

**Indiana Election Commission**  
**Minutes**  
**June 14, 2013**

**Members Present:** Daniel A. Dumezich, Chairman of the Indiana Election Commission (“Commission”); S. Anthony Long, Vice Chairman of the Commission; Bryce Bennett, member of the Commission; Suzannah Wilson Overholt, member of the Commission.

**Members Absent:** None

**Staff Attending:** Trent Deckard, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); J. Bradley King, Co-Director of the Election Division; Leslie Barnes, Co-General Counsel of the Indiana Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, Indiana Election Division campaign finance staff; Michelle Thompson, Indiana Election Division campaign finance staff.

**Also Attending:** Mr. Michael Bayes; Mr. Paul Berkowitz; Mr. Todd Day; Dr. David Blank; Mr. John Bonitati; Mr. Kevin Brown; Ms. Terry Dove; Mr. Dan Drexler; Mr. Kevin Earley; Mr. George Fish; Mr. Shane Gibson; Mr. James Hanson; Mr. Tim Henderson; Mr. Surrell Herder; Mr. Marshall Mark Holwager; Mr. Timothy Huber; Mr. Ron Martin; Ms. Gina Martines; Mr. Dan Morrison; Mr. Tim Neese; Mr. Brad Oliver; Mr. Henry Onochie; Mr. Tim Ping; Mr. Steven Powell; Mr. John Priore; Ms. Sarah Riordan; Mr. Fred Schuler; Mr. Eric L. Scott; Mr. Michael S. Scott; Ms. Robin Shackelford; Ms. Rebecca Shaw; Ms. Brittany Solis; Mr. Steve Summitt; Mr. Fred Surely; Mr. Thomas E. Wheeler; Mr. Andrew Young; Ms. Carrie Zapfe.

## **1. Call to Order**

The Chair called the June 14, 2013 meeting of the Commission to order at 1:00 p.m. in the Indiana Government Center South Conference Center, Conference Room C, 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. Karon A. Voloski, CSR, CCR, 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:

Page 3, line 6, replace “Andy” with “Anthony”.

Page 4, line 5, after "Indiana" insert "Open Door".

Page 4, line 14, replace "from" with "for".

Page 4, line 24, replace "opportunity" with "these minutes".

Page 5, line 12, replace "MR. KING" with "THE CHAIRMAN".

Page 6, line 6, replace "ANSI" with "candidacy".

Page 14, line 9, replace "MR. DECKARD" with "MR. BENNETT".

Page 37, line 12, replace "revised" with "advised".

Page 52, line 15, replace "MR. KING" with "MEMBERS".

Page 56, line 25, replace "polled" with "pulled".

Page 63, line 1, replace "3924" with "3-9-2-4".

Page 63, line 3, replace "3924" with "3-9-2-4".

Page 63, line 4, replace "3924" with "3-9-2-5".

Page 63, line 13, replace "3924" with "3-9-2-5".

Page 69, line 11, replace "395" with "3-9-5".

Page 76, line 7, replace "PAC" with "packet".

Page 79, line 8, replace "Abby" with "Abbey".

Page 81, line 11, replace "OPA" with "AOPA".

Page 104, line 7, replace "Houser" with "House".

Page 108, line 2, replace "/KHAOERL" with "(inaudible)".

Page 115, line 10, replace "SCOTT" with "DREXLER".

Page 115, line 18, replace "SCOTT" with "DREXLER".

Page 115, line 25, replace "SCOTT" with "DREXLER".

Page 117, line 2, replace "SCOTT" with "DREXLER".

Page 117, line 20, replace "SCOTT" with "DREXLER".

Page 117, line 24, replace "SCOTT" with "DREXLER".

Page 118, line 2, replace "SCOTT" with "DREXLER".

Page 118, line 14, replace "SCOTT" with "DREXLER".

Page 119, line 2, replace "SCOTT" with "DREXLER".

Page 119, line 10, replace "SCOTT" with "DREXLER".

Page 121, line 19, replace "Lush" with "Wallace".

Page 126, line 6, replace "and" with "as".

Page 126, line 12, replace "disown" with "dissolve".

Page 128, line 2, replace "oppose" with "impose".

### 3. Adjournment

There being no further items on the Commission's agenda, the Chair entertained a motion to adjourn. Mr. Long 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. Dumezich, Mr. Long, Mr. Bennett, and Ms. Overholt), and no Commission member voting "no," the motion was adopted. The Commission then adjourned at 4:00 p.m.

Respectfully submitted,

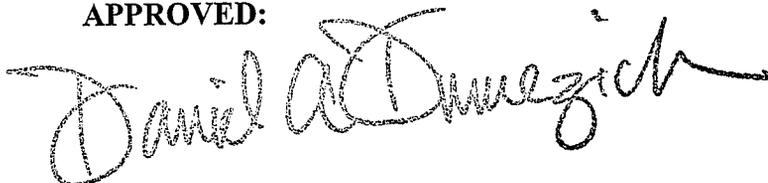


Trent Deckard  
Co-Director



J. Bradley King  
Co-Director

**APPROVED:**



Daniel A. Dumezich,  
Chairman

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INDIANA ELECTION COMMISSION  
PUBLIC SESSION AGENDA

Conducted On: Friday, June 14, 2013

Location: Indiana Government Center  
302 West Washington Street  
Suite E-204  
Indianapolis, IN 46204

A STENOGRAPHIC RECORD BY:  
Karon A. Voloski, CSR, CCR  
Stenographic Reporter  
Notary Public

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CONNOR REPORTING, INC.  
1650 One American Square  
Indianapolis, IN 46282  
(317) 236-6022

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Mr. Daniel Dumezich - Chairman
- Mr. Anthony Long - Vice Chairman
- Mr. Bryce Bennett - Commission Member
- Ms. Suzannah Overholt - Commission Member

INDIANA ELECTION DIVISION STAFF:

- Mr. Bradley King - Co-Director
- Mr. Trent Deckard - Co-Director
- Mr. Dale Simmons - Co-Legal Counsel
- Ms. Leslie Barnes - Co-Legal Counsel
- Ms. Michelle Thompson - Campaign Finance
- Ms. Abbey Taylor - Campaign Finance

1           THE CHAIRMAN: This meeting of the  
2           Indiana Election Committee is called to  
3           order.

4           The following members of the Commission  
5           are present: I'm the chairman. My name is  
6           Dan Dumezich; Vice Chairman, Andy Long;  
7           Member, Bryce Bennett, to my right; and Member  
8           Suzannah Overholt, to my left.

9           On the other side of Tony, the Indiana  
10          Election Staff, the Co-Directors are:  
11          Trent Deckard and Brad King. Co-General  
12          Counsel Leslie Barnes, and Dale Simmons.  
13          And our court reporter today is Karon Voloski,  
14          from Connor & Associates.

15          Before we begin, I want to remind  
16          everyone, on behalf of the court reporter,  
17          identify yourself when you begin to speak.  
18          Spell your name when you're identifying  
19          yourself. Speak clearly. And, whatever you  
20          do, don't speak at the same time others are  
21          speaking, especially if it's one of us.  
22          Just makes it too hard on the court reporter.  
23          She can't get an accurate transcription.

24          I request that Mr. Deckard and Mr. King  
25          confirm the Commission meeting has been

1 properly noticed, as required by the  
2 Indiana Open Door Law.

3 MR. KING: Mr. Chairman, Members of the  
4 Commission, this meeting was properly noticed  
5 under The Indiana law.

6 First thing we're going to do is approval  
7 of the prior minutes. That has been a task,  
8 that no wonder our regular court reporter,  
9 Rhonda Hobbs, is not here. She's probably  
10 having a stroke in all the work she had to do  
11 to catch us up. I'm pleased to announce that  
12 the task is complete, in the preparation of  
13 minutes from all previous Commission meetings.

14 I recognize Mr. Deckard and Mr. King, from  
15 the following Commission meetings, February  
16 28th, 2006; September 8th, 2006; September  
17 18th, 2006; January 31st, 2007; March 23rd,  
18 2007; July 11th, 2007; March 12th, 2008;  
19 August 1st, 2008, and November 14th, 2012,  
20 which is our last meeting.

21 MR. KING: Commissioner, Mr. Deckard, and  
22 Chairman of the Committee, we have reviewed  
23 the minutes and submitted them to your  
24 approval. We submit opportunity to finish up  
25 this task, and glad to be of service. We have

1           them upstairs.

2           THE CHAIRMAN: I'd like to thank Rhonda  
3           Hobbs, in her diligent work in completing  
4           this, in what's been a two-year project.

5           Is there a motion to approve these minutes  
6           as presented?

7           MR. LONG: Motion to approve.

8           THE CHAIRMAN: Is there a second?

9           MR. BENNETT: I'll second the motion.

10          MS. OVERHOLT: Is it permissible for me to  
11          vote?

12          MR. KING: There will only be one on the  
13          2006.

14          MS. OVERHOLT: All right. I guess that  
15          answers that question. I'm assuming that  
16          answers that question.

17          THE CHAIRMAN: Hearing none, all in favor  
18          say aye.

19          MEMBERS: Aye.

20          THE CHAIRMAN: Opposed? Nay?

21          Four 0. The ayes have it. Motion to  
22          approve the minutes is adopted.

23          Okay. Now, we go to approval of forms.  
24          I recognize Mr. Deckard and Mr. King to  
25          present order, 2013-1, for the approval of

1 election forms.

2 MR. KING: Mr. Chairman, Members of  
3 the Commission, the first tab in your  
4 binders, labeled Forms, has behind it Order  
5 Number 2013-1. Under this order, revisions  
6 would be approved to the declaration of ANSI  
7 form, to be used for the 2014 primary  
8 election, and also for the write-in candidates  
9 for general election in 2014. There were  
10 legislative changes, during the recent session  
11 that required changes of the forms themselves,  
12 are pages are 3, 4, 5 and 6 behind that  
13 tab. I'd be happy to answer any questions.

14 MR. LONG: Tab 2 and tab 3.

15 MR. KING: Yes.

16 MR. LONG: Tab 2?

17 MR. KING: Yes

18 MR. LONG: I have no problem with these.

19 I have some others.

20 THE CHAIRMAN: For the purpose of  
21 discussion, is there a motion?

22 MR. LONG: I move to approve the forms in  
23 2013-1, which has been entered as the order  
24 approved.

25 THE CHAIRMAN: Is there a second?

1 MR. BENNETT: I'll second the motion.

2 THE CHAIRMAN: Since I hear a second,  
3 is there anything with approval of the 2013-1  
4 forms?

5 Hearing none, all in favor say aye.

6 MEMBERS: Aye.

7 THE CHAIRMAN: Opposed say nay.

8 Four, zero. The ayes have it. And the  
9 order is approved.

10 MR. LONG: Could I ask a question?

11 THE CHAIRMAN: Yes, sir.

12 MR. LONG: As I understand, from reading a  
13 summary of this (thank you all for sending  
14 that out, by the way), we've got a  
15 registration form that has made a significant  
16 change. And, as I understand from reading  
17 that, that the old forms are statutorily  
18 disallowed, starting July 1.

19 MR. DECKARD: If I may, Mr. Chairman,  
20 Trent Deckard, Co-Director Indiana License  
21 Division. The answer to your question, Mr.  
22 Vice Chair, is that the voter registration  
23 forms, that are currently in use, would be  
24 statutorily dissolved, at the end of this  
25 year, and no longer in use at the end of this

1 year. Any form that would be passed, prior to  
2 August 1st of this year, would fall under that  
3 category. There will be significant changes  
4 to the voter registration form that the staff  
5 will work, in preparation for the Commission.

6 MR. LONG: We're on time? I mean we're on  
7 time schedule to get that done timely?

8 MR. DECKARD: Because of the nature of the  
9 changes, it will be very difficult for the  
10 changes to the voter registration form to be  
11 completed before August. And so the forms  
12 will be available for review, hopefully, in  
13 a time before that. But sometime in that  
14 time period.

15 MR. LONG: Do you mind -- because this is  
16 a major -- as I understand it, major change in  
17 how we go about registering votes, is it  
18 possible, is there going to be a clerk's  
19 meeting before then, between now and when  
20 you'll have this ready? Is there some way we  
21 could get this out for some input or  
22 comment? I would like to hear what the folks  
23 of the field that oversee this. And I figure,  
24 if we let them know to make comments, at least  
25 they got no excuse to not know there's a big

1 change coming. But, as I understand, they  
2 have to be signed off on differently, and  
3 there's turning in requirements of when, how  
4 long after they fill out before they have to  
5 be turned in and so on. Whatever it is, I  
6 just would hope that we would be able to get  
7 some input on the folks in the field, and both  
8 party headquarters, and however they want to  
9 disseminate it, mark them forms for review  
10 only, do not use. I think that would be  
11 helpful, at least to me. It's been a long  
12 time since I've been doing registration stuff.  
13 I would appreciate that for whenever we take  
14 that up.

15 MR. DECKARD: Absolutely we will.

16 THE CHAIRMAN: Mr. King.

17 MR. KING: Mr. Chairman, and Members of  
18 the Commission, just to add what Mr. Deckard  
19 has said, we are also working on major  
20 revisions to the absentee ballot and absentee  
21 forms. It is the plan, going forward, to  
22 certainly provide clerks an opportunity to  
23 review the voter registration forms. And I  
24 would propose the same with regard to the  
25 absentee applications. Because, between the

1 two, they are certainly the most commonly  
2 used forms that we have in the election  
3 process. So that would be our plan, to  
4 the greatest extent.

5 MR. LONG: I can. Just as soon as I  
6 mentioned that, that's what stood out in my  
7 mind. Any form that's going to be a  
8 significant change, from the way we do things  
9 now, to the way we have to do things, and we  
10 don't get the grace of being able to use an  
11 old form, the more input we could get from the  
12 folks that do the work would be appreciated.  
13 I didn't mean to limit it to that one. That  
14 was the one that was most troublesome to me at  
15 this point.

16 Thank you for pointing that out.

17 MR. KING: Thank you, Mr. Vice Chair.

18 THE CHAIRMAN: Voting System Technical  
19 Oversight Program, the VSTOP program report.  
20 I note that we received a report from Ball  
21 State regarding the voting system issues.  
22 I recognize Mr. Deckard and Mr. King to  
23 provide a brief summary of the documents for  
24 the record.

25 MR. KING: Mr. Chairman, Members of the

1 Commission, in your binders, behind the tab  
2 labeled VSTOP, you will see a one-page report  
3 from the Voting System Technical Oversight  
4 Program of Ball State. It summarizes that  
5 there are a number of applications for voting  
6 systems that have been received, since the  
7 Commission's last meeting. The folks at Ball  
8 State are scheduling testing hours, and plan  
9 to proceed with the test for those voting  
10 systems, and bring forward a recommendation to  
11 the Commission. Copies of those applications,  
12 as well as reports, are included in the same  
13 tab.

14 Ball State is also working with regard to  
15 the implementation of electronic poll book  
16 certification. But the major item, and  
17 important address in this report, is the  
18 voting systems certifications. I'll be happy  
19 to answer any questions.

20 THE CHAIRMAN: Mr. Deckard, do you have  
21 anything to add to that?

22 MR. DECKARD: Only add that, just as an  
23 item of note, the electronic poll books will  
24 not be an item that is certified by the  
25 Indiana Election Commission. But VSTOP has

1 included in here some reference to the work  
2 that they will be doing on that, in addition  
3 to the voting systems. The Secretary of State  
4 will be handling the certification of the  
5 E-poll book. So where you see reference  
6 there, I just want to be clear on that.

7 MR. LONG: I want to make sure we're  
8 not paying for it.

9 MR. KING: Mr. Chairman, budget, there's a  
10 separate line item.

11 MR. LONG: A separate line item for us  
12 and separate for the Secretary of State's  
13 side?

14 MS. BARNES: No.

15 MR. LONG: I wasn't satisfied. I  
16 understood the answer to your question.

17 MR. KING: To clarify, the budget, both  
18 for the current finance and biennium, and  
19 future biennium does not have a separate line  
20 item for the Election Commission itself. The  
21 administrative support to be provided is  
22 budgeted as part of the Election Division's  
23 general fund under the budget.

24 MR. LONG: We spend money like crazy.

25 THE CHAIRMAN: I haven't really seen the

1 product of it.

2 THE CHAIRMAN: The use of signature  
3 stamps.

4 Is there a motion to authorize Election  
5 Division staff to affix each members election  
6 staff for this order and other orders at this  
7 meeting?

8 MR. LONG: Yes.

9 THE CHAIRMAN: Is there a second?

10 MR. BENNETT: Second.

11 THE CHAIRMAN: Any discussion?

12 Indicate by saying aye.

13 MEMBERS: Aye.

14 THE CHAIRMAN: All opposed? Nay?

15 Four 0. Approved.

16 Campaign Finance.

17 Ratification of Campaign Finance Settlement  
18 Agreements. I recognize Ms. Taylor and Ms.  
19 Thompson, of the Election Division's campaign  
20 staff, to present information regarding the  
21 Campaign Finance Settlement Agreements, listed  
22 in our binders.

23 MS. THOMPSON: Yes.

24 Mr. Chairman, Members of the Commission,  
25 that have agreed to the list that is under

1           your finance tab.

2           MR. KING: That's the first?

3           MS. THOMPSON: First one, yes. First two  
4 pages.

5           THE CHAIRMAN: Is there a motion to ratify  
6 the Campaign Finance Settlement Agreement as  
7 presented?

8           MR. LONG: So moved.

9           MR. DECKARD: Second.

10          THE CHAIRMAN: Hearing no discussion, all  
11 in favor of the motion, indicate by saying  
12 aye.

13          MEMBERS: Aye.

14          THE CHAIRMAN: All opposed nay.

15          Four 0. The ayes have it. The motion is  
16 adopted.

17          This is campaign finance Referrals to  
18 Attorney General for Collection.

19          MS. THOMPSON: Mr. Chairman, Members  
20 of the Commission, behind the settlement  
21 agreement is a list we're turning over to the  
22 Attorney General for collection.

23          MR. LONG: These are to be turned over  
24 after this meeting.

25          MS. THOMPSON: Yes.

1 MR. LONG: I thought they reported they  
2 collected all of those.

3 THE CHAIRMAN: I understand that this  
4 information is being presented for the  
5 record. And no further action is required by  
6 the Commission, for the Attorney General  
7 could be received taking action to collect  
8 these unpaid fines. Is that accurate, Mr.  
9 King and Mr. Deckard?

10 MR. DECKARD: Yes.

11 MR. LONG: Congratulations to the  
12 staff for getting them ready to send over.  
13 That's a healthy list. Be able to pay for the  
14 electronic voter.

15 THE CHAIRMAN: Thank goodness people are  
16 breaking the law.

17 Administration of the oath to individuals  
18 testifying before the Commission. I'd ask Mr.  
19 Simmons to administer the oath.

20 Anybody that's going to testify today,  
21 please stand, raise your right hand.

22 MR. SIMMONS: Please say I do, after the  
23 administration of the oath.

24 Do you solemnly swear, or affirm, under  
25 penalties of perjury, that the testimony you

1 are about to give to the Indiana Election  
2 Commission, is the truth, the whole truth, and  
3 nothing but the truth? Say I do.

4 WITNESSES: I do.

5 MR. SIMMONS: Thank you.

6 THE CHAIRMAN: Before proceeding with  
7 enforcement actions, you are unfortunately  
8 going to have to listen to a soliloquy.

9 We want to give any committee present the  
10 final opportunity to pay a reduced civil fine,  
11 by waiving the right to present evidence and  
12 arguments to the Commission. So that  
13 means, if you're going to take this up,  
14 you just come up, following the instructions,  
15 you don't get an opportunity to speak about  
16 your particular fine or the reason for it.  
17 This is a reduced fine. Okay? Any committee  
18 is welcome to be present, and arguments for  
19 those proposed penalties could be waived.  
20 But this is an opportunity for those who want  
21 to waive that presentation, and accept the  
22 reduced penalty.

23 The arrangement is as follows: If this is  
24 the committee's first violation, the  
25 arrangement is for the committee to agree to

1 pay 25 percent of the proposed fines, plus  
2 mailing costs.

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

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

10 So we were going to do this, as well take  
11 it by row. And we will do first violations  
12 first, second, and then we will go to the  
13 back. And we'll do second, and then we'll do  
14 third, in that order.

15 So, when I call your row, and if it is  
16 your first violation, I want you to come  
17 forward, state your name, the committee's  
18 name, and the Cause Number, indicate that you  
19 are willing to accept the applicable penalty,  
20 i.e., first offense, 25 percent, without any  
21 further discussion.

22 Once again, if you want to present  
23 evidence to the Commission, or you want to ask  
24 for a waiver of the proposed penalties, please  
25 do not come forward at this time. Instead,

1 wait until all the other committees, who are  
2 willing to enter into this arrangement, have  
3 been heard. Okay?

4 So, do I hear a motion to ratify this  
5 procedure?

6 MR. LONG: So moved.

7 THE CHAIRMAN: Do I hear a second?

8 MR. BENNETT: Second.

9 THE CHAIRMAN: Hearing a second, any  
10 discussion?

11 MS. SHAW: Can I ask a  
12 clarification?

13 THE CHAIRMAN: No, not until we get done  
14 with this motion.

15 Hearing no discussion, all in favor say  
16 aye.

17 MEMBERS: Aye.

18 THE CHAIRMAN: All opposed?

19 Four 0. Ayes have it. And procedure has  
20 been adopted.

21 Ma'am? Question?

22 MS. SHAW: I'm half of the  
23 committee. There was only two of us. The  
24 other is no longer available. So when you're  
25 talking about this proposed --

1 THE CHAIRMAN: You're here representing  
2 the committee, right?

3 MS. SHAW: Well, I can't represent  
4 his actions.

5 THE CHAIRMAN: Well, you know what, then  
6 you can't take the deal. You're going to have  
7 to wait to the end and come up and explain the  
8 situation to us.

9 First offense, first row.

10 First offense, second row.

11 THE CHAIRMAN: You don't want the deal?

12 WITNESS: No.

13 THE CHAIRMAN: If you don't want the deal,  
14 you got to wait until everybody that wants the  
15 deal takes the deal. I'm sorry I have not  
16 explained the procedures clearly enough,  
17 with enough specificity.

18 First row, first offense.

19 Second row, first offense.

20 Come on up.

21 So you're going to --

22 Please state your name, spell it.

23 MR. MORRISON: Dan Morrison. D-A-N,

24 M-O-R-R-I-S-O-N.

25 THE CHAIRMAN: Cause Number?

1 MR. MORRISON: Cause Number would be  
2 2013-6428-148.

3 THE CHAIRMAN: Now, they will report on  
4 what the fine is. You'll take 25 percent,  
5 plus penalty cost.

6 MS. THOMPSON: On page 90. This is  
7 Dan Morrison for State Representative, Cause  
8 Number 2013-6428-148. He has a proposed civil  
9 penalty of \$1,000.45. This is for a large  
10 contribution. He has two of them.

11 The second one is Cause Number  
12 2013-6428-149, a proposed civil penalty of  
13 \$1,000.45. This is, again, another large  
14 contribution.

15 THE CHAIRMAN: And both of these are your  
16 first offense.

17 MR. MORRISON: That's correct.

18 THE CHAIRMAN: You qualify, since it's a  
19 first offense. It's a sale.

20 MR. MORRISON: I didn't say those two are  
21 wrong.

22 THE CHAIRMAN: You take the 25 percent  
23 penalty, plus penalty cost?

24 MR. MORRISON: Can you tell me what the  
25 penalty cost is?

1 MR. LONG: 45 cents. If you need time,  
2 we'll let you know.

3 THE CHAIRMAN: So we are on the same page  
4 here, you had two fines for a thousand dollars  
5 each. Right? So that's 500 bucks, plus the  
6 45 cents.

7 MR. LONG: 90. We can't put it in the  
8 same envelope.

9 MR. KING: Send out a notice.

10 THE CHAIRMAN: They are going to send  
11 something out to you. You don't have to pay  
12 today.

13 MR. MORRISON: Very good.

14 THE CHAIRMAN: You were in the second row.

15 MR. MORRISON: Correct.

16 THE CHAIRMAN: Come on up.

17 Will you state your name, spell it for the  
18 record.

19 MR. ZAPFE: My name is Carrie Zapfe.  
20 C-A-R-R-I-E, Z-A-P-F-E. I'm here on behalf of  
21 Friends to Elect Vaneta Becker, Cause Number  
22 2013-1272-133.

23 MS. THOMPSON: Okay. That's on page 82.  
24 It's Friends to Elect Vaneta Becker, Cause  
25 2013-1272-133. This is also for a large

1 contribution. Proposed civil penalty is  
2 \$1,000.45.

3 MS. ZAPFE: Yes.

4 THE CHAIRMAN: Very good.  
5 Next.

6 MR. NEESE: My name is Tim Neese. T-I-M,  
7 N-E-E-S-E. This is with regard to \$1,000  
8 contribution. I did not have my Cause Number  
9 with me.

10 THE CHAIRMAN: Okay. Give the ladies a  
11 moment, sir, so they can find it.

12 MS. THOMPSON: Page 85. This is  
13 Neese for State Representative, Cause Number  
14 2013-4794-138.

15 This is not your first time.

16 MR. NEESE: Is that not within a calendar  
17 or campaign year?

18 THE CHAIRMAN: No.

19 MR. NEESE: That would be forever?

20 THE CHAIRMAN: Yes.

21 MR. NEESE: Then I probably should step  
22 back to the second row.

23 THE CHAIRMAN: How many times is it?

24 MS. THOMPSON: This would be his third.

25 THE CHAIRMAN: Next row.

1 MR. HERDER: Surrell Herder. Cause  
2 Number 2013-5644-51.

3 MS. THOMPSON: What did you do wrong?

4 MR. HERDER: I had not only a senior  
5 moment, I had a senior month. I thought I had  
6 the end of the month. And if I could wait the  
7 time, I would go ahead and plead for the whole  
8 deal. But 25 percent is a good deal.

9 THE CHAIRMAN: You've already said too  
10 much.

11 MS. THOMPSON: This is Citizens for Sye,  
12 Cause Number 2013-5644-51, a proposed civil  
13 penalty of \$390.45. And the committee is also  
14 closed.

15 THE CHAIRMAN: We'll send you a bill.  
16 Next.

17 MR. SCOTT: Michael S. Scott.  
18 M-I-C-H-A-E-L, S-C-O-T-T. Cause Number  
19 2012-6357-242.

20 MR. LONG: 83.

21 MS. THOMPSON: This is Committee to elect  
22 Michael S. Scott, Cause Number 2012-6357-242.  
23 Proposed civil penalty is \$1,000.45. This was  
24 for a large contribution as well.

25 THE CHAIRMAN: You accept 25 percent of

1 the penalty, plus mailing cost?

2 MR. SCOTT: Yes.

3 THE CHAIRMAN: Next row.

4 I'm saying next row, because I've forgotten  
5 where I am.

6 MR. HENDERSON: My name is Tim Henderson.  
7 T-I-M, H-E-N-D-E-R-S-O-N. I'm here on behalf  
8 of two separate committees. The first one is  
9 Women on the Move, Cause Number 2013-1574-146.  
10 That's failure to file 48-hour notice.  
11 Would you like us to produce payment on that  
12 one?

13 MS. THOMPSON: That's page 89.

14 Women on the Move.

15 MR. HENDERSON: Yes.

16 MS. THOMPSON: Cause Number 2013-1574-146.  
17 It's a large contribution for \$1,000.44.

18 THE CHAIRMAN: Okay. Very good.

19 MR. HENDERSON: Second committee is  
20 Greaves for Senate, Cause Number 2012-5398-41.

21 MS. THOMPSON: It's on page 2. This was  
22 continued from the last meeting. This was  
23 Greaves for Senate, Cause Number 2012-5398-41,  
24 a proposed civil penalty of \$450.44 cents.

25 MR. HENDERSON: Thank you.

1 THE CHAIRMAN: The 44 cents is the mailing  
2 cost.

3 MS. THOMPSON: Yes.

4 THE CHAIRMAN: Next.

5 MR. YOUNG: Name is Andrew Young,  
6 A-N-D-R-E-W, Y-O-U-N-G. Cause Number is  
7 2013-6422-15.

8 MS. TAYLOR: On page 12.

9 MS. THOMPSON: This is Committee to elect  
10 Andrew Young. Cause Number 2013-6422-15,  
11 proposed civil penalty of \$350.45.

12 THE CHAIRMAN: Twenty-five percent, plus  
13 mailing cost, sir?

14 MR. YOUNG: Sounds good to me.

15 THE CHAIRMAN: Very good. Thank you.  
16 Next row, please.

17 First offense, next row.

18 To speed it up, the next row after that, first  
19 offense.

20 MR. HUBER: Timothy Huber, T-I-M-O-T-H-Y,  
21 H-U-B-E-R. Cause Number 2013-5298-42.

22 MS. TAYLOR: On page 27.

23 MS. THOMPSON: Citizens to Elect Timothy  
24 Huber, Cause Number 2013-5298-42, proposed  
25 civil penalty is \$350.45.

1 THE CHAIRMAN: Quarter of that, plus  
2 mailing cost.

3 MR. HUBER: Okay.

4 THE CHAIRMAN: Thank you, sir.  
5 Next, please.

6 MS. MARTINES: My name is Gina Martines.  
7 I'm here with Cause Number  
8 2013-431-20. Committee is Gina Martines.

9 MS. THOMPSON: Cause 2013-431-20 has  
10 a proposed civil penalty of \$50.45.

11 THE CHAIRMAN: \$50.45. I like how you  
12 walk with the baby for sympathy.

13 Maybe you can make some money and rent the  
14 baby out.

15 MS. MARTINES: May not be a bad idea.

16 THE CHAIRMAN: Next, please.

17 MR. DAY: Todd Day, T-O-D-D, D-A-Y.  
18 Cause Number 2013-6331-85.

19 MS. THOMPSON: Page 48.  
20 This is Committee to Elect Todd Day, Cause  
21 Number 2013-6331-85, proposed civil penalty of  
22 \$400.45.

23 THE CHAIRMAN: Very good, sir. You accept  
24 that, plus penalties?

25 MR. DAY: Yes.

1 THE CHAIRMAN: Next, please.

2 MR. DREXLER: My name is Dan Drexler,  
3 D-A-N, D-R-E-X-L-E-R. Cause Number is  
4 2013-6202-130, representing Rupert for  
5 Governor Campaign. And Rupert for Governor  
6 Campaign would gladly take 25 percent of its  
7 \$50 fine.

8 MS. THOMPSON: I got to find that.

9 THE CHAIRMAN: Sorry. Jumped the gun.

10 MS. TAYLOR: Page 75.

11 MS. THOMPSON: This is Rupert for  
12 Governor, Cause Number 2013-6202-130. Has a  
13 proposed civil penalty of \$50.45.

14 THE CHAIRMAN: Very good.

15 Next, please.

16 MR. BLANK: David Blank. D-A-V-I-D, last  
17 name, B-L-A-N-K. The number is in  
18 2012-5931-210. It was failure to file.  
19 And I'll accept that quarter, plus the mailing  
20 fees.

21 MS. TAYLOR: 68.

22 MS. THOMPSON: This is Dr. David Blank for  
23 Statehouse, Cause Number 2012-5931-210, has a  
24 proposed civil penalty of \$1,000.44.

25 MR. BLANK: Very good. Thanks.

1 THE CHAIRMAN: You're welcome.

2 Next, please.

3 MR. OLIVER: My name is Brad Oliver,  
4 B-R-A-D, O-L-I-V-E-R. Cause Number  
5 2013-6436-154.

6 MS. TAYLOR: Page 93.

7 MS. THOMPSON: This is Committee to Elect  
8 Brad Oliver, Cause Number 2013-6436-154, has  
9 a proposed civil penalty of \$200.45.

10 MR. OLIVER: I'd want to accept the offer.  
11 But I'd like to make a quick comment, if I  
12 could, to the Board.

13 I entered the race, after the primary, to  
14 fill a vacancy. And at the time I filed was  
15 not made aware of the vacancy report. Just so  
16 that you are all aware, it is not a part of  
17 the calendar in the candidates guide. It is  
18 buried in the code. So, when I received the  
19 candidates guide, we used the code in there,  
20 as it's referenced about the calendar. It was  
21 brought to our attention, received our  
22 attention only after the Election Division  
23 sent us the notice that we had missed the  
24 deadline. That was the first we knew to go  
25 look at that section.

1           We don't contest we violated the code.  
2           We were a first-time candidate. Never ran  
3           before. I'm a treasurer. I thought I was  
4           coming today presuming innocence. But, after  
5           what I've heard today, it sounds I'm already  
6           guilty.

7           So we don't contest that. But I think, in  
8           fairness to other candidates, if you  
9           include that in notification of the report.  
10          I appreciate the opportunity to be able to  
11          pay the lesser fine.

12          THE CHAIRMAN: Good. Thank you.

13          Next, please.

14          MR. HANSON: James Hanson. H-A-N-S-O-N.  
15          Cause Number 2013-6396-86. I was at a zero  
16          balance with the Committee, but failed to file  
17          on time. Requested to close my committee on  
18          the deadline, but didn't officially file it.  
19          So that's why I'm here.

20          MS. THOMPSON: Page 49. Hanson for House  
21          District 84, Cause Number 2013-6395-86. Has  
22          proposed civil penalty of \$400.45.

23          THE CHAIRMAN: Very good.

24          Next row.

25          Row after that.

1           Is there anyone here, who is the first-  
2           time violator, please step up. First time  
3           violator please, step up, that wants to take  
4           the deal.

5           MR. HOLWAGER: My name is Marshall Mark  
6           Holwager, H-O-L-W-A-G-E-R. I'm the treasurer  
7           of the Sixth District Republican party.  
8           There seems to be two groups still in the  
9           open. This all just come about late last  
10          night. I'm trying to look over my emails to  
11          find our email here.

12          THE CHAIRMAN: Are you accepting the fine,  
13          sir?

14          MR. HOLWAGER: No, sir.

15          THE CHAIRMAN: Then sit down.

16          MR. HOLWAGER: Okay.

17          THE CHAIRMAN: Second-time violators.  
18          First row.

19          Anybody coming up admitting this will get a 50  
20          percent penalty, plus mailing costs.

21          MS. THOMPSON: Page 34.

22          MS. DOVE: Terry Dove. T-E-R-R-Y,  
23          D-O-V-E. Voices of Indiana Political Action  
24          Committee.

25          MS. THOMPSON: Page 34. Cause Number

1 2013-5899-57. Has a proposed civil penalty of  
2 \$50.45.

3 MS. DOVE: Accept the order.

4 THE CHAIRMAN: Second row, second  
5 violation.

6 Third row, second violation.

7 Fourth row, second violation.

8 Fifth row, second violation.

9 MR. PING: My name is Tim Ping. Last  
10 name is P-I-N-G. This is a matter of Friends  
11 of Tim Ping.

12 MR. LONG: 35.

13 MR. PING: Cause Number 2013-5915-58 and  
14 59.

15 MS. THOMPSON: Tim Ping, dash 59 has a  
16 proposed civil penalty of \$1,000.45.

17 THE CHAIRMAN: Okay. Do you accept the 50  
18 percent, plus mailing cost?

19 MR. PING: Yes, sir.

20 THE CHAIRMAN: Very good, Mr. Ping.

21 Thank you.

22 Fifth row.

23 Sixth row, second violation.

24 Second violation, seventh row.

25 Second violation, eighth row.

1           Anyone else here on a second violation, who  
2           wants to accept the deal?

3           Okay.

4           Coming back to the first row, third  
5           violation. You want to accept it? No?

6           Second row, third violation.

7           MR. NEESE: Tim Neese. Last name is  
8           N-E-E-S-E. I believe it's on page 85.

9           MS. THOMPSON: Thanks.

10           This is Neese for State Representative,  
11           Cause Number 2013-4794-138 has a proposed  
12           civil penalty of \$1,000.45.

13           THE CHAIRMAN: So we're at third violation  
14           75 percent, sir.

15           MR. NEESE: Very good. Thank you.

16           THE CHAIRMAN: Next row, third violation.  
17           Third violation, next row.  
18           Third violation, sixth row.

19           Anybody in here for a third violation, that  
20           wants to accept the deal?

21           Is there anyone left that wants to accept  
22           the deal at any time?

23           Okay. So now we're going to move to the  
24           adoption of the campaign finance hearing  
25           procedures. So everybody in here now wants

1 to contest their claim. So if you'll listen  
2 very carefully to these procedures.

3 Could you close the door in the back.  
4 Some impotent young man left and didn't do  
5 that. That would have been my son.

6 So the remaining committees will be caused  
7 to present evidence in these matters. Before  
8 doing so, I want to know that: In the past  
9 the Commission has followed certain procedures  
10 for conducting campaign finance hearings.

11 And I move that the Commission follow  
12 those procedures today.

13 MR. LONG: I will second that motion, if  
14 you want to go through them first.

15 THE CHAIRMAN: When each campaign finance  
16 matter is called, hearing will begin with  
17 recognizing the campaign finance staff to  
18 provide the information about the documents in  
19 this matter, provided to the Commission  
20 members, including letters from the  
21 committees, and the notice given to the  
22 committee.

23 So these guys are going to go first and  
24 set the record. Unless there's an objection,  
25 the documents provided to the Commission, by

1 the Election Division, will be entered in to  
2 the record of the meeting.

3 After the campaign finance staff completes  
4 the presentation, a representative of the  
5 committee will be recognized first, and may  
6 present their case for no more than five  
7 minutes. The Commission members may ask  
8 questions during these presentation.

9 But the time spent answering the questions  
10 will not be counted against the presenter's  
11 time. The Election Division may signal the  
12 chair, when the presenter's time is up.

13 If the presenter offers additional documents,  
14 or other physical evidence, not previously  
15 received by the Commission, then the original  
16 must be provided to the Election Division,  
17 actually to Dale, to be preserved for the  
18 record.

19 If the Commission finds that the committee  
20 had violated the finance statutes, the state  
21 law requires a unanimous vote of all four  
22 commissioners to waive, or reduce, the amount  
23 of the penalty set by state law. If the  
24 Commission makes a decision at this meeting  
25 to either fine the committee, or dismiss the

1 case against the committee, then the Election  
2 Division will prepare a final order for the  
3 Commission to approve at a later meeting.  
4 If the committee is fined today, the committee  
5 will receive notice from the Election  
6 Committee to pay the fine after the commission  
7 adopts the final order. So it may take some  
8 time after today, before a committee will be  
9 required to pay the fine that is assessed in  
10 this hearing.

11 The Commission generally begins at the  
12 front of the room, and asks those persons  
13 present to come forward and have their matter  
14 heard. It's helpful, when you come up, if you  
15 state your name, and spell it, and say the  
16 Cause Number on your hearing material.  
17 So the Commission and the staff can quickly  
18 look up your case on their spreadsheets.  
19 Remember to identify yourself when you start  
20 to speak.

21 Is there a motion?

22 MR. LONG: I'll second the motion.

23 THE CHAIRMAN: Any questions, or  
24 objections, from the Commission members, or  
25 any committee to these procedures?

1           Hearing none, the question on the adoption  
2           of these procedures in motion, all in favor  
3           say aye.

4           MEMBERS: Aye.

5           THE CHAIRMAN: All opposed nay.

6           Four 0. The ayes have it. And the motion  
7           is approved.

8           Campaign finance enforcement actions.  
9           Commission will proceed with its opening  
10          hearing, under campaign action and enforcement  
11          actions.

12          First row.

13          First row. Start from right, move to the  
14          left. Come on up and state your name and  
15          Cause Number.

16          MR. PRIORE: My name is John Priore.  
17          P-R-I-O-R-E. I'm here on behalf of the  
18          Coalition for Citizens Rights of Hancock  
19          County. The Coalition was formed back in  
20          2000 -- state your name and number.

21          MS. TAYLOR: This is on page 3.

22          MS. THOMPSON: Coalition for Citizens  
23          Rights of Hancock County, Cause Number  
24          2012-5513-46. The proposed civil penalty is  
25          \$100.44.

1 THE CHAIRMAN: Okay. Sir.

2 MR. PRIORE: The Coalition was established  
3 back in 2005. It was a local committee PAC.  
4 We went to Hancock County Election Division,  
5 established ourselves as a local PAC.  
6 Subsequently, when the changeover of officers  
7 occurred, the treasurer called the Election  
8 Division up here for some questions about  
9 reporting procedures and etc. At that time  
10 there apparently was a misunderstanding.  
11 And the treasurer submitted the report,  
12 instead of Hancock County. They were revised  
13 up here that they didn't have a record of us  
14 on file. He took a copy, filled out the form,  
15 sent it up to here, to the State level.  
16 Hence, we got in the computer. And from that  
17 day on we've had problems. We do not engage,  
18 in any statewide issues, any campaigns.  
19 We don't contribute money to candidates at  
20 state level, local level, or anything like  
21 that. We are basically a Home Rule type  
22 committee, engaged in local ordinances and  
23 issues at Hancock County level.

24 We brought this to the attention of the  
25 election board on previous occasions, stating

1 that we did not, at any time, engage in these  
2 type of activities. You'll see that.

3 THE WITNESS: That was 2011.

4 MR. PRIORE: The letter was never  
5 answered. I thought, and presumed, which I  
6 shouldn't have done, I should have learned  
7 after 20 years in the Army, you don't assume  
8 anything, that this would get us off the  
9 computer database.

10 The original treasurer didn't realize the  
11 difference. Your forms that you use to  
12 establish committees really doesn't address  
13 the various levels and how to submit. The  
14 statute is a little bit ambiguous. It leaves  
15 administrative procedures and everything, like  
16 all legislation does, to the agency that's  
17 responsible for it. It was just human error.  
18 We have complied with the intent of the  
19 statute, from day one. We have filed reports  
20 with the Hancock County Election Division.  
21 I've been with the organization since its  
22 inception. And I think it's just been a  
23 little bit of commodity of error, the  
24 misunderstanding of both sides. Election  
25 Division uses words like "closed." And that

1 was misunderstood. The statute doesn't use  
2 that. We took that to mean we had to close  
3 the committee completely. We didn't want to  
4 close the committee. We wanted to stay.  
5 We never got a response back telling us, fine,  
6 you're not required to be registered with us.  
7 We'll take you off the database. That has  
8 since been resolved this past week in  
9 discussion with Michelle here, and everything.  
10 I think we finally got the thing resolved.  
11 We provided them with a letter saying take us,  
12 close our committee with the State. Okay.

13 There has been subsequent correspondence  
14 after this, too, after the May thing,  
15 addressing the same issue when you find us --

16 THE CHAIRMAN: Sir, everything he said so  
17 far is accurate?

18 MS. THOMPSON: Correct. It is closed.

19 MR. LONG: Close the hearing.

20 I move to dismiss the case.

21 THE CHAIRMAN: Motion to dismiss. Do I  
22 hear a second?

23 MR. BENNETT: Second. Hearing any  
24 discussion? Hearing none, all in favor of  
25 dismissing, indicate by saying aye.

1 MEMBERS: Aye.

2 THE CHAIRMAN: Opposed? Nay?

3 Four 0. Ayes have it. No penalty.

4 THE WITNESS: Appreciate it. No penalty.

5 MR. LONG: Didn't need the baby.

6 MR. BONITATI: John Bonitati.

7 B-O-N-I-T-A-T-I. Cause Number is  
8 2013-6313-83.

9 MS. THOMPSON: On page 47.

10 This is Committee to Elect John Bonitati to  
11 the Indiana House of Representatives, Cause  
12 Number 2013-6313-83, has a proposed civil  
13 penalty of \$650.45. And the committee is now  
14 closed.

15 THE CHAIRMAN: Sir.

16 MR. BONITATI: My treasurer has, who could  
17 not be here today, did file electronically on  
18 December the 8th. We have talked to the  
19 Commission. And there is a record that he was  
20 on the site. He has filed two previous times  
21 the same way. And he did it the third time.  
22 And he received a message saying that it was  
23 filed and submitted. So just like the other  
24 two times, we assume that everything went in  
25 and we were fine.

1           We received a letter on the 17th of  
2           January, saying that we were late in filing.  
3           So I called him up and filed again. It did  
4           not take. So he filed again. And it finally  
5           took on the 18th. There was something, from  
6           what I understand, there was a button that he  
7           did not hit, which he never did the first two  
8           times. So we don't understand why it didn't  
9           take, you know, the first two times. He filed  
10          the same way for both. I'm just asking that,  
11          you know, the intent was there. We filed  
12          accordingly, like we did the other two times.

13           THE CHAIRMAN: Got it. Any copy with  
14          respect to this? Can you substantiate any of  
15          the facts?

16           MS. THOMPSON: Yes. They did upload.  
17          They didn't hit the file button to upload the  
18          report. I do have a copy that he sent me that  
19          shows that he did try on December 8th to  
20          upload the file.

21           MR. BONITATI: My understanding, he filed  
22          that same way the first two times and it went  
23          through.

24           THE CHAIRMAN: He had to file the other  
25          two times.

1 Do I hear a motion?

2 MR. LONG: Committee closed?

3 MS. THOMPSON: Yes.

4 MR. LONG: I don't have any problem.

5 I'm going to move to dismiss this one, also.

6 THE CHAIRMAN: Hear a motion to dismiss.

7 Is there a second?

8 MS. OVERHOLT: Second.

9 THE CHAIRMAN: He hit the file button.

10 They file. It goes through. But he did make

11 the attempt. He was there in a timely

12 fashion. And the committee is closed. So

13 with that in mind, all in favor of the motion

14 to dismiss this case by saying aye.

15 MEMBERS: Aye.

16 THE CHAIRMAN: Opposed? Nay.

17 Four 0. Ayes have it. Your fine is removed.

18 Next, please.

19 MS. SHAW: My name is Rebecca Shaw. And

20 this is for the Committee to Elect Christopher

21 Wright to the Indiana House District 18. The

22 Cause Number 99-6314. Is that the correct

23 number --

24 MS. THOMPSON: No. I have a file number

25 6314. Which report was that?

1 Christopher Wright?

2 THE WITNESS: Yes.

3 MS. TAYLOR: Page 64.

4 MS. THOMPSON: Committee to Elect  
5 Christopher Wright, Cause Number  
6 2013-6314-113. Has a proposed civil penalty  
7 of \$1,000.45. And the report has not been  
8 filed.

9 MR. LONG: Your name is?

10 MS. SHAW: Rebecca Shaw. And I consider  
11 myself the former treasurer. I know I have  
12 originals of everything. There's a few things  
13 in here. I don't know if you need or not. I  
14 can get that together very quickly.

15 Basically, just very quick, as far as the  
16 timeline of events, Christopher Wright is  
17 gone. He has disappeared. He walked out on  
18 his campaign. I, Rebecca Shaw, was approved  
19 by Chris Wright, who was at the time residing  
20 in my home, to be treasurer for his bid for  
21 the House of Representative for District 18.  
22 And I agreed.

23 When I asked Chris Wright -- and that  
24 would be April of 2012. I asked him  
25 repeatedly for receipts. There was very

1 little money. We're talking about \$10.00,  
2 \$5.00 here, to put in to the accounts. I got  
3 put off.

4 Finally, he informed me, in a verbal  
5 assault. I had already been fired weeks  
6 before. And I asked him to vacate my home.

7 I had, right after he had left, I  
8 contacted an attorney, Scott Smith, who is in  
9 Warsaw, Indiana, who told me, because Chris  
10 wanted the campaign materials back.

11 MR. LONG: You understand you're not  
12 personally liable for this?

13 MS. SHAW: No, I did not realize this.  
14 When I went to -- I've saw two attorneys.

15 THE CHAIRMAN: His committee.

16 MS. SHAW: It's only me and him. He's  
17 gone.

18 MR. LONG: So I don't give folks legal  
19 advice. But I'd be inclined just to say good  
20 seeing you all, go home.

21 MS. SHAW: That would be great for me.  
22 This has been really stressful. He stole  
23 money. My name was never taken off the  
24 campaign. I've talked to the county clerk in  
25 Warsaw, Indiana. I've had great support with

1 great people, like Mr. Haynes, who had come  
2 with me today, just in case. I didn't know  
3 what to expect today. The Democratic party --

4 THE CHAIRMAN: You have no personal  
5 responsibility.

6 MR. LONG: When you said he fired you, I  
7 heard enough.

8 MS. SHAW: I do have the documentation.  
9 I made him sign it. Anything you need, I got  
10 it.

11 MR. LONG: I assume he's not here today.

12 MS. SHAW: We can't find him. And I filed  
13 forgery.

14 So there's only one last thing. He did  
15 forge the April filing. And he backdated it.  
16 He came to my home to get the materials, on  
17 April 18th. Backdated it.

18 MR. LONG: Is your home address used as  
19 the committee address?

20 MS. SHAW: Yes, he did it.

21 MR. LONG: You might want to notify that's  
22 not the address of the committee.

23 THE CHAIRMAN: In fact, can we just strike  
24 that address off of there.

25 MR. LONG: I think, if you write a letter

1 terminated, it's no longer the address of the  
2 committee.

3 MS. SHAW: I guess my concern now is  
4 my signature is on there. And I have two  
5 police reports, that there's no way that I  
6 signed that, which I did file.

7 MR. LONG: No problem.

8 THE CHAIRMAN: It is not our intent you  
9 will ever hear from us again, with respect to  
10 this committee.

11 MS. SHAW: Thank you so much.

12 THE CHAIRMAN: Let's get a motion to  
13 dismiss.

14 MR. BENNETT: Move to dismiss.

15 MR. LONG: Second.

16 THE CHAIRMAN: Hearing second.

17 Discussion? Hearing none, all in favor of  
18 discussing it?

19 THE CHAIRMAN: Dismiss the case against  
20 the committee. Indicate by saying aye.

21 MEMBERS: Aye.

22 THE CHAIRMAN: Opposed?

23 MR. LONG: Won't be no notices at all.

24 THE CHAIRMAN: Four 0. Ayes have it.

25 Dismissed.

1 MR. LONG: Thank you for coming down.

2 THE CHAIRMAN: Next row.

3 MR. POWELL: My name is Steven Powell,  
4 with a V. S-T-E-V-E-N, P-O-W-E-L-L. Cause  
5 Number 2013-6353-8.

6 MS. TAYLOR: On page 9.

7 MS. THOMPSON: This is Mike Powell in the  
8 house. Cause Number 2013-6353-8, proposed  
9 civil penalty of \$400.45. And the committee  
10 is closed.

11 MR. POWELL: This is my first time to ever  
12 run for anything, or participate in politics.

13 THE CHAIRMAN: So how do you like it so  
14 far?

15 MR. POWELL: At times it's overwhelming.  
16 But it was a great educational experience.  
17 I loved running. I really did. Some of the  
18 things, like the financial part of it, is  
19 daunting. I did have a treasurer. She  
20 basically was name only. I ran everything.  
21 I ran on a thousand dollars of my money. I  
22 did not take money from anyone else.

23 MR. LONG: What is the file?

24 MS. TAYLOR: The annual was late, 2012  
25 annual report.

1 THE CHAIRMAN: He says he's never filed.

2 MR. POWELL: No. Ran. Never ran for  
3 office.

4 I did lose in the primary. And I filed  
5 after that. I, in my head, thought I'm done.  
6 So I didn't need to come back at the end of  
7 the year and file a zero.

8 Another thing, in October --

9 MR. LONG: When you filed your one, you  
10 didn't disband your committee? Isn't there a  
11 box on that form?

12 MR. POWELL: I filed the box that said  
13 file.

14 MR. LONG: Let's just take a look.

15 MR. POWELL: Could I give a little more?

16 THE CHAIRMAN: Sure.

17 MR. POWELL: In October, I fell in  
18 Pamplona, Brazil, and broke my tibia. I just  
19 came back from Brazil overnight last night  
20 too. I was pretty much laid up through the  
21 end of January. I'm not able to do anything.  
22 So, as soon as I really was mentally and  
23 physically capable, I did file that last one.

24 THE CHAIRMAN: It's closed now, in  
25 light of the circumstances.

1 MS. TAYLOR: Yes.

2 THE CHAIRMAN: Motion to dismiss.

3 MR. LONG: Aye.

4 MR. DECKARD: Second.

5 Hearing a motion to discuss?

6 Hearing none, all dismissed.

7 Four 0. Ayes have it.

8 Thank you very much.

9 Next row.

10 MR. BAYES: Michael Bayes, B-A-Y-E-S.

11 Appearing on behalf of Geo Group, Cause

12 Number 13-157.

13 MS. THOMPSON: That's your green tab in  
14 the back.

15 MR. LONG: First one.

16 MR. BAYES: I'm here on behalf of Geo  
17 Group. And this is Mr. Fred Surely from Geo  
18 Group. Maybe we should have a chat.

19 From Frost Brown Todd. Maybe we should  
20 have a chat.

21 MR. BERKOWITZ: Good afternoon. My name  
22 is Paul Berkowitz, B-E-R-K-O-W-I-T-Z. I'm  
23 here on behalf of Laborers' Local 81 Political  
24 Fund, Cause Number 2013-6464-118.

25 MS. TAYLOR: On page 66.

1 MS. THOMPSON: Laborers' Local 81  
2 Political Fund, Cause Number 2013-6464-118,  
3 has proposed civil penalty of \$1,000.45.

4 MR. BERKOWITZ: Requesting a dismissal, or  
5 at least a reduction for proposed civil  
6 penalty. We had a disconnect. Early someone  
7 filed. Opened up the account for \$100.00.  
8 The other group, the other individuals  
9 involved, did not know the account was being  
10 opened. There was no transactions, no  
11 spending, no collection, other than the  
12 \$100.00 placed into the bank account.  
13 So they are asking for a dismissal.

14 MR. LONG: Could I see the --

15 The gentleman that signed the statement of  
16 organization, do I understand what you said  
17 this person did this, unbeknownst to the rest  
18 of the folks?

19 MR. BERKOWITZ: They were proposing to  
20 submit and create a PAC fund. But they did  
21 not realize that someone had gone ahead and  
22 done it. In other words, someone wrote a  
23 check, without the other side realizing that  
24 it was being done. And because there was no  
25 transactions, they felt there was no need to

1 file.

2 MR. LONG: But there was a PAC filed.

3 MR. BERKOWITZ: Yeah.

4 MR. LONG: That's what you're saying, the  
5 organizational folks didn't know what  
6 happened?

7 MR. BERKOWITZ: The secretary was given  
8 all the paperwork with the check, and she went  
9 ahead and did it.

10 THE CHAIRMAN: Entertain a motion.

11 MR. LONG: I'll move to dismiss this one.

12 THE CHAIRMAN: Hear a motion to dismiss.  
13 Do I hear a second?

14 MR. LONG: Is it closed now? Or do you  
15 want this committee?

16 MR. BERKOWITZ: They do want the  
17 committee.

18 MR. LONG: Are they current in their file?

19 MS. THOMPSON: Yes.

20 MR. BERKOWITZ: Thank you very much.  
21 Have a good evening.

22 MR. LONG: We haven't voted yet.

23 I should have asked those questions before  
24 I make a motion.

25 MR. BENNETT: So someone else opened this

1 account?

2 MR. BERKOWITZ: Not someone. It was a  
3 group of people. The second opened it up.  
4 He was too efficient is what we're saying.

5 MR. BENNETT: Chairman, you understand has  
6 to be a four or above.

7 MR. BERKOWITZ: I understand that.

8 MR. BENNETT: It seems like 50 percent  
9 penalty would be appropriate.

10 MR. LONG: Procedurally vote and see where  
11 we are.

12 THE CHAIRMAN: There is a motion on the  
13 floor on the second for making the fine. All  
14 in favor indicate by saying aye.

15 MR. KING: Aye.

16 THE CHAIRMAN: Opposed?

17 MR. BENNETT: When you say abatement, make  
18 the fine?

19 THE CHAIRMAN: Four 0. Ayes have it.

20 MR. BERKOWITZ: So the decision is to  
21 waive.

22 THE CHAIRMAN: Yes, the entire amount.

23 MR. BERKOWITZ: Thank you very much. Have  
24 a good weekend.

25 MS. TAYLOR: Page 16.

1 MS. THOMPSON: This is Friends of Dave  
2 Nicholson 2013-587-22.

3 Has proposed civil penalty of \$350.45.  
4 And this committee is closed.

5 MR. LONG: Annual report late, right?

6 MS. THOMPSON: Yes.

7 MR. NICHOLSON: For whatever reason, I had  
8 in mind it was due on the 23rd, and not the  
9 16th. And I noticed it on Friday evening,  
10 after the deadline, when I started to put this  
11 stuff together to file on Monday. And I was  
12 hoping that, considering that this committee  
13 is closed, we have not been active for a few  
14 years. We've raised no money, spent no money,  
15 had no cash in the bank. And, considering the  
16 age of the committee, I believe this was my  
17 third time of filing late, but the committee  
18 is about 40 years old. So I was hoping you  
19 would take pity on the old politician.

20 THE CHAIRMAN: Second?

21 MS. THOMPSON: No. This is your first.

22 MR. LONG: Normally we put both of them in  
23 there.

24 MS. TAYLOR: This is the first.

25 MR. NICHOLSON: Hey, I'm getting older.

1 It's Alzheimer's.

2 MR. LONG: Give him the benefit of giving  
3 the first, and reduce the penalty of the 25  
4 percent. That's what we would give a first  
5 violation.

6 THE CHAIRMAN: Motion on the floor to  
7 reduce 25 percent.

8 MR. BENNETT: Second.

9 THE CHAIRMAN: Any discussion?  
10 All members indicate by saying aye. All  
11 opposed?

12 Four 0. Ayes have it. Twenty-five  
13 percent.

14 Come on up, sir.

15 MR. ONOCHIE: On the case number here is  
16 12-128.

17 THE CHAIRMAN: Your name?

18 MR. ONOCHIE: Henry Onochie.

19 MS. THOMPSON: Your blue tab in the back.

20 THE CHAIRMAN: Can you spell your name.

21 MR. ONOCHIE: Henry, H-E-N-R-Y. Last name  
22 O-N-O-C-H-I-E.

23 MR. LONG: Blue tab.

24 MS. THOMPSON: HCO, Incorporated, Cause  
25 Number 12-128. This committee was tabled from

1 the last meeting, because you wanted to see  
2 the report of Hoosiers for Indiana. And  
3 behind the blue tab there is the report.

4 MR. LONG: Okay. What's the nature of  
5 the --

6 MS. THOMPSON: This one --

7 THE CHAIRMAN: Tell us about this.

8 MS. THOMPSON: This one was a failure to  
9 designate corporate contribution.

10 MR. LONG: HCO --

11 MS. THOMPSON: Yes.

12 MR. LONG: It's behind the finance report.  
13 I'm not for sure. Explain to me what the  
14 violation is.

15 MR. ONOCHIE: You mean me?

16 MR. LONG: The staff -- I'm sorry.

17 THE CHAIRMAN: During 2010 HCO, Inc.  
18 contributed 17,000 dollars to Hoosiers for  
19 Indiana.

20 MS. THOMPSON: Also, behind there, if you  
21 want to go back further, there's a letter,  
22 from Hoosiers of Indiana, that could explain  
23 what's happened, and where the money went, and  
24 what was left. I know it was a long time ago.

25 THE CHAIRMAN: I think there's a procedure

1           how people give testimony here, right?

2           MS. THOMPSON: He was the chairman of the  
3 treasurer of the PAC, Hoosiers for Indiana.

4           MR. BENNETT: Block and a half away from  
5 here.

6           MR. LONG: As I understand, we have an  
7 excess contribution of \$9400? I've got to go  
8 back. I know we have this one before. I just  
9 don't remember. At the time it --

10          MS. TAYLOR: At the time it made sense.  
11 At the time you wanted to table this, because  
12 you wanted to see that the money was returned  
13 to HCO, that was left over of the \$1600,  
14 and also see how the money was spent, because  
15 they did not give us a listing designating  
16 their contributions.

17          MR. LONG: Have they done that  
18 satisfactorily to the staff now? I don't see  
19 \$17,000 in contributions.

20          MS. OVERHOLT: Keep going to the back.

21          MS. THOMPSON: From the very first audit.

22          MS. OVERHOLT: This report, this schedule,  
23 in the back, for the yellow tab, is this one  
24 that the committee submitted?

25          MS. THOMPSON: No. No. This was polled

1 from the PAC report.

2 MR. LONG: We've got \$9,000, 8,000 in the  
3 last page, correct?

4 MS. THOMPSON: Yes. On 2010. And then  
5 the page before that, also in 2010, we got 9  
6 more thousand. That's the 17,000.

7 MS. THOMPSON: Correct.

8 MS. BARNES: Mr. Chairman, I think this is  
9 Mr. Onochie's first time.

10 Have you been before the Commission  
11 before?

12 MR. ONOCHIE: I was here.

13 MS. TAYLOR: On this cause.

14 MR. BENNETT: Is there any reason why  
15 Lacy Johnson is not here to help explain this?

16 MR. ONOCHIE: I'm not in to political. I  
17 was told to come over here and explain myself.  
18 That's what I did. The last time I was here

19 --

20 MS. BARNES: That's Attorney Lacy Johnson.

21 MR. ONOCHIE: Yes. Lacy Johnson came to  
22 represent me. Today he called me and asked me  
23 to represent him. I have to pay him. I said  
24 I don't have to pay him to have a counselor  
25 with me. I said I'll come over here myself

1 and explain to you what happened, and how all  
2 this mess was created. This is very shocking  
3 to me. Completely shocking to me. I would  
4 like to have a time to explain.

5 THE CHAIRMAN: I think we got a pretty  
6 clear picture.

7 MR. LONG: I assume somebody solicited  
8 funds from you.

9 MR. ONOCHIE: Yes. I am a president of  
10 HCO, Inc. I design churches around the  
11 country. That's what I do. Ninety percent of  
12 my work is outside of Indiana. What I do is  
13 design churches. And I make good money doing  
14 that. Lacy come to me and asked me I need to  
15 contribute to the community, because I cannot  
16 make all this money and not contribute. I  
17 contributed to my churches, churches around  
18 the country. I said fine, you know.

19 So everyone -- I said, look, I'm going to,  
20 you know, contribute money to the PAC. I  
21 have no idea how the PAC works. I know I had  
22 one of my ladies who work in my office, Stacy  
23 Collett. I gave her money every month to  
24 give. To me that was my way of contributing  
25 to the community, nothing more than that.

1           When I got the letter that I had violated  
2           the commission, I had no clue what was going  
3           on. At one point, you know, Stacy told me I  
4           had to have about \$22,000 of corporate  
5           contribution limit in the year. So we were  
6           thinking that we were under \$20,000. I have  
7           nothing to give whatsoever.

8           MS. OVERHOLT: Thank you.

9           THE CHAIRMAN: Hearing closed.

10          MR. LONG: I'm going to make a motion to  
11          reduce this substantially. But it would have  
12          been more meaningful if Mr. Johnson chose to  
13          come over here and explain this directly.  
14          I would move to reduce the penalty to 10  
15          percent of the proposed. Reduce it to  
16          \$3400. Plus any other costs that would be  
17          attributable.

18          THE CHAIRMAN: Motion on the floor to  
19          reduce the fine to 10 percent of the 34,000  
20          to 3400.

21          MR. LONG: Yes.

22          THE CHAIRMAN: Do I hear a second, for  
23          discussion purposes?

24          MR. BENNETT: I'll second for discussion  
25          purposes.

1 THE CHAIRMAN: Discussion.

2 MR. BENNETT: Has the Hoosiers committee  
3 been before this commission?

4 THE CHAIRMAN: It's going to be hard to  
5 tell.

6 MS. THOMPSON: I don't. But I know that  
7 committee is closed now.

8 THE CHAIRMAN: So Hoosiers for Indiana is  
9 closed now.

10 MS. THOMPSON: Yes.

11 MS. OVERHOLT: I just want to ask a  
12 question. Did they repay the excess?

13 MS. THOMPSON: That was in the report.

14 MR. ONOCHIE: They refunded me a  
15 check of about a thousand something.

16 MR. LONG: How much?

17 MR. ONOCHIE: I think he said \$1,600.  
18 I didn't know how they should present it.

19 MS. THOMPSON: That's what's on the  
20 report.

21 MR. ONOCHIE: The last time I asked if  
22 this could be waived, I had no idea what I was  
23 doing.

24 MR. LONG: I would switch my motion and  
25 change the motion.

1 THE CHAIRMAN: Do you withdraw your second  
2 motion?

3 MR. LONG: The motion I would make, in  
4 lieu thereof. Still, with the same caveat he  
5 got \$1600 back, I would move to reduce the  
6 fine to \$1600.

7 THE CHAIRMAN: Hearing motion to reduce  
8 the fine to 1600. Do I hear a second?  
9 Second for discussion purposes?

10 MS. OVERHOLT: I'll second.

11 THE CHAIRMAN: Second for discussion.  
12 I understand that you thought you were giving  
13 to the community, and that you were unfamiliar  
14 with the rules. Our, at least my thanks.  
15 Fellow, the Lacy Johnson, I am surprised he is  
16 not here to help you work through this.  
17 And I am disappointed that we have an  
18 attorney, that's practicing with a major firm,  
19 that would send you down here to do this on  
20 your own. Very disappointing, in light of  
21 your willingness to help him with his efforts.  
22 I think that that's a very, very unfortunate  
23 circumstance.

24 MR. BENNETT: I agree with all that.

25 MS. OVERHOLT: I have a question. This is

1 my newness to the Commission. This is a legal  
2 question. So when there's an excess, excess  
3 contributions like this, so the burden is on  
4 both the contributing entity and the  
5 committee?

6 MR. LONG: The donor is in violation.

7 MS. BARNES: Mr. Chair, may I help answer  
8 the Commissioner's question?

9 THE CHAIRMAN: Yes.

10 MS. BARNES: Leslie Barnes, co-counsel for  
11 the Indiana Election Division.

12 Commissioner Overholt, it is not  
13 necessarily an excessive contribution,  
14 provided that the corporation, who makes the  
15 donation, earmark and designate the  
16 contributions to the permitted individuals.  
17 And so a corporation can give up to 22,000,  
18 provided that they give no more than 5,000.  
19 They earmark it 5,000 to a statewide, and so  
20 on, down the contribution list.

21 So I think what we are -- our Division has  
22 filed allegations against Mr. Onochie for not  
23 an excessive contribution, but failure to  
24 designate the contributions, as required by

25 --

1 MS. OVERHOLT: 3924 is where it lists the  
2 dollar amount.

3 MS. BARNES: 3924 lists the contribution  
4 amounts. And 3925 says, "The corporation or  
5 label organization may make a contribution to  
6 a PAC, that does not exceed the limits,  
7 provided they designate it for dispersement,  
8 according to the limits."

9 So what we had hoped Mr. Onochie might do  
10 is provide designations. But, perhaps, you  
11 know, Mr. Johnson, you know, did not explain  
12 that to his contributor.

13 MS. OVERHOLT: In 3925 subparagraph B,  
14 talks about the donations to cover any amount  
15 of administrative costs to a political  
16 committee. And those aren't considered a  
17 contribution, or expenditure, by the labor  
18 organization?

19 MS. BARNES: We would need PAC, or someone  
20 to tell us that those costs were  
21 administrative costs.

22 THE CHAIRMAN: And didn't show up.

23 MR. BENNETT: Pending motion.

24 THE CHAIRMAN: Pending motion to reduce  
25 the fine to \$1600 in this cause of action.

1 All indicate by saying aye.

2 MEMBERS: Aye.

3 THE CHAIRMAN: Opposed?

4 Four 0. The ayes have it. \$1600.

5 MR. ONOCHIE: Thank you very much.

6 THE CHAIRMAN: You are only out what you  
7 intended to pay.

8 MR. ONOCHIE: Thank you again.

9 THE CHAIRMAN: Go forth and build  
10 churches.

11 MR. ONOCHIE: I will do that.

12 MS. TAYLOR: Page 37.

13 MS. THOMPSON: Robin Shackelford.

14 R-O-B-I-N S-H-A-C-K-L-E-F-O-R-D. Cause Number  
15 20130-5964-62.

16 MS. TAYLOR: Page 37.

17 MS. THOMPSON: Shackelford for Senate,  
18 Cause Number 2013-5964-62. Has a proposed  
19 civil penalty of \$1,000.45. And the committee  
20 is closed.

21 MS. SHACKLEFORD: I was under the  
22 assumption that this committee was  
23 actually closed back in 2012, in January.  
24 I had contacted the office to make sure I  
25 properly closed the committee. And I was told

1       that I needed to just go to the bank, and  
2       close it out there. And, also, on January the  
3       17th, the staff person informed me -- I do all  
4       my filings online. So they told me that they  
5       would reset my user name and password,  
6       because I was also opening up a House  
7       committee. So she reset my password and user  
8       name, and what that did was it closed my  
9       Senate committee, so I no longer had access to  
10      that committee, and it set up my new House  
11      committee. And she gave me a new user name  
12      and password. And I actually still have that  
13      email, from January 17th of 2012. So when  
14      that was reset, or changed, I no longer had  
15      access to my Shackleford for Senate account.  
16      And I thought it was closed out. And I also  
17      have the documentations from my big account  
18      that closed that account on the 23rd and  
19      opened up my House account.

20             MR. LONG: 23rd of?

21             MS. SHACKLEFORD: December.

22             MR. LONG: Of '12?

23             MS. SHACKLEFORD: Of '11. And then the  
24      bank officially closed it on January 10. And  
25      I have that too. That was the closing date.

1           They left it open about a week later, all the  
2           checks to clear out.

3           MR. LONG: The committee is closed.

4           MS. THOMPSON: Closed.

5           THE CHAIRMAN: You understand that the  
6           proper procedure for closing now is filing  
7           with the office, right?

8           MS. SHACKLEFORD: Yes.

9           THE CHAIRMAN: With that in mind, a  
10          motion?

11          MR. LONG: I move to suspend the entire  
12          fine, and mailing cost. I hate to send her a  
13          letter for 45 cents.

14          MS. SHACKLEFORD: Thank you.

15          THE CHAIRMAN: Motion to suspend the fine  
16          and dismiss the case? All in favor indicate  
17          by saying aye.

18          MEMBERS: Aye.

19          THE CHAIRMAN: All opposed?

20          Four 0. Ayes have it.

21          MS. SHACKLEFORD: Thank you.

22          MR. MARTIN: Good afternoon. My name is  
23          Ron Martin. R-O-N, M-A-R-T-I-N. I have two  
24          Cause Numbers. Educate Zionsville.

25          2013-6441-117.

1 MS. TAYLOR: On page 50. And 65.

2 MS. THOMPSON: This is Educate Zionsville.  
3 Cause Number 2013-6441-89. Has a proposed  
4 civil penalty of \$150.45.

5 The other one is Cause Number  
6 2013-6441-117, with a proposed civil penalty  
7 of \$345.45.

8 MR. MARTIN: This is a political action  
9 committee that was formed in June of 2012.  
10 And between that day, and October 12th, which  
11 was the cutoff of the next financial report,  
12 we had no financial transactions. I'm aware  
13 of the financial reporting rules. I'm also  
14 aware that reports are due when a PAC makes a  
15 contribution, or an expenditure to enclose  
16 an Indiana election. Since we did not have  
17 any transactions, I did not file a report.  
18 I received notice from the Election Division,  
19 within a couple days after that, that there's  
20 a pending penalty of \$300.

21 At the time I questioned this requirement,  
22 we had no transaction. But I was told to  
23 complete a report with all zeros. So I  
24 immediately did that, and faxed it the  
25 Election Division, on October the 24th.

1           In November, we did have \$600 of  
2           contributions, and \$581 of expenditures.  
3           And, when we got to the annual report cutoff,  
4           I prepared that report. I filed it. Went to  
5           my home county. And it was file stamped on  
6           January 15, by Boone Circuit Court, one day  
7           before the filing deadline. I received  
8           another letter on that report that it was  
9           delinquent. Again I called and found out that  
10          I can't file in my home county. It has to be  
11          filed in Marion County. So I immediately  
12          faxed a copy of that report to the Election  
13          Division on -- I think it was January the  
14          18th. January the 18th is when I filed that  
15          report. And that report had the file stamp  
16          from Boone, showing that it was filed  
17          originally with them, one day before the  
18          deadline.

19                 So, in the first case, there were no  
20          transactions to report. And the second  
21          case, I thought I reported it properly, and  
22          filed it on time, not knowing that Boone  
23          County wouldn't accept my report. They did  
24          accept it, but it's the wrong place. I've  
25          been treasurer for two other similar

1 organizations, and they always filed those in  
2 Boone County, as was supposed to.

3 MR. LONG: Legal question. The question  
4 of the filing of the first one, if there are  
5 no transactions, is it still required? My  
6 understanding, the way he's interpreted that  
7 and stated, shall file when they have  
8 expenditures, or contributions, or receipts.  
9 I thought that you file whenever you organize.

10 MS. BARNES: Yes. Mr. Chairman and Vice  
11 Chairman Long, 395, which talks about when  
12 reports are due, the reports are due  
13 regardless of whether contributions and  
14 expenditures are made. But, once the  
15 committee is open, then the filing deadlines  
16 apply to a committee.

17 MR. LONG: And this was organized and  
18 filed as a PAC with the State.

19 MS. THOMPSON: Correct.

20 MR. BENNETT: Question for the witness.

21 THE CHAIRMAN: Certainly.

22 MR. BENNETT: Were you the person that  
23 filed the papers with the State to organize  
24 the committee?

25 MR. MARTIN: No, I was not. The chairman

1 did that. I'm the treasurer.

2 MR. BENNETT: Had you ever filed any  
3 papers with the State?

4 MR. MARTIN: Never. The two other  
5 committees, I've been associated with in the  
6 past eight years, were both in Boone County.  
7 And that's the only mechanism I knew on how to  
8 file reports. The intent was obviously not to  
9 disclose the transaction, because there were  
10 none.

11 THE CHAIRMAN: Hearing is closed.

12 MR. LONG: On the 117 case, this is a  
13 combined motion would be to dismiss it, for  
14 the reason that he has clearly filed timely in  
15 Boone County. And intent, the other one, it's  
16 created as a first offense on 25 percent or 75  
17 percent reduction, 25 percent fine.

18 MR. BENNETT: I'll second that motion.

19 THE CHAIRMAN: Hearing motion to second?  
20 Any discussion?

21 All in favor of the motion indicate by  
22 saying aye.

23 MEMBERS: Aye.

24 THE CHAIRMAN: Opposed?

25 Four 0.

1 Center Properties.

2 MR. MARTIN: That's where I work.

3 Jim Singleton and Craig Johnson.

4 THE CHAIRMAN: I think Craig Johnson was a  
5 roommate in college.

6 MR. MARTIN: Center College.

7 THE CHAIRMAN: It's the Center.

8 MR. LONG: We had one.

9 Are you with her or --

10 MS. SOLIS: I know, from my  
11 matters they are allowed to be a proxy.

12 MR. DECKARD: We indicated proxy not.

13 MS. SOLIS: I'm sorry?

14 MR. DECKARD: I think there's  
15 determination proxy not needed.

16 MS. SOLIS: I'll defer to whatever  
17 your counsel's view is.

18 Brittany Solis. I'm here on two  
19 committees. B-R-I-T-T-A-N-Y S-O-L-I-S.  
20 The first committee is Cause Number  
21 2013-6144-109, Indiana Democrats for Life.

22 MS. TAYLOR: Page 62.

23 MS. THOMPSON: This is Indiana Democrats  
24 for Life, Cause Number 2013-6144-109. Has a  
25 proposed civil penalty of \$400.45. And that

1 committee is closed.

2 THE CHAIRMAN: Okay.

3 MS. SOLIS: Thank you, Mr. Chairman.

4 The Indiana Democrats for Life believe that  
5 they have filled all obligations to the  
6 election commission. The committee actually  
7 had no activity for the 2012 election cycle,  
8 and, as such, failed to file a 2012  
9 preelection report. The committee has been  
10 closed, as we stated. And the committee  
11 apologizes to the commission for the error.

12 THE CHAIRMAN: Okay. Hearing closed.

13 I would make a motion to remove the fine  
14 and dismiss the case. All in favor?

15 MR. LONG: I'll second that.

16 THE CHAIRMAN: Second for discussion?  
17 Hearing none. All in favor indicate by  
18 saying aye.

19 MEMBERS: Aye.

20 THE CHAIRMAN:

21 Four 0. Ayes have it.

22 MS. SOLIS: The second committee is Cause  
23 Number 2013-4313-142. It is the Committee to  
24 elect Linda Lawson.

25 MS. TAYLOR: On page 87.

1 MS. THOMPSON: Committee to elect Linda  
2 Lawson, Cause Number 2013-4313-142. This is  
3 for a large contribution, as a proposed  
4 civil penalty of \$1,000.45.

5 THE CHAIRMAN: Why did Linda not report  
6 her large contribution?

7 MS. SOLIS: She missed that one. She did  
8 file three supplemental reports, in 2012.  
9 She did miss that one contribution. The  
10 contribution was for \$1,000. The contribution  
11 was reported on the annual report. And since  
12 the committee hasn't received a notice in over  
13 ten years, we're asking for leniency.

14 THE CHAIRMAN: Any questions of the  
15 witness?

16 Hearing none.

17 Hearing's closed.

18 MR. LONG: That is an interesting argument  
19 with 2000 how it was the last violation.

20 MS. SOLIS: I believe so, yes, sir.

21 MR. LONG: I would move to give some  
22 leniency to reduce it, because of the 13 years  
23 hiatus, for issues that we give her the 50  
24 percent, as opposed to the 75.

25 MR. BENNETT: Second.

1 THE CHAIRMAN: Hearing a second to the  
2 motion, any discussion motion on the floor  
3 with the penalty 50 percent, plus penalty  
4 cost, rather than the 75 percent that would  
5 have been available.

6 MR. LONG: Yeah. That's it.

7 THE CHAIRMAN: Any discussion? Hearing  
8 none, all in favor to reduce the penalty to 50  
9 to 75 percent, say aye.

10 MEMBERS: Aye.

11 THE CHAIRMAN: Opposed?

12 Four 0. The ayes have it.

13 Thank you.

14 MR. LONG: See ya.

15 MR. BROWN: Kevin Brown. K-E-V-I-N,  
16 B-R-O-W-N. Representing the Committee to  
17 elect Kevin Brown as Superintendent Public  
18 Instruction.

19 MR. LONG: Cause Number?

20 MR. BROWN: Four cause numbers:  
21 213-5804-54-129-126-122.

22 THE CHAIRMAN: Thank you, sir.

23 MS. THOMPSON: Mr. Chairman, the first one  
24 is on page 33. The Committee to elect Kevin  
25 Brown as Indiana Superintendent of Public,

1 Cause Number 2013-5804-54, with the proposed  
2 civil penalty of \$1,000.45.

3 Page 70, Cause Number 2013-5804-122,  
4 with a proposed civil penalty of \$1,000.45.

5 MS. TAYLOR: Page 73.

6 MS. THOMPSON: Cause Number  
7 2013-5804-126, with civil penalty of  
8 \$1,000.45.

9 And 75, Cause Number 2013-5804-129, has  
10 a civil penalty of \$1,000.45.

11 This committee is also on our list to be  
12 administratively dissolved, because they  
13 haven't filed any reports in the past three  
14 years. And the committee has less than a  
15 thousand dollars on the reports. So it was  
16 also --

17 THE CHAIRMAN: Had zero on the reports.

18 MS. THOMPSON: Zero, I don't know.

19 THE CHAIRMAN: At least that's what I  
20 read.

21 MS. THOMPSON: We were in that process  
22 with this committee, as well.

23 MR. LONG: You've got your -- your filing,  
24 it shows, in 2010, final disband committee  
25 report.

1 MS. THOMPSON: That is correct, Vice  
2 Chair. It was filed on paper, and it needed  
3 to be filed electronically. He was a  
4 statewide candidate.

5 MR. BROWN: Mr. Chairman, in accordance  
6 with the 2010 campaign manual, I included that  
7 in the PAC I gave you. It stated that it  
8 could be filed at the county level, for  
9 disbandment.

10 If you look at the second page of the  
11 CFA4, I disbanded the committee. But on the  
12 State, there was no area underneath, type of  
13 report, to disband it.

14 MR. LONG: I'm satisfied by legal  
15 disbanded in 2010. That's what he said he  
16 was.

17 THE CHAIRMAN: I would entertain a motion.

18 MR. LONG: All of the violations -- may I  
19 ask a question?

20 THE CHAIRMAN: Sure.

21 MR. LONG: All of the violations that  
22 are here would have accrued subsequent to  
23 2010.

24 MS. THOMPSON: Yeah.

25 MR. LONG: I move to dismiss all of them.

1 THE CHAIRMAN: Motion on the floor to  
2 dismiss all of the fines, Kevin Brown's  
3 committee.

4 Do I hear a second?

5 Do I hear a second?

6 Second for discussion?

7 Motion fails for lack of a second.

8 Any other motions?

9 Any other motions for reduction of fine?

10 Hearing none, fine stands, sir.

11 THE CHAIRMAN: Is there a motion to impose  
12 the fine then?

13 MR. BENNETT: I'll move to impose the  
14 fine.

15 THE CHAIRMAN: Hearing a motion to impose  
16 the fine. Is there a second?

17 MS. OVERHOLT: I'm sorry. To clarify, was  
18 the fine a thousand dollars or a cumulative?

19 MR. LONG: 4,000.

20 THE CHAIRMAN: Yeah.

21 I was hoping for a second for discussion,  
22 because he obviously come to disband this  
23 thing in 2010.

24 MS. OVERHOLT: I'll second it for a motion  
25 for discussion, if you want.

1 THE CHAIRMAN: We have discussion.

2 For me, he followed what he believed to be  
3 the rules. He was incorrect, granted.  
4 But he did send the letter. And all of these  
5 fines did accrue after he sent the letter.

6 MR. LONG: Statewide candidates have to  
7 file electronically? That's worse than the  
8 IRS.

9 THE CHAIRMAN: I don't know. I think the  
10 IRS has hit new lows recently.

11 Lois Lerner and I have had many heated  
12 conversations over the years.

13 MR. BROWN: So do I still have my five  
14 minutes to speak?

15 THE CHAIRMAN: No. We closed the hearing,  
16 but we're working on it.

17 We have a second for the motion with that.

18 MR. BENNETT: Could I move to amend my  
19 motion?

20 THE CHAIRMAN: Call for a vote. All in  
21 favor of motion, indicate by saying aye.

22 All opposed say nay.

23 THE CHAIRMAN: Procedurally, we're at a  
24 deadlock, and that means there is no fine  
25 associated with you, sir, as we could not

1 reach an agreement.

2 MR. BROWN: Does that mean that all the  
3 fines that were accrued before 2009  
4 additionally are dropped?

5 THE CHAIRMAN: No. Just the fines after  
6 you did this.

7 MR. BROWN: Well, everything that I did  
8 after that, when I spoke to Abby Taylor,  
9 there were fines for 2010, 2011, also.

10 THE CHAIRMAN: Well, those are the fines  
11 that are dropped.

12 What are the fines for before 2000 --  
13 before this.

14 MR. LONG: You got some referring to the  
15 Attorney General.

16 THE CHAIRMAN: Yeah. Those are referred  
17 to the Attorney General. At this point we  
18 can't do anything with those.

19 MR. BROWN: But those --

20 THE CHAIRMAN: We are giving you relief --

21 MR. BROWN: Okay.

22 THE CHAIRMAN: -- for the fines after this  
23 day. Anything that has been referred to the  
24 Attorney General for collection --

25 MR. BROWN: Is after that date.

1 THE CHAIRMAN: No, is prior to.

2 MR. BROWN: No, it is after that day.

3 THE CHAIRMAN: You know what, I'm not  
4 going to have the discussion here. Work it  
5 out with them. Our ruling is that anytime  
6 prior to this, you got to pay. Anything after  
7 this, you don't have to pay.

8 MR. LONG: The four cases that are before  
9 us, he didn't have to pay anything. That's  
10 all we decided today.

11 MR. BROWN: Thank you.

12 THE CHAIRMAN: From this point going  
13 forward.

14 MR. BROWN: Thank you.

15 THE CHAIRMAN: Next, please.

16 MS. RIORDAN: I am Sarah Riordan, from the  
17 law firm of Frost Brown Todd. I'm here on  
18 behalf of United Healthcare, Cause Number  
19 13-156. It's excess contribution.

20 MS. THOMPSON: That would be your yellow  
21 tab.

22 This is United Healthcare, Cause 13-156.  
23 Contributed to Mike Pence for Indiana, for  
24 amount of \$10,000. Mike Pence for Indiana  
25 refunded 5,000. And this committee also self

1 reported.

2 MS. OVERHOLT: Mr. Chairman, if I might,  
3 before we get started on this. Ms. Riordan  
4 has suggested that I might have a conflict in  
5 this, I believe on the basis that she and my  
6 husband are partners at the same law firm.  
7 I do not believe that I have a conflict.  
8 To my knowledge, he is not involved in these  
9 cases. I don't discuss cases with him. And I  
10 don't think that mere facts that I am married  
11 to a partner in that firm, under the OPA  
12 regulations would render me to have a  
13 conflict, and to be disqualified.

14 THE CHAIRMAN: I'd ask counsel for their  
15 opinion.

16 MS. OVERHOLT: Thank you.

17 MS. BARNES: Commissioner Overholt and I,  
18 we went through the OPA procedures together.  
19 There are several sections on  
20 disqualification. One deals with any  
21 knowledge, in advance of the cases, that would  
22 lead an Administrative Law Judge to be  
23 disqualified. Another would deal with if she  
24 has practiced, you know, with attorneys. And  
25 those are both found in 4-21.5-3-10 and

1 4-21.5-3-12, if she is involved in frequent  
2 financial or business dealings, with attorneys  
3 who are likely to come before her.  
4 She's prepared, you know, to disclose, and she  
5 has just disclosed her husband's relationship  
6 to Ms. Riordan. And I think at this time, if  
7 there's a party that has an objection, they  
8 can certainly raise that objection at this  
9 point.

10 THE CHAIRMAN: If there was an objection  
11 to be raised, even it would have to be  
12 raised, yeah, prior to the hearing. You did  
13 not raise the objection -- I'm not a judge,  
14 but will --

15 MS. BARNES: I think it can be raised at  
16 the hearing.

17 THE CHAIRMAN: At the hearing but --

18 MR. LONG: Is there someone objecting?

19 MS. BARNES: Are you objecting?

20 MS. RIORDAN: No. I simply wanted to  
21 bring it to the attention of Commissioner  
22 Overholt, if she felt it's necessary to have a  
23 proxy, and full disclosure to the Commission,  
24 and also have full disclosure to the public.

25 THE CHAIRMAN: Very good.

1 MS. RIORDAN: May I proceed?

2 THE CHAIRMAN: You may.

3 MS. RIORDAN: My client is United Health  
4 Services. Again, as I mentioned, Cause Number  
5 156. For 2011, United Health Services  
6 exceeded the corporate contributions  
7 limitation for the year 2011 by \$5,000.  
8 They gave \$5,000 to the Pence campaign, in  
9 December of 2011. But the corporation had  
10 previously contributed to a PAC, during the  
11 same year, with contributions that were  
12 intended for the Pence campaign.

13 The second contribution, made in December  
14 of 2011, exceeded the \$5,000 corporate limit.  
15 My client discovered the error, and took  
16 immediate corrective action. They requested  
17 and obtained a refund from the Pence campaign,  
18 and reported the error to the Election  
19 Division, and, additionally, instituted new  
20 steps to ensure that they crosscheck all of  
21 their PAC contributions, with direct  
22 contributions, so as to not have an  
23 inadvertent error like this occur in the  
24 future.

25 They've had no previous appearances before

1 the Commission. They had no intent to exceed  
2 the limits. They have promptly corrected it  
3 and self reported it. I have a few pieces of  
4 correspondence. I'll give to Mr. Simmons, and  
5 also provide to members of the Commission that  
6 will demonstrate self reporting, and give the  
7 checks involved by the Pence campaign.

8 THE CHAIRMAN: What was the date of the  
9 original contribution?

10 MS. RIORDAN: December of 2011.

11 MR. LONG: So October 2011, December  
12 2011.

13 MS. RIORDAN: Yes. If I'm incorrect --  
14 let me know. But I think that the  
15 contribution that went over the limit was the  
16 contribution made in December of 2011.  
17 Because they had previously made  
18 contributions.

19 THE CHAIRMAN: Contribution to a PAC, and  
20 the PAC turned around and made the  
21 contribution to the campaign. And they  
22 subsequently gave a direct contribution. As  
23 soon as it was found out, they turned around  
24 and got money back.

25 MS. RIORDAN: That's right.

1 MR. LONG: October '11 they made a  
2 contribution to a PAC.

3 MS. RIORDAN: I think that's accurate.

4 MS. THOMPSON: That's the way the  
5 letter --

6 MR. LONG: December of '11 it was to Pence  
7 campaign.

8 MS. RIORDAN: Directly to the Pence  
9 campaign, yes.

10 MR. LONG: That's the one that you said  
11 they discovered, self reported, got the  
12 contribution and got it back. Correct?

13 MS. RIORDAN: Yes, sir.

14 MR. LONG: Am I summarizing that?

15 MS. RIORDAN: Yes.

16 THE CHAIRMAN: Hearing closed?

17 MR. LONG: I would move that the Cause  
18 Number 12-156, for the reasons clearly that  
19 it was inadvertently, found it themselves.  
20 They reported it, fixed it. I move to dismiss  
21 it.

22 MR. BENNETT: Second.

23 THE CHAIRMAN: Frankly, this is the sort  
24 of violation that we would never see, because  
25 of the contract to the PAC, the intermediary.

1 So the fact that they went out of their way to  
2 self report it, correct the situation, means a  
3 lot to me.

4 So, with that in mind, anymore  
5 discussion?

6 Hearing none, all in favor?

7 Motion to dismiss, to remove the findings,  
8 dismiss the case indicate by saying aye.

9 MEMBERS: Aye.

10 THE CHAIRMAN: Four 0. Ayes have it.

11 MS. RIORDAN: Thank you, Mr. Chairman.

12 MR. LONG: Thank your client for handling  
13 it the way they did. It was most efficient.  
14 And you presented it well.

15 MS. RIORDAN: I have two more matters.  
16 May I proceed.

17 THE CHAIRMAN: I certainly hope you didn't  
18 start with your best one. The bar is set very  
19 high.

20 MS. RIORDAN: Next one is Geo Group, Cause  
21 Number 157.

22 MS. THOMPSON: That would be your green  
23 tab. This is the Geo Group, Cause 13-157,  
24 contributed to Mike Pence for Indiana, for  
25 total of \$2500, Indiana refund Geo Group,

1           \$2500. And this is also self reported.

2           THE CHAIRMAN: State your case.

3           MS. RIORDAN: Members of the Commission,  
4 my client, Mr. Fred Schuler, from Geo Group,  
5 traveled from Florida. He has not been sworn  
6 in.

7           THE CHAIRMAN: Sir, would you like to  
8 speak?

9           MR. SCHULER: Counsel could speak for me.

10          MS. RIORDAN: This is a similar situation  
11 to the one that we just talked about. The  
12 corporation, Geo Group, made a contribution to  
13 the Pence campaign, in August of 2012, for  
14 \$5,000. And then a few months later, they  
15 actually -- on September 9th -- I'm sorry.  
16 September 18th, 2011, they issued another  
17 corporate check, to the Pence campaign, in the  
18 amount of \$2500.

19          I would bring to your attention -- I'll  
20 provide to you in a moment. Our controller  
21 inadvertently dated that second check November  
22 18, 2012. It was correctly -- the correct  
23 date was September 18th, 2012. On that same  
24 date she realized that she made that  
25 contribution from the wrong account, from the

1 corporate account. She immediately contacted  
2 Pence campaign, and asked for a refund. She  
3 also attempted to stop payment on the check,  
4 so that the contributions wouldn't go forward.  
5 But it was too late. The campaign had already  
6 received it. And by their proceedings they  
7 took it to the bank and already deposited it.

8 THE CHAIRMAN: How very efficient.

9 MS. RIORDAN: They get things done.

10 The Pence campaign immediately returned  
11 the check. And in a letter, dated October  
12 1st, 2012, again, my client self reported to  
13 the Commission in the letter to Ms. Thompson,  
14 dated October 1st, 2012. I will, if I may,  
15 give you a packet of documents. I only have  
16 one copy of the letter, the self-reporting  
17 letter.

18 So, under these circumstances, because of  
19 the quick action to attempt to cancel the  
20 check, and the obtaining of a refund from the  
21 Pence campaign, and the self reporting, Geo  
22 Group would ask that this matter be dismissed.

23 THE CHAIRMAN: Any questions of the  
24 witness or the attorney?

25 Excuse me?

1           Hearing none, the hearing is closed.

2           All entertain a motion.

3           MR. LONG: I would move to dismiss. I  
4 only wish this would happen.

5           THE CHAIRMAN: Move to dismiss.

6           Second?

7           MR. BENNETT: Second.

8           THE CHAIRMAN: Any discussion?

9           Hearing none, all in favor of dismissing  
10 the cause of action and moving say aye.

11          MEMBERS: Aye.

12          THE CHAIRMAN: Opposed nay.

13          Four 0. Ayes have it.

14          MR. LONG: Thank you for handling it.

15          THE CHAIRMAN: Thank for you coming from  
16 Florida.

17          MS. RIORDAN: I actually have two more  
18 matters for the same client. I think they are  
19 the next two numbers in your book, 158 and  
20 159.

21          MR. LONG: Green tab?

22          MS. BARNES: It's the same page as Geo  
23 Group.

24          MR. LONG: Same.

25          MS. THOMPSON: Indiana Home Care

1 Corporation, cause 13-158, contributed to  
2 Dr. Tony Bennett Indiana, and Mike Pence  
3 Indiana for the amount of \$15,000. Mike Pence  
4 from Indiana refunded \$25,000 check. And this  
5 corporation also self reported.

6 THE CHAIRMAN: What was the date?

7 I'm sorry?

8 Whenever you're ready.

9 MS. RIORDAN: I might talk about the  
10 facts of the Cause Number 158 and 159  
11 together, because it involves the same entity,  
12 although there are two corporations. One is  
13 Home Care Corp, and second is Healthcare Corp.

14 Home Care Corp wrote a \$5,000 to Dr.  
15 Bennett's campaign, in February of 2012,  
16 \$5,000 check to the Pence campaign, in  
17 June of 2012, and another check for the Pence  
18 campaign, in August of 2012.

19 The error came to their attention, shortly  
20 thereafter. They requested and received a  
21 refund from the Pence campaign for both of  
22 those \$5,000 corporate checks, that were  
23 written by Home Care Corp. The campaign  
24 promptly refunded them. And they reported the  
25 error, on October 12, 2012, and a letter,

1           which should be contained in your materials.

2           They admit the error. They corrected  
3           the error. They reported the error. And they  
4           have also instituted processes internally to  
5           prevent future error. So, under those  
6           circumstances, we would ask that Cause Number  
7           158 be dismissed.

8           MR. LONG: Since you addressed them both,  
9           159 is the same money, is that not correct?

10          MS. RIORDAN: Well, it's actually a  
11          different corporate entity that wrote the  
12          check. So it's a separate violation for that  
13          corporate entity. The second corporate  
14          entity, Healthcare Corp --

15          THE CHAIRMAN: The same fact pattern.

16          MS. RIORDAN: Same fact pattern.

17          THE CHAIRMAN: I can make a motion on 158  
18          and 159.

19          Hearing closed.

20          MR. LONG: Same reason, dismissed for the  
21          same reason they handled it the way it should  
22          have been.

23          THE CHAIRMAN: We got motion on the floor  
24          to eliminate the penalty, cause of action  
25          13-158 and 13-159. Do I hear a second?

1 MR. BENNETT: I'll second the motion for  
2 both cases.

3 THE CHAIRMAN: Second motion.  
4 For discussion, discussion purposes, do we  
5 have any discussion?

6 Once again, self reporting and doing this  
7 quickly, it doesn't mean that the violation  
8 didn't occur, but it shows the good faith and  
9 intent.

10 MR. LONG: We appreciate it. It goes a  
11 long way with us.

12 MS. RIORDAN: Mr. Lee Marshall from  
13 the company is here, and came to be  
14 accountable. Thank you very much.

15 THE CHAIRMAN: All in favor?

16 MEMBERS: Aye.

17 THE CHAIRMAN: Opposed?

18 Four 0. Ayes have it.

19 MR. LONG: We appreciate that.

20 MS. RIORDAN: Thank you.

21 MR. SUMMITT: They were very good.

22 Scary after that.

23 My name is Steve Summitt. Stephen, P-H,  
24 S-U-M-M-I-T-T. Carter for State  
25 Representative Committee.

1 MS. THOMPSON: Cause Number?

2 MR. SUMMITT: 2013-6025-69.

3 MS. THOMPSON: Page 40. This is Carter  
4 for State Representative Committee,  
5 2013-6025-69, proposed civil penalty of  
6 \$1,000.45. They have not filed this report  
7 yet.

8 MR. SUMMITT: Yes. I'm sorry. I didn't  
9 really know what I was supposed to do. And so  
10 that's when I called and you said to come  
11 here. And so we're just a couple of -- Randy  
12 was a good guy that wanted to run for state  
13 representative. And I told him that I would  
14 help him a few years ago. And so it was just  
15 a couple hundred dollars between us. We made  
16 a few signs, and didn't do very well in the  
17 primaries. And I guess we didn't realize  
18 there was so much more to this than what meets  
19 the eye. I'm really sorry, and...

20 MR. LONG: Have they filed any reports  
21 ever?

22 MS. THOMPSON: I don't think so.

23 MR. SUMMITT: I hadn't spoken with Randy  
24 for a while. I have a P. O. Box. They stuck  
25 it my box. I'm willing to do whatever I need

1 to do top close and --

2 MR. LONG: Table this to our next meeting,  
3 and let staff explain to him how to get  
4 himself squared away. Once they are closed,  
5 it goes a long way. Put this off. You hang  
6 around.

7 THE CHAIRMAN: There's a motion on the  
8 floor, I believe, to table that to the next  
9 meeting.

10 Do I have a second?

11 MS. OVERHOLT: Second.

12 THE CHAIRMAN: Hearing none, all in fair  
13 of tabling explain the opportunity to close,  
14 please indicate by saying aye.

15 Hearing none, four 0 to table this.

16 MS. THOMPSON: Contact me on Monday.

17 MR. FISH: George Fish, G-E-O-R-G-E,  
18 F-I-S-H. And Cause Number, I'm --

19 MS. TAYLOR: Page one.

20 MR. FISH: I'm registered agent for  
21 Harris-Fish for Indiana, which is a  
22 corporation in the State of Indiana, Cause  
23 Number 2013-6454-2.

24 MS. THOMPSON: It's on your first page.

25 MR. LONG: Two of them.

1 MS. THOMPSON: Are you just doing yours?

2 MR. FISH: I will explain it all. I will  
3 explain it all.

4 THE CHAIRMAN: You will explain it all in  
5 five minutes, sir.

6 THE CHAIRMAN: Start.

7 MS. THOMPSON: This is the Harris-Fish for  
8 Indiana, Cause Number 2013-6454-2. Has a  
9 proposed civil penalty of \$750.45.

10 MR. LONG: What about the one right above  
11 it?

12 MS. TAYLOR: That's a different candidate.  
13 That was Mr. Fisher. That was Mr. Harris's.

14 MR. FISH: The reason --

15 MR. LONG: Do we have one on page 76?

16 MS. THOMPSON: For Harris.

17 MR. LONG: Harris has got two, Mr. Fish  
18 has got one.

19 MS. THOMPSON: Right.

20 MR. FISH: We're actually working, you  
21 know, together. Mr. Harris and I were two  
22 ordinary working persons, who decided to run  
23 for office as write-in candidates,  
24 respectfully. We did not realize what we  
25 were getting in to. We found out the hard

1 way. And I found it very discriminately, even  
2 though I am an Indiana University college  
3 graduate, plus a trained paralegal, that we  
4 were in over our heads, that we had a legal  
5 labyrinth, but we could not possibly afford a  
6 lawyer, without eating. And all attempts to  
7 cooperate with the Indiana Election Commission  
8 were very futile. They were very --

9 THE CHAIRMAN: You were going really well.

10 MR. FISH: They were very futile. We  
11 tried very hard to cooperate with them.  
12 We could not get anything that was not opaque,  
13 that didn't lack transparency. We thought  
14 we dissolved the corporation. We actually  
15 closed the corporation on August 11, 2012.  
16 The bank account is closed. It has zero  
17 assets. And we fully thought we dismantled  
18 it. We found out later, after five emails,  
19 and conversations that we had, only filed the  
20 last annual report, but not final report.

21 So whatever we do, we are sorry. We were  
22 just two working stiffs, trying to run for  
23 office, and act in a Democratic way.

24 And we could not afford a lawyer. And we  
25 found out the hard way, we needed a lawyer

1 from the very, very beginning, which we could  
2 not afford.

3 MR. LONG: Did you have a campaign finance  
4 manual?

5 MR. FISH: No.

6 MR. LONG: That's an easy question.

7 MR. FISH: We had it. We also were in  
8 contact with, in the Election Commission.  
9 We still were lost. We still were lost.

10 THE CHAIRMAN: I have news for you. I can  
11 see why you had difficulty communicating with  
12 our staff. Okay?

13 MR. FISH: I don't know why you're  
14 commenting, sir.

15 THE CHAIRMAN: Well, let me be more  
16 clear. You need to listen more and talk less.  
17 I would move to consolidate these  
18 cases.

19 MR. LONG: One simple question. Can you  
20 just file as many committees under the same  
21 name as you want?

22 MS. THOMPSON: Uh-huh.

23 MR. LONG: I'm going to start some.

24 THE CHAIRMAN: If you start a Pence  
25 campaign, I'll raise money for it.

1 I need a second on my motion.

2 MR. LONG: Second.

3 THE CHAIRMAN: All in favor of the motion  
4 to consolidate these three motions, say aye.  
5 Opposed?

6 Four 0.

7 THE CHAIRMAN: Mr. Harris.  
8 Both of you gentleman have been sworn.

9 MR. FISH: Yes.

10 THE CHAIRMAN: We heard from Mr. Fish.  
11 Mr. Harris.

12 MR. HARRIS: I'm not sure what you want  
13 to hear.

14 THE CHAIRMAN: What your position is.

15 MR. HARRIS: I was running as the write-in  
16 candidate for the governor, and I received all  
17 these papers in the mail. I thought I was on  
18 track with the paperwork. He was handling the  
19 money part of the Harris-Fish. I thought we  
20 had all those forms filled out. I wasn't  
21 aware that we didn't. And I guess that's what  
22 the one was. The other one that I had I  
23 didn't know I needed to file.

24 THE CHAIRMAN: How much money did you  
25 ya'll raise?

1 MR. FISH: Personally, between  
2 ourselves, we contributed \$200. 150 from Mr.  
3 Harris, \$50 from me. And we raised about \$20  
4 dollars selling campaign buttons. We  
5 dissolved the committee on August 11, 2012.  
6 And we tried to withdraw our names from the  
7 write-in ballot, but it was too late to do so.  
8 So we decided the remaining assets, according  
9 to the papers we filed with the Secretary of  
10 State, dissolving corporation. We have no  
11 assets and no bank account.

12 MR. LONG: This isn't a corporation issue.  
13 We're not talking about. Did you form a  
14 corporation too?

15 MR. FISH: We had to, on the advice of our  
16 bank to file an account.

17 MR. LONG: Are these open?

18 MS. THOMPSON: They are open.

19 MR. FISH: By coming to the hearing and  
20 close the committee, and would love to close  
21 it. We have not done any business, since  
22 August of 2012.

23 MS. THOMPSON: He is a statewide  
24 candidate. He's mandated to file  
25 electronically. I put a final report out

1           there and file online.

2           MR. LONG:    Could I move to continue these  
3           until the next meeting, and let them get their  
4           stuff filed and closed.  And then we'll  
5           see.  As long as you got open committees,  
6           you're going to get to come and see us quite a  
7           bit.

8           THE CHAIRMAN:  You would get on  
9           electronic -- I'm talking.  The way this works  
10          is when I talk, you don't.  Okay.

11          So you're going to get on.  You're going  
12          to file that.  You're going to check the box.  
13          It's going to be closed.  You're going to come  
14          back here, and we're going to dispose of these  
15          matters the next time you get notice.  Is that  
16          clear?

17          MR. FISH:  Yes.

18          THE CHAIRMAN:  This is tabled.

19          MR. LONG:  My motion was to table.

20          THE CHAIRMAN:  Second?

21          MR. BENNETT:  Second.

22          THE CHAIRMAN:  Opposed?  Nay?

23          Four 0.  Ayes have it.  It is tabled.  See you  
24          guys soon.

25          MR. HARRIS:  You'll need to file

1 electronically.

2 MR. FISH: My computer was stolen. I  
3 don't have a computer.

4 MS. TAYLOR: We'll help you figure out a  
5 computer.

6 MR. FISH: Love to do it. Before my meter  
7 runs out, I'd be even happier. Contact me  
8 when I can see when to do that.

9 THE CHAIRMAN: We want you to do that  
10 after this hearing. Go feed your meter and go  
11 upstairs.

12 MR. HARRIS: Thank you.

13 MR. EARLEY: Kevin Earley. E-A-R-L-E-Y,  
14 Cause Number 2013-6470-91.

15 MS. TAYLOR: Top of page 51. Citizens to  
16 Elects Kevin Earley, Cause Number  
17 2013-6470-91, has a proposed civil penalty of  
18 \$1,000.45. But before this meeting today he  
19 brought in his report to close it.

20 MR. LONG: He's filed a final report?

21 MS. THOMPSON: Uh-huh.

22 MR. LONG: So it's closed now.

23 MS. THOMPSON: Uh-huh.

24 MR. LONG: Could I see that report?

25 THE CHAIRMAN: You want to present your

1 side?

2 MR. EARLEY: There was nothing done at all  
3 on this committee, when I was looking at it.  
4 I had been redistricted from the first state  
5 district in to the 12th District. At that  
6 point there were other candidates filed.  
7 I chose instead of run as a candidate, I went  
8 ahead and worked under the campaigns for  
9 another candidate in the 12th District. So  
10 nothing was done with this campaign at all.  
11 There was no fund raising, no anything.

12 THE CHAIRMAN: Hearing closed.

13 MR. LONG: Move to dismiss.

14 MR. BENNETT: Hearing a second.

15 For discussion? Hearing none.

16 All in favor of the motion to dismiss  
17 indicate and rule of finding, indicate by  
18 saying aye.

19 MEMBERS: Aye.

20 THE CHAIRMAN: Opposed?

21 Nay?

22 Four 0. Ayes have it.

23 MR. HOLWAGER: Marshall L. Holwager,

24 H-O-L-W-A-G-E-R. Current Sixth District

25 treasurer. I got notified last night that we

1 had some fines. We haven't received anything  
2 in writing. I haven't. My chair is in  
3 Florida. My vice chair is in Nashville.

4 THE CHAIRMAN: She's going to report on  
5 it.

6 THE CHAIRMAN: This is on page 14.

7 MS. THOMPSON: Cause Number 2013-3350-18.

8 MR. LONG: Did you say 16 or 14?

9 MS. THOMPSON: 14. And also on page 54.

10 MR. LONG: On what page?

11 MS. THOMPSON: 54.

12 This is the page 54, Cause 2013-3350-95.  
13 Also has proposed civil penalty of \$1,000.45.  
14 And that committee has not filed either one  
15 of these reports.

16 MR. WHEELER: Tom Wheeler, Frost Brown  
17 Todd, represent the Sixth District.

18 What there is, there's some confusion.  
19 The Sixth District Republican committee,  
20 which you represent, is properly filed under  
21 4693. And they are currently completing  
22 claim.

23 There is a legacy -- legacy organization  
24 under Number 3350, which is what you're  
25 looking at there. So the legacy committee is

1 the one with the violations. And it doesn't  
2 involve the current of district Republican  
3 committee. The issue is I don't believe you  
4 have authority to shut that committee down.

5 MR. HOLWAGER: The way I understand it, we  
6 do not. Brian somebody.

7 MR. WHEELER: Brian Houser is the chair.  
8 We tried to contact them and advise them that  
9 this is outstanding, has not taken place.  
10 But, as I understand it, we don't have the  
11 authority to close the committee. Those  
12 individuals have to close the committee.  
13 But the Sixth District was concerned, simply  
14 because the two committees share the name.

15 MR. LONG: I would suggest -- are you  
16 telling us this committee was formerly the  
17 Republican Sixth District?

18 MR. WHEELER: This was a PAC committee  
19 formed by the former chair.

20 MR. LONG: It's a PAC?

21 THE CHAIRMAN: Someone's out there.

22 MR. LONG: If it's a party committee, the  
23 existing structure may be able to close it.  
24 Having been -- my opinion, and having been  
25 Chair for more than a couple weeks.

1 THE CHAIRMAN: If there was a Lake County  
2 Republican party, and somebody new came in  
3 and said, you know what, I don't want to touch  
4 that committee.

5 MR. LONG: Just start a new one.

6 I think the party -- I think maybe  
7 difference to our worthy counsel here, we  
8 maybe ought to table this, and let him  
9 straighten it out for the next meeting.

10 MR. WHEELER: To the extent they have the  
11 authority to close it, they'll close it.

12 THE CHAIRMAN: I wouldn't think that they  
13 wouldn't have the authority.

14 MR. WHEELER: That was the concern. When  
15 this came up last night, I got a call. We  
16 talked. You ought to show up, say we're here.  
17 I don't think we're to that point.

18 MR. LONG: I suggest we issue  
19 administrative subpoena to the people that are  
20 on the list for this committee, for this one,  
21 and just issue a subpoena to both the  
22 treasurer and the chairman.

23 MR. HOLWAGER: Former treasurer.

24 MR. LONG: Apparently still are.

25 MR. WHEELER: There's a Misty D. Hollis

1 listed.

2 THE CHAIRMAN: Did we need motion for  
3 that?

4 MR. LONG: Motion.

5 THE CHAIRMAN: Hearing a second.

6 MR. BENNETT: Second.

7 THE CHAIRMAN: Who are the names?

8 MS. THOMPSON: Treasurer is Beth Gallion;  
9 I believe. I don't have the chairman's name  
10 in here.

11 MR. LONG: Chairman as on there  
12 organization.

13 MS. THOMPSON: This was an older  
14 committee. So some of the records have been  
15 archived.

16 THE CHAIRMAN: Our system shows Brian  
17 House. Please confirm that's accurate. Thank  
18 you.

19 All in favor indicate by saying aye.

20 MEMBERS: Aye.

21 THE CHAIRMAN: Four 0. Ayes have it.

22 MR. SIMMONS: Can I clarify that  
23 co-directors allows him to sign off on  
24 subpoena by direction?

25 THE CHAIRMAN: Yes. Co-director can

1 sign off on subpoena by direction.

2 We also have a motion to table that,  
3 the Sixth District issue, until the next  
4 meeting. Motion on the table. Do we have a  
5 second?

6 MS. OVERHOLT: Second.

7 THE CHAIRMAN: Hearing second.

8 All Sixth District Republican committee for  
9 the next meeting indicate by saying aye.

10 MEMBERS: Aye.

11 MR. LONG: We've seen this is the second  
12 time today we've got, I think, that maybe,  
13 legislatively, we ought to suggest that  
14 accepting with similar names not be allowed.

15 MS. THOMPSON: It's hard on us too.

16 MR. LONG: I'll bet it is. Maybe we could  
17 do that by rule. That would be a question  
18 that maybe we could.

19 THE CHAIRMAN: Some of these are  
20 outstanding and refuse to show up.

21 MS. OVERHOLT: What about deferring it to  
22 the AG? Have to have a finding? Once they  
23 get to the Attorney General's office.

24 MS. TAYLOR: They are also on the Attorney  
25 General's list.

1 MR. LONG: Communicate fact of the  
2 situation. So they don't get Mr. /KHAOERL all  
3 hot and bothered and calling the Attorney  
4 General and all sorts of things.

5 THE CHAIRMAN: Sir.

6 MR. GIBSON: Good afternoon, Commission.  
7 My name is Shane Gibson. I'm the current  
8 county treasurer for the Democratic central  
9 committee.

10 MR. LONG: The real one?

11 MR. GIBSON: I'll go with the real one. I  
12 can't guarantee there's not another one out  
13 there.

14 This is your cause number is  
15 2013-5256-101.

16 I wish I could come here and tell you that  
17 there was not an error done by the former  
18 treasurer, in the filing of this report. I  
19 cannot do that. What I do have for you to  
20 look at --

21 MR. LONG: 58.

22 MS. THOMPSON: This is Floyd County  
23 Democratic Central Committee, Cause Number  
24 2013-5256-101, for the proposed civil  
25 penalties of \$1,000.45 cents. This report was

1 not filed.

2 MR. GIBSON: Can I hand this out to you?

3 MR. LONG: Is that the report?

4 MR. GIBSON: This is the report. I can  
5 explain it to you briefly.

6 MR. LONG: Is the one we contend is not  
7 filed?

8 MR. GIBSON: Yes.

9 MR. LONG: Why don't you give it to her.

10 MR. GIBSON: I was on vacation two weeks  
11 ago. My county chair called and said we had  
12 gotten notice of this violation. I contacted  
13 our local clerk, first person, to see if they  
14 have anything.

15 Apparently, what our former treasurer did,  
16 he filed in error. Otherwise, I wouldn't be  
17 standing in front of you today. It was filed  
18 at the local clerk level. You'll see the  
19 stamp at the top. It was not filed properly  
20 with you all.

21 I do want to point out. I have to be  
22 honest. It was late, even though he filed  
23 it. It was filed on the 22nd. It should have  
24 been filed on the 19th. It was a day late,  
25 even by that standard. So, with that, I would

1 ask for some leniency, I guess, from that  
2 standpoint. Apologize for the inconvenience.  
3 I think the former treasurer attempted to at  
4 least file it. Obviously, it was an error.  
5 It was not done properly.

6 THE CHAIRMAN: It was late.

7 MR. LONG: Was he one day late or three  
8 days late?

9 MR. GIBSON: It was due on Friday.

10 MS. TAYLOR: Three days.

11 It would be 200 on our system.

12 MR. LONG: I would move to reduce the  
13 proposed fine to \$200 plus the 45 cents.  
14 That would give him -- that's the actual  
15 lateness, and give him credit for --

16 THE CHAIRMAN: Motion on the floor to  
17 reduce to \$200, plus the cost of postage.  
18 Do I hear second?

19 MR. BENNETT: Second.

20 THE CHAIRMAN: Any discussion?

21 MR. BENNETT: I guess I would note that  
22 this is the second time for commission.

23 MR. LONG: That would be what I reduced.  
24 I wasn't giving him any credit. I was giving  
25 him a full fine. Oh, I see. The full fine

1 would be \$200. And the second time it would  
2 be a hundred. It could give him the credit.  
3 Is that what you were --

4 MR. BENNETT: I just point that out.  
5 Motion is the way it was.

6 MR. LONG: The full fine should have been.  
7 He was late. I think that's we'll stay with  
8 my motion.

9 THE CHAIRMAN: Motion on the floor to  
10 reduce the fine to \$200, indicate by saying  
11 aye.

12 MEMBERS: Aye.

13 THE CHAIRMAN: Four 0. Ayes have it.

14 MR. GIBSON: Thank you all.

15 MR. SCOTT: Eric L. Scott, on behalf of  
16 the Committee to Elect Nobody. That's me. It  
17 was a gimmick.

18 THE CHAIRMAN: Did it work?

19 MR. SCOTT: No.

20 There's actually three cause numbers.

21 THE CHAIRMAN: Can I have a report.

22 MS. THOMPSON: First one is on page 15.

23 MS. TAYLOR: 15, 51 and 93.

24 MS. THOMPSON: First one is Committee to  
25 Elect Nobody, Cause Number 2013-6452-21. Has

1 a composed civil penalty of \$50.45.

2 He filed at 1:04 p.m. on that one.

3 On the second one, 2013-64 -- no.

4 2013-6452-90, has a proposed civil penalty of  
5 \$1,000.45. That report has not been filed.

6 2013-6452-155, has a proposed civil  
7 penalty of \$350.45.

8 MR. LONG: What was it for?

9 MS. THOMPSON: Vacancy report.

10 MR. LONG: That's the bottom one there.

11 MS. THOMPSON: Yes.

12 MR. LONG: That's not been filed?

13 MS. THOMPSON: The vacancy one has been  
14 filed.

15 MS. TAYLOR: The annual report on page 51  
16 is the one that has not been filed.

17 MR. LONG: These three things comprise the  
18 first time here.

19 MS. THOMPSON: Yes.

20 MR. LONG: I would suggest that you  
21 consider asking us to continue this to get  
22 your report filed.

23 MR. SCOTT: This report here (indicating)?  
24 That would be great.

25 MR. LONG: Has it been filed?

1 MR. SCOTT: No, it has not. I discovered  
2 it this morning.

3 THE CHAIRMAN: You want to table this, or  
4 continue?

5 MR. SCOTT: I would love to make that  
6 request.

7 MR. LONG: I would so move.

8 MS. OVERHOLT: Second.

9 THE CHAIRMAN: Table until the next  
10 meeting. All in favor by saying aye.

11 MEMBERS: Aye.

12 THE CHAIRMAN: Opposed?

13 Four 0. Ayes have it.

14 MR. LONG: That will work in your best  
15 interest. We try minimize the expenses.

16 MR. SCOTT: I appreciate it. Thank  
17 you.

18 MS. TAYLOR: I'm going to guess page 14.  
19 That's my guess.

20 THE CHAIRMAN: Sir, can you state your  
21 name.

22 MR. DREXLER: Dan Drexler. D-R-E-X-L-E-R.

23 MS. THOMPSON: That is on page 14.  
24 Libertarian Party of Vanderburgh County.

25 MR. DREXLER: I respectfully ask that we

1 consider four cases here.

2 MS. THOMPSON: We can do them one at a  
3 time. They are all different committees.

4 THE CHAIRMAN: We'll have to go through  
5 them.

6 MS. THOMPSON: On page 14. 2013-6204-19.  
7 Has a proposed civil penalty of \$300.45.

8 THE CHAIRMAN: Tell us about it.

9 MR. DREXLER: This is county party. It's  
10 our county affiliate, Vanderburgh County.  
11 Libertarian party of Indiana does share some  
12 responsibility here. When they organize their  
13 affiliate, they went to the county clerk.  
14 The county clerk said they should file with  
15 the state. It is our only affiliate that is  
16 filed with the state. And so when we give  
17 notices of reminder to file your finance  
18 reports, we say go to your clerk. So that  
19 created some confusion with our guys in  
20 Evansville. And they said, Who do we file  
21 with? That led to a few days delay. That  
22 led over a weekend and six days later, they  
23 then filed. I ask some lenience with our  
24 Vanderburgh County friends, and with,  
25 understanding the full intention here to,

1           whatever legal steps are necessary, remove  
2           this from the state, and move this over to the  
3           clerk's office where they can establish a  
4           relationship locally.

5           MR. LONG: I think if they did that, that  
6           would make our records a lot cleaner, would it  
7           not?

8           MR. LONG: You might want to ask to table  
9           this one, too, so you can get that done.

10          MR. SCOTT: Okay.

11          THE CHAIRMAN: The motion is on the table.

12          MS. OVERHOLT: Second.

13          THE CHAIRMAN: Indicate by saying aye.

14          MEMBERS: Aye.

15          THE CHAIRMAN: Opposed?

16          Four 0. Ayes have it.

17          Next one.

18          MR. SCOTT: Next one would be Committee to  
19          elect Dennis Beatty, Cause Number --

20          MS. THOMPSON: Page 4. Committee to  
21          Elect Dennis Beatty, Cause Number  
22          2012-6106-94. Has a civil penalty of  
23          \$1,000.45. This was final to report, and he  
24          has closed the committee since then.

25          MR. SCOTT: I spoke to Mr. Beatty last

1 night. He regrets he was unable to attend.  
2 He's at a funeral, so he says. Have to  
3 believe that. Not his own.

4 But he, respectfully, asks for you to  
5 consider that he raised no money, spent no  
6 money, was at a hardship in a domestic  
7 situation, that had him temporarily living  
8 outside of his home, was not at a mind-set to  
9 look at paperwork or receive mail. And,  
10 according to him, has lost track. He did  
11 close out his committee, and respectfully asks  
12 that you consider some lenience.

13 THE CHAIRMAN: Is it closed?

14 MS. THOMPSON: Yes.

15 THE CHAIRMAN: Close.

16 MR. LONG: Move to dismiss and remove the  
17 fine.

18 THE CHAIRMAN: Do I hear a second?

19 MR. BENNETT: Second.

20 THE CHAIRMAN: Hearing a second.

21 Any discussion? Hearing none, all in  
22 favor of removing the fine and dismissing the  
23 cause of action, indicate by saying aye.

24 MEMBERS: Aye.

25 THE CHAIRMAN: Opposed?

1 Four 0. The ayes have it.

2 MR. SCOTT: Mr. Beatty appreciates that  
3 greatly.

4 The next one we would have would be the  
5 Committee to Elect Benjamin Jarvis.

6 MR. LONG: Same page.

7 MS. THOMPSON: He requested a continuance  
8 on this one.

9 THE CHAIRMAN: If he requested it.

10 MS. THOMPSON: He did.

11 Then let him.

12 THE CHAIRMAN: Continuance, motion  
13 continued. Do I hear a second?

14 MR. BENNETT: Second.

15 THE CHAIRMAN: All in favor indicate by  
16 saying aye.

17 MEMBERS: Aye.

18 THE CHAIRMAN: The ayes have it.  
19 It is continued.

20 MR. SCOTT: The final one we bring before  
21 you is Committee for James Nease, candidate  
22 for Marion County.

23 MS. TAYLOR: On page 63.

24 MR. SCOTT: James.

25 MS. THOMPSON: James Nease, Cause Number

1 2013-6272-112, has a civil penalty of \$250.45.

2 MR. SCOTT: Mr. Nease, apparently liked to  
3 file a lot. But he just didn't really file  
4 the one that he really needed to file, on  
5 time. So he was known to file multiple  
6 campaign finance forms not necessary. But  
7 regrets that the one that was needed was filed  
8 late, and asks for some forgiveness.

9 MS. THOMPSON: He would randomly bring us  
10 a report.

11 MS. TAYLOR: Every week or two.

12 MS. THOMPSON: File it with us. But when  
13 the file that was due...

14 MR. SCOTT: I cannot explain.

15 MR. LONG: I'd like to hear him explain.

16 THE CHAIRMAN: Really?

17 MR. LONG: He's been here, he's entitled  
18 to the 50 percent in our standard operating  
19 procedures.

20 MR. BENNETT: If he came and took the  
21 deal, he's not here.

22 MR. LONG: It would be nice if he end his  
23 committee. Maybe not. Maybe.

24 THE CHAIRMAN: I don't think we can do  
25 anything. I don't think we have a

1 representative of the committee here.

2 MR. SCOTT: State Libertarian, he asked me  
3 to come on his behalf. He's in Florida today.

4 THE CHAIRMAN: You can tell him continued.  
5 Motion on the floor to continue.

6 MS. OVERHOLT: Second.

7 THE CHAIRMAN: All in favor to continue?

8 MEMBERS: Aye.

9 THE CHAIRMAN: Four 0.

10 MR. SCOTT: Apologize for that.

11 I talk to Brad everyday. He thinks highly  
12 of you and loves your wit.

13 MR. LONG: Nice guy.

14 MS. TAYLOR: Start on page 6.

15 MS. THOMPSON: This is Mike Pence for  
16 Indiana. And there's several causes, so I'm  
17 going to read them all. 2012-6171-186, 187,  
18 228, 229, 230, 231, 232, 233, 234, 235, 236,  
19 237 and 238.

20 MR. WHEELER: Mr. Chairman, Tom Wheeler  
21 with Frost Brown Todd, representing Mike Pence  
22 for Indiana. And I would note that all you  
23 discussed with Ms. Riordan, but Commissioner  
24 Overholt's husband does work for our law firm  
25 and works for me. And we don't raise that as

1 objection. We just simply point that out for  
2 the record as well. I understand that's  
3 already been discussed by the counsel, and  
4 that there is not a conflict. But I did want  
5 to make sure the commissioners were aware of  
6 that situation as well.

7 THE CHAIRMAN: Thank you for the legal  
8 opinion.

9 MR. LONG: Don't send us a bill.

10 MR. WHEELER: This particular case, this  
11 situation involves what I think the Commission  
12 members are probably aware of. There's a  
13 preprimary reporting period where the  
14 supplemental, \$10,000 supplemental reporting  
15 you have to report within 48 hours drops down  
16 to 1,000 from April 14 to 28.

17 In this particular case, the bookkeeper  
18 for the campaign, although being advised of  
19 it, did not make those reports. It was  
20 discovered on April 12th. April 12th, the  
21 supplemental reports were filed. This was  
22 supplemented by the campaign. These are all  
23 the supplemental reports, the ones we have in  
24 here. All the violations, 13 violations,  
25 involve contributions either a thousand or

1       \$5,000 during that period of April 1st through  
2       -- well, April 12th, when it was reported,  
3       a supplemental CF11 was filed on April 12,  
4       at 10:30, with the Indiana Election Division,  
5       identifying each of those.

6             During that period of time I would  
7       note, showing this was an oversight, there  
8       were CFAs showing \$10,000 and over during that  
9       period of time. It was just that the  
10      bookkeeper was not -- didn't make those  
11      reports. She was not aware that she should  
12      have made those reports during the  
13      pre-reporting period. It dropped down to a  
14      thousand.

15            THE CHAIRMAN: Refresh my recollection.  
16      Did he have a primary opponent?

17            MR. WHEELER: He did not have a primary  
18      opponent. He was removed by this Commission.

19            MR. LONG: Lush.

20            MR. WHEELER: That's correct, Mr.  
21      Chairman.

22            In this particular case, we found this  
23      during a meeting on April 12th. We  
24      immediately reported this. We immediately  
25      implemented a process to correct the problem.

1           There were no further issues with the  
2           additional period running in to the election,  
3           where the numbers dropped down. The campaign  
4           has no priors. And we haven't had any issues  
5           since then. This was simply a clause in  
6           period where there was an error made by the  
7           bookkeeper. Again, we reported it. We  
8           corrected it. And we would ask the  
9           Commissioner to consider dismissing these 13  
10          accounts.

11                 MR. LONG: All of these the same?

12                 MS. THOMPSON: No. There's different  
13          amounts.

14                 MR. LONG: I mean, are they all the same  
15          issue?

16                 MS. THOMPSON: Yes.

17                 MR. LONG: Every case they have is the  
18          same issue?

19                 MS. OVERHOLT: Same reporting period?

20                 MS. THOMPSON: Yes.

21                 MR. LONG: Period the tense properly and  
22          smaller ones for the period.

23                 MS. THOMPSON: Yes.

24                 MR. LONG: Reported within the window.

25                 MR. WHEELER: On April 12th.

1 MR. LONG: I would move to dismiss.

2 MR. BENNETT: Second.

3 THE CHAIRMAN: Hearing a motion to dismiss  
4 the second.

5 Do I have any discussion?

6 Especially in light of the fact he did not  
7 have a primary opponent.

8 MR. LONG: No harm, no foul.

9 People make errors.

10 THE CHAIRMAN: So we have all in favor to  
11 the motion to dismiss these, indicate by  
12 saying aye.

13 MEMBERS: Aye.

14 THE CHAIRMAN: Opposed nay.

15 Four 0. Ayes have it.

16 MR. WHEELER: Thank you, Mr. Chairman, and  
17 the Commission.

18 THE CHAIRMAN: Anybody left? Is there  
19 anybody out there?

20 I'd ask the campaign finance to identify  
21 matters for motion for continuance received  
22 for today's meeting.

23 Please read them in to the record.

24 MR. LONG: I would move that the requested  
25 continuances be granted until the next

1 meeting.

2 THE CHAIRMAN: Motion on the floor to  
3 grant continuance for request for  
4 continuances, which has been handed out.

5 MR. BENNETT: Second.

6 THE CHAIRMAN: Hear a second.

7 Any discussion? The only thing I'd ask,  
8 this being a part of the record.

9 All in favor of the motion?

10 MEMBERS: Aye.

11 THE CHAIRMAN: Opposed nay.

12 Four 0. The ayes have it.

13 MR. LONG: I would move fault and assess  
14 of penalties not appearing today.

15 MS. THOMPSON: We have a couple.

16 THE CHAIRMAN: I would ask the campaign  
17 finance staff the causes to permit the  
18 committee to disband, if they so choose to do  
19 so.

20 MS. TAYLOR: On page 3 of the spreadsheet,  
21 Cause Number 2012-6070-90.

22 MR. LONG: Wait a minute.

23 What spreadsheet?

24 MS. THOMPSON: Pink tab.

25 MR. LONG: Oh. Pink in the back.

1 MS. TAYLOR: We're on page 3 of that.  
2 Cause Number 2012-607-90. The Joe Hoffman for  
3 State Representative. He was continued to  
4 close his committee at the June 2012 hearing.  
5 He has since closed his committee. You asked  
6 him not to send him notice. We did not send  
7 notice.

8 MR. LONG: Motion to dismiss.

9 MR. BENNETT: Second.

10 THE CHAIRMAN: Hearing motion to dismiss.  
11 All opposed?

12 Four 0. The ayes have it.

13 MS. THOMPSON: One more.

14 MS. TAYLOR: There is one page above the  
15 pink tab.

16 MS. THOMPSON: This is a list that we  
17 administratively would like to dissolve, Mr.  
18 Chairman.

19 THE CHAIRMAN: We have any other  
20 continuances?

21 MS. THOMPSON: No.

22 THE CHAIRMAN: For committee to disband?

23 MS. THOMPSON: No.

24 THE CHAIRMAN: Okay. Ask to identify  
25 which the staff recommends be administratively

1 dissolved by the Commission.

2 MS. THOMPSON: That was the list in front  
3 of your pink tab. There's a list of four  
4 committees.

5 THE CHAIRMAN: Elect Brook Tar and  
6 committee to Elect Kevin Brown and  
7 superintendent of public construction. Wasn't  
8 he here?

9 MS. THOMPSON: Yes.

10 MR. LONG: Here they are.

11 MS. THOMPSON: We're going to  
12 administratively disown.

13 THE CHAIRMAN: This motion will only  
14 relate to the first three, and not relate to  
15 Committee to Elect Kevin Brown as Indiana  
16 Superintendent.

17 Elect for State Representative and Elect  
18 Brook state representative?

19 MR. BENNETT: Second.

20 THE CHAIRMAN: Discussion?

21 Hearing no discussion, there is a motion.  
22 All in favor of the motion to dissolve the  
23 three committees, indicate by saying aye.

24 MEMBERS: Aye.

25 THE CHAIRMAN: Opposed nay.

1 Four 0. The ayes have it.

2 I note that no one is present to testify  
3 on any remaining campaign finance matters  
4 scheduled for today.

5 Are you here from anything, sir?

6 (Indicating no.)

7 THE CHAIRMAN: I declare the hearing, and  
8 all remaining matters will be scheduled for  
9 today are closed.

10 Do you have a motion?

11 MR. LONG: I have a motion that we enter  
12 defaults against those defaulting, and not  
13 appearing, and the fines as recommended be  
14 imposed.

15 THE CHAIRMAN: There's a motion to put all  
16 the proposed mailing cost and finance actions.  
17 Is there a second?

18 MS. OVERHOLT: Second.

19 THE CHAIRMAN: Second. Any discussion?  
20 If not, all in favor of the motion to fault  
21 the remaining committees for the entire  
22 proposed penalty, plus penalty costs, indicate  
23 by saying aye.

24 MEMBERS: Aye.

25 THE CHAIRMAN: Opposed, nay.

1 Four 0. The ayes have it. And motion to  
2 oppose the adopted. The last thing we want to  
3 do is set a date for a late August meeting.

4 Does everybody have their calendar  
5 present?

6 We have a bunch of forms that need to be  
7 approved by that date.

8 How late in August we want to go?  
9 You want to do the 29th?

10 MR. LONG: Just a second. We're checking  
11 something here.

12 29th is fine. That's clear with me.  
13 29th is.

14 THE CHAIRMAN: Off for morning or  
15 afternoon?

16 MR. LONG: Depends on how early in the  
17 morning. We got to drive about the same  
18 distance.

19 THE CHAIRMAN: Let's just do it. Let's  
20 say 1:00.

21 MR. LONG: That's fine. 8/29, 1:00.

22 THE CHAIRMAN: Next hearing for the  
23 Indiana Election is August 29, 2013 at 1:00.  
24 I'd ask that the staff prepare anything  
25 necessary, including lists.

1 MR. LONG: Motion to adjourn.

2 THE CHAIRMAN: All in favor of adjourning  
3 say aye.

4 MEMBERS: Aye.

5 THE CHAIRMAN: Four 0. The ayes have it.  
6 The Indiana Election Committee meeting is  
7 adjourned.

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1 STATE OF INDIANA )  
 2 COUNTY OF BOONE ) SS:

3 I, Karon A. Voloski, CSR, CCR, a Notary  
 4 Public in and for the County of Boone, State  
 5 of Indiana, at large, do hereby certify that  
 6 hat the foregoing hearing was taken on behalf  
 7 of the Indiana Election Commission, at the  
 8 offices of Indiana Government Center, 302 W.  
 9 Washington Street, Room E-204, Indianapolis,  
 10 Marion County, Indiana, on the 14th day of  
 11 June, 2013, at 1:00 p.m.,  
 12 pursuant to the Indiana Rules of Trial  
 13 Procedure;

14 That said hearing was taken down in  
 15 stenograph notes and afterwards reduced to  
 16 typewriting under my direction, and that the  
 17 typewritten transcript is a true record of the  
 18 testimony given by the said deponents;

19 That the parties were represented by their  
 20 counsel as aforementioned.

21 I do further certify that I am a  
 22 disinterested person in this cause of action,  
 23 that I am not a relative or attorney of either  
 24 party or otherwise interested in the event of  
 25 this action, and that I am not in the employ

1 of the attorneys for any party.

2 IN WITNESS WHEREOF, I have hereunto set my  
3 hand and affixed my notarial seal on this 2nd  
4 day of July, 2013.

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N O T A R Y P U B L I C

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9 My Commission Expires:  
10 August 9, 2014

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11 County of Residence:  
12 Boone County

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