digits were transposed so their

1 filing was filed under our filing number. As
 2 soon as I was notified of that on October 29th,
 3 I filed our pre-election report.
 4 CHAIRMAN T. WHEELER: Questions from the
 5 commissioners?
 6 VICE CHAIR A. LONG: It was our computer,
 7 our administrative...
 8 MS. A. TAYLOR: It was.
 9 COMMISSIONER S. RIORDAN: I move to
 10 dismiss.
 11 VICE CHAIR A. LONG: Second.
 12 CHAIRMAN T. WHEELER: All in favor signify
 13 by saying aye?
 14 THE COMMISSION: Aye.
 15 CHAIRMAN T. WHEELER: Those opposed, same
 16 sign?
 17 (No response.)
 18 CHAIRMAN T. WHEELER: Motion carries.
 19 VICE CHAIR A. LONG: Is that one that we
 20 transposed, is the congressional group...
 21 CHAIRMAN T. WHEELER: What was the number
 22 of the group?
 23 MS. A. TAYLOR: They're 4965, and I think
 24 it's 2nd District Republicans, but it may not be
 25 2nd District, it's 4695, but they write 4965, so

1 when we got the giant stack and we're checking
 2 them all in, you know...

3 CHAIRMAN T. WHEELER: So we may have a
 4 problem with -- if they come up, we'll do that
 5 one, too.

6 MS. M. THOMPSON: This is your pink tab.
 7 This is 2007 Corporation, Indianapolis Power &
 8 Light Company.

9 CHAIRMAN T. WHEELER: Hi.

10 MR. F. MILLS: My name is a Fred Mills.
 11 I'm the director of government affairs at
 12 Indianapolis Power & Light. Our company tends
 13 to make contributions out of three different
 14 accounts, one is IPALCO, which is the
 15 corporation, one out of Indianapolis Power &
 16 Light, and then we also have a political action
 17 committee.

18 In the summer of '07, Indianapolis Power &
 19 Light made a \$1,500 contribution in the senate
 20 majority campaign. In the December of 2007,
 21 December 10th, of 2007, our internal records
 22 indicated that we were making a \$1,000 campaign
 23 contribution to the senate majority campaign
 24 from IPALCO. Unfortunately, when the check
 25 processing went through to get the check made,

1 they made it on IPL, and so therefore, we went
 2 over the \$2,500 amount.

3 Through a review of our own contributions
 4 and through also working with the senate
 5 majority campaign, we caught that mistake in
 6 early January -- probably less than a month, had
 7 to wait for the check, end of the month checks
 8 came through, found we made a mistake, and then
 9 worked with them to get a refund, so we actually
 10 got the money back in less than 30 days, and all
 11 of this was self-reported through that.

12 And so -- in fact, we got a letter from you
 13 folks following up and I've got the letter from
 14 them as well as our internal as well as all the
 15 checks that were passed.

16 CHAIRMAN T. WHEELER: It strikes me that
 17 this is very similar to the very first one of
 18 self reports.

19 VICE CHAIR A. LONG: Caught it and reported
 20 it.

21 CHAIRMAN T. WHEELER: Caught and reported
 22 it, that's what we're looking for.

23 MR. F. MILLS: And I will tell you also
 24 that we have made further efforts to try and
 25 avoid this. We now have a whole separate

1 payment system set up from IPALCO to try and
 2 avoid this from happening again as well.

3 CHAIRMAN T. WHEELER: From my standpoint, I
 4 certainly, don't want to discourage people from
 5 engaging in the political process and appreciate
 6 the self reporting.

7 VICE CHAIR A. LONG: That's -- that's
 8 critical in my mind, is for -- I move to dismiss
 9 it.

10 CHAIRMAN T. WHEELER: Motion's been made,
 11 is there a second?

12 COMMISSIONER D. DUMBEZICH: Second.

13 CHAIRMAN T. WHEELER: Motion's been made
 14 and seconded, all in favor signify by saying
 15 aye?

16 THE COMMISSIONER: Aye.
 17 (No response.)

18 CHAIRMAN T. WHEELER: Those opposed, same
 19 sign?

20 (No response.)

21 MR. F. MILLS: Thank you very much.

22 CHAIRMAN T. WHEELER: Do you have a number?

23 MR. G. AVERY: I do, 178, Gary Avery.

24 MS. M. THOMPSON: Page 87. Indiana
 25 Mortgage Bankers Political Action Committee,

1 Cause No. 2009-866-178. Has been before the
 2 board two other times. There's a proposed civil
 3 penalty of \$353.53 and he also has a letter with
 4 us.

5 CHAIRMAN T. WHEELER: I'm sorry, you are?
 6 MR. G. AVERY: My name is Gary Avery. I'm
 7 the new treasurer of the Mortgage Bankers and I
 8 did not realize they had been here before so
 9 I'll mention that.

10 CHAIRMAN T. WHEELER: It looks like you've
 11 got one in '96 and one in 2000.

12 MR. G. AVERY: Okay. Do you know what the
 13 purpose was?

14 CHAIRMAN T. WHEELER: Yeah. Go ahead and
 15 tell me what happened?

16 MR. G. AVERY: I was asked to take over the
 17 treasury. It was being done by an individual
 18 for so long in banking. He had been doing it --
 19 I think it was in '87, I believe. I met with
 20 him. He says basically you'll get information
 21 in the mail and he filed the report immediately
 22 to put my name in, which we had, did it within
 23 ten days.

24 At that point I did not receive anything
 25 until I got a fax which was on the -- about

1 seven days after, and the report was due in
2 October, that a filing was due. I pick up the
3 phone, called the headquarters, and your staff
4 has always been extremely helpful and I turned
5 that around in one day, we got it filed, I think
6 it was three or four days later.

7 Since then, I did get my other letter,
8 which you have a copy of. We did miss it and we
9 were delinquent and I noticed the address is
10 incorrect. It was going to Delaware Street,
11 which was his address, not mine, so I filed
12 another report to make sure the address was
13 corrected again, and we did file our report on
14 time this last time in December.

15 So that was just basically -- we reacted to
16 it when we found out it wasn't done at the end
17 of the day and -- a couple of days and then we
18 did file the proper report as well when I was
19 given this responsibility.

20 CHAIRMAN T. WHEELER: Questions from the
21 commissioners?

22 MR. G. AVERY: I think I have a letter that
23 I gave to you.

24 VICE CHAIR A. LONG: Yes. Yes, there's a
25 letter there.

1 COMMISSIONER D. DUMEZICH: How it happened,
2 and you know, I appreciate what the
3 responsibilities are, and we knew that.

4 CHAIRMAN T. WHEELER: Is there a motion?

5 COMMISSIONER D. DUMEZICH: And I note that
6 the last time they were here was nine years ago,
7 so based on that, I go with fining them
8 25 percent.

9 CHAIRMAN T. WHEELER: Motion for
10 25 percent?

11 VICE CHAIR A. LONG: Second that. You
12 figure it.

13 MR. D. SIMMONS: 87.50.

14 CHAIRMAN T. WHEELER: The motion is made
15 and seconded, it's reduced to \$87.50 plus
16 mailing of \$3.53. Any further discussion?
17 (No discussion.)

18 CHAIRMAN T. WHEELER: All in favor signify
19 by saying aye?

20 THE COMMISSION: Aye.

21 CHAIRMAN T. WHEELER: Those opposed, same
22 sign?

23 (No response.)

24 CHAIRMAN T. WHEELER: In Cause No.
25 2009-866-178, it's \$91.03. Thank you.

1 MR. G. AVERY: Thank you.

2 CHAIRMAN T. WHEELER: Next up.

3 MS. P. BIGELOW: 332.

4 CHAIRMAN T. WHEELER: What's the number?

5 MS. P. BIGELOW: 332.

6 MS. M. THOMPSON: This is for Education --
7 Citizens for Education?

8 MS. P. BIGELOW: Yes.

9 MS. M. THOMPSON: Your annual report was
10 late?

11 MS. P. BIGELOW: Yes.

12 MS. M. THOMPSON: I remember.

13 MS. P. BIGELOW: You're about to hear
14 the --

15 CHAIRMAN T. WHEELER: Hold on.

16 MS. P. BIGELOW: My name is Penny Bigelow.

17 CHAIRMAN T. WHEELER: Give me -- let me let
18 them find it.

19 VICE CHAIR A. LONG: We've got to find it.

20 CHAIRMAN T. WHEELER: Let them do the
21 preliminaries here.

22 MS. P. BIGELOW: My name is Penny Bigelow.

23 CHAIRMAN T. WHEELER: Is there someone here
24 for Brook Tarr, State Representative?

25 MR. D. TARR: Yes.

1 CHAIRMAN T. WHEELER: Grab that seat right
2 there. What number?

3 MS. M. THOMPSON: 157.

4 MS. A. TAYLOR: Page 77 and Page 100.

5 MS. M. THOMPSON: This is Citizens for
6 Education, Cause No. 2009-5769-157 and 205.
7 This committee -- this is the first time they've
8 come before the commission for both of these and
9 the committee's closed.

10 CHAIRMAN T. WHEELER: And I note you have a
11 letter in the file. Anything you want to add,
12 the committee being closed?

13 MS. P. BIGELOW: I'll accept a motion.

14 VICE CHAIR A. LONG: Motion to dismiss.

15 COMMISSIONER D. DUMEZICH: Second it.

16 CHAIRMAN T. WHEELER: I assume you have
17 everything else; right?

18 MS. M. THOMPSON: Yes.

19 CHAIRMAN T. WHEELER: Motion's made and
20 seconded, any further discussion?

21 (No response.)

22 CHAIRMAN T. WHEELER: All in favor signify
23 by saying aye?

24 THE COMMISSION: Aye.

25 CHAIRMAN T. WHEELER: Those opposed, same

1 sign?
 2 (No response.)
 3 CHAIRMAN T. WHEELER: Motion carries.
 4 Thank you very much.
 5 MS. P. BICELOW: Thank you.
 6 CHAIRMAN T. WHEELER: There's two on this
 7 one, 260 and 261.
 8 MS. A. TAYLOR: Members of the Commission,
 9 this is Elect Brook Tarr for State
 10 Representative. This is the first time the
 11 committee's been before the board for both
 12 delinquent filings, Cause No. 2009-5658-260 and
 13 261.
 14 CHAIRMAN T. WHEELER: And you are, I'm
 15 sorry, she's got to...
 16 MR. D. TARR: My name is Daniel Brook Tarr.
 17 I faxed these in. I got copies of both the
 18 cover sheets. The first one that I faxed in I
 19 actually made an error, so it was faxed in
 20 twice, both on April 25 at 8:45 p.m., and the
 21 other one on 261 was faxed in on April 30th at
 22 4:07 p.m.?
 23 CHAIRMAN T. WHEELER: Would those have been
 24 within the time frame?
 25 MR. D. TARR: Yes, sir.

1 CHAIRMAN T. WHEELER: Because it was at
 2 8:45 in the morning?
 3 MS. M. THOMPSON: Right, in the evening.
 4 VICE CHAIR A. LONG: And the other one was?
 5 MR. D. TARR: The other one, the other
 6 contribution --
 7 VICE CHAIR A. LONG: What was the date of
 8 the contribution?
 9 CHAIRMAN T. WHEELER: What was the date of
 10 the contribution?
 11 MR. D. TARR: Here it is. On the 30th, I
 12 believe.
 13 CHAIRMAN T. WHEELER: 11,000?
 14 MR. D. TARR: Yes.
 15 CHAIRMAN T. WHEELER: On the 30th?
 16 MR. D. TARR: On the 30th.
 17 CHAIRMAN T. WHEELER: It looks like you
 18 faxed it out Saturday evening 1607, which is
 19 4:00 p.m.?
 20 MR. D. TARR: Right.
 21 VICE CHAIR A. LONG: Was that a Friday
 22 also?
 23 MR. D. TARR: That would be a Wednesday.
 24 CHAIRMAN T. WHEELER: When did you get them
 25 in?

1 CHAIRMAN T. WHEELER: These are large
 2 supplemental contributions?
 3 MR. D. TARR: Yes, sir, and the committee
 4 will be closed once we're done here, too.
 5 VICE CHAIR A. LONG: He's faxed them.
 6 MR. D. TARR: One's 260 and one's 261.
 7 CHAIRMAN T. WHEELER: It shows April 25th,
 8 and that's the first one?
 9 MR. D. TARR: Yes, sir.
 10 CHAIRMAN T. WHEELER: And your first one
 11 was...
 12 VICE CHAIR A. LONG: April 30th on this
 13 one.
 14 CHAIRMAN T. WHEELER: The contribution
 15 itself was made?
 16 MR. D. TARR: April 24th.
 17 CHAIRMAN T. WHEELER: And you went ahead
 18 and faxed it in on April 25th?
 19 MR. D. TARR: Correct.
 20 CHAIRMAN T. WHEELER: So that would have
 21 been within the time?
 22 MS. M. THOMPSON: Yes, it was after we had
 23 left at night and it was a Friday so we didn't
 24 stamp it until Monday morning. That's the
 25 difference.

1 MS. M. THOMPSON: We show it in on 5/5 so
 2 it had to have been a Friday.
 3 CHAIRMAN T. WHEELER: That's too long, the
 4 30th and the 5th.
 5 MR. D. TARR: Actually, the 30th should be
 6 a Wednesday.
 7 MS. A. TAYLOR: May 2nd was a Friday and
 8 April 28th was a Monday.
 9 COMMISSIONER D. DUMEZICH: Motion to
 10 dismiss.
 11 CHAIRMAN T. WHEELER: Motion's been made,
 12 do I have a second on the motion?
 13 VICE CHAIR A. LONG: Second.
 14 CHAIRMAN T. WHEELER: Motion's been made
 15 and seconded, and you're also going to close;
 16 correct?
 17 MR. D. TARR: Yes, sir.
 18 CHAIRMAN T. WHEELER: I trust you to do
 19 that as well.
 20 MR. D. TARR: Yes, sir.
 21 CHAIRMAN T. WHEELER: And that will take
 22 care of all this. Thank you. I would like to
 23 figure out what happened, are these our copies?
 24 MR. D. TARR: They're the only ones I have,
 25 but if you want to mail them back to me...

1 CHAIRMAN T. WHEELER: You have copies of
 2 these.
 3 MS. A. TAYLOR: I believe both of them were
 4 at 8:30 so we weren't here until the next
 5 business day.
 6 CHAIRMAN T. WHEELER: You had five days,
 7 though; right -- The second one at 8:30, I
 8 thought we didn't get it until May 5th?
 9 MS. A. TAYLOR: The second one was due May
 10 5th. We didn't get it until May 6th. It's not
 11 faxed.
 12 MR. D. TARR: I didn't mail them. It was
 13 all faxed.
 14 MS. M. THOMPSON: Our faxes come in on the
 15 yellow paper. Did you fax it to somebody else
 16 and they brought it over?
 17 CHAIRMAN T. WHEELER: The fax was April
 18 30th.
 19 MR. D. TARR: It was faxed. The only thing
 20 I did wrong was I faxed it to the Secretary of
 21 State's Office, I think.
 22 CHAIRMAN T. WHEELER: It's not 233.
 23 MR. D. TARR: 3283 -- I called, and that
 24 was the number I got.
 25 CHAIRMAN T. WHEELER: And they hand brought

1 it over. Now we know. Thank you.
 2 VICE CHAIR A. LONG: Okay, thank you.
 3 CHAIRMAN T. WHEELER: Do you have the
 4 number on this one?
 5 MS. A. TAYLOR: Yes, Page 72.
 6 CHAIRMAN T. WHEELER: What's that?
 7 MS. A. TAYLOR: Page 72.
 8 CHAIRMAN T. WHEELER: Which one?
 9 MS. A. TAYLOR: Rice for District 40. Mr.
 10 Chairman, Members of the Commission, this is
 11 Rice for District 40, Cause No. 2009-5689-145.
 12 This is their first time before the commission
 13 and the committee is closed.
 14 CHAIRMAN T. WHEELER: Anything you want to
 15 add?
 16 MR. Z. RICE: If we don't have to, no.
 17 VICE CHAIR A. LONG: Everything's filed now
 18 and up to date?
 19 MS. A. TAYLOR: Yes.
 20 VICE CHAIR A. LONG: And off he goes?
 21 MS. A. TAYLOR: Yes.
 22 VICE CHAIR A. LONG: I move to dismiss it.
 23 COMMISSIONER D. DUMEZICH: Second.
 24 CHAIRMAN T. WHEELER: Motion's made and
 25 seconded, all in favor signify by saying aye?

1 THE COMMISSION: Aye.
 2 CHAIRMAN T. WHEELER: Those opposed, same
 3 sign?
 4 (No response.)
 5 CHAIRMAN T. WHEELER: Motion's carried.
 6 Thank you.
 7 MR. J. McMILLIN: Good morning.
 8 COMMISSIONER D. DUMEZICH: Good morning.
 9 CHAIRMAN T. WHEELER: Do we have a number?
 10 MS. A. TAYLOR: Page 78.
 11 CHAIRMAN T. WHEELER: Which one?
 12 MS. A. TAYLOR: Jud McMillin.com, Cause No.
 13 2009-5778-159, this is the first time before the
 14 commission, and they filed at 2:12 on January
 15 21st so two hours 12 minutes late.
 16 CHAIRMAN T. WHEELER: You are?
 17 MR. J. McMILLIN: I'm Jud McMillin, and all
 18 I have here is a fax report that I'll show you.
 19 As you can see, where I marked in the left-hand
 20 margin, I started trying to fax this thing or we
 21 started at 11:34 on that day. After a couple
 22 attempts -- it went through successfully at
 23 11:46. However, if you look during the
 24 duration, for some reason it wasn't received by
 25 the fax machine here for another 2 hours and 56

1 minutes, and looking at all the other faxes --
 2 the longest fax I can find on that three-day
 3 window was another -- when it took 6 minutes and
 4 25 seconds so...
 5 CHAIRMAN T. WHEELER: When you say
 6 duration, that's the 2:56?
 7 MR. J. McMILLIN: Yeah.
 8 CHAIRMAN T. WHEELER: What's the one
 9 immediately above it?
 10 MR. J. McMILLIN: That's another attempt,
 11 another attempt that I made. I made an attempt
 12 at --
 13 CHAIRMAN T. WHEELER: That shows three.
 14 MR. J. McMILLIN: Yeah, and that one didn't
 15 go through. If you look over the third column
 16 from the left, it'll say pages. When we finally
 17 got an okay.
 18 CHAIRMAN T. WHEELER: It's 14.
 19 MR. J. McMILLIN: It's 14.
 20 CHAIRMAN T. WHEELER: So the okay you got
 21 here shows 11:46 but...
 22 MR. J. McMILLIN: But it says it took 2
 23 hours and 56 minutes. I'm guessing that the fax
 24 machine was kind of busy at that time.
 25 MS. A. TAYLOR: Yes.

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1 MR. D. SIMMONS: Yeah.
 2 MS. M. THOMPSON: Uh-huh.
 3 CHAIRMAN T. WHEELER: I'll accept a motion
 4 on this one.
 5 COMMISSIONER D. DUMEZICH: Motion to
 6 dismiss.
 7 COMMISSIONER D. DUMEZICH: Second.
 8 CHAIRMAN T. WHEELER: All in favor signify
 9 by saying aye?
 10 THE COMMISSION: Aye.
 11 CHAIRMAN T. WHEELER: Those opposed, same
 12 sign?
 13 (No response.)
 14 CHAIRMAN T. WHEELER: This is our copy?
 15 MR. J. McMILLIN: You can have it.
 16 VICE CHAIR A. LONG: Thank you very much.
 17 MR. J. McMILLIN: Thank you.
 18 MR. C. WORDEN: 214, Hoosiers for Justice,
 19 Chris Worden, W-O-R-D-E-N.
 20 MS. A. TAYLOR: 105.
 21 CHAIRMAN T. WHEELER: I'm sorry, what was
 22 the number?
 23 MS. A. TAYLOR: 105.
 24 CHAIRMAN T. WHEELER: Hoosiers for Justice,
 25 what is it?

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1 MS. A. TAYLOR: It says Hoosiers for
 2 Justice, Cause No. 2009-5829-214. This is the
 3 first time before the commission and the
 4 proposed settlement or fine is \$1,003.53.
 5 CHAIRMAN T. WHEELER: Okay. You are?
 6 MR. C. WORDEN: I'm Chris Worden. This is
 7 a simple matter where the committee has a brand
 8 new formation, a brand new treasurer. They were
 9 relying upon me in providing the advice, and I
 10 made an error in looking at the report. The
 11 formation actually was October 19th, when it was
 12 actually -- the inception date was the 9th. The
 13 19th would have been both past the filing
 14 deadline and also the reporting period.
 15 I would ask the commissioner to reduce the
 16 penalty to 25 percent. This is not a situation
 17 where the committee was trying to keep
 18 information. In fact, if you look at the actual
 19 report that was filed, it was a zero balance
 20 report. They are going to continue to operate.
 21 We're fine tuning all the operations so we're
 22 hoping to never be in front of you again.
 23 VICE CHAIR A. LONG: I hope you're
 24 successful.
 25 CHAIRMAN T. WHEELER: What's the Hoosiers

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1 for Justice?
 2 MR. C. WORDEN: It's primarily civil
 3 justice related so they're trying to make sure
 4 everybody gets a fair shake in court.
 5 CHAIRMAN T. WHEELER: Thank you for that.
 6 The board of commissioners can't disagree with
 7 that.
 8 COMMISSIONER D. DUMEZICH: Motion to reduce
 9 the fine by 75 percent to 25 percent.
 10 CHAIRMAN T. WHEELER: All right. All in
 11 favor signify by saying aye?
 12 THE COMMISSION: Aye.
 13 CHAIRMAN T. WHEELER: Those opposed, same
 14 sign?
 15 (No response.)
 16 MR. C. WORDEN: Thank you.
 17 CHAIRMAN T. WHEELER: And 2009-5829-214 is
 18 reduced to \$250 plus \$3.53 for a total of
 19 \$253.53.
 20 VICE CHAIR A. LONG: For justice.
 21 CHAIRMAN T. WHEELER: For justice.
 22 MR. C. WORDEN: Thank you all.
 23 MS. A. TAYLOR: Page 118.
 24 CHAIRMAN T. WHEELER: Which one we got?
 25 MS. A. TAYLOR: Page 118.

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1 CHAIRMAN T. WHEELER: Is it Indiana
 2 Pro-Life or Martinsville-Professional Fire
 3 Fighters?
 4 MS. A. TAYLOR: Martinsville Fire Fighters.
 5 This is Martinsville Professional Fire-Fighters
 6 Local #4214 PAC, Cause No. 2009-5493-239. This
 7 is the first time before the commission and the
 8 committee is closed.
 9 VICE CHAIR A. LONG: And they're all up to
 10 date on their file?
 11 MS. A. TAYLOR: Yes.
 12 CHAIRMAN T. WHEELER: And I will note
 13 there's a letter of explanation in the file as
 14 well. Are you Ryan Lamon?
 15 MR. R. LAYMON: Yes.
 16 COMMISSIONER D. DUMEZICH: Motion to
 17 dismiss.
 18 COMMISSIONER S. RIORDAN: Second.
 19 CHAIRMAN T. WHEELER: All in favor, signify
 20 by saying aye?
 21 THE COMMISSION: Aye.
 22 CHAIRMAN T. WHEELER: Those opposed, same
 23 sign?
 24 (No response.)
 25 CHAIRMAN T. WHEELER: Motion carries so

1 it's dismissed. Thank you, sir.
 2 MR. R. LAYMON: Thank you.
 3 MS. A. TAYLOR: Page 76.
 4 CHAIRMAN T. WHEELER: Did you say 76?
 5 MS. A. TAYLOR: Yes.
 6 CHAIRMAN T. WHEELER: Which one?
 7 MS. A. TAYLOR: This is the Committee to
 8 Elect John Meuser, Cause No. 2009-5758-155.
 9 This is the first time before the commission and
 10 the committee is closed.
 11 CHAIRMAN T. WHEELER: And you are?
 12 MR. J. MEUSER: John Meuser.
 13 CHAIRMAN T. WHEELER: And it is closed?
 14 MR. J. MEUSER: Yes.
 15 VICE CHAIR A. LONG: Are you up to date on
 16 everything?
 17 MR. J. MEUSER: Yes.
 18 COMMISSIONER D. DUMEZICH: Motion to
 19 dismiss.
 20 COMMISSIONER S. RIORDAN: Second.
 21 CHAIRMAN T. WHEELER: Motion's made and
 22 seconded, any further discussion?
 23 (No response.)
 24 CHAIRMAN T. WHEELER: Hearing none, all in
 25 favor signify by saying aye?

1 THE COMMISSION: Aye.
 2 CHAIRMAN T. WHEELER: Those opposed, same
 3 sign?
 4 (No response.)
 5 CHAIRMAN T. WHEELER: Motion carries.
 6 MR. J. MEUSER: Thank you.
 7 MS. M. THOMPSON: This one has several.
 8 This is Jackson County Republicans. There's
 9 several of these.
 10 CHAIRMAN T. WHEELER: Where am I going to
 11 find these?
 12 MS. M. THOMPSON: Back by the letter, the
 13 blue tab.
 14 CHAIRMAN T. WHEELER: How far back?
 15 MS. A. TAYLOR: The second page of the
 16 letter section.
 17 CHAIRMAN T. WHEELER: 81, 96 -- we've got
 18 several years' worth?
 19 MS. M. THOMPSON: Yes. Some of these are
 20 motions to reconsider, plus the late one. This
 21 is Jackson County Republican Committee,
 22 2006-3750-81, 96, 2007-3750-77, 67 and 120 and
 23 then 2009-3750-54.
 24 CHAIRMAN T. WHEELER: And you are?
 25 MR. T. BRICKER: I am Tom Bricker

1 (Phonetic), the current past treasurer.
 2 MS. M. ACTON: I'm Melissa Acton. I'm
 3 currently the chairman of the central committee.
 4 MS. M. THOMPSON: This committee is also
 5 closed on the State level now.
 6 CHAIRMAN T. WHEELER: The committee is
 7 closed now?
 8 VICE CHAIR A. LONG: On the State level.
 9 MS. M. THOMPSON: On the State level.
 10 CHAIRMAN T. WHEELER: Give me the short
 11 version because we've got a couple of years'
 12 worth of problems.
 13 MR. T. BRICKER: Pretty much, our previous
 14 county chairman got into it with the previous
 15 treasurer. He filed all of his reports
 16 properly. He resigned. They replaced him and
 17 information didn't get transferred. The
 18 pre-elect -- the pre--primary and the pre-general
 19 were not filed. The treasurer filed just the
 20 annual.
 21 When we found out we had mistakes, the
 22 county chairman panicked. Instead of making
 23 phone calls, she said she'd take care of, she'd
 24 take care of it, she'd take care of it. She
 25 never did.

1 CHAIRMAN T. WHEELER: Who was that?
 2 MR. T. BRICKER: Ms. Tammy Koerner.
 3 CHAIRMAN T. WHEELER: Ms. Tammy Koerner.
 4 MR. T. BRICKER: I became the treasurer and
 5 made some phone calls. We got things resolved.
 6 We sat down with the previous treasurer and got
 7 things up to date as far as we know. Like I
 8 said, we're just here for leniency.
 9 CHAIRMAN T. WHEELER: Do we know why? In
 10 two of these letters, motions to reconsider,
 11 they indicate they didn't get notice of either
 12 of the hearing?
 13 VICE CHAIR A. LONG: Probably the prior
 14 chairman.
 15 MS. M. THOMPSON: It was the old chairman
 16 of the committee.
 17 MS. M. ACTON: This current letter actually
 18 had my address and a previous treasurer's name
 19 so we were fortunate to get the notice today.
 20 CHAIRMAN T. WHEELER: Questions from the
 21 commissioners?
 22 MR. T. BRICKER: I know it's bad, and I
 23 apologize.
 24 VICE CHAIR A. LONG: Have these penalties
 25 been paid?

1 MS. M. THOMPSON: No.
 2 MS. A. TAYLOR: No.
 3 CHAIRMAN T. WHEELER: At least one of the
 4 letters says they're in collection by the AG's
 5 office.
 6 VICE CHAIR A. LONG: Okay.
 7 MS. M. THOMPSON: We actually stopped it.
 8 before it went into collection at the AG's
 9 office.
 10 MR. T. BRICKER: We had paid the previous
 11 time, or was going to, and was told we'd be
 12 better off to appeal, ask you folks to appeal,
 13 and when I became the treasurer a month later,
 14 so we got these letters and it was recommended
 15 that we appeal.
 16 VICE CHAIR A. LONG: Figure out the easier
 17 way to do that. Why don't we put it all on one
 18 and dismiss. My motion is to take the current
 19 late filing and reduce the penalty to \$500.
 20 CHAIRMAN T. WHEELER: Which number?
 21 VICE CHAIR A. LONG: That's 54.
 22 CHAIRMAN T. WHEELER: 54 to 500.
 23 VICE CHAIR A. LONG: 2,2009-3750-54 plus
 24 the mailing, and the same motion to dismiss the
 25 2006-81, 96, and the 2007-77, 67 and 120, so it

1 MS. A. TAYLOR: Mr. Chairman, Members of
 2 the Commission, this is Friends of Ed Angleton,
 3 Cause No. 2009-5762-169. This is the
 4 committee's first time before the commission and
 5 the committee's still open.
 6 CHAIRMAN T. WHEELER: And you are?
 7 MR. E. ANGLETON: Ed Angleton.
 8 CHAIRMAN T. WHEELER: All right. Tell me
 9 what happened?
 10 MR. E. ANGLETON: Basically I just misread
 11 the filing requirements. It said statewide
 12 office. I didn't realize I was running for a
 13 statewide office.
 14 CHAIRMAN T. WHEELER: What were you running
 15 for?
 16 MR. E. ANGLETON: State legislator, and I
 17 assumed the statewide office, where I saw it,
 18 where it talked about governor, lieutenant
 19 governor, secretary of state and such. It was
 20 just my -- my error, and when I was notified
 21 that I was late with the filing, I filed
 22 immediately.
 23 COMMISSIONER S. RIORDAN: Do you intend to
 24 keep the committee open?
 25 MR. E. ANGLETON: I do not intend to keep

1 would be a net of \$500 plus the mailing costs
 2 and the rest will be dismissed.
 3 COMMISSIONER D. DUMEZICH: Second it.
 4 CHAIRMAN T. WHEELER: The motion's been
 5 made and seconded, any further discussion?
 6 (No response.)
 7 CHAIRMAN T. WHEELER: All in favor signify
 8 by saying aye?
 9 THE COMMISSION: Aye.
 10 CHAIRMAN T. WHEELER: Those opposed, same
 11 sign?
 12 (No response.)
 13 CHAIRMAN T. WHEELER: The mailing cost is
 14 going to be 3.45, so it's \$500 plus 3.45.
 15 MR. T. BRICKER: We are done filing.
 16 VICE CHAIR A. LONG: You're done.
 17 CHAIRMAN T. WHEELER: You're done. I just
 18 needed to fill that out.
 19 VICE CHAIR A. LONG: Good luck to you all.
 20 COMMISSIONER D. DUMEZICH: Take care.
 21 MS. M. THOMPSON: Page 83.
 22 CHAIRMAN T. WHEELER: I'm sorry, what page
 23 are you on?
 24 MS. M. THOMPSON: Page 83.
 25 VICE CHAIR A. LONG: Cause number?

1 it open. My wife told me if I ever run again,
 2 she hopes my new wife is as supportive as she
 3 is.
 4 VICE CHAIR A. LONG: Would you like us to
 5 remove this at this meeting?
 6 MR. E. ANGLETON: Yes, please.
 7 VICE CHAIR A. LONG: Would you like us to
 8 do that?
 9 MR. E. ANGLETON: Yes, please.
 10 COMMISSIONER D. DUMEZICH: Second.
 11 CHAIRMAN T. WHEELER: The motion's been
 12 made and seconded, any further questions?
 13 (No response.)
 14 CHAIRMAN T. WHEELER: Hearing none, all
 15 those in favor of continuing Cause No.
 16 2009-5762-169, signify by saying aye?
 17 THE COMMISSION: Aye.
 18 CHAIRMAN T. WHEELER: Those opposed, same
 19 sign?
 20 (No response.)
 21 MR. E. ANGLETON: Thank you.
 22 VICE CHAIR A. LONG: You'll get a notice to
 23 come but you don't have to.
 24 MR. E. ANGLETON: Okay, thank you.
 25 CHAIRMAN T. WHEELER: Next up.

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1 MS. A. TAYLOR: Page 144. This is the
 2 Donald O. Patton Committee, Cause No.
 3 2009-5714-287. This is the committee's first
 4 time before the commission and the committee is
 5 closed.
 6 CHAIRMAN T. WHEELER: And you are -- sir,
 7 your name?
 8 MR. D. PATTON: Donald O. Patton.
 9 CHAIRMAN T. WHEELER: And you've closed the
 10 committee.
 11 MS. P. BERNENS: Do what?
 12 CHAIRMAN T. WHEELER: You've closed the
 13 committee?
 14 MR. D. PATTON: A post to the committee?
 15 CHAIRMAN T. WHEELER: You've closed the
 16 committee, the committee is closed?
 17 MR. D. PATTON: Yes.
 18 CHAIRMAN T. WHEELER: Are they current on
 19 everything?
 20 MS. A. TAYLOR: Yes.
 21 VICE CHAIR A. LONG: Move to dismiss.
 22 COMMISSIONER D. DUMEZICH: Second.
 23 CHAIRMAN T. WHEELER: The motion's been
 24 made to dismiss pending closure, all in favor
 25 signify by saying aye?

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1 THE COMMISSION: Aye.
 2 CHAIRMAN T. WHEELER: Those opposed, same
 3 sign?
 4 (No response.)
 5 VICE CHAIR A. LONG: Thank you for coming.
 6 CHAIRMAN T. WHEELER: Thank you for coming,
 7 Mr. Patton.
 8 MR. D. PATTON: You're welcome.
 9 MS. A. TAYLOR: Page 27.
 10 VICE CHAIR A. LONG: What page?
 11 CHAIRMAN T. WHEELER: 27, Crawfordsville
 12 Professional Firefighters?
 13 MS. A. TAYLOR: This is Crawfordsville
 14 Professional Firefighters PAC, Cause No.
 15 2009-5467-42. This is the second time before
 16 the commission. The first time they paid a
 17 settlement agreement and the committee is still
 18 open. The proposed fine is \$1,003.45.
 19 CHAIRMAN T. WHEELER: You guys are?
 20 MR. E. GILMAN: Eric Gilman.
 21 CHAIRMAN T. WHEELER: Okay.
 22 MR. B. SHAW: Brian Shaw.
 23 CHAIRMAN T. WHEELER: Tell me what
 24 happened?
 25 MR. E. GILMAN: I'm still trying to figure

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1 that out. We called on the phone, said that we
 2 paid a \$250 fine, and appear here so I'm still
 3 trying to figure that out myself.
 4 CHAIRMAN T. WHEELER: Hopefully, we'll be
 5 able to clarify in a second.
 6 MR. E. GILMAN: The check was cashed on
 7 January 20th of '09. It was either that one or
 8 it's another one that we paid.
 9 VICE CHAIR A. LONG: Is that a settlement
 10 fee?
 11 MS. M. THOMPSON: I'm looking for that.
 12 COMMISSIONER D. DUMEZICH: The check had
 13 been cashed?
 14 MR. B. SHAW: I know that we did not start
 15 this. We took it over for six months. When we
 16 took it over, we received a thing saying there
 17 was a hearing. We received it like a week or
 18 two after the hearing.
 19 MR. E. GILMAN: So we paid the fine and
 20 then we had a late CFA-4 and then we paid the
 21 fine and that's kind of where we're sitting
 22 trying to figure out where we're at.
 23 CHAIRMAN T. WHEELER: Are you guys still
 24 planning on staying active.
 25 MR. E. GILMAN: Depending on what the

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1 penalty is.
 2 COMMISSIONER D. DUMEZICH: What's our target
 3 number?
 4 MR. E. GILMAN: We're hoping to go with...
 5 MS. M. THOMPSON: The pre-election we got
 6 is you paying \$250. We have it on here to
 7 ratify that. There's another one.
 8 CHAIRMAN T. WHEELER: That's the one
 9 from --
 10 MS. A. TAYLOR: They paid the settlement
 11 agreement on the 2007 annual report.
 12 CHAIRMAN T. WHEELER: These are the older
 13 ones then which were never filed; correct?
 14 MS. A. TAYLOR: Which was filed on March
 15 4th of 2008.
 16 CHAIRMAN T. WHEELER: So that was after you
 17 guys got involved?
 18 MR. B. SHAW: That might have been one I
 19 filed when I first come on and I just got
 20 everything thrown at me and I tried to work
 21 through it the best I could.
 22 MR. E. GILMAN: There were two fines that
 23 we paid.
 24 CHAIRMAN T. WHEELER: Two fines or one?
 25 MS. M. THOMPSON: One. I only show one.

1 MR. B. SHAW: I've paid two total fines.
 2 CHAIRMAN T. WHEELER: We've only got -- do
 3 you have what they were -- I got the 250. We
 4 figured that one out.
 5 MR. E. GILMAN: April 4th of '08 which
 6 would have been from our annual report that
 7 didn't get filed in '07. That was that report.
 8 MS. A. TAYLOR: That was the 2006 annual.
 9 CHAIRMAN T. WHEELER: That was 2006.
 10 MS. A. TAYLOR: So they paid the order
 11 after the hearing.
 12 CHAIRMAN T. WHEELER: They paid the order
 13 after it was done?
 14 MS. A. TAYLOR: Right.
 15 CHAIRMAN T. WHEELER: You paid another
 16 \$250?
 17 MR. E. GILMAN: Yes, sir.
 18 CHAIRMAN T. WHEELER: And that was the '08?
 19 MS. A. TAYLOR: A settlement agreement for
 20 the 2008 pre-elect.
 21 CHAIRMAN T. WHEELER: So the '07 is still
 22 out?
 23 MS. A. TAYLOR: So the '07 annual is this
 24 one.
 25 CHAIRMAN T. WHEELER: And that one's the

1 MR. E. GILMAN: The gentleman that was
 2 running this, he left Crawfordsville Fire and
 3 went Boone Fire so that's where it sat dormant
 4 for six months.
 5 MR. B. SHAW: I do know this one, the very
 6 last one, the 250, we paid that. It was my
 7 fault. I got it, looked at it two or three days
 8 late.
 9 VICE CHAIR A. LONG: And I move to dismiss
 10 them and call them current.
 11 CHAIRMAN T. WHEELER: Call them current and
 12 trust you guys to straighten this out. We've
 13 got your names now. Motion's been made, do I
 14 have a second?
 15 COMMISSIONER D. DUMEZICH: Second.
 16 CHAIRMAN T. WHEELER: All in favor, signify
 17 by saying aye?
 18 THE COMMISSION: Aye.
 19 CHAIRMAN T. WHEELER: Those opposed, same
 20 sign?
 21 (No response.)
 22 CHAIRMAN T. WHEELER: Motion carries.
 23 Cause No. 2009-5467-42 is dismissed which I
 24 understand is the 2007, but the intent --
 25 MS. M. THOMPSON: The 2007.

1 one that's still currently out?
 2 MS. A. TAYLOR: Yes.
 3 MR. E. GILMAN: Then we paid another 250
 4 this January that we called and talked to you
 5 about.
 6 CHAIRMAN T. WHEELER: That was the '08?
 7 MS. A. TAYLOR: That was the '08 pre-elect.
 8 VICE CHAIR A. LONG: How many have you
 9 paid?
 10 MR. B. SHAW: Two.
 11 CHAIRMAN T. WHEELER: Two, 250 over the
 12 last two years.
 13 COMMISSIONER S. RIORDAN: The third one is
 14 the 2007 annual report which got filed in March
 15 of '08.
 16 MR. E. GILMAN: That was the 250/250 we
 17 paid.
 18 MS. A. TAYLOR: No, the 250/250 belongs to
 19 the 2006 annual.
 20 MR. B. SHAW: This is just us not knowing.
 21 CHAIRMAN T. WHEELER: We understand. Let's
 22 get it figured out so we're done. You got one
 23 in '06, one in '07 and one in '08, and it looks
 24 like you paid '06 and '08 and '07 is still
 25 hanging out there.

1 CHAIRMAN T. WHEELER: -- of the commission
 2 is they are completely current as of this point
 3 forward and they have no worries.
 4 MS. M. THOMPSON: Okay.
 5 MR. E. GILMAN: Okay, thank you.
 6 VICE CHAIR A. LONG: Thank you all for what
 7 you do.
 8 MS. A. TAYLOR: Page 69. Committee to
 9 Elect James Erb for Indiana State Senate, Cause
 10 No. 2009-5651-137. This is the Committee to
 11 Elect James Erb for Indiana State Senate. The
 12 2008 annual has not been filed. It's the first
 13 time before the commission and the committee is
 14 still open.
 15 CHAIRMAN T. WHEELER: It has not ever been
 16 filed?
 17 MS. A. TAYLOR: Not been filed.
 18 CHAIRMAN T. WHEELER: You are?
 19 MS. A. ELLIOTT: I am Amber Elliott, the
 20 treasurer.
 21 CHAIRMAN T. WHEELER: Okay, what happened,
 22 what's going on?
 23 MS. A. ELLIOTT: I'm pretty clueless on
 24 what's going on, but I filed everything on the
 25 county level with the understanding they were

1 going to fax it in. I also understood it was
 2 closed. They are closing it.
 3 CHAIRMAN T. WHEELER: You are closing it?
 4 MS. A. ELLIOTT: Uh-huh.
 5 CHAIRMAN T. WHEELER: I guess that's the
 6 easiest thing. So what you did is you filed it
 7 at the county level but did not send it here?
 8 MS. A. ELLIOTT: Right, because I had no
 9 clue what I was doing.
 10 VICE CHAIR A. LONG: Check on -- may I have
 11 leave to file this over here with her?
 12 CHAIRMAN T. WHEELER: Please do.
 13 VICE CHAIR A. LONG: Take a look at that,
 14 Michelle, and see if that's...
 15 MS. A. ELLIOTT: It is late. I filed late
 16 so.
 17 VICE CHAIR A. LONG: Don't confess to
 18 anything yet.
 19 MS. M. THOMPSON: That would close them.
 20 CHAIRMAN T. WHEELER: That would close
 21 them?
 22 MS. M. THOMPSON: Yep.
 23 VICE CHAIR A. LONG: Is that all you need?
 24 MS. M. THOMPSON: This is all I need.
 25 VICE CHAIR A. LONG: And you're going to

1 (No response.)
 2 CHAIRMAN T. WHEELER: Motion carries.
 3 You're dismissed.
 4 MS. A. ELLIOTT: Thank you.
 5 MS. A. TAYLOR: Page 84. Al Cox State
 6 Representative District 6.
 7 VICE CHAIR A. LONG: 84, did you say?
 8 MS. A. TAYLOR: Yes. It's Cause No.
 9 2009-5807-170. This is the first time before
 10 the commission and the committee is closed. The
 11 proposed fine is \$1,003.53.
 12 CHAIRMAN T. WHEELER: And you are?
 13 MR. A. COX: Al Cox, libertarian candidate
 14 for state rep.
 15 CHAIRMAN T. WHEELER: And your committee is
 16 now closed; correct?
 17 MR. A. COX: Yes, sir.
 18 CHAIRMAN T. WHEELER: Do I have a motion?
 19 VICE CHAIR A. LONG: Motion to dismiss.
 20 COMMISSIONER D. DUMEZICH: Second.
 21 CHAIRMAN T. WHEELER: Motion's made and
 22 seconded, all those in favor, signify by saying
 23 aye?
 24 THE COMMISSION: Aye.
 25 CHAIRMAN T. WHEELER: Thank you, sir.

1 show that filed today?
 2 MS. M. THOMPSON: I'll show that filed.
 3 MS. L. BARNES: Can I have it as an
 4 exhibit?
 5 MS. M. THOMPSON: I need to keep it and I
 6 need to file it.
 7 MS. L. BARNES: Okay.
 8 CHAIRMAN T. WHEELER: Is that your
 9 original? Do you have another copy or not?
 10 MS. M. THOMPSON: Does she need a copy? I
 11 can mail it back to you.
 12 MS. A. ELLIOTT: Okay, that's fine.
 13 CHAIRMAN T. WHEELER: They can mail it back
 14 to you. All right, you're done.
 15 MS. A. ELLIOTT: Thank you.
 16 VICE CHAIR A. LONG: We need to vote.
 17 CHAIRMAN T. WHEELER: Oh, I'm sorry.
 18 VICE CHAIR A. LONG: All in favor...
 19 CHAIRMAN T. WHEELER: Do I have a second?
 20 COMMISSIONER S. RIORDAN: I second it.
 21 CHAIRMAN T. WHEELER: Motion's made and
 22 seconded, all in favor signify by saying aye?
 23 THE COMMISSION: Aye.
 24 CHAIRMAN T. WHEELER: Those opposed, same
 25 sign?

1 MR. A. COX: Thank you.
 2 MS. A. TAYLOR: Page 83, Committee to Elect
 3 Jon Bell. The Committee to Elect Jon Bell,
 4 Cause No. 2009-5750-168. It's the first time
 5 before the commission, proposed fine of
 6 \$1,003.53, and the committee is closed.
 7 CHAIRMAN T. WHEELER: And you are?
 8 MR. R. BELL: I'm Rex Bell.
 9 CHAIRMAN T. WHEELER: And the committee is
 10 closed?
 11 MR. R. BELL: The committee is closed.
 12 CHAIRMAN T. WHEELER: And they are current?
 13 MS. A. TAYLOR: Uh-huh.
 14 VICE CHAIR A. LONG: Move to dismiss.
 15 COMMISSIONER D. DUMEZICH: Second.
 16 CHAIRMAN T. WHEELER: All in favor signify
 17 by saying aye?
 18 THE COMMISSION: Aye.
 19 CHAIRMAN T. WHEELER: Those opposed, same
 20 sign?
 21 (No response.)
 22 CHAIRMAN T. WHEELER: Motion carries.
 23 Thank you, sir.
 24 MR. R. BELL: I'm also here for Cause No.
 25 167 and --

1 CHAIRMAN T. WHEELER: Hold on.
 2 MS. A. TAYLOR: Page 82, 108, 109 and 152.
 3 CHAIRMAN T. WHEELER: I got 167.
 4 MS. A. TAYLOR: 167, 220, 221, 222 -- you
 5 know what, that might be it:
 6 CHAIRMAN T. WHEELER: Here it is, Page 108?
 7 MS. M. THOMPSON: 108, 109 and 152.
 8 MS. A. TAYLOR: It's not on 152.
 9 CHAIRMAN T. WHEELER: I've got three causes
 10 there. I've got 220, 221, 222, what else?
 11 MS. A. TAYLOR: 167.
 12 CHAIRMAN T. WHEELER: I've got 167.
 13 MS. A. TAYLOR: That's it.
 14 CHAIRMAN T. WHEELER: So I've got four?
 15 MS. A. TAYLOR: Yes.
 16 CHAIRMAN T. WHEELER: And your committee is
 17 closed?
 18 MR. R. BELL: That's correct.
 19 CHAIRMAN T. WHEELER: These are all
 20 supplementals?
 21 MS. A. TAYLOR: These are supplementals and
 22 one is the nomination report.
 23 CHAIRMAN T. WHEELER: Other than failing to
 24 file the late supplementals and the nomination,
 25 everything else is...

1 MS. A. TAYLOR: He's caught up.
 2 VICE CHAIR A. LONG: Everything else is
 3 filed?
 4 MS. A. TAYLOR: Yes.
 5 CHAIRMAN T. WHEELER: And you know you've
 6 got a letter in there, too.
 7 VICE CHAIR A. LONG: Move to dismiss all
 8 four.
 9 COMMISSIONER D. DUMEZICH: Second.
 10 CHAIRMAN T. WHEELER: All those in favor,
 11 signify by saying aye?
 12 THE COMMISSION: Aye.
 13 CHAIRMAN T. WHEELER: Those opposed, same
 14 sign?
 15 (No response.)
 16 CHAIRMAN T. WHEELER: Thank you, Mr. Bell.
 17 MR. R. BELL: Thank you.
 18 MS. A. TAYLOR: Page 58, Friends of Pam
 19 Buhman:
 20 CHAIRMAN T. WHEELER: Friends of Pam
 21 Buhman.
 22 MS. A. TAYLOR: Cause No. 2009-5380-112.
 23 It's the first time in front of the commission
 24 and the committee is closed. The proposed fine
 25 is \$653.53.

1 CHAIRMAN T. WHEELER: And committee is
 2 closed?
 3 MS. P. BUHMAN: The committee is closed.
 4 CHAIRMAN T. WHEELER: Anything else -- are
 5 they current on everything else?
 6 MS. A. TAYLOR: Yes.
 7 VICE CHAIR A. LONG: Move to dismiss.
 8 COMMISSIONER D. DUMEZICH: Second it.
 9 CHAIRMAN T. WHEELER: All in favor, signify
 10 by saying Aye?
 11 THE COMMISSION: Aye.
 12 CHAIRMAN T. WHEELER: Those opposed, same
 13 sign?
 14 (No response.)
 15 MS. L. BARNES: Are you Pam?
 16 MS. P. BUHMAN: Yes.
 17 CHAIRMAN T. WHEELER: I'm sorry, I should
 18 have had you introduce yourself. I'm trying to
 19 move people out of here.
 20 MS. A. TAYLOR: Page 20, Corriden for State
 21 Senate Committee, Cause No. 2009-5363-28, this
 22 is the first time before the commission, and the
 23 proposed fine is \$103.45. The committee is
 24 still open.
 25 MR. G. VALENTINE: That's not me?

1 CHAIRMAN T. WHEELER: Pardon?
 2 MR. G. VALENTINE: That's not me.
 3 CHAIRMAN T. WHEELER: Which one is yours?
 4 MS. P. BUHMAN: 286, Valentine.
 5 VICE CHAIR A. LONG: Is Mr. or Ms. Corriden
 6 here?
 7 (No response.)
 8 CHAIRMAN T. WHEELER: Not here. And your
 9 name?
 10 MR. G. VALENTINE: Greg Valentine.
 11 MS. A. TAYLOR: Committee to Elect Greg
 12 Valentine to District 37, Page 144; is that
 13 correct?
 14 MR. G. VALENTINE: Yes.
 15 MS. A. TAYLOR: It's Cause No.
 16 2009-5713-286. This is for the statement of
 17 organization of. This is the first time before
 18 the commission. The committee is still open and
 19 the proposed fine is \$153.45.
 20 CHAIRMAN T. WHEELER: And you are?
 21 MR. G. VALENTINE: Greg Valentine.
 22 CHAIRMAN T. WHEELER: All right. Tell me
 23 what happened?
 24 MR. G. VALENTINE: Well, I had never run
 25 for state office before but dealing with our

1 (No response.)
 2 CHAIRMAN T. WHEELER: Hearing none, all in
 3 favor signify by saying aye?
 4 THE COMMISSION: Aye.
 5 CHAIRMAN T. WHEELER: Those opposed, same
 6 sign?
 7 (No response.)
 8 CHAIRMAN T. WHEELER: I'm sorry. Thank
 9 you, sir. Chalk up the second one to the Postal
 10 Service.
 11 MS. A. TAYLOR: Page 146. This is Cooper
 12 for State Representative Committee, Cause No.
 13 2009-5718-290 -- oh, they're also on another
 14 page, give me a second.
 15 MS. M. THOMPSON: Did you pay a settlement
 16 agreement?
 17 MS. A. TAYLOR: Did you pay a settlement
 18 agreement?
 19 VICE CHAIR A. LONG: Do you have your
 20 notice for today?
 21 MR. L. COOPER: Yes, sir.
 22 CHAIRMAN T. WHEELER: There you go.
 23 MS. M. THOMPSON: 151 and 290.
 24 VICE CHAIR A. LONG: Page 74.
 25 MS. A. TAYLOR: Cause No. 2009-5718-151 and

1 290. This is the first time before the
 2 commission and the committee is closed.
 3 Proposed fines are 353.45 and 303.53.
 4 CHAIRMAN T. WHEELER: And your committee is
 5 now closed?
 6 MR. L. COOPER: Yes, sir.
 7 CHAIRMAN T. WHEELER: And he's current on
 8 everything else?
 9 MS. A. TAYLOR: Yes.
 10 VICE CHAIR A. LONG: Move to dismiss.
 11 COMMISSIONER D. DUMEZICH: Second.
 12 CHAIRMAN T. WHEELER: Motion's been made
 13 and seconded, any further discussion?
 14 (No response.)
 15 CHAIRMAN T. WHEELER: Hearing none, all
 16 those in favor signify by saying aye?
 17 THE COMMISSION: Aye.
 18 CHAIRMAN T. WHEELER: Those opposed, same
 19 sign?
 20 (No response.)
 21 CHAIRMAN T. WHEELER: Thank you, sir.
 22 MR. L. COOPER: Thank you.
 23 MS. L. BARNES: Oh, what was your name,
 24 sir?
 25 CHAIRMAN T. WHEELER: I'm sorry, I should

1 have had you identify yourself.
 2 MR. L. COOPER: Larry Cooper.
 3 CHAIRMAN T. WHEELER: I assumed that. I
 4 apologize, Mr. Cooper.
 5 MS. A. TAYLOR: Page 100, Grant County
 6 Democratic Central Committee, Cause No.
 7 2009-5744-204. This is the first time before
 8 the commission and the proposed fine is 553.53.
 9 CHAIRMAN T. WHEELER: And you are?
 10 MR. J. MULLER: I'm Jody Muller, the
 11 chairman of the committee.
 12 CHAIRMAN T. WHEELER: All right. Tell me
 13 what happened?
 14 MR. J. MULLER: Our previous treasurer
 15 misread or misinterpreted the language in the
 16 campaign finance manager to meaning we only
 17 needed to file with the state if we in fact
 18 contributed to the state candidate and we did
 19 not. We accept responsibility.
 20 CHAIRMAN T. WHEELER: And you also got a
 21 motion -- it's actually characterized as a
 22 motion for reconsideration. This is not
 23 previously...
 24 MS. A. TAYLOR: It is not.
 25 CHAIRMAN T. WHEELER: Consists of just

1 basically an explanation of what's going on and
 2 there's also an attached CFA-4.
 3 MR. J. MULLER: The filing was in fact on
 4 time with the county. I have a copy of it, if
 5 you'd like.
 6 VICE CHAIR A. LONG: You filed it with the
 7 county?
 8 MR. J. MULLER: Yes, we did file it with
 9 the county. It was on time.
 10 CHAIRMAN T. WHEELER: Let me see it. And
 11 that's in the packet dated October 16th?
 12 VICE CHAIR A. LONG: And it was due when,
 13 the 28th?
 14 MS. A. TAYLOR: It was due October 17th.
 15 CHAIRMAN T. WHEELER: So you filed it with
 16 the county on the 16th?
 17 VICE CHAIR A. LONG: Do we have it on file
 18 now?
 19 MS. A. TAYLOR: Yes.
 20 VICE CHAIR A. LONG: And ours is file
 21 marked with the county, also the...
 22 MS. A. TAYLOR: Yes.
 23 CHAIRMAN T. WHEELER: I've got what they've
 24 provided.
 25 VICE CHAIR A. LONG: Okay.

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1 CHAIRMAN T. WHEELER: I'll accept a motion.
 2 VICE CHAIR A. LONG: Move to dismiss it.
 3 COMMISSIONER D. DUMEZICH: Second it.
 4 CHAIRMAN T. WHEELER: Motion's made and
 5 seconded, any further discussion?
 6 (No response.)
 7 CHAIRMAN T. WHEELER: Hearing none, all in
 8 favor of dismissing it signify by saying aye?
 9 THE COMMISSION: Aye.
 10 CHAIRMAN T. WHEELER: Those opposed, same
 11 sign?
 12 (No response.)
 13 CHAIRMAN T. WHEELER: Motion carries.
 14 Thank you.
 15 MR. J. MUELLER: Thank you.
 16 MS. A. TAYLOR: Page 143. This is Compton
 17 for State Senate Committee, Cause No.
 18 2009-5710-285, the proposed fine is \$303.45 and
 19 the committee is closed.
 20 CHAIRMAN T. WHEELER: Your committee -- can
 21 you introduce yourself?
 22 MR. L. COMPTON: My name is Les Compton,
 23 and yes, the committee is closed.
 24 CHAIRMAN T. WHEELER: And he's current
 25 everywhere else?

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1 MS. A. TAYLOR: Yes.
 2 VICE CHAIR A. LONG: Motion to dismiss.
 3 COMMISSIONER D. DUMEZICH: Second it.
 4 CHAIRMAN T. WHEELER: All in favor, signify
 5 by saying aye?
 6 THE COMMISSION: Aye.
 7 CHAIRMAN T. WHEELER: Those opposed, same
 8 sign?
 9 (No response.)
 10 CHAIRMAN T. WHEELER: Thank you, Mr.
 11 Compton.
 12 MR. L. COMPTON: Thank you. Is there
 13 anything you can do for my parking fine?
 14 CHAIRMAN T. WHEELER: I wish. Some of us
 15 have gotten them as well so...
 16 MS. M. THOMPSON: This is back to your pink
 17 tab, T-Mobile USA. And in your -- the very last
 18 packet is a letter from T-Mobile.
 19 CHAIRMAN T. WHEELER: Which packet, before
 20 the election?
 21 MS. M. THOMPSON: Before the election
 22 stuff.
 23 CHAIRMAN T. WHEELER: It's the very last
 24 letter.
 25 MS. M. THOMPSON: Last paper clip.

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1 CHAIRMAN T. WHEELER: All right. Go ahead.
 2 MS. M. THOMPSON: This is T-Mobile USA.
 3 This is for the Year 2006, Cause No. 09-308,
 4 contributed to State House Candidates or
 5 Representatives in the amount of 3,300. Never
 6 been before the board. It's threes the amount
 7 of excess contribution.
 8 They also have 2007, Cause 09-309, also
 9 contributed to State House Representatives in
 10 the amount of 6,500. And T-Mobile in the Year
 11 2007, Cause No. 09-310, contributed to State
 12 Senate Candidates in the amount of \$2,500.
 13 CHAIRMAN T. WHEELER: So these are various
 14 candidates; is that right?
 15 MS. M. THOMPSON: Various candidates in
 16 each of those amounts.
 17 CHAIRMAN T. WHEELER: In each of those
 18 cycles?
 19 MS. M. THOMPSON: Uh-huh.
 20 CHAIRMAN T. WHEELER: All right. Whoever
 21 is here.
 22 MR. C. GIBSON: Chris Gibson with Corydon
 23 Group on behalf of T-Mobile, and this is Jamie
 24 Hastings, national director for legislative
 25 affairs for T-Mobile. In-late summer 2008,

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1 T-Mobile realized that they may be in violation
 2 of some corporate contribution limits in Indiana
 3 and proceeded to do an internal audit.
 4 CHAIRMAN T. WHEELER: In 2008?
 5 MR. C. GIBSON: Correct. Did an internal
 6 audit of calendar years 2005, 2006 and 2007.
 7 After that internal audit, it was not quite
 8 complete, but certainly, there was enough
 9 evidence that we did feel there were some
 10 violations.
 11 I behalf of T-Mobile called Director King
 12 and asked him what would be the appropriate next
 13 steps, and he suggested that if we did feel
 14 there was a violation, to notify the Commission
 15 in writing of our feelings, and we did so on
 16 November 14th of 2008.
 17 In addition to my letter, which is in the
 18 file, notifying the Commission of violations in
 19 2005, 2006, and 2007, at least what we believe
 20 to be violations, we also attached a letter from
 21 Ms. Hastings detailing the internal controls
 22 that have been implemented since this revelation
 23 of some violations.
 24 And Ms. Hastings is here to answer any
 25 questions the Commission about those new tighter

1 internal controls that exists today to insure
 2 this won't happen in the future.
 3 Over the last several weeks, we have been
 4 in the process of requesting both verbally and
 5 in writing the checks back from those campaigns
 6 that -- the contributions that caused the
 7 violations, and we have a list of those that
 8 we've already submitted to the Commission.
 9 MR. D. DUMEZICH: Can you tell me who's on
 10 that list?
 11 MR. C. GIBSON: For 2005, we believe --
 12 well, let me start with 2006, because there is
 13 an issue with 2005 that we'd like to bring to
 14 the Commission's attention that the Commission
 15 has not brought to our attention heretofore.
 16 In 2006, we believe a check to
 17 Representative Cherry's committee, Bob Cherry,
 18 in the amount of \$300 caused an excess; in
 19 addition, a check to Representative Ed Mahern's
 20 committee in the amount of \$1,000. That
 21 committee is now closed, by the way. So we
 22 believe in 2006 the excess was \$1,300.
 23 In 2007, we believe five checks were in
 24 excess of the \$2,000 limit to the House. A
 25 check to Speaker Bauer in the amount of \$2,500,

1 them since, I believe, 2003.
 2 CHAIRMAN T. WHEELER: So I assume you're
 3 relying on these guys -- how did this happen?
 4 MS. J. HASTINGS: I think it's obvious that
 5 we didn't have the appropriate internal controls
 6 in place. I think that goes without saying.
 7 One of the things that I have instituted that's
 8 outlined in my letter is that four separate
 9 groups will now look at these political
 10 contributions.
 11 The lobbyist must sign off and tell us that
 12 it's within corporate contribution limitations.
 13 It then goes to the senior manager, the senior
 14 manager signs off on that as well, and it
 15 confirms to me that it's within the contribution
 16 limit. It then goes to my assistant, who does
 17 that as well, and then it comes to me -- I
 18 confirm it as well and will not sign off on a
 19 political contribution until each one of those
 20 individuals has confirmed that it's within those
 21 limitations.
 22 In addition, we've implemented a monthly
 23 report that will go to the senior managers as
 24 well as all the contract lobbyists so we know
 25 we're sharing information and we're all on the

1 a check to Representative Lutz in the amount of
 2 \$500, a check to Representative Murphy in the
 3 amount of \$500, a check to Representative Cherry
 4 again in the amount of \$500, a check to
 5 Representative Eric Cook in the amount of \$500,
 6 and those would be 2007.
 7 CHAIRMAN T. WHEELER: These are all listed
 8 in your letter -- you're just reading off your
 9 letter, correct?
 10 MR. C. GIBSON: Yes. Then a check in 2007
 11 a check to Senator Wyss in the amount of \$500,
 12 we believe to be over. In addition to 2006, and
 13 the two violations in 2007 in the Senate and
 14 House, our internal audit shows a potential
 15 violation in 2005 to the Senate with checks for
 16 \$500 to Senator Garden and a check for \$500 to
 17 Senator Wyss, so we believe there could be a
 18 potential excess in 2005 of \$1,000.
 19 Senator Garden's committee, based on
 20 conversations that we had with the Senate
 21 Majority Caucus Campaign, is still open, and we
 22 have made a request back of that \$500.
 23 CHAIRMAN T. WHEELER: How long have you
 24 guys been representing T-Mobile?
 25 MR. C. GIBSON: We have been representing

1 same page, in terms of the amounts of
 2 contributions that have been made.
 3 MR. C. GIBSON: In addition, another
 4 internal control that is going to be implemented
 5 is that all the checks will be delivered through
 6 one source as opposed to -- there were checks
 7 that sometimes -- our firm delivered. Sometimes
 8 T-Mobile sent it directly to the campaign. So
 9 that -- that left certain potential for not
 10 knowing the aggregate amount that was being
 11 contributed in Indiana.
 12 CHAIRMAN T. WHEELER: I assume there's
 13 communication where you're telling them what the
 14 aggregate limits are? I mean, were you aware of
 15 the aggregate limits prior to this? Is this
 16 just that the checks went out and nobody knew
 17 what was going on or you didn't know what the
 18 aggregate limits were, and that's what I'm
 19 trying to understand?
 20 MS. J. HASTINGS: To be honest with you, I
 21 think we were focused on the total amount,
 22 rather than the individual races, Senate and
 23 House. So I will tell you that I -- I was not
 24 as aware as I should have been about those
 25 individual limits and was more focused on the

1 overall limits with respect to corporate
 2 contributions.
 3 VICE CHAIR A. LONG: As I understand,
 4 you're all caught up?
 5 MS. J. HASTINGS: Yes, we did.
 6 MR. C. GIBSON: Correct.
 7 VICE CHAIR A. LONG: And you're advising us
 8 today, I guess, you also picked up one in 2005,
 9 the potential in 2005?
 10 MR. C. GIBSON: Correct, and that's the
 11 internal audit.
 12 CHAIRMAN T. WHEELER: You guys went back
 13 before that, and how far back did you go in your
 14 contributions?
 15 MR. C. GIBSON: We don't believe there were
 16 contributions prior to that by T-Mobile in
 17 Indiana that we're aware of.
 18 COMMISSIONER D. DUMEZICH: That's enough for
 19 Timothy Geithner.
 20 CHAIRMAN T. WHEELER: Now, now, we're not
 21 doing that stuff here.
 22 VICE CHAIR A. LONG: For a big company,
 23 that's going to be a nightmare when you have all
 24 the legislative races and different sources
 25 making requests.

1 ever worked for each other, though?
 2 MR. C. GIBSON: No.
 3 COMMISSIONER S. RIORDAN: The key thing in
 4 my mind is that, you know, it's not a situation
 5 where you've been delinquent with it for a long
 6 long time and we have to come after you, but if
 7 the process works internally, that's something
 8 we should give consideration to.
 9 MR. D. DUMEZICH: Certainly, from a
 10 compliance performance, I'd like to see that
 11 this comes back.
 12 CHAIRMAN T. WHEELER: How are you
 13 identifying -- how are you identifying who
 14 you're going after to get the money back?
 15 MR. C. GIBSON: We're doing it
 16 chronologically based on -- so, for instance,
 17 the 3,000 that we identified in 2005, for
 18 instance, the \$1,000 check that was first made
 19 to Senator Merritt's committee would not be in
 20 violation. The first 1,000 from Senator
 21 Garten's \$1,500 check would cap us at the \$2,000
 22 limit.
 23 CHAIRMAN T. WHEELER: I assume you got 500
 24 out of Garten, and I assume Garten's committee
 25 is closed.

1 MS. J. HASTINGS: It's been a challenge,
 2 but I will say on the good news front, this has
 3 really forced us to take a good hard luck and
 4 make sure that we're doing the right thing so
 5 there's -- there's some good news, I guess.
 6 VICE CHAIR A. LONG: Our computers didn't
 7 catch it?
 8 CHAIRMAN T. WHEELER: Do we have a
 9 structure to catch that if you're giving to
 10 multiple legislative races?
 11 VICE CHAIR A. LONG: You don't want to
 12 disclose that to the world.
 13 MS. M. THOMPSON: Like large contributions
 14 to one committee.
 15 CHAIRMAN T. WHEELER: Yeah, I mean, it's
 16 going to be -- I'm just thinking procedurally
 17 for us to catch something like that, if you're
 18 giving across the board 50, 150, how do you
 19 catch it unless they were cross filed by
 20 political action committee or by contributor?
 21 VICE CHAIR A. LONG: And I think you ought
 22 to be applauded for doing this. Again, it's
 23 very responsible. I guess I should disclose
 24 that I'm acquainted with Mr. Gibson and we used
 25 to be neighbors of a sort. I don't think we've

1 MR. C. GIBSON: It actually is not. It's
 2 for conversation with...
 3 CHAIRMAN T. WHEELER: Really? They have --
 4 they have some money, okay.
 5 MR. C. GIBSON: And they do have the funds.
 6 CHAIRMAN T. WHEELER: What about the ones
 7 that are closed, are you ever going to go back
 8 prior to that, or how are you going to recover
 9 that money?
 10 MR. C. GIBSON: Obviously, for instance,
 11 Representative Mahern, the committee is closed,
 12 and I'm not sure how we would demand those funds
 13 back, and we also have an instance in
 14 Representative Lutz, Jack Lutz from the Anderson
 15 area who does not feel he has sufficient funds
 16 to refund the -- I believe it's \$500 -- yes, so
 17 Representative Bosma is talking to those guys.
 18 MR. D. DUMEZICH: You maybe have to give
 19 them a \$500 contribution so they can give it
 20 back to you.
 21 CHAIRMAN T. WHEELER: The only concern is
 22 it looks like -- I mean, you guys are heavy
 23 players. You are guys were up to \$9,000 in '07,
 24 and nobody caught the fact that you were way
 25 over the limits?

1 MR. C. GIBSON: It was clearly fault on
 2 both sides, fault from T-Mobile and from our
 3 firm.
 4 CHAIRMAN T. WHEELER: I mean, you gave a
 5 single contribution to Bauer for 2,500 bucks.
 6 MS. A. TAYLOR: That triggered it for us.
 7 MR. C. GIBSON: And that was -- that's
 8 what --
 9 COMMISSIONER D. DUMEZICH: That triggered
 10 it.
 11 MR. C. GIBSON: That was what was, quite
 12 frankly, the red flag. We didn't -- we did not
 13 realize that all the dollars were being used for
 14 corporate. We thought some were back dollars
 15 so...
 16 CHAIRMAN T. WHEELER: You guys were heavy
 17 and over in '07, and it strikes me that sort of
 18 triggered somebody, somebody should have gone
 19 wait a second -- I mean, were you sending checks
 20 and they were sending checks and nobody knew
 21 what anybody was doing? I mean, is that...
 22 MR. C. GIBSON: There was certainly advice
 23 given from our firm to the client and a strategy
 24 of political giving, as we do with all of our
 25 clients, but as far as the checks being

1 CHAIRMAN T. WHEELER: Hearing none, signify
 2 by saying aye?
 3 THE COMMISSIONER: Aye.
 4 CHAIRMAN T. WHEELER: Those opposed, same
 5 sign?
 6 (No response.)
 7 MS. J. HASTINGS: Thank you for your time.
 8 COMMISSIONER S. RIORDAN: Let's have the
 9 record show that she was here this time.
 10 VICE CHAIR A. LONG: Mr. Gibson, report
 11 back as to your efforts. Maybe that was a good
 12 idea to make belated contributions and get them
 13 back.
 14 MS. J. HASTINGS: Thank you for your time.
 15 VICE CHAIR A. LONG: Good to see you,
 16 Chris.
 17 MR. C. GIBSON: Thanks.
 18 MS. A. TAYLOR: Page 102.
 19 CHAIRMAN T. WHEELER: Is that a corporate?
 20 MS. A. TAYLOR: Yes.
 21 CHAIRMAN T. WHEELER: Are all the
 22 corporations hiding in the back?
 23 MR. S. LEWIS: We were stuck back in the
 24 corner. We apologize for it. We had to work
 25 our way up to the front.

1 delivered, some were being sent to us, some were
 2 not, and so that's why we were not catching it,
 3 that checks were all corporate dollars as
 4 opposed to T-Mobile PAC, which we are aware that
 5 T-Mobile does not have. But clearly, the \$2,500
 6 check is what put the red flag in what we knew
 7 on its face. It is an excess contribution limit
 8 for anyone, any individual House race.
 9 CHAIRMAN T. WHEELER: All right. Any other
 10 questions?
 11 (No response.)
 12 CHAIRMAN T. WHEELER: Motion.
 13 COMMISSIONER S. RIORDAN: I thought Dan was
 14 putting something together.
 15 MR. D. DUMEZICH: Yeah. Let's have a
 16 motion to continue to the next hearing so we can
 17 hear how much of this is recompensed and at that
 18 point in time...
 19 VICE CHAIR A. LONG: At least show us your
 20 efforts.
 21 COMMISSIONER D. DUMEZICH: Yeah.
 22 VICE CHAIR A. LONG: Second that.
 23 CHAIRMAN T. WHEELER: The motion's been
 24 made and seconded, any further discussion?
 25 (No response.)

1 CHAIRMAN T. WHEELER: I'm going to have to
 2 recuse myself, and I don't think I have a proxy
 3 here.
 4 VICE CHAIR A. LONG: I don't see they're in
 5 here.
 6 CHAIRMAN T. WHEELER: I've got them in
 7 here.
 8 MS. M. THOMPSON: It's the second page.
 9 CHAIRMAN T. WHEELER: I'll take somebody as
 10 a proxy. I just can't sit on this one.
 11 MR. D. DUMEZICH: Okay. You guys come up.
 12 CHAIRMAN T. WHEELER: Yeah, do we have a
 13 proxy sheet?
 14 COMMISSIONER D. DUMEZICH: Are you for the
 15 Commission?
 16 MR. L. CALVERT: Yeah, we're with Premier.
 17 CHAIRMAN T. WHEELER: No, but he's on
 18 election equipment, though. Can we do that or
 19 not -- probably not?
 20 COMMISSIONER S. RIORDAN: No. I'm going to
 21 say no to that. We can find somebody. Can
 22 somebody from your firm come over or somebody
 23 from my firm come over?
 24 MS. L. BARNES: Is it really an
 25 impermissible conflict?

1 CHAIRMAN T. WHEELER: Yes. We're sorry,
 2 guys. We'll see if we can get somebody to come
 3 over. Can you call and see if we can get
 4 anybody else?
 5 COMMISSIONER D. DUMEZICH: It was a shot.
 6 CHAIRMAN T. WHEELER: Can you sort out the
 7 addresses and phone numbers while we're
 8 waiting -- it looks like a hearing notice
 9 return -- to make sure we have the correct
 10 addresses.
 11 MS. M. THOMPSON: Did you get the correct
 12 address?
 13 MS. A. TAYLOR: This is Hoosier
 14 Environmental Council Action Fund Voters, Cause
 15 NO: 2009-3713-6. This is the fourth time the
 16 committee has been before the commission. The
 17 proposed fine is \$1,003.45.
 18 CHAIRMAN T. WHEELER: And you are?
 19 MR. T. MALONEY: Tim Maloney.
 20 CHAIRMAN T. WHEELER: And your relationship
 21 with Hoosier Environmental Council?
 22 MR. T. MALONEY: I'm the treasurer from the
 23 voters committee.
 24 CHAIRMAN T. WHEELER: Okay. And you've got
 25 a letter in the file -- we've got a letter from

1 you in the file, too?
 2 MR. T. MALONEY: Yes.
 3 CHAIRMAN T. WHEELER: All right, sir, tell
 4 me what happened?
 5 MR. T. MALONEY: Well, it was a combination
 6 of, I think, mistakes that caused us to overlook
 7 the January 8, 2008 filing deadline, and then
 8 because of our organizational changes, not --
 9 not catching the notices that we missed the
 10 filing, and we did end up filing in late
 11 February.
 12 CHAIRMAN T. WHEELER: So you missed the
 13 deadline, and I take it you've completely
 14 reorganized, or you've got all new people in
 15 place?
 16 MR. T. MALONEY: Not all new, no. I've
 17 been there for a while so I mean, that's -- we
 18 should have known about it.
 19 CHAIRMAN T. WHEELER: Who ordinarily
 20 handles this, is that your responsibility?
 21 MR. T. MALONEY: Yes.
 22 CHAIRMAN T. WHEELER: Have you been the
 23 treasurer?
 24 MR. T. MALONEY: Yes.
 25 CHAIRMAN T. WHEELER: So you've been there

1 consistently?
 2 MR. T. MALONEY: Yes, ultimately, it would
 3 be my responsibility, and can I just point out
 4 that not withstanding our past history in recent
 5 times, I think we've been filing pretty
 6 consistently on time.
 7 CHAIRMAN T. WHEELER: I got an '07, there's
 8 a delinquent '07.
 9 MS. A. TAYLOR: That's the one we're on.
 10 CHAIRMAN T. WHEELER: Okay.
 11 MR. T. MALONEY: And I think we've filed on
 12 time since then and the reports prior to that
 13 time.
 14 CHAIRMAN T. WHEELER: The last one before
 15 that was 2000, so it's been a while.
 16 MR. T. MALONEY: Okay.
 17 CHAIRMAN T. WHEELER: Questions from the
 18 commission?
 19 VICE CHAIR A. LONG: Did we give them
 20 consideration for the earlier, for the ones from
 21 nine years ago?
 22 CHAIRMAN T. WHEELER: Yeah.
 23 VICE CHAIR A. LONG: This would be the
 24 first one since 2000; right?
 25 MS. A. TAYLOR: Yes.

1 VICE CHAIR A. LONG: Did we reduce the
 2 other one to 25?
 3 MR. D. DUMEZICH: Yes, we did.
 4 VICE CHAIR A. LONG: I would move that
 5 reduce this to 25 percent?
 6 MR. D. DUMEZICH: Second it.
 7 CHAIRMAN T. WHEELER: Any further
 8 discussion?
 9 (No response.)
 10 CHAIRMAN T. WHEELER: Motion's made and
 11 seconded, all those in favor signify by saying
 12 aye?
 13 THE COMMISSION: Aye.
 14 CHAIRMAN T. WHEELER: Those opposed, same
 15 sign?
 16 (No response.)
 17 CHAIRMAN T. WHEELER: Motion's been reduced
 18 to \$250 plus \$3.45. Thank you, sir.
 19 MR. T. MALONEY: Thank you. I appreciate
 20 it.
 21 CHAIRMAN T. WHEELER: Next up? What's your
 22 number?
 23 MR. W. MITCHELL: 209.
 24 MS. A. TAYLOR: Page 102.
 25 COMMISSIONER D. DUMEZICH: She's very

1 excited.
 2 MS. A. TAYLOR: I am very excited. There's
 3 only like three people. I'm so very excited.
 4 CHAIRMAN T. WHEELER: All right. Which one
 5 is this?
 6 MS. A. TAYLOR: Committee to Elect Wade
 7 Mitchell.
 8 CHAIRMAN T. WHEELER: Go ahead.
 9 MS. A. TAYLOR: Cause No. 2009-5798-209.
 10 This is the first time before the commission and
 11 the committee is closed, proposed fine is
 12 \$503.53.
 13 CHAIRMAN T. WHEELER: And you are?
 14 MR. W. MITCHELL: Wade Mitchell.
 15 CHAIRMAN T. WHEELER: And your committee is
 16 closed?
 17 MR. W. MITCHELL: Yes.
 18 CHAIRMAN T. WHEELER: And you're current?
 19 MS. A. TAYLOR: Yes.
 20 CHAIRMAN T. WHEELER: Okay.
 21 VICE CHAIR A. LONG: What did you run for?
 22 MR. W. MITCHELL: The House of
 23 Representatives, District 28.
 24 VICE CHAIR A. LONG: Move to dismiss.
 25 COMMISSIONER D. DUMEZICH: Second it.

1 within 48 hours. I got the fax stamp from when
 2 it was sent in, then I got that from -- the
 3 secretaries had to send it in to me.
 4 CHAIRMAN T. WHEELER: So it's you actually
 5 tried, it looks like...
 6 MR. S. OLSON: I tried to follow the letter
 7 of the law because I got the check in the mail
 8 that evening.
 9 CHAIRMAN T. WHEELER: Hold on one sec. So
 10 they mailed it back to you?
 11 MR. S. OLSON: Yes.
 12 CHAIRMAN T. WHEELER: So you mailed it
 13 in -- OCR Enterprises is you?
 14 MR. S. OLSON: That's my dad's company.
 15 CHAIRMAN T. WHEELER: That's where you
 16 faxed it from?
 17 MR. S. OLSON: Uh-huh.
 18 CHAIRMAN T. WHEELER: On April 25th at
 19 9:3 p.m.?
 20 MR. S. OLSON: Uh-huh.
 21 CHAIRMAN T. WHEELER: Is that a Friday or
 22 something?
 23 MR. S. OLSON: That's Friday night.
 24 CHAIRMAN T. WHEELER: Oh, Friday night. So
 25 we stamped it in on the next Monday; correct?

1 CHAIRMAN T. WHEELER: All in favor signify
 2 by saying aye?
 3 THE COMMISSION: Aye.
 4 CHAIRMAN T. WHEELER: Those opposed, same
 5 sign?
 6 (No response.)
 7 CHAIRMAN T. WHEELER: Thank you.
 8 MR. W. MITCHELL: Thank you.
 9 MR. S. OLSON: 262.
 10 MS. A. TAYLOR: Page 130.
 11 CHAIRMAN T. WHEELER: Unhappy Taxpayers?
 12 MR. S. OLSON: Yep.
 13 CHAIRMAN T. WHEELER: All right.
 14 MS. A. TAYLOR: Unhappy Taxpayers for Shawn
 15 Olson, Cause No. 2009-5694-262. This is the
 16 first time before the commission. The committee
 17 is still open and the proposed fine is \$153.45.
 18 CHAIRMAN T. WHEELER: And you are?
 19 MR. S. OLSON: Shawn Olson.
 20 CHAIRMAN T. WHEELER: All right. So what
 21 happened?
 22 MR. S. OLSON: So what happened, me and my
 23 treasurer both -- it was my first time running.
 24 I got a campaign contribution, large
 25 contribution on a Wednesday evening. I filed it

1 MS. A. TAYLOR: Yes.
 2 COMMISSIONER S. RIORDAN: So if you got it
 3 Wednesday night, the earliest you could have
 4 done it would have been Thursday morning?
 5 MR. S. OLSON: Correct, because I was
 6 trying to follow the letter of the law.
 7 COMMISSIONER S. RIORDAN: Sure. And what
 8 was Thursday, how many days late is Thursday;
 9 would that have been timely?
 10 CHAIRMAN T. WHEELER: Thursday would have
 11 been timely -- Friday would have been timely.
 12 VICE CHAIR A. LONG: He faxed it timely.
 13 CHAIRMAN T. WHEELER: So he faxed it
 14 timely. It was just late in the evening so it
 15 sat on the machine until Monday when we stamped
 16 it in on Monday.
 17 MR. D. DUMEZICH: Move to dismiss.
 18 VICE CHAIR A. LONG: Second.
 19 CHAIRMAN T. WHEELER: Motion's been made
 20 and seconded to dismiss. All in favor signify
 21 by saying aye?
 22 THE COMMISSION: Aye.
 23 CHAIRMAN T. WHEELER: Those opposed, same
 24 sign?
 25 (No response.)

1 CHAIRMAN T. WHEELER: Motion carries to
 2 dismiss. Do you need this copy?
 3 MR. S. OLSON: That's a copy you can have.
 4 CHAIRMAN T. WHEELER: Thank you. Who's
 5 next?
 6 MS. A. TAYLOR: Page 110. This is Unhappy
 7 Taxpayers for Bill Johnson.
 8 CHAIRMAN T. WHEELER: Wow, more of them. I
 9 don't understand that.
 10 MS. A. TAYLOR: Cause No. 2009-5817-223.
 11 CHAIRMAN T. WHEELER: What page are we on?
 12 MS. A. TAYLOR: 110. 110.
 13 MR. B. JOHNSON: I came up with the name,
 14 by the way.
 15 CHAIRMAN T. WHEELER: You can copyright it,
 16 trademark it or something and charge them.
 17 MS. A. TAYLOR: This is the first time
 18 before the commission and the committee is still
 19 open and proposed fine of \$203.53.
 20 CHAIRMAN T. WHEELER: And this is a
 21 supplemental?
 22 MS. A. TAYLOR: Yes.
 23 CHAIRMAN T. WHEELER: Okay. And you are?
 24 MR. B. JOHNSON: Bill Johnson.
 25 CHAIRMAN T. WHEELER: All right. Mr.

1 Johnson, what happened?
 2 MR. B. JOHNSON: Actually -- I don't know
 3 if you have this letter...
 4 CHAIRMAN T. WHEELER: I have the letter.
 5 Give me a second. I can find it.
 6 MR. B. JOHNSON: First off, all of our
 7 actions were timely. Everything was in good
 8 faith. What had happened is -- I had even went
 9 to the congress of counties to learn how to be a
 10 candidate and they told us that we should use
 11 the software to do our filing, so that's what we
 12 were doing.
 13 Also, my treasurer is one of those people
 14 who wants all of the bills to be automatically
 15 subtracted, so it's plenty on time -- when she
 16 gets her bill, she pays it. She's one of these
 17 super-detailed people. We were doing the right
 18 thing.
 19 What happened is we received a check for
 20 \$500 from the Lake County Republican Central
 21 Committee, and it was deposited on the 25th.
 22 Then I got a in kind for \$500 on the 30th, and
 23 we did the report for that, but there was an
 24 oddity.
 25 The on-line filing software, and this is

1 the treasurer's words, the on-line filing
 2 software directed me to file a CFA-11
 3 supplemental large contribution report for this
 4 admission.
 5 While generating the form, only the second
 6 contribution was included as a choice for
 7 inclusion. I selected this contribution and
 8 submitted it.
 9 Then we received another thousand dollars
 10 from someone else -- actually, myself, into the
 11 campaign. When she went to file that, something
 12 was odd, and so she says however, when selecting
 13 the contribution of \$1,000, also selectable was
 14 the \$500 from a different party from the
 15 25th that was already reported.
 16 She says that she immediately contacted
 17 Abbey Taylor and advised her of this anomaly.
 18 Abbey is the one that said that's not right and
 19 instructed me to submit per the software's
 20 request.
 21 She told Abbey that she couldn't do it the
 22 way she needed to do it so Abbey went in there
 23 and unclicked something. And I don't -- and I
 24 didn't do it, but basically something was
 25 unclicked, and then when she went to put that

1 thousand in, it also brought that 500 in that
 2 was already reported from a different party.
 3 So it made that first 500 look like what --
 4 she's talked a few times about it, and these are
 5 her words, we did everything right. There is
 6 something that's not quite right with the
 7 software. Something didn't work right. And I
 8 got it shrunk down but...
 9 CHAIRMAN T. WHEELER: Okay. Comments
 10 staff?
 11 MS. A. TAYLOR: She filed the 11 that was
 12 on time for a different contribution that's not
 13 written down here, and I can dig it out if you
 14 want me to, and then she called me to ask me to
 15 unfile it because she noticed that the 500 from
 16 Lake County GOP was in there, too, but she
 17 didn't file it and she didn't think she had
 18 filed it.
 19 So when I got in and unfiled the one that
 20 was due that day, and then we refiled both of
 21 them, I don't know if the 500 from the Lake
 22 County GOP showed up in the first place or not.
 23 It may not have. It may have. Nobody else had
 24 that problem, but that doesn't mean -- I mean,
 25 it's a computer. You can't...

1 MR. B. JOHNSON: You know that she's
 2 meticulous.
 3 MS. A. TAYLOR: Oh, yes.
 4 CHAIRMAN T. WHEELER: She strikes me as
 5 meticulous.
 6 MS. A. TAYLOR: She was actually having an
 7 anxiety attack when she called that day.
 8 CHAIRMAN T. WHEELER: And the use of the
 9 word "anomaly" so...
 10 MR. B. JOHNSON: She is intense. Believe
 11 me, I've heard about this a lot so...
 12 CHAIRMAN T. WHEELER: And so she's made go
 13 ahead, I'm sorry.
 14 VICE CHAIR A. LONG: We had a \$500
 15 contribution, a \$500 in kind, and a thousand
 16 contribution from the candidate; right?
 17 MR. B. JOHNSON: Right.
 18 MS. A. TAYLOR: That's all true.
 19 MR. B. JOHNSON: The two 500's are from the
 20 GOP and the thousand was from me.
 21 COMMISSIONER D. DUMEZICH: Only one of the
 22 500's got reported, is that the issue?
 23 MR. B. JOHNSON: Actually, all of them were
 24 reported.
 25 MS. A. TAYLOR: There with 1,200 from Lake

1 County that was reported on time, and there was
 2 additional 500 that was not. That's was not
 3 reported on time.
 4 MR. B. JOHNSON: That's a check from...
 5 CHAIRMAN T. WHEELER: Was that in kind?
 6 MS. A. TAYLOR: No, they're both direct
 7 district -- no, the 1,200 was in kind on 10/17
 8 filed on 10/17. The 500 was a direct on 10/23
 9 filed 10/31.
 10 CHAIRMAN T. WHEELER: And that's the late
 11 one?
 12 MS. A. TAYLOR: That's the late one.
 13 CHAIRMAN T. WHEELER: Questions, any
 14 discussion?
 15 VICE CHAIR A. LONG: Then he had a thousand
 16 that he filed?
 17 MS. A. TAYLOR: Everything else is on time.
 18 CHAIRMAN T. WHEELER: The thousand he filed
 19 separately.
 20 MS. A. TAYLOR: 64.30 from right to work in
 21 time, was on time. Everything was on time.
 22 CHAIRMAN T. WHEELER: So everything else
 23 was on time, it was just a mix-up. You went
 24 in -- she was trying to fix it and you undid it
 25 and then redid it?

1 MS. A. TAYLOR: Yeah.
 2 CHAIRMAN T. WHEELER: Okay.
 3 VICE CHAIR A. LONG: I move to dismiss
 4 this.
 5 MR. D. DUMEZICH: Second.
 6 CHAIRMAN T. WHEELER: And from my
 7 standpoint, you're making a good faith effort,
 8 and some of us have been involved in the same
 9 situations off paper as well. Any further
 10 comments?
 11 (No response.)
 12 CHAIRMAN T. WHEELER: All in favor signify
 13 by saying aye?
 14 THE COMMISSION: Aye.
 15 CHAIRMAN T. WHEELER: Those opposed, same
 16 sign?
 17 (No response.)
 18 CHAIRMAN T. WHEELER: Thank you.
 19 MR. B. JOHNSON: Can I add one thing, --
 20 CHAIRMAN T. WHEELER: Sure.
 21 MR. B. JOHNSON: -- now that we're all
 22 done.
 23 MR. D. DUMEZICH: Stop while you're ahead.
 24 MR. B. JOHNSON: I was trying to do the
 25 right thing. And I came in by caucus, and I

1 don't remember if you remember chasing me
 2 through the entire building.
 3 MS. L. BARNES: I do.
 4 MR. B. JOHNSON: I came in by caucus and
 5 they were very late getting me in, we're down
 6 here what are we going to file, what are we
 7 going to file, I'm trying to do everything
 8 right, and she's a Democratic attorney and I'm a
 9 Republican --
 10 VICE CHAIR A. LONG: We heard that.
 11 MR. B. JOHNSON: Sean and I walked through
 12 the building, did a couple of pit stops, looked
 13 all over the place, and here she's coming
 14 through the building -- oh, my God, if this got
 15 out and you didn't make it on time, they'd never
 16 be able to live it down, so we really have tried
 17 to make a good effort.
 18 COMMISSIONER D. DUMEZICH: Thank you for
 19 your effort.
 20 MR. B. JOHNSON: She had to run a half mile
 21 to find us.
 22 CHAIRMAN T. WHEELER: Anybody else on
 23 campaign finance until we have a proxy? Do we
 24 have people from Premier.
 25 MS. P. POTESA: You are stuck with me.

1 CHAIRMAN T. WHEELER: You are it. And it's
 2 in our packet under Premier Election Systems.
 3 MR. D. SIMMONS: Yes.
 4 MS. P. POTESTA: Right. This is Premier
 5 Election Systems, formerly Diebold Election
 6 Systems. They're requesting a clarification of
 7 the approval process to replace expired voting
 8 system digital certificates used to authenticate
 9 election data upload and download between system
 10 components. On Friday the 13th, last week,
 11 Leslie Barnes and Dale Simmons spoke with the
 12 EAC regarding this issue, so they'll give you an
 13 update on that.
 14 CHAIRMAN T. WHEELER: Dale, which one of
 15 you guys?
 16 MR. D. SIMMONS: I can certainly recount
 17 that, and Leslie, feel free to jump in, but
 18 we -- I think we're being asked to do something
 19 we've not really done before or dealing with an
 20 issue that we've not had to deal with before,
 21 which is the voting system vendor making some
 22 kind of change to their system, but it's not
 23 asking for full review, having to submit an
 24 application.
 25 It's been dues an ITA, but that hasn't --

1 approved this. Part of their submission they
 2 made to the commission is there's a number of
 3 states that already approved it.
 4 CHAIRMAN T. WHEELER: I see Alaska,
 5 California.
 6 MR. D. SIMMONS: Yes. So we wanted to at
 7 least talk to one state and see what they did,
 8 and they did in fact do it, but that state has
 9 sort of a special process for...
 10 CHAIRMAN T. WHEELER: So they have a
 11 statutory process for this piecemeal?
 12 MR. D. SIMMONS: Specific statutes that
 13 deal with these kind of changes.
 14 CHAIRMAN T. WHEELER: And just tell me in
 15 layman's terms what the change is that we're
 16 talking about?
 17 MR. L. CALVERT: The changes -- it's called
 18 an SSL certificate and SSL means Secured Socket
 19 Layer, and what it does is it authenticates
 20 communication between a touch screen unit and a
 21 server so that when they transmit information
 22 between one another, they authenticate and
 23 validate the existence of each other, and it's a
 24 security process really.
 25 CHAIRMAN T. WHEELER: Is it -- would it be

1 they've submitted a report and it's not a full
 2 review. So we've been exploring what is it
 3 other than full review? We've only had
 4 experience in Indiana in full review
 5 applications.
 6 And so our -- our call to the EAC was
 7 whether they even recognized sort of a
 8 diminimous change to a voting system that didn't
 9 trigger, at least on the federal level, full
 10 federal testing and talked to Brian Hancock, who
 11 acknowledged so much -- he just acknowledged
 12 that it was an issue that they were even
 13 struggling with.
 14 He did mention that Georgia was actually
 15 installing the new certificates this week and
 16 Georgia is a state that has all one system, and
 17 it's this system. So they -- actually, Brian
 18 Hancock from the EAC was going to go to Georgia
 19 and supervise the installation of this in
 20 Georgia, so he indicated he would know more
 21 after he did that.
 22 Leslie and I also talked to the voting
 23 systems section in California, to an
 24 individual -- I think his name was Maceous
 25 (Phonetic) just to see if another state had

1 analogous to a software update?
 2 MR. L. CALVERT: It's an update with the
 3 file, but the file is the exact same file that's
 4 currently installed on both the server and the
 5 touch screen. The difference is it has an
 6 expiration date, and those files have a 5-year
 7 term, and they expire January 31st of 2009. So
 8 when the files are updated on the server and the
 9 touch screens now, they'll expire July 3rd,
 10 2013.
 11 CHAIRMAN T. WHEELER: Now a technical
 12 matter, there's nothing in front of us to
 13 approve or disapprove, you're just asking for
 14 direction from the commission; is that what
 15 you're asking?
 16 MR. L. CALVERT: We're asking for
 17 direction, as well as permission to go ahead and
 18 do this if you approve it.
 19 CHAIRMAN T. WHEELER: So the issue before
 20 us is how we interpret our one-system statute;
 21 correct, Dale?
 22 MR. D. SIMMONS: Yes, right.
 23 MR. L. CALVERT: And I also have a letter
 24 from the State of Kentucky, in terms of how they
 25 interpreted this issue as well, if you'd like to

1 see it.
2 CHAIRMAN T. WHEELER: Are you sure you want
3 to give people in Indiana a Kentucky -- I don't
4 know if that's a great idea.

5 MR. L. CALVERT: And we also updated this
6 certificate in Illinois, Wisconsin and Ohio.

7 MR. D. SIMMONS: Our statute, if you care
8 to look at it, it's 3-11-7.5-5, and the phrase
9 it uses in that approval statute that any
10 proposed improvement or change takes approval,
11 the election commission after an application,
12 and that sections refers to submitting the
13 application.

14 CHAIRMAN T. WHEELER: Give me the numbers,
15 is it 7.5?

16 MR. L. BARNES: Yes.

17 MR. D. SIMMONS: Yes, 7.5. Let me get you
18 a page number here real quick.

19 CHAIRMAN T. WHEELER: It's Page 288.

20 Questions from anyone?

21 VICE CHAIR A. LONG: I know I read the
22 memorandum on this.

23 CHAIRMAN T. WHEELER: It's tough for me to
24 see you get around the words "improvement" or
25 "change." And I view -- historically, we have

1 believe in the MicroVote situation that was
2 litigated extensively about -- they kept making
3 tweak after tweak after tweak, and the position
4 was taken was that that needed to be -- that was
5 an authorized and that was a basis for the
6 sanctions proposed by the Secretary of State.
7 So that's kind of my take on it.

8 VICE CHAIR A. LONG: I think that's what
9 they're saying. I think they're saying that we
10 want you to approve what you're doing, but we
11 don't want to go through the process that we've
12 established as the general -- it's the only
13 process we have to bring an issue before us for
14 approval. That's where I came into the problem.

15 And I agree with your interpretation of the
16 statute, that any change, and this has to be a
17 change, has got to approved by us. The question
18 that I see is the change one that we would have
19 our existing procedures to file the applications
20 and all the processes that we go through, and
21 that's the only process I think we have in place
22 for approval, that comes down to a
23 recommendation of whether or not we can have a
24 different one. Under -- the statute is open, I
25 think, maybe for debate, but as we sit here

1 looked at that and said basically, if you're
2 doing anything with the system, you need to come
3 back.

4 Statutorily -- I mean, it says a proposed
5 improvement or change may not. I view that --
6 this is my personal opinion, I'm not speaking
7 for the Commission as a whole, but I view that
8 as Mandatory No. 1, and No. 2 applying to any --
9 I mean, I don't -- I view that as barring
10 diminimous standard.

11 We spent -- and we're going to get a
12 report -- I don't see anybody from the AG's
13 office -- from MicroVote. MicroVote went in and
14 was installing upgraded software. And I
15 understand the distinction you're making, you're
16 just imposing an expiration date, but I believe
17 the position that was taken throughout the
18 MicroVote litigation was called -- in the
19 Indiana Court of Appeals, that that qualified
20 within this.

21 And I think consistently -- at least the
22 way I view that is if you're making any kind of
23 change, that's it, and I believe the AG's office
24 just showed up -- not that we're asking for your
25 opinion, we'll get yours in a minute, but I do

1 today, we don't have one.

2 CHAIRMAN T. WHEELER: And I agree. And t
3 statute specifically contemplates that for any
4 improvement or change, there shall be an
5 application. Now the question is, is it on a
6 different form or something, but at this
7 point..

8 VICE CHAIR A. LONG: Could we break out,
9 could we..

10 CHAIRMAN T. WHEELER: At some point it
11 doesn't make sense to do, it's a secondary
12 issue. Right now, the answer is no, we don't
13 have that process -- I agree. Should we create
14 a process for the amendment change -- I'd rather
15 have a lot more people talk about it.

16 MR. D. DUMEZICH: I would like to have the
17 legislature talk about it.

18 CHAIRMAN T. WHEELER: I'm trying to be
19 humble. That would certainly be one way. We
20 can create an application for a diminimous
21 change. It's a much more streamlined process, I
22 suppose. Some states -- the ones you guys
23 filed, there are other states that have some
24 process like that.

25 MR. L. CALVERT: We've have asked for

1 approval -- well, in every state that we've
 2 updated, we have asked for state approval to do
 3 this.
 4 CHAIRMAN T. WHEELER: It's been -- it's
 5 been tested, though?
 6 MR. L. CALVERT: Yes, it has. And for the
 7 record, it's been debated in every state.
 8 CHAIRMAN T. WHEELER: And you sold Georgia
 9 on it?
 10 MR. L. CALVERT: Yeah, we sold Georgia.
 11 CHAIRMAN T. WHEELER: You sell anybody else
 12 on it so far?
 13 MR. L. CALVERT: Illinois, Wisconsin.
 14 MR. D. SIMMONS: California did approve it.
 15 MR. L. CALVERT: California, I believe,
 16 has, Ohio.
 17 VICE CHAIR A. LONG: As we sit here now, I
 18 may be more gun shy than what they are based on
 19 our present situation, while we have just gone
 20 through or are going through.
 21 CHAIRMAN T. WHEELER: I guess that's where
 22 I'm coming from. I'd rather stick to the full
 23 application process at this point. I'm
 24 certainly willing to come back and have somebody
 25 convince us that there's a need for an expedited

1 diminimus process for these kinds of changes.
 2 I recognize that that's significant,
 3 particularly, on minor software changes, but at
 4 this point, with kind of the litigation we're in
 5 the midst of and the rules that we've made in
 6 the MicroVote case, I find it hard to...
 7 MR. D. DUMEZICH: This seems -- this seems
 8 to be more the back end of the system, one way
 9 or another?
 10 MR. L. CALVERT: It does. It doesn't
 11 impact election tabulation, the reporting or
 12 anything. It's really just communication
 13 between the devices.
 14 COMMISSIONER D. DUMEZICH: Question: Could
 15 you argue that it's not a change within the
 16 voting system?
 17 MR. L. CALVERT: Yes, that is correct. It
 18 is not a change to the voting system.
 19 CHAIRMAN T. WHEELER: How is that not a
 20 change in the voting system?
 21 MR. L. CALVERT: Well, it doesn't impact
 22 the source code that's used to view the
 23 tabulation.
 24 CHAIRMAN T. WHEELER: Give me one sec.
 25 Where's the statute pertaining to voting

1 systems?
 2 MR. D. SIMMONS: That's in 3-5-2, and I
 3 think it's in Section 5_ --
 4 MS. L. BARNES: 53.
 5 MR. D. SIMMONS: 53.
 6 CHAIRMAN T. WHEELER: 3-5 what?
 7 MR. D. SIMMONS: It's on Page 41.
 8 MS. L. BARNES: Voting system.
 9 CHAIRMAN T. WHEELER: Are you familiar with
 10 our definition of voting system under 3-5-2-53.
 11 Voting is defined as the total combination of
 12 mechanical, electromechanical, or electronic
 13 equipment (including the software, firmware, and
 14 documentation required to program, control and
 15 support that equipment) that is used: To define
 16 ballots; cast and count votes; to report or
 17 display election results, which are to maintain
 18 and produce any audit trail information; and the
 19 practices and associated documentation used to
 20 identify system components and versions of those
 21 components; to test the system during its
 22 development and maintenance; to maintain records
 23 of system errors and defects; to determine
 24 specific system; to make available any material
 25 to the voters, and you're telling me this

1 change...
 2 MR. L. CALVERT: That's pretty -- that's
 3 pretty inclusive.
 4 CHAIRMAN T. WHEELER: That's my point.
 5 MR. D. DUMEZICH: We're trying.
 6 CHAIRMAN T. WHEELER: I'm not being
 7 critical. We're within the constraint law. In
 8 Indiana, they define the voting system as
 9 extraordinarily broadly, and they've said if you
 10 make any improvement or change -- again, define
 11 very broadly, you have to go through the
 12 application process. That's where I'm coming
 13 from. That was my concern when you said it
 14 wasn't part of the voting system.
 15 VICE CHAIR A. LONG: Technically, in their
 16 parlance, it's not.
 17 MR. D. DUMEZICH: Theirs compared to the
 18 legislature's.
 19 CHAIRMAN T. WHEELER: Sarah has tried to
 20 say something three times.
 21 COMMISSIONER S. RIORDAN: If we were to
 22 approve this or sanction this or whatever it is
 23 you're looking for, what would you start doing
 24 immediately, and I guess the flip side of that
 25 question is: If we don't approve this, what

1 does this do to your time lines; does this work
2 a hardship on counties; does this work a
3 hardship on voters?

4 MR. L. CALVERT: Okay. If you approve it,
5 there are two files that are used to update the
6 system. One of them is updated and installed in
7 a junk server which is the central computer in
8 the county courthouse. The other file is
9 updated on the touch-screen units and the
10 touch-screen units in Indiana are used for those
11 voters with disabilities primarily.

12 COMMISSIONER S. RIORDAN: How many are
13 those -- are those -- what counties does this
14 affect?

15 VICE CHAIR A. LONG: Three counties.

16 MR. K. CONRAD: There's 15 counties.

17 COMMISSIONER S. RIORDAN: So it's not just
18 Tippecanoe, Warren and --

19 VICE CHAIR A. LONG: Fountain.

20 COMMISSIONER S. RIORDAN: -- Fountain.
21 These are also the touch screens that we use in
22 Marion, for example?

23 MR. L. CALVERT: Marion is not our account,
24 but it would be the touch screens used in the
25 other counties that have optical scans. They

1 of companies go out of business, we've had
2 situations of vendors replacing other vendors on
3 software and hardware, and I have some
4 reservations about making sure that those
5 systems work.

6 If you're a vendor -- for example, in
7 Marion County, the transition to ES&S to some
8 people left ES&S, as I understand it. The issue
9 we're going to face down the road is going to be
10 all right, ES&S won't sell those guys their
11 equipment to service them.

12 When they want to service that and they're
13 bringing in new equipment and software, at what
14 point do we have to go through the application
15 approval process to make sure it's -- and that's
16 a concern I have down the road, and I'm
17 certainly willing to address it through a more
18 expedited process.

19 We're going to have it over and over again,
20 various companies are going out of business and
21 there's been various shake-ups in the industry
22 now that the HAVA money is gone so that's a
23 concern that I have down the road. And I'm
24 trying to -- obviously, we're constrained by
25 what the statute says. The statute is very

1 would have the touch-screen units for those
2 voters to satisfy the ADA requirement.

3 COMMISSIONER S. RIORDAN: So correct me if
4 I'm wrong and if I'm using language that is too
5 simple, but what you're talking about is doing
6 something that enables those touch screens to
7 communicate with the other machine in a loop?

8 MR. K. CONRAD: Through the server, that's
9 correct, to upload the results that they have on
10 election night to the GEM server so those
11 results are accumulated with the other results
12 created from the optical scan unit.

13 CHAIRMAN T. WHEELER: Now are any of those
14 systems being used for -- we have a couple of
15 ballots for building projects...

16 MS. P. POTESTA: This year.

17 CHAIRMAN T. WHEELER: This year.

18 MR. L. CALVERT: As of right now, we have
19 no counties with a special election, but to
20 answer your question, that would be an issue
21 that would cause a hardship if...

22 CHAIRMAN T. WHEELER: We've got a little
23 bit of time to deal with that so we can go
24 through this process. The other concern I have
25 is as we are transitioning -- we've had a couple

1 comprehensive, but in terms of creating, or a
2 mental look in creating a more expedited
3 process...

4 VICE CHAIR A. LONG: And that's where I see
5 we're hung up at this point legally that we only
6 have one system to approve the amendment to the
7 voting system and that's the full treatment and
8 this is probably the first one we've had since
9 I've been here that's caused me to think maybe
10 we need a simplified process and still gives us
11 the comfort level because I don't understand any
12 of this.

13 COMMISSIONER S. RIORDAN: But we could do
14 that -- that couldn't come from us?

15 VICE CHAIR A. LONG: I think maybe we
16 could.

17 CHAIRMAN T. WHEELER: We could change --
18 they just say -- I think, legally, it just says
19 an application, it doesn't say precisely how
20 the -- we get it -- by regulation can define the
21 application and define the application process;
22 right?

23 VICE CHAIR A. LONG: And I think that's a
24 possibility, and maybe our counsel -- we are --
25 and I'm concerned, too, these counties are in my

1 district, Fountain and Warren, but believe it or
 2 not, that's 200 miles from Evansville.
 3 CHAIRMAN T. WHEELER: So where do we stand?
 4 VICE CHAIR A. LONG: And what happens to
 5 those counties next year if something's not
 6 done.
 7 CHAIRMAN T. WHEELER: All right. At this
 8 point, as I read the statute, we don't have an
 9 application in front of us because this isn't a
 10 formal application.
 11 MR. D. SIMMONS: Right.
 12 CHAIRMAN T. WHEELER: So this is -- I view
 13 this as kind of a request for direction from the
 14 commission as to whether they would consider
 15 this; and I think there's probably -- at least
 16 consensus from the commission; you've kind of
 17 heard what our feeling is on this.
 18 My gut is you need to come back with an
 19 application on this pending us -- and I wouldn't
 20 hold your breath on this, coming up with new
 21 regulations. So if you want to run this for the
 22 next election cycle, you probably need to come
 23 back for the full application process. But I do
 24 think for counsel and the co-directors, one of
 25 the co-directors -- certainly, I'm amenable

1 CHAIRMAN T. WHEELER: No. No, going alone
 2 is bad.
 3 MR. D. DUMEZICH: You could have changed it
 4 and we'd never know.
 5 MR. L. CALVERT: Pardon me?
 6 COMMISSIONER D. DUMEZICH: You could have
 7 changed it and we'd never know.
 8 CHAIRMAN T. WHEELER: It would have come
 9 out.
 10 COMMISSIONER S. RIORDAN: Tom Wheeler would
 11 have ferreted that out.
 12 CHAIRMAN T. WHEELER: I wouldn't have, but
 13 somebody would have ferreted it out.
 14 MR. D. DUMEZICH: The people in DC would
 15 have ferreted it out.
 16 MR. L. CALVERT: So at this point we need
 17 to make a full application; is that correct, so
 18 I can relay that back to our certification
 19 manager?
 20 CHAIRMAN T. WHEELER: We'll take it up
 21 promptly so get it through and let me know.
 22 VICE CHAIR A. LONG: Clearly, we need to
 23 expedite the process.
 24 CHAIRMAN T. WHEELER: I'll set a meeting
 25 once we get through this stuff.

1 to -- and I've heard Tony, I think Sarah and
 2 Dan --
 3 VICE CHAIR A. LONG: Sort of a hybrid.
 4 CHAIRMAN T. WHEELER: For example, the
 5 MicroVote -- one of the key issues of MicroVote
 6 is they discovered a flaw in their system very
 7 close to the date of the election; needed to go
 8 in and make that change immediately.
 9 Now MicroVote just made the change without
 10 telling anybody, which was -- at least that's my
 11 understanding of the litigation. Had we had an
 12 expedited process -- I mean, that's going to
 13 happen, and we know that's going to happen, but
 14 if we have expedited process, we can deal with
 15 it immediately to avoid those sorts of
 16 situations, so I think we're amenable to doing
 17 it.
 18 COMMISSIONER S. RIORDAN: But you know
 19 what -- I mean, the points I'm making is they're
 20 here and asking and trying to get it in front of
 21 you --
 22 CHAIRMAN T. WHEELER: No, I appreciate
 23 that.
 24 COMMISSIONER S. RIORDAN: -- which is
 25 definitely allottable than going it alone.

1 MR. L. CALVERT: And what does that
 2 application need to include in terms of...
 3 MR. D. SIMMONS: I can give you an
 4 application if you're...
 5 CHAIRMAN T. WHEELER: Can you do it
 6 afterwards?
 7 MR. L. CALVERT: Sure.
 8 CHAIRMAN T. WHEELER: I just want to get
 9 people out of here.
 10 MR. L. CALVERT: Okay.
 11 CHAIRMAN T. WHEELER: All right. Good
 12 deal. I appreciate you guys.
 13 MR. L. CALVERT: Thank you.
 14 MR. K. CONRAD: Thank you.
 15 VICE CHAIR A. LONG: Thank you very much.
 16 COMMISSIONER D. DUMEZICH: Take it easy.
 17 CHAIRMAN T. WHEELER: Do I have the proxy?
 18 COMMISSIONER S. RIORDAN: Yes.
 19 CHAIRMAN T. WHEELER: What number are we
 20 on?
 21 MS. A. TAYLOR: Page 115.
 22 CHAIRMAN T. WHEELER: First District
 23 Republican Committee.
 24 MS. A. TAYLOR: First District Republican
 25 Committee, Cause No. 2009-4692-233. This is the

1 third time before the commission with a proposed
 2 fine of \$153.45.
 3 MR. K. CONRAD: And for the record, I was
 4 the treasurer of this district during the time
 5 period in between.
 6 CHAIRMAN T. WHEELER: Oh, so this is your
 7 fault?
 8 MR. K. CONRAD: The first violation and the
 9 current violations.
 10 CHAIRMAN T. WHEELER: Can you state your
 11 name?
 12 MR. K. CONRAD: Kyle Conrad.
 13 CHAIRMAN T. WHEELER: And Mr. Conrad,
 14 what's the scoop either directly or indirectly?
 15 MR. K. CONRAD: It would appear that the
 16 treasury was a few days late in filing a report.
 17 It had a date of '07 instead of '08, which I
 18 just found out about this on Saturday.
 19 CHAIRMAN T. WHEELER: And this would be a
 20 third -- 50 percent or 70?
 21 VICE CHAIR A. LONG: 50 percent.
 22 CHAIRMAN T. WHEELER: 50 percent. I'll
 23 entertain a motion.
 24 VICE CHAIR A. LONG: So moved, 50 percent.
 25 MR. D. DUMEZICH: Second it.

1 VICE CHAIR A. LONG: Can you state your
 2 name?
 3 MR. S. LEWIS: My name is Scott Lewis. I'm
 4 the attorney for Dattco. I'm an attorney in
 5 Jeffersonville, Indiana. This is Larry
 6 Schickles. He was the Ninth District Central
 7 Committee chairman at the time these events
 8 happened.
 9 VICE CHAIR A. LONG: Spell your last name
 10 for the record?
 11 MR. L. SCHICKLES: S-C-H-I-C-K-L-E-S.
 12 VICE CHAIR A. LONG: All right. Tell us
 13 what happened?
 14 MR. S. LEWIS: Back on December 29, 2006,
 15 Dattco made a contribution of \$2,500 to the
 16 Ninth District Republican Central Committee.
 17 That check was received and deposited into their
 18 account. Mistakenly, Dattco did not understand
 19 that 2,500 was \$500 over the limit. So that was
 20 a mistake on Dattco's part.
 21 On June 1st, there was a letter that came
 22 from the campaign finance division here, your
 23 committee or commission discovered through a
 24 routine audit that there was a \$500 excess
 25 contribution.

1 CHAIRMAN T. WHEELER: The motion's been
 2 made and seconded, all in favor signify by
 3 saying aye?
 4 THE COMMISSION: Aye.
 5 CHAIRMAN T. WHEELER: Those opposed, same
 6 sign?
 7 (No response.)
 8 CHAIRMAN T. WHEELER: So it would be \$75
 9 plus 3.45 on 2009-4692-233. Tell Senator
 10 Lansky (Phonetic) that you saved you saved her
 11 \$75.
 12 MR. K. CONRAD: That's cheaper than we got
 13 the last time.
 14 CHAIRMAN T. WHEELER: I'm going to recuse
 15 myself, and I need to fill out another proxy
 16 form, if you've got one. Send my gavel over to
 17 the vice chair.
 18 VICE CHAIR A. LONG: We'll call Cause No.
 19 2007-155.
 20 MS. M. THOMPSON: This is Dattco,
 21 contributed to the Ninth District Republican
 22 Central Committee in the amount of \$2,500. The
 23 Republican Central Committee refunded \$500 and
 24 the proposed civil penalty is three times the
 25 excess contribution.

1 They sent a letter to the Ninth District
 2 Central Committee. The Ninth District Central
 3 Committee upon receipt of that letter did refund
 4 \$500 back to Dattco. I think that should be in
 5 your file previously. If you don't have that, I
 6 have additional copies -- a letter from June 8th
 7 from John Fultz, the treasurer for the Ninth
 8 District, with a copy of the \$500 check. I
 9 think I've got a file stamp that it was received
 10 by your office.
 11 MS. A. TAYLOR: It's in here.
 12 VICE CHAIR A. LONG: Which one is it, I'm
 13 sorry?
 14 MS. M. THOMPSON: The second one, one paper
 15 clip.
 16 MS. A. TAYLOR: One more paper clip.
 17 MR. S. LEWIS: And I believe there's an
 18 additional letter from your commission back to
 19 Dattco trying to verify that the \$500 in fact
 20 was returned to the Ninth District, and there's
 21 a follow-up letter in there that I think also
 22 should be in your file. I've got a file stamp
 23 that it was received -- where Dattco wrote back
 24 on June 25th back to the commission explaining
 25 that he did receive the \$500 check.

1 I do have an additional document. There
 2 were a few documents here that I don't believe
 3 were previously tendered to your committee. We
 4 just received these. They're duplicate copies
 5 of the bank statements. This is from the Ninth
 6 District. Mr. Schickles provided it so you
 7 could verify the authenticity of it -- I'm
 8 sorry, I only have one copy. I don't have extra
 9 copies but if I may tender that.

10 These bank statements here of the Central
 11 Committee distinguish something that is -- I
 12 think should, hopefully, grant some leniency in
 13 this matter. If you look at the bank statements
 14 at the time, the money was deposited on
 15 December 29th 2006, that was after the election
 16 campaign cycle in November of that year.

17 If you look at the bank statements, there
 18 were no expenditures that were used from this
 19 fund up until the date that the money was
 20 returned to Dattco. There's no interest drawn
 21 on the account. So I think what distinguishes
 22 this case is that there's nothing they derived
 23 from the inadvertent surplus from the campaign
 24 contribution. The money was in the account.
 25 Nothing was spent on any sort of expenditures.

1 CHAIRMAN T. WHEELER: That's only in Porter
 2 County.

3 VICE CHAIR A. LONG: Any questions from
 4 members? The door's open for discussion.

5 COMMISSIONER S. RIORDAN: What we've done
 6 earlier today, for those companies that
 7 self-reported, we either dismissed or we gave
 8 them an opportunity to come back after they
 9 returned the money. Here, the money's already
 10 been returned.

11 VICE CHAIR A. LONG: You had one other that
 12 was not self-reported.

13 COMMISSIONER S. RIORDAN: We had one other
 14 where it was not self-reported, they just made a
 15 mistake, and owned up to having made the
 16 mistake.

17 VICE CHAIR A. LONG: And that would be the
 18 fine in the excess contribution.

19 COMMISSIONER S. RIORDAN: That's right.

20 MR. D. DUMEZICH: The party was the one
 21 that paid the excess contribution. So in this
 22 instance we don't have the Ninth District to...

23 COMMISSIONER S. RIORDAN: I'm sorry, Dan, I
 24 didn't hear you.

25 MR. D. DUMEZICH: I think in that instance

1 No interest was earned. So I think that's
 2 grounds that Dattco and my district is asking
 3 for some leniency in this matter.

4 VICE CHAIR A. LONG: Is this something
 5 that's been corrected internally?

6 MR. S. LEWIS: Yes, according to my
 7 understanding. Dattco is not a company, it's a
 8 very small company. They don't have lobbyists
 9 or anything like that. They very rarely
 10 contribute to campaigns. They have taken
 11 grounds to have internal measures. I think
 12 maybe Larry can maybe speak on behalf of the
 13 Ninth District.

14 MR. L. SCHICKLES: We work with the
 15 treasury and he's got a process in place, and
 16 quite frankly, it was in the heat -- it was
 17 after the campaign and he had forgot what
 18 happened. He didn't pay any attention to it
 19 when he made a deposit. He realized it when he
 20 got the letter. We didn't do anything else the
 21 rest of that cycle because it was so...

22 VICE CHAIR A. LONG: I think there's been a
 23 misconception of the dollar amount -- we've
 24 heard a couple of times today that people didn't
 25 know about the 2,500, but they did it anyway.

1 the county party was the one that paid the fine.

2 VICE CHAIR A. LONG: Was going to. The
 3 entity was the company that made the
 4 contribution, but the county entity was going to
 5 pay their.

6 COMMISSIONER D. DUMEZICH: Will the
 7 Ninth district pay the fine?

8 MR. L. SCHICKLES: I'm not sure of that
 9 anymore so I can't answer the question.

10 COMMISSIONER S. RIORDAN: But how much is
 11 it again, is the excess?

12 VICE CHAIR A. LONG: 500.

13 MR. L. SCHICKLES: The excess is 500.

14 MR. D. DUMEZICH: This is a small company.
 15 I move that the fine be reduced by 50 percent to
 16 250.

17 VICE CHAIR A. LONG: Also, take 50 percent
 18 out of that -- the actual penalty is 1,500. The
 19 motion would be to make the penalty \$250.

20 COMMISSIONER D. DUMEZICH: \$250.

21 VICE CHAIR A. LONG: Is there a second?

22 MR. M. ROGERS: Second.

23 VICE CHAIR A. LONG: Any further
 24 discussion?

25 (No response.)

1 VICE CHAIR A. LONG: All those in favor,
 2 signify by saying aye?
 3 THE COMMISSION: Aye.
 4 VICE CHAIR A. LONG: Those opposed?
 5 (No response.)
 6 VICE CHAIR A. LONG: You did good.
 7 CHAIRMAN T. WHEELER: Thank you, Mr.
 8 Rogers.
 9 CHAIRMAN T. WHEELER: All right. Our last
 10 agenda item is a report from the.
 11 VICE CHAIR A. LONG: We have the settlement
 12 agreements.
 13 CHAIRMAN T. WHEELER: Hold on. Hold on.
 14 The one time we have ratified settlement
 15 agreements.
 16 VICE CHAIR A. LONG: The ones that are
 17 reported to us in the books, do we need a motion
 18 to ratify?
 19 MS. M. THOMPSON: Yes, I've got one more to
 20 add to that list, Tami Grubbs.
 21 CHAIRMAN T. WHEELER: Would that be No. 57?
 22 MS. M. THOMPSON: Yes.
 23 CHAIRMAN T. WHEELER: Amd how much is that?
 24 MS. A. TAYLOR: \$100.
 25 VICE CHAIR A. LONG: Tami Grubbs:

1 CHAIRMAN T. WHEELER: So we can do a
 2 blanket motion; right?
 3 VICE CHAIR A. LONG: I make a motion that
 4 we approve -- let me ask one question before I
 5 make it. These are the penalties, do they also
 6 pay the mailing costs?
 7 MS. M. THOMPSON: No.
 8 VICE CHAIR A. LONG: This is the settlement
 9 agreement that they come in and pay the fee?
 10 MS. M. THOMPSON: Yes.
 11 VICE CHAIR A. LONG: I make a motion we
 12 confirm the Settlement Agreements 1 through 57.
 13 MR. D. DUMEZICH: Second it.
 14 CHAIRMAN T. WHEELER: Motion's made and
 15 seconded, any further discussion?
 16 (No response.)
 17 CHAIRMAN T. WHEELER: All those in favor of
 18 approving settlement agreements listed 1 through
 19 57, signify by saying aye?
 20 THE COMMISSION: Aye.
 21 CHAIRMAN T. WHEELER: Those opposed, same
 22 sign?
 23 (No response.)
 24 CHAIRMAN T. WHEELER: Thank you. Next
 25 motion.

1 VICE CHAIR A. LONG: We have the series
 2 without going through and trying to sort these,
 3 out, I move that the balance, the campaign
 4 finance causes in whatever form or fashion, that
 5 the motions to reconsider that have not appeared
 6 here today, we've denied, and the ones that
 7 are -- their appearance on the violation, they
 8 be defaulted and the recommended or proposed
 9 fine and mail costs be imposed.
 10 CHAIRMAN T. WHEELER: Do I have a second?
 11 MR. D. DUMEZICH: Second it.
 12 CHAIRMAN T. WHEELER: Any further
 13 discussion?
 14 (No response.)
 15 CHAIRMAN T. WHEELER: Hearing none, all in
 16 favor signify by saying aye?
 17 THE COMMISSION: Aye.
 18 CHAIRMAN T. WHEELER: Those opposed, same
 19 sign?
 20 (No response.)
 21 CHAIRMAN T. WHEELER: I believe -- did
 22 anybody not show up on the corporates?
 23 MS. M. THOMPSON: No.
 24 CHAIRMAN T. WHEELER: Anything else from
 25 you guys?

1 COMMISSIONER S. RIORDAN: I have a
 2 question. I know that you described to us
 3 before what the process for reaching a
 4 settlement agreement is, can you tell us how
 5 that works?
 6 MS. M. THOMPSON: The settlement agreement,
 7 they agree to pay the full fine that we impose
 8 without -- and waiving the hearing.
 9 COMMISSIONER S. RIORDAN: So you don't have
 10 any authority of them (indiscernible) the fine?
 11 MS. M. THOMPSON: No, correct.
 12 COMMISSIONER S. RIORDAN: And there has to
 13 be a full unanimous commission to reduce the
 14 fine; right?
 15 VICE CHAIR A. LONG: Yes.
 16 CHAIRMAN T. WHEELER: All right. Anything
 17 else on campaign finance?
 18 (No response.)
 19 CHAIRMAN T. WHEELER: Going once, going
 20 twice. The last item on the agenda, and I think
 21 Chad for coming over from the attorney general's
 22 office to give us a very short update on
 23 MicroVote. And I've also expressed my personal
 24 appreciation to Commissioner Riordan for
 25 reviewing every document that Chad dutifully

1 sent over.
 2 MR. C. DURAN: Good afternoon.
 3 THE COMMISSION: Good afternoon.
 4 MR. C. DURAN: With respect to the ongoing
 5 litigation involving the judicial review by
 6 MicroVote concerning June 20th, 2008 decision of
 7 this commission, I would report that we are
 8 nearly concluded with the briefing phase. Their
 9 opening brief was filed on January 20th, our
 10 response brief was filed on March 6th, and we're
 11 they're a reply brief to be filed on March 23rd,
 12 at which point the matter will be left up to the
 13 court's decision of the record and briefing. At
 14 some point in the process proposed findings will
 15 need to be prepared in accordance with the trial
 16 rules. So I would anticipate we will have a
 17 hearing in perhaps the next two or three months.
 18 CHAIRMAN T. WHEELER: And this is the
 19 decision on the merits?
 20 MR. C. DURAN: On the merits.
 21 CHAIRMAN T. WHEELER: This is it, right?
 22 MR. C. DURAN: This is it.
 23 CHAIRMAN T. WHEELER: So no trial or
 24 anything, just summary judgments?
 25 VICE CHAIR A. LONG: Summary judgments?

1 completely over and done with.
 2 MR. C. DURAN: That's correct.
 3 CHAIRMAN T. WHEELER: Do you know if
 4 MicroVote paid?
 5 MR. C. DURAN: I would have confer with
 6 our...
 7 CHAIRMAN T. WHEELER: That's all. I just
 8 didn't know if they were. that's all I have.
 9 Chad, thank you for coming.
 10 MR. C. DURAN: Thank you.
 11 COMMISSIONER S. RIORDAN: And he did a
 12 wonderful job on the briefings.
 13 MR. C. DURAN: Thank you.
 14 CHAIRMAN T. WHEELER: May the record
 15 reflect that.
 16 MR. C. DURAN: Would you like me to
 17 circulate it to the whole group?
 18 CHAIRMAN T. WHEELER: Yeah, if you've got
 19 it, just circulate it.
 20 MR. C. DURAN: I will. Thank you.
 21 CHAIRMAN T. WHEELER: I'll accept a motion
 22 to adjourn.
 23 COMMISSIONER S. RIORDAN: So moved.
 24 COMMISSIONER D. DUMEZICH: Second it.
 25 CHAIRMAN T. WHEELER: All in favor, signify

1 MR. C. DURAN: Well, not precisely summary
 2 judgments. They're just briefs on judicial
 3 review. Of course, both the record and the
 4 legal arguments, similar to a motion for summary
 5 judgment. The matter has been scheduled for a
 6 hearing at this point, but that's something that
 7 may be reasonably anticipated in the near
 8 future.
 9 CHAIRMAN T. WHEELER: That there may be?
 10 MR. C. DURAN: There may be.
 11 COMMISSIONER S. RIORDAN: You have not
 12 requested one?
 13 MR. C. DURAN: We have not requested one.
 14 CHAIRMAN T. WHEELER: Mr. Price has not
 15 requested one?
 16 MR. C. DURAN: Mr. Price has not requested
 17 one.
 18 CHAIRMAN T. WHEELER: Did MicroVote pay
 19 the -- and I know this isn't necessarily, you
 20 weren't -- were you handling the other appeal,
 21 the Secretary of State's appeal, when it left
 22 the Court of Appeals.
 23 MR. C. DURAN: I was not handling the
 24 appellate portion of that. I handled the...
 25 CHAIRMAN T. WHEELER: That one is

1 by saying aye?
 2 THE COMMISSION: Aye. those opposed, same
 3 sign?
 4 (No response.)
 5 CHAIRMAN T. WHEELER: Oh, wait, on the
 6 record, I just want to thank the co-directors
 7 for my lovely gavel.
 8 (At this time the proceedings were
 9 adjourned.)
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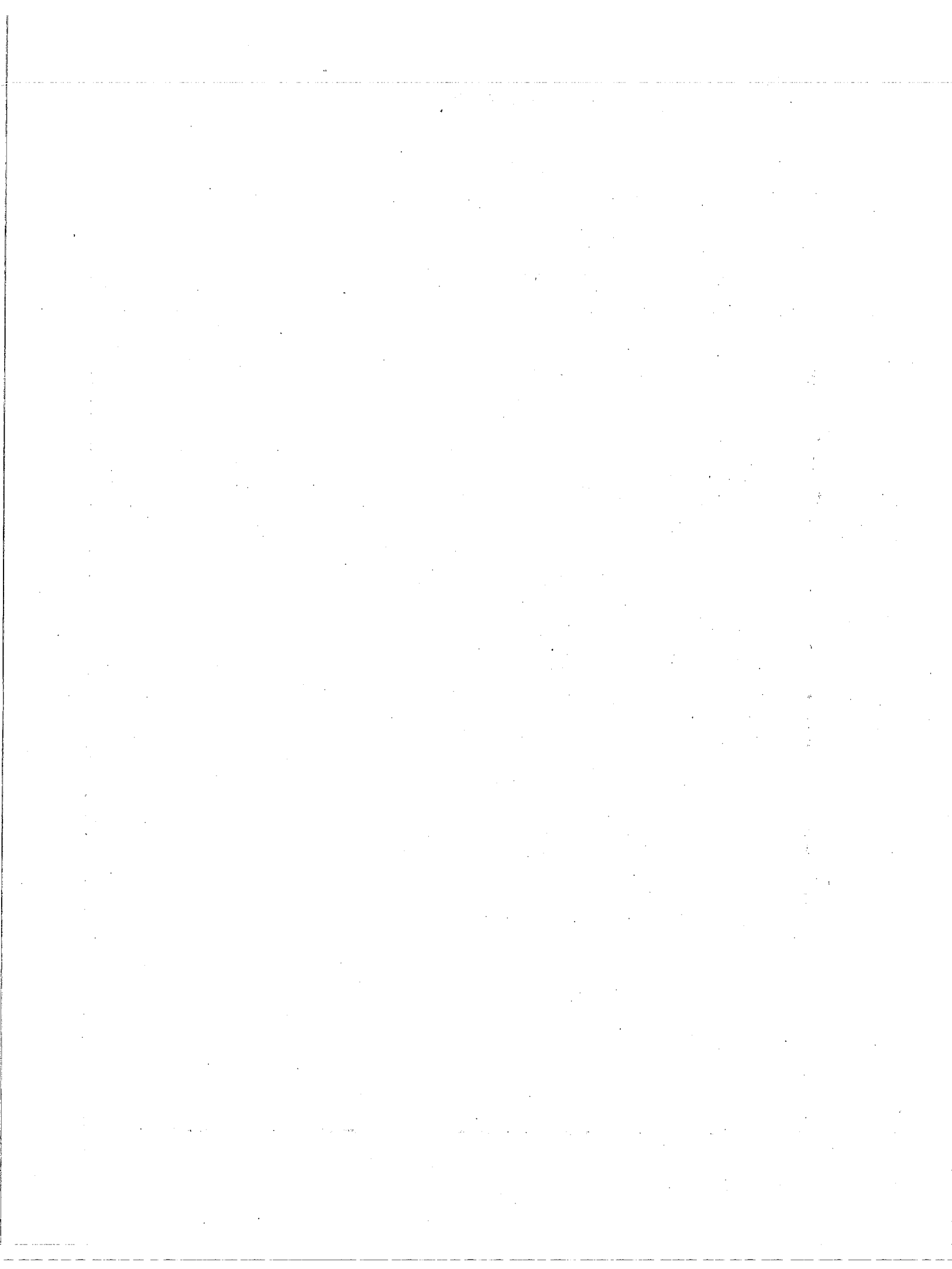
1 STATE OF INDIANA)
) SS:
2 COUNTY OF HENDRICKS)
3

4 I, Rhonda J. Hobbs, RPR, and a Notary Public
5 and Stenographic Reporter within and for the County
6 of Hendricks, State of Indiana at large, do hereby
7 certify that the transcript is a full, true and
8 correct transcript made from my stenograph notes.

9 IN WITNESS WHEREOF, I have hereunto set
10 my hand and affixed my notarial seal this _____
11 day of April, 2009.
12
13
14

NOTARY PUBLIC

15 My Commission Expires:
16 Septemer 12, 2009
17 County of Residence:
Hendricks County
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