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 Martinez; 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 Shackleford; 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”.

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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,

[signature]
Trent Deckard
Co-Director

J. Bradley King
Co-Director

APPROVED:

[signature]
Daniel A. Dumezich,
Chairman
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

CONNOR REPORTING, INC.
1650 One American Square
Indianapolis, IN 46282
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APPEARANCES

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

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

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

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

I request that Mr. Deckard and Mr. King confirm the Commission meeting has been
properly noticed, as required by the
Indiana Open Door Law.

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

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

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

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

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

Is there a motion to approve these minutes as presented?

MR. LONG: Motion to approve.

THE CHAIRMAN: Is there a second?

MR. BENNETT: I'll second the motion.

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

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

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

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

MEMBERS: Aye.

THE CHAIRMAN: Opposed? Nay?

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

Okay. Now, we go to approval of forms.

I recognize Mr. Deckard and Mr. King to present order, 2013-1, for the approval of
election forms.

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

MR. LONG: Tab 2 and tab 3.

MR. KING: Yes.

MR. LONG: Tab 2?

MR. KING: Yes

MR. LONG: I have no problem with these.

I have some others.

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

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

THE CHAIRMAN: Is there a second?
MR. BENNETT: I'll second the motion.

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

Hearing none, all in favor say aye.

MEMBERS: Aye.

THE CHAIRMAN: Opposed say nay.

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

MR. LONG: Could I ask a question?

THE CHAIRMAN: Yes, sir.

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

MR. DECKARD: If I may, Mr. Chairman, Trent Deckard, Co-Director Indiana License Division. The answer to your question, Mr. Vice Chair, is that the voter registration forms, that are currently in use, would be statutorily dissolved, at the end of this year, and no longer in use at the end of this
year. Any form that would be passed, prior to August 1st of this year, would fall under that category. There will be significant changes to the voter registration form that the staff will work, in preparation for the Commission.

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

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

MR. LONG: Do you mind -- because this is a major -- as I understand it, major change in how we go about registering votes, is it possible, is there going to be a clerk's meeting before then, between now and when you'll have this ready? Is there some way we could get this out for some input or comment? I would like to hear what the folks of the field that oversee this. And I figure, if we let them know to make comments, at least they got no excuse to not know there's a big
change coming. But, as I understand, they have to be signed off on differently, and there's turning in requirements of when, how long after they fill out before they have to be turned in and so on. Whatever it is, I just would hope that we would be able to get some input on the folks in the field; and both party headquarters, and however they want to disseminate it, mark them forms for review only, do not use. I think that would be helpful, at least to me. It's been a long time since I've been doing registration stuff. I would appreciate that for whenever we take that up.

MR. DECKARD: Absolutely we will.

THE CHAIRMAN: Mr. King.

MR. KING: Mr. Chairman, and Members of the Commission, just to add what Mr. Deckard has said, we are also working on major revisions to the absentee ballot and absentee forms. It is the plan, going forward, to certainly provide clerks an opportunity to review the voter registration forms. And I would propose the same with regard to the absentee applications. Because, between the
two, they are certainly the most commonly
used forms that we have in the election
process. So that would be our plan, to
the greatest extent.

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

Thank you for pointing that out.

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

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

MR. KING: Mr. Chairman, Members of the
Commission, in your binders, behind the tab labeled VSTOP, you will see a one-page report from the Voting System Technical Oversight Program of Ball State. It summarizes that there are a number of applications for voting systems that have been received, since the Commission's last meeting. The folks at Ball State are scheduling testing hours, and plan to proceed with the test for those voting systems, and bring forward a recommendation to the Commission. Copies of those applications, as well as reports, are included in the same tab.

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

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

MR. DECKARD: Only add that, just as an item of note, the electronic poll books will not be an item that is certified by the Indiana Election Commission. But VSTOP has
included in here some reference to the work
that they will be doing on that, in addition
to the voting systems. The Secretary of State
will be handling the certification of the
E-poll book. So where you see reference
there, I just want to be clear on that.

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

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

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

MS. BARNES: No.

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

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

MR. LONG: We spend money like crazy.

THE CHAIRMAN: I haven't really seen the
product of it.

THE CHAIRMAN: The use of signature stamps.

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

MR. LONG: Yes.

THE CHAIRMAN: Is there a second?

MR. BENNETT: Second.

THE CHAIRMAN: Any discussion?

Indicate by saying aye.

MEMBERS: Aye.

THE CHAIRMAN: All opposed? Nay?

Four 0. Approved.

Campaign Finance.

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

MS. THOMPSON: Yes.

Mr. Chairman, Members of the Commission, that have agreed to the list that is under
your finance tab.

MR. KING: That's the first?

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

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

MR. LONG: So moved.

MR. DECKARD: Second.

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

MEMBERS: Aye.

THE CHAIRMAN: All opposed nay.

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

This is campaign finance Referrals to Attorney General for Collection.

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

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

MS. THOMPSON: Yes.
MR. LONG: I thought they reported they
collected all of those.

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

MR. DECKARD: Yes.

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

THE CHAIRMAN: Thank goodness people are
breaking the law.

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

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

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

Do you solemnly swear, or affirm, under
penalties of perjury, that the testimony you
are about to give to the Indiana Election Commission, is the truth, the whole truth, and nothing but the truth? Say I do.

WITNESSES: I do.

MR. SIMMONS: Thank you.

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

We want to give any committee present the final opportunity to pay a reduced civil fine, by waiving the right to present evidence and arguments to the Commission. So that means, if you're going to take this up, you just come up, following the instructions, you don't get an opportunity to speak about your particular fine or the reason for it.

This is a reduced fine. Okay? Any committee is welcome to be present, and arguments for those proposed penalties could be waived. But this is an opportunity for those who want to waive that presentation, and accept the reduced penalty.

The arrangement is as follows: If this is the committee's first violation, the arrangement is for the committee to agree to
pay 25 percent of the proposed fines, plus
mailing costs.

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

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

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

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

Once again, if you want to present
evidence to the Commission, or you want to ask
for a waiver of the proposed penalties, please
do not come forward at this time. Instead,
wait until all the other committees, who are willing to enter into this arrangement, have been heard. Okay?

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

MR. LONG: So moved.

THE CHAIRMAN: Do I hear a second?

MR. BENNETT: Second.

THE CHAIRMAN: Hearing a second, any discussion?

MS. SHAW: Can I ask a clarification?

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

Hearing no discussion, all in favor say aye.

MEMBERS: Aye.

THE CHAIRMAN: All opposed?

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

Ma'am? Question?

MS. SHAW: I'm half of the committee. There was only two of us. The other is no longer available. So when you're talking about this proposed --
THE CHAIRMAN: You're here representing the committee, right?

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

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

First offense, first row.

First offense, second row.

THE CHAIRMAN: You don't want the deal?

WITNESS: No.

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

First row, first offense.

Second row, first offense.

Come on up.

So you're going to --

Please state your name, spell it.


THE CHAIRMAN: Cause Number?
MR. MORRISON: Cause Number would be 2013-6428-148.

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

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

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

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

MR. MORRISON: That's correct.

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

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

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

MR. MORRISON: Can you tell me what the penalty cost is?
MR. LONG: 45 cents. If you need time, we'll let you know.

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

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

MR. KING: Send out a notice.

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

MR. MORRISON: Very good.

THE CHAIRMAN: You were in the second row.

MR. MORRISON: Correct.

THE CHAIRMAN: Come on up.

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


MS. THOMPSON: Okay. That's on page 82. It's Friends to Elect Vaneta Becker, Cause 2013-1272-133. This is also for a large
contribution. Proposed civil penalty is $1,000.45.

MS. ZAPFE: Yes.

THE CHAIRMAN: Very good.

Next.

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

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

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

This is not your first time.

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

THE CHAIRMAN: No.

MR. NEESE: That would be forever?

THE CHAIRMAN: Yes.

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

THE CHAIRMAN: How many times is it?

MS. THOMPSON: This would be his third.

THE CHAIRMAN: Next row.

MS. THOMPSON: What did you do wrong?

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

THE CHAIRMAN: You've already said too much.

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

THE CHAIRMAN: We'll send you a bill.

Next.

MR. SCOTT: Michael S. Scott.


MR. LONG: 83.

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

THE CHAIRMAN: You accept 25 percent of
the penalty, plus mailing cost?

MR. SCOTT: Yes.

THE CHAIRMAN: Next row.

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

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

MS. THOMPSON: That's page 89.

Women on the Move.

MR. HENDERSON: Yes.

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


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

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

MR. HENDERSON: Thank you.
THE CHAIRMAN: The 44 cents is the mailing cost.

MS. THOMPSON: Yes.

THE CHAIRMAN: Next.


MS. TAYLOR: On page 12.

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

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

MR. YOUNG: Sounds good to me.

THE CHAIRMAN: Very good. Thank you.

Next row, please.

First offense, next row.

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


MS. TAYLOR: On page 27.

MS. THOMPSON: Citizens to Elect Timothy Huber, Cause Number 2013-5298-42, proposed civil penalty is $350.45.
THE CHAIRMAN: Quarter of that, plus mailing cost.

MR. HUBER: Okay.

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

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

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

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

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

MS. MARTINES: May not be a bad idea.

THE CHAIRMAN: Next, please.


Cause Number 2013-6331-85.

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

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

MR. DAY: Yes.
THE CHAIRMAN: Next, please.

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

MS. THOMPSON: I got to find that.


MS. TAYLOR: Page 75.

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

THE CHAIRMAN: Very good.

Next, please.

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

MS. TAYLOR: 68.

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

MR. BLANK: Very good. Thanks.
THE CHAIRMAN: You're welcome.

Next, please.


MS. TAYLOR: Page 93.

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

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

I entered the race, after the primary, to fill a vacancy. And at the time I filed was not made aware of the vacancy report. Just so that you are all aware, it is not a part of the calendar in the candidates guide. It is buried in the code. So, when I received the candidates guide, we used the code in there, as it's referenced about the calendar. It was brought to our attention, received our attention only after the Election Division sent us the notice that we had missed the deadline. That was the first we knew to go look at that section.
We don't contest we violated the code.
We were a first-time candidate. Never ran
before. I'm a treasurer. I thought I was
coming today presuming innocence. But, after
what I've heard today, it sounds I'm already
guilty.

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

THE CHAIRMAN: Good. Thank you.
Next, please.

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

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

THE CHAIRMAN: Very good.
Next row.
Row after that.
Is there anyone here, who is the first-time violator, please step up. First time violator please, step up, that wants to take the deal.

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

THE CHAIRMAN: Are you accepting the fine, sir?

MR. HOLWAGER: No, sir.

THE CHAIRMAN: Then sit down.

MR. HOLWAGER: Okay.

THE CHAIRMAN: Second-time violators.

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

MS. THOMPSON: Page 34.


MS. THOMPSON: Page 34. Cause Number
2013-5899-57. Has a proposed civil penalty of $50.45.

MS. DOVE: Accept the order.


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

MR. LONG: 35.

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

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

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

MR. PING: Yes, sir.

THE CHAIRMAN: Very good, Mr. Ping. Thank you.

Fifth row.

Sixth row, second violation.

Second violation, seventh row.

Second violation, eighth row.
Anyone else here on a second violation, who wants to accept the deal?

Okay.

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

Second row, third violation.

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

MS. THOMPSON: Thanks.

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

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

MR. NEESE: Very good. Thank you.

THE CHAIRMAN: Next row, third violation.

Third violation, next row.

Third violation, sixth row.

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

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

Okay. So now we're going to move to the adoption of the campaign finance hearing procedures. So everybody in here now wants
to contest their claim. So if you'll listen
very carefully to these procedures.

Could you close the door in the back.

Some impotent young man left and didn't do
that. That would have been my son.

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

And I move that the Commission follow
those procedures today.

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

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

So these guys are going to go first and
set the record. Unless there's an objection,
the documents provided to the Commission, by
the Election Division, will be entered in to
the record of the meeting.

After the campaign finance staff completes
the presentation, a representative of the
committee will be recognized first, and may
present their case for no more than five
minutes. The Commission members may ask
questions during these presentation.
But the time spent answering the questions
will not be counted against the presenter's
time. The Election Division may signal the
chair, when the presenter's time is up.
If the presenter offers additional documents,
or other physical evidence, not previously
received by the Commission, then the original
must be provided to the Election Division,
actually to Dale, to be preserved for the
record.

If the Commission finds that the committee
had violated the finance statutes, the state
law requires a unanimous vote of all four
commissioners to waive, or reduce, the amount
of the penalty set by state law. If the
Commission makes a decision at this meeting
to either fine the committee, or dismiss the
case against the committee, then the Election
Division will prepare a final order for the
Commission to approve at a later meeting.
If the committee is fined today, the committee
will receive notice from the Election
Committee to pay the fine after the commission
adopts the final order. So it may take some
time after today, before a committee will be
required to pay the fine that is assessed in
this hearing.

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

Is there a motion?
MR. LONG: I'll second the motion.
THE CHAIRMAN: Any questions, or
objections, from the Commission members, or
any committee to these procedures?
Hearing none, the question on the adoption
of these procedures in motion, all in favor
say aye.

MEMBERS: Aye.

THE CHAIRMAN: All opposed nay.

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

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

First row.

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

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

MS. TAYLOR: This is on page 3.

MS. THOMPSON: Coalition for Citizens
Rights of Hancock County, Cause Number
2012-5513-46. The proposed civil penalty is

$100.44.
THE CHAIRMAN: Okay. Sir.

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

We brought this to the attention of the election board on previous occasions, stating
that we did not, at any time, engage in these type of activities. You'll see that.

THE WITNESS: That was 2011.

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

The original treasurer didn't realize the difference. Your forms that you use to establish committees really doesn't address the various levels and how to submit. The statute is a little bit ambiguous. It leaves administrative procedures and everything, like all legislation does, to the agency that's responsible for it. It was just human error. We have complied with the intent of the statute, from day one. We have filed reports with the Hancock County Election Division. I've been with the organization since its inception. And I think it's just been a little bit of commodity of error, the misunderstanding of both sides. Election Division uses words like "closed." And that
was misunderstood. The statute doesn't use that. We took that to mean we had to close the committee completely. We didn't want to close the committee. We wanted to stay. We never got a response back telling us, fine, you're not required to be registered with us. We'll take you off the database. That has since been resolved this past week in discussion with Michelle here, and everything. I think we finally got the thing resolved. We provided them with a letter saying take us, close our committee with the State. Okay.

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

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

MS. THOMPSON: Correct. It is closed.

MR. LONG: Close the hearing.

I move to dismiss the case.

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

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

THE CHAIRMAN: Opposed? Nay?

Four 0. Ayes have it. No penalty.

THE WITNESS: Appreciate it. No penalty.

MR. LONG: Didn't need the baby.

MR. BONITATI: John Bonitati.


MS. THOMPSON: On page 47. This is Committee to Elect John Bonitati to the Indiana House of Representatives, Cause Number 2013-6313-83, has a proposed civil penalty of $650.45. And the committee is now closed.

THE CHAIRMAN: Sir.

MR. BONITATI: My treasurer has, who could not be here today, did file electronically on December the 8th. We have talked to the Commission. And there is a record that he was on the site. He has filed two previous times the same way. And he did it the third time. And he received a message saying that it was filed and submitted. So just like the other two times, we assume that everything went in and we were fine.
We received a letter on the 17th of January, saying that we were late in filing. So I called him up and filed again. It did not take. So he filed again. And it finally took on the 18th. There was something, from what I understand, there was a button that he did not hit, which he never did the first two times. So we don't understand why it didn't take, you know, the first two times. He filed the same way for both. I'm just asking that, you know, the intent was there. We filed accordingly, like we did the other two times.

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

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

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

THE CHAIRMAN: He had to file the other two times.
Do I hear a motion?

MR. LONG: Committee closed?

MS. THOMPSON: Yes.

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

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

THE CHAIRMAN: Hear a motion to dismiss.

Is there a second?

MS. OVERHOLT: Second.

THE CHAIRMAN: He hit the file button.

They file. It goes through. But he did make the attempt. He was there in a timely fashion. And the committee is closed. So with that in mind, all in favor of the motion to dismiss this case by saying aye.

MEMBERS: Aye.


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

Next, please.

MS. SHAW: My name is Rebecca Shaw. And this is for the Committee to Elect Christopher Wright to the Indiana House District 18. The Cause Number 99-6314. Is that the correct number --

MS. THOMPSON: No. I have a file number 6314. Which report was that?
Christopher Wright?

THE WITNESS: Yes.

MS. TAYLOR: Page 64.

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

MR. LONG: Your name is?

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

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

When I asked Chris Wright -- and that would be April of 2012. I asked him repeatedly for receipts. There was very
little money. We're talking about $10.00, $5.00 here, to put in to the accounts. I got put off.

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

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

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

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

THE CHAIRMAN: His committee.

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

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

MS. SHAW: That would be great for me. This has been really stressful. He stole money. My name was never taken off the campaign. I've talked to the county clerk in Warsaw, Indiana. I've had great support with
great people, like Mr. Haynes, who had come
with me today, just in case. I didn't know
what to expect today. The Democratic party --

THE CHAIRMAN: You have no personal
responsibility.

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

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

MR. LONG: I assume he's not here today.
MS. SHAW: We can't find him. And I filed
forgery.

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

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

MS. SHAW: Yes, he did it.

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

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

MR. LONG: I think, if you write a letter
terminated, it's no longer the address of the committee.

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

MR. LONG: No problem.

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

MS. SHAW: Thank you so much.

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

MR. BENNETT: Move to dismiss.

MR. LONG: Second.

THE CHAIRMAN: Hearing second.

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

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

MEMBERS: Aye.

THE CHAIRMAN: Opposed?

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

THE CHAIRMAN: Four 0. Ayes have it.

Dismissed.
MR. LONG: Thank you for coming down.

THE CHAIRMAN: Next row.

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


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

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

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

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

MR. LONG: What is the file?

MS. TAYLOR: The annual was late, 2012 annual report.
THE CHAIRMAN: He says he's never filed.


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

Another thing, in October --

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

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

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

MR. POWELL: Could I give a little more?

THE CHAIRMAN: Sure.

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

THE CHAIRMAN: It's closed now, in light of the circumstances.
MS. TAYLOR: Yes.

THE CHAIRMAN: Motion to dismiss.

MR. LONG: Aye.

MR. DECKARD: Second.

Hearing a motion to discuss?

Hearing none, all dismissed.

Four 0. Ayes have it.

Thank you very much.

Next row.

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

Appearing on behalf of Geo Group, Cause Number 13-157.

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

MR. LONG: First one.

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

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

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

MS. TAYLOR: On page 66.
MS. THOMPSON: Laborers' Local 81 Political Fund, Cause Number 2013-6464-118, has proposed civil penalty of $1,000.45.

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

MR. LONG: Could I see the --

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

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

MR. LONG: But there was a PAC filed.

MR. BERKOWITZ: Yeah.

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

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

THE CHAIRMAN: Entertain a motion.

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

THE CHAIRMAN: Hear a motion to dismiss.

Do I hear a second?

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

MR. BERKOWITZ: They do want the committee.

MR. LONG: Are they current in their file?

MS. THOMPSON: Yes.

MR. BERKOWITZ: Thank you very much.

Have a good evening.

MR. LONG: We haven't voted yet.

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

MR. BENNETT: So someone else opened this
account?

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

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

MR. BERKOWITZ: I understand that.

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

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

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

MR. KING: Aye.

THE CHAIRMAN: Opposed?

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

THE CHAIRMAN: Four 0. Ayes have it.

MR. BERKOWITZ: So the decision is to waive.

THE CHAIRMAN: Yes, the entire amount.

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

MS. TAYLOR: Page 16.
MS. THOMPSON: This is Friends of Dave Nicholson 2013-587-22.

Has proposed civil penalty of $350.45.

And this committee is closed.

MR. LONG: Annual report late, right?

MS. THOMPSON: Yes.

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

THE CHAIRMAN: Second?

MS. THOMPSON: No. This is your first.

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

MS. TAYLOR: This is the first.

MR. NICHOLSON: Hey, I'm getting older.
It's Alzheimer's.

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

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

MR. BENNETT: Second.

THE CHAIRMAN: Any discussion?

All members indicate by saying aye. All opposed?

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

Come on up, sir.

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

THE CHAIRMAN: Your name?

MR. ONOCHIE: Henry Onochie.

MS. THOMPSON: Your blue tab in the back.

THE CHAIRMAN: Can you spell your name.

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

MR. LONG: Blue tab.

MS. THOMPSON: HCO, Incorporated, Cause Number 12-128. This committee was tabled from
the last meeting, because you wanted to see
the report of Hoosiers for Indiana. And
behind the blue tab there is the report.

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

MS. THOMPSON: This one --

THE CHAIRMAN: Tell us about this.

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

MR. LONG: HCO --

MS. THOMPSON: Yes.

MR. LONG: It's behind the finance report.

I'm not for sure. Explain to me what the
violation is.

MR. ONOCHIE: You mean me?

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

THE CHAIRMAN: During 2010 HCO, Inc.

contributed 17,000 dollars to Hoosiers for
Indiana.

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

THE CHAIRMAN: I think there's a procedure
how people give testimony here, right?

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

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

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

MS. TAYLOR: At the time it made sense.

At the time you wanted to table this, because
you wanted to see that the money was returned
to HCO, that was left over of the $1600,
and also see how the money was spent, because
they did not give us a listing designating
their contributions.

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

MS. OVERHOLT: Keep going to the back.

MS. THOMPSON: From the very first audit.

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

MS. THOMPSON: No. No. This was polled
from the PAC report.

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

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

MS. THOMPSON: Correct.

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

Have you been before the Commission before?

MR. ONOCHIE: I was here.

MS. TAYLOR: On this cause.

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

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

MS. BARNES: That's Attorney Lacy Johnson.

MR. ONOCHIE: Yes. Lacy Johnson came to represent me. Today he called me and asked me to represent him. I have to pay him. I said I don't have to pay him to have a counselor with me. I said I'll come over here myself
and explain to you what happened, and how all
this mess was created. This is very shocking
to me. Completely shocking to me. I would
like to have a time to explain.

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

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

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

So everyone -- I said, look, I'm going to,
you know, contribute money to the PAC. I
have no idea how the PAC works. I know I had
one of my ladies who work in my office, Stacy
Collett. I gave her money every month to
give. To me that was my way of contributing
to the community, nothing more than that.
When I got the letter that I had violated the commission, I had no clue what was going on. At one point, you know, Stacy told me I had to have about $22,000 of corporate contribution limit in the year. So we were thinking that we were under $20,000. I have nothing to give whatsoever.

MS. OVERHOLT: Thank you.

THE CHAIRMAN: Hearing closed.

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

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

MR. LONG: Yes.

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

MR. BENNETT: I'll second for discussion purposes.
THE CHAIRMAN: Discussion.

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

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

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

THE CHAIRMAN: So Hoosiers for Indiana is closed now.

MS. THOMPSON: Yes.

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

MS. THOMPSON: That was in the report.

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

MR. LONG: How much?

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

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

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

MR. LONG: I would switch my motion and change the motion.
THE CHAIRMAN: Do you withdraw your second motion?

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

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

MS. OVERHOLT: I'll second.

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

MR. BENNETT: I agree with all that.

MS. OVERHOLT: I have a question. This is
my newness to the Commission. This is a legal question. So when there's an excess, excess contributions like this, so the burden is on both the contributing entity and the committee?

MR. LONG: The donor is in violation.

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

THE CHAIRMAN: Yes.

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

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

So I think what we are -- our Division has filed allegations against Mr. Onochie for not an excessive contribution, but failure to designate the contributions, as required by
MS. OVERHOLT: 3924 is where it lists the dollar amount.

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

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

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

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

THE CHAIRMAN: And didn't show up.

MR. BENNETT: Pending motion.

THE CHAIRMAN: Pending motion to reduce the fine to $1600 in this cause of action.
All indicate by saying aye.

MEMBERS: Aye.

THE CHAIRMAN: Opposed?

Four 0. The ayes have it. $1600.

MR. ONOCHIE: Thank you very much.

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

MR. ONOCHIE: Thank you again.

THE CHAIRMAN: Go forth and build churches.

MR. ONOCHIE: I will do that.

MS. TAYLOR: Page 37.

MS. THOMPSON: Robin Shackleford.


MS. TAYLOR: Page 37.

MS. THOMPSON: Shackleford for Senate, Cause Number 2013-5964-62. Has a proposed civil penalty of $1,000.45. And the committee is closed.

MS. SHACKLEFORD: I was under the assumption that this committee was actually closed back in 2012, in January. I had contacted the office to make sure I properly closed the committee. And I was told
that I needed to just go to the bank, and
close it out there. And, also, on January the
17th, the staff person informed me -- I do all
my filings online. So they told me that they
would reset my user name and password,
because I was also opening up a House
committee. So she reset my password and user
name, and what that did was it closed my
Senate committee, so I no longer had access to
that committee, and it set up my new House
committee. And she gave me a new user name
and password. And I actually still have that
email, from January 17th of 2012. So when
that was reset, or changed, I no longer had
access to my Shackleford for Senate account.
And I thought it was closed out. And I also
have the documentations from my big account
that closed that account on the 23rd and
opened up my House account.

MR. LONG: 23rd of?

MS. SHACKLEFORD: December.

MR. LONG: Of '12?

MS. SHACKLEFORD: Of '11. And then the
bank officially closed it on January 10. And
I have that too. That was the closing date.
They left it open about a week later, all the checks to clear out.

MR. LONG: The committee is closed.

MS. THOMPSON: Closed.

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

MS. SHACKLEFORD: Yes.

THE CHAIRMAN: With that in mind, a motion?

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

MS. SHACKLEFORD: Thank you.

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

MEMBERS: Aye.

THE CHAIRMAN: All opposed?

Four 0. Ayes have it.

MS. SHACKLEFORD: Thank you.


2013-6441-117.
MS. TAYLOR: On page 50. And 65.

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

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

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

At the time I questioned this requirement, we had no transaction. But I was told to complete a report with all zeros. So I immediately did that, and faxed it the Election Division, on October the 24th.
In November, we did have $600 of contributions, and $581 of expenditures. And, when we got to the annual report cutoff, I prepared that report. I filed it. Went to my home county. And it was file stamped on January 15, by Boone Circuit Court, one day before the filing deadline. I received another letter on that report that it was delinquent. Again I called and found out that I can't file in my home county. It has to be filed in Marion County. So I immediately faxed a copy of that report to the Election Division on -- I think it was January the 18th. January the 18th is when I filed that report. And that report had the file stamp from Boone, showing that it was filed originally with them, one day before the deadline.

So, in the first case, there were no transactions to report. And the second case, I thought I reported it properly, and filed it on time, not knowing that Boone County wouldn't accept my report. They did accept it, but it's the wrong place. I've been treasurer for two other similar
organizations, and they always filed those in Boone County, as was supposed to.

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

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

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

MS. THOMPSON: Correct.

MR. BENNETT: Question for the witness.

THE CHAIRMAN: Certainly.

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

MR. MARTIN: No, I was not. The chairman
MR. BENNETT: Had you ever filed any papers with the State?

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

THE CHAIRMAN: Hearing is closed.

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

MR. BENNETT: I'll second that motion.

THE CHAIRMAN: Hearing motion to second? Any discussion?

All in favor of the motion indicate by saying aye.

MEMBERS: Aye.

THE CHAIRMAN: Opposed?

Four 0.
Center Properties.

MR. MARTIN: That's where I work.

Jim Singleton and Craig Johnson.

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

MR. MARTIN: Center College.

THE CHAIRMAN: It's the Center.

MR. LONG: We had one.

Are you with her or --

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

MR. DECKARD: We indicated proxy not.

MS. SOLIS: I'm sorry?

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

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

The first committee is Cause Number 2013-6144-109, Indiana Democrats for Life.

MS. TAYLOR: Page 62.

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

THE CHAIRMAN: Okay.

MS. SOLIS: Thank you, Mr. Chairman.

The Indiana Democrats for Life believe that they have filled all obligations to the election commission. The committee actually had no activity for the 2012 election cycle, and, as such, failed to file a 2012 pre-election report. The committee has been closed, as we stated. And the committee apologizes to the commission for the error.


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

MR. LONG: I’ll second that.

THE CHAIRMAN: Second for discussion?

Hearing none. All in favor indicate by saying aye.

MEMBERS: Aye.

THE CHAIRMAN:

Four o. Ayes have it.

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

MS. TAYLOR: On page 87.
MS. THOMPSON: Committee to elect Linda Lawson, Cause Number 2013-4313-142. This is for a large contribution, as a proposed civil penalty of $1,000.45.

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

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

THE CHAIRMAN: Any questions of the witness?

Hearing none.

Hearing's closed.

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

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

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

MR. BENNETT: Second.
THE CHAIRMAN: Hearing a second to the motion, any discussion motion on the floor with the penalty 50 percent, plus penalty cost, rather than the 75 percent that would have been available.

MR. LONG: Yeah. That's it.

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

MEMBERS: Aye.

THE CHAIRMAN: Opposed?

Four 0. The ayes have it.

Thank you.

MR. LONG: See ya.


MR. LONG: Cause Number?

MR. BROWN: Four cause numbers:

213-5804-54-129-126-122.

THE CHAIRMAN: Thank you, sir.

MS. THOMPSON: Mr. Chairman, the first one is on page 33. The Committee to elect Kevin Brown as Indiana Superintendent of Public,
Cause Number 2013-5804-54, with the proposed civil penalty of $1,000.45.

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

MS. TAYLOR: Page 73.

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

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

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

THE CHAIRMAN: Had zero on the reports.

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

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

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

MR. LONG: You've got your -- your filing, it shows, in 2010, final disband committee report.
MS. THOMPSON: That is correct, Vice Chair. It was filed on paper, and it needed to be filed electronically. He was a statewide candidate.

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

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

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

THE CHAIRMAN: I would entertain a motion.

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

THE CHAIRMAN: Sure.

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

MS. THOMPSON: Yeah.

MR. LONG: I move to dismiss all of them.
THE CHAIRMAN: Motion on the floor to
dismiss all of the fines, Kevin Brown's
committee.

Do I hear a second?
Do I hear a second?
Second for discussion?
Motion fails for lack of a second.
Any other motions?
Any other motions for reduction of fine?

Hearing none, fine stands, sir.

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

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

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

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

MR. LONG: 4,000.

THE CHAIRMAN: Yeah.

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

MS. OVERHOLT: I'll second it for a motion
for discussion, if you want.
THE CHAIRMAN: We have discussion.
For me, he followed what he believed to be
the rules. He was incorrect, granted.
But he did send the letter. And all of these
fines did accrue after he sent the letter.
MR. LONG: Statewide candidates have to
file electronically? That's worse than the
IRS.
THE CHAIRMAN: I don't know. I think the
IRS has hit new lows recently.
Lois Lerner and I have had many heated
conversations over the years.
MR. BROWN: So do I still have my five
minutes to speak?
THE CHAIRMAN: No. We closed the hearing,
but we're working on it.
We have a second for the motion with that.
MR. BENNETT: Could I move to amend my
motion?
THE CHAIRMAN: Call for a vote. All in
favor of motion, indicate by saying aye.
All opposed say nay.
THE CHAIRMAN: Procedurally, we're at a
deadlock, and that means there is no fine
associated with you, sir, as we could not
reach an agreement.

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

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

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

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

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

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

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

MR. BROWN: But those --

THE CHAIRMAN: We are giving you relief --

MR. BROWN: Okay.

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

MR. BROWN: Is after that date.
THE CHAIRMAN: No, is prior to.

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

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

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

MR. BROWN: Thank you.

THE CHAIRMAN: From this point going forward.

MR. BROWN: Thank you.

THE CHAIRMAN: Next, please.

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

MS. THOMPSON: That would be your yellow tab.

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

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

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

MS. OVERHOLT: Thank you.

MS. BARNES: Commissioner Overholt and I, we went through the OPA procedures together. There are several sections on disqualification. One deals with any knowledge, in advance of the cases, that would lead an Administrative Law Judge to be disqualified. Another would deal with if she has practiced, you know, with attorneys. And those are both found in 4-21.5-3-10 and
4-21.5-3-12, if she is involved in frequent financial or business dealings, with attorneys who are likely to come before her. She's prepared, you know, to disclose, and she has just disclosed her husband's relationship to Ms. Riordan. And I think at this time, if there's a party that has an objection, they can certainly raise that objection at this point.

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

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

THE CHAIRMAN: At the hearing but --

MR. LONG: Is there someone objecting?

MS. BARNES: Are you objecting?

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

THE CHAIRMAN: Very good.
MS. RIORDAN: May I proceed?

THE CHAIRMAN: You may.

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

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

They've had no previous appearances before
the Commission. They had no intent to exceed
the limits. They have promptly corrected it
and self reported it. I have a few pieces of
correspondence. I'll give to Mr. Simmons, and
also provide to members of the Commission that
will demonstrate self reporting, and give the
checks involved by the Pence campaign.

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

MS. RIORDAN: December of 2011.

MR. LONG: So October 2011, December
2011.

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

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

MS. RIORDAN: That's right.
MR. LONG: October '11 they made a contribution to a PAC.

MS. RIORDAN: I think that's accurate.

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

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

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

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

MS. RIORDAN: Yes, sir.

MR. LONG: Am I summarizing that?

MS. RIORDAN: Yes.

THE CHAIRMAN: Hearing closed?

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

MR. BENNETT: Second.

THE CHAIRMAN: Frankly, this is the sort of violation that we would never see, because of the contract to the PAC, the intermediary.
So the fact that they went out of their way to self report it, correct the situation, means a lot to me.

So, with that in mind, anymore discussion?

Hearing none, all in favor?

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

MEMBERS: Aye.

THE CHAIRMAN: Four O. Ayes have it.

MS. RIORDAN: Thank you, Mr. Chairman.

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

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

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

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

MS. THOMPSON: That would be your green tab. This is the Geo Group, Cause 13-157, contributed to Mike Pence for Indiana, for total of $2500, Indiana refund Geo Group,
$2500. And this is also self reported.

THE CHAIRMAN: State your case.

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

THE CHAIRMAN: Sir, would you like to speak?

MR. SCHULER: Counsel could speak for me.

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

I would bring to your attention -- I'll provide to you in a moment. Our controller inadvertently dated that second check November 18, 2012. It was correctly -- the correct date was September 18th, 2012. On that same date she realized that she made that contribution from the wrong account, from the
corporate account. She immediately contacted Pence campaign, and asked for a refund. She also attempted to stop payment on the check, so that the contributions wouldn't go forward. But it was too late. The campaign had already received it. And by their proceedings they took it to the bank and already deposited it.

THE CHAIRMAN: How very efficient.

MS. RIORDAN: They get things done.

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

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

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

Excuse me?
Hearing none, the hearing is closed.
All entertain a motion.
MR. LONG: I would move to dismiss. I only wish this would happen.
THE CHAIRMAN: Move to dismiss.
Second?
MR. BENNETT: Second.
THE CHAIRMAN: Any discussion?
Hearing none, all in favor of dismissing the cause of action and moving say aye.
MEMBERS: Aye.
THE CHAIRMAN: Opposed nay.
Four 0. Ayes have it.
MR. LONG: Thank you for handling it.
THE CHAIRMAN: Thank for you coming from Florida.
MS. RIORDAN: I actually have two more matters for the same client. I think they are the next two numbers in your book, 158 and 159.
MR. LONG: Green tab?
MS. BARNES: It's the same page as Geo Group.
MR. LONG: Same.
MS. THOMPSON: Indiana Home Care
Corporation, cause 13-158, contributed to Dr. Tony Bennett Indiana, and Mike Pence Indiana for the amount of $15,000. Mike Pence from Indiana refunded $25,000 check. And this corporation also self reported.

THE CHAIRMAN: What was the date?

I'm sorry?

Whenever you're ready.

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

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

The error came to their attention, shortly thereafter. They requested and received a refund from the Pence campaign for both of those $5,000 corporate checks, that were written by Home Care Corp. The campaign promptly refunded them. And they reported the error, on October 12, 2012, and a letter,
which should be contained in your materials.

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

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

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

THE CHAIRMAN: The same fact pattern.

MS. RIORDAN: Same fact pattern.

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

Hearing closed.

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

THE CHAIRMAN: We got motion on the floor
to eliminate the penalty, cause of action
13-158 and 13-159. Do I hear a second?
MR. BENNETT: I'll second the motion for both cases.

THE CHAIRMAN: Second motion.

For discussion, discussion purposes, do we have any discussion?

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

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

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

THE CHAIRMAN: All in favor?

MEMBERS: Aye.

THE CHAIRMAN: Opposed?

Four 0. Ayes have it.

MR. LONG: We appreciate that.

MS. RIORDAN: Thank you.

MR. SUMMITT: They were very good.

Scary after that.

MS. THOMPSON: Cause Number?


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

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

MR. LONG: Have they filed any reports ever?

MS. THOMPSON: I don't think so.

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

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

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

Do I have a second?

MS. OVERHOLT: Second.

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

Hearing none, four 0 to table this.

MS. THOMPSON: Contact me on Monday.

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

MS. TAYLOR: Page one.

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

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

MR. LONG: Two of them.
MS. THOMPSON: Are you just doing yours?
MR. FISH: I will explain it all. I will explain it all.
THE CHAIRMAN: You will explain it all in five minutes, sir.
THE CHAIRMAN: Start.
MS. THOMPSON: This is the Harris-Fish for Indiana, Cause Number 2013-6454-2. Has a proposed civil penalty of $750.45.
MR. LONG: What about the one right above it?
MS. TAYLOR: That's a different candidate. That was Mr. Fisher. That was Mr. Harris's.
MR. FISH: The reason --
MR. LONG: Do we have one on page 76?
MS. THOMPSON: For Harris.
MR. LONG: Harris has got two, Mr. Fish has got one.
MS. THOMPSON: Right.
MR. FISH: We're actually working, you know, together. Mr. Harris and I were two ordinary working persons, who decided to run for office as write-in candidates, respectfully. We did not realize what we were getting in to. We found out the hard
way. And I found it very discriminating, even
though I am an Indiana University college
graduate, plus a trained paralegal, that we
were in over our heads, that we had a legal
labyrinth, but we could not possibly afford a
lawyer, without eating. And all attempts to
cooperate with the Indiana Election Commission
were very futile. They were very --

THE CHAIRMAN: You were going really well.

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

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

And we could not afford a lawyer. And we
found out the hard way, we needed a lawyer
from the very, very beginning, which we could not afford.

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

MR. FISH: No.

MR. LONG: That's an easy question.

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

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

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

THE CHAIRMAN: Well, let me be more clear. You need to listen more and talk less.

I would move to consolidate these cases.

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

MS. THOMPSON: Uh-huh.

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

THE CHAIRMAN: If you start a Pence campaign, I'll raise money for it.
I need a second on my motion.

MR. LONG: Second.

THE CHAIRMAN: All in favor of the motion to consolidate these three motions, say aye.

Opposed?

Four 0.

THE CHAIRMAN: Mr. Harris.

Both of you gentleman have been sworn.

MR. FISH: Yes.

THE CHAIRMAN: We heard from Mr. Fish.

Mr. Harris.

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

THE CHAIRMAN: What your position is.

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

THE CHAIRMAN: How much money did you ya'll raise?
MR. FISH: Personally, between ourselves, we contributed $200. 150 from Mr. Harris, $50 from me. And we raised about $20 dollars selling campaign buttons. We dissolved the committee on August 11, 2012. And we tried to withdraw our names from the write-in ballot, but it was too late to do so. So we decided the remaining assets, according to the papers we filed with the Secretary of State, dissolving corporation. We have no assets and no bank account.

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

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

MR. LONG: Are these open?

MS. THOMPSON: They are open.

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

MS. THOMPSON: He is a statewide candidate. He's mandated to file electronically. I put a final report out
there and file online.

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

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

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

MR. FISH: Yes.

THE CHAIRMAN: This is tabled.

MR. LONG: My motion was to table.

THE CHAIRMAN: Second?

MR. BENNETT: Second.

THE CHAIRMAN: Opposed? Nay?

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

MR. HARRIS: You'll need to file
electronically.

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

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

computer.

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

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

MR. HARRIS: Thank you.

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

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

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

MS. THOMPSON: Uh-huh.

MR. LONG: So it's closed now.

MS. THOMPSON: Uh-huh.

MR. LONG: Could I see that report?

THE CHAIRMAN: You want to present your
MR. EARLEY: There was nothing done at all on this committee, when I was looking at it. I had been redistricted from the first state district into the 12th District. At that point there were other candidates filed. I chose instead of run as a candidate, I went ahead and worked under the campaigns for another candidate in the 12th District. So nothing was done with this campaign at all. There was no fund raising, no anything.

THE CHAIRMAN: Hearing closed.

MR. LONG: Move to dismiss.

MR. BENNETT: Hearing a second. For discussion? Hearing none.

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

MEMBERS: Aye.

THE CHAIRMAN: Opposed?

Nay?

Four 0. Ayes have it.

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

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

THE CHAIRMAN: This is on page 14.


MR. LONG: Did you say 16 or 14?

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

MR. LONG: On what page?

MS. THOMPSON: 54.

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

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

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

There is a legacy -- legacy organization under Number 3350, which is what you're looking at there. So the legacy committee is
the one with the violations. And it doesn't involve the current of district Republican committee. The issue is I don't believe you have authority to shut that committee down.

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

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

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

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

MR. LONG: It's a PAC?

THE CHAIRMAN: Someone's out there.

MR. LONG: If it's a party committee, the existing structure may be able to close it. Having been -- my opinion, and having been Chair for more than a couple weeks.
THE CHAIRMAN: If there was a Lake County Republican party, and somebody new came in and said, you know what, I don't want to touch that committee.

MR. LONG: Just start a new one.

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

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

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

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

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

MR. HLOWAGER: Former treasurer.

MR. LONG: Apparently still are.

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

THE CHAIRMAN: Did we need motion for that?

MR. LONG: Motion.

THE CHAIRMAN: Hearing a second.

MR. BENNETT: Second.

THE CHAIRMAN: Who are the names?

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

MR. LONG: Chairman as on there organization.

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

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

All in favor indicate by saying aye.

MEMBERS: Aye.

THE CHAIRMAN: Four 0. Ayes have it.

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

THE CHAIRMAN: Yes. Co-director can
sign off on subpoena by direction.

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

MS. OVERHOLT: Second.

THE CHAIRMAN: Hearing second.

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

MEMBERS: Aye.

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

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

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

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

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

MS. TAYLOR: They are also on the Attorney General's list.
MR. LONG: Communicate fact of the situation. So they don't get Mr. /KHAAOERL all hot and bothered and calling the Attorney General and all sorts of things.

THE CHAIRMAN: Sir.

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

MR. LONG: The real one?

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

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

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

MR. LONG: 58.

MS. THOMPSON: This is Floyd County Democratic Central Committee, Cause Number 2013-5256-101, for the proposed civil penalties of $1,000.45 cents. This report was
not filed.

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

MR. LONG: Is that the report?

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

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

MR. GIBSON: Yes.

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

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

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

I do want to point out. I have to be honest. It was late, even though he filed it. It was filed on the 22nd. It should have been filed on the 19th. It was a day late, even by that standard. So, with that, I would
ask for some leniency, I guess, from that
standpoint. Apologize for the inconvenience.
I think the former treasurer attempted to at
least file it. Obviously, it was an error.
It was not done properly.

THE CHAIRMAN: It was late.

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

MR. GIBSON: It was due on Friday.

MS. TAYLOR: Three days.

It would be 200 on our system.

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

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

MR. BENNETT: Second.

THE CHAIRMAN: Any discussion?

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

MR. LONG: That would be what I reduced.

I wasn't giving him any credit. I was giving
him a full fine. Oh, I see. The full fine
would be $200. And the second time it would
be a hundred. It could give him the credit.
Is that what you were --

MR. BENNETT: I just point that out.

Motion is the way it was.

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

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

MEMBERS: Aye.

THE CHAIRMAN: Four 0. Ayes have it.

MR. GIBSON: Thank you all.

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

THE CHAIRMAN: Did it work?

MR. SCOTT: No.

There's actually three cause numbers.

THE CHAIRMAN: Can I have a report.

MS. THOMPSON: First one is on page 15.

MS. TAYLOR: 15, 51 and 93.

MS. THOMPSON: First one is Committee to
Elect Nobody, Cause Number 2013-6452-21. Has
a composed civil penalty of $50.45.
He filed at 1:04 p.m. on that one.
On the second one, 2013-64 -- no.
2013-6452-90, has a proposed civil penalty of
$1,000.45. That report has not been filed.
2013-6452-155, has a proposed civil
penalty of $350.45.
MR. LONG: What was it for?
MS. THOMPSON: Vacancy report.
MR. LONG: That's the bottom one there.
MS. THOMPSON: Yes.
MR. LONG: That's not been filed?
MS. THOMPSON: The vacancy one has been
filed.
MS. TAYLOR: The annual report on page 51
is the one that has not been filed.
MR. LONG: These three things comprise the
first time here.
MS. THOMPSON: Yes.
MR. LONG: I would suggest that you
consider asking us to continue this to get
your report filed.
MR. SCOTT: This report here (indicating)?
That would be great.
MR. LONG: Has it been filed?
MR. SCOTT: No, it has not. I discovered it this morning.

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

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

MR. LONG: I would so move.

MS. OVERHOLT: Second.

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

MEMBERS: Aye.

THE CHAIRMAN: Opposed?

Four 0. Ayes have it.

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

MR. SCOTT: I appreciate it. Thank you.

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

THE CHAIRMAN: Sir, can you state your name.

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

MS. THOMPSON: That is on page 14.

Libertarian Party of Vanderburgh County.

MR. DREXLER: I respectfully ask that we
consider four cases here.

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

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


THE CHAIRMAN: Tell us about it.

MR. DREXLER: This is county party. It's our county affiliate, Vanderburgh County. Libertarian party of Indiana does share some responsibility here. When they organize their affiliate, they went to the county clerk. The county clerk said they should file with the state. It is our only affiliate that is filed with the state. And so when we give notices of reminder to file your finance reports, we say go to your clerk. So that created some confusion with our guys in Evansville. And they said, Who do we file with? That led to a few days delay. That led over a weekend and six days later, they then filed. I ask some lenience with our Vanderburgh County friends, and with, understanding the full intention here to,
whatever legal steps are necessary, remove
this from the state, and move this over to the
clerk's office where they can establish a
relationship locally.

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

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

MR. SCOTT: Okay.

THE CHAIRMAN: The motion is on the table.

MS. OVERHOLT: Second.

THE CHAIRMAN: Indicate by saying aye.

MEMBERS: Aye.

THE CHAIRMAN: Opposed?

Four 0. Ayes have it.

Next one.

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

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

MR. SCOTT: I spoke to Mr. Beatty last
night. He regrets he was unable to attend. He's at a funeral, so he says. Have to believe that. Not his own.

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

THE CHAIRMAN: Is it closed?
MS. THOMPSON: Yes.
THE CHAIRMAN: Close.
MR. LONG: Move to dismiss and remove the fine.

THE CHAIRMAN: Do I hear a second?
MR. BENNETT: Second.
THE CHAIRMAN: Hearing a second.
Any discussion? Hearing none, all in favor of removing the fine and dismissing the cause of action, indicate by saying aye.
MEMBERS: Aye.
THE CHAIRMAN: Opposed?
Four 0. The ayes have it.

MR. SCOTT: Mr. Beatty appreciates that greatly.

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

MR. LONG: Same page.

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

THE CHAIRMAN: If he requested it.

MS. THOMPSON: He did.

Then let him.

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

MR. BENNETT: Second.

THE CHAIRMAN: All in favor indicate by saying aye.

MEMBERS: Aye.

THE CHAIRMAN: The ayes have it.

It is continued.

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

MS. TAYLOR: On page 63.

MR. SCOTT: James.

MS. THOMPSON: James Nease, Cause Number
MR. SCOTT: Mr. Nease, apparently liked to file a lot. But he just didn't really file the one that he really needed to file, on time. So he was known to file multiple campaign finance forms not necessary. But regrets that the one that was needed was filed late, and asks for some forgiveness.

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

MS. TAYLOR: Every week or two.

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

MR. SCOTT: I cannot explain.

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

THE CHAIRMAN: Really?

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

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

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

THE CHAIRMAN: I don't think we can do anything. I don't think we have a
MR. SCOTT: State Libertarian, he asked me to come on his behalf. He's in Florida today.

THE CHAIRMAN: You can tell him continued.

Motion on the floor to continue.

MS. OVERHOLT: Second.

THE CHAIRMAN: All in favor to continue?

MEMBERS: Aye.

THE CHAIRMAN: Four 0.

MR. SCOTT: Apologize for that.

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

MR. LONG: Nice guy.


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

MR. WHEELER: Mr. Chairman, Tom Wheeler with Frost Brown Todd, representing Mike Pence for Indiana. And I would note that all you discussed with Ms. Riordan, but Commissioner Overholt's husband does work for our law firm and works for me. And we don't raise that as
objection. We just simply point that out for
the record as well. I understand that's
already been discussed by the counsel, and
that there is not a conflict. But I did want
to make sure the commissioners were aware of
that situation as well.

THE CHAIRMAN: Thank you for the legal
opinion.

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

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

In this particular case, the bookkeeper
for the campaign, although being advised of
it, did not make those reports. It was
discovered on April 12th. April 12th, the
supplemental reports were filed. This was
supplemented by the campaign. These are all
the supplemental reports, the ones we have in
here. All the violations, 13 violations,
involve contributions either a thousand or
$5,000 during that period of April 1st through
-- well, April 12th, when it was reported,
a supplemental CF11 was filed on April 12,
at 10:30, with the Indiana Election Division,
identifying each of those.

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

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

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

MR. LONG: Lush.

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

In this particular case, we found this
during a meeting on April 12th. We
immediately reported this. We immediately
implemented a process to correct the problem.
There were no further issues with the additional period running into the election, where the numbers dropped down. The campaign has no priors. And we haven't had any issues since then. This was simply a clause in period where there was an error made by the bookkeeper. Again, we reported it. We corrected it. And we would ask the Commissioner to consider dismissing these 13 accounts.

MR. LONG: All of these the same?

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

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

MS. THOMPSON: Yes.

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

MS. OVERHOLT: Same reporting period?

MS. THOMPSON: Yes.

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

MS. THOMPSON: Yes.

MR. LONG: Reported within the window.

MR. WHEELER: On April 12th.
MR. LONG: I would move to dismiss.

MR. BENNETT: Second.

THE CHAIRMAN: Hearing a motion to dismiss the second.

Do I have any discussion?

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

MR. LONG: No harm, no foul.

People make errors.

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

MEMBERS: Aye.

THE CHAIRMAN: Opposed nay.

Four 0. Ayes have it.

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

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

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

Please read them in to the record.

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

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

MR. BENNETT: Second.

THE CHAIRMAN: Hear a second.

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

All in favor of the motion?

MEMBERS: Aye.

THE CHAIRMAN: Opposed nay.

Four 0. The ayes have it.

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

MS. THOMPSON: We have a couple.

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

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

MR. LONG: Wait a minute.

What spreadsheet?

MS. THOMPSON: Pink tab.

MR. LONG: Oh. Pink in the back.
MS. TAYLOR: We're on page 3 of that. Cause Number 2012-607-90. The Joe Hoffman for State Representative. He was continued to close his committee at the June 2012 hearing. He has since closed his committee. You asked him not to send him notice. We did not send notice.

MR. LONG: Motion to dismiss.

MR. BENNETT: Second.

THE CHAIRMAN: Hearing motion to dismiss. All opposed?

Four 0. The ayes have it.

MS. THOMPSON: One more.

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

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

THE CHAIRMAN: We have any other continuances?

MS. THOMPSON: No.

THE CHAIRMAN: For committee to disband?

MS. THOMPSON: No.

THE CHAIRMAN: Okay. Ask to identify which the staff recommends be administratively
dissolved by the Commission.

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

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

MS. THOMPSON: Yes.

MR. LONG: Here they are.

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

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

Elect for State Representative and Elect Brook state representative?

MR. BENNETT: Second.

THE CHAIRMAN: Discussion?

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

MEMBERS: Aye.

THE CHAIRMAN: Opposed nay.
Four 0. The ayes have it.

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

Are you here from anything, sir?

(Indicating no.)

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

Do you have a motion?

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

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

MS. OVERHOLT: Second.

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

MEMBERS: Aye.

THE CHAIRMAN: Opposed, nay.
Four 0. The ayes have it. And motion to oppose the adopted. The last thing we want to do is set a date for a late August meeting. Does everybody have their calendar present?

We have a bunch of forms that need to be approved by that date. How late in August we want to go? You want to do the 29th?

MR. LONG: Just a second. We're checking something here.

29th is fine. That's clear with me.

29th is.

THE CHAIRMAN: Off for morning or afternoon?

MR. LONG: Depends on how early in the morning. We got to drive about the same distance.

THE CHAIRMAN: Let's just do it. Let's say 1:00.

MR. LONG: That's fine. 8/29, 1:00.

THE CHAIRMAN: Next hearing for the Indiana Election is August 29, 2013 at 1:00. I'd ask that the staff prepare anything necessary, including lists.
MR. LONG: Motion to adjourn.

THE CHAIRMAN: All in favor of adjourning say aye.

MEMBERS: Aye.

THE CHAIRMAN: Four 0. The ayes have it.

The Indiana Election Committee meeting is adjourned.
STATE OF INDIANA
COUNTY OF BOONE

I, Karon A. Voloski, CSR, CCR, a Notary Public in and for the County of Boone, State of Indiana, at large, do hereby certify that the foregoing hearing was taken on behalf of the Indiana Election Commission, at the offices of Indiana Government Center, 302 W. Washington Street, Room E-204, Indianapolis, Marion County, Indiana, on the 14th day of June, 2013, at 1:00 p.m., pursuant to the Indiana Rules of Trial Procedure;

That said hearing was taken down in stenograph notes and afterwards reduced to typewriting under my direction, and that the typewritten transcript is a true record of the testimony given by the said deponents;

That the parties were represented by their counsel as aforementioned.

I do further certify that I am a disinterested person in this cause of action, that I am not a relative or attorney of either party or otherwise interested in the event of this action, and that I am not in the employ...
of the attorneys for any party.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal on this 2nd
day of July, 2013.


My Commission Expires:
August 9, 2014
County of Residence:
Boone County