

Indiana Election Commission
Minutes
March 14, 2011

Members Present: Daniel A. Dumezich, Chairman of the Indiana Election Commission ("Commission"); S. Anthony Long, Vice Chairman of the Commission; Sarah Steele Riordan, member; Jonathan J. Myers, member; Jennifer Wagner, proxy for Sarah Steele Riordan.

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 Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, Campaign Finance Election Division staff; Michelle Thompson, Campaign Finance Election Division staff.

Also Attending: Mr. Daniel Altman; The Hon. Kimberly Anderson, Newton Circuit Court Clerk; Mr. Kyle Babcock; Mr. John Barker; Dr. Jay Bagga; Mr. Charles Barman; Mr. John Barnett; Mr. Alex Barney; Mr. Joseph Bachan; Mr. Jack Chavez; Mr. Jeff Davies; Mr. Thomas De Luca; Mr. David Dessauer; Mr. Paul Dijak-Robinson; Mr. Kevin Dogan; Ms. Terry Dove; Mr. Rick Doyle; Mr. Brian Ellison; Ms. Donna Ennis; Mr. Rhett Fisher; Mr. David Gabovitch; Mr. Douglas Gutwein; Mr. Greg Hahn; Mr. Benjamin Hale; Mr. Jeff Heinzmann; Mr. Jeremy Hiler; Mr. Andrew Horning; Mr. Brad Hyatt; Ms. Joyce Irwin; Mr. John Jessup; Mr. Mike Keller; Ms. Linda Klinck; Mr. Joe Kloseglov; Mr. Peter Krempely; Mr. Brett Loyd; Dr. Joseph Losco; The Hon. Amanda Lowery, Jackson Circuit Court Clerk; The Hon. Kevin Mahan, Indiana State Representative; Mr. Toby McClamroch; Mr. Tom McKenna; Mr. Jud McMillin; Mr. Terry Miller; Mr. Donus Mizelle; Mr. Kevin Murray; Mr. Michael Oxenrider; Mr. James Patterson; Mr. Steve Pearson; Mr. Joseph Rauen; Mr. Jim Rainwater; Ms. Kathy Rogers; Mr. Ernest Rowe; Mr. Tim Sadler; Dr. Raymond Scheele; Mr. John Segovia; Mr. Mark Shublak; Mr. George Smolka; Mr. William Stant; Mr. Kenneth Stevenson; Mr. Derek Sublette; Mr. Kevin Suddeth; Mr. James Teall; Mr. Dale Tekippe; Mr. Kip Tew; Mr. Greg Valentine; Mr. Martin W. Voegele; Mr. Rick Warren; Ms. Mary Willeford; Mr. Andrew Wolf; Mr. Steve Wolff; Mr. Troy Woodruff; Ms. Kate Yankauskas; Ms. Carrie Zapfe.

1. Call to Order

The Chair called the March 14, 2011 meeting of the Commission to order at 1:00 p.m. in the Indiana Government Center South Conference Center, Conference Room B, at 402 West Washington Street, Indianapolis, Indiana.

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

2. Transaction of Business

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

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

Page 2, replace "Meyer" with "Myers".

Page 3, line 8, replace "John Meyer" with "Jon Myers".

Page 3, line 18, replace "Ann" with "Michelle".

Page 4, line 6, replace "Dillard (sic)" with "Deckard".

Page 8, line 21, replace "Meyer" with "Myers".

Page 10, line 18, replace "Meyer" with "Myers".

Page 35, line 3, replace "Meyer" with "Myers".

Page 39, line 25, replace "Meyer" with "Myers".

Page 46, line 21, replace "Meyer" with "Myers".

Page 52, line 3, replace "yeah" with "yea".

Page 54, line 14, replace "Meyer" with "Myers".

Page 70, line 1, replace "Meyer" with "Myers".

Page 70, line 16, replace "Meyer" with "Myers".

Page 75, line 16, replace "Meyer" with "Myers".

Page 79, line 23, delete "hold".

Page 80, line 24, replace "Meyer" with "Myers".

Page 86, line 6, replace "Meyer" with "Myers".

Page 92, line 22, replace "MS. M. WILLEFORD" with "MR. S. WOLFF".

Page 108, line 14, replace "Meyer" with "Myers".

Page 112, line 8, replace "Meyer" with "Myers".

Page 117, line 13, replace "Meyer" with "Myers".

Page 146, line 25, replace "advisories s." with "advisories.".

Page 158, line 14, replace "dead" with "deal".

Page 161, line 5, replace "verse indeed" with "versed in".

Page 163, line 5, replace "Ken" with "Kernan".

Page 163, line 23, replace "Claytore" with "Claytor".

Page 163, line 24, delete "(Phonetic)".

Page 164, line 5, replace "Claytore" with "Claytor".

Page 166, line 20, delete "Did."

Page 172, line 7, replace "Meyer" with "Myers".

Page 186, line 7, replace "Meyer" with "Myers".

Page 186, line 10, replace "Meyer" with "Myers".

Page 190, line 22, replace "Meyer" with "Myers".

Page 194, line 17, replace "Meyer" with "Myers".

Page 199, line 7, replace "Meyer" with "Myers".

Page 204, line 2, replace "Meyer" with "Myers".

Page 206, line 14, replace "MR. C. BARMAN" with "MR. J. BARNETT".

Page 209, line 2, replace "Meyer" with "Myers".

Page 209, line 9, replace "Meyer" with "Myers".

Page 209, line 20, replace "Meyer" with "Myers".

Page 209, line 25, replace "Meyer" with "Myers".

Page 212, line 12, replace "Meyer" with "Myers".

Page 221, line 17, replace “Meyer” with “Myers”.

Page 225, line 21, replace “Meyer” with “Myers”.

Page 233, line 8, replace “Meyer” with “Myers”.

Page 238, line 3, replace “Meyer” with “Myers”.

Page 242, line 3, replace “Meyer” with “Myers”.

Page 246, line 13, replace “Meyer” with “Myers”.

Page 249, line 14, replace “Meyer” with “Myers”.

Page 251, line 15, replace “Meyer” with “Myers”.

Page 254, line 9, replace “Meyer” with “Myers”.

Page 256, line 20, replace “close dit.” with “closed it.”.

Page 265, line 2, replace “purported” with “reported”.

Page 266, line 19, delete “(Phonetic)”.

Page 269, line 5, replace “Meyer” with “Myers”.

Page 270, line 11, replace “Meyer” with “Myers”.

Page 275, line 9, replace “Meyer” with “Myers”.

Page 277, line 15, replace “Meyer” with “Myers”.

Page 278, line 18, replace “Meyer” with “Myers”.

Page 279, line 16, replace “Meyer” with “Myers”.

Page 282, line 2, replace “Meyer” with “Myers”.

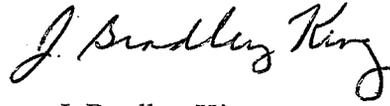
3. Adjournment

There being no further items on the Commission’s agenda, the Chair entertained a motion to adjourn. Mr. Long moved, seconded by Mr. Myers, that the Commission do now adjourn. The Chair called the question, and declared that with four members voting “aye” (Mr. Dumezich, Mr. Long, Ms. Riordan, and Mr. Myers, and no Commission member voting “no,” the motion was adopted. The Commission then adjourned at 6:09 p.m.

Respectfully submitted,



Trent Deckard
Co-Director



J. Bradley King
Co-Director

APPROVED:



Daniel A. Dumezich
Chairman

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INDIANA ELECTION COMMISSION
PUBLIC SESSION AGENDA

Conducted On: Monday, March 14, 2011

Location: Indiana Government Center
South Conference Center, Room B
402 West Washington Street
Indianapolis, Indiana 46219

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

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

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Mr. Daniel Dumezich - Chairman
- Mr. Anthony Long - Vice Chairman
- Ms. Sarah Riordan - Commission Member
- Mr. Jonathan Meyer - Commission Member
- Ms. Jennifer Wagner - Proxy for Commission Member Riordan

INDIANA ELECTION DIVISION STAFF:

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

1 CHAIRMAN D. DUMEZICH: This meeting of the
2 Indiana Election Commission is called to order.
3 All four members of the commission are present.
4 I am Dan Dumezich. I'm the Chairman of the
5 Indiana Election Commission. To my left is Vice
6 Chairman, Anthony Long. To his left is Member,
7 Sarah Riordan. To my right, skipping Mr. King,
8 skipping over him is Member, John Meyer. The
9 Indiana Election Staff, Co-Directors, Trent
10 Deckard and Brad King. Co-General Counsels,
11 Lisa Barnes --

12 MR. B. KING: Leslie.

13 CHAIRMAN D. DUMEZICH: Excuse me?

14 MR. B. KING: Leslie Barnes.

15 CHAIRMAN D. DUMEZICH: Oh, Leslie -- so
16 much for my ability to read, Leslie Barnes and
17 Dale Simmons -- I apologize, Leslie, and
18 Campaign Finance Staff, Abbey Taylor and Ann
19 Thompson. The court reporter is Rhonda Hobbs
20 from Connor & Associates.

21 I want to remind everybody on behalf of the
22 court reporter, identify yourself when you begin
23 speaking -- spell your name when identifying
24 yourself and speak clearly. Do not speak at the
25 same time, as others are speaking, because it makes

1 it difficult for the court reporter to do her work
2 when more than one person is talking at a time, and
3 I would ask everybody to be patient and let the
4 person who is speaking finish what they're saying
5 before you start talking. Thank you.

6 Mr. Dillard (sic) and Mr. King, please confirm
7 the meeting has been properly noticed as required
8 by the Indiana Open Door Law?

9 MR. B. KING: Mr. Chairman, Members of the
10 Commission, Mr. Deckard and I are able to
11 certify that notice was posted in compliance
12 with Indiana's Open Door Law.

13 CHAIRMAN D. DUMEZICH: And staying with the
14 proper form, I also mispronounced Mr. Deckard's
15 name, so I apologize to him as well. I'm
16 nothing, if I'm not polite, even if I am
17 inaccurate. I recognize Mr. Deckard and Mr.
18 King to present the minutes of the
19 February 21st, 2011 commission meeting.

20 VICE CHAIR A. LONG: Are they going to read
21 it to us?

22 MR. B. KING: Mr. Chairman and Mr. Vice
23 Chairman, we could read or sing them, but I
24 think it's better just to present them by saying
25 that both co-directors have reviewed them and

1 submit them to the commission for your approval.

2 CHAIRMAN D. DUMEZICH: Is there a motion to
3 approve the...

4 VICE CHAIR A. LONG: So moved.

5 CHAIRMAN D. DUMEZICH: Hearing a motion
6 moved, --

7 COMMISSION MEMBER S. RIORDAN: Second.

8 CHAIRMAN D. DUMEZICH: -- is there a
9 second?

10 COMMISSION MEMBER S. RIORDAN: Second.

11 CHAIRMAN D. DUMEZICH: Any discussion?

12 (No response.)

13 CHAIRMAN D. DUMEZICH: Hearing none, all in
14 favor say aye?

15 COMMISSION MEMBERS: Aye.

16 CHAIRMAN D. DUMEZICH: Any opposed, please
17 indicate by saying nay?

18 (No response.)

19 CHAIRMAN D. DUMEZICH: 4-0, the ayes have
20 it, in the motion to approve the minutes as
21 adopted. I now recognize Mr. Deckard and Mr.
22 King to present Orders 2011-153 for the approval
23 of election forms -- Mr. King, Mr. Deckard.

24 MR. B. KING: Mr. Chairman and Members of
25 the Commission, behind the first tab in your

1 binder is a copy of Order No. 2011-153. This
2 order concerns two forms. The first that I'll
3 mention is the CAN-7, the request for
4 presidential primary ballot placement. This has
5 been updated to reflect the 2012 dates and would
6 be submitted at the end of the process
7 collecting signatures for a candidate who wishes
8 to appear on the May 2012 presidential primary
9 ballot and you can see a copy of the revised
10 CAN-7, is the last page behind that form.

11 The second form included by the order is
12 the ABS-1 application for absentee ballot. I
13 would note that this form is Revision 17. We
14 were advised that the version of the absentee
15 ballot application that appears on the Forms
16 Management of the Commission on public records
17 website, incorporated a higher revision number
18 than the form last approved by this commission,
19 which was Revision 16.

20 I believe this was because the forms
21 Management Office had made a correction to the
22 Hendricks County Clerk's Office address and had
23 made the on-line form fillable, so there is no
24 substantive difference between Revision 16 and
25 Revision 17. So order No. 2011-153 would

1 provide that both Revision Nos. 16 and 17 can be
2 used. I'll be happy to answer questions.

3 CHAIRMAN D. DUMEZICH: For purposes of the
4 discussion, do I hear a motion to approve the
5 forms as presented?

6 VICE CHAIR A. LONG: So moved.

7 CHAIRMAN D. DUMEZICH: Is there a second?

8 COMMISSION MEMBER J. MEYER: Second.

9 CHAIRMAN D. DUMEZICH: Discussion by
10 members with respect to the forms?

11 (No response.)

12 CHAIRMAN D. DUMEZICH: If there's no
13 further discussion, the question on the adoption
14 of Order 2011-153, all in favor, please indicate
15 by saying aye?

16 COMMISSION MEMBER S. RIORDAN: Aye.

17 CHAIRMAN D. DUMEZICH: All opposed -- nay?

18 (No response.)

19 CHAIRMAN D. DUMEZICH: The ayes have it
20 4-0. The order is approved. Unless there's an
21 objection, the Election Division Staff is
22 directed to affix each member's signature stamp
23 to the final copy of the order and other
24 documents approved by the commission at this
25 meeting; do I hear any objections to that?

1 VICE CHAIR A. LONG: None.

2 CHAIRMAN D. DUMEZICH: Let's move on. I
3 would like to, and I'm going to focus on names
4 this time, I'd like to recognize Michelle
5 Thompson and Abbey Taylor to present the
6 information regarding campaign finance
7 settlement agreements.

8 MS. M. THOMPSON: Mr. Chairman, your next
9 tab should be the campaign finance. The first
10 thing is settlement agreement, and this is a
11 list of committees to ratify that have agreed to
12 pay the settlement agreements and waive the
13 hearing.

14 VICE CHAIR A. LONG: Motion to approve
15 those, is that what you're looking...

16 MS. M. THOMPSON: Uh-huh.

17 VICE CHAIR A. LONG: Move to approve the
18 settlement agreements as presented.

19 CHAIRMAN D. DUMEZICH: I have a motion to
20 approve it, is there a second?

21 COMMISSION MEMBER J. MEYER: Second.

22 CHAIRMAN D. DUMEZICH: Do we have any
23 discussion?

24 (No response.)

25 CHAIRMAN D. DUMEZICH: Hearing no

1 discussion, all in favor of the motion, say aye?

2 COMMISSION MEMBERS: Aye.

3 CHAIRMAN D. DUMEZICH: All opposed, say
4 nay?

5 VICE CHAIR A. LONG: Question: Are these
6 still in -- the tabs in the back, are they
7 pulled?

8 MS. M. THOMPSON: No.

9 VICE CHAIR A. LONG: They're pulled, okay.
10 Well, the ones that we got in this morning,
11 we've crossed them off so they're not...

12 CHAIRMAN D. DUMEZICH: For the sake of --
13 so I guess there was a discussion, so if there's
14 no further discussion, all in favor, say aye?

15 COMMISSION MEMBERS: Aye.

16 CHAIRMAN D. DUMEZICH: All opposed, say
17 nay?

18 (No response.)

19 CHAIRMAN D. DUMEZICH: The ayes have it.
20 The motion is approved. I now recognize
21 Michelle Thompson and Abbey Taylor to present
22 information regarding Order 2011-47 through
23 2011-52, which adopted the campaign finance
24 orders in accordance with the enforcement
25 actions approved at the February 21st, 2011

1 commission meeting.

2 MS. M. THOMPSON: Mr. Chairman, and Members
3 of the Commission, Order 2011-47 and Order
4 2011-152 has been prepared from the actions
5 taken at the February 21st meeting of 2011 and
6 these orders are ready for adoption.

7 CHAIRMAN D. DUMEZICH: Is there a motion to
8 approve --

9 MS. A. TAYLOR: We've got a -- we've got
10 copies, if you want.

11 VICE CHAIR A. LONG: They're not in here?

12 MS. M. THOMPSON: They're not in there.

13 CHAIRMAN D. DUMEZICH: Is there a motion to
14 approve Order 2011-47 through 2011-152 as
15 presented?

16 VICE CHAIR A. LONG: So moved.

17 CHAIRMAN D. DUMEZICH: Is there a second?

18 COMMISSION MEMBER J. MEYER: Second.

19 CHAIRMAN D. DUMEZICH: Any discussion?

20 (No response.)

21 CHAIRMAN D. DUMEZICH: Since I hear no
22 discussion, all in favor, say aye?

23 COMMISSION MEMBERS: Aye.

24 CHAIRMAN D. DUMEZICH: All opposed, say
25 nay?

1 (No response.)

2 CHAIRMAN D. DUMEZICH: The ayes have it and
3 the order is approved 4-0. At this point in
4 time we would like to administer the oath to
5 individuals testifying before the commission.

6 Mr. Simmons will perform that function.
7 Everyone present who plans to testify regarding any
8 matter coming before the commission today,
9 including campaign finance or voting system
10 matters, please stand for the administration of the
11 oath?

12 (The participants complied.)

13 MR. D. SIMMONS: Please raise your right
14 hand and say I do after administration of the
15 oath?

16 (The participants complied.)

17 MR. D. SIMMONS: Do you solemnly swear or
18 affirm under the penalties of perjury that the
19 testimony that you are about to give at today's
20 commission meeting is the truth, the whole
21 truth, and nothing but the truth, say I do?

22 THE PARTICIPANTS: I do.

23 CHAIRMAN D. DUMEZICH: In accordance with
24 the procedure the commission used at the last
25 meeting, we want to give any committee present a

1 final opportunity to pay a reduced civil fine by
2 waiving the right to present evidence and
3 arguments to the commission.

4 Any committee is welcomed to present evidence
5 and arguments for the proposed penalty to be
6 waived, but this is an opportunity solely for those
7 who want to waive that presentation and accept a
8 reduced penalty.

9 We have one group of campaign finance hearings
10 scheduled to begin today beginning now and another
11 group at 4:00 p.m. If anyone is here for the
12 4:00 p.m. hearing, you can accept an arrangement
13 for the reduced penalty now, but if you wish to
14 present evidence for a waiver, you must wait until
15 after everyone here for the 1:00 o'clock hearing is
16 done and they've also had their chances to present.

17 The arrangements would be as follows: If this
18 is the committee's first violation, the arrangement
19 would be for the committee to agree to pay 25
20 percent of the proposed fine, plus mailing costs.
21 If it is the committee's second violation, the
22 agreement would be for you to -- for the committee
23 to agree to pay 50 percent of the proposed fine,
24 plus mailing costs. This is -- if it is the third
25 violation for the committee, the committee would

1 agree to pay 75 percent of the proposed violation,
2 plus mailing costs.

3 I want to emphasize, okay, by doing this,
4 you're waiving your right to a hearing, you're just
5 accepting the penalty and moving on. If you start
6 talking, you'll sit in the back and you'll wait til
7 everybody is done, okay, for point of
8 clarification, and when we do this, we're going to
9 start at the front of the room.

10 If there are any violators who want to accept
11 the arrangement, they're going to come up -- if so,
12 come forward, state your name, the committee's name
13 and the cause number, indicate that you're willing
14 to accept the 25 percent penalty without further
15 discussion -- this is for first time offenders, and
16 if you want to present evidence to the commission
17 or ask for a waiver of the proposed penalty, please
18 wait until other committees who are willing to
19 enter into this arrangement have been heard. One
20 exception, we have someone here that has to be on
21 the floor at 1:30?

22 MR. K. MAHAN: Yes, sir.

23 CHAIRMAN D. DUMEZICH: Please come up and
24 we'll take you so we can get you back to your
25 assignment. Please state your name.

1 MR. K. MAHAN: My name is Kevin Mahan. I
2 am state representative from District 31, which
3 is from Blackford and Grant counties.

4 CHAIRMAN D. DUMEZICH: Can I have a report
5 from staff as to what the violation is or what
6 the situation is relative to this?

7 MS. M. THOMPSON: We're finding it.

8 CHAIRMAN D. DUMEZICH: And cause number if
9 you have it?

10 MR. K. MAHAN: 2009-3797-83. This would be
11 on Senator David Ford.

12 MS. M. THOMPSON: Okay. It's on Page 13.
13 Mr. Chairman, Page 13, this is from the 2008
14 annual report, David Ford for State Senator,
15 Cause No. 2009-379-83. This is a motion to
16 reconsider.

17 His report was due 1/21/09, he filed 1/30/09.
18 The proposed civil penalty is \$453.53.

19 MR. K. MAHAN: Mr. Chairman, thank you for
20 allowing me to testify so I can, hopefully, get
21 to the house floor for the quorum call. I'm
22 here representing Teresa Dodd. Teresa Dodd was
23 Senator Ford's secretary in his law office. She
24 also happened to volunteer her time as the
25 treasurer for his -- for his campaign, and you

1 are probably most aware, Senator Ford had an
2 untimely death of three years ago this month, in
3 fact, on March 5th, and his committee was
4 dissolved on October 24th, 2008.

5 Teresa, you know, is probably about a \$10 an
6 hour employee, and with the gas prices and all, I
7 told her I would be down here and I'd be happy to
8 represent, which Mr. King said that would be fine
9 so I thank you for giving me the opportunity to do
10 that.

11 Teresa was probably one of those typical
12 people that worked in an office, really relied a
13 lot upon Senator Ford when it came to a lot of
14 these reports and things like that. I don't think
15 there was ever an intent to buck the system. It
16 was just a simple situation -- I don't believe she
17 was aware.

18 When she was informed about this, this was
19 also during the time we had a very severe snowstorm
20 where she lives out in the country, and also, she
21 was stricken with an illness and she was homebound
22 for quite some time, but it's my understanding that
23 once she did get back to a fax machine, she was
24 able to get that report in, and we're just here to
25 ask for mercy upon the commission for this unusual

1 situation.

2 CHAIRMAN D. DUMEZICH: I would entertain a
3 motion with respect to dismissing this fine.

4 VICE CHAIR A. LONG: I would move we grant
5 the request to reconsider the imposed fine and
6 dismiss the cause.

7 COMMISSION MEMBER S. RIORDAN: Second.

8 CHAIRMAN D. DUMEZICH: Hearing a second,
9 open for discussion?

10 (No response.)

11 CHAIRMAN D. DUMEZICH: Hearing none -- I'm
12 sorry, hearing none, all in favor of the motion,
13 please indicate by saying aye?

14 COMMISSION MEMBERS: Aye.

15 CHAIRMAN D. DUMEZICH: All opposed,
16 indicate by saying nay?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: Four ayes have it,
19 and you're free to go.

20 MR. K. MAHAN: Thank you very much.

21 CHAIRMAN D. DUMEZICH: Thank you.

22 MR. K. MAHAN: I'm sure Senator Ford is
23 smiling down upon you.

24 CHAIRMAN D. DUMEZICH: I wish it was so --

25 VICE CHAIR A. LONG: Get to your quorum

1 call.

2 CHAIRMAN D. DUMEZICH: I wish it was so
3 easy.

4 MR. K. MAHAN: Thank you.

5 CHAIRMAN D. DUMEZICH: Starting up on the
6 right side, we're going to do the first row,
7 anybody that's a 25 percenter, first time
8 offense, please come up and state your name very
9 clearly and spelling and indicate what the cause
10 number is and acknowledge that you're willing to
11 accept responsibility for 25 percent of the fine
12 and you may go on your way, and when we get done
13 with the right, let's go to the left, and then
14 let's just proceed back.

15 MS. T. DOVE: Good morning, commission. My
16 name is Terry Dove. I do not have a cause
17 number, but it is for Voices of Indiana
18 Political Action Committee.

19 CHAIRMAN D. DUMEZICH: What's your
20 relationship to the committee?

21 MS. T. DOVE: I'm the chair.

22 CHAIRMAN D. DUMEZICH: Have you received
23 proper notification; do you have something that
24 had the cause number on it or...

25 MS. T. DOVE: I did not bring it with me,

1 sir. I apologize. I did receive notification
2 but I left it at home.

3 CHAIRMAN D. DUMEZICH: Okay.

4 MS. M. THOMPSON: Voices of Indiana
5 Political Action Committee?

6 MS. T. DOVE: Yes.

7 MS. M. THOMPSON: Okay, Page 56. Mr.
8 Chairman, this is Voices of Indiana Political
9 Action Committee, Cause No. 2011-5899-193, has
10 never been before the commission before and has
11 a proposed civil penalty, a proposed fine of
12 \$\$304.36.

13 MS. T. DOVE: I ran --

14 CHAIRMAN D. DUMEZICH: No, that's -- you're
15 done.

16 MS. T. DOVE: I'm done?

17 CHAIRMAN D. DUMEZICH: Twenty-five percent,
18 you're done.

19 MS. T. DOVE: Oh, okay. All right. Thank
20 you.

21 CHAIRMAN D. DUMEZICH: Next, any
22 first-timer -- come on up. You look familiar,
23 that's why I'm surprised you're a first-timer.

24 MR. T. De LUCA: Well, I -- my cause was
25 tabled until today. My name is Thomas De Luca,

1 representing Democracy for Tippecanoe, Cause No.
2 2011-5858-17, 67 and 96, all of which, I
3 believe, are considered a first-time offense.

4 MS. M. THOMPSON: That would be on Page 20,
5 Page 38 and Page 65. The first one is Democracy
6 for Tippecanoe County, Cause No. 2011-5858-17,
7 has a proposed civil penalty of \$1,004.02 in the
8 first hearing -- do all three -- the second one
9 is Cause No. 2011-5858-96, has a proposed civil
10 penalty of \$104.36 -- \$1,004.36.

11 VICE CHAIR A. LONG: What's the page
12 numbers, I'm sorry -- 20?

13 MS. M. THOMPSON: Page 38 --

14 VICE CHAIR A. LONG: Page 38, okay, I've
15 got you.

16 MS. M. THOMPSON: -- and 65. The last one
17 is Cause No. 2001-5858-67, has a proposed civil
18 penalty of \$1,004.02.

19 CHAIRMAN D. DUMEZICH: Do you understand
20 that you're waiving and take 25 percent of the
21 penalty?

22 MR. T. De LUCA: Yes.

23 CHAIRMAN D. DUMEZICH: Very good, you're on
24 your way, sir.

25 MR. T. De LUCA: Thank you.

1 THE COURT REPORTER: Is his name on -- on
2 this?

3 CHAIRMAN D. DUMEZICH: You know what,
4 you've got to say your name, I'm sorry, and the
5 name of the company?

6 THE COURT REPORTER: The spelling, is it in
7 the materials where I don't have to have him
8 spell it?

9 CHAIRMAN D. DUMEZICH: It should be, but
10 could you just spell your name?

11 MR. T. De LUCA: I can spell my name.

12 THE COURT REPORTER: Okay, thank you.

13 MR. T. De LUCA: My name is Thomas De Luca,
14 spelled, D-E, space, L-U-C-A.

15 CHAIRMAN D. DUMEZICH: Okay.

16 MS. C. ZAPFE: My name is Carrie Zapfe,
17 Z-A-P-F-E. I'm deputy director of this and on
18 majority campaign committee. I'm here on behalf
19 of Scott Schneider for Senate Committee. The
20 cause number is 2011-5963-103.

21 MS. M. THOMPSON: It's on the first page.
22 Scott Schneider for State Senate, Cause No.
23 2011-5963-103, has never been before the
24 commission and has a proposed civil penalty of
25 \$1,004.02.

1 CHAIRMAN D. DUMEZICH: Do you understand
2 by -- and you're representing him?

3 MS. C. ZAPFE: Yes.

4 CHAIRMAN D. DUMEZICH: Do you have his
5 permission?

6 MS. C. ZAPFE: Yes.

7 CHAIRMAN D. DUMEZICH: Okay, 25 percent and
8 mailing costs. Left side, first row.

9 UNIDENTIFIED SPEAKER: You said something
10 about the waiving after the end of this?

11 CHAIRMAN D. DUMEZICH: Yeah, after -- yeah.
12 If you want to take the 25 percent penalty and
13 it's the first time, this is your chance to
14 talk. If you don't want to take the 25 percent,
15 if you want to present your case to the
16 commission, then you have to wait until the end.

17 UNIDENTIFIED SPEAKER: I'll wait. Thank
18 you.

19 CHAIRMAN D. DUMEZICH: First-timers, second
20 row.

21 UNIDENTIFIED SPEAKER: I'll wait.

22 CHAIRMAN D. DUMEZICH: Okay.

23 MR. J. HEINZMANN: I am Jeff Heinzmann,
24 H-E-I-N-Z-M-A-N-N, Cause No. 2011-5252-165.

25 MS. M. THOMPSON: Page 46. This is The

1 Jeff Heinzmann Committee, Cause No.
2 2011-5252-165, has never been before the
3 commission and has a proposed civil penalty of
4 \$1,004.36.

5 MR. J. HEINZMANN: So it would be 25
6 percent of that?

7 CHAIRMAN D. DUMEZICH: Plus mailing costs.

8 MR. J. HEINZMANN: Plus mailing costs.

9 CHAIRMAN D. DUMEZICH: Next one.

10 MR. J. HEINZMANN: Where do I, where do I
11 get that number?

12 VICE CHAIR A. LONG: We'll send you a
13 letter.

14 MR. J. HEINZMANN: Okay.

15 CHAIRMAN D. DUMEZICH: Yeah, you'll get a
16 letter.

17 MR. J. HEINZMANN: Thank you.

18 COMMISSION MEMBER S. RIORDAN: Thanks.

19 CHAIRMAN D. DUMEZICH: Take care, Mr.
20 Heinzmann. Next -- anybody else in that row?

21 MS. L. KLINCK: My name is Linda Klinck,
22 spelled K-L-I-N-C-K. My cause number is
23 2001-5673-131.

24 MS. M. THOMPSON: Page 29, Klinck for State
25 Senate, Cause No. 2001-5673-131, has never been

1 before the commission and has a total proposed
2 fine of \$454.02.

3 CHAIRMAN D. DUMEZICH: Do you understand
4 that it's 25 percent, plus mailing costs, and
5 you'll get a letter on it, and you agree to
6 accept that and waive?

7 MS. L. KLINCK: Yes, I do.

8 CHAIRMAN D. DUMEZICH: Thank you. Next.
9 Mr. McKenna, it has been many years since I've
10 seen you, sir.

11 MR. T. McKENNA: And thank you for
12 pronouncing my name correctly.

13 CHAIRMAN D. DUMEZICH: Are you saying that
14 I mispronounce Democratic names intentionally.

15 MR. T. McKENNA: I -- I wouldn't say that.
16 Why do you think I'm up here copping a plea?

17 CHAIRMAN D. DUMEZICH: I would like to say
18 that it is not intentionally but it would have
19 been a payback for what Judge Gregg (Phonetic)
20 did to my name for four years so...

21 MR. T. McKENNA: Well, it's always good to
22 see a good Catholic boy from the region who went
23 over to the dark side.

24 MR. D. GABOVITCH: David Gabovitch,
25 G-A-B-O-V-I-T-C-H, treasurer for McKenna for

1 secretary of state.

2 MR. T. McKENNA: And I'm Tom McKenna,
3 M-c-K-E-N-N-A, the candidate for Secretary of
4 State.

5 MR. D. GABOVITCH: And Cause No.
6 2001-5911-147.

7 MS. M. THOMPSON: Mr. Chairman, on Page 37,
8 McKenna for Secretary of State, Cause No.
9 2011-5911-147, has never been before the
10 commission before and has a total proposed civil
11 penalty of \$1,004.02.

12 CHAIRMAN D. DUMEZICH: Do you understand by
13 accepting this, you waive the opportunity to
14 present evidence, accepting 25 percent plus
15 mailing costs, sir.

16 MR. T. McKENNA: Yes, and just exactly,
17 what would be the mailing costs be?

18 CHAIRMAN D. DUMEZICH: It's like 5 bucks.

19 VICE CHAIR A. LONG: \$4.02.

20 MS. M. THOMPSON: \$4.02.

21 MR. T. McKENNA: I just wanted to know for
22 full disclosure so...

23 CHAIRMAN D. DUMEZICH: And you know what,
24 since you questioned it, I'm not even going to
25 hold the fact that you're only allowed to accept

1 it.

2 MR. T. MCKENNA: Thank you.

3 CHAIRMAN D. DUMEZICH: Take care.

4 MR. T. MCKENNA: All right, you, too.

5 CHAIRMAN D. DUMEZICH: Next row, third row

6 on the right -- oh, nobody on the right wants to

7 come up. Left side, third row -- going once,

8 twice -- people looking for big fines -- okay,

9 fourth row on the right -- no one there --

10 fourth row on the left -- fifth row on the

11 right -- fifth row low on the left.

12 VICE CHAIR A. LONG: You got one.

13 CHAIRMAN D. DUMEZICH: Come on, come on

14 down. Good afternoon.

15 MR. J. SEGOVIA: John Segovia,

16 S-E-G-O-V-I-A. I'm here for David Spudic, State

17 Representative.

18 CHAIRMAN D. DUMEZICH: How are you related

19 to Mr. Spudic?

20 MR. J. SEGOVIA: I'm a -- a friend.

21 CHAIRMAN D. DUMEZICH: Just a friend?

22 MR. J. SEGOVIA: Just a friend, yes.

23 CHAIRMAN D. DUMEZICH: But he has

24 authorized you to come down here and settle this

25 for him?

1 MR. J. SEGOVIA: Correct.

2 CHAIRMAN D. DUMEZICH: You understand if he
3 hasn't, we'll put you in jail.

4 MR. J. SEGOVIA: Yes, correct.

5 CHAIRMAN D. DUMEZICH: Okay, good.

6 MS. M. THOMPSON: Mr. Chairman, that's on
7 Page 4, Spudic for State Senate Committee, Cause
8 No. 2011-6027-108, has never been before the
9 commission, has a total proposed civil penalty
10 of \$54.02. Again, on Page -- what is it?

11 MS. A. TAYLOR: 63.

12 MS. M. THOMPSON: Oh, 63, Cause No.
13 2011-6027-261, has never been before the
14 commission, has a total proposed civil penalty
15 of \$604.36.

16 VICE CHAIR A. LONG: What page is that last
17 one?

18 MS. M. THOMPSON: 63.

19 COMMISSION MEMBER S. RIORDAN: 63.

20 UNIDENTIFIED SPEAKER: Sorry.

21 CHAIRMAN D. DUMEZICH: Timing is
22 everything. Do you understand by acknowledging
23 this that it's 25 percent?

24 MR. J. SEGOVIA: Yes, sir.

25 CHAIRMAN D. DUMEZICH: Plus mailing costs?

1 MR. J. SEGOVIA: Yep.

2 CHAIRMAN D. DUMEZICH: Okay, very good.

3 MR. J. SEGOVIA: Thank you.

4 CHAIRMAN D. DUMEZICH: Take care, sir.

5 MR. J. SEGOVIA: You, too.

6 CHAIRMAN D. DUMEZICH: Six row, back
7 right -- six row, back left -- anyone else,
8 first-time offender -- okay.

9 MR. M. OXENRIDER: If I understand
10 correctly, the meeting -- my meeting was
11 originally at 4:00, but I heard a rumor that
12 state candidates could do they're appeal, if
13 they're willing to accept 25 percent?

14 CHAIRMAN D. DUMEZICH: That's correct.

15 MR. M. OXENRIDER: Awesome. Case number or
16 cause number is 2011-6014-217.

17 MS. M. THOMPSON: What was the last three?

18 CHAIRMAN D. DUMEZICH: And your name,
19 what's your name, sir?

20 MR. M. OXENRIDER: Michael Oxenrider.

21 CHAIRMAN D. DUMEZICH: Could you spell it?

22 MR. M. OXENRIDER: O-X-E-N-R-I-D-E-R.

23 MS. M. THOMPSON: What was the last three
24 numbers of your cause number?

25 MR. M. OXENRIDER: 217.

1 MS. M. THOMPSON: 217?

2 MR. M. OXENRIDER: Uh-huh.

3 MS. M. THOMPSON: This is on Page 10 of the
4 4:00, you've got to go back to the 4:00.

5 VICE CHAIR A. LONG: That's the purple
6 one -- wait a minute, how do I know where those
7 are?

8 MS. M. THOMPSON: They're marked with
9 the...

10 CHAIRMAN D. DUMEZICH: After the purples.

11 MR. B. KING: There's a tab.

12 VICE CHAIR A. LONG: Oh, the ones after the
13 four. That's complicated stuff.

14 MS. M. THOMPSON: Okay, this is on Page 10
15 and Page 25. Oxenrider for Indiana, Cause No.
16 2011-6014-217, has never been before the
17 commission, has a proposed civil penalty of
18 \$354.36, and on Page 25, Cause No.
19 2011-6014-260, has a proposed civil penalty of
20 \$54.36.

21 CHAIRMAN D. DUMEZICH: Okay.

22 MR. M. OXENRIDER: I accept graciously.
23 Thank you.

24 CHAIRMAN D. DUMEZICH: Thank you, and
25 you'll get a letter.

1 MR. M. OXENRIDER: Anything else?

2 CHAIRMAN D. DUMEZICH: Nope, that's it.

3 MR. M. OXENRIDER: Thanks.

4 CHAIRMAN D. DUMEZICH: Anybody else that's
5 a first-time offender, willing to take 25
6 percent penalty -- first-time offender --
7 second-time offenders.

8 VICE CHAIR A. LONG: Wait a minute, we've
9 got somebody approaching here.

10 UNIDENTIFIED SPEAKER: I was not coming
11 over there.

12 VICE CHAIR A. LONG: Oh, okay.

13 CHAIRMAN D. DUMEZICH: Any second-time
14 offenders -- second-time offender, come on up?
15 Please state your name and cause number, sir?

16 MR. G. VALENTINE: Greg Valentine, spelled
17 VALENTINE, cause number is 2011-5713-137.

18 MS. M. THOMPSON: That's on Page 32,
19 Committee to elect Greg Valentine to District
20 37, Cause No. 2011-5713-137, has never before
21 the commission before.

22 MR. G. VALENTINE: I was, two years ago.

23 MS. M. THOMPSON: I don't have that.

24 CHAIRMAN D. DUMEZICH: For this committee?

25 MR. G. VALENTINE: Yes, I was, the same --

1 I think it was the same room.

2 CHAIRMAN D. DUMEZICH: Okay. We'll take
3 him -- take him at his word.

4 MS. M. THOMPSON: Has a proposed civil
5 penalty of \$1,004.02.

6 CHAIRMAN D. DUMEZICH: Do you understand,
7 sir, that by doing this, it's 50 percent plus
8 mailing costs?

9 MR. G. VALENTINE: Uh-huh.

10 CHAIRMAN D. DUMEZICH: Very good. Thank
11 you. Any other second-timers -- second-timers
12 going, once, twice -- okay, third-time
13 offenders, come on down.

14 MR. A. BARNEY: Alex Barney, B-A-R-N-E-Y,
15 on behalf of the Mid-America Political Action
16 Committee. It's No. 2011-3982-1.

17 MS. M. THOMPSON: Page 20. Mid-America
18 Political Action Committee, Cause No.
19 2011-3982-1, has been before the commission two
20 other times, has a proposed civil penalty of
21 \$654.02.

22 CHAIRMAN D. DUMEZICH: Okay. You
23 understand what the terms and conditions are;
24 you realize you're waiving any possibility for a
25 hearing?

1 MR. A. BARNEY: Yes, sir.

2 CHAIRMAN D. DUMEZICH: Very good.

3 MR. A. BARNEY: Thank you.

4 CHAIRMAN D. DUMEZICH: Yeah, he's a
5 third-timer so he's 75 percent. Any other
6 third-timers -- okay, let's start -- I will
7 entertain a motion to approve all the campaign
8 finance agreements that we had before us today.

9 VICE CHAIR A. LONG: So moved.

10 CHAIRMAN D. DUMEZICH: Seconded?

11 COMMISSION MEMBER J. MEYER: Second.

12 CHAIRMAN D. DUMEZICH: Any discussion?

13 (No response.)

14 CHAIRMAN D. DUMEZICH: Hearing no
15 discussion, all in favor of the motion to
16 approve the senate finance, or senate, the
17 finance committee fines that we heard, indicate
18 by saying aye?

19 COMMISSION MEMBERS: Aye.

20 CHAIRMAN D. DUMEZICH: All opposed, by
21 indicating nay?

22 (No response.)

23 CHAIRMAN D. DUMEZICH: 4-0, they ayes have
24 it, motion passes. Let's go to the back in the
25 green, come on up.

1 MR. A. HORNING: My name is Andrew Horning,
2 H-O-R-N-I-N-G, and my cause number is
3 2010-5754-37.

4 CHAIRMAN D. DUMEZICH: Mr. Horning, let me
5 explain the procedures -- everyone in this room
6 now is entitled to a hearing, they'll get a
7 hearing. The procedures that I am going to
8 prattle through right now, are the procedures
9 that you should follow in this hearing, okay.

10 The Commission has followed certain procedures
11 for conducting campaign finance hearings, and I
12 propose that the Commission use the following
13 procedures today: A) when each finance matter is
14 called, and it will be called by me indicating who
15 you are and come on up, the hearing will begin with
16 recognizing the campaign finance staff to provide
17 information about the documentation in this matter
18 provided to the commission members, including
19 letters from the committees and notice given to the
20 campaign committee;

21 B) unless there's objection, the documents
22 provided to the Commission by the Election Division
23 are to be entered into the record of this meeting;
24 C) after the campaign finance staff completes
25 presentation, a representative of the committee

1 will be recognized and may present their case for
2 no more than five minutes;

3 D) commission members may ask questions during
4 the presentation, but the time spent answering
5 these questions will not be counted against the
6 presenter's time. The Election Division may signal
7 the chair when the presenter's time is up;

8 E) if the presenter offers additional
9 documents or other physical evidence not previously
10 received by the Commission, then the original must
11 be provided to the Election Division, and I would
12 like you to hand it to Dale, who is sitting three
13 down on my right, to preserve for the record;

14 F) if the Commission finds a committee has
15 violated the campaign finance statute, state law
16 requires a unanimous vote of all four commissioners
17 to waive or reduce the amount of the penalty by
18 state law;

19 G) if the Commission makes a decision on this
20 matter to either fine a committee or dismiss the
21 case against the committee, then the Election
22 Division will prepare a final order for the
23 Commission to approve at a later meeting.

24 If a committee is fined today, the committee
25 will receive a notice from the Election Division to

1 pay the fine after the Commission adopts the final
2 order. So maybe sometime after today, before you
3 get an indication of what your fine is, or excuse
4 me, before the committee will be required to pay
5 the fine, so you'll get a letter but that letter
6 could take a long time.

7 For example, I'm going to propose at the end
8 of this, June 27th be our next meeting, so if you
9 are fined today by this commission, you're not
10 going to get a letter until after that because at
11 that time we will approve the final order, so don't
12 be -- so don't be thinking you're going to get
13 something soon and that you've missed it.

14 The Commission generally begins at the front
15 of the room, but today, I've decided to go with the
16 back and ask those persons present to come forward
17 to have their matter heard. It's very helpful, if
18 you speak up and say the cause number, again, on
19 your hearing material so the commission staff can
20 quickly look it up on the spreadsheet.

21 Also, remember indicate your name and how your
22 name is spelled when you start speaking. Are there
23 any objections from the commission members or any
24 committee to these procedures?

25 VICE CHAIR A. LONG: I would move that we

1 adopt those procedures for the hearing today.

2 CHAIRMAN D. DUMEZICH: Okay. Any seconds?

3 COMMISSION MEMBER J. MEYER: Second.

4 CHAIRMAN D. DUMEZICH: I hear a second, any
5 discussion?

6 (No response.)

7 CHAIRMAN D. DUMEZICH: Hearing no
8 discussion, all in favor of adopting these rules
9 for a hearing today, indicate by saying aye?

10 COMMISSION MEMBERS: Aye.

11 CHAIRMAN D. DUMEZICH: All opposed,
12 indicate by saying nay?

13 (No response.)

14 CHAIRMAN D. DUMEZICH: The ayes have it,
15 and those are the procedures that will be in
16 place today.

17 MS. M. THOMPSON: Mr. Chairman, this is on
18 Page 36.

19 CHAIRMAN D. DUMEZICH: And your name again
20 is?

21 MR. A. HORNING: Andrew Horning,
22 H-O-R-N-I-N-G.

23 MS. M. THOMPSON: This is Horning for
24 Governor, Cause No. 2010-5754-37, had one
25 settlement agreement with us before and has a

1 proposed civil penalty of \$1,003.68.

2 CHAIRMAN D. DUMEZICH: Do you have any
3 documents that you would like to refer us to
4 with respect to...

5 MS. M. THOMPSON: No.

6 CHAIRMAN D. DUMEZICH: Okay.

7 MR. A. HORNING: Thank you for hearing my
8 case, Mr. Chairman.

9 CHAIRMAN D. DUMEZICH: So you've submitted
10 nothing to the Election Division prior to today;
11 right?

12 VICE CHAIR A. LONG: He sent us a letter.

13 MR. A. HORNING: I -- I have to actually
14 plead ignorance as well. My campaign
15 chairman --

16 CHAIRMAN D. DUMEZICH: Well, wait a second,
17 maybe we do have something.

18 MS. M. THOMPSON: You have -- you did a
19 motion to reconsider so there should be a letter
20 in your packet.

21 VICE CHAIR A. LONG: That's what the sheet
22 says, that's what I was trying to find, who
23 would it be from?

24 CHAIRMAN D. DUMEZICH: One second, Mr.
25 Horning.

1 MR. A. HORNING: Okay.

2 MS. M. THOMPSON: That was an e-mail to me?

3 MR. A. HORNING: Uh-huh.

4 CHAIRMAN D. DUMEZICH: We've come up with
5 one copy of the e-mail from Mr. Horning that was
6 sent to Miss Thompson, and it's -- the subject,
7 do you want to do a motion to reconsider? He
8 responds here by saying yes, I'd like to enter a
9 motion to reconsider. Do I need to write
10 something more formal? And the answer to that
11 was no, and we're here. I do not believe the
12 commission has any more evidence to present, so
13 for that, I will turn it over to you for five
14 minutes, except for questions which will not be
15 held against your time.

16 MR. A. HORNING: Okay. I don't believe I'm
17 going to need to take five minutes. I don't
18 really know much about what happened before
19 today. I got this notice last week. My
20 campaign finance representative is not here, and
21 in fact, part of the reason I'm here today is
22 because I was out of the state when he was
23 supposed to attend a hearing, apparently, last
24 year, and he was going to ask for a waive of the
25 fine, and my impression was that he thought that

1 was going to happen but he never attended the
2 hearing.

3 So I guess I have to, you know, plead
4 incompetence on the part of my campaign staff and
5 we did not intend any of this to happen.
6 Apparently, he did not know he was supposed to file
7 a closure report -- if you have looked at any of my
8 previous reports, you'd know that campaign
9 fundraising is not my forte. We probably raised
10 less than the amount of the fine and he apparently
11 just not thought it was necessary to show up.

12 Now the fact that it was necessary for him to
13 show up -- he should have shown up at the hearing
14 and I take full responsibility for that, and that's
15 why I'm here today because I didn't want to, you
16 know, put it in his hands again.

17 I'm just basically asking for lenience because
18 it was not our intention to defraud or cheat
19 anybody out of any money or out of any paperwork.
20 We tried to do things as we saw fit but we just
21 made mistakes, and for that, I'm just asking for
22 your lenience.

23 CHAIRMAN D. DUMEZICH: You will get our
24 lenience. Since you're a first-time offender,
25 go ahead --

1 VICE CHAIR A. LONG: Second.

2 CHAIRMAN D. DUMEZICH: Second, he's a
3 second-time offender?

4 VICE CHAIR A. LONG: He said a settlement
5 agreement.

6 CHAIRMAN D. DUMEZICH: Since you're a
7 second-time offender, our lenience will extend
8 to -- I'd like to hear if motion for 50 percent?

9 VICE CHAIR A. LONG: I'd like to ask a
10 question of staff before I make the motion. Is
11 his committee still open?

12 MS. A. TAYLOR: No.

13 VICE CHAIR A. LONG: So it's closed?

14 MS. A. TAYLOR: Yes.

15 VICE CHAIR A. LONG: All we're doing is
16 cleaning...

17 MS. M. THOMPSON: Yeah.

18 VICE CHAIR A. LONG: Okay. I move that we
19 grant the reconsideration -- he's come before
20 us, and reduce it to the customary 50 percent
21 plus mailing costs.

22 CHAIRMAN D. DUMEZICH: I hear a motion to
23 reduce the 50 percent plus mailing costs, do I
24 hear a second on that motion?

25 COMMISSION MEMBER J. MEYER: Second.

1 CHAIRMAN D. DUMEZICH: Hearing second on
2 the motion, open floor for discussion?

3 (No response).

4 CHAIRMAN D. DUMEZICH: Before I do that,
5 the Commission has taken evidence with respect
6 to your particular cause, Mr. Horning, is
7 closed. Now I hear motion in the second for
8 50 percent, do I hear any discussion?

9 (No response.)

10 CHAIRMAN D. DUMEZICH: Hearing no
11 discussion, I'd ask all in favor of the motion
12 to reduce to 50 percent plus mailing costs, to
13 say aye?

14 COMMISSION MEMBERS: Aye.

15 CHAIRMAN D. DUMEZICH: All opposed, say
16 nay?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: 4-0, ayes have it.
19 Leniency is 50 percent granted to you, sir.

20 MR. A. HORNING: Thank you.

21 VICE CHAIR A. LONG: Thank you.

22 CHAIRMAN D. DUMEZICH: Back row, right.

23 MR. D. ALTMAN: Good morning, or afternoon,
24 Mr. Chairman and members of the commission, my
25 name is Daniel Altman, A-L-T-M-A-N, appearing on

1 behalf of Lumsey for State Representative, and I
2 have three cause numbers, 2009-5678-248,
3 2009-5678-143, and 2011-5678-132.

4 MS. M. THOMPSON: First one is on Page 16,
5 Page 18 and Page 29. Mr. Chairman, it's Lumsey
6 for State Representative, Cause No.
7 2009-5678-143, this was a motion to reconsider
8 the 2008 annual fine, that was the \$1,003.45;
9 the second one is Cause No. 2009-5678-248, it's
10 a motion to reconsider the 2008 preprimary fine
11 of \$1,003.45; and Cause No. 2011-5678-132 is for
12 the annual report --

13 MS. A. TAYLOR: 2009.

14 MS. M. THOMPSON: 9 annual report which
15 was -- it's a proposed civil penalty of
16 \$1,004.02.

17 CHAIRMAN D. DUMEZICH: Do you have any
18 materials that you provided us with respect to
19 those particular causes?

20 MS. M. THOMPSON: No, we have no -- we
21 should have a motion to reconsider for this one.

22 CHAIRMAN D. DUMEZICH: I have in front of
23 me an e-mail from Daniel Altman to Abbey Taylor,
24 and the subject, I'm writing this e-mail on
25 behalf of Mr. Gilbert Lumsey in the cases

1 aforementioned, formally requesting the Indiana
2 Election Commission to reconsider transfer to
3 the Indiana Attorney General for collection and
4 formally requesting -- okay, in light of these
5 requests, we would waive notice of hearing.

6 Okay, let's hear your side of it, sir.

7 MR. D. ALTMAN: Thank you very much, Mr.
8 Chairman, and members of the commission, I'll
9 attempt to be brief. We are here on three
10 separate causes. Mr. Lumsey ran for state
11 representative in 2008. He never raised any
12 money. He's never spent any money in his bid
13 for state representative.

14 His committee has been dissolved. It was
15 dissolved in a filing in 2010. In addition, the
16 2008 filings, for which he's also received a fine
17 thus far, have been mailed, I understand today, for
18 filing.

19 Again, there was zero money raised, zero spent
20 in his attempt to run for office. To be frank with
21 the commission, Mr. Lumsey wasn't particularly
22 skilled with respect to paperwork, and simply put,
23 he wasn't prepared for the requirements that were
24 going to be associated running for public office.

25 He stated publicly that he has no intention to

1 run again for any sort of office so I don't believe
2 this is a situation where he's going to be in front
3 of this commission again, and finally, I just would
4 like to add that I'm appearing pro bono on his
5 behalf right now, and that any fines would be a
6 significant financial hardship for him.

7 So if a waiver is not granted, I would request
8 that they be reduced. This is the first -- like I
9 say, it's the first time he's ever run for office
10 and the first offense that he's had.

11 CHAIRMAN D. DUMEZICH: What's the total
12 fines here?

13 VICE CHAIR A. LONG: 3,000.

14 MS. M. THOMPSON: 3,000.

15 CHAIRMAN D. DUMEZICH: And he's been
16 noticed to come to these hearings before and
17 he's not showed -- he's chosen not to do that?

18 MR. D. ALTMAN: I just became involved with
19 this last week so I don't know. I don't want to
20 misspeak with respect to what happened on prior
21 hearings, but I'm not in a position to dispute
22 any particular notice.

23 VICE CHAIR A. LONG: I think coming in
24 is -- he's entitled to some benefit, and I think
25 what the older -- is the older one on Page 16?

1 MS. M. THOMPSON: Yes.

2 VICE CHAIR A. LONG: On that one, I'm going
3 to move to deny the request for reconsideration.

4 MS. M. THOMPSON: The oldest one is on 18.

5 VICE CHAIR A. LONG: Okay, 18 -- well, then
6 that one then. That's the oldest case where
7 he's been notified to appear and he's taken no
8 action, it would be my notion to deny the
9 request for reconsideration.

10 CHAIRMAN D. DUMEZICH: On the first one?

11 VICE CHAIR A. LONG: Yes.

12 CHAIRMAN D. DUMEZICH: I have a motion to
13 deny the request for reconsideration on the
14 oldest fine in the amount of...

15 VICE CHAIR A. LONG: \$1,000.

16 CHAIRMAN D. DUMEZICH: \$1,000, do I hear a
17 second on that motion -- waiting for a second --
18 as the chair, I second.

19 VICE CHAIR A. LONG: For discussion,
20 Commissioner Riordan just brought to my
21 attention -- has been to move to grant relief on
22 the other two but to send a message that the --
23 it's caused our staff additional work and this
24 time and -- just by ignoring us and that's the
25 only reason -- I mean, he hasn't earned the

1 benefit of one of -- that one. He's heard about
2 that one before.

3 CHAIRMAN D. DUMEZICH: I would agree with
4 you. I -- it wouldn't -- if someone decides
5 that they're going to run for office, they
6 undertake those obligations.

7 To further shirk their duties and
8 responsibilities to come here after they've been
9 dilatory in filing their reports, I would have a
10 hard time waiving that, especially, since it's gone
11 through the entire process, and our staff has taken
12 a lot of time to do that.

13 As to the second ones, he is showing up -- you
14 know what, you want to modify your motion for the
15 total penalties associated with this just so we can
16 get a second and move it on out?

17 VICE CHAIR A. LONG: I think we've got a
18 motion pending. Procedurally, I think we either
19 have to withdraw that and make a new motion or
20 vote on that one, and I'll make the second
21 motion.

22 CHAIRMAN D. DUMEZICH: Okay. Would you
23 like to withdraw your first motion?

24 VICE CHAIR A. LONG: I will withdraw the
25 first motion in an effort of making a second

1 motion.

2 CHAIRMAN D. DUMEZICH: We'll entertain that
3 motion, sir -- I also withdraw my second.

4 VICE CHAIR A. LONG: The motion then that I
5 would make is in the cause number ending in 248
6 on Page 18, we deny the request for
7 reconsideration, and with regard to the one on
8 16, which is Cause No. 143, and I've lost the
9 other one.

10 MS. M. THOMPSON: 29.

11 VICE CHAIR A. LONG: Page 29, which is
12 Cause No. 132, that we grant the request for
13 reconsideration and reduce the fine to our
14 traditional fine of 25 percent as a first
15 offense.

16 CHAIRMAN D. DUMEZICH: I have a motion on
17 the floor to not reconsider the first fine but
18 to reduce the subsequent fines to 25 percent
19 plus mailing costs -- I have that motion made,
20 do I hear a second?

21 COMMISSION MEMBER J. MEYER: Second.

22 CHAIRMAN D. DUMEZICH: Hearing a motion and
23 seconded, open for discussion; any discussion?

24 (No response.)

25 CHAIRMAN D. DUMEZICH: Hearing none, all in

1 favor of the motion to not reconsider the first
2 fine in the amount of 1,000 plus mailing costs
3 but to modify and reconsider the second and
4 third fines and reduce them to 25 percent plus
5 mailing costs, all in favor of that motion,
6 please indicate by saying aye?

7 COMMISSION MEMBERS: Aye.

8 CHAIRMAN D. DUMEZICH: All opposed, say
9 nay?

10 (No response.)

11 CHAIRMAN D. DUMEZICH: Going 4-0, the ayes
12 have it -- I forgot to close the record, can I
13 close the record now?

14 COMMISSION MEMBER S. RIORDAN: Yes.

15 CHAIRMAN D. DUMEZICH: I would like to
16 close the record on this case at this point in
17 time. Move to the next case.

18 MR. D. ALTMAN: Thank you, Mr. Chairman.

19 CHAIRMAN D. DUMEZICH: Mr. Babcock.

20 MR. K. BABCOCK: Good afternoon, Mr.
21 Chairman and members of the commission. The
22 cause number is 2011-5871-143. I'm Kyle,
23 spelled K-Y-L-E, Babcock, "B" as in boy, "A" as
24 in apple, "B" as in boy, C-O-C-K. Thank you for
25 taking the time to come down here today.

1 CHAIRMAN D. DUMEZICH: Give our staff a
2 moment to pull up whatever documentation.

3 MS. M. THOMPSON: Page 35. It's Kyle for
4 State Rep, Cause No. 2011-5871-143, has never
5 been before the commission before, has a
6 proposed civil penalty of \$1,004.02.

7 CHAIRMAN D. DUMEZICH: Okay. Any
8 documentation for the record?

9 MS. M. THOMPSON: No.

10 CHAIRMAN D. DUMEZICH: No. Okay, Mr.
11 Babcock.

12 MR. K. BABCOCK: I've got some
13 documentation I can provide.

14 CHAIRMAN D. DUMEZICH: Please give it to
15 him.

16 MR. K. BABCOCK: I've made copies for
17 everybody. There should be five copies, two
18 pages each. Mr. Chairman, can I proceed?

19 CHAIRMAN D. DUMEZICH: Yes, you may, and
20 you're on the clock.

21 MR. K. BABCOCK: I promise it will be less
22 than five minutes. In May of 2009, I got the
23 brilliant idea to file for state representative.
24 I filed an exploratory committee down in
25 Indianapolis in the Secretary of State's office.

1 At that point I was probably only a candidate
2 for probably a week and a half. I went up and
3 spoke with the current state representative and
4 decided that I was not going to be a candidate any
5 longer.

6 What happened was I didn't have any expenses.
7 There were no contributions. I didn't solicit
8 anything. I didn't realize I had to file a report
9 for an exploratory committee. I accept full
10 responsibility for my actions.

11 I'm a local elected official in my community.
12 I've always filed my reports on time. I've never
13 been before the commission before. I was actually
14 in the Secretary of State's office the day that the
15 report was due where I was actually -- I came down
16 with a person who was going to file for state rep
17 in another district, and I was even here, and I
18 could have filed it, but I didn't -- I didn't
19 realize that.

20 I got the letter in the mail from the
21 elections office, and as soon as I got the letter
22 in the mail, besides me spelling filing wrong on
23 the -- I said filling, I sent a report in that I
24 had no expenses, and I accept full responsibility
25 for any treasurer, which is my wife, and I'm here

1 today.

2 I accept full responsibility for reports not
3 being filed. I'm asking the commission to rescind
4 my fine of a thousand dollars. This was a little
5 bit over a year ago so...

6 CHAIRMAN D. DUMEZICH: I have a question
7 for you. There are no signatures on the CFA-4
8 that you've given us?

9 MR. K. BABCOCK: I think those are copies.
10 I sent signatures in. They should have those in
11 the file. I can make copies afterwards.

12 CHAIRMAN D. DUMEZICH: Okay..

13 MR. K. BABCOCK: I accept full
14 responsibility for the actions, so I'm here to
15 plead for the commission to rescind my fine.
16 Thank you. I'm all done.

17 CHAIRMAN D. DUMEZICH: Let's make sure
18 we've got a file on that; do we have any
19 questions?

20 MS. A. TAYLOR: It's signed.

21 CHAIRMAN D. DUMEZICH: Okay. With that, I
22 close the hearing. Do I have any motions?

23 COMMISSION MEMBER S. RIORDAN: I'm going to
24 move that we waive the fine, and by way of
25 explanation, I would say that the difference

1 between this and the prior matter that came
2 before us, there wasn't any money that moved in
3 and out of this campaign account; in fact, there
4 was probably no account ever even created?

5 MR. K. BABCOCK: No, no checking account.

6 COMMISSION MEMBER S. RIORDAN: So this is
7 really filed a form for an exploratory, never
8 really went anywhere, and I think that's a
9 situation where there's been no foul. There's a
10 technical violation of the rules, but I think
11 it's appropriate here to waive the fine.

12 VICE CHAIR A. LONG: I'll second that.

13 CHAIRMAN D. DUMEZICH: Motion to waive, and
14 I hear a second, any discussion?

15 (No response.)

16 CHAIRMAN D. DUMEZICH: All in favor of
17 waiving the fine against Kyle for State
18 Representative, please indicate by saying aye?

19 COMMISSION MEMBERS: Aye.

20 CHAIRMAN D. DUMEZICH: All opposed,
21 indicate by nay -- nay -- 3-1, your fine is
22 reduced.

23 VICE CHAIR A. LONG: No, no, it takes
24 unanimous to reduce it.

25 COMMISSION MEMBER S. RIORDAN: Wait a

1 minute, it has to be unanimous to reduce it.

2 CHAIRMAN D. DUMEZICH: Okay. Based on
3 that, I'm going to change my vote to a yeah.
4 4-0, your fine is now reduced.

5 MR. K. BABCOCK: Thank you, Mr. Chairman
6 and members of the commission. I will never be
7 back.

8 VICE CHAIR A. LONG: Please run. I think
9 people ought to run for office.

10 MR. K. BABCOCK: I'm actually running for
11 mayor in my hometown now, but it's...

12 VICE CHAIR A. LONG: I don't anything we do
13 here to dissuade people from running because
14 that's an-typical for what -- if that's the
15 right word, for what we're here for. We want to
16 encourage people to run.

17 MR. K. BABCOCK: I may be needing my head
18 examined for mayor but...

19 VICE CHAIR A. LONG: Well, that may be,
20 too, --

21 MR. K. BABCOCK: Thank you very much.

22 VICE CHAIR A. LONG: -- but there's a lot
23 of folks in that category.

24 CHAIRMAN D. DUMEZICH: Back right, come on
25 down.

1 MR. J. DAVIES: Jeff Davies, D-A-V-I-E-S,
2 200 -- 2011-5067-161.

3 MS. M. THOMPSON: Page 44. Jeff Davies for
4 House 99, Cause No. 2011-5067-161, has had one
5 settlement agreement with us before, has a
6 proposed civil penalty of \$304.36, and the
7 committee is now closed.

8 CHAIRMAN D. DUMEZICH: Sir.

9 MR. J. DAVIES: First of all, thank you for
10 coming from the back rather than the front. I
11 appreciate that. I have disbanded my committee.
12 I have not run for office before, it was the
13 first time I've done that, and really wasn't
14 sure if -- what all was necessary. The most
15 I've ever had at the end of a filing has \$142 so
16 it hasn't been a big campaign.

17 I've had some extraordinary circumstances last
18 year -- at the end of the year my wife -- my wife
19 and I were taking care of my mother and she had
20 Alzheimer's for five years and she died and I got
21 caught up in all of the estate matters there.

22 I also have three sons in the military right
23 now, and I'm having to take care of all of their
24 affairs. My brother is also in Afghanistan so I'm
25 taking care of his stuff. My son tore his ACL at

1 the end of the month -- at the end of the year
2 playing basketball, so I'm overwhelmed and must
3 have overlooked, if I got the statement. I just
4 plead your leniency on the case.

5 CHAIRMAN D. DUMEZICH: Any questions?

6 (No response.)

7 CHAIRMAN D. DUMEZICH: The hearing is now
8 closed. Do I hear a motion?

9 VICE CHAIR A. LONG: I would move that we
10 reduce it to 50 percent.

11 CHAIRMAN D. DUMEZICH: I have a motion to
12 reduce the fine to 50 percent, do I hear a
13 second?

14 COMMISSION MEMBER J. MEYER: Second.

15 CHAIRMAN D. DUMEZICH: Hearing the second,
16 any discussion?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: Hearing no
19 discussion, all in favor of reduction of penalty
20 by 50 percent, indicate by saying aye?

21 COMMISSION MEMBERS: Aye.

22 CHAIRMAN D. DUMEZICH: All opposed,
23 indicate by nay?

24 (No response.)

25 CHAIRMAN D. DUMEZICH: 4-0, the ayes have

1 it. The penalty is reduced by 50 percent.

2 MR. J. DAVIES: Thank you.

3 CHAIRMAN D. DUMEZICH: Back left, ladies.

4 Please state your name?

5 MS. D. ENNIS: My name is Donna Ennis,
6 E-N-N-I-S.

7 MS. M. WILLEFORD: And my name is Mary
8 Willeford, W-I-L-L-E-F-O-R-D.

9 MS. D. ENNIS: The cause number is
10 2011-5935-18, 2011-5935-71 and 2011-5935-47.

11 MS. A. TAYLOR: Pages 20, 38 and 65.

12 MS. M. THOMPSON: I thought we already did
13 that.

14 COMMISSION MEMBER S. RIORDAN: No, this is
15 different.

16 VICE CHAIR A. LONG: 65, I...

17 MS. A. TAYLOR: 21, 63, 65.

18 VICE CHAIR A. LONG: I don't have a -- 65
19 is Citizens for Better Government.

20 MS. D. ENNIS: That's us.

21 MS. M. WILLEFORD: That's us.

22 MS. D. ENNIS: That's our group that we're
23 representing.

24 VICE CHAIR A. LONG: Okay.

25 MS. M. THOMPSON: Page 21, Citizens for

1 Better Government, Cause No. 2011-5935-18, they
2 have never been before the commission before.
3 This is in motion to reconsider the 2009 annual
4 fine of \$1,004.02. The second one is Cause No.
5 2011-5935-47, a motion to reconsider the 2010
6 preelect fine of \$1,004.36, and Cause No.
7 2011-5935-71, a motion to reconsider the 2010
8 preprimary of \$1,004.02.

9 VICE CHAIR A. LONG: There's no letter.

10 CHAIRMAN D. DUMEZICH: I have an e-mail
11 from Citizens for Better Government to Leslie
12 Barnes, and then response from Leslie Barnes to
13 them dated on March 2nd, 2011. Would you
14 like -- it's a motion to reconsider, and are you
15 here for a motion to reconsider?

16 MS. D. ENNIS: Yes.

17 CHAIRMAN D. DUMEZICH: Do you have anything
18 to present from...

19 MS. M. THOMPSON: No.

20 CHAIRMAN D. DUMEZICH: Ladies.

21 MS. D. ENNIS: Well, first off, when they
22 filed the PAC organization work or paperwork,
23 they filed it with the State when it should have
24 been filed locally with our election board.

25 We're not a big PAC, we're just a group of

1 citizens that -- like she's a Republican, I'm a
2 Democrat, we're a bipartisan group, and we just
3 inform people what is going on in our city as far
4 as what is the issues with our water.

5 I have examples of the ads that we ran in our
6 paper. It's not supporting any candidate. It just
7 talks about what you should know about our water,
8 and if you would like a copy of this -- would you
9 like to see that?

10 CHAIRMAN D. DUMEZICH: Please, a copy for
11 the record.

12 MS. D. ENNIS: We're not supporting any
13 community. It's just a local -- there is
14 Democrats and Republicans that represent us
15 locally, and, you know, the council and our
16 mayor and clerk/treasurer, and it's just in our
17 city, so the paperwork should have been filed
18 locally.

19 CHAIRMAN D. DUMEZICH: Question, do you
20 provide funds to candidates or...

21 MS. D. ENNIS: No.

22 CHAIRMAN D. DUMEZICH: Do you ever endorse
23 a candidate in the paper?

24 MS. D. ENNIS: No.

25 MS. M. WILLEFORD: No.

1 CHAIRMAN D. DUMEZICH: Have you ever given
2 any money to any state rep candidates?

3 MS. D. ENNIS: No.

4 MS. M. WILLEFORD: No.

5 CHAIRMAN D. DUMEZICH: State senators?

6 MS. D. ENNIS: No.

7 MS. M. WILLEFORD: No, huh-uh.

8 CHAIRMAN D. DUMEZICH: Governor candidates,
9 anything like that?

10 MS. D. ENNIS: No.

11 MS. M. WILLEFORD: No.

12 CHAIRMAN D. DUMEZICH: Just making sure.

13 MS. D. ENNIS: No one, never given...

14 CHAIRMAN D. DUMEZICH: So you don't give
15 any money to any candidates?

16 MS. D. ENNIS: No.

17 MS. M. WILLEFORD: No.

18 MS. D. ENNIS: We don't have fund-raisers,
19 we don't do any of that. We don't take money
20 from corporations or any of that. It's just a
21 local group of citizens that collect money to
22 pay for ads.

23 VICE CHAIR A. LONG: How do you raise
24 money?

25 MS. D. ENNIS: How do we raise money, the

1 people in the group, just friends.

2 VICE CHAIR A. LONG: Just contributions?

3 MS. D. ENNIS: Yeah.

4 MS. M. WILLEFORD: Uh-huh.

5 MS. D. ENNIS: They -- I mean, we want to
6 run ad -- okay, this is how much it would cost
7 so...

8 VICE CHAIR A. LONG: And your ad down
9 there, does it have a disclaimer on it?

10 MS. D. ENNIS: Information Provided by
11 Citizens for Better Government, which we have --
12 here's another ad that kind of informs, tells
13 the members of the group, it gives their phone
14 numbers, and here's an article that we ran in
15 the paper that just talks about what we are -- I
16 mean, it was just an article. We didn't pay for
17 that, that was just a little article that they
18 did that talks about who we are and...

19 CHAIRMAN D. DUMEZICH: What are the total
20 fines associated with this?

21 MS. A. TAYLOR: 3,000.

22 MS. D. ENNIS: \$3,000 -- yeah, we don't
23 have that kind of money so...

24 VICE CHAIR A. LONG: Let me ask this: Are
25 you still an active committee at the state

1 level?

2 MS. M. WILLEFORD: No.

3 MS. D. ENNIS: We have never been an active
4 committee at the state level.

5 VICE CHAIR A. LONG: No, if you've filed...

6 MS. D. ENNIS: Yes, we have, but we would
7 like to...

8 CHAIRMAN D. DUMEZICH: Withdraw from that?

9 MS. D. ENNIS: Yes.

10 VICE CHAIR A. LONG: And I maybe calling on
11 counsel here for a question. It seems to me
12 that there is a legitimate question they raised
13 whether or not they need to be a committee -- as
14 an issue entity only, and it would seem to me
15 their best course of action would be to file a
16 motion to close this committee to get it off of
17 our books and then decide whether or not they
18 need to file in some other form or fashion -- I
19 mean, I guess my question is: Based on the
20 evidence that they presented, Leslie, do you
21 believe they need to have a committee, No. 1,
22 and No. 2, do you believe, and Dale, also,
23 should it be local or run through the Secretary
24 of State's office?

25 MS. L. BARNES: Thank you, Mr.

1 Commissioner, Mr. Chairman. From the evidence
2 presented, and when I had an opportunity to talk
3 to Toody (Phonetic) Willeford, is it?

4 MS. M. WILLEFORD: Uh-huh.

5 MS. L. BARNES: I explained that I could
6 not provide her legal advice, but you as the
7 commission members asking, from the evidence
8 presented, it does not sound like they're a
9 political action committee.

10 According to 3-5-2-37, a political action
11 committee is an organization that proposes to
12 influence the election or defeat of a candidate or
13 the outcome of a public question.

14 I haven't seen the ads, and I suggested to
15 Toody they may need to seek legal advice, but it
16 does not sound like they truly are a political
17 action committee, and if they're not a political
18 action committee seeking to influence the outcome
19 of a public question or election of a candidate,
20 they don't need to open a campaign finance
21 committee either at the state or local.

22 CHAIRMAN D. DUMEZICH: Was there any sort
23 of referendum or anything that this information
24 was -- was geared to?

25 MS. D. ENNIS: No.

1 MS. M. WILLEFORD: Huh-uh, no.

2 VICE CHAIR A. LONG: Not trying to get out
3 of the IURC -- I might support that, I mean...

4 MS. D. ENNIS: No, our city is not in the
5 IURC, it's -- because we have ground water,
6 that's why, and that's why -- which prompted --
7 we're mad -- we're mad.

8 MS. M. WILLEFORD: We want a water filter
9 system in town and it's not being put in and we
10 want to see that it is put in.

11 VICE CHAIR A. LONG: You all presented your
12 evidence?

13 CHAIRMAN D. DUMEZICH: With that, the
14 hearing is closed.

15 VICE CHAIR A. LONG: I would make a motion
16 that we table this until our next meeting, and
17 with the statement in my motion that if they
18 have filed their paperwork to disband,
19 disorganize, or whatever or --

20 COMMISSION MEMBER S. RIORDAN: Close.

21 VICE CHAIR A. LONG: -- close, whatever the
22 right words are, then they would not need to
23 come back and we can put it on the agenda for
24 the next meeting, and it would be my intention
25 to make a motion dismiss these cases.

1 CHAIRMAN D. DUMEZICH: Do I hear a second?

2 COMMISSION MEMBER J. MEYER: Second.

3 CHAIRMAN D. DUMEZICH: Hearing a motion to
4 table and hearing a second, open for discussion?

5 (No response.)

6 CHAIRMAN D. DUMEZICH: Hearing no
7 discussion, all in favor of tabling this cause,
8 please indicate by saying aye?

9 COMMISSION MEMBERS: Aye.

10 CHAIRMAN D. DUMEZICH: All opposed,
11 indicate with nay?

12 (No response.)

13 VICE CHAIR A. LONG: Are you with us on
14 that?

15 MS. D. ENNIS: Yeah, so -- but we can put
16 ads in the paper, if we want to?

17 CHAIRMAN D. DUMEZICH: Well, you can do
18 that, if you want to, but we're not talking
19 about that.

20 MS. D. ENNIS: Okay.

21 CHAIRMAN D. DUMEZICH: We're just talking
22 about getting rid of this.

23 MS. D. ENNIS: Okay.

24 CHAIRMAN D. DUMEZICH: If you think that
25 you may have any sort of obligation to file

1 anything, -- we're telling you you don't have an
2 obligation to file here, but you have to
3 determine whether or not you have an obligation
4 to file someone else.

5 MS. D. ENNIS: Okay.

6 CHAIRMAN D. DUMEZICH: So us by saying this
7 can't affect somebody else who may later think
8 that you had an obligation to file before them.

9 MS. D. ENNIS: Okay. Thank you, guys.

10 VICE CHAIR A. LONG: Plus, I think the
11 advice -- you're going to have to get legal
12 advice, hopefully, would be a good idea. It
13 just sounds like you're what we call issue
14 advocacy, and that's a different -- different
15 arena than what we are in.

16 CHAIRMAN D. DUMEZICH: You are back left;
17 correct?

18 MS. D. ENNIS: Yes.

19 CHAIRMAN D. DUMEZICH: Back right.

20 VICE CHAIR A. LONG: Thank you all for
21 coming down.

22 MS. D. ENNIS: Thank you so much.

23 MS. M. WILLEFORD: Thank you.

24 CHAIRMAN D. DUMEZICH: Come on down. Give
25 your name and number, sir?

1 MR. J. JESSUP: John, Jessup, J-E-S-S-U-P,
2 Cause number is 2009-5793-174.

3 MS. M. THOMPSON: Mr. Chairman, that's on
4 Page 18. This is Jessup for 53 Committee. Mr.
5 Jessup was continued from the 3/16/09 meeting,
6 that if he disbanded, he would be, or if he
7 closed his committee, that it would be
8 dismissed.

9 CHAIRMAN D. DUMEZICH: Okay. Any other
10 report?

11 MS. M. THOMPSON: That's it.

12 MR. J. JESSUP: I complied with your
13 wishes.

14 VICE CHAIR A. LONG: Which is what it says.
15 I move we dismiss it. We'll keep our word.

16 CHAIRMAN D. DUMEZICH: Hearing -- I'll
17 close the hearing, hearing a motion to dismiss,
18 do I hear a second?

19 COMMISSION MEMBER S. RIORDAN: Second.

20 CHAIRMAN D. DUMEZICH: Hearing a second,
21 all in favor of a motion to dismiss Jessup for
22 53, please indicate by saying aye?

23 COMMISSION MEMBERS: Aye.

24 CHAIRMAN D. DUMEZICH: All opposed?

25 (No response.)

1 CHAIRMAN D. DUMEZICH: Hearing none, the
2 ayes have it. Your case is dismissed, sir.

3 MR. J. JESSUP: Thank you, Mr. Chairman.
4 Thank you, Commission.

5 CHAIRMAN D. DUMEZICH: Back left, come on
6 down.

7 MR. J. HILER: My name is Jeremy Hiler,
8 H-I-L-E-R. My cause number is 2009-5381-29.

9 MS. M. THOMPSON: Page 11, Committee to
10 Elect Jeremy Hiler, Cause no. 2009-5381-29.
11 He's never been before the commission before.
12 This is a motion to reconsider the 2007 annual
13 fine, which is \$353.45.

14 CHAIRMAN D. DUMEZICH: I have a letter To
15 Whom it May Concern in regards to the Case
16 2009-5381-29, I would like to file a motion to
17 reconsider. So you're asking for a motion to
18 reconsider a penalty of \$353.45; --

19 MR. J. HILER: Yes, sir.

20 CHAIRMAN D. DUMEZICH: -- is that correct?

21 MR. J. HILER: Yes, sir. Sorry I jumped
22 the gun.

23 CHAIRMAN D. DUMEZICH: Quite all right.
24 Please present your case, sir.

25 MR. J. HILER: I was a first-time candidate

1 and had an incorrect understanding. I thought
2 when I turned in my report showing I had zero
3 dollars, no debt, no income -- at the end of my
4 campaign, since I had lost, that it was kind of,
5 I guess, automatically closed.

6 Obviously, that was incorrect. When I
7 received the letter from you guys telling me that I
8 was late, I responded within 24 hours, I responded
9 very promptly, and I also absolved my committee at
10 that time, since I was aware that it was no longer
11 closed.

12 CHAIRMAN D. DUMEZICH: You dissolved it?

13 MR. J. HILER: Pardon?

14 CHAIRMAN D. DUMEZICH: Dissolved the
15 committee?

16 MR. J. HILER: And I was not intentionally
17 trying to hide anything or blatantly violate any
18 laws and I'm here asking for mercy and also
19 wanted to apologize for that that inconvenience.

20 CHAIRMAN D. DUMEZICH: Do you have any more
21 evidence to present, sir?

22 MR. J. HILER: No. I submitted -- I
23 submitted a letter, I believe in 2009 -- at that
24 time I submitted a letter, and you guys did not
25 accept any letters at that meeting, which was at

1 you guys' discretion, because the letter says
2 that you may consider written submission, and
3 you did not, so I had submitted that letter.
4 When I received the fine, then I put the letter
5 to a motion, a motion to reconsider.

6 CHAIRMAN D. DUMEZICH: Any questions of
7 this gentleman?

8 (No response.)

9 CHAIRMAN D. DUMEZICH: Do you think that's
10 accurate; do you have anything to dispute?

11 MS. M. THOMPSON: Huh-uh.

12 CHAIRMAN D. DUMEZICH: Okay. Hearing no
13 discussion, close the hearing. Entertain a
14 motion with respect to Mr. Hiler.

15 VICE CHAIR A. LONG: I guess this is a 2007
16 report, four years annual -- three years, I
17 guess -- I guess administratively, I don't want
18 to -- why are just now writing him and saying
19 that he owes the money?

20 CHAIRMAN D. DUMEZICH: Probably we moved to
21 collection at the Attorney General; right -- is
22 that what happened, that's why he got the
23 letter?

24 MS. M. THOMPSON: No. No. We had a
25 meeting, the 2009 meeting.

1 MS. A. TAYLOR: This was at the March 2009
2 meeting.

3 COMMISSION MEMBER S. RIORDAN: So we're
4 that backed up that --

5 MS. M. THOMPSON: Yes.

6 MS. A. TAYLOR: Yes.

7 COMMISSION MEMBER S. RIORDAN: -- we have
8 2007 violations that we're having for hearing in
9 '09, and then when they -- when someone files a
10 motion to reconsider a ruling made in '09, then
11 this is just when we...

12 MS. M. THOMPSON: Right.

13 COMMISSION MEMBER S. RIORDAN: Because we
14 only do this once or twice a year; right?

15 MS. M. THOMPSON: Right.

16 COMMISSION MEMBER S. RIORDAN: Okay.

17 VICE CHAIR A. LONG: I just wanted to make
18 sure that he wasn't being -- I would move that
19 we grant a reconsideration and reduce the fine
20 here to a customary 25 percent.

21 CHAIRMAN D. DUMEZICH: Having a motion to
22 reconsider and reduce the fine to 25 percent
23 plus mailing costs?

24 VICE CHAIR A. LONG: Yes.

25 CHAIRMAN D. DUMEZICH: Do I hear a second?

1 COMMISSION MEMBER J. MEYER: Second.

2 CHAIRMAN D. DUMEZICH: Hearing a second,
3 any discussion.

4 (No response.)

5 CHAIRMAN D. DUMEZICH: Hearing no
6 discussion, all in favor of reducing this to
7 25 percent plus mailing costs, indicate by
8 saying aye?

9 COMMISSION MEMBERS: Aye.

10 CHAIRMAN D. DUMEZICH: All opposed, nay?

11 (No response.)

12 CHAIRMAN D. DUMEZICH: 4-0, motion carries.

13 COMMISSION MEMBER S. RIORDAN: Mr.

14 Chairman?

15 CHAIRMAN D. DUMEZICH: Yes.

16 COMMISSION MEMBER J. MEYER: Would you
17 entertain a brief recess?

18 CHAIRMAN D. DUMEZICH: Certainly -- ten
19 minutes?

20 COMMISSION MEMBER S. RIORDAN: That would
21 be great.

22 CHAIRMAN D. DUMEZICH: At this point in
23 time, we're going to have a 10-minute recess.

24 (A recess was taken.)

25 CHAIRMAN D. DUMEZICH: Let's go on the

1 record. Give her a second, state your name and
2 then your cause number and spell your name and
3 we'll go from there.

4 MR. P. KREMPELY: My name is Peter
5 Krempely, K-R-E-M-P-E-L-Y, Cause No.
6 2011-5726-138.

7 MS. M. THOMPSON: Mr. Chairman, it's on
8 Page 32. Krempely for State Senator Committee,
9 Cause No. 2011-5726-138, has never been before
10 the commission before, has a proposed civil
11 penalty of \$1,004.02, and the committee is now
12 closed.

13 CHAIRMAN D. DUMEZICH: And do you have
14 anything else to add to the record?

15 MS. M. THOMPSON: No.

16 CHAIRMAN D. DUMEZICH: Sir, your turn, five
17 minutes.

18 MR. P. KREMPELY: Totally unaware,
19 oblivious to the whole thing -- I mean, I ran
20 for -- I ran for State senate, didn't raise any
21 money, didn't even -- I didn't even know if I
22 had to file paperwork, finance committee
23 paperwork.

24 If I didn't have to, I wouldn't have, but I
25 found out through mail only after the fact that I

1 was supposed to file this form to close the
2 committee, and because of it, I'm being assessed a
3 fine. Up to that point -- I mean, my intentions
4 are to be compliant with whatever requirements are
5 made, and just was totally unaware.

6 CHAIRMAN D. DUMEZICH: What's the status of
7 your committee today, is it still open; has he
8 closed it.

9 MS. M. THOMPSON: Closed.

10 MS. A. TAYLOR: Closed.

11 MR. P. KREMPELY: Closed, I don't have one.

12 COMMISSION MEMBER S. RIORDAN: May I, Mr.
13 Chairman?

14 CHAIRMAN D. DUMEZICH: Okay, any questions?

15 COMMISSION MEMBER S. RIORDAN: Is this
16 another situation where you never raised any
17 money and you never had any money in the account
18 or anything like that?

19 MR. P. KREMPELY: Nothing of that nature at
20 all.

21 COMMISSION MEMBER S. RIORDAN: Did you make
22 any campaign expenditures, buy any yard signs?

23 MR. P. KREMPELY: I spent \$400 of my own
24 money on yard signs, and you know, some business
25 cards.

1 COMMISSION MEMBER S. RIORDAN: Okay.

2 MR. P. KREMPELY: But beyond that, I really
3 had no intention of putting together a committee
4 to solicit funds from anybody or anything of
5 that nature.

6 COMMISSION MEMBER S. RIORDAN: Because the
7 committees have to be formed, not just to make
8 public and give transparency to those
9 solicitation of funds, but also to the spending
10 of fund, so technically, your 400 should have
11 been an in kind donation to your committee and
12 then the committee makes the expenditure.

13 But be that as it may -- so it's not like the
14 other example that we had where the individual
15 filed for a minute and then he decided to get out
16 of the race, this is a different situation, where
17 you actually ran a campaign and had a little money.

18 I'm still inclined to substantially reduce
19 your penalty, that would be my inclination, but I
20 think this is -- this is slightly distinct from the
21 situation we had before with zero money flowing
22 through the campaign.

23 CHAIRMAN D. DUMEZICH: Any more questions
24 or comments?

25 MR. P. KREMPELY: You know, from the

1 perspective that I had, my understanding was
2 once the committee -- once the election was
3 over, all the committees are extinct.

4 CHAIRMAN D. DUMEZICH: Did you do your
5 filing, did you have a filing that showed the
6 \$400 on it?

7 MR. P. KREMPELY: Yes.

8 CHAIRMAN D. DUMEZICH: So this is a merely
9 a question of him closing the committee then; is
10 that accurate, ladies?

11 MS. M. THOMPSON: Did he close it?

12 CHAIRMAN D. DUMEZICH: I mean, he was
13 current --

14 MR. P. KREMPELY: I was unaware that...

15 CHAIRMAN D. DUMEZICH: He was current with
16 all of his filings but he never closed the
17 committee, is that procedurally what brings him
18 here?

19 MS. M. THOMPSON: Correct.

20 VICE CHAIR A. LONG: But he subsequently
21 has closed it?

22 CHAIRMAN D. DUMEZICH: No.

23 VICE CHAIR A. LONG: I believe that's
24 what -- I think that's what...

25 MR. P. KREMPELY: Yeah, it's closed.

1 MS. M. THOMPSON: Yeah, he closed it.

2 CHAIRMAN D. DUMEZICH: Close the hearing,
3 entertain a motion to reduce the fine or not --
4 so he was compliant all the way through, the
5 only thing he failed to do was close the
6 committee. He did show his expenditures and
7 showed...

8 MR. P. KREMPELY: I just wasn't aware that
9 that was a requirement.

10 CHAIRMAN D. DUMEZICH: Yep, that's fine.

11 COMMISSION MEMBER S. RIORDAN: I'm going to
12 move to reduce the fine to 25 percent plus
13 mailing costs.

14 CHAIRMAN D. DUMEZICH: I hear a motion to
15 reduce the fine by 25 percent --

16 COMMISSION MEMBER J. MEYER: To 25 percent.

17 CHAIRMAN D. DUMEZICH: To 25 percent,
18 reduction of 75 percent, plus mailing costs; do
19 I hear a second?

20 VICE CHAIR A. LONG: Second.

21 CHAIRMAN D. DUMEZICH: Hearing a second,
22 any discussion?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: Hearing no
25 discussion, a motion -- all in favor of the

1 motion to reduce the fine by 75 percent to 25
2 percent plus mailing costs, all in favor, say
3 aye?

4 COMMISSION MEMBERS: Aye.

5 CHAIRMAN D. DUMEZICH: All opposed?

6 (No response.)

7 CHAIRMAN D. DUMEZICH: Hearing none,
8 carries 4-0, sir.

9 MR. P. KREMPELY: Thank you.

10 CHAIRMAN D. DUMEZICH: Left, going back to
11 the right. Come on down, sir.

12 MR. J. RAUEN: Good afternoon. My names is
13 Joseph Rauen, R-A-U-E-N, cause number is
14 2009-5338-108.

15 CHAIRMAN D. DUMEZICH: They're going to
16 give us a report and tell us what they've got.

17 MS. A. TAYLOR: On Page 15.

18 CHAIRMAN D. DUMEZICH: They're looking,
19 just a second.

20 MR. J. RAUEN: Okay.

21 MS. M. THOMPSON: On Page 15, Campaign for
22 Joe Rauen, Cause No. 2009-5338-108, has a motion
23 to reconsider his 2008 annual fine of \$1,003.53.

24 CHAIRMAN D. DUMEZICH: Is this the letter
25 we have to put in evidence?

1 MS. M. THOMPSON: Which one?

2 CHAIRMAN D. DUMEZICH: This motion to
3 reconsider?

4 MS. M. THOMPSON: Yes.

5 CHAIRMAN D. DUMEZICH: Sir, give us any
6 extenuating circumstances you may have.

7 MR. J. RAUEN: Okay. I was running for
8 state representative back in the time frame of
9 2007 -- I was asked to run again, and then at
10 the last minute, the -- they had selected
11 another candidate to run in my behalf, so at
12 that time frame, it was too late to close down
13 my campaign finance report, so it was left open
14 for that time frame.

15 So when it came time back in -- for the 2008
16 campaign finance report, I never received any
17 paperwork to be filed with the Election Board. The
18 fact of the matter is up until that time frame,
19 when I ran for office, I received all of the
20 paperwork accordingly, but I did move, according
21 to -- if you look at my campaign financial report
22 from the previous one, it did show a change of
23 address on there.

24 The election committee, when I contacted them,
25 had stated that they didn't pick up on it. All the

1 paperwork to be filed was sent to my old address.
2 The only way I was notified of the -- that this had
3 to be filed -- on the 12th of February, I received
4 a letter that was sent to my campaign manager and
5 he immediately approached me.

6 I contacted them downstate to find out what
7 needed to be done, and they had told me that I just
8 had to file the paperwork, that I wouldn't run the
9 risk of being filed.

10 I had turned around at that same time frame,
11 went over to our courthouse and filed it on the
12 13th of February of 2008 and -- yeah, 2008, and at
13 that time frame, they told me that -- you know, two
14 days later received a letter to my correct address
15 stating that I was going to be penalized and asked
16 for the as per the agreement.

17 I didn't feel it was my fault because I didn't
18 receive the paperwork to that. I understand, you
19 know, I'm required to file the report but again
20 after...

21 CHAIRMAN D. DUMEZICH: Were you aware that
22 when you change an address, you just don't
23 change addresses on the report -- that there's a
24 form that you file called the CFA-1?

25 MR. J. RAUEN: No, I was not aware of that,

1 sir.

2 CHAIRMAN D. DUMEZICH: See, if you would
3 have filed a CFA-1 with the change of address,
4 you would have gotten forms at the right
5 address.

6 MR. J. RAUEN: Okay, I'm...

7 CHAIRMAN D. DUMEZICH: That's okay. Just
8 so you understand that it's -- unless the proper
9 procedures are followed from your standpoint,
10 okay, they can't do the job they're supposed to
11 do.

12 MR. J. RAUEN: Oh, okay.

13 CHAIRMAN D. DUMEZICH: And so that's
14 what -- that's what caused the problem. I think
15 we have a pretty clear picture. Do you have
16 anything else you'd like to add?

17 MR. J. RAUEN: Also, too, I could have
18 resolved this at an earlier earlier meeting, but
19 again, the paperwork -- at that time I notified
20 them of my change of address and the meeting
21 prior to this in front of you folks where I
22 never received a meeting notice of this also.
23 This, again, was sent to my hold old address.

24 CHAIRMAN D. DUMEZICH: Again, the CFA-1
25 would have helped immensely.

1 MR. J. RAUEN: But the other paperwork came
2 to my address, but that's -- that's -- I know.

3 VICE CHAIR A. LONG: He's closed now;
4 right?

5 MS. M. THOMPSON: He's closed.

6 MR. J. RAUEN: Yes, sir, I am closed, and I
7 haven't been in politics since that time frame,
8 that's why I haven't thought anything about it.

9 CHAIRMAN D. DUMEZICH: Any questions?

10 (No response.)

11 CHAIRMAN D. DUMEZICH: Do you have anything
12 else you would like to add to the record, sir?

13 MR. J. RAUEN: No, sir.

14 CHAIRMAN D. DUMEZICH: Close the hearing.

15 VICE CHAIR A. LONG: I would move that we
16 grant his request for reconsideration and reduce
17 his penalty to 25 percent of the proposed fine
18 plus mailing costs.

19 CHAIRMAN D. DUMEZICH: Motion on the floor
20 to reduce the fine to 25 percent plus mailing
21 costs -- well, a motion to reconsider and
22 reduce -- having that motion on the floor, do I
23 have a second?

24 COMMISSION MEMBER J. MEYER: Second.

25 CHAIRMAN D. DUMEZICH: Hearing a second,

1 everyone okay with having a rehearing and
2 reducing the fine to 25 percent plus mailing
3 costs, please indicate by saying aye?

4 COMMISSION MEMBERS: Aye.

5 CHAIRMAN D. DUMEZICH: All opposed,
6 indicate nay?

7 (No response.)

8 CHAIRMAN D. DUMEZICH: 4-0, motion passes.
9 You're reduced down to 25, plus mailing costs.

10 MR. J. RAUEN: Thank you, sir. Thank you
11 very much. Have a great day.

12 CHAIRMAN D. DUMEZICH: You, too.

13 MR. J. RAUEN: Thank you.

14 CHAIRMAN D. DUMEZICH: Sir. You know what,
15 could you do me a favor, before you leave, let's
16 make sure they have your correct address?

17 MR. J. RAUEN: Okay.

18 MR. J. KLOSEGLOV: Hi Commissioners.

19 CHAIRMAN D. DUMEZICH: Hello.

20 MR. J. KLOSEGLOV: My name is Joe
21 Kloseglov, it's K-L-O-S-E-G-L-O, "V", as in
22 Victor. Cause number is 2011-5483-171. I am
23 the treasurer of the Green Political Action
24 Committee. We're a very small committee --
25 quite frankly, I'm pretty much it, because I'm

1 the treasurer, and we're so small that this
2 fine -- the committee is not going to
3 pay -- technically, the committee will pay the
4 fine but I will donate the money to the
5 committee to cover the fine because there's no
6 money there, and like I say, it's small
7 potatoes.

8 CHAIRMAN D. DUMEZICH: Wait a second, you
9 were going to tell us...

10 MR. J. KLOSEGLOV: I'm sorry.

11 CHAIRMAN D. DUMEZICH: They got preoccupied
12 with the address. You read that in, and they've
13 got to get your stuff, and then they're going to
14 tell us their position, why you're here, and
15 then you can discuss yours, because right now, I
16 don't even know what the fine is for because I
17 don't know...

18 MS. M. THOMPSON: Mr. Chairman, this is on
19 Page 49. This is Green Political Action
20 Committee, Cause No. 2011-5483-171. Their
21 proposed civil penalty is \$1,004.36, they have
22 been before the commission one time, they also
23 have one settlement agreement. She's got a
24 letter.

25 VICE CHAIR A. LONG: When you say we've got

1 one time before with one settlement, was that
2 two issues?

3 MS. A. TAYLOR: So that's two.

4 VICE CHAIR A. LONG: Two cases.

5 MS. M. THOMPSON: Two cases.

6 CHAIRMAN D. DUMEZICH: I have a letter
7 dated December 10th, 2011 -- that's December --
8 yes, it's December 10th, 2011, that's what it's
9 dated, that's what I have, 12/10/11. That
10 hasn't happened yet, has it?

11 MR. J. KLOSEGLOV: Not yet.

12 VICE CHAIR A. LONG: Not where I'm from,
13 maybe up in Lake County.

14 CHAIRMAN D. DUMEZICH: Is this your letter,
15 sir?

16 MR. J. KLOSEGLOV: Yes.

17 CHAIRMAN D. DUMEZICH: Let's pass it down.
18 Now you can tell us your side of it. I'm sorry
19 about the date, the date...

20 MR. J. KLOSEGLOV: I want to make a
21 point -- like I say, whatever the fine will be,
22 it's going to come out of my pocket. It's not
23 going to come from the Political Action
24 Committee, it's just that small, and my case is
25 that during the month of January when the annual

1 report arrives and is due by the 19th, I was,
2 quite frankly, sick as a dog the entire month.

3 I don't -- you know, I don't have secretaries,
4 I don't have an office for this stuff to come to --
5 this was just a part-time deal for me, and we have
6 a post office box where the letters come to the
7 committee.

8 They don't come to my office, they don't come
9 to my home, and I never made it down to the post
10 office box. Matter of fact, I barely made it into
11 work the entire month, and I was so sick that I
12 ended up in the hospital the first week in
13 February -- January 31st, and pretty much the first
14 week of February.

15 CHAIRMAN D. DUMEZICH: What did you have?

16 MR. J. KLOSEGLOV: Kidney failure, and
17 quite frankly, wouldn't have ended up there
18 until my wife forced me to go see the doctor. I
19 would have just kept dying, basically. I got
20 out of the hospital, a couple of days went by,
21 and I went down to the post office box and I was
22 welcomed that the report was due on January the
23 19th.

24 I filled it out immediately on February 10th
25 and sent it in UPS, so I guess I'm just asking

1 mercy since I was ill.

2 CHAIRMAN D. DUMEZICH: Any questions for
3 the gentleman?

4 (No response.)

5 CHAIRMAN D. DUMEZICH: Hearing none, close
6 the hearing. Entertain a motion.

7 VICE CHAIR A. LONG: Do I -- we still have
8 an active committee?

9 MS. A. TAYLOR: Yes.

10 MS. M. THOMPSON: Uh-huh.

11 VICE CHAIR A. LONG: And he's current on
12 everything now or -- not he but it?

13 MS. M. THOMPSON: Political action.

14 VICE CHAIR A. LONG: Okay, as far as we
15 know.

16 CHAIRMAN D. DUMEZICH: Is your intent to
17 keep this committee open, sir?

18 MR. J. KLOSEGLOV: Yes.

19 MS. M. THOMPSON: He's current.

20 VICE CHAIR A. LONG: He's current. I would
21 move -- in deference to his health condition, he
22 seem to be candid about it and approached us,
23 that we just dismiss it.

24 CHAIRMAN D. DUMEZICH: That's a motion to
25 reconsider and to dismiss the case?

1 VICE CHAIR A. LONG: Yes, I'm sorry. It
2 was a reconsideration, forgive me.

3 CHAIRMAN D. DUMEZICH: I have a motion to
4 reconsider and dismiss the case, do I hear a
5 second?

6 COMMISSION MEMBER J. MEYER: Second.

7 CHAIRMAN D. DUMEZICH: Hearing second, open
8 for discussion?

9 (No response.)

10 CHAIRMAN D. DUMEZICH: Hearing no
11 discussion, close. All in favor of the motion
12 to reconsider to dismiss the fine against the
13 Green Political Action Committee, indicate by
14 say aye?

15 COMMISSION MEMBERS: Aye.

16 CHAIRMAN D. DUMEZICH: All opposed,
17 indicate with a nay?

18 (No response.)

19 CHAIRMAN D. DUMEZICH: Hearing none, 4-0,
20 motion carries.

21 MR. J. KLOSEGLOV: Thank you very much.

22 CHAIRMAN D. DUMEZICH: Hope you're feeling
23 better, sir. Let's see where we're at here --
24 you're up.

25 UNIDENTIFIED SPEAKER: I think I'm behind

1 him.

2 CHAIRMAN D. DUMEZICH: Yes, you are.

3 You're behind him because you rattled all of the
4 doors. You were the last person in and you'll
5 be the last person heard.

6 MR. J. TEALL: I'm James Teall, T-E-A-L-L,
7 always two L's, for the Teall Committee, which
8 is me -- 2009-5803-258 and 2009-5803-300.

9 MS. A. TAYLOR: On Page 10 and 19.

10 CHAIRMAN D. DUMEZICH: What do we got?

11 MS. M. THOMPSON: This is the Teall
12 Committee, Cause No. 2009-5803-300, the motion
13 to reconsider a statement of organization fine
14 and he has a proposed civil penalty of \$53.45;
15 Page 19, Cause No. 2009-5803-58 is a motion to
16 reconsider his 2008 preprimary of \$353.45.

17 MS. A. TAYLOR: Here's the letter.

18 CHAIRMAN D. DUMEZICH: I have a letter
19 dated August 14th, 2009, to the Indiana Election
20 Commission, it's from Mr. Teall. I would like
21 to motion for reconsideration of the fines
22 against my campaign committee. Is this the
23 paper you filed, sir?

24 MR. J. TEALL: Yeah.

25 CHAIRMAN D. DUMEZICH: Great. Tell us your

1 side of it.

2 MR. J. TEALL: I'm asking that you waive
3 the fines. I've run for office many times over
4 the last 20 years, and so I'm sure you'll say I
5 should know the filing requirements, and I do,
6 but the reason I mentioned this is that I do
7 intend to comply with the filing requirements.
8 I don't just blow it off. I -- is it at issue
9 whether I file these reports or not or just the
10 timeliness?

11 VICE CHAIR A. LONG: You've not filed
12 statement of organization.

13 MS. A. TAYLOR: I don't believe the
14 statement of organization was filed.

15 MR. J. TEALL: Okay. I thought I had filed
16 that report until several months later, and I
17 got the impression in discussing with the staff
18 that it was no longer desired -- I don't know if
19 that makes any difference or not, so that's why
20 I have -- is it still desired? I could -- I
21 mean, I could still file, if you want?

22 CHAIRMAN D. DUMZICH: Did you file a
23 subsequent report, sir?

24 MR. J. TEALL: I did, yeah.

25 CHAIRMAN D. DUMZICH: So you filed

1 subsequent reports, you just didn't file your
2 initial report?

3 MR. J. TEALL: Yeah.

4 CHAIRMAN D. DUMEZICH: Okay.

5 VICE CHAIR A. LONG: And it's closed now, I
6 understand?

7 MR. J. TEALL: Yeah.

8 CHAIRMAN D. DUMEZICH: Yeah, and we
9 wouldn't you to -- I wouldn't care for you to
10 file a statement of opening for a closed
11 committee. That would cause confusion.

12 VICE CHAIR A. LONG: We might put him back
13 on the agenda and impose it again.

14 MR. J. TEALL: And I would have been at the
15 previous hearing, but I was not aware of that
16 hearing. I can't say that I ever received the
17 information, but it was something that didn't
18 catch my attention, apparently.

19 CHAIRMAN D. DUMEZICH: Orange envelopes,
20 from now on, guys.

21 MR. J. TEALL: Yeah. Along that line, the
22 envelope comes with presorted first class
23 postage, which it's reduced postage, and the
24 last two, at least, the envelope is not even
25 sealed, it just has a piece of tape on the...

1 CHAIRMAN D. DUMEZICH: We're doing
2 everything that we can to comply with making
3 sure that we are very cost efficient.

4 MR. J. TEALL: I understand it, but I think
5 when you're talking about fines of several
6 hundred dollars, that warrants a certified
7 letter. Even with the everyone that's been here
8 today, costs would be maybe \$75 or something. I
9 think it that important, so that's part of my
10 excuse. And lastly, I guess I'm pleading
11 poverty. These fines total \$1,300, is that what
12 the proposed fine is?

13 CHAIRMAN D. DUMEZICH: No, it's like \$33
14 and 300 and something.

15 VICE CHAIR A. LONG: 53 and...

16 COMMISSION MEMBER S. RIORDAN: 53.45 and
17 353.45.

18 MR. J. TEALL: I thought -- I thought one
19 was for a thousand dollars.

20 CHAIRMAN D. DUMEZICH: You've got to look
21 at the bright side, you're already down to 400.

22 MR. J. TEALL: Okay. I can't make as good
23 a case then for poverty, if it's only 300, but
24 it's still -- I don't know if you people think
25 of the position I'm in, I don't begrudge any of

1 you your income but mine is nothing like that,
2 and even a \$300 fine is --

3 CHAIRMAN D. DUMEZICH: It's substantial, we
4 understand.

5 MR. J. TEALL: -- a significant fraction of
6 my income so...

7 COMMISSION MEMBER S. RIORDAN: Just for the
8 record, we don't get paid for this, so you don't
9 what our income is, but with that, I'd --

10 MR. J. TEALL: Really?

11 CHAIRMAN D. DUMEZICH: Yeah.

12 COMMISSION MEMBER S. RIORDAN: We don't get
13 paid for this. We're volunteers.

14 MR. J. TEALL: I'm on the library board.

15 COMMISSION MEMBER S. RIORDAN: We're
16 volunteers.

17 MR. J. TEALL: Well, very good. Very good.

18 COMMISSION MEMBER S. RIORDAN: But with
19 that, I would move that we reduce his fine to
20 25 percent.

21 VICE CHAIR A. LONG: On both cases?

22 CHAIRMAN D. DUMEZICH: On both cases --
23 there's a motion on the floor to reduce -- a
24 motion to reconsider and reduce the fines to 25
25 percent by 75 percent and mailing costs, which

1 won't be certified.

2 MR. J. TEALL: Yeah. I'll watch for it.

3 MS. A. TAYLOR: The orders are certified.

4 CHAIRMAN D. DUMEZICH: Yeah, the orders are
5 certified, I'm sorry.

6 VICE CHAIR A. LONG: Second.

7 CHAIRMAN D. DUMEZICH: Hearing a second,
8 all in favor of reduction, this fee to 25
9 percent plus mailing costs or both the fines
10 plus mailing costs, all in favor, say aye?

11 COMMISSION MEMBERS: Aye.

12 CHAIRMAN D. DUMEZICH: All opposed,
13 indicate with nay?

14 (No response.)

15 CHAIRMAN D. DUMEZICH: Motion carries 4-0
16 fines are reduced. Hearing is closed. Let's
17 see, second row, then we're back to the first
18 row after this gentleman. Your name?

19 MR. S. WOLFF: Steve Wolff, Wolff like the
20 animal with an extra "F".

21 CHAIRMAN D. DUMEZICH: Number?

22 MS. M. WILLEFORD: I'm sorry, I don't have
23 a number. I have a file number. It's the
24 Patriots Project PAC. 99-5846 is the file
25 number, is that helps.

1 MS. A. TAYLOR: They're on Page 56.

2 MS. M. THOMPSON: Mr. Chairman, this is the
3 Patriots Project PAC, Cause No. 2011-5846-192,
4 has never been before the commission before, and
5 has a proposed civil penalty of 504.36.

6 CHAIRMAN D. DUMEZICH: For what?

7 MS. M. THOMPSON: This one is for the
8 annual report.

9 CHAIRMAN D. DUMEZICH: Okay.

10 MR. S. WOLFF: It was -- I believe the
11 charges, it was late?

12 MS. M. THOMPSON: It was late, yes.

13 CHAIRMAN D. DUMEZICH: Wait a second, let
14 us take their document. Here's a document, it's
15 a letter from Secretary of State, Charlie White,
16 to Patriots' Project PAC, Christopher Riley, and
17 then a fax cover sheet to Barnes & Thornburg.
18 Okay, set it down. Sir, if you would.

19 MR. S. WOLFF: Thank you, Mr. Chairman.
20 I'm here on behalf of Chris Riley. What I have
21 is I have a fax --

22 CHAIRMAN D. DUMEZICH: You're representing
23 him, are you his attorney; is that...

24 MR. S. WOLFF: No, I'm not an attorney. I
25 have a letter that says that I'm just here

1 representing him, though.

2 CHAIRMAN D. DUMEZICH: May I have it?

3 MR. S. WOLFF: Yes.

4 CHAIRMAN D. DUMEZICH: I've been handed a
5 letter dated March 14th, 2011, stating that the
6 elected, the duly elected secretary/treasurer of
7 the PAC is Mr. Steven Wolff, that he's here to
8 speak on behalf of the PAC. Here you go, Mr.
9 Wolff.

10 MR. S. WOLFF: Thank you.

11 CHAIRMAN D. DUMEZICH: Sure.

12 MR. S. WOLFF: And all -- all Chris is
13 saying that he did file on time. He filed
14 through a facsimile, and I have a copy of the
15 fax with a cover sheet saying okay, and I've
16 highlighted the date to show what date it is
17 filed, which I'm giving to...

18 CHAIRMAN D. DUMEZICH: Dale, tell us what
19 we've got?

20 MR. D. SIMMONS: We have a fax cover sheet
21 showing recipient address, which would be our
22 phone number 233-6793. It shows a date of 1/14,
23 January 14th, 12:05, and it doesn't have a year,
24 and the results does say okay, pages sent 11,
25 and attached to that is a report for 2010 dated

1 1/14/2011, and it's check marked as the annual.

2 CHAIRMAN D. DUMEZICH: Okay.

3 VICE CHAIR A. LONG: What's the filing date
4 on that, the 18th?

5 CHAIRMAN D. DUMEZICH: Will you pass it
6 down here just so --

7 MR. D. SIMMONS: Yeah.

8 CHAIRMAN D. DUMEZICH: -- we can have a
9 quick look at it.

10 MR. S. WOLFF: I have another copy.

11 CHAIRMAN D. DUMEZICH: No, we'll look at
12 this one.

13 VICE CHAIR A. LONG: I mean, the deadline,
14 was it the 18th?

15 MR. S. WOLFF: It was the 19th.

16 VICE CHAIR A. LONG: 19th, okay.

17 CHAIRMAN D. DUMEZICH: This is the 14th,
18 and are you saying the time stamp on here, being
19 1/14/11, is the proper and accurate time stamp
20 coming out of Barnes & Thornburg?

21 MR. S. WOLFF: That's what I'm saying.

22 CHAIRMAN D. DUMEZICH: Okay.

23 MR. S. WOLFF: That back is a transcribed
24 telephone call with Michelle Thompson.

25 VICE CHAIR A. LONG: This is our file

1 stamp.

2 CHAIRMAN D. DUMEZICH: And it's got it on
3 there.

4 VICE CHAIR A. LONG: Put a little...

5 CHAIRMAN D. DUMEZICH: You know what, I bet
6 they mailed that in and --

7 MS. A. TAYLOR: That's the mail copy.

8 CHAIRMAN D. DUMEZICH: That's the mail copy
9 so...

10 MS. A. TAYLOR: Our fax comes on yellow.

11 VICE CHAIR A. LONG: I'm sorry. Somebody's
12 got to get me in the right park. We don't have
13 any...

14 MS. A. TAYLOR: The one we got is this one.

15 CHAIRMAN D. DUMEZICH: Which is the one by
16 mail?

17 VICE CHAIR A. LONG: Oh, and they sent
18 that.

19 MS. A. TAYLOR: Yes.

20 VICE CHAIR A. LONG: So they...

21 CHAIRMAN D. DUMEZICH: Because they got
22 notified that they didn't do it, and they said
23 yeah, we've got it and they sent it in so...

24 VICE CHAIR A. LONG: Okay. I'm with you
25 now. So they -- it appears that it didn't come

1 through on our end?

2 MS. M. THOMPSON: Yeah.

3 CHAIRMAN D. DUMEZICH: Never received.

4 VICE CHAIR A. LONG: Yeah.

5 CHAIRMAN D. DUMEZICH: That's pretty good.

6 VICE CHAIR A. LONG: Let's close the
7 hearing, and I'd advise him to not say any more.
8 Close the hearing.

9 CHAIRMAN D. DUMEZICH: Yeah, close the
10 hearing. Entertain a motion.

11 VICE CHAIR A. LONG: Move to dismiss.

12 CHAIRMAN D. DUMEZICH: Got a motion to
13 dismiss?

14 COMMISSION MEMBER J. MEYER: Second.

15 CHAIRMAN D. DUMEZICH: Hearing a second,
16 any discussion?

17 (No response.)

18 CHAIRMAN D. DUMEZICH: Hearing none, all in
19 favor of dismissing this fine, please indicate
20 by saying aye?

21 COMMISSION MEMBERS: Aye.

22 CHAIRMAN D. DUMEZICH: All opposed, nay?

23 (No response.)

24 CHAIRMAN D. DUMEZICH: Hearing none, 4-0,
25 motion carries. Thank you.

1 VICE CHAIR A. LONG: Thank you.

2 CHAIRMAN D. DUMEZICH: Okay.

3 MR. C. BARMAN: First, I'd like to
4 apologize for coming in the door over here, but
5 the receptionist said that's where I was
6 supposed to get in the room. I didn't know
7 there was a back door.

8 VICE CHAIR A. LONG: Got you in the door.
9 You don't owe us an apology. Nice to meet you.

10 MR. C. BARMAN: Thank you. My name is
11 Charles Barman, C-H-A-R-L-E-S, B-A-R-M-A-N,
12 Cause No. 2011-6102-234, Barman Against Illiana.

13 MS. M. THOMPSON: Chairman and members,
14 it's the 4:00, Page 15 of the 4:00.

15 MR. C. BARMAN: I was told to be here at
16 four so I didn't know, so I apologize, I came in
17 early, --

18 CHAIRMAN D. DUMEZICH: Okay.

19 MR. C. BARMAN: -- but I've got to get
20 going.

21 MS. M. THOMPSON: This is Cause No.
22 2011-6102-234. This was for the annual report
23 he filed. The proposed civil penalty is
24 \$304.36, the committee's closed, and he's never
25 been before this commission.

1 CHAIRMAN D. DUMEZICH: Okay, sir.

2 MR. C. BARMAN: 2006 I ran for U.S.

3 District No. 1 Congress, I got 4,500 signatures
4 to get my name on the ballot as an independent,
5 and it was to raise awareness of my current
6 congressman that was taking a lot of money from
7 PMA and also trying to run the train out of
8 Chicago, and I filed all the reports that I was
9 supposed to file with the federal government. I
10 never did anything wrong with that.

11 I never took a dime from anybody then and I
12 never took a dime from anybody in this last
13 election where I ran against my current state
14 senator where she still wants to bring the train
15 out of Chicago.

16 We were supposed to have a referendum vote for
17 Lake County, Porter County, St. Joseph County and
18 also LaPorte County, and our election committee up
19 in Lake County, Indiana did not give us a chance to
20 vote on it. It was voted down 4-1 against the
21 train in Porter County, and it was voted against 18
22 to 1 in St. Joseph County. LaPorte County wasn't
23 given an opportunity and Lake County wasn't given
24 an opportunity, which I think was a Civil Rights
25 violation.