

**Indiana Election Commission**  
**Minutes**  
**July 27, 2016**

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

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

**Staff Attending:** J. Bradley King, Co-Director of the Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Abbey Taylor, Campaign Finance staff; Michelle Thompson, Campaign Finance staff; Patrick Becker, Director of Special Projects.

**Others Attending:** Dr. Jay Bagga; Mr. Matthew Bell; Ms. Renda Bell; Ms. Dana Lynn Blandford; Mr. Bradford Bohanon; Ms. Jennifer Boyce-Canfield; Mr. Bill Breeden; Ms. Linda Burkett; Mr. Leonard Richard Compton; Ms. Rhonda Cook; Mr. Corbin Doades; Ms. Billie Dragoo; Mr. Ken Fears; Ms. Phyllis Finley; Mr. William Billy D. Garrett; Mr. Bart Giesler; Mr. Parvin Gilliam; Mr. Dan Grandquist; The Hon. Randy Head, Indiana State Senator; Mr. Bernie Hirsch; The Hon. Wendy Hudson, Elkhart County Circuit Court Clerk; Mr. Tom John; Mr. Jeff Lacy; Mr. Lawrence Leach; Mr. James Leich; Dr. Joseph Losco; Mr. Louis Mahern; Mr. Mark Mathis; Ms. Anna Melcher; Mr. Stephen R. Melcher; Ms. Linda Metzger; Ms. Cheryl Musgrave; Mr. Curtis Nash; Mr. Steve Pearson; Mr. David Peebles; Mr. Larry Robins; Mr. Steve Shannon; Mr. Christian Skordos; Mr. Matthew Smith; Mr. Michael Stinifer; Ms. Nancy Tibbett; Mr. Tom Wheeler; Mr. George Witwer; Mr. Matt Zapfe.

**1. Call to Order:**

The Chair called the July 27, 2016 meeting of the Commission to order at 1:00 p.m. EDT in State House Room 125, 200 West Washington Street, Indianapolis, Indiana.

**2. Transaction of Commission Business:**

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Kelly S. Horsley of Connor Reporting. This document is incorporated by reference into these minutes, with the following corrections of scrivener’s errors:

Page 3, line 3, replace “HEARING CHAIR” with “CHAIRMAN”.

Page 3, line 20, replace “HEARING CHAIR” with “CHAIRMAN”.

Page 4, line 11, replace “confirmed” with “confirm”.

Page 4, line 14, replace "HEARING CHAIR" with "CHAIRMAN".

Page 4, line 20, replace "HEARING CHAIR" with "CHAIRMAN".

Page 4, line 25, replace "HEARING CHAIR" with "CHAIRMAN".

Page 5, line 3, replace "HEARING CHAIR" with "CHAIRMAN".

Page 5, line 6, replace "HEARING CHAIR" with "CHAIRMAN".

Page 38, line 12, replace "co-director" with "co-directors".

Page 56, line 13, replace "THE WITNESS" with "MR. WITWER".

Page 56, line 17, replace "THE WITNESS" with "MR. WITWER".

Page 57, line 25, replace "THE WITNESS" with "MR. WITWER".

Page 71, line 18, replace "Reardon" with "Riordan".

Page 72, line 2, replace "Reardon" with "Riordan".

Page 72, line 11, replace "a" with "an".

Page 72, line 12, replace "pending" with "opinion".

Page 74, line 9, replace "accident" with "account".

Page 74, line 22, replace "Reardon" with "Riordan".

Page 92, line 12, replace "THE COMMISSION" with "COMMISSIONER KLUTZ".

Page 118, line 1, replace "THE WITNESS" with "MS. MUSGRAVE".

Page 132, line 25, replace "MR." with "CO-DIRECTOR".

Page 133, line 23, replace "UNIDENTIFIED FEMALE" with "MS. WARREN".

Page 138, line 11, replace "THE WITNESS" with "MS. FINLEY".

Page 151, line 15, replace "MR." with "CO-DIRECTOR".

Page 153, line 4, replace "Hersh" with "Hirsch".

Page 156, line 11, replace "unity" with "Unity".

Page 163, line 5, replace "Senate" with "cynical".

Page 168, line 13, replace "wheres" with "whereas".

Respectfully submitted,

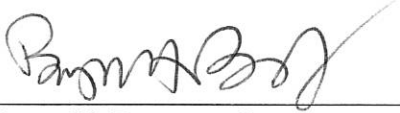


J. Bradley King  
Co-Director



Angela M. Nussmeyer  
Co-Director

**APPROVED:**



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**Bryce H. Bennett, Jr.**  
**Chairman**

*In the Matter Of:*

INDIANA ELECTION COMMISSION HEARING

TRANSCRIPT OF PROCEEDINGS

July 27, 2016



**CONNOR REPORTING**

111 Monument Circle, Suite 4350

Indianapolis, IN 46204

Phone: 317-236-6022

Fax: 317-236-6015

Toll Free: 800-554-3376

Transcript of Proceedings  
July 27, 2016

1 INDIANA ELECTION COMMISSION  
2 PUBLIC SESSION AGENDA

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Conducted on: July 27, 2016  
1:00 P.M.

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Conducted at: Indiana State Capitol  
200 West Washington Street, Room 125  
Indianapolis, IN 46204

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20 Kelly S. Horsley, RPR, CSR No. 98-R-3004  
Notary Public

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

Mr. Bryce Bennett - Chairman  
Ms. Suzannah Overholt - Commission Member  
Mr. Zachary Klutz - Commission Member  
Ms. Stephanie Beckley - Proxy for Commission  
Member Klutz  
Mr. Michael Claytor - Proxy for Commission  
Member Anthony Long

INDIANA ELECTION DIVISION STAFF:

Mr. Bradley King - Co-Director  
Ms. Angela Nussmeyer - Co-Director  
Mr. Dale Simmons - Co-Legal Counsel  
Ms. Michelle Thompson - Campaign Finance  
Coordinator  
Ms. Abbey Taylor - Campaign Finance  
Coordinator

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1 At 1:00 P.M., on Wednesday, July 27, 2016,  
2 the following proceedings occurred:

3 HEARING CHAIR BENNETT: This meeting of the  
4 Indiana Election Commission public session is  
5 called to order. And the following members of  
6 the commission are present: Myself,  
7 Bryce Bennett, Chairman; we have  
8 Michael Claytor, proxy for Vice Chairman  
9 Anthony Long. We have Member Suzannah Overholt.  
10 We have Member Zachary Klutz. And  
11 Stephanie Beckley will be a proxy for  
12 Commissioner Klutz on the first two campaign  
13 finance matters that the commission will  
14 consider.

15 The Indiana Election Division staff with us  
16 here today, co-directors, my co-director  
17 Brad King and co-director Angie Nussmeyer.  
18 Co-general counsel is Matthew Kochevar.

19 CO-DIRECTOR NUSSMEYER: He's absent today.

20 HEARING CHAIR BENNETT: He's absent today.  
21 And Dale Simmons, who is present. Our court  
22 reporter today is Kelly Horsley from Connor  
23 Reporting. Before we begin I want to remind  
24 everyone on behalf of the court reporter to  
25 identify yourself when you begin to speak, spell

1 your name when you identify yourself. Speak  
2 clearly and do not speak at the same time as  
3 others. Obviously the court reporter can only  
4 record one person at a time, so do not interrupt  
5 and speak at the same time as others.

6 I'd like to document compliance with the  
7 Open Door Law, ask the co-directors to confirm  
8 the commission meeting has been properly noticed  
9 as required under the Open Door Law.

10 CO-DIRECTOR KING: Mr. Chairman, members of  
11 the commission, we confirmed that this meeting  
12 was properly noticed under the requirements of  
13 the Open Door Law.

14 HEARING CHAIR BENNETT: Thank you,  
15 Mr. King. We will next turn our attention to  
16 approval of the June 29th, 2016, commission  
17 meeting minutes. Is there a motion to approve  
18 the June 29th, 2016, minutes as presented?

19 MR. CLAYTOR: So moved.

20 HEARING CHAIR BENNETT: Is there a second?

21 MR. KLUTZ: Second.

22 CHAIRMAN BENNETT: There's a motion and a  
23 second. Is there any discussion?

24 (No response.)

25 HEARING CHAIR BENNETT: Hearing none, all



1 in favor say "Aye."

2 THE COMMISSION: Aye.

3 HEARING CHAIR BENNETT: All opposed say  
4 "Nay."

5 (No Response.)

6 HEARING CHAIR BENNETT: The ayes have it.  
7 The motion to approve the minutes is adopted.  
8 And I have now affixed my signature to the  
9 minutes.

10 We will now turn our attention to  
11 ratification of campaign finance settlement  
12 agreements. And I'd ask for a presentation by  
13 Ms. Taylor and Mrs. Thompson in that order.

14 MS. TAYLOR: Mr. Chairman and the  
15 Commission, in your binder there you have a list  
16 of settlement agreements. And these committees  
17 have agreed -- or are ready to be ratified that  
18 have agreed to pay the settlement agreement and  
19 waive the hearing.

20 CHAIRMAN BENNETT: Is there a motion to  
21 ratify the campaign finance settlement  
22 agreements as presented?

23 MR. CLAYTOR: Mr. Chairman, I move that we  
24 approve the settlement agreements as presented.

25 CHAIRMAN BENNETT: Is there a second?

1 MR. KLUTZ: Second.

2 CHAIRMAN BENNETT: Any discussion?

3 (No response.)

4 CHAIRMAN BENNETT: Hearing none, all in  
5 favor say "Aye."

6 THE COMMISSION: Aye.

7 CHAIRMAN BENNETT: All opposed say "Nay."

8 (No response.)

9 CHAIRMAN BENNETT: The ayes have it, and  
10 the motion to ratify the agreements is adopted.  
11 I understand there are referrals of committees  
12 to the Attorney General for collection of fines.

13 MS. THOMPSON: Yes, Mr. Chairman. We have  
14 a list. I don't think any action needs to be  
15 taken, but we wanted to let you know these are  
16 the ones we're turning over to the Attorney  
17 General for collection.

18 CHAIRMAN BENNETT: Okay. And those are  
19 located --

20 MS. THOMPSON: Under the -- the --

21 CHAIRMAN BENNETT: -- in our binder? In  
22 our binder under the Attorney General list?

23 MS. THOMPSON: Correct.

24 MR. CLAYTOR: Mr. Chairman, may I ask a  
25 question? There's one that has a mark beside it

1 of "MR." Is that --

2 CHAIRMAN BENNETT: On the first page?

3 MR. CLAYTOR: No, it's several pages back.

4 MS. THOMPSON: Mr. Chairman, I do have that  
5 marked because this gentleman has asked for a  
6 motion to reconsider. And I believe he is on  
7 the agenda for today; so whatever takes place  
8 today, I'll either remove it or send it on.

9 CHAIRMAN BENNETT: Thanks. So we can  
10 disregard that with regard to our motion to  
11 approve this list?

12 MS. THOMPSON: Yeah.

13 MS. TAYLOR: I don't think there's any  
14 action to be taken.

15 CHAIRMAN BENNETT: No action is necessary.  
16 Very good. So the referrals will be made?

17 MS. THOMPSON: Correct.

18 CHAIRMAN BENNETT: Thank you. At this  
19 time, everyone who is present who plans to  
20 testify regarding any matter coming before the  
21 commission today, including campaign finance or  
22 voting system matters, please stand for the  
23 administration of the oath.

24 (All parties intending to testify were  
25 sworn in.)

1           CHAIRMAN BENNETT: Now, before proceeding  
2 with the lengthy hearing of campaign finance  
3 enforcement actions, we want to give the  
4 committees present a final opportunity to pay a  
5 reduced civil penalty by waiving the right to  
6 present evidence and arguments to the  
7 commission.

8           This will, of course, allow you, if this is  
9 your only business or interest today, to leave  
10 and go outside and enjoy the beautiful sunshine.

11           So any committee is welcome to present  
12 evidence and arguments for the proposed penalty  
13 to be waived, but this is an opportunity for  
14 those who want to waive that presentation and  
15 accept the reduced penalty without making any  
16 argument or presentation.

17           I will move for the adoption of the  
18 following arrangements: If this is a  
19 committee's first violation -- if is this the  
20 committee's first -- yes?

21           UNIDENTIFIED AUDIENCE MEMBER: Yes,  
22 Mr. Chairman. We're having a little trouble  
23 hearing back here. Who is this for?

24           CHAIRMAN BENNETT: This is for all those  
25 committees who wish to avoid a hearing and waive

1 their right to that hearing and accept a  
2 penalty.

3 UNIDENTIFIED AUDIENCE MEMBER: Who would  
4 the committee be?

5 CHAIRMAN BENNETT: A committee would be any  
6 committee who is scheduled for a hearing today  
7 that wishes to accept the reduced penalty in  
8 exchange for a waiver of the hearing.

9 UNIDENTIFIED AUDIENCE MEMBER: Question:  
10 What reduction would that be?

11 CHAIRMAN BENNETT: Well, I'm going to tell  
12 you that right now. I'll try to speak up.

13 Any committee is welcome to present  
14 evidence and arguments for the proposed penalty  
15 to be waived; but this is an opportunity for  
16 those who want to waive that presentation and  
17 accept a reduced penalty without making any  
18 argument or presentation.

19 I move the following -- I move for the  
20 adoption of the following arrangements: If this  
21 is the committee's first violation, the  
22 arrangement is for the committee to agree to pay  
23 25 percent of the proposed fine plus mailing  
24 costs.

25 If this is the committee's second

1 violation, the arrangement is for the committee  
2 to agree to pay 50 percent of the proposed fine  
3 plus mailing costs.

4 If this is the committee's third violation,  
5 the committee will agree to pay 75 percent of  
6 the proposed violation plus mailing costs.

7 Is there a second to this motion?

8 MR. CLAYTOR: Second.

9 CHAIRMAN BENNETT: We have a motion and a  
10 second. Any discussion?

11 (No response.)

12 CHAIRMAN BENNETT: If there is no  
13 discussion, all in favor say "Aye."

14 THE COMMISSION: Aye.

15 CHAIRMAN BENNETT: All opposed say "Nay."

16 (No response.)

17 CHAIRMAN BENNETT: The ayes have it, and  
18 the motion is adopted. Are there any committees  
19 who want to accept this arrangement?

20 UNIDENTIFIED AUDIENCE MEMBER: Yes.

21 CHAIRMAN BENNETT: If so, come forward,  
22 state your name, the committee's name, and the  
23 cause number -- which is found on your hearing  
24 notice -- and indicate that you are willing to  
25 accept the applicable penalty without further

1 discussions.

2 If you want to present evidence to the  
3 commission or ask for a waiver of the proposed  
4 penalty, please do not come forward at this  
5 time. Instead, wait until the other committees  
6 who are willing to enter in this arrangement  
7 have been heard.

8 Yes, sir. Would you please state your name  
9 and the cause number?

10 MR. COMPTON: My name is Leonard Richard  
11 Compton, and the administrative cause number is  
12 2016-6361-68.

13 CHAIRMAN BENNETT: Okay. Give the staff a  
14 moment to locate the cause number in the  
15 binders.

16 MS. THOMPSON: Page 41.

17 MS. TAYLOR: Page 41.

18 CHAIRMAN BENNETT: And what committee are  
19 you representing?

20 MR. COMPTON: Compton for State  
21 Representative.

22 CO-DIRECTOR NUSSMEYER: Thank you. Would  
23 you mind for audience participation.

24 UNIDENTIFIED AUDIENCE MEMBER: Putting it  
25 over here?

1 CO-DIRECTOR NUSSMEYER: Yeah. Thank you  
2 very much. Audience participation.

3 CHAIRMAN BENNETT: Do you -- are you all  
4 set? Do you agree to accept -- is this -- what  
5 violation is this?

6 MR. COMPTON: First.

7 MS. THOMPSON: First.

8 CHAIRMAN BENNETT: First violation. Are  
9 you willing to accept the agreement to pay  
10 25 percent of the proposed fine?

11 MR. COMPTON: To reduce the time for you  
12 and myself, yes, sir.

13 CHAIRMAN BENNETT: Thank you very much.

14 MR. COMPTON: I'm sorry.

15 CHAIRMAN BENNETT: Okay. Very good. Well,  
16 no need for discussion. We appreciate it, and  
17 you're free to go.

18 MR. COMPTON: Where do we go from here?

19 CHAIRMAN BENNETT: You --

20 MS. TAYLOR: Home.

21 CHAIRMAN BENNETT: The fine will be waived.  
22 The case is closed.

23 MS. THOMPSON: No.

24 CHAIRMAN BENNETT: Pardon? Oh. I'm sorry.  
25 Thank you. The fine has been reduced to



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1 25 percent of the proposed fine, and there will  
2 be a --

3 MR. COMPTON: Do you have the proposed fine  
4 there?

5 MS. THOMPSON: Yes. The proposed fine is  
6 \$500.49.

7 MR. COMPTON: \$500.49?

8 MS. THOMPSON: Yes.

9 MR. COMPTON: Thank you.

10 CHAIRMAN BENNETT: And it will be ratified  
11 at our next meeting and --

12 MS. THOMPSON: And then we'll mail you an  
13 order.

14 CHAIRMAN BENNETT: And you will be mailed  
15 an order.

16 MR. COMPTON: The fine is stated on there?

17 MS. THOMPSON: Yeah.

18 CHAIRMAN BENNETT: It'll be a couple  
19 months, I would think.

20 MR. COMPTON: That's it?

21 MS. THOMPSON: That's it.

22 CHAIRMAN BENNETT: Thank you.

23 MR. COMPTON: I'm only going to shake one  
24 hand, but I thank you.

25 CHAIRMAN BENNETT: Thank you. Who is next?

1 MS. DRAGOO: I'm Billie Dragoo. I'm the  
2 chairman of the Indiana Women's Business Owner  
3 Political Action Committee.

4 CHAIRMAN BENNETT: Your cause number,  
5 please?

6 MS. DRAGOO: I don't have a cause number on  
7 here.

8 MS. TAYLOR: Give us a second.

9 MS. THOMPSON: Do you know if there's  
10 several?

11 MS. DRAGOO: Several what?

12 MS. THOMPSON: Filings.

13 MS. DRAGOO: This is just a filing.

14 MS. THOMPSON: Right.

15 MS. DRAGOO: There's several. There's,  
16 like, four.

17 MS. TAYLOR: Yeah. Let me see the first  
18 one.

19 MS. DRAGOO: I think it's \$3,000.49.

20 MS. TAYLOR: The first one is on page 25.  
21 The second is on page 58. And the third is on  
22 page 72. Each has a proposed civil penalty of  
23 \$1,000, and this is their third set of  
24 violations.

25 MS. DRAGOO: Can I can speak to that?

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1 CHAIRMAN BENNETT: Well, unless you're  
2 willing to accept the deal for 75 percent of the  
3 fine, then you have to wait --

4 MS. DRAGOO: You mean the 25 percent fine?

5 CHAIRMAN BENNETT: This is the third  
6 violation.

7 MS. DRAGOO: Okay.

8 CHAIRMAN BENNETT: You want to think about  
9 it?

10 MS. DRAGOO: Well, there's only \$1,800 in  
11 the account so it's being closed. The filings  
12 were not filed because of me. It was because of  
13 our board, so I don't know what to do on that.

14 CHAIRMAN BENNETT: Yeah. So you're not  
15 prepared to accept the 75 percent arrangement?

16 MS. DRAGOO: I mean, if that's what you  
17 recommend, I will do it. I mean, we just -- we  
18 only have \$1,800 in the account so --

19 CHAIRMAN BENNETT: Do we even know what  
20 that --

21 MS. OVERHOLT: I'm trying real fast.

22 MS. TAYLOR: \$2,250, I think.

23 MS. DRAGOO: That's fine. I'll accept it.  
24 I just want it taken care of because it wasn't  
25 filed not on my -- I had no knowledge of it.

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1 The secretary was not doing the filings.

2 CHAIRMAN BENNETT: Okay. So you waive the  
3 right to a hearing and you will pay the  
4 75 percent?

5 MS. DRAGOO: Yeah.

6 CHAIRMAN BENNETT: Okay. Very good.

7 MS. DRAGOO: Okay?

8 CHAIRMAN BENNETT: And you're free to go.  
9 We'll be sending you notice with regard to the  
10 amount. Thank you.

11 MS. TIBBETT: My name is Nancy Tibbett.  
12 The cause number is 2016-6717-85. The Committee  
13 name is Tibbett for State Representative.

14 MS. THOMPSON: Page 49. Page 49.

15 CHAIRMAN BENNETT: And what number  
16 violation is this?

17 MS. TIBBETT: It's my first.

18 CHAIRMAN BENNETT: Your first. You are  
19 willing to accept the deal, 25 percent of the  
20 proposed fine?

21 MS. TIBBETT: Yes.

22 CHAIRMAN BENNETT: Very well.

23 MS. TIBBETT: Thank you.

24 CHAIRMAN BENNETT: You're free to go.  
25 Thank you.

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1 MR. LEICH: James Leich, L-e-i-c-h. And  
2 I'm a representative, Indiana Association of  
3 Homes and Services for the Aging Political  
4 Action Committee. I do not have a cause number.

5 MS. TAYLOR: Do you know what was late?  
6 Was it preprimary?

7 MR. LEICH: Preelection.

8 MS. TAYLOR: Preelection. Page 56. They  
9 have been before the board three other times and  
10 paid three settlement agreements.

11 CHAIRMAN BENNETT: So you're prepared to  
12 accept the 75 percent fine?

13 MR. LEICH: Yes.

14 MR. CLAYTOR: This will be their fourth  
15 time.

16 MS. TAYLOR: I think seventh, maybe.

17 MR. CLAYTOR: Oh.

18 CHAIRMAN BENNETT: We have not proposed any  
19 reduction for after the third violation. So if  
20 you want to contest it, you'll have to wait your  
21 turn.

22 MR. LEICH: I can't really contest it. I  
23 just missed the deadline.

24 MR. KLUTZ: Are you willing to accept the  
25 full amount of the fine?

1 MR. LEICH: Yeah, it's the only opportunity  
2 so ...

3 CHAIRMAN BENNETT: Okay. So you will  
4 accept the full 100 percent of the fine;  
5 correct? You have to answer audibly.

6 MR. LEICH: Yes, I agree.

7 CHAIRMAN BENNETT: Very well. You will be  
8 receiving the invoice in due course. Thank you.

9 MR. LEICH: Thank you.

10 MS. BLANCHARD: Dana Lynn Blanchard  
11 representing House Pfeil. I have a letter  
12 stating that I have the authority to represent  
13 Richard Pfeil.

14 CHAIRMAN BENNETT: Do you have a cause  
15 number?

16 MS. BLANCHARD: Cause No. 2016-6864-20.

17 MS. TAYLOR: It's on page 3.

18 CHAIRMAN BENNETT: Would you present the  
19 letter to Mr. Simmons? And what violation --  
20 what number violation is this?

21 MS. TAYLOR: First.

22 MS. BLANCHARD: It is our first.

23 CHAIRMAN BENNETT: Are you willing accept  
24 the deal for the 25 percent --

25 MS. BLANCHARD: Yes.

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1 CHAIRMAN BENNETT: -- of the fine?

2 MS. BLANCHARD: Um-hum.

3 CHAIRMAN BENNETT: Okay. Very well.

4 MS. BLANCHARD: Thank you.

5 MR. SMITH: Hi. My name is Matthew Smith,

6 M-a-t-t-h-e-w, S-m-i-t-h, here for the

7 Matthew Smith for State Representative, Cause

8 No. 6720-86.

9 MS. THOMPSON: Page 49.

10 MS. TAYLOR: This is the first violation.

11 CHAIRMAN BENNETT: First violation. Are

12 you willing to accept the reduction to

13 25 percent the fine?

14 MR. SMITH: Yes, sir.

15 CHAIRMAN BENNETT: Very well. You're free

16 to go.

17 MR. SMITH: Thank you very much.

18 Hello everyone. I'm Curtis Nash,

19 C-u-r-t-i-s, N-a-s-h, representing Curtis Nash

20 for State Representative, Cause

21 No. 2016-6862-19.

22 MS. TAYLOR: Page 2, first violation.

23 CHAIRMAN BENNETT: Which is it?

24 MS. TAYLOR: First.

25 CHAIRMAN BENNETT: First violation. Are

1 you willing to accept the 25 percent of the  
2 proposed fine?

3 MR. NASH: Yes, sir.

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

6 MR. NASH: Have a good day.

7 MR. STINFER: Mr. Chairman, my name is  
8 Michael Stinfer, M-i-c-h-a-e-l, S-t-i-n-f-e-r.  
9 Friends to Elect Michael Stinfer. I do not have  
10 a cause number, but my case number is 6653. And  
11 my --

12 MS. TAYLOR: Do you know what report was  
13 late?

14 MR. STINFER: Yes, the annual. May I have  
15 a seat?

16 CHAIRMAN BENNETT: Yes.

17 MR. STINFER: Thank you. I'm not sure if  
18 that -- we filed an outgoing treasury report,  
19 and we had thought that is all we needed to  
20 file. I know it's a learning curve issue and  
21 not an excuse, but that may help with where your  
22 files are.

23 MS. TAYLOR: On page 47. It's the first  
24 violation.

25 CHAIRMAN BENNETT: First violation. Are



1 you willing to accept the reduction of the fine  
2 to 25 percent of the proposed fine?

3 MR. STINFER: Yes, I am.

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

6 MR. STINFER: Just one more thing. We did  
7 notice, since we didn't file that outgoing  
8 treasury report, there was no switch to the new  
9 treasurer listed on the website. I'm not sure  
10 if that --

11 MS. TAYLOR: Did you file an amended  
12 statement of organization?

13 MR. STINFER: Yes, we did.

14 MS. TAYLOR: Okay. We'll make a note to  
15 doublecheck.

16 MR. STINFER: Thank you.

17 CHAIRMAN BENNETT: Thank you.

18 MR. MATHIS: Ladies and gentleman, I'm  
19 Mark Mathis, M-a-r-k, M-a-t-h-i-s.

20 CHAIRMAN BENNETT: You may be seated if you  
21 prefer.

22 MR. MATHIS: I don't have the second letter  
23 that, you know, summoned me to come here. I  
24 only have the first one. I have nine children,  
25 and best I can tell, my three-year-old destroyed

1 that letter. I do have a file number, though.

2 Will that help? It is 6790.

3 MS. TAYLOR: What was filed late?

4 MR. MATHIS: My preprimary report.

5 MS. TAYLOR: Okay.

6 MR. MATHIS: Sorry to be difficult.

7 MS. TAYLOR: Page 82.

8 MR. MATHIS: There's that many of them?

9 MS. TAYLOR: There's 90. This is his first  
10 violation.

11 CHAIRMAN BENNETT: First violation. Are  
12 you willing to accept the reduction to  
13 25 percent of the proposed fine?

14 MR. MATHIS: Yes, with one question. What  
15 was the proposed fine? Do you have that?

16 MS. TAYLOR: \$400.

17 MR. MATHIS: Okay. So that'd be a hundred  
18 bucks; right.

19 MS. TAYLOR: Yep.

20 MR. MATHIS: Very well. I accept that.

21 CHAIRMAN BENNETT: Very well. You're free  
22 to go. Thank you.

23 MR. HEAD: Randy Head representing the  
24 Committee to Elect Randy Head Attorney General,  
25 file No. 99-6874. I wish to accept the

1 proposed --

2 CHAIRMAN BENNETT: Which -- wait just a  
3 minute and let them catch up to you.

4 MS. TAYLOR: Page 69, 88, and 89. The  
5 first violation.

6 CHAIRMAN BENNETT: Are you willing to  
7 accept the 25 percent reduction, to 25 percent  
8 of the proposed fines?

9 MR. HEAD: Yes, Mr. Chairman.

10 CHAIRMAN BENNETT: Very well. Thank you.  
11 You're free to go.

12 MR. HEAD: Thank you.

13 MS. METZGER: Linda Metzger, L-i-n-d-a,  
14 M-e-t-z-g-e-r. I represent Indiana School  
15 Counselor Political Action Committee. And the  
16 case number is 2016-6134-55. And, yes, I'm a  
17 teacher.

18 MS. THOMPSON: Page 35.

19 MS. TAYLOR: This is the second violation.

20 CHAIRMAN BENNETT: And are you willing to  
21 accept the 50 percent reduction --

22 MS. METZGER: Yes, sir.

23 CHAIRMAN BENNETT: -- in the proposed fine?  
24 Very well. You're free to go.

25 CO-DIRECTOR KING: Michelle, was that 35,

1 page 35?

2 MS. THOMPSON: Yes, page 35.

3 MR. GRANQUIST: Good afternoon,  
4 Dan Granquist, G-r-a-n-q-u-i-s-t, Committee to  
5 Elect Dan Granquist, Cause No. 2016-6297-64.  
6 Annual report, first violation.

7 MS. TAYLOR: Page 39, first violation.

8 CHAIRMAN BENNETT: Are you willing to  
9 accept the reduction to 25 percent of the fine?

10 MR. GRANQUIST: Yes.

11 CHAIRMAN BENNETT: Thank you. You're free  
12 to go.

13 MR. LACY: I have a question. I'm  
14 Jeff Lacy with the Muncie Police Department PAC.  
15 My cause number is 2015-3924-10. I'm not sure  
16 how many violations we have.

17 MS. THOMPSON: Three today.

18 MR. LACY: And what would the total cost of  
19 that be?

20 CHAIRMAN BENNETT: Give us a minute. We'll  
21 get on the same page here.

22 MR. LACY: Yes, sir. Thank you.

23 MS. TAYLOR: This is your third time and  
24 there are three today. The first one is \$1,000.  
25 The second one is \$1,000. And I think they're

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25

1 all \$1,000. Let me check the third real fast.

2 MR. LACY: Okay.

3 MS. TAYLOR: And the third is \$1,000.

4 MR. LACY: Okay. We'll waive.

5 CHAIRMAN BENNETT: So you're not accepting  
6 the --

7 MR. LACY: Correct. We would like to  
8 discuss it with you, if we may.

9 CHAIRMAN BENNETT: Okay. Next? Anyone  
10 else who wants to accept the deal that's been  
11 offered for reduction of the fines in exchange  
12 for a waiver of the hearing?

13 (No response.)

14 CHAIRMAN BENNETT: Seeing none, we'll now  
15 take up the Jim Banks matter. And at this time,  
16 we want to bring in -- at this time I think it's  
17 appropriate to read the adoption of the campaign  
18 finance hearing procedures so everyone  
19 understands how these matters will proceed.

20 In the past the commission has followed  
21 certain procedures for conducting campaign  
22 finance hearing. And I move that the commission  
23 use the following procedures today: A, when  
24 each campaign finance matter is called, the  
25 hearing will begin with recognizing the campaign

1 finance staff to provide information about the  
2 documents in this matter provided to commission  
3 members, including letters from committees and  
4 the notice given to the campaign committee.

5 Unless there is an objection, the documents  
6 provided to the commission by the election  
7 division will be entered into the record of this  
8 meeting.

9 After campaign finance staff completes  
10 presentation, a representative of the committee  
11 will be recognized first and may present their  
12 case for no more than five minutes. The  
13 commission members may ask questions during a  
14 presentation, but the time spent answering these  
15 questions will not be counted against a  
16 presenter's time. The election division may  
17 signal the chair when a presenter's time is up.

18 If the presenter offers additional  
19 documents or other physical evidence not  
20 previously received by the commission, then the  
21 original must be provided to the election  
22 division -- that would be Mr. Simmons -- to  
23 preserve the record. If the commission finds  
24 that a committee has violated the campaign  
25 finance statutes, state law requires a unanimous

1 vote of all four commissioners to waive or  
2 reduce the amount of the penalty set by state  
3 law.

4 If the commission makes a decision at this  
5 meeting to either fine a committee or dismiss  
6 the case against the committee, then the  
7 election division will prepare an order for the  
8 commission to approve at a later meeting.

9 If a committee is fined today, the  
10 committee will receive a notice from the  
11 election division to pay the fine after the  
12 commission adopts the final order. So it may be  
13 some time after today before a committee will be  
14 required to pay the fine.

15 The commission generally begins at the  
16 front of the room and asks those persons present  
17 to come forward to have their matter heard. It  
18 is very helpful if you can speak up and say the  
19 cause number on your hearing material so that  
20 the commission and staff can quickly look it up  
21 on the spreadsheet. Remember to identify  
22 yourself when you start speaking. Is there a  
23 second to this motion?

24 MR. CLAYTOR: Second.

25 CHAIRMAN BENNETT: Is there any discussion?

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1 (No response.)

2 CHAIRMAN BENNETT: Hearing none, all in  
3 favor say "Aye"?

4 THE COMMISSION: Aye.

5 CHAIRMAN BENNETT: All opposed say "nay."

6 (No response.)

7 CHAIRMAN BENNETT: The ayes have it, and  
8 the motion is approved.

9 We will now proceed with Jim Banks, and I  
10 would recognize Commissioner Zachary Klutz to  
11 recuse himself and ask that Stephanie Beckley  
12 join the commission as his proxy.

13 (Commission Member Klutz left the room.)

14 CHAIRMAN BENNETT: All right. Now, would  
15 you please identify yourself, Matt?

16 MR. ZAPFE: Matt Zapfe, that's Z-a-p-f-e,  
17 here on behalf of Senator Jim Banks. I  
18 apologize. I don't have the cause number.

19 MS. TAYLOR: Mr. Chairman, it's on page 17.

20 CHAIRMAN BENNETT: At this time I would  
21 recognize the staff to provide information about  
22 the documents and the notice which has been  
23 given in this cause.

24 MS. THOMPSON: Mr. Chairman, this is  
25 Friends of Jim Banks, Cause No. 2015-5910-119.



1 He has a proposed civil penalty of \$1,000.49.  
2 Under your blue tab there on the very first one,  
3 there's a letter from Jim Banks. It's just a  
4 tab like this one (indicating), a sticky tab.

5 CO-DIRECTOR KING: See?

6 CHAIRMAN BENNETT: Oh, okay. Got it.

7 MS. TAYLOR: Got it?

8 CHAIRMAN BENNETT: Got it. Anything else  
9 from the division?

10 MS. THOMPSON: No.

11 CHAIRMAN BENNETT: Okay. Yes, sir.

12 MR. ZAPFE: Senator Banks is out of state  
13 today so I'm attending on his behalf to ask for  
14 the commission's forgiveness of a fine levied on  
15 his committee in October of 2014. Maximum  
16 penalty on the failure to report a supplemental  
17 large contribution at the time when he was on  
18 the ballot, kind of extraordinary circumstances  
19 then. He was unopposed, but he actually had  
20 taken a leave from the state Senate to -- he was  
21 deployed overseas in Afghanistan as a Navy  
22 reserve officer.

23 During that time, his wife was taken  
24 over -- had taken over the role of the Senate  
25 campaign finances, thought we had everything,

1 you know, up to speed, you know, three kids,  
2 managing the family stuff while Jim was away.

3 With him being unopposed, a \$1,000 check  
4 came in from Harrison College. Amanda deposited  
5 it, but they did not file a supplemental  
6 contribution report. It was an oversight.

7 While doing their end-of-year accounting  
8 they caught it on their own and self-reported  
9 it; but at that time, it had already, you know,  
10 reached the maximum \$1,000 penalty.

11 So I think the letter gives a few more  
12 details; but given the circumstances, we  
13 respectfully ask that the commission forgive  
14 this fine due to, you know, his circumstances  
15 and situation at that time.

16 CHAIRMAN BENNETT: And those circumstances  
17 are his deployment to Afghanistan?

18 MR. ZAPFE: Yes, yes. In fact, he was  
19 unopposed. So while on the ballot he didn't  
20 have a contested race so -- and that thing came  
21 in, you know, late in October. And it was  
22 just -- it got lost in -- they did, you know,  
23 two of the three things they were supposed to  
24 but just -- just failed being -- Amanda being  
25 new to the campaign finance laws, she just had

1 forgot to do that final part. But they caught  
2 it and self-reported.

3 CHAIRMAN BENNETT: Okay. Any other  
4 evidence you wish to present as testimony?

5 MR. ZAPFE: No. I'd be happy to answer  
6 questions.

7 CHAIRMAN BENNETT: Any questions by the  
8 commissioners? And what is your relationship to  
9 Mr. Banks again?

10 MR. ZAPFE: I am executive director of the  
11 Senate majority campaign committee, so I oversee  
12 all the separate Republican campaigns in the  
13 state.

14 CHAIRMAN BENNETT: Did Mr. Banks put anyone  
15 in particular in charge while he was deployed?

16 MR. ZAPFE: Amanda, his wife. And then  
17 they have a treasurer as well who does their  
18 banking and campaign finance reporting.

19 CHAIRMAN BENNETT: Okay. Is there any  
20 state or federal law which provides for amnesty  
21 or any other relief while people are deployed in  
22 the military that would impact of this?

23 MR. SIMMONS: I'm not aware of any.

24 CHAIRMAN BENNETT: Is there a motion --  
25 well, at this point, if there's no other

1 questions, I declare the hearing on the matter  
2 closed and ask if there's any motion.

3 MR. CLAYTOR: Mr. Chairman, I understand  
4 the circumstances; and the treasurer should  
5 certainly be spanked for not being on top of  
6 when money is deposited. And as a first offense  
7 and the extraordinary circumstances, I will move  
8 that the commission waive the penalty in this  
9 matter.

10 CHAIRMAN BENNETT: Is there a second?

11 MS. BECKLEY: I will second.

12 CHAIRMAN BENNETT: You will second. We  
13 have a motion, a second. Any discussion?

14 (No response.)

15 CHAIRMAN BENNETT: All in favor say "Aye"?

16 THE COMMISSION: Aye.

17 CHAIRMAN BENNETT: All opposed say "Nay."

18 (No response.)

19 CHAIRMAN BENNETT: The ayes have it. The  
20 penalty is waived. Thank you for the service of  
21 Mr. Banks.

22 MR. ZAPFE: Thank you.

23 CHAIRMAN BENNETT: We would like to bring  
24 the Big Red matter up at this point in time.

25 Commissioner Klutz remains recused, and

1 Ms. Beckley will be his proxy.

2 MS. THOMPSON: Mr. Chairman, that is under  
3 the little green flag.

4 MS. TAYLOR: Yeah.

5 CHAIRMAN BENNETT: And anything else you  
6 can tell us about that?

7 MS. THOMPSON: Yes. Mr. Chairman, it's Big  
8 Red Liquors, Cause No. 2016-174. Big Red PAC  
9 and Indiana Associated Beverage Retailers, they  
10 contributed to those two committees in the  
11 amount of \$46,844.93. And they've never been  
12 before the commission before. And Big Red PAC  
13 returned \$24,862 to Big Red Liquors on June  
14 15th -- or June 20th, 2015.

15 CHAIRMAN BENNETT: And is there a proposed  
16 civil penalty?

17 MS. THOMPSON: Three times the amount,  
18 which is \$74,534.70.

19 CHAIRMAN BENNETT: Is that a statutory  
20 penalty?

21 MS. THOMPSON: Yes, it is.

22 CHAIRMAN BENNETT: Okay. You may present.

23 MR. BELL: Thank you, Mr. Chairman and the  
24 committee. My name is Matthew Bell,  
25 M-a-t-t-h-e-w, B-e-l-l. I serve as the

1 treasurer of the Big Red Liquors PAC. And I'm  
2 here today on behalf of Big Red Liquors with our  
3 apologies and very humbly to be in the front of  
4 the committee.

5 We do not dispute that contributions were  
6 made in excess of the corporate giving limits.  
7 I can tell you that was an inadvertent giving by  
8 Big Red Liquors based on a misunderstanding of  
9 corporate structure when those contributions  
10 were given. Upon being informed of overage by  
11 the election commission, the PAC and Big Red  
12 Liquors acted very expeditiously to seek the  
13 return of more than \$24,850 in contributions.

14 Those were received from eight different  
15 campaign committees with the last returned  
16 contribution being received on July 20th of  
17 2015.

18 Upon the receipt of a final returned  
19 contribution, a check was issued from Big Red  
20 PAC to Big Red Liquors in the amount of \$24,850.

21 Big Red Liquors has a strong desire to be  
22 in compliance with all Indiana state laws and  
23 certainly regrets that an inadvertent overage  
24 was made. The PAC is bipartisan in its nature.  
25 It is not intended to unduly sway one side or

1 another of the political aisle. It's a  
2 reputable company who wants very much to be  
3 active in the political process, but to do so  
4 appropriately and within the bounds of the law.

5 We would ask for your consideration of our  
6 efforts to remedy the situation as you consider  
7 a civil penalty. I'd be happy to answer any  
8 questions from the committee.

9 CHAIRMAN BENNETT: At this time I'll --  
10 well, any questions from the committee? I'm  
11 just trying to understand. So Big Red PAC  
12 returned --

13 MR. BELL: -- \$24,850 to Big Red Liquors.

14 CHAIRMAN BENNETT: To Big Red Liquors.

15 MR. BELL: And those were based on return  
16 contributions from campaign committees to whom  
17 contributions had been made by the PAC, the  
18 eight different committees.

19 CHAIRMAN BENNETT: And was that the only  
20 amount of money that was in violation of the  
21 election laws was the \$24,8-?

22 MR. BELL: I defer to the election division  
23 on that, but my understanding is that that was  
24 the political corporate contribution limit.

25 MS. TAYLOR: This is the difference between

1 the -- and they asked for --

2 THE COURT REPORTER: Do you want what  
3 you're saying on the record? Because I can't  
4 hear you.

5 CHAIRMAN BENNETT: I'm thinking not.

6 MS. THOMPSON: We are doing the math here.

7 CHAIRMAN BENNETT: How did that number --  
8 was that the number that was given to you?

9 MR. BELL: Yes, sir.

10 CHAIRMAN BENNETT: Who was it given to you  
11 by?

12 MR. BELL: We had sought advice from many  
13 folks who have experience in PAC fundraising,  
14 and my business partner was told that getting  
15 below that limit would be the appropriate number  
16 to seek to remedy the situation.

17 CHAIRMAN BENNETT: How did this violation  
18 of the laws come to light?

19 MR. BELL: We were informed by letter from  
20 Michelle Thompson at the election division on  
21 June -- pardon me -- first on March 4th, 2014,  
22 that it had been -- that in a routine audit,  
23 that the PAC had received contributions from Big  
24 Red Liquors in excess of limits set forth in  
25 3924.



1 CHAIRMAN BENNETT: And the money was  
2 returned about a year and four months later; is  
3 that -- am I calculating that correctly?

4 MS. THOMPSON: Yeah. On July 20th we  
5 received a letter stating that they had returned  
6 the money.

7 CHAIRMAN BENNETT: Okay. Do you know why  
8 it took that long to return the money?

9 MR. BELL: Ma'am, was our letter received  
10 in 2014 or 2015? I know it's dated 2014, but  
11 the letter that accompanied it.

12 MS. TAYLOR: And then it's crossed out over  
13 it, so I'm not sure.

14 MR. BELL: I think it was March 2015, sir.

15 MS. TAYLOR: I'm thinking it's '15.

16 MR. BELL: I do believe that is the case,  
17 so it was rectified in a matter of four months,  
18 not a year and four months.

19 CHAIRMAN BENNETT: Okay. Good.

20 MR. BELL: And that's --

21 MS. THOMPSON: Yeah.

22 MR. BELL: There was documentation -- this  
23 was with that letter dated 2015, if you recall.

24 MS. TAYLOR: Yeah.

25 MR. BELL: So it was four months.

1           CHAIRMAN BENNETT: All right. Any further  
2 questions? Any further testimony or  
3 documentation?

4           MR. BELL: No, sir. We appreciate the  
5 consideration of the committee's and your time.

6           CHAIRMAN BENNETT: The matter is closed. I  
7 would now ask if there is a motion. Any of the  
8 commissioners have a motion?

9           MR. CLAYTOR: Mr. Chairman, I'm not sure  
10 where to proceed on this as far as not having  
11 the institutional knowledge. I don't know if  
12 staff or if the co-director have any comments or  
13 recommendations in this matter. I know I've  
14 never voted on something at one of these  
15 meetings of this kind of magnitude.

16           CHAIRMAN BENNETT: Well, I guess my  
17 understanding is that the proposed penalty will  
18 stand unless there is a motion to reduce it.

19           CO-DIRECTOR KING: No, it takes affirmative  
20 action by the commission.

21           CHAIRMAN BENNETT: Okay. I am corrected.  
22 It takes official action by the commission to  
23 enforce the fine. So with that understanding,  
24 given that the matter was corrected when it was  
25 brought to the attention, I guess I would move

1 that the fine be reduced by 90 percent to a  
2 10 percent fine.

3 MR. CLAYTOR: 10 percent of what,  
4 Mr. Chairman?

5 CHAIRMAN BENNETT: 10 percent.

6 MS. OVERHOLT: The \$74,000 or \$74,534?

7 MR. CLAYTOR: 10 percent of the total  
8 possible penalty or 10 percent of the violative  
9 amount?

10 CHAIRMAN BENNETT: I will say 10 percent of  
11 the violative amount.

12 MR. CLAYTOR: Because we certainly, in a  
13 number of instances, we do a 25 percent for  
14 first violations for people who agree to that  
15 amount.

16 CHAIRMAN BENNETT: Are you making that  
17 motion to suggest 25 percent?

18 MR. CLAYTOR: Well, I -- that's a darn fine  
19 question, Mr. Chairman. I wouldn't have an  
20 issue with 10 percent of the maximum penalty. I  
21 wouldn't have an issue with 25 percent of the  
22 excess. So I'm not actually making a motion  
23 to --

24 MR. BELL: Mr. Chairman, may I?

25 CHAIRMAN BENNETT: Yes.

1 MR. BELL: Those amounts are pretty close,  
2 if I'm doing the math in my head correctly.

3 MS. OVERHOLT: This is the first violation?

4 MS. THOMPSON: Correct.

5 MS. TAYLOR: Yes.

6 CHAIRMAN BENNETT: I guess in my mind, if  
7 we were going to go to 25 percent, which is the  
8 normal penalty for the first violation, I  
9 would -- I mean, that would have been automatic,  
10 Big Red would have accepted the deal.

11 MR. CLAYTOR: Correct.

12 CHAIRMAN BENNETT: And now that we've had  
13 the hearing, we want to do any better than that  
14 or stick with the 25 percent? If we don't stick  
15 with the 25 percent, we are -- nobody is ever  
16 going to take the deal.

17 MR. CLAYTOR: Well, that's a very good  
18 point. Of course, and the issue is what the  
19 percentage is based on. So the --

20 CHAIRMAN BENNETT: Well, did we tell them  
21 what the penalty would be in any of our  
22 correspondence?

23 MS. THOMPSON: No.

24 MS. TAYLOR: We didn't send a settlement  
25 agreement?

1 MR. BELL: No, ma'am, not to my knowledge.

2 MS. TAYLOR: Okay. The proposed civil  
3 penalties is \$74,534.70, which is three times  
4 the excess; and the excess was \$24,844.93. I'm  
5 grateful for the calculator on my phone. I'm  
6 not that good.

7 MR. BELL: And just to remind the  
8 committee, we did return \$24,850 within a period  
9 of four months.

10 MS. TAYLOR: Yes, yes.

11 MR. CLAYTOR: And that is the excess amount  
12 of --

13 MS. THOMPSON: The \$24,000.

14 MR. CLAYTOR: -- is the \$24,000?

15 MS. TAYLOR: Yes.

16 MR. CLAYTOR: So thank God for calculators  
17 even though I am a CPA. This says \$24,860. Is  
18 it -860?

19 MS. TAYLOR: It was -850, just a typo.

20 MR. CLAYTOR: Okay. I'm good at typos.  
21 Twenty-five percent of that amount is just under  
22 \$6,500.

23 CHAIRMAN BENNETT: Is there a motion to  
24 assess the 25 percent of the statutory penalty?

25 MR. CLAYTOR: I think you made a motion,

1 Mr. Chairman. If you would withdraw that  
2 motion, I will make a motion.

3 MR. BELL: May I pose a question? If  
4 25 percent of the statutory penalty is the  
5 question, that would be 25 percent of the civil  
6 penalty, not the violative amount; correct? So  
7 you would be talking about 25 percent of \$74,000  
8 at that point.

9 MR. CLAYTOR: I would not be but --

10 MR. BELL: Okay. I just wanted to know.

11 MR. CLAYTOR: That is the math.

12 CHAIRMAN BENNETT: Let me withdraw that  
13 motion and make it clear. I guess my motion is  
14 25 percent of the violative amount as a penalty.

15 MS. BECKLEY: So for clarification,  
16 25 percent of the \$24,850?

17 CHAIRMAN BENNETT: Correct.

18 MR. CLAYTOR: Which, I believe, is  
19 \$6,462.50.

20 CHAIRMAN BENNETT: Is there a second?

21 MS. BECKLEY: I will second it.

22 CHAIRMAN BENNETT: I have a motion and a  
23 second. Any further discussion?

24 (No response.)

25 CHAIRMAN BENNETT: All in favor say "Aye."

1 THE COMMISSION: Aye.

2 CHAIRMAN BENNETT: All opposed say "Nay."

3 (No response.)

4 CHAIRMAN BENNETT: The ayes have it.

5 MR. BELL: Thank you, Chairman, and members  
6 of the committee. Appreciate your assistance.

7 CHAIRMAN BENNETT: Thank you. Who is next?  
8 At this time, Commissioner Klutz will replace  
9 Commissioner Beckley. Thank you for your  
10 service, Commissioner.

11 MS. BECKLEY: No problem.

12 (Mr. Klutz returns and Ms. Beckley  
13 leaves.)

14 CHAIRMAN BENNETT: You may.

15 MR. LACY: May I remain standing?

16 CHAIRMAN BENNETT: You may.

17 MR. LACY: Okay. I simply ask to remain  
18 standing because I am a police officer, and I  
19 think better on my feet than sitting in my squad  
20 car. My name is Jeff Lacy, J-e-f-f, L-a-c-y;  
21 and I represent the Muncie Police Department  
22 Political Action Committee.

23 First and foremost, thank you for this  
24 opportunity to plead our case before you and I  
25 apologize for your time. This is embarrassing

1 to us, and I regret that we have to be here.

2 I'm nervous as I've ever been, and I've been in  
3 federal court and everywhere.

4 We have three violations. I fully fall on  
5 my sword on the first violation and accept  
6 responsibility for that and ask for mercy on  
7 that. It is the filing of the annual report  
8 late. That --

9 MS. THOMPSON: 66.

10 MS. TAYLOR: That, Mr. Chairman, are on  
11 pages on 19, 55, and 66.

12 MR. LACY: That was an oversight on our  
13 behalf, and I will give you a bit of history.

14 We -- my treasurer, Larry Robins, who is  
15 sitting here with me, we took over our PAC I  
16 believe it was in January 2015 in an election.

17 Our previous PAC was not living up to the  
18 standard of which we thought they should. And  
19 we had an election and we -- we subsequently won  
20 that PAC.

21 During that course of time there was  
22 confusion from the previous treasurer in  
23 turnover of documents and things like that, is  
24 my understanding. And by the time that he had  
25 turned that information over to us, our mailbox



1 that we received, our post office box had no  
2 longer been paid for -- correct me I'm wrong,  
3 Larry; is that right?

4 MR. ROBINS: Right.

5 MR. LACY: It had no longer been paid for.  
6 And I believe some of the mail that we were  
7 receiving was sent back. And if it -- and so we  
8 never received notification that we were late on  
9 these, the preliminary, the other two  
10 violations. I'm basically arguing all three at  
11 once, I guess.

12 The preprimary report was not filed for  
13 election in 2015, and the preelection. We  
14 understand that you send out notifications  
15 stating that those are due. We did not receive  
16 those because our post office had not been paid  
17 for by our treasurer, and so we never received  
18 notification.

19 I accept responsibility that it's ignorance  
20 on our behalf. We should have not relied on him  
21 to pass that information along to us as what was  
22 required. We did rely on him to tell us, you  
23 know, when certain reports were made and when  
24 they didn't. I'm not throwing him under the  
25 bus, but it's -- once again, it's our fault not

1 looking into what was required out of us.

2 Since then we actually suffered three  
3 violations, which was the preelection report and  
4 the preprimary report and the annual report were  
5 not filed.

6 As soon as we were notified that -- we got  
7 the mailbox up and running again and we started  
8 receiving the notices. I believe my secretary  
9 made contact with the office to get this squared  
10 away.

11 Then we -- we were advised we could come  
12 down here and plead our case before you, and  
13 that's where we are today.

14 I would -- once again, on the annual  
15 reporting, that is our fault 100 percent. We  
16 didn't -- we -- that was an oversight on our  
17 behalf. On the other two, it was kind of a  
18 perfect storm of chaos through the election as  
19 well as the fact that our mailbox had not been  
20 kept up to date and we were not informed that  
21 these -- from the prior people that were running  
22 the PAC that this was a requirement. We  
23 apologize, and we ask for a waiver of those two  
24 and a reduction of fee -- fine on the annual  
25 reporting. And I appreciate your time.

1 CHAIRMAN BENNETT: Okay. Anything else you  
2 want to present?

3 MR. LACY: No, sir. That's as close to the  
4 best explanation as I can give. I mean, it was  
5 a lot of oversight and a lot of confusion when  
6 the election occurred as to who was taking over.

7 Subsequently the previous treasurer is no  
8 longer with us. He has retired. And when Larry  
9 took over -- Mr. Robins took over, he was quick  
10 to act is my understanding.

11 When we got the notification that our  
12 annual report was due, he filed this, all three  
13 reports as soon as we were advised. We've  
14 subsequently taken -- sought out the advice of  
15 Annette Cracraft who, I believe, has been  
16 associated with you in the past as advice on how  
17 to keep our PAC running smoothly and to rectify  
18 the situation so it won't happen again. I don't  
19 want this to happen again. We don't want to be  
20 down here or even pay a fine.

21 CHAIRMAN BENNETT: Any comments from the  
22 division on this?

23 MS. THOMPSON: No, Mr. Chairman. These are  
24 all \$1,000 proposed civil penalties for all  
25 three of these violations.

1 CHAIRMAN BENNETT: Have the three reports  
2 been filed?

3 MS. THOMPSON: They have, yes.

4 MS. TAYLOR: Yes.

5 MR. KLUTZ: Mr. Chairman, I may ask a  
6 question? So the first two violations arose  
7 from circumstances or time periods prior to your  
8 election or your control of the PAC?

9 MR. LACY: We actually took control, but we  
10 were never -- once again, it's our fault for not  
11 looking into what reports were required; but we  
12 were relying on information from the people that  
13 were here previously to say, "Hey, listen, make  
14 sure" -- you know, the treasurer trains the  
15 treasurer, the president trains the president to  
16 make sure that these are done in a timely  
17 manner. You're required to do these reports.

18 That's our fault for seeking that out. And  
19 we were not informed that the pre- -- the  
20 preelection and the preprimary reports were due  
21 during the election year. And so we just did  
22 not complete them. At the same time, we did not  
23 receive notification because our mailbox that we  
24 received the mail at, the notifications that we  
25 would receive from the office were not getting

1 to us.

2 So we didn't even -- it wasn't that we  
3 intentionally ignored any warning or, you know,  
4 that the report was upcoming is my understanding  
5 the notice says, "Hey, don't forgot you've got  
6 this report coming up." And we didn't receive  
7 those to even complete them because the  
8 treasurer had failed to pay for the mailbox, and  
9 then the mail was sent back was my  
10 understanding.

11 Once we got the mailbox up and running  
12 again, we started receiving mail and received  
13 notification.

14 CHAIRMAN BENNETT: Any other questions?

15 MS. OVERHOLT: When did you come in?

16 MR. LACY: I believe it January 2015.

17 CHAIRMAN BENNETT: At this time I'm going  
18 to declare the hearing in the matter closed and  
19 ask if there is any motion from any of the  
20 commissioners.

21 MR. LACY: I was just going to say these  
22 are hard working men and women in the police  
23 department that entrusted us with their money.  
24 And unfortunately, I think I have let them down  
25 when it comes to this. And I ask that you not

1 penalize them for an error that's on my behalf  
2 and my current treasurer. I think their total  
3 dues month are, like, \$200.

4 CHAIRMAN BENNETT: Is this your full-time  
5 job to work with the PAC?

6 MR. LACY: No, sir. I'm a full-time  
7 training director for the police department.

8 CHAIRMAN BENNETT: Okay. Any motions?

9 MR. KLUTZ: Mr. Chairman, it seems like we  
10 have kind of a range -- you initially came up  
11 because you wanted to do the settlement, but  
12 then you realized you weren't eligible for the  
13 settlement and/or you were eligible for --  
14 what? -- 75 percent --

15 MR. LACY: We weren't sure.

16 MR. KLUTZ: -- you thought. But some of  
17 that appears to be a transitional factor when  
18 you came in in January of 2015. At the same  
19 time you did admit and state that you just  
20 missed some -- you weren't properly educated on  
21 the filings, and so I don't feel like a  
22 25 percent reduction would be appropriate  
23 either. My recommendation would be a 50 percent  
24 reduction on all three proposed fines.

25 CHAIRMAN BENNETT: Is that a motion?

1 MR. KLUTZ: It is.

2 MR. CLAYTOR: I'll second the motion.

3 CHAIRMAN BENNETT: Any discussion?

4 (No response.)

5 CHAIRMAN BENNETT: Hearing none, all in  
6 favor of the motion say "Aye."

7 THE COMMISSION: Aye.

8 CHAIRMAN BENNETT: All opposed say "Nay."

9 (No response.)

10 CHAIRMAN BENNETT: Ayes have it. Motion  
11 carries, 50 percent reduction.

12 MR. LACY: Thank you. What would be the  
13 total of that? Do you know.

14 MS. TAYLOR: \$1,500.

15 MR. LACY: Thank you.

16 CHAIRMAN BENNETT: Thank you.

17 MR. WITWER: I'm George Witwer and founder  
18 of the Opportunity Project to Political Action  
19 Committee. And it's been dormant for over a  
20 decade. We kept it open from the standpoint  
21 that we might someday make it active again. I'm  
22 here on behalf of Martha Coleen, who is in  
23 charge of the political action committee. She  
24 works up in Bluffton, Indiana, where I'm from.  
25 She has a calendar to fill her report out

1 every year. She was sick the day that she had  
2 it calendared to fill it out, you know, turn in  
3 the latest report. Again, no activity in the  
4 last decade as far as I'm aware. She was sick  
5 for several days. When she got back to work,  
6 she saw the calendar. She immediately turned in  
7 the report. So that was between April 15th and  
8 April 18th.

9 So the recommendation was \$50 a day  
10 penalty. You know, from my perspective, it  
11 seemed like it was, you know, kind of an  
12 impossible situation for her because she was  
13 incapacitated, was unaware that the calendar  
14 item was supposed to be filled out. And so I  
15 was hoping for some leniency. I'm not sure  
16 what's appropriate in these circumstances, but  
17 that's why I'm here on her behalf.

18 CHAIRMAN BENNETT: Have we found --

19 MS. THOMPSON: Yes, page 71, Mr. Chairman.  
20 This committee has never been before the  
21 commission before and has a proposed civil  
22 penalty of \$200.47.

23 CHAIRMAN BENNETT: That's the full penalty?

24 MS. THOMPSON: Yes.

25 CHAIRMAN BENNETT: \$200. And I'm curious,



1 Mr. Witwer, why you didn't take the 25 percent  
2 reduction?

3 MR. WITWER: I don't think I was aware of  
4 that. She sent in a letter. And the letter  
5 that we got responded was you owe \$200, so it  
6 was a full, you know, full application so we --  
7 I wasn't aware. I don't think she's aware that  
8 there was an opportunity to have a 25 percent  
9 reduction.

10 MR. CLAYTOR: He just got here.

11 MR. KLUTZ: If I could, I don't believe he  
12 was here for the first plea agreement  
13 discussion.

14 CHAIRMAN BENNETT: Okay.

15 MR. BECKER: I'm sorry. Patrick Becker  
16 with the Indiana Election Division.

17 CHAIRMAN BENNETT: Were you here when the  
18 oath was administered?

19 MR. WITWER: No, I wasn't here. I'm sorry.  
20 Am I no --

21 CHAIRMAN BENNETT: I don't want to redo  
22 everything. Do you solemnly swear that what  
23 you've told us has been the truth, the whole  
24 truth, and nothing but the truth?

25 MR. WITWER: I solemnly swear.

1 CHAIRMAN BENNETT: Okay. Anything else you  
2 want to present?

3 MR. WITWER: No. The only correspondence  
4 that I've seen and I think that she's seen -- so  
5 I'm not sure if we've missed something -- was  
6 she wrote a letter explaining that she had been  
7 sick. And then we got a letter back saying we  
8 owe the \$200; but if we -- if we wanted to, you  
9 know, question that, to come before the  
10 committee. So on her behalf I said I'll come  
11 down and speak to the committee.

12 MR. KLUTZ: Mr. Witwer, had you been here  
13 when the 25 percent settlement offer was  
14 offered, would you have accepted on behalf of --

15 MR. WITWER: Whatever would be standard in  
16 this situation. I'm not familiar with what  
17 would be appropriate. It just seemed to me that  
18 this was a situation that ought to be considered  
19 by the committee.

20 CHAIRMAN BENNETT: Okay. Any other  
21 questions from the commission? I declare the  
22 hearing on this matter closed. I guess I would  
23 offer the motion that the \$200 fine be reduced  
24 to 25 percent of that amount in this situation.

25 MR. CLAYTOR: Second.

1 CHAIRMAN BENNETT: Motion and a second?

2 Any discussion?

3 (No response.)

4 CHAIRMAN BENNETT: All in favor say "Aye."

5 THE COMMISSION: Aye.

6 CHAIRMAN BENNETT: All opposed say "Nay."

7 (No response.)

8 CHAIRMAN BENNETT: The motion carries.

9 Ayes have it, reduced to 25 percent of \$200.

10 THE WITNESS: I appreciate it very much.

11 MS. TAYLOR: Mr. Witwer also has a  
12 candidates' committee, a long-standing committee  
13 that's been around as long as the PAC committee.  
14 The candidates' committee also missed the same  
15 filing deadline as the candidate for statewide  
16 office. The report was due April 15th. It was  
17 filed April 18th. It's another -- it's  
18 different committee, Hoosiers for Witwer. It's  
19 on page 87.

20 MR. WITWER: Same situation, I guess.

21 MS. THOMPSON: Yes. Filed at the same  
22 time, wrote a letter for both delinquencies.  
23 This one also has a proposed civil penalty of  
24 \$200.47.

25 CHAIRMAN BENNETT: Okay. Mr. Witwer, can

1 you address that one as well or do you wish,  
2 since we're --

3 THE WITNESS: Same facts. Same facts.  
4 She's responsible for that. She had it  
5 calendared, I guess it was due the same day.  
6 She was sick. As soon as she got in the office,  
7 she sent that one in as well.

8 MR. CLAYTOR: Mr. Chairman, it appears this  
9 was not the first violation for that committee.

10 MS. TAYLOR: That's correct. That was the  
11 third for Hoosiers for Witwer.

12 CHAIRMAN BENNETT: Third.

13 THE WITNESS: That committee also is  
14 dormant, just so you know. It's been quite some  
15 time.

16 CHAIRMAN BENNETT: It's not been dissolved?

17 THE WITNESS: Not been dissolved, something  
18 that we just hadn't taken the action on. I  
19 think, given all this, probably should so ...

20 CHAIRMAN BENNETT: Yeah. Okay. I guess --  
21 okay. Anything else you would like to say about  
22 this?

23 MR. WITWER: No.

24 CHAIRMAN BENNETT: Any other questions from  
25 the commissioners?

1 (No response.)

2 CHAIRMAN BENNETT: I'll declare the hearing  
3 in the matter closed and ask if there's any  
4 motion to be made by any of the commissioners  
5 with regard to this club.

6 MR. CLAYTOR: Mr. Chairman, I move we  
7 assess a fine of 75 percent of the proposed  
8 penalty.

9 CHAIRMAN BENNETT: Is there a second?

10 MR. KLUTZ: Second.

11 CHAIRMAN BENNETT: A motion and a second.  
12 Any discussion?

13 (No response.)

14 CHAIRMAN BENNETT: Hearing none, all in  
15 favor say "Aye."

16 THE COMMISSION: Aye.

17 CHAIRMAN BENNETT: All opposed say "Nay."

18 (No response.)

19 CHAIRMAN BENNETT: So we'll reduce the \$200  
20 for the Hoosiers for Witwer to 75 percent of  
21 that amount.

22 MR. WITWER: Okay.

23 CHAIRMAN BENNETT: And you might want to  
24 consider closing that.

25 THE WITNESS: Advice taken.

1 CHAIRMAN BENNETT: Thank you.

2 MR. WITWER: Thank you. You bet.

3 CHAIRMAN BENNETT: Does anybody have an  
4 idea who's next? We'd like to take them from  
5 front back. Anybody else in the front?

6 MR. BREEDEN: We've been here since before  
7 1:00, but there weren't any seats when we got  
8 here.

9 CHAIRMAN BENNETT: I think you should come  
10 forward.

11 MR. BREEDEN: My name is Bill Breedon. I  
12 don't have a cause number. It's Committee to  
13 Elect Bill Breedon.

14 MS. TAYLOR: Do you know what was late?

15 MR. BREEDEN: It was the report of receipt  
16 and expenses for the political committee.

17 MS. TAYLOR: When was it due?

18 MR. BREEDEN: Primary.

19 MS. TAYLOR: Of this year?

20 MR. BREEDEN: Yes, yes.

21 MS. TAYLOR: Okay.

22 MR. BREEDEN: We would have -- we live in a  
23 three-room cabin. My wife's father died and  
24 she's gone and I'm not sure of our filing system  
25 in our three-room cabin so I need --

1 MS. TAYLOR: It's on page 84. It's the  
2 Committee to Elect Bill Breeden, Cause  
3 No. 2016-6849-159. This is the first penalty  
4 and proposed civil penalty of \$600.47.

5 MR. BREEDEN: And my name is spelled  
6 Bill Breeden, B-r-e-e-d-e-n.

7 THE COURT REPORTER: Thank you.

8 CHAIRMAN BENNETT: All right. What would  
9 you like to tell us about this?

10 MR. BREEDEN: I have a copy here of a fax.  
11 I called the office actually up a couple of  
12 times that week because this is the first time  
13 I've ever run for office and I know nothing  
14 about most of this. But in reading the book I  
15 realized, you know, there were dates I needed to  
16 meet. So I called the office and made sure I  
17 could fax them.

18 I have a copy here of the fax that I sent  
19 two days before the deadline. And I didn't hear  
20 that it was late until weeks later. And I  
21 called the office and explained that I had faxed  
22 it and I had a copy of that. And she said bring  
23 that copy here to this meeting and she called  
24 and said I want to stop the fine, because at  
25 that time I think it was nearing \$700. And

1 that's the first time I ever --

2 CHAIRMAN BENNETT: You want to give that to  
3 paper to Mr. Simmons?

4 MR. BREEDEN: Sure.

5 CHAIRMAN BENNETT: Anything else you want  
6 to tell us any or documents you want to make  
7 part of the record?

8 MR. BREEDEN: No. You know, I faxed it in.  
9 I don't know why it wasn't filed, but I thought  
10 the fax number was fine. I think I talked to  
11 Michelle.

12 MS. THOMPSON: 15, April 15.

13 MR. KLUTZ: It appears to be file stamped  
14 April 13th.

15 MR. BREEDEN: She told me that she didn't  
16 think it would be a problem, but I did have to  
17 show up here. I'm glad to meet you all. I'm  
18 glad you're doing your job.

19 CHAIRMAN BENNETT: Anything else on your  
20 part?

21 MR. BREEDEN: No.

22 CHAIRMAN BENNETT: Any questions from the  
23 commissioners? Anything from the division? Any  
24 motion from the other commissioners?

25 MR. KLUTZ: What he's presented is --



1 appears to be a fax that's sent to the Indiana  
2 Election Division on April 13th, 2016. And what  
3 I'm told is that the report was due April --

4 MS. TAYLOR: 15th.

5 MR. KLUTZ: -- 15th. So I make a motion  
6 that the fine be waived.

7 MR. CLAYTOR: Second.

8 CHAIRMAN BENNETT: Any discussion?

9 (No response.)

10 CHAIRMAN BENNETT: All in favor of the  
11 motion to waive and dismiss say "Aye."

12 THE COMMISSION: Aye.

13 CHAIRMAN BENNETT: All opposed say "Nay."

14 (No response.)

15 CHAIRMAN BENNETT: Ayes have it.

16 MR. BREEDEN: Thank you very much. I hope  
17 I never see you again except outside this room.  
18 Have a good day.

19 MR. MAHERN: I don't have a cause number.  
20 Indiana Southern District Democratic Committee.  
21 I have a file number.

22 THE COURT REPORTER: Your name, sir.

23 MR. MAHERN: I'm sorry. My name is Louis,  
24 L-o-u-i-s; Mahern, M-a-h-e-r-n. I have a copy  
25 of my remarks if you would like them. In the

1 summer of 2008 the then Marion County Democratic  
2 Chairman appointed me to be treasurer of the  
3 Indiana Seventh District Democratic Committee.

4 On April 26th, 2011, at the instruction of  
5 the Marion County chairman, I wrote a check to  
6 the Marion County Democratic Party in the amount  
7 of \$2,483, thus completely depleting the funds  
8 of the Indiana Seventh District Democratic  
9 Committee.

10 Beginning with the pre-general election  
11 report filed on October 18th, 2011, and the 13  
12 or so reports I have filed since then show the  
13 Indiana Seventh District Democratic Committee  
14 with zero activity and zero funds on hand.

15 After over seven years of filing the  
16 required election reports on behalf of the  
17 Indiana Seventh District Democratic Committee, I  
18 absentmindedly neglected to file the preelection  
19 report due on October 16th, 2015.

20 Upon receipt of the notice from the State  
21 Election Commission informing me of this  
22 oversight, I promptly filed the overdue report  
23 which was received by the commission on  
24 October 26th, 2015.

25 About three weeks later I received a notice

1 from the commission offering a proposed  
2 settlement of a campaign finance penalty. I  
3 called the commission staff and requested a  
4 hearing on the matter. As far as I know, that  
5 is where the matter stands today. The Indiana  
6 Seventh District Democratic Committee has no  
7 funds and has not had any funds for nearly five  
8 years.

9 I would have availed myself of the  
10 25 percent discount offer at the outset, but the  
11 committee had no funds to pay that 25 percent.

12 MS. THOMPSON: Mr. Chairman, you will find  
13 that on page 57.

14 CHAIRMAN BENNETT: Thank you. Any  
15 questions?

16 MR. CLAYTOR: Why haven't you closed the --

17 MR. MAHERN: That's a very good question,  
18 and I promise you that it will be closed very  
19 promptly. Frankly, every time I filled out this  
20 report I thought, you know, I need to do  
21 something about this; and I just haven't.

22 MR. KLUTZ: Mr. Chairman, in the past have  
23 we waived fines conditioned upon certain filing  
24 such as the closing of a committee and the  
25 waiver be contingent upon the filing of the

1 proper documents?

2 CHAIRMAN BENNETT: I think what we've done  
3 in the past is to defer the matter pending the  
4 closure and save it for the next hearing. The  
5 committee is inactive? There's no money?

6 MR. MAHERN: There has been no activity  
7 in -- this coming October it will be five years  
8 since the committee has had any activity.

9 CHAIRMAN BENNETT: Okay. Well, I would --  
10 I would move to defer the matter until the next  
11 campaign finance meeting, at which time, if you  
12 can demonstrate that the committee has been  
13 closed, I think that the usual practice has been  
14 to be pretty lenient at that point in time and  
15 consider a dismissal of the case. So I guess I  
16 would make the motion that we defer this to  
17 another scheduled meeting and see if the  
18 committee remains open or whether it's closed  
19 and make a decision at that time.

20 MR. MAHERN: Fair enough.

21 CHAIRMAN BENNETT: We need a second.

22 MR. CLAYTOR: Second.

23 CHAIRMAN BENNETT: A motion and second. Is  
24 there any discussion on that?

25 (No response.)

1 CHAIRMAN BENNETT: All in favor say "Aye."

2 THE COMMISSION: Aye.

3 CHAIRMAN BENNETT: All opposed say "Nay."

4 (No response.)

5 CHAIRMAN BENNETT: The motion carries.

6 MR. MAHERN: Thank you, Mr. Chairman.

7 CHAIRMAN BENNETT: We'll see you next time,  
8 and hopefully the committee will be closed.

9 MR. MAHERN: All right.

10 CHAIRMAN BENNETT: Next?

11 MS. COOK: Thank you, Mr. Chairman, members  
12 of the election commission. I'm Rhonda Cook.  
13 It's R-h-o-n-d-a, C-o-o-k. I am the treasure of  
14 the Indiana Conference of Mayors PAC. And I'm  
15 here today speaking on behalf of the treasurer  
16 of the Indiana Democrat Mayors PAC as well as a  
17 letter from that treasurer.

18 CHAIRMAN BENNETT: Can you give a copy of  
19 that letter to Mr. Simmons? Do you have a cause  
20 number?

21 MS. COOK: Yes. There are two for each  
22 PAC, so there are four cause numbers. For the  
23 ICOM PAC it's 2015-614-145, 2015-147-112. For  
24 the Democrat Mayors PAC it's 2015-6126-144,  
25 2016-6124-111.

1 MS. TAYLOR: These are on pages 61, 62, and  
2 67.

3 MR. CLAYTOR: These are two separate --

4 MS. TAYLOR: These are two separate --

5 MS. COOK: Does that go to you?

6 MS. TAYLOR: Here. You can stay with  
7 Indiana Democrat Mayors on page 61 and 67, Cause  
8 No. 2016-6126-111 and Cause No. 2015-6126-144.

9 CHAIRMAN BENNETT: Okay.

10 MS. COOK: For both PACs, they're very  
11 similar circumstances so I can kind of speak to  
12 them all together. I realized that we missed  
13 the filings for the preprimary and preelection  
14 2015 on October 20th, 2015. I was reading a  
15 political newsletter, and they had listed some  
16 important dates and deadlines. And I thought  
17 surely not because I haven't received anything  
18 from the election commission stating that we had  
19 any problems or any delinquencies. So  
20 immediately I called the election commission and  
21 was told to speak to Abbey Taylor.

22 She called me back the next morning. And  
23 she said that both PACs had missed the filings  
24 for the preprimary and the preelection reports  
25 and we did not respond to the commission's

1 request to appear. And the commission had  
2 already ruled that we owed \$1,000 on each -- for  
3 each PAC, although today I haven't received  
4 notice of that delinquency or a right to appear  
5 or the ruling of the commission imposing the  
6 fine, we have never received those documents.  
7 This information was provided to me verbally,  
8 though, by Abbey when I spoke to her on  
9 October 21st.

10 So immediately I filed the reports on  
11 October 20th, the date that I realized the  
12 mistake. I filed the ICOM PAC report. And then  
13 on October 21st, the Democrat Mayor reports were  
14 filed for both -- both time periods.

15 And as I was discussing it with Abbey, we  
16 identified the problem that -- we had moved  
17 offices in 2013, and we notified the election  
18 division of our new address on the 2013 annual  
19 reports that were filed January of 2014.

20 Abbey said that the address change was not  
21 made in the election division computer system;  
22 and so from that point forward, both of the PACs  
23 weren't receiving any notifications. We didn't  
24 get your packet that says when the reports are  
25 due or didn't get anything about our

1 delinquencies or notice of right to appear.

2 So we understand that -- we apologize for  
3 the errors. And we know that we didn't file  
4 timely and we understand that those packets are  
5 courtesy and that we have to track the deadlines  
6 and file those. I will admit that they're very  
7 helpful to receive and they help a lot of people  
8 stay on track.

9 But I think what's critical in our  
10 situations is that we didn't receive any of the  
11 notices that we were delinquent and that fines  
12 were being imposed or that we had a right to  
13 appear. Otherwise, we would have corrected that  
14 right away, immediately.

15 And I know that was due to the election  
16 division not updating that in the system is what  
17 I was told.

18 CHAIRMAN BENNETT: Anything else?

19 MS. COOK: That's it. No.

20 CHAIRMAN BENNETT: Any response from the  
21 division on this?

22 MS. TAYLOR: We'll fall on that. They  
23 checked the box and updated their address, and  
24 we just didn't catch it. It's our fault. We  
25 didn't catch the updated address, so we didn't



1 change it in the system. So any mail we sent  
2 out went to the old address, because we didn't  
3 catch the new address.

4 CHAIRMAN BENNETT: Even though it was  
5 properly presented?

6 MS. TAYLOR: Yeah. They did everything  
7 right, and we just missed it.

8 MS. THOMPSON: There's a box on the form  
9 that you can check to change your address and we  
10 simply missed the box, the checkmark.

11 CHAIRMAN BENNETT: All right. Any  
12 questions from the commissioners?

13 (No response.)

14 CHAIRMAN BENNETT: Hearing none, I'll  
15 declare the hearing in the matter closed. And  
16 I'll ask if there is any motion that any of the  
17 commissioners want to make.

18 MR. KLUTZ: Based upon the comments from  
19 our staff as well as the few mitigating factors  
20 that Ms. Cook initiated the call once she saw  
21 first notice, I would make a motion that we  
22 waive fines for both PACs or organizations that  
23 she represents.

24 CHAIRMAN BENNETT: Is there a second?

25 MR. CLAYTOR: Second.

1 CHAIRMAN BENNETT: Motion and a second.

2 Any discussion?

3 (No response.)

4 CHAIRMAN BENNETT: Hearing none, all in  
5 favor say "Aye."

6 THE COMMISSION: Aye.

7 CHAIRMAN BENNETT: All opposed say "Nay."

8 (No response.)

9 CHAIRMAN BENNETT: Ayes have it. Fine  
10 waived.

11 MS. COOK: Appreciate it. Thank you.

12 CHAIRMAN BENNETT: Who is next? Second  
13 row? Anybody in the first row, still in the  
14 first row, come forward. Thank you.

15 MR. WHEELER: Good morning, Mr. Chairman,  
16 members the commission. We are here on behalf  
17 of the Indiana Chiropractic Association of  
18 Indiana. I'm sorry. I'm Tom Wheeler with Frost  
19 Brown Todd.

20 MS. OVERHOLT: Mr. Chairman, before they  
21 proceed, I want to disclose that I do not  
22 believe I have a conflict, but I want to  
23 disclose that my husband, Tony Overholt, is a  
24 partner with Mr. Wheeler at Frost Brown Todd.  
25 If it raises -- if the parties have any

1 objection to my hearing this matter.

2 CHAIRMAN BENNETT: Is that going to affect  
3 your impartiality?

4 MS. OVERHOLT: No, Your Honor, it will not.

5 CHAIRMAN BENNETT: Very well. Thank you  
6 for the disclosure. Do we have a --

7 MS. THOMPSON: Mr. Chairman, this is on  
8 pages 4, 5, 6, and 13.

9 MS. TAYLOR: 13.

10 MS. THOMPSON: And 13. And also I would  
11 like to the commission to know that I received a  
12 report this morning that closed this committee.

13 CHAIRMAN BENNETT: Okay. Okay. Very well.  
14 Mr. Wheeler?

15 MR. WHEELER: Mr. Chairman, this is  
16 actually a follow-up to a hearing that the  
17 commission held July 21st of last year where  
18 actually Commissioner Reardon represented the  
19 association at that point in time.

20 There was a lengthy discussion of the  
21 underpinnings, the fraudulent conduct, the  
22 embezzlement of the money, the treasurer  
23 changes, the misaddresses, and everything else.

24 The conclusion of the -- conclusion of the  
25 hearing resulted in a motion, as I read from the

1 minutes, that said, "I wonder if we can hold  
2 this matter in abeyance and ask Ms. Reardon to  
3 work with our co-directors and co-counsel to put  
4 together a proposal in this matter which may  
5 include both of these current pending orders and  
6 the other matters that were turned over to the  
7 AG's office for collection."

8           There was -- there were kind of two  
9 questions going. One had to do with the pending  
10 matters and, two, the monies that already gone  
11 to the AG's office for collection. There was a  
12 legal question as to whether the AG's office,  
13 who had the right to pull something back from  
14 the AG's office, whether an order of this  
15 commission could pull it back. There was a  
16 pending given from the counsel's office that  
17 they thought they could, but there was a  
18 determination that we ought to look at that.  
19 And it my understanding, Mr. King or Mr. Simmons  
20 or I'm not sure who is the one looking at  
21 that -- I'll defer to you guys -- but my  
22 understanding is it's possible to do.

23           MR. KING: Yes, Mr. Chairman. In  
24 consulting with Mr. Simmons, we determined that  
25 it is entirely possible.

1 CHAIRMAN BENNETT: Okay.

2 MR. WHEELER: And so, I -- Michelle is here  
3 representing the association and has a full  
4 grasp of the facts, the underlying facts, a lot  
5 of which came out at the last meeting. We'd be  
6 happy to go over those again or go over them  
7 briefly to refresh. I'm not sure. I think most  
8 of the members were here for the last hearing;  
9 but I know the way these hearings go, it's much  
10 like traffic court. They all blend together  
11 pretty quickly, given the time I spent doing it.  
12 So we'd be happy to go through those if you  
13 would like.

14 CHAIRMAN BENNETT: Are you making any  
15 proposal or suggesting any action?

16 MR. WHEELER: We'll make the same proposal  
17 we made last time, which was pulling them down,  
18 waiving it in exchange for as, Mr. Mahern noted,  
19 closing the committee.

20 We went ahead and took the proactive  
21 historically, as I think was mentioned just a  
22 couple moments ago -- historically the method of  
23 handling those sort of things if there's a  
24 commitment to close the committee -- and there  
25 has been no activity in the committee -- is for

1 a waiver and trying to pull this back.

2 In this case the committee has had no  
3 action for the last two years, even prior to  
4 this mistake being -- these mistakes, serious  
5 mistakes, being discovered, the embezzlement,  
6 etcetera, being corrected in April of 2015 and  
7 the series of reports being filed. The filings  
8 have been made since then.

9 There has no activity in the accident at  
10 all in the last two years. And I have copies of  
11 reports if the commission would like to see it.  
12 And as was mentioned, the committee was closed  
13 yesterday.

14 And they have -- they have no intent on  
15 being involved in this business anymore, as I  
16 understand her statement.

17 CHAIRMAN BENNETT: Is there any -- I think  
18 it's coincidental that it was just closed  
19 yesterday or was it --

20 MR. WHEELER: Well, there was a  
21 conversation. There were conversations. I know  
22 Ms. Reardon had a conversation, I think, with  
23 her predecessor. I've had a conversation with  
24 Mr. King as well since she left our office. And  
25 I got -- I picked this up as the commission

1 directed. The commission directed us to work  
2 with the counsel in doing this, and that's why I  
3 closed it out. We've taken no activity, closed  
4 it out. We've confirmed that the AG's office  
5 can pull these back.

6 CHAIRMAN BENNETT: But then we need an  
7 order from the commission in order to do that?

8 MR. WHEELER: That's my understanding from  
9 Mr. King.

10 CHAIRMAN BENNETT: So the dismissal of the  
11 case wouldn't satisfy what you are looking for?

12 MR. WHEELER: Dismissal of the matters  
13 together -- I think one motion that would  
14 dismiss the matter and ask for the order to be  
15 recalled from the AG's office would resolve this  
16 entirely.

17 CHAIRMAN BENNETT: All right. Anything  
18 else you would like to present?

19 MR. WHEELER: Not unless the commissioners  
20 have any further questions.

21 CHAIRMAN BENNETT: Any questions?

22 MS. OVERHOLT: Is there any money in the  
23 account?

24 MR. WHEELER: It's still zeroed out. The  
25 account's been closed, shut down.