

1 to file a supplemental report.

2 CHAIRPERSON BENNETT: Before you make your
3 presentation, let us --

4 MS. THOMPSON: Mr. Chairman, this is on
5 page 3 and on the bottom of page 8.

6 This is the report of Bradford Moulton,
7 State Representative, Cause No. 2017-6557-45 for
8 his report he filed late. The report is now
9 closed.

10 On page 8, it's 2017-6557-135, this is for
11 the supplemental report. At the top of page 9

12 under Comments, some of yours got changed and
13 some of them didn't. This actually should say
14 that his report is filed instead of not failed.
15 His report is here. And again, the committee is
16 closed.

17 MEMBER KLUTZ: So what was the basis of our
18 continuance at the last meeting? Were there
19 conditions?

20 MS. TAYLOR: He was given another 30 days
21 to file the report. The report was filed
22 outside of the 30 days, but it was filed.

23 MS. THOMPSON: And he's closed.

24 MS. TAYLOR: That day he just continued a
25 handful and gave them all an opportunity to

1 close within 30 days or file within 30 days and
2 then revisit.

3 CHAIRPERSON BENNETT: Anything else from
4 the Division staff?

5 MS. TAYLOR: No.

6 CHAIRPERSON BENNETT: The floor is yours.

7 MR. MOULTON: So I apologize as well, I did
8 not file that within the 30 days. Evidently I
9 was not as clear on that as other. But I came
10 in, we went through, we filed the final year's
11 report, we filed the CFA-11 that was required

12 for the loan that was to myself. At the time, I
13 think I said I had a few dollars and some change
14 in my account. I since zeroed that out via bank
15 fees. So there was a zero balance on the
16 account, it was closed out for the year, and the
17 committee itself is completely closed, per your
18 request.

19 So I would humbly say that I have closed
20 out my account and will not have to deal with
21 you guys ever again hopefully.

22 VICE CHAIR CELESTINO-HORSEMAN: So why
23 didn't you take the deal, it would have been
24 your first time, it would have been \$250.

25 MR. MOULTON: It would not have been, it

1 was a thousand dollars plus a late fee, and I
2 had been late before. My campaign treasurer was
3 not the best about getting with me and getting
4 everything in timely. She would often just give
5 it to me and then I would have to bring it in.
6 I'm not blaming her, it's my responsibility as a
7 candidate to make sure it gets through. But I
8 shouldn't have to worry about that anymore, and
9 I wouldn't recommend her to be a finance person
10 for anyone.

11 MEMBER KLUTZ: The supplemental
12 contribution.

13 MR. MOULTON: Was a loan to myself, and I
14 was unaware that because it was a loan, within
15 that three-week window between the preelection
16 report and the year end that I needed to report
17 a thousand dollars or more that was a loan to
18 myself. That was an oversight on my part, and
19 that one was totally my fault.

20 CHAIRPERSON BENNETT: Anything else? Any
21 questions? I declare the hearing closed and ask
22 for a motion.

23 VICE CHAIR CELESTINO-HORSEMAN: I would
24 move that we waive all fines on this one.

25 CHAIRPERSON BENNETT: Is there a second?

1 MEMBER KLUTZ: Second.

2 CHAIRPERSON BENNETT: Motion and a second.

3 All in favor, say aye.

4 All opposed, say nay.

5 Motion carried, fines are waived.

6 MR. MOULTON: Thank you guys, so much, I
7 appreciate it. You have a blessed day.

8 IEC CHAIRPERSON BENNETT: Anyone else here
9 for a campaign finance?

10 I propose a quick recess.

11 REQUESTS FOR CONTINUANCE

12 MS. TAYLOR: We have a handful of
13 continuances, request for continuance.

14 CHAIRPERSON BENNETT: Do you want to cover
15 those before we take a quick break?

16 MS. TAYLOR: It's up to you.

17 CHAIRPERSON BENNETT: Let's handle those
18 then for a second.

19 I would ask that the campaign finance staff
20 identify any matters which a motion or
21 continuance was received for today's meeting.

22 MS. TAYLOR: First is Cause
23 No. 2015-6645-91, it's the Wabash Democratic
24 PAC. Second is Cause No. 2017-6724-57, the
25 Committee to elect Michael Harkness, State

1 Representative, District 73. Third is Cause No.
2 2016-6873-166, Wabash County Democrat. And the
3 last one was 2017-6938-86, Hoosiers for Justice
4 Political Action Committee.

5 CHAIRPERSON BENNETT: Is there a motion to
6 grant the request for continuance?

7 VICE CHAIR CELESTINO-HORSEMAN: So moved.

8 CHAIRPERSON BENNETT: Is there a second?

9 MEMBER KLUTZ: Second.

10 Any discussion?

11 All in favor, say aye.

12 All opposed, say nay.

13 The continuance requests are granted.

14 Thank you.

15 Is anyone present to testify in any
16 remaining campaign finance hearing scheduled for
17 today? If not, I declare the hearings on all
18 remaining campaign finance matters scheduled for
19 today closed.

20 Is there a motion to impose the entire
21 amount of the proposed penalty plus mailing
22 costs in all remaining campaign finance
23 enforcement actions?

24 MEMBER KLUTZ: So moved.

25 CHAIRPERSON BENNETT: Is there a second?

1 VICE CHAIR CELESTINO-HORSEMAN: Second.

2 CHAIRPERSON BENNETT: Any further

3 discussion?

4 All in favor of the motion, say aye.

5 All opposed, say nay.

6 The ayes have it, the motion to impose the
7 penalty is adopted.

8 At this point, let's recess for a 10-minute
9 comfort stop.

10 (A recess was taken between 4:07 p.m. and
11 4:17 p.m.)

12 VSTOP OVERSIGHT PROGRAM

13 CHAIRPERSON BENNETT: We'll resume the
14 meeting after a brief recess.

15 At this time I'll recognize Dr. Jay Bagga,
16 Jessica Martin, Dr. Bryan Byers and other
17 representatives from the VSTOP program to report
18 regarding voting system issues.

19 The first item on the agenda is the
20 recommendation from VSTOP concerning an
21 engineering change order.

22 DR. BAGGA: Thank you, Mr. Chairman, and
23 members of the Commission. If I may, I'd like
24 to begin by introducing the members of our team,
25 and then several of us will make presentations.

1 I'm Jay Bagga, Co-Director for VSTOP. Next
2 to me is Jessica Martin, project manager for
3 VSTOP. And then Co-Director Bryan Byers, and
4 Mani Kilaru, review specialist. We're glad to
5 be here.

6 We will ask Jessica Martin to make a
7 presentation on the ECO for Micro Vote.

8 MS. MARTIN: Hi. Micro Vote has formally
9 requested approval of an engineering change
10 order to a certified voting system in Indiana.
11 This engineering change order is an addition of

12 headphones to the list of certified components
13 for the EMS 4.1 and has been evaluated by the
14 VSTOP team in accordance with the requirements
15 of the policies and procedures for managing
16 changes in Indiana's certified voting system,
17 which was approved by the Indiana Election
18 Commission on June 27th, 2011.

19 Members of the VSTOP team have also
20 reviewed this ECO and the VSTL report of the
21 voting system testing lab report. VSTOP finds
22 that this engineering change order is in
23 compliance with the requirements for de minimus
24 changes to hardware components. The end of life
25 Radio Shack headphone was not originally in the

1 Indiana certification, so this ECL is an
2 addition of a component to the Indiana certified
3 Micro Vote EMS 4.1.

4 Furthermore, this new hardware is
5 compatible with the Micro Vote EMS 4.1 voting
6 system certified in the state of Indiana. This
7 ECO applies only to Micro Vote EMS 4.1, and
8 VSTOP recommends approval by the Indiana
9 Election Commission.

10 CHAIRPERSON BENNETT: Very well. Is there
11 a motion to approve the recommended engineering

12 change order?

13 MEMBER KLUTZ: So moved.

14 CHAIRPERSON BENNETT: Is there a second?

15 VICE CHAIR CELESTINO-HORSEMAN: Second.

16 CHAIRPERSON BENNETT: Any discussion?

17 Hearing none, all in favor of the motion,
18 say aye.

19 All opposed, say nay.

20 Motion carried.

21 I'll now ask for a presentation from VSTOP
22 regarding the application for certification of
23 the election systems and software 5.2.0.0
24 optical scan voting system.

25 DR. BAGGA: Thank you, Mr. Chairman, I'll

1 make that presentation. The ES&S EVS 5.2.2.0 is
2 a paper-based end-to-end Election Management
3 System that supports a jurisdiction's election
4 needs by creating and maintaining a central
5 election database, formatting and printing
6 ballots, programming election equipment and
7 collection and reporting of election results.

8 This Voting System was tested on
9 January 24th, 2018 by VSTOP at Ball State
10 University. VSTOP conducted tests on hardware,
11 firmware and software components that included

12 demonstration of these components. The test
13 also included verification of all the
14 requirements of the Indiana statutes regarding
15 voting systems as well as ADA Compliance
16 demonstration. Mock elections were held,
17 including the IED approved test case scenarios
18 for straight party voting, and these were
19 conducted on the voting system.

20 VSTOP also reviewed the lab reports from
21 Voting System Testing Labs, and VSTOP also
22 reviewed the EAC Scope of Certification and the
23 EAC guidelines. This system was certified by US
24 EAC on February 27th, 2017.

25 In our report we list all the components of

1 the system that we recommend and, furthermore,
2 list some of the limitations on the use of some
3 components. There are two scanners, the Symbol
4 QR4 scanner and the Zebra QR scanner, and they
5 are limited to scanning only 128c bar codes that
6 contain ballot style information yet generated
7 by Electronic Poll Books which are certified in
8 Indiana. Attachment 4 has that information.

9 The user of any of the features for these
10 scanners is prohibited, including the use of any
11 QR codes, Ballot Online QR codes and

12 ExpressPass. Any functionality related to the
13 prohibited features shall be disabled if
14 possible. Also the Ballot Online application
15 and the Ballot Online QR scan shall not be used.

16 On the basis of VSTOP's review and
17 evaluation, we find that the working system
18 referenced in herein (and with the Scope of
19 Certification and limitations as applied) meets
20 all the requirements of Indiana Code for use in
21 the State of Indiana. This finding includes
22 compliance with legal requirements for voters
23 with disabilities.

24 Thank you.

25 CHAIRPERSON BENNETT: Thank you. Is there

1 a motion to approve the application for
2 certification of the 5.2.2.0 Optical Scan Voting
3 Application submitted by ES&S in accordance with
4 the recommendations of VSTOP and subject to any
5 restriction or additional requirement in that
6 recommendation?

7 VICE CHAIR CELESTINO-HORSEMAN: So moved.

8 CHAIRPERSON BENNETT: Is there a second?

9 MEMBER KLUTZ: Second.

10 CHAIRPERSON BENNETT: A motion and a
11 second.

12 All in favor, say aye.

13 All opposed, say nay.

14 The ayes have it, and the application for a
15 certification is approved.

16 I now ask for a presentation requesting the
17 Commission to determine whether specific types
18 of voting booths tested as part of their review
19 of the Election Systems and software 5.2.0.0
20 optical scan voting system can be marketed to
21 county customers along with the certified ES&S
22 5.2.0.0 scanner.

23 Is there a recommendation?

24 DR. BAGGA: Thank you, Mr. Chairman. I
25 would like to give some background on this.

1 These working booths and these photographs
2 attached were also brought by ES&S on
3 January 24th, 2018, when we tested the EVS
4 voting system. These booths are manufactured by
5 third-parties and they are not part of the
6 certified components of working system. ES&S
7 asked VSTOP whether these booths can be marketed
8 along with the working system. And clearly
9 these are not part of the certified system, and
10 VSTOP contacted the Indiana Election Division
11 and we were advised to present this question to

12 the Indiana Election Commission.

13 CHAIRPERSON BENNETT: All right. Thank
14 you.

15 At this time I would ask the Co-Directors
16 for the Indiana Election Division for their
17 opinion regarding this question.

18 CO-DIRECTOR NUSSMEYER: Mr. Chairman, thank
19 you. After consulting with my attorney Matthew
20 Kochevar, he and I believe that the booth itself
21 is, as Dr. Bagga said, outside the scope of the
22 voting system, and it just happens to be
23 compatible with the actual system by which the
24 voter is able to cast their ballot on election
25 day. So I would advise my commissioners that

1 ES&S would not need permission to use the voting
2 booth, since the voting booth is a component
3 outside the system in and of itself.

4 However, Mr. Kochevar suggested that in an
5 abundance of caution, perhaps the ES&S make a
6 disclaimer that this voting booth is from a
7 third-party vendor and is not subject to
8 certification under Indiana law.

9 CO-DIRECTOR KING: Mr. Chairman and members
10 of the Commission, I concur with Co-Director
11 Nussmeyer's opinion as expressed. I'll just add

12 that we looked in particular at the definition
13 of voting system in Indiana law 3-5-2-53, and
14 considering the additional information she's
15 provided, we concur with the recommendation of
16 the Commission is the final enforcement
17 authority with regard to matters concerning the
18 use of uncertified voting equipment, provide
19 guidance to this and other vendors regarding the
20 voting booth question by determining that the
21 voting booth may be marketed without Commission
22 certification.

23 CHAIRPERSON BENNETT: Very well, thank you.

24 Is there a representative from ES&S present
25 who wishes to speak regarding this matter?

1 Yes, sir.

2 MR. MANGANARO: Mark Manganaro and Jeremy
3 Burton with ES&S, and we're here to answer any
4 questions that you may have.

5 CHAIRPERSON BENNETT: Any questions from
6 the commissioners?

7 VICE CHAIR CELESTINO-HORSEMAN: What are
8 those things coming off the side on a regular
9 voting booth, like little shelves or something.

10 MR. BURTON: That's where the machines can
11 rest, and there are privacy panels on either

12 side. There's a total of four.

13 VICE CHAIR CELESTINO-HORSEMAN: Yeah, but
14 it looks like a privacy panel and then a shelf
15 comes out. What is that for? I'm just curious.

16 MR. MANGANARO: Which one?

17 VICE CHAIR CELESTINO-HORSEMAN: This one
18 right here.

19 MR. MANGANARO: This is what the
20 manufacturer calls a dual cart, so they would
21 mount actually one Express Vote unit on this
22 side, one on the backside. If there was an
23 instance where maybe this voting place got
24 really busy and they wanted to bring two
25 additional machines out, they could actually

1 mount one on that side and that side as well.

2 VICE CHAIR CELESTINO-HORSEMAN: Thank you.

3 CHAIRPERSON BENNETT: Anything else?

4 Any discussion from the commissioners? Is
5 there a motion to find that the voting booths
6 used in VSTOP's testing of the ES&S 5.2.2.0
7 optical scan voting system applications can be
8 marketed in Indiana without additional
9 Commission certification of the voting booths as
10 a component of the voting system?

11 MEMBER KLUTZ: So moved.

12 MEMBER WILSON OVERHOLT: Second.

13 CHAIRPERSON BENNETT: There's a motion and
14 second.

15 All in favor, say aye.

16 All opposed, say nay.

17 The ayes have it, the motion is adopted.

18 Thank you.

19 I would now ask for a presentation from
20 VSTOP concerning its investigation of the
21 certification status of the ES&S bar code
22 scanner for the EVS 5.2.0.0 in response to the
23 issue of whether this voting system component
24 was marketed to a county without prior
25 certification of the Commission.

1 DR. BAGGA: Thank you. Dr. Byers will make
2 that presentation.

3 DR. BYERS: Thank you, Dr. Bagga. Thank
4 you, Mr. Commissioner, and members of the
5 Commission. My name is Bryan Byers, I'm also
6 Co-Director of the VSTOP program.

7 In response to a request on August 29th,
8 2017 from the Indiana Election Division
9 Co-Director Brad King, VSTOP conducted an
10 investigation about the certification status of
11 the ES&S Express Code QR bar code scanner for

12 the Indiana Certified EVS 5.2.0.0 voting system.

13 A sales order agreement signed on
14 August 23rd, 2017, between Henry County and ES&S
15 included 190 units of the ES&S Express Code QR
16 bar code scanner. VSTOP was asked to
17 investigate that the bar code scanner was
18 included in the list of components of the
19 EVS 5.2.0.0 voting system that was certified by
20 the Indiana Election Commission on April 24th,
21 2017, and then recertified on June 23rd, 2017.

22 VSTOP's investigation included the review
23 of two IEC-11 applications, associated
24 application materials, system manuals and guides
25 and the Technical Data Package submitted by

1 ES&S. VSTOP also consulted the U.S. Election
2 Assistance Commission about this matter.
3 VSTOP's investigation found that the Bar Code
4 Scanner was not included in the list of
5 components of the ES&S 5.2.0.0 voting system
6 certified in Indiana. On September 15, 2017,
7 VSTOP submitted its findings to the Indiana
8 Election Division Co-Directors Brad King and
9 Angie Nussmeyer. The Co-Directors sent a letter
10 to ES&S seeking information regarding this
11 matter. In its response on October 6, 2017,

12 ES&S agreed that the Bar Code Scanner was not
13 certified with EVS 5.2.0.0 in Indiana and,
14 therefore, it should not have been included in
15 ES&S's RFP response or subsequent Sales Order
16 Agreement with Henry County.

17 ES&S admitted this error and issued an
18 apology for the mistake. In a letter on
19 November 21st, 2017, Honorable Connie Lawson,
20 Secretary of State of Indiana, informed ES&S
21 that Indiana law provides for penalties if a
22 voting system vendor markets, sells, leases,
23 installs or implements a system before it is
24 certified by the Indiana Election Commission.
25 However, the Secretary elected not to pursue

1 sanctions against the Vendor at this time.

2 And this concludes our report.

3 CHAIRPERSON BENNETT: Thank you for that
4 report.

5 Any thoughts by any of the Commission
6 members about that?

7 I guess I would suggest that we acknowledge
8 receiving the report and perhaps defer any
9 discussion on this specific matter until we have
10 an opportunity to review the report in more
11 detail before that application be developed by

12 VSTOP.

13 Is that sufficient by consensus?

14 MEMBER KLUTZ: I'm fine with that.

15 CHAIRPERSON BENNETT: Thank you very much.

16 At this time, I'd like to speak for just a
17 moment on a matter of personal privilege. As
18 Commission members know, I sent a letter to our
19 Attorney General on June 19th, 2017. I sent
20 that letter in my individual capacity as the
21 appointed Chair of the Indiana Election
22 Commission, but not on behalf of the Commission
23 itself. I asked what options would be available
24 to the Commission if Lake County Board of
25 Elections Registration and its small precinct

1 committee have not produced proposed findings
2 that are recommended order of precinct
3 consolidation.

4 I received no acknowledgment of my letter
5 nor any response, and so on January 29th, 2018,
6 we finalized and posted our Indiana Election
7 Commission agenda for today's meeting. On
8 January 31st, 2018, I emailed a courtesy copy of
9 my letter to the AG, to my co-directors for
10 distribution and to my fellow Indiana Election
11 Commission Commissioners offering to discuss the

12 matter in my individual capacity in the manner
13 consistent with the Indiana Open Door Law.

14 And February 1st, 2018, I received a letter
15 from the AG's office, Official Opinion
16 No. 2018-2 sent by Curtis T. Hill, Attorney
17 General. And that opinion was forwarded to the
18 Co-Directors Brad King and Angela Nussmeyer on
19 February 8th, 2018 for immediate distribution to
20 all Commission members. And I have additional
21 copies of that report here today for anybody who
22 needs a copy of those.

23 As you know, if you read that letter, the
24 Attorney General has concluded that this
25 Commission must adopt an order for Lake County

1 that will realize savings and does not impose
2 unreasonable burdens on the ability of voters to
3 vote at the polls. This obligation is mandatory
4 and is continuing, and the Commission should
5 remain in session until an order is developed
6 and agreed upon.

7 I know that we as a Commission have already
8 offered motions on competing proposals, none of
9 which have passed, but the Attorney General says
10 that that's not enough, we need to do more.

11 So with that preface, I will now yield the

12 floor for further discussions on appropriate
13 next steps to fulfill our Commission's legal
14 duties imposed upon the Commission by law. Is
15 there any discussion on this issue?

16 MEMBER WILSON OVERHOLT: Well,
17 Mr. Chairman, I understand that the decision
18 from the Attorney General came out after the
19 agenda was posted, but under the Open Door Law
20 the agenda of the meeting doesn't actually have
21 to be posted or finalized until just before the
22 meeting. And what I'm uncomfortable -- because
23 at this point it appears that you are amending
24 the agenda that we, although we don't formally
25 adopt the agenda, we've been acting on it all

1 during this meeting. So I would suggest that in
2 order to discuss this, we should be taking a
3 vote to determine whether we should be amending
4 the agenda to add this item to it after the
5 meeting has already begun.

6 CHAIRPERSON BENNETT: I would ask I guess
7 for a legal opinion on that. My understanding
8 is that an agenda is not even necessary and it
9 can be amended during a meeting at any time.

10 So I would at this time look for proposals
11 on how we can fulfill our duty.

12 VICE CHAIR CELESTINO-HORSEMAN:

13 Mr. Chairman, and I read this letter, quite
14 interesting from a legal perspective, very
15 unusual. I am a temporary person here, and I
16 know this has been ongoing for a few years. I
17 know that various discussions have occurred.
18 And I would really feel more comfortable if this
19 waited to be handled when Mr. Long, the Vice
20 Chair of this body, would return.

21 MEMBER KLUTZ: Mr. Chairman, if the floor
22 is open for discussion. I did read this --

23 MEMBER WILSON OVERHOLT: Sorry, I've raised
24 an issue and I guess I would like a
25 determination on that issue before we proceed

1 with the discussion, because I'm essentially
2 objecting to the discussion without having given
3 any public notice to the fact that we would be
4 talking about this at this meeting.

5 CHAIRPERSON BENNETT: I guess it would be
6 appropriate to ask for any legal opinion about
7 the agenda, or we could --

8 MEMBER WILSON OVERHOLT: Do you have an
9 opinion regarding, Mr. Kochevar?

10 CHAIRPERSON BENNETT: Commissioner Klutz
11 has asked to speak on the record to this. What

12 would you like to say?

13 MEMBER KLUTZ: I did receive this. I was
14 hoping we would talk about it. I'm not
15 necessarily asking that we submit plans, but I
16 do have some comments on this.

17 This is an opinion from the Attorney
18 General of Indiana, the Commissioner's legal
19 counsel, the office that routinely represents us
20 as a Commission, and I think the opinion is the
21 directors are deserving of discussion and
22 consideration.

23 I don't think there's any need to read this
24 verbatim, but I think the punchline is the
25 following: "The statutory procedure at issue

1 makes clear that if all else fails at the county
2 level," which it has, "the Commission at the
3 state level must act. And should the Commission
4 become deadlocked and fail to act," which it has
5 here, "then the Commission still 'must act.'"

6 I don't think any of us would dispute that
7 we've taken extensive attempts to act. Last
8 summer we as a Commission all agreed to a
9 timeline and structure to resolve this issue,
10 the Lake County small precinct issue. We set a
11 July 13th deadline, extended to August 1st, for

12 any member, director or deputy director of the
13 major political parties in Lake County to submit
14 proposals and plans. And you'll recall that as
15 a Commission we collectively created and adopted
16 an order that set forth the details and
17 instructions for the submission of plans by the
18 county level, details such as timing, how to
19 submit, what information was required to be
20 included in each plan, and the review and
21 hearing process, et cetera.

22 On August 9th, 2017, this Commission held
23 hearings and allowed those groups with plans to
24 speak and those opposed to speak against.

25 The point is, we were able to work together

1 and create a plan and structure for the county
2 level to submit plans. Now, despite our
3 efforts, the Attorney General was pretty clear
4 in his opinion that a single vote of the
5 Commission on August 9th of last year was
6 "probably not enough" to sufficiently fulfill
7 our obligations as a Commission. And as further
8 set forth in the opinion, "When the Commission
9 reached a stalemate, the Commission retained the
10 authority, 'indeed the responsibility' to build
11 its own plan from the ground up using the

12 principles set forth in Indiana Code 36-52-10."

13 I note that the Attorney General in his
14 opinion recognized the experienced and capable
15 staff of the Indiana Election Division on both
16 sides of the party, and I think we worked
17 together in the past to create a structure for
18 the counties to submit a plan, and I think we
19 can do it again for purposes of the Commission
20 to create a plan for both.

21 Mr. Chairman, I say that we take advantage
22 of this time, or perhaps another time, to work
23 together to develop a timeline and process for
24 our Commission, utilizing the Election Division
25 staff, to develop a small precinct plan for Lake

1 County. The structure can include the timing
2 for the plan development process, generally
3 similar to that utilized for the county
4 officials. We can set forth the direction and
5 structure for Election Division party staff,
6 prepare a plan, a process for exchanging of
7 plans with the opposite party staff, a period
8 for review, a timeline for comments or
9 objections to be submitted and exchanged, and a
10 timeline and process for reconciling plans for
11 eventual submission to the Commission for a
12 vote.

13 I'd be happy to talk about that structure
14 in more detail and drafting an order this
15 evening, or we can continue --

16 CHAIRPERSON BENNETT: Let me say this. It
17 has been a long day. I agree with everything
18 Commissioner Klutz has said with regard to our
19 duties and obligations to work on a plan. And
20 I'm optimistic that we as a Commission can work
21 together and come up with a plan.

22 I do think that given that it is
23 4:45 p.m. on Friday afternoon and that we have
24 had a long meeting already, that it would make
25 sense to recess this meeting and reconvene to

1 work on a plan.

2 MEMBER WILSON OVERHOLT: Before we do that,
3 since Commissioner Klutz has had the opportunity
4 to say something, I would like to point out that
5 I appreciate that finally you seem to have come
6 around to what Vice Chair Long and I were
7 proposing at the August 9th meeting. We made a
8 motion at that meeting to do what you just said.
9 We voted on it and you voted against it.

10 We voted at that meeting -- and I'm not
11 saying in terms of the statement from the

12 Attorney General what he found we should be
13 doing is what Commissioner Long and I proposed
14 on August 9, 2017, which was that the Commission
15 should direct the staff to prepare a plan to
16 work with -- to gather the information they
17 needed to prepare a proposal for us. We had
18 moved that, and you two voted against it. So
19 I'm glad that you appear to have come around to
20 what we were trying to accomplish in August.

21 And that's what I would like to say for the
22 record. So I think we're amenable to work on
23 it, because we haven't since August. But I
24 don't think tonight is the night to do it
25 because it wasn't properly -- it was not on the

1 agenda and should not be discussed at this time.

2 VICE CHAIR CELESTINO-HORSEMAN: May I add
3 one thing?

4 CHAIRPERSON BENNETT: Yes.

5 VICE CHAIR CELESTINO-HORSEMAN: I have
6 eaten a box of Tic-Tacs because my blood sugar
7 is starting to drop. I didn't eat my lunch like
8 I should. So your notion of adjourning at 4:45
9 would be very well received by myself.

10 CHAIRPERSON BENNETT: Give me one second.

11 Okay. Very well, as the Chair, I'm going

12 to recess this meeting of the Commission until
13 Friday, March 9th, 2018, 1:30 p.m., when we'll
14 continue the meeting in the office of the
15 Indiana Election Division, in Room E204 of the
16 Indiana Government Center South, 302 West
17 Washington Street in Indianapolis. And with
18 that, we are in recess.

19 (Time noted: 4:45 p.m.)

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1 STATE OF INDIANA)
) SS:
2 COUNTY OF MARION)

3 I, Craig Williams, a Notary Public in and for the
4 County of Marion, State of Indiana at large, do
5 hereby certify that on February 23, 2018, I took down
6 stenographically the foregoing proceedings, and that
7 the transcript is a full, true and correct transcript
8 made from my stenographic notes.

9 IN WITNESS WHEREOF, I have hereunto set my hand
10 and affixed my notarial seal this 1st day of March,
11 2018.

12 

13
14
15 NOTARY PUBLIC

16
17 My Commission Expires:

18 January 14, 2024

19 County of Residence:

20 Marion County

21

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24

25

<p style="text-align: center;">\$</p> <p>\$1,000 103:4</p> <p>\$100,000 116:17</p> <p>\$250 123:1 125:24</p> <p>\$3,000 117:23 120:25</p> <p>\$4,000 118:10</p> <p>\$45,000 86:3</p> <p>\$50 120:15</p> <p>\$500 107:7</p> <p>\$750 123:2,11</p> <hr/> <p style="text-align: center;">-</p> <hr/> <p>-135 123:18</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 77:15,17 99:8</p>	<p>19th 141:19</p> <p>1:30 150:13</p> <p>1:55 78:5</p> <p>1st 88:22 142:14 146:11</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 9:21 11:3</p> <p>20 112:10 115:1</p> <p>20- 15:7</p> <p>2000 80:4</p> <p>2002 32:22</p> <p>2007 79:23,24 99:14</p> <p>2008 99:15</p> <p>2009 99:16</p> <p>2010 39:22 99:16,19</p> <p>2011 54:17 130:18</p> <p>2012 72:8</p>	<p>2018 4:4 5:7,9,11 11:7 16:25 18:9 19:14 20:24 24:20 25:2 85:9 100:17 114:13 117:20 132:9 135:3 142:5,8,14,19 150:13</p> <p>2018-10 74:6,8 76:2</p> <p>2018-11 83:1</p> <p>2018-2 142:16</p> <p>2018-5 108:13,17</p> <p>2018-6 9:15,18</p> <p>2018-7 26:17,20</p> <p>2018-8 35:14,16</p> <p>2018-9 46:7,9</p> <p>2018011 82:24</p> <p>208 114:23</p> <p>2105 54:3,6 56:6 57:8 66:9 68:19 69:18,24 70:16,19 72:7</p>	<p>59:20</p> <p>3-8-1-2 83:23</p> <p>3-8-2 88:14</p> <p>3-8-2-20 88:20</p> <p>3-8-2-23 90:1</p> <p>3-8-2-7 39:14,18</p> <p>3-8-2-7-4A 27:9 36:3</p> <p>3-8-7 44:11</p> <p>30 11:4 30:10 70:20 103:16,20,25 104:7,11, 14,16,20 105:1,18 124:20,22 125:1,8</p> <p>302 150:16</p> <p>30th 43:14</p> <p>318 28:10</p> <p>31st 142:8</p> <p>33 26:23 29:9,11</p> <p>34 35:19</p>
<p>1,500 108:18</p> <p>10 67:22 102:12 112:17</p> <p>10-minute 129:8</p> <p>10/24/2017 103:18</p> <p>11 11:7 102:12</p> <p>128c 133:5</p> <p>13 56:20 80:8</p> <p>135 123:16</p> <p>136 112:5,19</p> <p>13th 109:11 146:11</p> <p>141 112:5,19</p> <p>143 102:13</p> <p>14th 15:6,7 85:9 87:7,17</p> <p>15 101:6 111:8 140:6</p> <p>15th 14:10 17:7 21:14,20</p> <p>17th 30:21</p> <p>18th 103:21</p> <p>190 139:15</p> <p>1970 48:17</p> <p>1986 48:19</p> <p>1991 78:10</p> <p>1992 78:13 79:23</p>	<p>2015 17:21 67:3 99:20,24</p> <p>2015-6645-91 127:23</p> <p>2016 10:17,20,23 11:6,12 14:10 15:8,23 16:11 18:4, 6,7,11 20:23 21:5,10,14, 20 22:2 23:18 24:19 25:1, 4,11 30:13 31:14 32:1,7, 10 36:6 37:24 40:14,18 41:1 43:18 53:17,24 54:20 58:23 59:2 66:22 67:7 71:2,7,10 100:5,13, 19 101:2,5 102:18 112:10,18 114:25</p> <p>2016-6873-166 128:2</p> <p>2017 16:23 18:6 19:7,14, 16 30:1 84:2,11 85:6 100:14 103:22 112:9 113:16 132:24 139:8,14, 21 140:6,11,19 141:19 146:22 149:14</p> <p>2017-142 102:13</p> <p>2017-6557-135 124:10</p> <p>2017-6557-45 123:16,18 124:7</p> <p>2017-6709-133 112:5,19</p> <p>2017-6709-136 113:2</p> <p>2017-6724-57 127:24</p> <p>2017-6938-86 128:3</p>	<p>21st 140:19</p> <p>23rd 4:4 17:9 139:14,21</p> <p>24th 132:9 135:3 139:20</p> <p>25 83:4 88:7 94:20</p> <p>250 120:12,22 121:13</p> <p>25th 113:16</p> <p>26th 17:9</p> <p>27 115:12,19 118:1 121:3</p> <p>27th 17:9,10 30:1 130:18 132:24</p> <p>28th 84:2 85:5</p> <p>29th 109:11 113:13,17 139:7 142:5</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 11:6 27:12 36:9 46:12 124:5</p> <p>3,000 118:11</p> <p>3-14-3-1.1 84:13</p> <p>3-5-10-29 60:19</p> <p>3-5-2-53 136:13</p> <p>3-8-1-1 58:9,17 60:14 61:3,16</p> <p>3-8-1-16 48:4,6 50:6 58:4</p>	<p>36-52-10 147:12</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 133:8</p> <p>4.1 130:13 131:3,5,7</p> <p>4114 14:22</p> <p>46250 56:1</p> <p>49 74:11 76:4,17</p> <p>4:07 129:10</p> <p>4:17 129:11</p> <p>4:45 148:23 150:8</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 5:9</p> <p>5.2.0.0 131:23 134:19,22 138:22 139:12,19 140:5, 13</p> <p>5.2.2.0 132:1 134:2 138:6</p> <p>50 94:23 105:10 107:12, 23</p> <p>5th 5:7,11</p>

<p style="text-align: center;">6</p> <p>6 54:13 140:11</p> <p>62 29:3</p> <p>64 21:15,21</p> <p>6th 11:6 87:16</p> <hr/> <p style="text-align: center;">7</p> <p>7 50:7 59:19</p> <p>73 128:1</p> <p>7353 54:22 55:11,24 56:8,23 57:13</p> <p>75 95:1 107:2</p> <p>750 120:25</p> <hr/> <p style="text-align: center;">8</p> <p>8 112:16 124:5,10</p>	<p>accepted 41:24,25 92:1</p> <p>access 29:24</p> <p>accomplish 149:20</p> <p>accordance 5:3 130:14 134:3</p> <p>account 11:23 38:24 125:14,16,20</p> <p>accountable 12:25 13:4</p> <p>accountant 106:18</p> <p>accounting 110:9</p> <p>accounts 14:7</p> <p>accurate 36:18</p> <p>accurately 41:20 116:13</p> <p>accusing 63:14</p> <p>acknowledge 141:7</p> <p>acknowledgment 142:4</p> <p>act 146:3,4,7</p> <p>act.' 146:5</p>	<p>addressed 65:4</p> <p>addresses 42:1 57:10</p> <p>adjourning 150:8</p> <p>administerial 43:2</p> <p>administration 9:6</p> <p>administrative 22:1 108:12 109:3,24 111:10 123:17</p> <p>admissible 76:22</p> <p>admit 76:25</p> <p>admits 18:24</p> <p>admitted 31:1 48:8,9,18 50:23 51:3 140:17</p> <p>adopt 8:14 142:25 143:25</p> <p>adopted 6:1 94:5 95:9 129:7 138:17 146:15</p> <p>adoption 6:5 94:17 98:15</p>	<p>agencies 115:15 118:2 121:4,6</p> <p>agency 115:16 118:4</p> <p>agenda 129:19 142:7 143:19,20,24,25 144:4,8 145:7 150:1</p> <p>agree 25:6 90:11 91:17 94:20,23 95:1 148:17</p> <p>agreed 93:17 140:12 143:6 146:8</p> <p>agreement 54:14 93:18 139:13 140:16</p> <p>agreements 93:12,16,21 94:5</p> <p>ahead 65:19 66:3 86:17 99:8</p> <p>Alice 35:24</p> <p>allegations 21:1,11 22:12,22</p> <p>allegiance 76:13</p>
<p>81 67:4</p> <p>8th 10:17 53:17 142:19</p> <hr/> <p style="text-align: center;">9</p> <p>9 55:20 112:16 124:11 149:14</p> <p>9th 60:24 90:19 146:22 147:5 149:7 150:13</p> <hr/> <p style="text-align: center;">A</p> <p>a.m. 78:5</p> <p>abandoned 56:10</p> <p>Abbey 98:24</p> <p>abide 81:7</p> <p>ability 57:6 143:2</p> <p>abridge 42:3</p> <p>Absolutely 54:7</p> <p>abstract 39:7</p> <p>abundance 136:5</p> <p>accept 42:20,21 77:23 94:15 95:10,14,22 105:17 106:16</p> <p>acceptable 13:12,16</p>	<p>acting 143:25</p> <p>action 28:21 84:10 101:23,25 102:6 111:12, 15 128:4</p> <p>actions 12:13 13:1 14:3 94:7 98:22 128:23</p> <p>active 10:24</p> <p>activities 15:22</p> <p>Acts 77:3</p> <p>actual 105:16 135:23</p> <p>ADA 132:15</p> <p>add 44:10 136:11 144:4 150:2</p> <p>adding 48:23</p> <p>addition 130:11 131:2</p> <p>additional 7:2,9,21 8:4 57:24 92:10 97:6 134:5 136:14 137:25 138:8 142:20</p> <p>address 9:17 15:23 38:3 39:24 54:1,2 55:7,24 57:16,17 58:22 64:14,17 66:7,9 67:13 68:18 69:17, 23 70:8,15 71:10,25 72:4 84:18,20 85:18 90:21 114:22</p>	<p>adopts 97:23</p> <p>adult 29:5</p> <p>advance 69:10</p> <p>advantage 147:21</p> <p>advice 93:8</p> <p>advise 135:25</p> <p>advised 91:2 135:11</p> <p>advocacy 115:9</p> <p>Advocates 115:6,8,23</p> <p>affairs 110:6</p> <p>affiliate 80:20</p> <p>affiliated 32:11 76:11 80:23</p> <p>affiliation 27:13,16 32:17 36:12 40:15 41:21 44:2 79:17,18 80:18</p> <p>affirmative 31:24</p> <p>affirmed 87:16</p> <p>afford 41:6</p> <p>aforethought 47:25</p> <p>afternoon 10:5 108:7,11 112:6 148:23</p> <p>AG 142:9</p> <p>AG'S 142:15</p>	<p>allowed 13:16 34:25 43:18 49:10 146:23</p> <p>allowing 38:13 45:3</p> <p>ambiguity 48:13</p> <p>amenable 149:22</p> <p>amend 35:10 42:15 43:19 46:2 82:20</p> <p>amended 40:7 42:21,23 88:5 144:9</p> <p>amending 143:23 144:3</p> <p>amendment 90:22</p> <p>amendments 41:8</p> <p>amount 75:21 97:14 99:18 108:18 116:15,19 118:3 128:21</p> <p>Amy 68:12</p> <p>analytical 10:22</p> <p>Anchor 28:24</p> <p>and/or 80:22</p> <p>Anderson 46:25 55:25 66:6,10 67:2,16,21,24 68:1,2</p> <p>Angela 4:11 142:18</p> <p>Angie 140:9</p> <p>animosity 47:23</p>

<p>answering 7:4 96:21 97:1</p> <p>answers 20:21</p> <p>Anthony 4:8</p> <p>anticipating 109:7</p> <p>anymore 126:8</p> <p>apologize 57:2 125:7</p> <p>apology 140:18</p> <p>apparently 62:23</p> <p>appealed 40:3</p> <p>Appeals 40:2</p> <p>appearance 9:25 112:8</p> <p>appearing 108:13</p> <p>appears 73:10,15 78:11 143:23</p> <p>applicable 95:15</p> <p>application 30:5 39:17 43:19 131:22 133:14 134:1,3,14 139:24 141:11</p>	<p>95:11,20</p> <p>arrangements 94:18 95:22</p> <p>Arrow 54:3,6 56:6,12 57:8,17 58:21 66:9 67:13 68:19 69:6,8,18,24 70:7, 16,19,24 72:7</p> <p>Article 50:7 59:19</p> <p>Ashley-robbins 26:16, 19,21 28:9,20,23 29:3,6 30:9 31:14 34:24</p> <p>Ashton 108:7,8 109:1 110:20 111:25</p> <p>asks 98:2</p> <p>Assembly 39:23</p> <p>assist 116:2</p> <p>Assistance 140:2</p> <p>assisting 41:4</p> <p>Associates 112:7</p> <p>assume 16:20 60:1 121:21</p> <p>assuming 50:10 80:16</p> <p>assurance 14:1</p> <p>Astrazeneca 108:14</p> <p>Astrazeneca 108:16,21 110:11</p> <p>Astrazeneca's 110:22</p> <p>attached 76:5 135:2</p> <p>Attachment 133:8</p> <p>attachments 9:24</p> <p>attacking 62:18 63:8</p> <p>attacks 63:2</p> <p>attempt 18:16 51:10 116:12 117:14</p> <p>attempts 146:7</p> <p>attend 66:16 75:11,24 122:7</p> <p>attended 111:3</p> <p>attention 52:7</p> <p>attest 53:18</p> <p>attorney 55:23 57:22 59:21 67:19 135:19 141:19 142:16,24 143:9, 18 145:17 147:3,13 149:12</p>	<p>attorneys 55:23 72:2 108:9</p> <p>auction 84:6 85:9,25 87:3,16,19,20 88:3</p> <p>auction.com. 84:9</p> <p>August 103:21 119:20 139:7,14 146:11,22 147:5 149:7,14,20,23</p> <p>authorities 12:11</p> <p>authority 105:21 136:17 147:10</p> <p>authorization 6:24 7:16</p> <p>authorized 6:23 7:15</p> <p>Avenue 54:3,6 55:11,24 56:6,8,12,23 57:8,17 58:21 66:9,13 67:13 68:19 69:6,8,18,24 70:7, 25 71:14 72:7</p> <p>awakening 39:13</p> <p>awarded 54:21</p> <p>aware 29:15 49:4 71:6 116:22</p> <p>aye 5:23 8:23 25:23 26:12 35:5 45:24 62:13 73:21 82:13 92:21 94:2 95:7 98:16 102:4 107:20 111:22 123:9 127:3 128:11 129:4 131:18 134:12 138:15</p> <p>eyes 5:25 8:25 25:25 26:14 35:7 62:15 73:23 94:4 95:9 98:18 102:6 107:22 129:6 134:14 138:17</p> <p style="text-align: center;">B</p> <p>B-i-l-b-r-e-y 28:14</p> <p>B-o-w-m-a-n 83:19</p> <p>back 15:22 17:12 19:8 25:7 27:9 42:15 45:21 50:6 67:11 72:8 78:12 80:3 86:19 89:3 101:7 112:9</p> <p>background 134:25</p> <p>backside 137:22</p> <p>Bagga 129:15,22 130:1 131:25 134:24 135:21 139:1,3</p>	<p>Baker 20:16</p> <p>balance 113:25 125:15</p> <p>Ball 132:9</p> <p>ballot 33:17 34:25 40:14 41:1,7 43:12 46:5 59:14 74:1 76:18 77:12 79:14, 16 81:21 82:22 84:14,21 88:17 89:19,25 90:4,15 93:2 133:6,11,14,15 135:24</p> <p>ballots 35:12 49:13 132:6</p> <p>bank 125:14</p> <p>bar 50:23 51:2 133:5 138:21 139:11,16,17 140:3,12</p> <p>barring 59:14</p> <p>based 20:24 21:10 25:11 34:24 40:23 57:7 59:18, 24 91:13 107:8</p> <p>basement 75:22 77:6,9</p> <p>basically 39:9 84:2,13 85:5</p> <p>basis 21:7 22:3 33:22 39:5 59:15 73:18 83:23 124:17 133:16</p> <p>Bear 88:18</p> <p>beg 41:22</p> <p>began 29:6</p> <p>begin 4:15,18 6:11 9:10, 13 96:6 129:24</p> <p>begins 98:1</p> <p>begun 144:5</p> <p>behalf 4:16 9:25 10:2 27:6 28:8 108:13 141:22</p> <p>Bennett 4:2,6,22 5:5,15, 18,21 6:4 8:17 9:10,16 10:8,15 13:21 14:13 19:12 20:3,6,10 22:15,23 23:12 25:6,15,19,21 26:3, 10,18 27:19 28:1,6,12,18 30:10 31:6 34:8,11,17 35:2,15,24 36:1,14,25 37:10,19 38:5,8,12 40:11 41:12 42:9,12,16 44:5,24 45:5,15,23 46:8,21 47:9, 15,18,20 52:3,15 53:3,7, 20 54:10,19 55:13 56:25 57:20 60:9 61:1,18,24 62:4,11 63:18,24 64:24 65:5,15,19,25 68:22</p>
<p>applications 84:15 138:7 139:23</p> <p>applied 133:19</p> <p>applies 24:25 25:4 32:13 58:11,17 60:14,24 131:7</p> <p>apply 60:11 61:4</p> <p>appointed 99:14 141:21</p> <p>approach 68:20</p> <p>approval 5:9,14 33:4 130:9 131:8</p> <p>approve 5:16,25 97:20 131:11 134:1</p> <p>approved 9:1 98:19 130:17 132:17 134:15</p> <p>April 139:20</p> <p>area 61:13 65:23</p> <p>argue 50:14 79:12 104:19</p> <p>arguing 64:22</p> <p>argument 16:14 17:5 18:19 24:15 52:16 79:15 94:16 121:18</p> <p>arguments 94:10,12 121:10</p> <p>arrangement 94:19,22</p>	<p>assume 16:20 60:1 121:21</p> <p>assuming 50:10 80:16</p> <p>assurance 14:1</p> <p>Astrazeneca 108:14</p> <p>Astrazeneca 108:16,21 110:11</p> <p>Astrazeneca's 110:22</p> <p>attached 76:5 135:2</p> <p>Attachment 133:8</p> <p>attachments 9:24</p> <p>attacking 62:18 63:8</p> <p>attacks 63:2</p> <p>attempt 18:16 51:10 116:12 117:14</p> <p>attempts 146:7</p> <p>attend 66:16 75:11,24 122:7</p> <p>attended 111:3</p> <p>attention 52:7</p> <p>attest 53:18</p> <p>attorney 55:23 57:22 59:21 67:19 135:19 141:19 142:16,24 143:9, 18 145:17 147:3,13 149:12</p>	<p>aware 29:15 49:4 71:6 116:22</p> <p>aye 5:23 8:23 25:23 26:12 35:5 45:24 62:13 73:21 82:13 92:21 94:2 95:7 98:16 102:4 107:20 111:22 123:9 127:3 128:11 129:4 131:18 134:12 138:15</p> <p>eyes 5:25 8:25 25:25 26:14 35:7 62:15 73:23 94:4 95:9 98:18 102:6 107:22 129:6 134:14 138:17</p> <p style="text-align: center;">B</p> <p>B-i-l-b-r-e-y 28:14</p> <p>B-o-w-m-a-n 83:19</p> <p>back 15:22 17:12 19:8 25:7 27:9 42:15 45:21 50:6 67:11 72:8 78:12 80:3 86:19 89:3 101:7 112:9</p> <p>background 134:25</p> <p>backside 137:22</p> <p>Bagga 129:15,22 130:1 131:25 134:24 135:21 139:1,3</p>	<p>basically 39:9 84:2,13 85:5</p> <p>basis 21:7 22:3 33:22 39:5 59:15 73:18 83:23 124:17 133:16</p> <p>Bear 88:18</p> <p>beg 41:22</p> <p>began 29:6</p> <p>begin 4:15,18 6:11 9:10, 13 96:6 129:24</p> <p>begins 98:1</p> <p>begun 144:5</p> <p>behalf 4:16 9:25 10:2 27:6 28:8 108:13 141:22</p> <p>Bennett 4:2,6,22 5:5,15, 18,21 6:4 8:17 9:10,16 10:8,15 13:21 14:13 19:12 20:3,6,10 22:15,23 23:12 25:6,15,19,21 26:3, 10,18 27:19 28:1,6,12,18 30:10 31:6 34:8,11,17 35:2,15,24 36:1,14,25 37:10,19 38:5,8,12 40:11 41:12 42:9,12,16 44:5,24 45:5,15,23 46:8,21 47:9, 15,18,20 52:3,15 53:3,7, 20 54:10,19 55:13 56:25 57:20 60:9 61:1,18,24 62:4,11 63:18,24 64:24 65:5,15,19,25 68:22</p>

<p>70:20 71:16,19 72:20 73:1,5,7,19 74:7,24 75:4, 12,18 77:19,22 78:6,14, 22 81:9 82:5,10,19,25 84:24 85:19 87:23 90:7 91:5,9,11,22 92:3,13,19 93:7,10,19,23,25 95:5 98:11 99:5,10 100:24 101:3,15,22 102:2,14 103:8,13,23 104:8,21 105:4,11,24 107:1,11,15, 18 108:5,24 110:14,18 111:17,20 112:2,13,24 113:10 114:2,19 118:7, 17,22 119:25 120:9 121:14 122:14,21 123:4, 7,14,20 124:2 125:3,6 126:20,25 127:2,8,14,17 128:5,8,25 129:2,13 131:10,14,16 133:25 134:8,10 135:13 136:23 137:5 138:3,13 141:3,15 144:6 145:5,10 148:16 150:4,10</p> <p>Bennett's 42:1</p> <p>Biernacki 112:4,11,18 114:23 118:20,24 119:3, 19 120:2 122:5</p> <p>Biernacki's 114:5</p> <p>Bilbrey 28:8,10,14,20 30:12 31:15 32:2,23 33:6</p> <p>bill 55:5</p> <p>bills 55:6</p> <p>binders 98:22</p> <p>birth 84:18</p> <p>bit 38:14 44:2 62:24</p> <p>blaming 126:6</p> <p>blessed 127:7</p> <p>blood 150:6</p> <p>Board 36:5 37:5 141:24</p> <p>body 144:20</p> <p>book 31:22</p> <p>books 40:4 133:7</p> <p>booth 135:20 136:2,6,20, 21 137:9</p> <p>booths 134:18 135:1,4,7 138:5,9</p> <p>bottle 42:8</p> <p>bottom 34:5 124:5</p>	<p>bound 42:19</p> <p>Bowman 83:15,17 85:4, 22 86:2,8,23 88:4 91:24 92:6,12 93:3</p> <p>box 36:9 150:6</p> <p>Brad 4:11 139:9 140:8 142:18</p> <p>Bradford 123:15,21 124:6</p> <p>break 127:15</p> <p>Brett 108:8</p> <p>briefly 79:17</p> <p>bring 19:22 69:10 80:22 106:17 126:5 137:24</p> <p>bringing 23:25</p> <p>Brooks 41:5</p> <p>brought 20:25 23:21,24 135:2</p> <p>Brown 108:9</p> <p>Bryan 129:16 130:3 139:5</p> <p>Bryce 4:6</p> <p>build 147:10</p> <p>burden 75:5 86:12</p> <p>burdens 143:2</p> <p>Burton 137:3,10</p> <p>bus 106:14</p> <p>business 15:24</p> <p>busy 137:24</p> <p>Butternut 14:22</p> <p>buy 86:19</p> <p>Byers 129:16 130:3 139:1,3,5</p> <p>Byrum 29:13,17,20</p> <p>BZA 30:2</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>call 4:2 35:3 47:6,11 58:1 61:23 64:1 65:13 114:17</p> <p>called 6:10 38:23 95:24 96:6 109:6</p> <p>calling 32:3</p>	<p>calls 137:20</p> <p>campaign 9:4 28:9 41:9 83:17 93:9,11,15,20 94:6 96:2,5,7,10,16 97:12 98:21,22 99:6 115:24 116:2,4,6,9,16,20 117:19 119:16 120:18 121:23 126:2 127:9,19 128:16, 18,22</p> <p>campaigns 109:22</p> <p>CAN-2 27:12,17 36:8 40:21,23 41:19,25 42:3 44:13,20 89:9</p> <p>CAN-2S 44:22</p> <p>cancer 67:7</p> <p>candidacy 11:7 18:1 20:24 47:3 58:10</p> <p>candidate 6:3,5,7,10,14, 15 7:15,19,24,25 8:1,8,15 9:11,19,20,23 10:1,2,25 11:25 13:13 21:1 26:21, 25 28:5,7,22 29:18 30:18, 24 31:5 32:6,11,14,16 35:11,17,21 39:19 42:2,9 43:9,13 46:4,11,14 48:2, 6,23 49:21,24 50:20,22 51:14,15,19,20 59:9,11 61:4 64:16 65:10 73:13, 25 74:13,15 76:1,3,12,16 79:20,21 81:23 82:22 83:3,6 88:17 89:1,10,18, 25 90:5,11 92:25 112:10 114:24 116:20 126:7</p> <p>candidate's 7:15 10:18 42:4</p> <p>Candidate-2 40:25</p> <p>candidates 13:10,25 35:10 39:24 46:3 49:3,10 50:14 51:1 60:17 74:1 80:11 82:21 93:1 108:18, 23</p> <p>capable 147:14</p> <p>capacity 115:13,20 141:20 142:12</p> <p>car 42:9 69:20</p> <p>card 31:21</p> <p>cards 31:17</p> <p>care 38:19 57:11 70:24 106:21</p> <p>caregiver 66:20</p> <p>carried 26:14 111:24</p>	<p>123:11 127:5 131:20</p> <p>carry 86:12</p> <p>cart 137:20</p> <p>casa 115:9</p> <p>case 6:25 7:20 22:16 40:3,4,8 49:5,16 50:15 57:14,15 83:14 87:15 89:9 90:25 96:19 97:17 110:23 132:17</p> <p>cases 8:2 41:24 43:16 45:11 58:16 79:17</p> <p>cash 110:1</p> <p>Cass 84:6 85:12 86:8 88:7</p> <p>cast 49:12 135:24</p> <p>caution 136:5</p> <p>celebrate 42:10</p> <p>Celestino-horseman 4:7 5:20 14:20,21 17:18 19:2 23:19 24:4 25:12,16 26:9 27:21 32:8,24 33:23 34:12,15 37:12,22 38:1 42:14 43:4,7,24 45:8,13, 19 49:14,18 50:12 52:1, 21,25 53:12,25 54:4,16 55:17 59:1,7 61:2 62:2,8, 22 63:3,9,16 64:6,15 65:2,7 72:22 77:1,8,13 78:19,25 79:4,7,11 81:11, 15 82:7 84:22 86:11 87:2, 9,25 88:9,21 89:2,12 91:17,25 92:8 95:4 104:24 105:5,9,19 107:16 110:16 113:3,12 118:9, 12,16 120:24 122:4 125:22 126:23 128:7 129:1 131:15 134:7 137:7,13,17 138:2 144:12 150:2,5</p> <p>Center 150:16</p> <p>central 132:4</p> <p>CEO 115:6,22</p> <p>certification 36:16 131:1,22 132:22 133:19 134:2,15 136:8,22 138:9, 21,25 139:10</p> <p>certified 21:12,17 35:10 36:23 37:13,16 38:20 46:3 74:1 82:20 89:18 93:1 130:10,12,16 131:2, 6 132:23 133:7 134:21 135:6,9 139:12,19 140:6,</p>
--	---	---	---

<p>13,24 certify 77:11 cetera 74:21 84:18 146:21 CFA-11 114:7,9 119:6,22 120:7 125:11 CFA-4 119:6,11 120:8 CFA-4S 114:13 Chad 74:18 76:21 chair 4:6 5:20 7:7 14:20, 21 17:18 19:2 23:19 24:4 25:12,16 26:9 27:21,22 32:8,24 33:9,23 34:12,15 37:12,22 38:1 42:14 43:4, 7,24 45:8,13,19 49:14,18 50:12 52:1,21,25 53:12, 25 54:4,16 55:17 59:1,7 61:2 62:2,8,22 63:3,9,16 64:6,15 65:2,7 72:22 77:1,8,13 78:19,25 79:4, 7,9,11 81:4,11,15 82:7 84:22 86:11 87:2,9,25 88:9,21 89:2,12,19 91:17, 25 92:8 95:4 96:24 97:4 104:24 105:5,9,19 107:16 110:16 113:3,12 118:9, 12,16 120:24 122:4 125:22 126:23 128:7 129:1 131:15 134:7 137:7,13,17 138:2 141:21 144:12,20 149:6 150:2,5, 11 chairman 4:7 5:1,10 14:18 20:13 21:16 28:10 30:15,16 33:4,18 36:15 38:11 39:21 43:8 47:22 60:13 73:9 75:2,7,17 76:21 78:2,20 80:23 83:13,15,17 90:3 93:14 99:12,17 102:8,11,16 103:7,15 108:7,15 112:15 124:4 129:22 131:25 134:24 135:18 136:9 143:17 144:13,21 147:21 CHAIRPERSON 4:2,22 5:5,15,18,21 6:4 8:17 9:10,16 10:8,15 13:21 14:13 19:12 20:3,6,10 22:15,23 23:12 25:6,15, 19,21 26:3,10,18 27:19 28:1,6,12,18 30:10 31:6 34:8,11,17 35:2,15 36:14, 25 37:10,19 38:5,8 40:11 41:12 42:12,16 44:5,24 45:5,15,23 46:8,21 47:9, 15,18,20 52:3,15 53:3,7,</p>	<p>20 54:10,19 55:13 56:25 57:20 60:9 61:1,18,24 62:4,11 63:18,24 64:24 65:5,15,19,25 68:22 70:20 71:16,19 72:20 73:1,5,7,19 74:7,24 75:4, 12,18 77:19,22 78:6,14, 22 81:9 82:5,10,19,25 84:24 85:19 87:23 90:7 91:5,9,11,22 92:3,13,19 93:7,10,19,23,25 95:5 98:11 99:5,10 100:24 101:3,15,22 102:2,14 103:8,13,23 104:8,21 105:4,11,24 107:1,11,15, 18 108:5,24 110:14,18 111:17,20 112:2,13,24 113:10 114:2,19 118:7, 17,22 119:25 120:9 121:14 122:14,21 123:4, 7,14,20 124:2 125:3,6 126:20,25 127:2,8,14,17 128:5,8,25 129:2,13 131:10,14,16 133:25 134:8,10 135:13 136:23 137:5 138:3,13 141:3,15 144:6 145:5,10 148:16 150:4,10 chairs 33:14 45:21 challenge 6:3,5,8,10,14 8:15 9:16,17,19,23 10:18, 20 16:9 20:23 21:23 22:3 23:9,21 24:11 25:14,18 26:6,7,11,15,16,19,20,25 27:18 34:13,18,24 35:5,7, 17,21 37:7 42:4 45:18 46:1,10,14 47:2,23 49:5,7 52:18 57:5 58:3,23 59:5 61:21 73:4,10,13,17,23 74:9,13,15 75:5 76:1 82:8,13,15 83:2,6 89:14, 17 91:8 92:17,23 challenged 71:4 74:25 challenger 6:16,21,22 7:19,23,24 8:1,8,11 10:4 20:21,25 22:9 27:2 34:19 35:23 46:17 74:18 83:9 challenger's 6:23 challenges 9:11 39:19 challenging 47:2 champagne 42:8 chance 15:12 17:4 78:22 104:4 Chancellor 39:11 change 43:25 44:14,15</p>	<p>108:3 125:13 129:21 130:9,11,22 131:12 changed 18:25 19:5,9 44:19 124:12 Charlie 49:4,16 chase 33:24 check 99:17 110:8 checked 36:9 checks 102:19 103:3 105:16 109:5,9,12,13 110:1 114:12 117:7 119:4 Cheryl 26:16,19,21 28:8 34:23 Chicago 14:23 15:20 17:6 18:13 19:11 children 56:19 66:15,16, 19,20,22 67:1 72:13,14, 17,23 106:20 Chin 10:1 Chinn 10:2 14:16,17 20:9,13,15 22:19 23:1,14 24:2,6 26:2 choice 20:2 29:13 circuit 46:12 48:3,7,11, 18,23 49:22,23 51:24 58:11 59:25 60:19,20 61:9,16 circumstance 23:25 circumstances 11:23 21:23 22:7,8,21,23 23:7 circumvented 14:12 18:18 circumventing 13:11 citation 88:13,19 115:18 118:3 121:7 citizen 28:21 citizens 29:7,21 30:8 city 55:25 61:5 67:18,19, 23 79:24 civil 90:14 93:4 94:9 claim 27:15 36:11 54:9 claimed 54:1,2 claiming 16:13 32:16 claims 70:18 76:4,12 clarification 107:25</p>	<p>clarified 48:20 clarify 108:1 clauses 51:7 clear 17:19 22:12 26:6 29:10 32:25 34:23 35:1 51:17,18 61:15 101:8 125:9 146:1 147:3 Clerk's 31:17 client 47:16 65:13 108:14 109:6 110:3,11 114:17 client's 109:8 clients 109:3 climate 82:1 close 35:2 45:5 57:3 82:5 92:4,14 122:22 125:1 closed 104:22 112:21 113:21,24 122:23 124:9, 16,23 125:16,17,19 126:21 128:19 clothes 17:11 co-counsel 52:14 Co-director 5:1,10,12 41:16 75:7,8,14,19 78:1, 11 130:1,3 135:18 136:9, 10 139:6,9 co-directors 4:11 135:15 140:8,9 142:9,18 Co-general 4:12 42:18 43:10 44:9 45:1 50:3 52:5 59:17 60:13 64:20 88:12, 23 89:5,15 90:10 code 12:15 39:14,18 40:6 44:11 45:3 50:5 51:5 55:25 58:18 60:18 76:10 133:20 138:21 139:11,15, 16,17 140:3,12 147:12 codes 133:5,11 collateral 21:8 22:20 23:9 24:24 collection 132:7 collectively 146:15 Colonel 43:18 comfort 129:9 comfortable 144:18 comments 104:23 124:12 145:16 148:8 commission 4:5,24 5:2,</p>
--	--	---	---

<p>8,9,11 6:6,9,13,17 7:1,3, 11,21 8:3,10,12,14,18 9:3,8 12:1 13:8 14:19 18:11,18 19:1 20:14,18, 19,22 21:9 22:1,14 23:22 24:7,9 27:20 28:2 31:8 34:9 36:21 37:8 39:21 41:22 43:18,20 45:3 46:20,23 58:5 62:20 63:15,23 64:4,7,14 66:8 70:23 72:21 74:3 75:25 76:15 83:16 84:25 89:3, 11 93:15 94:11 95:17 96:1,3,9,13,19,25 97:8, 11,15,19,22,23 98:1,6,12, 20 100:2,6,7,19 102:22 108:8,20 109:14,18,25 110:12 111:13 112:9 113:4,6 114:4 119:9 120:14 121:12,19 122:2 129:23 130:18 131:9 134:17 135:12 136:10,16, 21 138:9,25 139:5,20 140:2,24 141:5,18,22,24 142:7,11,20,25 143:4,7, 14 145:20 146:2,3,5,8,15, 22 147:5,7,8,9,19,24 148:11,20 149:14 150:12</p>	<p>communications 109:17,20 community 19:25 38:19 39:3 company 86:15 87:3,20 compare 23:15 compatible 131:5 135:23 competing 143:8 complaint 42:1 complaints 29:24 complete 78:9 116:9 completely 116:13 125:17 completes 6:20 96:16 compliance 4:21 106:10,11,12 130:23 132:15 133:22 complied 101:19</p>	<p>63:1 confusion 60:16 66:11 connection 121:4 Connie 140:19 Connor 4:15 consensus 141:13 consent 33:3 79:8 consideration 9:11 26:4 35:16 42:7 46:9 57:19 74:8 76:20 83:1 103:1 121:11,20 145:22 considered 32:11 111:1 considers 15:3 consistent 101:17 142:13 consolidation 142:3 constituents 12:9,16 13:3 constitute 12:14</p>	<p>continuing 143:4 continuous 14:7 contrary 39:14 contributed 108:17 contribution 126:12 contributions 108:22 109:6,7,10 110:5 112:20 114:7 contributors 121:23 conversation 30:19,22 convince 57:11 copies 41:14 53:8 74:12 142:21 copy 9:22,24 21:12,17 26:25 35:20,21 36:18,23 46:13,14,22 53:5,6 68:16 74:13 83:5,6 142:8,22 corner 37:1 Coroner 38:21</p>
<p>Commission's 21:22 112:14 143:13 Commissioner 19:3 26:2 73:24 139:4 145:10 148:18 149:3,13 Commissioner's 145:18 commissioners 38:11 97:14 100:8 101:4 102:17 118:8 135:25 137:6 138:4 142:11 committee 4:3 28:9 38:12 94:8,11,19,23,25 96:11,17 97:11,17,18,20, 21,25 99:13,18,23 100:9, 12,22,24 101:1,13 102:13 104:6,12 110:3 112:18,21 113:21,23 114:15 118:15 120:13 124:15 125:17 127:25 128:4 142:1 committee's 94:18,21, 25 95:12 committees 93:16 95:10,19,21,24 96:10 98:13 common 40:5 communication 29:22</p>	<p>comply 104:25 121:8 component 131:2 136:2 138:10,23 components 130:12,24 132:11,12,25 133:3 135:6 139:18 140:5 conceal 114:14 117:16 120:18 121:21 122:1 conception 17:6 concern 23:22 77:10 concerned 30:3,8 concerns 58:6,9,12 concluded 142:24 concludes 141:2 concur 44:9,21 136:10, 15 conditions 101:10 124:19 conducted 132:10,19 139:9 conducting 6:7 96:2 confidence 13:7 confirm 4:23 90:2 confirmed 12:5 conflict 61:14,15 62:25</p>	<p>constitution 48:16 49:1 50:7 constitutional 48:15,21 construct 61:15 construction 51:9 consulted 140:1 consulting 135:19 contacted 85:12 109:24, 25 118:25 119:19 135:10 contention 52:16 contest 50:18,19 context 25:7 continuance 75:13 77:7 100:15 113:8 122:8 123:25 124:18 127:11,13, 21 128:6,13 continuances 127:13 continue 10:14 13:16 20:1 86:20 103:16 148:15 150:14 continued 18:20 77:2 104:2,3 113:7 119:20 124:24 continues 11:16 15:19 66:18</p>	<p>corporate 109:13 110:7 corporation 108:19,22 correct 20:8 23:20 41:7 47:16 50:2 63:20 75:1 81:4,5 90:17 105:3,4 113:20 115:16,17 116:20 corrected 17:25 41:19, 23,25 correction 42:3 costs 94:21,24 95:2 101:20 107:8 123:3,12 128:22 council 29:21 41:21 47:22 65:14 67:18,19 counsel 20:7 27:6 41:18 42:18 43:10 44:7,9 45:1 46:23 47:5 49:19 50:3,13 52:2,5 53:9,18 59:17 60:13 62:17 64:20 88:12, 23 89:5,15 90:10 145:19 Counselor 16:20 Counsels 4:12 count 116:1 counted 7:5 96:22 97:2 counterpart 44:8 60:10 counties 147:18</p>

<p>county 27:21 29:11,12, 15 30:2 31:17 33:4 36:4 37:17 39:25 43:8 47:4 48:4 49:9 50:16 51:22 52:19,20,24 53:16,24 55:6,18,22 58:25 59:12 61:6 64:11 65:8,9,11 67:17 69:1,5 75:3,10,20 76:7 78:10 79:8 80:23 81:4 82:3 84:6 85:12 86:8 88:7 89:19,20 90:3 99:16 115:7 128:2 134:21 138:24 139:14 140:16 141:24 142:25 146:1,10, 13,18 147:1 148:1,3</p> <p>couple 31:10 39:6</p> <p>court 4:14,17 40:2 46:12 48:3,23 49:22 57:6 58:11 60:6 61:6,9,16 79:24 89:21 91:21</p> <p>court's 59:24</p> <p>courtesy 142:8</p> <p>courts 40:1</p>	<p>customers 134:21</p> <p>cut 33:23 110:9</p> <p>cycle 20:24 23:2,8 44:19</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>daily 39:5</p> <p>Dale 4:12 7:13 52:4</p> <p>Daniels 20:16</p> <p>Data 139:25</p> <p>database 132:5</p> <p>date 48:14 50:1 84:18 87:8,14,18,23,24 88:1,2 90:17 100:3 102:23 113:16</p> <p>dates 48:12</p> <p>David 41:5</p> <p>Davis 27:2,6 30:20</p> <p>day 16:23 18:25 19:6 59:13 104:14 124:24 127:7 135:25 148:17</p> <p>days 75:21 103:16,20,25 104:7,11,16,20 105:1,18 111:8 124:20,22 125:1,8</p> <p>de 130:23</p> <p>deadline 42:20,21,22,24, 25 60:23 77:11,14,17,18 89:17 90:16,18,19 146:11</p> <p>deadlines 44:23</p> <p>deadlocked 146:4</p> <p>deal 39:4 86:16 105:12, 14 106:1,4,5,7,24 107:3 110:17,19 111:3 113:4 120:23 125:20,23</p> <p>dealing 24:13</p> <p>deals 120:10</p> <p>dealt 122:2</p> <p>deaths 39:1</p> <p>deceit 114:15</p> <p>deceive 120:18</p> <p>December 109:11</p> <p>decide 22:6 86:14</p> <p>decided 20:19,22 21:9 24:9 30:9 119:15</p> <p>decision 22:2 33:11</p>	<p>66:21 88:22,24 97:16 143:17</p> <p>decisive 81:7</p> <p>declaration 60:23 90:17 91:4</p> <p>declarations 42:21,23 90:19</p> <p>declare 89:21 104:21 126:21 128:17</p> <p>decree 56:15,17 84:4</p> <p>deep 38:22</p> <p>deeper 63:13</p> <p>default 84:4</p> <p>defer 141:8</p> <p>deferring 83:13</p> <p>defined 60:17,18 80:20</p> <p>definition 80:18,19 136:12</p> <p>Delaware 29:12 36:4 37:17</p> <p>delay 117:15</p> <p>delete 46:4</p> <p>delve 63:13 64:2 65:22</p> <p>demand 122:11</p> <p>Democrat 29:1,4,8 30:19 32:19 34:1 39:16 40:25 41:3 79:20,21,25 80:8,16 81:12,23 128:2</p> <p>Democrat's 49:5</p> <p>Democratic 9:20 26:22 33:17 35:18 40:15 44:8 46:11 74:10 75:2 76:5,11, 18 79:9 83:3 99:13,17 127:23</p> <p>demonstrate 31:12 112:12 114:5,14</p> <p>demonstration 132:12, 16</p> <p>demonstrative 71:17</p> <p>denial 22:3 26:5</p> <p>denied 23:10 26:7,15 30:23 49:6 73:23 92:23</p> <p>denies 30:13</p> <p>deny 21:22 24:10 25:13, 14,17,25 26:1,12 30:16 43:2 62:1,9,12 73:3 91:8</p>	<p>92:17</p> <p>depart 81:25</p> <p>Department 85:13 86:9</p> <p>deputy 38:21 67:17 146:12</p> <p>describe 88:12</p> <p>deserve 12:18 13:23</p> <p>deserving 145:21</p> <p>desire 121:9</p> <p>detail 141:11 148:14</p> <p>detailed 10:22</p> <p>details 85:8 146:16,18</p> <p>determination 64:8 144:25</p> <p>determine 22:10 33:15, 19 60:7 134:17 144:3</p> <p>determined 67:8</p> <p>determining 136:20</p> <p>devastated 39:1</p> <p>Devault 108:10</p> <p>develop 147:23,25</p> <p>developed 141:11 143:5</p> <p>development 148:2</p> <p>diagnosed 67:7</p> <p>died 17:20</p> <p>differently 71:9</p> <p>difficult 108:4</p> <p>dignity 13:24</p> <p>dilemma 86:12</p> <p>direct 149:15</p> <p>directed 35:9 46:2 50:25 73:24 82:20 92:24</p> <p>direction 148:4</p> <p>directly 63:1 110:9</p> <p>director 38:19 146:12</p> <p>directors 145:21</p> <p>disabilities 133:23</p> <p>disabled 133:13</p> <p>disbanded 114:16</p> <p>disclaimer 136:6</p>
<p>cover 127:14</p> <p>Crabtree 74:18 75:9 76:21 77:5</p> <p>Craig 4:14 102:10</p> <p>CRAWFORD 47:8,11, 17,19 53:5,10,14 57:23 59:3 61:8,20 62:16 63:1, 6,11,20 64:1,10,18,23 65:17,22 66:2 68:20 71:18</p> <p>create 147:1,17,20</p> <p>created 39:9 146:15</p> <p>creates 51:6</p> <p>creating 132:4</p> <p>credible 13:9</p> <p>criminal 60:8</p> <p>criteria 10:20</p> <p>critical 30:24 77:18</p> <p>cross-exam 7:24 8:1</p> <p>cross-examination 8:2, 5 14:15 20:8 37:20 71:21, 23</p> <p>curious 105:25 137:15</p> <p>current 66:9 68:13</p> <p>Curtis 142:16</p>	<p>days 75:21 103:16,20,25 104:7,11,16,20 105:1,18 111:8 124:20,22 125:1,8</p> <p>de 130:23</p> <p>deadline 42:20,21,22,24, 25 60:23 77:11,14,17,18 89:17 90:16,18,19 146:11</p> <p>deadlines 44:23</p> <p>deadlocked 146:4</p> <p>deal 39:4 86:16 105:12, 14 106:1,4,5,7,24 107:3 110:17,19 111:3 113:4 120:23 125:20,23</p> <p>dealing 24:13</p> <p>deals 120:10</p> <p>dealt 122:2</p> <p>deaths 39:1</p> <p>deceit 114:15</p> <p>deceive 120:18</p> <p>December 109:11</p> <p>decide 22:6 86:14</p> <p>decided 20:19,22 21:9 24:9 30:9 119:15</p> <p>decision 22:2 33:11</p>	<p>delay 117:15</p> <p>delete 46:4</p> <p>delve 63:13 64:2 65:22</p> <p>demand 122:11</p> <p>Democrat 29:1,4,8 30:19 32:19 34:1 39:16 40:25 41:3 79:20,21,25 80:8,16 81:12,23 128:2</p> <p>Democrat's 49:5</p> <p>Democratic 9:20 26:22 33:17 35:18 40:15 44:8 46:11 74:10 75:2 76:5,11, 18 79:9 83:3 99:13,17 127:23</p> <p>demonstrate 31:12 112:12 114:5,14</p> <p>demonstration 132:12, 16</p> <p>demonstrative 71:17</p> <p>denial 22:3 26:5</p> <p>denied 23:10 26:7,15 30:23 49:6 73:23 92:23</p> <p>denies 30:13</p> <p>deny 21:22 24:10 25:13, 14,17,25 26:1,12 30:16 43:2 62:1,9,12 73:3 91:8</p>	<p>devastated 39:1</p> <p>Devault 108:10</p> <p>develop 147:23,25</p> <p>developed 141:11 143:5</p> <p>development 148:2</p> <p>diagnosed 67:7</p> <p>died 17:20</p> <p>differently 71:9</p> <p>difficult 108:4</p> <p>dignity 13:24</p> <p>dilemma 86:12</p> <p>direct 149:15</p> <p>directed 35:9 46:2 50:25 73:24 82:20 92:24</p> <p>direction 148:4</p> <p>directly 63:1 110:9</p> <p>director 38:19 146:12</p> <p>directors 145:21</p> <p>disabilities 133:23</p> <p>disabled 133:13</p> <p>disbanded 114:16</p> <p>disclaimer 136:6</p>

<p>disclosure 41:10</p> <p>discovered 118:23</p> <p>discretion 43:1 44:24 45:4</p> <p>discuss 142:11 144:2</p> <p>discussed 150:1</p> <p>discussing 62:23</p> <p>discussion 5:22 8:21,22 26:10 73:8,20 82:11 91:12 92:2,20 94:1 95:6 98:14 102:3 104:23 107:19 111:21 128:10 129:3 131:16 138:4 141:9 143:15 144:22 145:1,2,21</p> <p>discussions 95:15 143:12 144:17</p> <p>disenfranchise 18:21 23:23</p> <p>dismiss 8:10 58:2 61:21, 25 62:7,9,12 97:17 101:7, 23,25 111:15</p>	<p>doctrine 23:9</p> <p>document 53:3 54:10,11 55:13 56:22 85:20</p> <p>documentation 4:21 10:24 15:14 78:2 91:20</p> <p>documents 6:13,17 7:10 54:7 57:10 78:12 83:25 96:8,12 97:6</p> <p>dollar 116:23 117:2,11 121:22 123:23</p> <p>dollars 102:21 105:2,15, 17,22 107:7,23 119:5 121:5 125:13 126:1,17</p> <p>donations 114:10 116:23 117:2,4,11,16</p> <p>door 4:21,25 5:3 29:25 142:13 143:19</p> <p>double-checked 110:6</p> <p>doubt 12:2,13 48:9</p> <p>drafting 148:14</p>	<p>ECO 130:7,20 131:7</p> <p>Economic 41:9</p> <p>editor 80:2</p> <p>education 39:7</p> <p>effort 121:20</p> <p>efforts 18:15 110:23 147:3</p> <p>elapsed 22:25</p> <p>elect 127:25</p> <p>elected 17:24 30:1 49:3,8 50:10 59:2 115:3 140:25</p> <p>election 4:3,10 6:12,18, 20,25 7:6,12,17 9:3,8,22 11:12,14 12:1,14 13:7,8 15:21 16:6,7,12,19,21,24 17:23 18:2,3,14 19:8 23:2,8,22,24 24:1,18,19, 20 25:5 26:24 27:11,14 32:14,15 35:9,19 36:10 37:6 38:11 39:8 41:7 42:10 44:18 45:2 46:2,13 48:3 49:11 52:9,10,12 59:4 60:3,18,22 61:11 71:2 73:24 74:11 75:24 76:15 79:1,2 80:13,21 81:6 82:19 83:4 87:13 88:15 89:8,11,19 90:4,12, 21 92:24 96:13,23 97:4,9, 18,22 100:2 130:17 131:9,23 132:2,3,5,6,7 134:19 135:10,12,16,24 139:8,20 140:1,8,24 141:21 142:6,10 147:15, 24 148:5 150:15</p> <p>elections 76:10 114:25 132:16 141:25</p> <p>Electronic 133:7</p> <p>elements 12:12 22:19</p> <p>elevate 13:9</p> <p>Eleven 72:24</p> <p>eliminate 43:20 111:10</p> <p>Elkhart 75:3,10,20 76:7 78:10 82:3</p> <p>Ellspermann 39:12,15 40:3,4,7</p> <p>email 74:21 75:8,15,16</p> <p>emailed 56:4 78:4 142:8</p> <p>empathize 39:10</p> <p>employer 70:12</p>	<p>empty 19:22</p> <p>EMS 130:13 131:3,5,7</p> <p>encourage 45:21</p> <p>end 18:1 67:6 92:2 117:18 119:16 120:19 126:16 130:24</p> <p>end-to-end 132:2</p> <p>endeavors 13:9</p> <p>ended 40:15 89:17</p> <p>enforcement 94:7 98:21 101:23,25 102:6 128:23 136:16</p> <p>engagement 38:23</p> <p>engineering 129:21 130:9,11,22 131:11</p> <p>ensure 110:5</p> <p>enter 95:20</p> <p>entered 6:18 9:25 42:2 96:14 112:8</p>
<p>dismissal 100:21</p>	<p>driver's 68:13,16,18</p>	<p>48:3 49:11 52:9,10,12 59:4 60:3,18,22 61:11 71:2 73:24 74:11 75:24 76:15 79:1,2 80:13,21 81:6 82:19 83:4 87:13 88:15 89:8,11,19 90:4,12, 21 92:24 96:13,23 97:4,9, 18,22 100:2 130:17 131:9,23 132:2,3,5,6,7 134:19 135:10,12,16,24 139:8,20 140:1,8,24 141:21 142:6,10 147:15, 24 148:5 150:15</p>	<p>entertain 41:23</p>
<p>dismissed 58:8 100:18 102:7 111:12</p> <p>dispute 146:6</p> <p>disqualified 76:16 91:15</p> <p>dissolve 100:9,12,22</p> <p>dissolved 100:25 101:1</p> <p>distributed 109:10</p> <p>distribution 142:10,19</p> <p>district 9:21 11:1,4,8,10, 11,15 12:4,6,10,17 13:4, 17,23 16:7 26:23 29:9,11 35:19 49:25 50:16 51:24 58:14 60:22 61:10 66:17 74:11 76:4,17 83:4 88:7, 16 89:13,20,22 90:5,12 99:13 115:1 128:1</p> <p>Division 4:10 6:12,18,20, 25 7:6,13,17 9:22 26:24 35:9,20 37:6 46:2,13 74:12 82:19 83:5 90:21 92:24 96:14,23 97:4,9,18 110:15 113:11 125:4 135:10,16 139:8 140:8 147:15,24 148:5 150:15</p> <p>divorce 54:22 56:15,17 66:12,15</p> <p>Doctor 39:11</p>	<p>drop 150:7</p> <p>drug 39:2</p> <p>dual 137:20</p> <p>due 12:20 30:23 39:1 49:6 75:9</p> <p>duties 143:14 148:19</p> <p>duty 19:24 43:2 144:11</p>	<p>elections 76:10 114:25 132:16 141:25</p> <p>Electronic 133:7</p> <p>elements 12:12 22:19</p> <p>elevate 13:9</p> <p>Eleven 72:24</p> <p>eliminate 43:20 111:10</p> <p>Elkhart 75:3,10,20 76:7 78:10 82:3</p> <p>Ellspermann 39:12,15 40:3,4,7</p> <p>email 74:21 75:8,15,16</p> <p>emailed 56:4 78:4 142:8</p> <p>empathize 39:10</p> <p>employer 70:12</p>	<p>entire 116:16 128:20</p> <p>entities 86:24</p> <p>entitled 11:19</p> <p>equal 51:11</p> <p>equipment 132:6 136:18</p> <p>error 109:23,24 110:8 111:10 119:20 140:17</p> <p>errors 117:24</p> <p>ES&S 132:1 134:3,21 135:2,6 136:1,5,24 137:3 138:6,21 139:11,14,15 140:1,5,10,12,17,20</p> <p>ES&S'S 140:15</p> <p>escapes 44:11</p> <p>espouse 33:16</p> <p>essentially 62:17 100:23 145:1</p> <p>estoppel 21:8 22:20 23:9 24:24</p> <p>evaluated 130:13</p> <p>evaluation 133:17</p> <p>evening 148:15</p> <p>event 61:22 85:8 88:1 109:11</p>
	<p style="text-align: center;">E</p> <p>E204 150:15</p> <p>EAC 132:22,23,24</p> <p>Earl 9:14,17,19 10:18,25 12:4 20:17</p> <p>earlier 21:6,25 41:8 74:15 108:2</p> <p>earliest 60:2</p> <p>early 67:6</p> <p>East 15:20 17:6 18:13 19:11</p> <p>eastern 29:12</p> <p>eat 150:7</p> <p>eaten 150:6</p> <p>ECL 131:1</p>		

<p>events 66:23</p> <p>eventual 148:11</p> <p>evict 86:14</p> <p>evicted 85:2 86:7</p> <p>eviction 85:25</p> <p>evidence 7:10 11:22 14:5,8 16:13,19 17:15 19:15 20:4 21:2,4,10 22:11,17 23:3,5,6,10,13, 14 25:3,4,8 27:7 36:4 39:13 41:11 44:6 48:5 57:9 64:25 65:20 66:5 71:17 73:17 76:25 77:23, 24 85:2,16,21 91:14 92:4, 9,10,11 94:10,12 95:16, 24 97:7 109:17 112:12 114:5,17</p> <p>evidential 12:7</p> <p>evidentiary 24:12 37:8</p> <p>Evidently 125:8</p> <p>EVS 132:1 135:3 138:22 139:12,19 140:13</p>	<p>experienced 147:14</p> <p>explain 66:13 79:3 107:9</p> <p>explained 100:6</p> <p>expose 18:16</p> <p>Express 137:21 139:11, 15</p> <p>expressed 136:11</p> <p>expressly 61:6</p> <p>Expresspass 133:12</p> <p>extended 146:11</p> <p>extension 92:1</p> <p>extensive 146:7</p> <p>extent 51:11 63:13</p> <p>extras 53:7</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>face 58:18 60:25</p>	<p>fault 84:12 126:19</p> <p>favor 5:23 8:22 25:23 35:4 45:24 62:12 73:21 79:13 82:12 92:21 94:2 95:7 98:16 102:4 107:20 111:22 123:9 127:3 128:11 129:4 131:17 134:12 138:15</p> <p>favorable 76:19</p> <p>favorably 100:20</p> <p>features 133:9,13</p> <p>February 4:4 30:1 60:24 85:9 87:7,16,17 90:19 132:24 142:14,19</p> <p>federal 115:14,15 118:2 121:6</p> <p>fee 126:1</p> <p>feel 38:23 85:17 91:14 144:18</p> <p>fees 125:15</p>	<p>final 94:8 97:19,23 125:10 136:16</p> <p>finalized 142:6 143:21</p> <p>finally 109:21 149:5</p> <p>finance 9:4 93:9,11,15, 20 94:6 96:3,5,7,16 97:12 98:21,23 99:6 116:10 120:20 126:9 127:9,19 128:16,18,22</p> <p>financial 56:13 69:21</p> <p>find 93:4 133:17 138:5</p> <p>finding 133:21</p> <p>findings 140:7 142:1</p> <p>finds 97:11 130:21</p> <p>fine 94:20,24 97:16,22,25 101:20 102:20 103:2 105:1 106:16 107:6,12,22 110:13 111:1,12,16,24 123:1 141:14</p> <p>fines 103:4 106:6 113:5 117:23 118:10 121:1 126:24 127:5</p>
<p>ex-husband 56:16 66:16,18,24 68:7</p> <p>exact 21:9</p> <p>EXAMINATION 16:2 17:17 66:1 114:20</p> <p>excess 108:18,21 116:16</p> <p>exchanged 148:9</p> <p>exchanging 148:6</p> <p>excuse 61:3 81:14</p> <p>excused 20:11</p> <p>exempting 61:7</p> <p>exemption 14:24,25 15:2 19:4 55:10 56:7</p> <p>exhibit 21:18 48:5 55:20 56:20 63:21 64:11 68:15, 21 109:20</p> <p>exhibits 53:6 79:19</p> <p>exist 61:9</p> <p>exists 44:3</p> <p>expand 49:2</p> <p>expanded 50:21</p> <p>expands 48:21</p> <p>experience 40:24 67:4</p>	<p>Facebook 14:6 15:17,19 16:16</p> <p>facility 28:25 67:9</p> <p>fact 22:9 23:10 24:21 30:23 43:1,19 48:5 53:19, 21,22 57:7 73:14 79:5 109:12 110:1,22 117:18 145:3</p> <p>facts 65:16 73:15</p> <p>factual 14:5</p> <p>Faegre 20:15</p> <p>fail 146:4</p> <p>failed 8:11 83:21 102:18 124:14</p> <p>fails 146:1</p> <p>fair 116:19</p> <p>falls 111:6</p> <p>false 84:14,17</p> <p>familiar 10:6 49:15</p> <p>families 39:1</p> <p>family 29:4 72:15,17 100:15 115:6,8,23</p> <p>Farid 55:21</p> <p>fashion 118:4</p> <p>father 17:8,20</p>	<p>fellow 142:10</p> <p>felt 14:9 120:3</p> <p>fictitious 84:14,17</p> <p>figured 19:19</p> <p>file 40:19 43:16 44:13 47:2 89:7,8,11 90:18,22 91:4 93:3 99:25 100:21 102:19,22 103:12,16 104:4,6 114:9 119:22 122:12,18,19 124:1,21 125:1,8</p> <p>filed 6:24 7:17 11:7 15:9 17:10,20 18:2 21:6,25 41:8 74:15 78:3,4 84:1,2 87:6,8 88:14 89:9 99:20 100:4 102:25 103:6,17 104:5,9,10 106:10 113:4, 13,14,15,16,25 117:19 119:9,17 124:8,14,21,22 125:10,11</p> <p>files 42:23</p> <p>filing 9:23 10:18 18:4 23 42:20 44:22 60:23 74:13 83:6 84:20 88:5 90:18 100:1,3 103:4,10 104:25</p> <p>filings 43:3 91:16 99:20, 21</p> <p>fill 40:19 43:12 116:9</p>	<p>finish 103:8</p> <p>firm 20:16 108:9</p> <p>firmware 132:11</p> <p>first-time 111:7</p> <p>fits 28:18</p> <p>flooded 77:6,9</p> <p>flooding 75:10</p> <p>floor 125:6 143:12 144:21</p> <p>flying 120:19</p> <p>folks 52:9</p> <p>follow-up 102:17 106:3, 11</p> <p>force 49:11</p> <p>foreclosed 83:25 86:14 88:10</p> <p>foreclosure 84:5 85:11 87:18</p> <p>Forensic 38:20</p> <p>forgetfulness 99:24</p> <p>forgot 40:25</p> <p>form 9:23 26:25 35:21 36:8 40:21,23,25 46:14</p>

<p>62:18 83:6 89:7 117:6 118:4 119:9 120:7</p> <p>formally 86:7 130:8 143:24</p> <p>formatting 132:5</p> <p>forms 6:14 27:24,25 37:18 114:7,9 116:10,24</p> <p>forthright 13:25</p> <p>forward 6:5 19:22 58:24 76:18 95:11,18,22,23 98:3 99:1 106:17,19</p> <p>forwarded 142:17</p> <p>found 18:14 80:20 90:1 95:13 97:21 104:25 140:3 149:12</p> <p>frame 25:4</p> <p>frankly 110:20</p> <p>fraud 62:19 63:8,14 65:6</p> <p>fraudulent 30:6 84:14,17</p> <p>Fred 27:2,6</p>	<p>General 39:23 114:3 141:19 142:17,24 143:9, 18 145:18 147:3,13 149:12</p> <p>generally 33:14 98:1 148:2</p> <p>generated 133:6</p> <p>gentleman 43:17 78:20</p> <p>gentlemen 81:20</p> <p>give 40:11 41:14,17 45:9 51:10 52:13 56:3 85:13 88:5 93:7 94:7 104:3 126:4 134:25 150:10</p> <p>giving 13:25 14:1</p> <p>glad 49:17 130:4 149:19</p> <p>Glass 28:24</p> <p>GM 69:21</p> <p>God 77:3</p> <p>good 10:5 38:17 40:5 49:17 80:15,23 99:10 108:7 112:6</p>	<p>guidance 136:19</p> <p>guided 34:2</p> <p>guidelines 132:23</p> <p>guides 139:24</p> <p>guys 27:7 125:21 127:6</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>H-a-r-l-a-n 27:5</p> <p>H-i-a-t-t 38:10</p> <p>half 30:8</p> <p>halls 13:20</p> <p>Hamer 56:21,23</p> <p>hand 21:18 109:2</p> <p>handed 19:23 45:10 49:21 55:14</p> <p>handful 124:25 127:12</p> <p>handle 127:17</p> <p>handled 111:5,6 144:19</p>	<p>hear 28:4 62:4,21 63:23</p> <p>heard 22:10 39:20 44:5 50:14 66:5 75:20 95:21 98:3 100:5 108:2 113:6</p> <p>hearing 5:23 6:6,11 8:20, 22 26:11 30:2 35:3,15 45:6 69:10 73:2 74:7 75:13,24 82:6,12,25 89:17 92:14,21 93:18 94:2 95:7,13 96:6 98:5 100:19 102:4,18,23 103:21 104:15,18 106:3, 4,9,12 107:20 113:8 119:21 122:22,23 123:25 126:21 128:16 131:17 146:21</p> <p>hearings 6:8 8:15 39:21 96:3 98:21 111:4 128:17 146:23</p> <p>held 12:25 27:15 32:15 36:11 132:16 146:22</p> <p>helpful 90:24 98:4</p> <p>Henry 139:14 140:16</p>
<p>Friday 4:4 148:23 150:13</p> <p>Friday's 75:24</p> <p>Friedman 112:6,7 114:3, 21 118:6 119:8,13 120:11 121:2,18 122:10 123:13</p> <p>friend 86:19</p> <p>friendly 81:21</p> <p>front 22:14 31:11 58:20 62:19 64:3 98:2,25</p> <p>fulfill 143:13 144:11 147:6</p> <p>full 10:21 12:20 24:11 44:21 115:22 119:15</p> <p>Fuller 82:23 83:2,21,24, 25 84:10,19 85:16 86:3 88:4 92:7 93:4</p> <p>Fuller's 84:12</p> <p>fully 24:10</p> <p>functionality 133:12</p> <p>future 110:5 111:11</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gather 149:16</p> <p>gave 27:10 84:19 124:25</p>	<p>Goshen 79:24 80:3</p> <p>government 110:6 150:16</p> <p>Governor 39:11</p> <p>grabbed 17:11</p> <p>grace 83:21</p> <p>grant 34:13,17 38:14 45:17 57:3 62:1 128:6</p> <p>granted 46:1 47:20 61:22 66:12,14 82:8,15 113:9 122:9 128:13</p> <p>granting 82:12</p> <p>grants 115:15 118:2</p> <p>great 106:19</p> <p>Greg 102:12</p> <p>grew 67:11</p> <p>ground 147:11</p> <p>grounds 33:10</p> <p>groups 146:23</p> <p>grown 29:4</p> <p>guess 36:20 37:7 61:20 62:6 64:2 75:4 77:22 81:7 92:4 101:6 103:1 118:19 141:7 144:6,24 145:5</p>	<p>handles 37:17,18</p> <p>handpicked 31:5</p> <p>handwritten 36:20</p> <p>happen 19:20 77:3 89:6, 16 119:18</p> <p>happened 30:21 43:23</p> <p>happy 21:16,18 100:12 148:13</p> <p>hard 31:23</p> <p>hardware 130:24 131:4 132:10</p> <p>Harkness 127:25</p> <p>Harlan 27:4 36:1</p> <p>Harris 9:14,17,19 10:19, 25 11:7,9,16,19 12:5 14:22 17:19 18:2,13 19:10,25 20:7,17 22:7</p> <p>Harris' 12:19 14:6,9</p> <p>head 57:15</p> <p>headphone 130:25</p> <p>headphones 130:12</p> <p>headquarters 110:7</p> <p>health 38:19 67:4 70:18</p>	<p>Hiatt 35:13,17 36:6 37:21,25 38:3,6,9,18 40:13 41:13,17 43:6,15 44:3 45:11</p> <p>highest 13:6</p> <p>Hill 142:16</p> <p>hire 106:17</p> <p>hiring 41:5</p> <p>history 32:20 38:22 40:6 80:7 121:3</p> <p>hit 75:20</p> <p>hold 13:4 33:15,19</p> <p>holding 48:22</p> <p>home 14:24 66:13 67:11 68:3,11 70:16 84:1,8</p> <p>homeowners 69:15</p> <p>homestead 14:9,24,25 15:2 18:19,20,25 19:4 55:10 56:7</p> <p>honest 38:2 40:23</p> <p>Honorable 140:19</p> <p>Hoosiers 128:3</p> <p>hope 121:11</p> <p>hoped 110:25</p>

<p>hoping 120:11,13 145:14</p> <p>Horseman 16:1 34:22 55:14 85:1</p> <p>hours 39:20</p> <p>house 16:6 38:24 41:9 56:19 66:11,14,18 67:11 68:4,9 69:11,15 76:3,17 85:25 86:6,7 112:10 114:25</p> <p>huge 118:2</p> <p>humbly 41:21 125:19</p> <p>hundreds 121:5</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>IC 83:23 84:13</p> <p>idea 21:8</p> <p>identical 21:23</p> <p>identified 10:1</p> <p>identify 4:17 9:12 54:11 98:7 99:2,6 127:20</p> <p>identifying 4:19</p> <p>IEC 8:16 34:22 85:1 112:2 127:8</p> <p>IEC-11 139:23</p> <p>IED 132:17</p> <p>ignorance 13:12 14:10</p> <p>IHCPA 30:5</p> <p>Il 27:6</p> <p>illegal 20:1 59:15 60:5</p> <p>Illinois 14:23</p> <p>immediately 109:14,24 110:2,25</p> <p>impact 25:1</p> <p>implemented 110:4</p> <p>implements 140:23</p> <p>implore 12:23</p> <p>imply 60:7</p> <p>important 12:15 120:5, 16</p> <p>importantly 70:9</p> <p>impose 128:20 129:6 143:1</p>	<p>imposed 143:14</p> <p>impression 37:15</p> <p>improper 34:16 84:20</p> <p>in.gov 55:21</p> <p>inadvertent 117:24 121:17</p> <p>inadvertently 109:4 110:9 114:8</p> <p>inaudible 22:4 109:4</p> <p>inclined 25:13</p> <p>include 49:2 60:20 73:25 92:25 98:22 148:1</p> <p>included 93:1 99:22 132:11,13 139:15,18,22 140:4,14 146:20</p> <p>includes 60:19 133:21</p> <p>including 6:14 9:4 11:24 12:20 96:9 132:17 133:10</p> <p>inconsistent 27:17</p> <p>incorrect 43:16</p> <p>independent 29:9 51:7</p> <p>Indiana 4:3,10 5:3,8 9:3, 8 11:10,11,12,18,20 12:1, 14,16 13:17,18 14:11 28:11 32:14 36:10 38:21, 24 39:8,14,17 40:2 44:11 45:2 48:2 50:5 51:4 55:23 56:9 66:6,10 71:25 72:1 75:24 76:3,10,14,16 81:25 91:21 99:13 108:17 112:8 114:23,24 130:10, 17 131:1,2,6,8 132:14 133:8,20,21 135:10,12,16 136:8,13 138:8 139:8,12, 20 140:6,7,13,20,21,24 141:21 142:6,10,13 145:18 147:12,15 150:15, 16</p> <p>Indiana's 130:16</p> <p>Indianapolis 11:17 14:8 15:1,3,16 55:12 56:1,9,15 70:3 150:17</p> <p>indicating 36:17</p> <p>individual 84:16 89:22 91:15 141:20 142:12</p> <p>individuals 41:15</p> <p>indulgence 120:13</p> <p>ineligible 11:13</p>	<p>information 6:12 27:10 36:20 55:15 56:3 70:11 84:17 85:10,14,24 86:5, 10 96:7 133:6,8 136:14 140:10 146:19 149:16</p> <p>informed 81:20 100:2 121:24 122:5 140:20</p> <p>initial 106:8</p> <p>inserts 14:6 15:18</p> <p>installs 140:23</p> <p>instance 43:17 137:23</p> <p>instructions 146:17</p> <p>insurance 69:15 70:18</p> <p>intending 9:7</p> <p>intent 11:24 51:18 114:14 120:17 121:15 122:1</p> <p>intentionally 117:15</p> <p>interest 13:6 41:9 86:25</p> <p>interested 52:3 120:10</p> <p>interesting 59:18 144:14</p> <p>interests 12:9</p> <p>interpret 51:5</p> <p>interpreted 40:1</p> <p>introduce 71:20</p> <p>introducing 129:24</p> <p>investigate 139:17</p> <p>investigation 10:22 12:24 138:20 139:10,22 140:3</p> <p>Investigator 38:20</p> <p>involved 33:2 109:25 110:2</p> <p>issue 16:22 18:8 24:13, 19 25:10 48:1 58:7,9 62:16 63:8,18 64:2,12 65:17 103:2 138:23 143:15 144:24,25 145:25 146:9,10</p> <p>issued 89:24 140:17</p> <p>issues 29:16,22 30:7 39:4 60:10 64:3 74:20 90:9 129:18</p> <p>item 44:10 129:19 144:4</p> <p>items 70:10</p>	<p>IU 70:3</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>J-a-m-e-s 46:25</p> <p>J-i-m 38:9</p> <p>J-o-s-e-p-h 83:18</p> <p>J-u-s-t-i-n 83:12</p> <p>James 46:17,24 71:24</p> <p>January 5:7,9,11 11:6,7 60:3 113:13,17 114:13 117:19 119:6 132:9 135:3 142:5,8</p> <p>Jay 29:11 129:15 130:1</p> <p>jeopardy 81:22</p> <p>Jeremy 137:2</p> <p>Jessica 129:16 130:2,6</p> <p>Jim 35:13,17 38:9,18</p> <p>job 16:17 80:15 106:20 108:4</p> <p>John 41:6</p> <p>joined 4:8</p> <p>jointly 9:9</p> <p>Joseph 74:5,9,23 76:2 83:16</p> <p>jot 106:24</p> <p>joyfully 42:10</p> <p>Jr 9:14,18,19 10:19,25 12:5 20:17</p> <p>judge 46:12 48:3,17,23 49:13,22 50:15 51:21 57:6 58:23 59:22 60:1,20 61:5,6,9,17 79:21,24,25 89:21</p> <p>judges 48:13 49:8 58:11, 15 60:11,14</p> <p>judgment 84:4 85:4</p> <p>July 112:9 113:16 146:11</p> <p>jumps 33:1</p> <p>June 14:10 15:6,7 17:7 21:14,20 43:14 53:17 84:11 130:18 139:21 141:19</p> <p>jurisdiction 64:8</p> <p>jurisdiction's 132:3</p>
---	--	---	--

<p>Justice 128:3</p> <p>Justin 83:9,11</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>K-h-o-u-r-y 66:4</p> <p>K-r-i-s-t-o-p-h-e-r 28:16</p> <p>Karen 4:6 112:4,11,18 114:23</p> <p>key 23:12</p> <p>Khoury 46:6,10 47:11,24 48:1 53:15,18,23 55:10, 21 56:17,21 57:5,15,22 66:4,5 71:25 72:6,13,24 74:4</p> <p>Khoury's 47:3</p> <p>Kilaru 130:4</p> <p>kind 24:22 31:23 33:6,15 51:12 69:8,13 106:9 115:19</p>	<hr/> <p style="text-align: center;">L</p> <hr/> <p>L-o-u-i-s 99:3</p> <p>lab 130:21 132:20</p> <p>Labs 132:21</p> <p>Lake 39:25 141:24 142:25 146:10,13 147:25</p> <p>language 49:2 50:20,22 51:6 101:21</p> <p>Laporte 112:7 114:23 115:6</p> <p>large 75:20 112:20 114:7</p> <p>late 100:4 120:6 123:24 124:8 126:1,2</p> <p>Laura 108:9 116:5</p> <p>law 4:21 5:4 12:23 13:1, 12 14:10 16:4 18:18 20:16 32:10,25 33:8 39:8 40:5,9,16 44:16,18 48:3, 8,10,19 49:20 51:3 56:2 60:6 63:4 70:1,5,8 79:12 87:11 88:11,13,16 90:8 97:13,15 108:3,9 121:14 122:16 136:8,13 140:21 142:13 143:14,19</p> <p>lawful 11:21</p> <p>laws 4:25 11:18 14:11 59:10</p> <p>Lawson 140:19</p> <p>lawsuit 90:14 93:4</p> <p>lawyer 20:15</p> <p>Layman 54:22 55:7,11, 24 56:8,23 57:13,16 66:13 68:4 71:14 72:8,14</p> <p>leadership 29:20</p> <p>leases 140:22</p> <p>leave 82:3</p> <p>led 100:19</p> <p>left 30:11</p> <p>legal 42:16 44:7,14,15 57:10 60:10 93:8 133:22 143:13 144:7,14 145:6,18</p> <p>legally 34:5 89:1</p> <p>legislation 39:8</p> <p>legislative 40:6 115:23</p>	<p>legislature 42:25 49:1 50:21 51:19 114:24</p> <p>Lehman 74:5,9,19,22,23 75:1 76:2,8,11,15,24 77:4,15,21 78:8,16,24 79:2,6,10,15 80:25 81:5, 14,19 82:17</p> <p>letter 80:22 81:3 140:9,18 141:18,20 142:4,9,14,23 144:13</p> <p>letters 80:2 96:9</p> <p>level 13:7 146:2,3,18 147:2</p> <p>liberty 21:13 84:7</p> <p>license 68:13,16,18</p> <p>liens 86:24</p> <p>Lieutenant 39:11</p> <p>life 29:5 40:24 130:24</p> <p>lifelong 39:11</p> <p>lifetime 81:13,17</p>	<p>loaned 123:23</p> <p>local 58:13 60:12,15</p> <p>long 4:8 56:18 67:20,23 115:11 144:19 148:17,24 149:6,13</p> <p>long-time 38:20</p> <p>longer 89:23</p> <p>looked 45:12 136:12</p> <p>lose 88:18</p> <p>loser 40:3</p> <p>lost 72:10</p> <p>lot 36:19 120:19</p> <p>Louis 99:3</p> <p>lucky 77:9</p> <p>lunch 150:7</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M-a-h-e-r-r-n 99:4</p>
<p>kindly 35:8</p> <p>King 4:11,23 5:1,6,10 41:16 75:8 136:9 139:9 140:8 142:18</p> <p>Klutz 4:10 5:17 8:16 25:20 45:17 62:10 73:6,9 77:10 80:19 81:1 82:9 87:5 91:10,13 92:18 93:22 98:10 101:5,10 102:1 104:1,12 111:2 113:18,21,23 119:1,10 122:17 123:6 124:17 126:11 127:1 128:9,24 131:13 134:9 138:11 141:14 144:21 145:10,13 148:18 149:3</p> <p>knew 30:25</p> <p>knowing 25:2,3 50:24 111:13</p> <p>knowingly 84:19</p> <p>knowledge 11:24 52:23 116:12 119:7</p> <p>Kochevar 4:13 44:9 45:1 50:3 59:8,17 88:12,23 89:5,15 135:20 136:4 145:9</p> <p>Konieczny 116:5</p> <p>Krieg 108:10</p> <p>Kristopher 28:10,15</p>	<p>limit 105:21,22</p> <p>limitations 133:2,19</p> <p>limited 8:2,5 133:5</p> <p>lion's 75:22</p> <p>list 35:10 46:3 74:1 82:20 93:1 99:9 130:12 132:25 133:2 139:18 140:4</p> <p>listed 32:22 56:22 72:1 84:9</p> <p>listen 106:13</p> <p>listening 20:20</p> <p>listing 57:9</p> <p>lists 55:20,24</p> <p>live 11:9,11,13,17 12:4,6 18:13 19:11,25 46:24 49:25 56:19 57:16 61:10 66:6,8,18 69:16 71:14 72:13,14 77:4 84:3 87:14</p> <p>lived 29:5 57:7,12 71:4 72:8</p> <p>lives 39:1 68:11</p> <p>living 14:7 15:15,19 54:5 70:24 86:20,22 87:19</p> <p>loan 30:5 123:19,23 125:12 126:13,14,17</p>	<p>M-a-r-i-a 10:13</p> <p>M-o-u-l-t-o-n 123:22</p> <p>machines 137:10,25</p> <p>made 8:6 27:12 31:10 40:22 60:8 66:21,25 67:10 87:15 88:22,24 101:18 105:25 110:5,23 122:11,12 149:7</p> <p>Madison 46:12 47:4 48:4 52:19,24 53:16,24 55:6, 18,22 58:25 64:11 67:16 69:1,5</p> <p>magazines 70:21,22</p> <p>magic 101:21</p> <p>Mahern 99:3,4,11,12 101:1 102:8</p> <p>mail 69:6,8,9,13,19 101:20</p> <p>mail-in 94:21</p> <p>mailed 56:8</p> <p>mailing 94:24 95:2 107:7 123:3,12 128:21</p> <p>maintain 56:14 68:7 71:10</p> <p>maintained 11:2 58:24 68:2</p>	

<p>maintaining 132:4</p> <p>maintains 55:1,10</p> <p>major 29:16 81:16 146:13</p> <p>make 17:19 25:17 33:11, 21 34:12,22,23 38:13 45:7,15,17 54:8 56:10,18 64:8 72:10 74:22 77:5 82:7 99:11 111:15 120:5 121:10 124:2 126:7 129:25 130:6 132:1 136:5 139:1 148:24</p> <p>makes 11:13 36:18 50:6 97:16 146:1</p> <p>making 87:12 94:15</p> <p>malice 47:24</p> <p>Management 132:2</p> <p>manager 130:2</p> <p>managing 130:15</p> <p>mandates 88:16</p>	<p>37:8 42:8 43:1 46:10,15 62:20 74:8,14 77:2 79:12 83:2,7 86:25 96:5,8 98:3 100:5,17,21 103:14 104:2,22 110:13,24,25 119:12 122:15 136:25 140:2,11 141:9,17 142:12</p> <p>matters 9:5 87:13 93:9 95:25 100:15 127:20 128:18 136:17</p> <p>Matthew 4:13 52:14 88:9 90:11 135:19</p> <p>Maurice 82:23 83:2</p> <p>mayor 28:22 29:17 30:4</p> <p>Mckinney 69:25</p> <p>meaning 50:8 51:10,11 52:13</p> <p>means 22:19 32:18</p> <p>media 121:24</p> <p>meet 48:2 51:15 59:25</p>	<p>139:4 141:6,18 142:20</p> <p>Mental 38:19</p> <p>mentioned 23:17</p> <p>mentoring 115:10</p> <p>Meridian 28:11</p> <p>merits 24:10</p> <p>message 120:16</p> <p>met 101:12</p> <p>metaphysical 39:7</p> <p>methamphetamine 39:2</p> <p>Michael 127:25</p> <p>Michelle 98:24</p> <p>Micro 130:7,8 131:3,5,7</p> <p>middle 118:14</p> <p>miles 77:4</p> <p>mind 12:2 19:16 81:24</p>	<p>61:20,24,25 62:1,7,9,11, 12,13 73:2 77:11 82:6,8, 10 91:6,11,21 92:1,15,19, 20 93:19 94:4 95:3,5,9 98:9,15,18 101:15 102:2 105:24 107:4,10,11,18 111:15,18,20,24 122:24 123:5,7,11 126:22 127:2, 5,20 128:5,20 129:4,6 131:11,17,20 134:1,10 138:5,13,17 149:8</p> <p>motions 143:8</p> <p>motivation 56:14</p> <p>motor 69:2</p> <p>Moulton 123:15,17,21 124:6 125:7,25 126:13 127:6</p> <p>mount 137:21 138:1</p> <p>move 6:4,8 26:3,5,7,18 46:8 51:22 58:2 61:21 62:8 66:21 67:2,11 73:3 77:2 88:10,15,24 91:7 92:16 93:11 94:17 96:3 101:19,25 107:5 122:25 126:24</p> <p>moved 5:17 14:22 56:11 89:22 91:2,4 93:22 128:7, 24 131:13 134:7 138:11 149:18</p> <p>moves 58:6 89:13 90:12</p> <p>Muncie 38:21</p>
<p>mandatory 143:3</p> <p>Manganaro 137:2,16,19</p> <p>Mani 130:4</p> <p>manner 142:12</p> <p>manuals 139:24</p> <p>manufactured 57:17 135:4</p> <p>manufacturer 137:20</p> <p>March 15:23 77:17 88:22 150:13</p> <p>Maria 10:3,12,17</p> <p>Marion 57:6 99:16</p> <p>mark 68:15 137:2</p> <p>marked 36:23 40:24</p> <p>marketed 134:20 135:7 136:21 138:8,24</p> <p>markets 140:22</p> <p>marriage 54:15</p> <p>Martin 129:16 130:2,6,8</p> <p>Mary 56:21,23</p> <p>material 84:16 98:5</p> <p>materials 139:24</p> <p>matter 9:4,18,25 10:20 21:7 26:20 27:1 35:17,22</p>	<p>meeting 4:2,24 5:2,8 6:19 21:20 23:20 75:11 96:15 97:16,20 101:2,11 105:13 122:5,8 124:18 127:21 129:14 142:7 143:20,22 144:1,5,9 145:4 148:24,25 149:7,8, 10 150:12,14</p> <p>meets 73:12 133:19</p> <p>member 4:8,9 5:17 8:16 15:25 16:3 18:8 24:14 25:9,20 28:3 31:9,20 32:5 34:10,14,22 36:15 37:2 44:1 45:17 51:8 54:24 55:3 62:6,10 65:12 73:3, 6,9 76:5 77:10 80:19 81:1 82:9 85:1,23 86:4 87:5 88:2 91:7,10,13 92:16,18 93:22,24 98:10 101:5,10, 16,24 102:1 103:19 104:1 106:22 107:5,14 111:2,19 113:18,21,23 119:1,10 122:17,25 123:6 124:17 126:11 127:1 128:9,24 131:13 134:9 138:11,12 141:14 143:16 144:21,23 145:8,13 146:12 149:2</p> <p>members 4:5 5:1,10 6:14 7:3 8:18 20:14,18 27:20 46:23 47:22 51:2 58:5 83:16 93:14 96:9,20, 25 98:12 108:8 109:15, 21,25 110:2 114:4 129:23,24 130:19 136:9</p>	<p>minds 12:3</p> <p>minus 130:23</p> <p>minute 13:21 40:12 51:22 57:3</p> <p>minutes 5:7,9,11,16 6:1, 2 7:1,20 8:3,9 17:7 21:13, 15,19,21 24:2,8 57:1 65:25 96:19</p> <p>minutiae 80:17</p> <p>missed 100:3 120:3</p> <p>mistake 40:23 41:8 140:18</p> <p>Mock 132:16</p> <p>moment 78:6 141:17</p> <p>money 99:23 100:10 116:19 118:3 120:4,19</p> <p>month 30:22 72:25</p> <p>months 67:7,25</p> <p>morning 74:16,21 78:4,5</p> <p>mortgage 68:9 86:15</p> <p>mother 17:11,25 56:24 67:3 70:24 106:19</p> <p>motion 5:15,18,25 8:13, 25 21:6,24 22:13 25:13, 15,17,21,25 26:11,14 34:11,13,17,23 41:23 45:6,16,17,20,23 47:20</p>	<p>N</p> <p>N-o-t-o-r-a-s 83:12</p> <p>nature 110:21</p> <p>nay 5:24 8:24 25:24 26:13 35:6 45:25 62:14 73:22 82:14 92:22 94:3 95:8 98:17 102:5 107:21 111:23 123:10 127:4 128:12 129:5 131:19 134:13 138:16</p> <p>necessarily 120:23 121:9 145:15</p> <p>needed 40:1 49:2 126:16 149:17</p> <p>negative 31:22</p> <p>neglected 99:24,25</p> <p>nervous 36:19</p>

<p>night 149:24</p> <p>nomination 9:20 35:18 46:11 74:10 83:3</p> <p>nominee 112:11</p> <p>non-campaign 120:20</p> <p>noon 43:13 60:24</p> <p>north 11:3 55:24 56:8,23 74:20</p> <p>Nos 112:5</p> <p>note 27:13 44:16 95:25 104:1 147:13</p> <p>noted 62:24</p> <p>notice 5:2 6:15 9:24 22:1 24:7 27:1 46:15 74:14 83:7 95:13 96:10 97:21 104:14,17 113:16 145:3</p> <p>noticed 4:25 111:5</p> <p>notification 109:18</p> <p>notified 109:14</p> <p>notion 24:24 150:8</p> <p>Notoras 83:9,11,12,18 91:19,23</p> <p>notwithstanding 39:13</p> <p>November 16:21,23,24 19:7,8,14,15 84:2 85:5 109:11 140:19</p> <p>number 38:25 53:3 95:13 98:5 116:1</p> <p>nursing 67:9</p> <p>Nussmeyer 4:12,23 5:6, 12 75:7,14,19 78:1,11 135:18 140:9 142:18</p> <p>Nussmeyer's 136:11</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>Oakel 82:23 83:2</p> <p>oath 9:6 51:23 53:19</p> <p>object 23:3,4 42:6 76:24 77:7</p> <p>objecting 145:2</p> <p>objection 6:16 8:18 96:12</p> <p>objections 98:12 148:9</p> <p>obligation 143:3</p>	<p>obligations 121:8 147:7 148:19</p> <p>obtain 12:24</p> <p>obtained 76:6</p> <p>occupation 115:5</p> <p>occur 87:17</p> <p>occurred 18:12 85:8 87:6 110:8 144:17</p> <p>October 140:11</p> <p>odds 29:21</p> <p>offender 120:10</p> <p>offer 41:10,11 47:23 68:20</p> <p>offered 48:4 143:8</p> <p>offering 142:11</p> <p>offers 7:9 97:6</p> <p>office 13:15 17:20,22 31:18 40:20 48:14,22,24 49:3,23 50:4,9,11,17,23, 25 51:4,15,16,23 52:6,8, 11 55:22 57:18 58:6 59:13 60:1,15,19 67:17 76:7 77:16 89:8,23 90:5 91:16 115:3 142:15 145:19 150:14</p> <p>officeholder 50:20</p> <p>offices 49:24 58:13 60:12 61:5</p> <p>official 106:18 142:15</p> <p>officially 40:16 59:22</p> <p>officials 148:4</p> <p>one-year 24:16,17</p> <p>ongoing 144:16</p> <p>online 72:12 133:11,14, 15</p> <p>open 4:21,25 5:3 29:25 98:20 104:12 142:13 143:19 144:22</p> <p>opiate 39:2</p> <p>opinion 42:17 44:7,22 135:17 136:11 142:15,17 144:7 145:6,9,17,20 147:4,8,14</p> <p>opportunity 12:21 22:10 23:5 38:4 78:15 94:8,13 106:12 124:25 141:10 149:3</p>	<p>opposed 5:24 8:24 25:24 26:13 28:21 35:6 45:25 62:14 73:22 82:14 92:22 94:3 95:8 98:17 102:5 107:21 110:10 111:23 123:10 127:4 128:12 129:5 131:19 134:13 138:16 146:24</p> <p>opposite 148:7</p> <p>optical 131:24 134:2,20 138:7</p> <p>optimistic 148:20</p> <p>option 89:20 101:23</p> <p>options 141:23</p> <p>order 4:4 31:4 57:18 63:7 85:25 89:24 97:19,23 100:23 129:21 130:10,11, 22 131:12 139:13 140:15 142:2,25 143:5 144:2 146:16 148:14</p> <p>ordered 56:17 84:5 85:5</p> <p>original 7:12 41:13 97:8</p> <p>originally 130:25</p> <p>outstanding 119:2</p> <p>Overholt 4:9 15:25 16:3 18:8 19:3 23:17 24:14 25:9 28:3 31:9,20 32:5 34:10,14 36:15 37:2 44:1 51:8 54:24 55:3 62:6 65:12 73:3 85:23 86:4 88:2 91:7 92:16 93:24 101:16,24 103:19 106:22 107:5,14 111:19 122:25 138:12 143:16 144:23 145:8 149:2</p> <p>overlooked 117:9</p> <p>overnight 75:9</p> <p>oversee 39:9</p> <p>oversight 109:3 126:18 129:12</p> <p>owe 14:3</p> <p>owes 86:3</p> <p>owner 54:23</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m. 129:10,11 148:23 150:13</p> <p>PAC 109:8,10,13 127:24</p>	<p>Package 139:25</p> <p>packet 55:15 108:16</p> <p>pages 78:12</p> <p>paid 72:11</p> <p>panel 137:14</p> <p>panels 137:11</p> <p>paper-based 132:2</p> <p>papers 23:17 53:21 72:6</p> <p>paperwork 84:20</p> <p>part 37:6 38:6 43:20 56:16 63:4 67:3 99:25 117:14,15 126:18 134:18 135:5,9</p> <p>parties 22:21 23:6 33:24 43:11 81:16 146:13</p> <p>party 9:20 26:22 27:15 32:12,15 33:8,13,20,25 35:18 36:11 40:15 41:1, 20 42:2,5 44:2 45:21 46:11 74:10 75:2 76:5,12 79:9 80:24 83:3,13 90:2,4 132:18 147:16 148:5,7</p> <p>pass 41:16 46:19</p> <p>passed 17:8 25:25 42:22 90:16,19,20 105:25 143:9</p> <p>past 6:6 39:6 41:24 96:1 101:17 111:11 147:17</p> <p>patience 38:14</p> <p>paucity 80:10</p> <p>Paul 56:17 68:10,12</p> <p>pave 31:4</p> <p>pay 52:7 72:12 93:17 94:8,20,23 95:1 97:22,25 120:25</p> <p>paychecks 70:11</p> <p>payment 69:20</p> <p>payments 56:18</p> <p>pays 68:9</p> <p>penalties 87:12 122:3 140:21</p> <p>penalty 94:9,12,15 95:15,18 97:15 128:21 129:7</p> <p>pending 61:25 87:3 91:20 114:11</p>
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<p>people 9:7 33:11,12 38:16 58:14 81:21 88:10 90:24</p> <p>percent 94:20,23 95:1 105:10 107:2,12,23</p> <p>percentage 95:22</p> <p>perfect 10:8</p> <p>period 16:22 17:13 19:13 43:11 79:22 117:12 148:7</p> <p>perjury 87:12</p> <p>permanently 11:17</p> <p>permission 136:1</p> <p>permit 13:13</p> <p>person 87:11 90:6 98:25 120:20 126:9 144:15</p> <p>personal 141:17</p> <p>persons 98:2</p> <p>perspective 144:14</p> <p>perversion 31:2</p> <p>petition 27:8 36:2,3</p> <p>petitioning 27:18</p> <p>Pharmacist 38:18</p> <p>Pharmacy 38:19</p> <p>phone 16:15 30:19</p> <p>photographs 135:1</p> <p>phrasing 34:16</p> <p>physical 7:10 97:7</p> <p>piece 69:19</p> <p>place 71:12 100:11 111:10 137:23</p> <p>plan 146:20 147:1,11,18, 20,25 148:2,6,19,21 149:1,15</p> <p>planned 75:25</p> <p>planning 93:5</p> <p>plans 9:2 145:15 146:14, 17,23 147:2 148:7,10</p> <p>planted 17:6</p> <p>plea 121:10</p> <p>point 19:17 25:7 35:3 36:20,22 40:9 56:9 60:2 85:15 88:8 107:25 120:7 121:22 129:8 143:23 146:25 149:4</p>	<p>pointed 58:5</p> <p>policies 31:2 130:15</p> <p>policy 33:9</p> <p>political 32:12 38:22 90:4 116:6 128:4 146:13</p> <p>politicians 13:19</p> <p>politics 82:2</p> <p>poll 31:22 33:12,17 133:7</p> <p>polls 143:3</p> <p>portion 29:12</p> <p>position 29:20 84:12 85:16 91:24 92:6</p> <p>possibly 30:5</p> <p>posted 5:3 142:6 143:19, 21</p> <p>potential 60:8</p> <p>power 43:21 59:22</p> <p>practice 39:5 48:8,10,19 51:3 101:17 111:11</p> <p>pray 41:22</p> <p>pre-dissolution 54:15</p> <p>precedent 111:14</p> <p>precinct 11:4 141:25 142:2 146:10 147:25</p> <p>preelection 126:15</p> <p>preface 143:11</p> <p>prefer 10:10 77:19</p> <p>preference 80:14</p> <p>premise 59:20</p> <p>prepare 97:19 148:6 149:15,17</p> <p>prepared 41:10 98:23</p> <p>prerequisite 64:16,18</p> <p>presence 83:21</p> <p>present 4:5 5:7 6:25 7:19 8:8 9:2 10:21 11:14 17:15 21:18 23:5 61:19 63:25 65:20 76:25 91:20 94:8, 10,11 95:16,24 96:18 98:2 128:15 135:11 136:24</p> <p>presentation 6:21 7:4, 18,25 8:7 10:4 27:3 35:24 38:7,13 46:18 57:22 74:18 83:10 84:25 93:13</p>	<p>94:14 96:17,20 97:1 99:11 102:15 108:25 114:2 124:3 130:7 131:21 132:1 134:16 138:19 139:2</p> <p>presentations 94:16 129:25</p> <p>presented 5:13,16 21:24 22:17 65:1,3 77:24,25 93:21</p> <p>presenter 7:2,9,22,23 8:7 97:6</p> <p>presenter's 7:6,7 96:22, 24 97:3,5</p> <p>presenting 27:8</p> <p>presently 11:12</p> <p>preserve 7:14 97:9</p> <p>preside 58:16</p> <p>presume 37:7 121:19</p> <p>presumed 87:11,14</p> <p>presumption 11:19</p> <p>pretty 51:17 147:3</p> <p>previous 21:20</p> <p>previously 7:11 75:25 97:7</p> <p>primaries 80:8,9</p> <p>primary 16:21 27:10,14, 15 30:14 31:14 32:1,7,10, 13,15,19,21 33:3,17 35:10 36:7,10,11 37:24 40:14 41:2,7 42:5,10 43:11,13 44:13,14,22 46:3 66:19 76:9 79:1,2 80:13,21 81:2,5,6 82:21 88:15,17,25 89:7</p> <p>principles 147:12</p> <p>printed 35:12 46:5 82:22</p> <p>printing 84:8 132:5</p> <p>printout 78:17</p> <p>prior 16:6,7,9 22:2 24:8, 17 87:3,8 102:23 111:3,6 138:24</p> <p>priors 105:7</p> <p>privacy 137:11,14</p> <p>privilege 141:17</p> <p>problem 30:12 39:2,24</p>	<p>problems 67:5</p> <p>procedure 12:20 31:4 145:25</p> <p>procedures 6:6,7,9 8:14,19 31:2 96:2,4 98:13 130:15</p> <p>proceed 77:20 98:20 114:19 144:25</p> <p>proceeding 21:14 94:6</p> <p>proceedings 4:16 6:3 117:5</p> <p>process 12:20 13:8 33:1 89:3 110:4 146:21 147:23 148:2,6,10</p> <p>processes 111:9</p> <p>procure 84:13</p> <p>procuring 84:16</p> <p>produced 142:1</p> <p>professional 110:7</p> <p>program 115:9,10 129:12,17 139:6</p> <p>programming 132:6</p> <p>prohibited 79:14 133:10, 13</p> <p>prohibits 84:15</p> <p>project 130:2</p> <p>promoting 13:6</p> <p>prompt 121:22</p> <p>promptly 114:9 116:23 117:6,11 120:17</p> <p>proof 10:23 12:8,21 53:1 55:4 80:1 86:12</p> <p>proper 22:6 99:25</p> <p>properly 4:24 73:11 114:6 149:25</p> <p>property 54:22,23 55:11 56:5,16,18,22 57:9 84:9 85:3,11 86:24 87:4,20</p> <p>proposal 149:17</p> <p>proposals 108:1 143:8 144:10 146:14</p> <p>propose 127:10</p> <p>proposed 94:12,20,24 95:1,17 105:1 107:6 117:22 123:1 128:21 142:1 149:13</p>
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<p>proposing 149:7</p> <p>prosecuting 12:11</p> <p>prosecutor 30:1 67:18, 20</p> <p>prosecutor's 55:22 67:17</p> <p>prospective 9:7</p> <p>prove 31:24 32:3 75:5</p> <p>proven 14:8</p> <p>provide 6:12 83:24 86:9 96:7 115:9 136:18</p> <p>provided 6:13,17 7:12 9:22 14:5 26:24 35:20 46:13 63:21 74:12 83:5 96:8,13 97:8 136:15</p> <p>proving 12:11 31:22</p> <p>provision 44:12 48:15, 16 49:20 50:25 87:10</p> <p>Proxy 4:7</p>	<p>question 17:14 20:19,23 21:9 31:18 32:4 33:6 37:23 49:15 52:2 59:8,18 60:9,11 65:8 76:23 77:22 78:21 84:23 90:15 98:15 135:11,17 136:20</p> <p>questionable 13:15</p> <p>questioning 64:7</p> <p>questions 7:3,5 8:6 14:17,19,21 16:3 17:18 20:22 22:7 27:19 28:1,4 31:8 34:8 37:11,21 42:13 66:2 71:24 72:21 73:2 81:10 84:25 91:6 96:20, 21,25 97:2 98:12 101:3,4 114:21 118:7 126:21 137:4,5</p> <p>quick 127:10,15</p> <p>quickly 98:6</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R-a-n-d-a-l-l 46:25</p> <p>R-o-d-r-i-g-u-e-z 10:13</p> <p>R-o-s-a 10:12</p> <p>R-o-s-e-m-a-r-y 66:4</p> <p>race 65:11</p> <p>Radio 130:25</p> <p>rain 74:20 75:21</p> <p>raised 21:4 116:19 144:23</p> <p>rampant 39:3</p> <p>ran 17:22 58:23 59:1,4 79:24</p> <p>Randall 46:24</p> <p>Randolph 29:11,15 30:2 31:17 37:16 46:17</p> <p>ratification 93:11</p> <p>ratify 93:17,20 94:4</p> <p>reached 147:9</p> <p>read 24:23 28:17 50:4 52:5,13 60:21 75:16 142:23 144:13,22 145:23</p> <p>reading 51:13</p> <p>ready 93:10</p> <p>realize 143:1</p>	<p>realized 109:12,23</p> <p>Realtor 116:5</p> <p>reason 18:23,24 30:15 80:9 111:2,14 117:4</p> <p>reasonable 12:12</p> <p>reasons 100:18</p> <p>rebut 12:21</p> <p>rebuttal 8:8</p> <p>recall 146:14</p> <p>receipt 37:1 117:16 119:17</p> <p>receipts 116:15</p> <p>receive 70:13,15 97:21 112:23,25 113:1 145:13</p> <p>received 7:11 15:11 37:3,6 75:8 97:7 108:23 109:5,9,21 112:22 120:4 127:21 142:4,14 150:9</p> <p>receiving 119:3 141:8</p> <p>recent 27:14 32:13,19 36:9 79:23</p> <p>recertified 139:21</p> <p>recess 127:10 129:8,10, 14 148:25 150:12,18</p> <p>recognize 5:6 10:3 11:18 12:19 14:16 20:7 27:2 28:6 35:23 46:16 57:21 74:17 83:8 99:6 129:15</p> <p>recognized 6:22 7:18 96:18 147:14</p> <p>recognizing 6:11 96:6</p> <p>recommend 126:9 133:1</p> <p>recommendation 5:14 129:20 134:6,23 136:15</p> <p>recommendations 134:4</p> <p>recommended 131:11 142:2</p> <p>recommends 131:8</p> <p>reconciling 148:10</p> <p>reconvene 148:25</p> <p>record 6:19 7:14 20:14 21:17 24:12 26:6 30:3 36:5 39:22 43:22 55:23 60:5 65:16 71:20 78:3,9 87:22 96:14 97:10 108:6 114:18 145:11 149:22</p>	<p>recorded 30:19</p> <p>records 56:5,7 76:6,8,14</p> <p>reduce 97:14 101:20 123:1</p> <p>reduced 94:9,15 107:6, 22</p> <p>reference 21:15 50:6</p> <p>referenced 133:18</p> <p>referring 50:5 54:11,12 85:20</p> <p>reflecting 20:21</p> <p>reflection 21:22</p> <p>refund 108:23</p> <p>refunds 109:21 110:2</p> <p>regard 52:16 61:25 85:24 136:17 148:18</p> <p>register 53:23</p> <p>registered 38:18 52:22, 24 53:16 59:5,6 60:22 63:5,6,12,19,22 64:10,19, 25 65:10,18 68:23,25 73:11,14,15,16</p> <p>registration 11:2,20 17:10 31:16 36:5 37:5 52:19 54:1 55:9,16,18 58:19,20 59:10,16 60:5 61:13 62:18 63:2 64:4,9, 13 65:8,9 69:2 76:6,7 78:3 84:15 141:25</p> <p>regular 137:8</p> <p>regularly 99:20</p> <p>regulation 121:15</p> <p>reject 12:23</p> <p>relate 54:19</p> <p>related 13:14 87:13 133:12</p> <p>relevant 11:22 17:13 19:13,16 25:5</p> <p>relief 117:22 120:22</p> <p>relying 49:20</p> <p>remain 119:2 143:5</p> <p>remaining 13:21 95:23 128:16,18,22</p> <p>remains 59:6</p> <p>remediate 110:24</p>
<p>public 29:24 35:3 45:5 57:18 82:6 87:22 92:14 121:24 145:3</p> <p>pull 75:15</p> <p>pulled 31:16</p> <p>punching 79:18</p> <p>punchline 145:24</p> <p>purchased 85:24 86:6</p> <p>purposes 59:13 87:13 147:19</p> <p>pursuant 85:14</p> <p>pursue 140:25</p> <p>pushed 39:23</p> <p>put 19:10 21:12 22:13 85:19 111:9 120:7,8</p> <p>putting 23:3,4 87:3</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>QR 133:4,11,15 139:11, 15</p> <p>QR4 133:4</p> <p>qualifications 59:25</p> <p>qualified 50:10 89:23</p> <p>qualify 110:17</p>	<p>quick 127:10,15</p> <p>quickly 98:6</p>	<p>rebut 12:21</p> <p>rebuttal 8:8</p> <p>recall 146:14</p> <p>receipt 37:1 117:16 119:17</p> <p>receipts 116:15</p> <p>receive 70:13,15 97:21 112:23,25 113:1 145:13</p> <p>received 7:11 15:11 37:3,6 75:8 97:7 108:23 109:5,9,21 112:22 120:4 127:21 142:4,14 150:9</p> <p>receiving 119:3 141:8</p> <p>recent 27:14 32:13,19 36:9 79:23</p> <p>recertified 139:21</p> <p>recess 127:10 129:8,10, 14 148:25 150:12,18</p> <p>recognize 5:6 10:3 11:18 12:19 14:16 20:7 27:2 28:6 35:23 46:16 57:21 74:17 83:8 99:6 129:15</p> <p>recognized 6:22 7:18 96:18 147:14</p> <p>recognizing 6:11 96:6</p> <p>recommend 126:9 133:1</p> <p>recommendation 5:14 129:20 134:6,23 136:15</p> <p>recommendations 134:4</p> <p>recommended 131:11 142:2</p> <p>recommends 131:8</p> <p>reconciling 148:10</p> <p>reconvene 148:25</p> <p>record 6:19 7:14 20:14 21:17 24:12 26:6 30:3 36:5 39:22 43:22 55:23 60:5 65:16 71:20 78:3,9 87:22 96:14 97:10 108:6 114:18 145:11 149:22</p>	<p>recorded 30:19</p> <p>records 56:5,7 76:6,8,14</p> <p>reduce 97:14 101:20 123:1</p> <p>reduced 94:9,15 107:6, 22</p> <p>reference 21:15 50:6</p> <p>referenced 133:18</p> <p>referring 50:5 54:11,12 85:20</p> <p>reflecting 20:21</p> <p>reflection 21:22</p> <p>refund 108:23</p> <p>refunds 109:21 110:2</p> <p>regard 52:16 61:25 85:24 136:17 148:18</p> <p>register 53:23</p> <p>registered 38:18 52:22, 24 53:16 59:5,6 60:22 63:5,6,12,19,22 64:10,19, 25 65:10,18 68:23,25 73:11,14,15,16</p> <p>registration 11:2,20 17:10 31:16 36:5 37:5 52:19 54:1 55:9,16,18 58:19,20 59:10,16 60:5 61:13 62:18 63:2 64:4,9, 13 65:8,9 69:2 76:6,7 78:3 84:15 141:25</p> <p>regular 137:8</p> <p>regularly 99:20</p> <p>regulation 121:15</p> <p>reject 12:23</p> <p>relate 54:19</p> <p>related 13:14 87:13 133:12</p> <p>relevant 11:22 17:13 19:13,16 25:5</p> <p>relief 117:22 120:22</p> <p>relying 49:20</p> <p>remain 119:2 143:5</p> <p>remaining 13:21 95:23 128:16,18,22</p> <p>remains 59:6</p> <p>remediate 110:24</p>

<p>remember 98:7 119:3</p> <p>remind 4:16 9:11</p> <p>removal 27:18</p> <p>remove 90:14</p> <p>removed 84:21</p> <p>rent 86:19</p> <p>report 19:24 102:19,20, 23 103:3,5,11 105:15,20 106:6 119:15,16 120:3,6, 17 123:19,22 124:1,6,8, 11,14,15,21 125:11 126:16 129:17 130:20,21 132:25 141:2,4,8,10 142:21</p> <p>reported 114:6,12 116:23 117:6,12,18 119:5,6,9,10</p> <p>reporter 4:14,17</p> <p>reporting 4:15 115:13 118:1 121:5,23 123:24 132:7</p>	<p>requests 12:24 110:12 127:11 128:13</p> <p>require 52:11 61:12</p> <p>required 4:25 12:12 51:21 56:2 59:12 88:5 89:1 90:13,20 97:25 99:21 100:16 125:11 146:19</p> <p>requirement 16:5 24:15, 17,22,23 48:22 90:23 91:3 116:22 121:16 134:5</p> <p>requirements 48:2 51:16 60:21 130:14,23 132:14 133:20,22</p> <p>requires 88:16 97:13</p> <p>requisites 73:12</p> <p>reserve 22:5 28:4 57:25</p> <p>reside 48:7,11,18 49:9,22 50:15 58:14 59:12 68:5</p> <p>residence 16:5 24:13 55:2 56:11,12,13,14 58:24 84:1,3 87:1,14 90:21</p> <p>residency 13:15 14:2 16:25 19:15 20:25 24:16, 17,21 47:3 88:6,18</p> <p>resident 11:5 19:21 50:2 51:24 52:10,20 85:17 88:7</p> <p>residents 12:3 19:23</p> <p>resides 58:21</p> <p>residing 16:6 93:5</p> <p>resolve 25:10,11 62:25 63:17 146:9</p> <p>respect 13:24 24:19,20, 25 25:2 40:10</p> <p>respectfully 41:10 106:16 110:11</p> <p>respond 47:8</p> <p>response 76:19 120:2 138:22 139:7 140:11,15 142:5</p> <p>responsibilities 115:14</p> <p>responsibility 126:6 147:10</p> <p>rest 137:11</p> <p>restriction 134:5</p>	<p>result 30:6 40:13 41:2 87:4 109:2</p> <p>results 132:7</p> <p>resume 129:13</p> <p>retained 147:9</p> <p>retired 28:24</p> <p>return 15:22 144:20</p> <p>returned 110:2</p> <p>review 78:7,15 130:4 133:16 134:18 139:22 141:10 146:20 148:8</p> <p>reviewed 5:12 130:20 132:20,22</p> <p>revisit 104:7 125:2</p> <p>RFP 140:15</p> <p>rights 12:19 42:4</p> <p>ripe 58:7</p> <p>Road 54:22 57:13</p> <p>Robbins 27:11</p> <p>Rodriguez 10:4,5,10,12, 13,16,17 13:22 14:14 19:18 20:5,12</p> <p>Rodriquez 16:4</p> <p>roll 55:23 71:25 72:1</p> <p>roll-in 24:22,23</p> <p>room 12:22 98:2 150:15</p> <p>Rosa 10:3,12,16</p> <p>Rosemary 46:6,10 47:3, 11 48:9 53:15 55:21 56:21 57:5,15,21 58:1 61:23 64:1 66:4</p> <p>Rosemary's 47:5 56:24</p> <p>routinely 145:19</p> <p>rude 39:12</p> <p>ruined 39:1</p> <p>rule 62:7 76:15</p> <p>ruled 24:18</p> <p>rules 33:25 51:9 106:23</p> <p>ruling 21:7,25 24:8,25 25:1,11</p> <p>run 11:13 13:14 30:9,17, 23 33:13,18 38:23 43:13 44:13 45:22 50:22 51:1 52:9 57:6,18 71:2 79:23</p>	<p>88:14 89:23 115:3</p> <p>running 11:20 29:6 43:5 71:6 74:9 81:22</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>sadly 75:21</p> <p>sale 85:7,9 86:10,17,18 87:4,5,7</p> <p>sales 85:15 139:13 140:15</p> <p>sanctions 141:1</p> <p>savings 143:1</p> <p>scan 131:24 133:15 134:2,20 138:7</p> <p>scanner 133:4 134:22 138:22 139:11,16,17 140:4,12</p> <p>scanners 133:3,10</p> <p>scanning 133:5</p> <p>scenario 59:9</p> <p>scenarios 132:17</p> <p>scheduled 128:16,18</p> <p>scheme 44:18</p> <p>school 66:16,17 70:1,6,8</p> <p>schools 66:23</p> <p>scope 132:22 133:18 135:21</p> <p>Scott 10:1 20:15</p> <p>screen 110:10</p> <p>seat 28:23 38:24 43:5 99:1</p> <p>seconded 73:9</p> <p>seconds 30:10 70:20</p> <p>Secretary 37:3 40:20 140:20,25</p> <p>section 27:12 36:3,9 44:11 50:7 59:19 61:3,4 90:6</p> <p>seeking 140:10</p> <p>self-report 110:24 118:18 122:6</p> <p>self-reported 108:21 111:8 119:11</p> <p>self-reporting 118:18</p>
<p>reports 102:25 103:17 104:4,6 106:10 117:19 118:20 132:20</p> <p>represent 13:10 58:15</p> <p>representative 6:23 7:16 9:21 11:1,8,14,21 20:17 26:22 29:19 35:19 74:11 79:22 83:4 89:10 96:17 124:7 128:1 136:24</p> <p>representatives 14:2 76:4,17 129:17</p> <p>representing 12:5 20:1, 17 36:1 38:15</p> <p>represents 145:19</p> <p>Republican 27:11 29:8 33:16,18,19,20 34:1 37:23 39:12,15 40:16,17 41:1,3,20 42:2,5 43:5,8 52:2 60:10 76:9 79:1 80:5,9,12 81:3,6,22</p> <p>Republicans 80:13</p> <p>request 4:23 41:22 53:6 57:25 101:18,19 119:21 122:12,15 125:18 127:13 128:6 139:7</p> <p>requested 72:9 119:23 130:9</p> <p>requesting 10:21 134:16</p>	<p>residence 16:5 24:13 55:2 56:11,12,13,14 58:24 84:1,3 87:1,14 90:21</p> <p>residency 13:15 14:2 16:25 19:15 20:25 24:16, 17,21 47:3 88:6,18</p> <p>resident 11:5 19:21 50:2 51:24 52:10,20 85:17 88:7</p> <p>residents 12:3 19:23</p> <p>resides 58:21</p> <p>residing 16:6 93:5</p> <p>resolve 25:10,11 62:25 63:17 146:9</p> <p>respect 13:24 24:19,20, 25 25:2 40:10</p> <p>respectfully 41:10 106:16 110:11</p> <p>respond 47:8</p> <p>response 76:19 120:2 138:22 139:7 140:11,15 142:5</p> <p>responsibilities 115:14</p> <p>responsibility 126:6 147:10</p> <p>rest 137:11</p> <p>restriction 134:5</p>	<p>Robbins 27:11</p> <p>Rodriguez 10:4,5,10,12, 13,16,17 13:22 14:14 19:18 20:5,12</p> <p>Rodriquez 16:4</p> <p>roll 55:23 71:25 72:1</p> <p>roll-in 24:22,23</p> <p>room 12:22 98:2 150:15</p> <p>Rosa 10:3,12,16</p> <p>Rosemary 46:6,10 47:3, 11 48:9 53:15 55:21 56:21 57:5,15,21 58:1 61:23 64:1 66:4</p> <p>Rosemary's 47:5 56:24</p> <p>routinely 145:19</p> <p>rude 39:12</p> <p>ruined 39:1</p> <p>rule 62:7 76:15</p> <p>ruled 24:18</p> <p>rules 33:25 51:9 106:23</p> <p>ruling 21:7,25 24:8,25 25:1,11</p> <p>run 11:13 13:14 30:9,17, 23 33:13,18 38:23 43:13 44:13 45:22 50:22 51:1 52:9 57:6,18 71:2 79:23</p>	<p>scenario 59:9</p> <p>scenarios 132:17</p> <p>scheduled 128:16,18</p> <p>scheme 44:18</p> <p>school 66:16,17 70:1,6,8</p> <p>schools 66:23</p> <p>scope 132:22 133:18 135:21</p> <p>Scott 10:1 20:15</p> <p>screen 110:10</p> <p>seat 28:23 38:24 43:5 99:1</p> <p>seconded 73:9</p> <p>seconds 30:10 70:20</p> <p>Secretary 37:3 40:20 140:20,25</p> <p>section 27:12 36:3,9 44:11 50:7 59:19 61:3,4 90:6</p> <p>seeking 140:10</p> <p>self-report 110:24 118:18 122:6</p> <p>self-reported 108:21 111:8 119:11</p> <p>self-reporting 118:18</p>

<p>sells 140:22</p> <p>semicolon 51:6</p> <p>Senate 102:12 108:17,23</p> <p>sense 66:25 67:10 148:25</p> <p>separate 47:14 86:23 116:24</p> <p>separation 47:6</p> <p>September 140:6</p> <p>served 115:20 116:4,6</p> <p>service 76:21</p> <p>services 115:9</p> <p>serving 120:21</p> <p>session 4:3 143:5</p> <p>set 97:15 146:10,16 147:8,12 148:4</p> <p>setting 10:6</p> <p>settlement 54:14 56:16 93:12,16,18,20</p> <p>Seventh 99:13</p> <p>Shack 130:25</p> <p>share 53:12 75:22</p> <p>Shaw 112:6 114:21</p> <p>shelf 137:14</p> <p>shelves 137:9</p> <p>sheriff's 84:6 85:7,9,12, 14 86:9,17,18 87:5,7</p> <p>short 41:5 99:9 100:22</p> <p>shortly 100:13 101:2</p> <p>show 54:5 68:15 86:21 87:18 91:15 116:15</p> <p>showed 80:16</p> <p>showing 14:7 31:25 41:20 79:20 80:4 87:10</p> <p>shows 15:15 58:21</p> <p>shuffling 53:20</p> <p>side 137:8,12,22 138:1</p> <p>sides 24:11 147:16</p> <p>sign 6:1 27:24</p> <p>signal 7:7 96:23 97:4</p> <p>signature 31:17,19,21</p>	<p>signatures 30:14</p> <p>signed 118:20 139:13</p> <p>significant 56:13 122:3</p> <p>similar 148:3</p> <p>Simmons 4:13 7:13 21:19 42:18 43:10 44:21 52:5 60:13 64:20 90:8,10</p> <p>simply 119:15</p> <p>simultaneously 61:12</p> <p>sincerely 40:22</p> <p>single 147:4</p> <p>sir 14:20 28:14 37:13,21, 23 38:2 41:11 43:21 46:20,21 57:2 75:1 78:13 85:22 102:9,15 137:1</p> <p>sit 10:7,9</p> <p>sitting 98:25</p> <p>situation 33:9 89:16</p> <p>situations 101:17</p> <p>six-and-a-half 54:25</p> <p>slot 28:19</p> <p>slots 80:11</p> <p>small 29:12 44:10 141:25 146:10 147:25</p> <p>smidgen 12:2</p> <p>smooth 31:4</p> <p>software 131:23 132:11 134:19</p> <p>sold 84:5 85:6</p> <p>sole 54:23</p> <p>sort 85:14</p> <p>sought 90:5</p> <p>sound 31:11</p> <p>source 60:16</p> <p>South 28:10 150:16</p> <p>speak 4:18,19,20 13:9 24:2,9 98:4 136:25 141:16 145:11 146:24</p> <p>Speaker 112:10</p> <p>speaking 98:8</p> <p>special 17:23</p> <p>specialist 130:4</p>	<p>specific 44:15 48:7 50:19 134:17 141:9</p> <p>specifically 114:25</p> <p>spell 4:18 28:12</p> <p>spelled 83:18</p> <p>spend 67:5</p> <p>spent 7:4 96:21 97:1</p> <p>spoke 27:23 29:7</p> <p>sporting 66:23</p> <p>spreadsheet 98:7,23 99:7</p> <p>squarely 22:13 111:6</p> <p>stack 23:16</p> <p>staff 4:10 6:12,20 38:12 96:7,16 98:6 99:6 101:5 103:13 113:11 125:4 127:19 147:15,25 148:5,7 149:15</p> <p>stalemate 147:9</p> <p>stamp 36:17 37:1,4</p> <p>stand 9:5 10:6,19 17:25 23:4 57:14 81:22 100:23</p> <p>standing 80:24</p> <p>stands 10:24 17:5</p> <p>start 98:8 112:13</p> <p>started 67:4,5</p> <p>starting 150:7</p> <p>state 9:21 10:25 11:8,10, 21 12:16 13:10,18 26:22 29:18 33:25 35:18 37:3 44:16 48:9,10,16,19 50:6 58:13 60:4 66:3,7 74:10 76:21 79:19,22 81:25 83:4 89:10 95:11 97:13, 15 100:16 102:12 108:5 112:3 114:22 115:14,15 118:2 121:6 122:15 124:7 127:25 131:6 132:9 133:21 140:20 146:3</p> <p>State's 40:20</p> <p>stated 11:1 13:12 30:3,22 44:20 56:11 62:17</p> <p>statement 28:17 32:6 87:12,15 149:11</p> <p>statements 8:6</p> <p>states 30:20 33:8,10 58:4,12</p>	<p>stating 31:15</p> <p>statue 63:12</p> <p>status 138:21 139:10</p> <p>statute 39:23,25 42:19 48:15,19,21,25 50:4 51:11,13 52:4 58:3,12 59:23 60:11 80:20</p> <p>statutes 97:12 132:14</p> <p>statutorily 50:11</p> <p>statutory 51:9 88:13,19 89:16 91:3 145:25</p> <p>stay 14:15 66:25 86:17</p> <p>stealth 39:24</p> <p>STEPHANIE 66:2</p> <p>steps 143:13</p> <p>stood 9:9 30:2</p> <p>stop 129:9</p> <p>stops 16:11 23:18</p> <p>straight 26:5 132:18</p> <p>Street 14:23 28:11 55:7 57:16 114:23 150:17</p> <p>strong 29:1,4</p> <p>structure 146:9 147:1,17 148:1,5,13</p> <p>stuff 65:3 108:2</p> <p>style 133:6</p> <p>subject 12:11 39:18 90:14 114:10 115:18 117:5 134:4 136:7</p> <p>submission 146:17 148:11</p> <p>submit 41:19 84:13 109:16,19 145:15 146:13, 19 147:2,18</p> <p>submitted 10:18,23 11:22 12:8 16:8 27:25 36:4 55:19 134:3 139:25 140:7 148:9</p> <p>submitting 30:4 84:16</p> <p>subsequent 140:15</p> <p>Sue 39:12</p> <p>sufficient 91:14 141:13</p> <p>sufficiently 147:6</p> <p>sugar 150:6</p>
--	---	--	--

<p>suggest 34:3 141:7 144:1</p> <p>suggested 136:4</p> <p>suit 38:15</p> <p>sum 116:16</p> <p>summary 21:7,24 84:4 85:4</p> <p>summer 146:8</p> <p>superseded 14:11</p> <p>supervised 115:10</p> <p>supplemental 102:19, 22,25 103:5,12,17 122:13 123:18,22 124:1,11 126:11</p> <p>supplementals 112:22 113:19</p> <p>support 73:15,17</p> <p>supporter 29:1</p> <p>supporters 41:4</p>	<p>talking 16:20 29:6 53:21, 22 120:12 121:3 145:4</p> <p>talks 51:14 77:6</p> <p>tax 55:5,6 56:5,7,22 70:11 72:6</p> <p>taxes 72:10</p> <p>Taylor 93:13 99:8 102:10,12,16 103:9 104:14,19 105:13 106:2 107:24 113:6,15,20,22,25 118:11,14 122:7 124:20, 24 125:5 127:12,16,22</p> <p>team 129:24 130:14,19</p> <p>Technical 139:25</p> <p>technically 92:4</p> <p>temperate 82:1,2</p> <p>temporary 144:15</p> <p>ten 39:19</p> <p>tendered 42:24</p>	<p>thought 39:16 65:12 80:15 90:15 105:15 106:2,9,11 109:9 119:4</p> <p>thoughts 90:8 141:5</p> <p>thousand 102:21 105:1, 15,17,22 107:7,12,23 116:22 117:2,10 119:5,18 121:22 123:23 126:1,17</p> <p>thousands 121:5</p> <p>three-week 126:15</p> <p>throw 106:14</p> <p>Tic-tacs 150:6</p> <p>ties 68:2</p> <p>time 4:20,22 7:2,4,6,7,21 8:4 10:3 14:14,17 15:20 16:22 17:13,16 18:12,19 19:13 20:5,6 22:25 23:16 25:4 28:19 29:1 31:6 32:18 33:12,13 35:23 38:5 44:12 46:16 47:7 50:11,24 51:4 54:8 57:21, 25 58:2,25 59:5 62:9 65:24 67:5 74:3,17 79:22 82:16,17 83:8,20 88:25 95:19 96:21,23,24 97:1,3, 5 99:5,19 100:7,8 103:5 104:5 109:14 112:1 115:22 120:10 125:12,24 129:15 135:15 141:1,16 144:9,10 147:22 150:1</p> <p>timeline 15:18 16:11 23:18 109:4 146:9 147:23 148:8,10</p> <p>timeliness 49:7</p> <p>timely 114:6 119:14,17 126:4</p> <p>times 40:7 79:21,25 80:8</p> <p>timing 146:18 148:1</p> <p>today 4:14 6:9 9:4 10:19, 21,24 12:21 17:15 20:16 22:18 41:8 47:2 50:14 63:18,21 66:5 83:22 91:22 96:4 97:21,24 99:9 102:24 106:1,7 110:19 128:17,19 142:21</p> <p>today's 4:15 8:14 75:11 127:21 142:7</p> <p>told 77:15 100:10</p> <p>Tom 39:22 41:6</p> <p>tonight 149:24</p>	<p>top 41:13 124:11</p> <p>tortured 51:13</p> <p>total 99:18 107:6,11,13 116:15 123:2 137:12</p> <p>totally 39:10 126:19</p> <p>touch 91:1</p> <p>tough 87:22</p> <p>Township 11:3 66:17</p> <p>tragic 38:25</p> <p>transaction 30:6</p> <p>transparency 29:23</p> <p>treasurer 106:13,18 114:6 116:4 117:7 120:1, 21 126:2</p> <p>treasurer's 117:15</p> <p>treated 13:24 30:17</p> <p>trickled 29:16</p> <p>true 33:20 36:18</p> <p>truth 12:18,25 13:9,18,22</p> <p>truthful 14:2 56:3</p> <p>Tuesday 40:17</p> <p>turned 54:8</p> <p>types 134:17</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S. 140:1</p> <p>unable 85:13</p> <p>unafraid 63:11</p> <p>unanimous 97:13</p> <p>unanimously 57:12</p> <p>unaware 126:14</p> <p>unbelievable 38:25</p> <p>uncertified 136:18</p> <p>uncomfortable 143:22</p> <p>understand 16:18 18:10,23 19:13,18,19,21 24:6,14,18 43:15 59:19 119:13 122:3 143:17</p> <p>understanding 33:14 59:24 60:2 89:6 144:7</p> <p>unemployed 66:19,25</p>
<p>supports 16:14 34:6 132:3</p> <p>suppose 87:21 89:12</p> <p>Supreme 91:21</p> <p>surprisingly 51:18</p> <p>Suzannah 4:9 87:9</p> <p>sworn 9:9 32:6 50:1,17 51:20,25</p> <p>Symbol 133:3</p> <p>system 9:5 129:18 130:10,16,21 131:6,24 132:3,8,19,21,23 133:1, 17 134:20 135:4,6,8,9,22, 23 136:3,13 138:7,10,23 139:12,19,24 140:5,22,23</p> <p>systems 131:23 132:15 134:19</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>tab 93:15 108:16</p> <p>takes 121:7,19</p> <p>taking 49:23 50:4,8 51:16,22 52:6,11 70:24 111:3 118:13 144:2</p> <p>talk 64:21 119:25 145:14 148:13</p>	<p>term 51:14 60:15,16</p> <p>terms 24:24 106:23 149:11</p> <p>test 132:12,17</p> <p>tested 132:8 134:18 135:3</p> <p>testify 8:11 9:2,8 128:15</p> <p>testimony 20:20 21:3 24:11 44:6 62:5 81:1 111:9</p> <p>testing 130:21 132:21 138:6</p> <p>tests 132:10</p> <p>thing 14:4 19:16 31:23 44:3,17 57:4 100:6 106:10 150:3</p> <p>things 57:10 80:5 137:8</p> <p>thinking 18:22</p> <p>third-parties 135:5</p> <p>third-party 136:7</p> <p>thirteen 72:25</p> <p>Thompson 93:13,14 101:9,13 102:11 103:15, 21,24 104:3,10,13,17 105:3,8 108:15 112:15 113:1 122:20 124:4,23</p>	<p>thought 39:16 65:12 80:15 90:15 105:15 106:2,9,11 109:9 119:4</p> <p>thoughts 90:8 141:5</p> <p>thousand 102:21 105:1, 15,17,22 107:7,12,23 116:22 117:2,10 119:5,18 121:22 123:23 126:1,17</p> <p>thousands 121:5</p> <p>three-week 126:15</p> <p>throw 106:14</p> <p>Tic-tacs 150:6</p> <p>ties 68:2</p> <p>time 4:20,22 7:2,4,6,7,21 8:4 10:3 14:14,17 15:20 16:22 17:13,16 18:12,19 19:13 20:5,6 22:25 23:16 25:4 28:19 29:1 31:6 32:18 33:12,13 35:23 38:5 44:12 46:16 47:7 50:11,24 51:4 54:8 57:21, 25 58:2,25 59:5 62:9 65:24 67:5 74:3,17 79:22 82:16,17 83:8,20 88:25 95:19 96:21,23,24 97:1,3, 5 99:5,19 100:7,8 103:5 104:5 109:14 112:1 115:22 120:10 125:12,24 129:15 135:15 141:1,16 144:9,10 147:22 150:1</p> <p>timeline 15:18 16:11 23:18 109:4 146:9 147:23 148:8,10</p> <p>timeliness 49:7</p> <p>timely 114:6 119:14,17 126:4</p> <p>times 40:7 79:21,25 80:8</p> <p>timing 146:18 148:1</p> <p>today 4:14 6:9 9:4 10:19, 21,24 12:21 17:15 20:16 22:18 41:8 47:2 50:14 63:18,21 66:5 83:22 91:22 96:4 97:21,24 99:9 102:24 106:1,7 110:19 128:17,19 142:21</p> <p>today's 4:15 8:14 75:11 127:21 142:7</p> <p>told 77:15 100:10</p> <p>Tom 39:22 41:6</p> <p>tonight 149:24</p>	<p>top 41:13 124:11</p> <p>tortured 51:13</p> <p>total 99:18 107:6,11,13 116:15 123:2 137:12</p> <p>totally 39:10 126:19</p> <p>touch 91:1</p> <p>tough 87:22</p> <p>Township 11:3 66:17</p> <p>tragic 38:25</p> <p>transaction 30:6</p> <p>transparency 29:23</p> <p>treasurer 106:13,18 114:6 116:4 117:7 120:1, 21 126:2</p> <p>treasurer's 117:15</p> <p>treated 13:24 30:17</p> <p>trickled 29:16</p> <p>true 33:20 36:18</p> <p>truth 12:18,25 13:9,18,22</p> <p>truthful 14:2 56:3</p> <p>Tuesday 40:17</p> <p>turned 54:8</p> <p>types 134:17</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>U.S. 140:1</p> <p>unable 85:13</p> <p>unafraid 63:11</p> <p>unanimous 97:13</p> <p>unanimously 57:12</p> <p>unaware 126:14</p> <p>unbelievable 38:25</p> <p>uncertified 136:18</p> <p>uncomfortable 143:22</p> <p>understand 16:18 18:10,23 19:13,18,19,21 24:6,14,18 43:15 59:19 119:13 122:3 143:17</p> <p>understanding 33:14 59:24 60:2 89:6 144:7</p> <p>unemployed 66:19,25</p>

<p>unintentional 110:21 117:23 121:17</p> <p>unintentionally 114:8</p> <p>union 29:1</p> <p>unit 137:21</p> <p>units 139:15</p> <p>University 132:10</p> <p>unknowing 40:22</p> <p>unlike 49:23 50:13</p> <p>unreasonable 143:2</p> <p>unseat 49:10</p> <p>untimeliness 49:6</p> <p>untimely 103:10</p> <p>unusual 144:15</p> <p>update 56:2 88:5 90:20 91:3</p> <p>updated 70:8 72:5</p> <p>upgrade 48:21</p> <p>upheld 35:7</p> <p>upholding 35:4</p> <p>uproot 66:22</p> <p>Uria 68:12</p> <p>user 133:9</p> <p>utilized 148:3</p> <p>utilizing 147:24</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>V-o-n-d-e-r-s-a-a-r 27:5</p> <p>vacancies 43:12</p> <p>vacant 84:9 85:11 87:4, 21</p> <p>valid 61:13 64:13</p> <p>values 29:5 33:20</p> <p>vehicle 69:2</p> <p>vendor 136:7 140:22 141:1</p> <p>vendors 136:19</p> <p>verbal 104:17</p> <p>verbatim 145:24</p> <p>verification 132:13</p>	<p>versa 33:13</p> <p>vested 86:25</p> <p>vice 4:7 5:20 14:20,21 17:18 19:2 23:19 24:4 25:12,16 26:9 27:21 32:8, 24 33:13,23 34:12,15 37:12,22 38:1 42:14 43:4, 7,24 45:8,13,19 49:14,18 50:12 52:1,21,25 53:12, 25 54:4,16 55:17 59:1,7 61:2 62:2,8,22 63:3,9,16 64:6,15 65:2,7 72:22 77:1,8,13 78:19,25 79:4, 7,11 81:11,15 82:7 84:22 86:11 87:2,9,25 88:9,21 89:2,12 91:17,25 92:8 95:4 104:24 105:5,9,19 107:16 110:16 113:3,12 118:9,12,16 120:24 122:4 125:22 126:23 128:7 129:1 131:15 134:7 137:7,13,17 138:2 144:12,19 149:6 150:2,5</p> <p>vicious 82:3</p> <p>view 42:18 51:17 52:4</p> <p>viewed 50:9</p> <p>views 80:4,5</p> <p>VII 50:7 59:19</p> <p>violated 97:12</p> <p>violation 94:19,22,25 95:2 103:10 107:8 110:21,22 111:5,7 114:15 115:19 120:14,15 121:2</p> <p>violations 12:14,22 29:25 109:2 123:2</p> <p>virtually 23:16</p> <p>visitation 115:10</p> <p>visiting 15:20</p> <p>voluminous 24:12</p> <p>volunteers 116:2</p> <p>Vondersaar 27:4,5,23 34:21 35:25 36:1 37:15</p> <p>vote 14:3 21:22 26:5 30:13 31:13,14 32:1,7,9, 18 33:3 35:4 36:7 37:23 47:4 52:22,24 53:23 63:5, 7,12 64:10,25 68:23,25 79:1 80:14,21 81:12,16, 21 97:13 130:7,8 131:3,5, 7 137:21 143:3 144:3 147:4 148:12</p>	<p>voted 11:3 27:11,14 32:14,21 36:10 40:14 41:1 42:4 76:8 78:9 80:7, 9,11 81:2,6 149:9,10,18</p> <p>voter 11:2,20,24 18:22 31:16 37:5 52:19 53:16, 25 55:8,16 58:19,20 59:10,15 60:5,22 62:18 63:2,14,19,22 64:4,9,12 65:6,7,9,10,18 76:6,7 78:2 80:23 84:14 135:24</p> <p>voters 12:16 13:3,10,17, 23 20:2 23:23 29:8,9,10, 14 49:12 133:22 143:2</p> <p>votes 7:2,21 8:3</p> <p>voting 9:5 36:5 78:9 80:7 129:18 130:10,16,21 131:5,24 132:8,15,18,19, 21 134:2,18,20 135:4,22 136:1,2,6,13,18,20,21 137:9,23 138:5,7,9,10,23 139:12,19 140:5,22</p> <p>VSTL 130:20</p> <p>VSTOP 129:12,17,20 130:1,3,14,19,21 131:8, 21 132:9,10,20,21 134:4 135:7,10 138:20 139:6,9, 16 140:1,7 141:12</p> <p>VSTOP'S 133:16 138:6 139:22 140:3</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>W-2s 70:13</p> <p>W-i-l-l-i-s 47:1</p> <p>Wabash 127:23 128:2</p> <p>wait 95:19</p> <p>waited 144:19</p> <p>waive 93:18 94:14 97:14 101:20 113:5 126:24</p> <p>waived 94:13 111:12,24 127:5</p> <p>waiver 95:17</p> <p>waivers 111:7</p> <p>waiving 94:9 110:12 111:1</p> <p>walk 13:19 19:22</p> <p>wanted 29:12 65:13 80:14 104:5 121:10 137:24</p>	<p>Washington 66:17 150:17</p> <p>water 75:23</p> <p>ways 52:7</p> <p>weaponing 31:3</p> <p>weather 82:2</p> <p>website 33:25 85:12</p> <p>week 18:14 21:6,25</p> <p>weeks 39:6 40:20 117:8</p> <p>West 150:16</p> <p>whatsoever 22:12 23:6</p> <p>Wheeler 39:22</p> <p>White 49:5,16</p> <p>wife 106:13</p> <p>Williams 4:14</p> <p>Willis 46:17,19,22,24 47:13,21 49:17 50:18 52:18,23 53:2,8,15,22 54:2,7,13,18,21 55:1,8, 16,19,20 56:20 57:2 71:6, 22,24 72:19 74:2</p> <p>WILSON 15:25 16:3 18:8 24:14 25:9 28:3 31:9,20 32:5 34:10,14 36:15 37:2 44:1 51:8 54:24 55:3 62:6 65:12 73:3 85:23 86:4 88:2 91:7 92:16 93:24 101:16,24 103:19 106:22 107:5,14 111:19 122:25 138:12 143:16 144:23 145:8 149:2</p> <p>win 44:13 59:4</p> <p>Winchester 28:11,22,25 29:14 30:4</p> <p>window 126:15</p> <p>wins 13:5</p> <p>wishes 136:25</p> <p>withdraw 88:17 89:7 90:13</p> <p>witnesses 47:6,7,10</p> <p>woman 121:7</p> <p>won 61:11</p> <p>word 30:16 79:18</p> <p>words 19:3 51:10</p> <p>work 13:5 67:15,16,18 71:12 81:18 146:25</p>
--	---	---	---

<p>147:22 148:19,20 149:1,16,22</p> <p>worked 29:2 67:23 68:1 147:16</p> <p>worker 66:24</p> <p>working 67:20 115:22 133:17 135:1,6,8</p> <p>world 39:7</p> <p>worried 29:17</p> <p>worry 126:8</p> <p>worst-case 59:9</p> <p>worth 120:25</p> <p>wrap 56:25</p> <p>write 99:17</p> <p>written 6:24 7:16 48:16,17,20,25 80:3</p> <p>wrongdoing 60:8</p> <p>wrote 74:21</p>	
<hr/> <p style="text-align: center;">Y</p> <hr/>	
<p>year 16:5,7,12,24 19:7,8 28:23 30:7 49:25 52:12 67:6 125:16 126:16 147:5</p> <p>year's 41:7 125:10</p> <p>year-end 123:24</p> <p>years 29:3 54:25 67:4,22 99:15 115:12,19 118:1 121:3 144:16</p> <p>yellow 108:16</p> <p>yesterday 84:8</p> <p>yield 143:11</p>	
<hr/> <p style="text-align: center;">Z</p> <hr/>	
<p>Zachary 4:9</p> <p>Zebra 133:4</p> <p>zeroed 125:14</p> <p>zeroes 99:22 100:1</p> <p>zip 55:25</p>	

