

1 IEC MEMBER KLUTZ: Nay.

2 CHAIRMAN BENNETT: Motion carries. Thank
3 you.

4 MS. TAYLOR: Page 53, Shelby for Indiana,
5 Cause No. 2018-6956-106. First violation.
6 Proposed civil penalty of \$1,000.47 and the
7 committee is closed.

8 MR. MELVAN: For the record, Shelby
9 Melvan. I'm going to read a prepared statement.
10 I have a copy here for you.

11 IEC MEMBER OVERHOLT: I'm sorry. Which
12 one is this?

13 MS. TAYLOR: Bottom of 53, top of 52.

14 IEC MEMBER OVERHOLT: Thank you. I
15 apologize.

16 MR. MELVAN: So my name is Shelby.
17 Thanks for letting me speak. I'm from Clayton
18 Indiana. I opened a campaign committee in 2007
19 in considering to run for office in 2018. 2007
20 was not an election year, but I wanted the time
21 to plan and evaluate if I really wanted to run
22 for office.

23 During 2017 after filing my paperwork I
24 experienced a divorce, the loss of three
25 grandparents and lost all my belongings in a

1 fire. It was really rough and I decided not to
2 run. I started my campaign committee without
3 any coordination or help from anyone. I raised
4 no money, no advertisements, didn't create a
5 campaign staff. Since I decided to no longer
6 proceed with running for office, I thought I was
7 done. Having not raised any money, I thought my
8 obligations were complete. However, upon
9 receiving notice in the mail of my missed
10 obligation of paperwork, I completed it
11 immediately and dissolved my campaign. So all
12 my paperwork has been filed.

13 Since I raised no money for my campaign
14 in a non-election year, I hope you'll see to
15 waive or dismiss my fine.

16 CHAIRMAN BENNETT: Any questions from the
17 Commissioners?

18 IEC MEMBER CLAYTOR: I'm sorry, Mr.
19 Chairman. This is probably for counsel or
20 staff, but in this instance this was not an
21 independent so he was not getting signatures, he
22 would have filed and been a primary candidate?

23 MR. MELVAN: I filed for no office
24 specifically. It was just to create a
25 committee, an exploratory committee.

1 CHAIRMAN BENNETT: Does anyone have a
2 motion?

3 IEC MEMBER OVERHOLT: So did he file a
4 CAN-2?

5 MS. TAYLOR: No, he just opened an
6 exploratory committee.

7 IEC MEMBER OVERHOLT: Is this similar to
8 the previous one where he went beyond what he
9 needed to do?

10 IEC MEMBER CLAYTOR: Good question. Mr.
11 Chairman, I'm going to move to dismiss this
12 cause.

13 CHAIRMAN BENNETT: Is there a second?

14 IEC MEMBER OVERHOLT: Second.

15 CHAIRMAN BENNETT: Any discussion?

16 IEC MEMBER KLUTZ: A question for
17 counsel, Mr. Chairman. If no funds were raised,
18 what triggered the reporting requirement?

19 MR. SIMMONS: Again, Commissioner Klutz,
20 I think this is similar to the last one.
21 There's nothing -- I've heard he said he raised
22 or spent no money so there's nothing that
23 triggered the filing -- opening of a committee,
24 but once you open a committee, the reporting
25 requirement becomes automatic. As far as filing

1 a campaign finance report, I don't know if this
2 is annual or --

3 MS. THOMPSON: Annual.

4 MR. SIMMONS: That's the minimum he has
5 to file is an annual report.

6 CHAIRMAN BENNETT: A motion and second to
7 dismiss. Would you be willing to amend your
8 motion?

9 IEC MEMBER CLAYTOR: I'd certainly be
10 willing to.

11 IEC MEMBER OVERHOLT: I'll amend to the
12 second -- I mean I'll second the amendment.

13 CHAIRMAN BENNETT: We have the motion to
14 waive the fine and it has been seconded. Any
15 further discussion?

16 Hearing none, all in favor say aye.

17 All opposed say nay. It is unanimous
18 4-0. The fine is waived.

19 MR. MELVAN: Thank you.

20 MS. MECHLING: This is for everybody
21 because I am very hard of hearing. I do okay on
22 the telephone, but in a big room I sometimes
23 can't hardly carry on a conversation. So I will
24 tell you what is in this package and I don't
25 have to talk because it's all typed down. My

1 name is Deanne Mechling.

2 MS. THOMPSON: Page 68. It's the Monroe
3 County Republic Women, Cause No. 2018-6655-140.
4 They have been before the Commission one other
5 time and they have a proposed civil penalty of
6 \$1,000.50.

7 MS. MECHLING: I'm sorry. I don't know
8 what you said.

9 MS. THOMPSON: I just read your cause.
10 Now you can tell them your name.

11 MS. MECHLING: Deanne Mechling. I
12 haven't been here before so I don't know what
13 I'm supposed to do, but you can tell me. I can
14 just tell you that I brought a copy of
15 everything that I would want to have you know,
16 and that is, of course, you know about the
17 notice that we got, and then I included a copy
18 of our CFA form that I filed on April 20th, but
19 then the next thing down is a page of
20 explanation as to why I didn't file -- I filed
21 that with Monroe County, but I didn't file on
22 purpose with the state because I didn't think I
23 had to. I didn't know that we had been
24 designated as a PAC a few months earlier. We
25 talked about it for a couple years and never did

1 it. So then I didn't know. I missed the fact
2 -- we didn't get a formal announcement or
3 anything and I missed a meeting where it was
4 brought up that we were now going to have to be
5 a PAC. And that was May 2017, and this, of
6 course, didn't get filed until April, but in
7 those few months I didn't hear that so I didn't
8 know we were a PAC, and so I chose No. 1 on this
9 campaign finance manual page 2 where I thought
10 -- I had no thinking we were a PAC because we
11 made, like, three hundred dollars in our budget
12 in the last two years and we were not supporting
13 any candidates except by word of mouth and
14 letting people know what they stood for. So I
15 didn't have any idea that we were a PAC until I
16 looked backwards a few years and then I can see,
17 well, we should be a PAC. But at this time
18 April 20th I didn't know it, and so that's why I
19 put all of this in here was to explain what my
20 thinking was, well, I'm going to file as a
21 regular party person. Then I remembered
22 afterward that a few months before that I had
23 read in the campaign finance manual something
24 about there is a difference between a regular
25 and an auxiliary party, and then after I filed

1 this I got to talking on the phone with one of
2 your staff and I really saw it should have been
3 -- if I wasn't filing as a PAC, then I probably
4 should have filed as an auxiliary party. So I
5 really mixed it up.

6 This is a copy of our bylaws because it
7 shows that we have pulled out of the women's
8 group which is the folks the Monroe County
9 Republican party talk about. So I wanted to
10 come and explain that to you. Two or three
11 people have said, Don't go, Deanne, they just
12 send people away very sad and you're not going
13 to win. Why drive up there. But I said in my
14 heart I think I did the right thing. I was
15 intentionally looking at that one part thinking
16 that's the thing to do, but I didn't ask enough
17 people. One person knew from my group and she
18 told me go ahead and file those papers by April
19 20th, Deanne, but I didn't hear her say with the
20 state, and then when I didn't know I was a PAC,
21 then I had no thinking about the state. Plus
22 since April I've learned a whole lot about all
23 the campaign finance rules, and if I had known
24 all that, I never would have said I'll be the
25 treasurer. That happened because they needed a

1 treasurer back in January.

2 So I've learned a lot. I still have more
3 to learn, but I just wanted to come and let you
4 know that I wasn't just (unintelligible) it. I
5 did it thinking in my heart that that was the
6 right thing to do.

7 One other thing I want you to know is I
8 know that you're allowed to charge me anything
9 from one to a thousand dollars and anything in
10 between, but when it comes to doing that, I hope
11 you can put yourself in my place because if it
12 comes to getting a bill to pay, I'll write a
13 check with our Monroe County Republic Women
14 check to you for whatever it is, but in my other
15 hand I'm going to have a check out of my own
16 account and reimburse the club because it
17 wouldn't be right to make them have to pay for
18 something that I did wrong. I just wanted you
19 to think about that because it's not always easy
20 to get that much extra money around when I'm not
21 the youngest person in this room, but I want you
22 to know that's what happened from us. Thanks
23 for listening.

24 CHAIRMAN BENNETT: Thank you for your
25 very thorough presentation, written and oral.

1 Now we will have discussion. Are there any
2 questions? Is there any question about whether
3 she needed to file these forms?

4 IEC MEMBER KLUTZ: Mr. Chairman, if I
5 could. What triggered this notice, it appears
6 that she filed it with our office, and we said
7 it was late and so we sent her this notice of
8 hearing, but have we determined whether she did
9 in fact even need to file with us?

10 MR. SIMMONS: Commissioner Klutz, Members
11 of the Commission, it's my understanding --

12 IEC MEMBER OVERHOLT: Can we all try to
13 speak up as loudly as possible in deference?

14 MR. SIMMONS: It is my understanding that
15 this committee is an open political action
16 committee; is that correct?

17 MS. MECHLING: Are you talking to me?

18 MS. THOMPSON: Yes, it is.

19 MR. SIMMONS: A political action
20 committee would have to file reports. I guess
21 the question is do they qualify for an exemption
22 for filing because they're an auxiliary party
23 committee. If that were the case, they would
24 never have to open a PAC in the first place. I
25 don't know whether they qualify for that

1 exemption. There's a definition in 3522.5 that
2 defines that particular type of organization,
3 and they have to have a budget under a certain
4 amount and not contribute more than, I think,
5 \$1,000. I don't know if they meet that
6 qualification or whether they should ever have
7 filed a PAC in the first place, but they have
8 filed as a PAC. As a PAC, reports would be due
9 from the PAC.

10 MS. MECHLING: Well, when I did study the
11 file since this has all happened, of course, we
12 can't find the file before 2013, 2014, but in
13 studying what is there from my getting a copy at
14 the Monroe County Election Office, that was
15 2013, '14, '15, '16 and the CFA-4 and I think we
16 probably should be a PAC. I'd have to check on
17 it more thoroughly, but it's just all volunteers
18 and I'm afraid some girls before I came -- and
19 I'm certainly not an expert, but I think that
20 some were having trouble, just like me,
21 wondering where to file and they didn't get
22 expert advice. I was fortunate because I knew
23 to call your office and I've learned.

24 IEC MEMBER KLUTZ: If I could ask you a
25 question.

1 MS. MECHLING: I think we have probably
2 have some correcting to do anyhow.

3 IEC MEMBER KLUTZ: Has your annual budget
4 been less than five thousand dollars in one of
5 the last two years?

6 MS. MECHLING: Have we made less?

7 IEC MEMBER KLUTZ: Yes.

8 MS. MECHLING: Three hundred dollars,
9 four hundred dollars.

10 IEC MEMBER KLUTZ: Have you made any
11 contribution to another candidate or committee
12 in excess of a thousand dollars?

13 MS. MECHLING: No, I'll say not in the
14 last two years, but when I was able to look back
15 three or four years ago, I think we probably
16 did.

17 CHAIRMAN BENNETT: Any further questions
18 or discussion? I'll make a motion to waive the
19 fee under the circumstances. I think that
20 lessons are learned and a lot of effort has gone
21 into the materials that we've gotten. Is there
22 a second?

23 IEC MEMBER CLAYTOR: I'll second.

24 MS. MECHLING: I was going to say we're
25 trying to get more active again because over the

1 past 25 years the same club has been very active
2 and made a lot of money to support the GOP party
3 in Monroe County. So we're trying to get back
4 on that track again so we may make over this
5 requirement next year.

6 CHAIRMAN BENNETT: We have a motion on
7 the table to waive. We have a second. I'm
8 going to call for the motion. I'm going to
9 close the hearing for any further testimony.

10 All in favor of the motion say aye. All
11 opposed say nay.

12 The ayes have it 4-0. It's unanimous.
13 The fine is waived.

14 IEC MEMBER OVERHOLT: You won.

15 MS. MECHLING: Well, thank you.

16 CHAIRMAN BENNETT: You're free to go.

17 MS. THOMPSON: Mr. Chairman, this next
18 one is in your packet. It's marked with a
19 yellow tab. This is Indy Cylinder Head, Cause
20 No. 2018-170, contributed to Freeman for Indiana
21 in the amount of \$5,000. This corporation has
22 never been before the Commission before.
23 Freeman for Indiana refunded \$5,000 back to Indy
24 Cylinder Head. I'm sorry. The proposed civil
25 penalty is three times the amount of the excess

1 contribution.

2 MR. FREEMAN: Commissioners, I'm Aaron
3 Freeman. I am state senator in District 32 in
4 the southeast corner of Marion County. Russell
5 Flagle is with me. A good friend, a great guy
6 and very good member of our community who gave
7 the contribution. Your staff was great to work
8 with. They informed me that I didn't need to be
9 here, but I didn't feel leaving my friend alone
10 with this situation would be good.

11 I think I've tried to live 41 years of
12 life without coming here. I'm here. I don't
13 think our case would be as easy as -- the same
14 resolution as the last three, but we're hoping
15 you will consider waiving the fine.

16 Mr. Flagle gave me a \$5,000 check on
17 December 20, 2017. Mr. Flagle had given to my
18 -- I was on the city council previously. He had
19 given to prior campaigns of mine always with the
20 personal check. When the check was given to my
21 office, it was in a sealed envelope. I never
22 saw the check. The check was deposited by my
23 paralegal. We deposit checks into the computer
24 nowadays. We don't even go to the bank. And it
25 should be noted that the lovely woman -- my

1 paralegal's name is Kristen Bosma. She's new to
2 my office. She was hired in May of 2017. My
3 former paralegal since 2009 had gotten married
4 and went off to -- her husband's in Florida in
5 the Air Force. Brittany would have caught this
6 and saw that it was a corporate check and would
7 have given it back or made me aware of it.

8 Kristen did what she thought was right, put it
9 in the computer, deposited it.

10 Matthew Albrecht is my campaign
11 treasurer. He did the report. When I was made
12 aware of the situation I immediately wrote a
13 check from Freeman for Indiana back to Mr.
14 Flagle and Indy Cylinder Head. You should know
15 he gave me a personal check back. I can assure
16 you lesson learned. Mr. Flagle now knows; I now
17 know. I can assure there is not a check that
18 goes into Freeman for Indiana anymore that I do
19 not personal see, and I will not be back before
20 you. True?

21 MR. FLAGLE: Very true.

22 CHAIRMAN BENNETT: Any questions from the
23 Commissioners?

24 IEC MEMBER KLUTZ: Mr. Chairman. This
25 was first learned when we notified you of the

1 correspondence?

2 MR. FREEMAN: No, we were in session at
3 that time. I should tell you. We were in
4 Florida, I took my family to south Florida. We
5 were in Florida until the start of session. It
6 was Carrie Zaffy who made us aware of it.
7 Carrie is in the room today. Carrie does a lot
8 of fundraising for Senate Republicans. She came
9 to me. I think Matt Albrecht, my campaign
10 treasurer, when he was doing our report had
11 listed it, which he again was required to do,
12 and when that became known, Carrie obviously
13 knew first and then she told me about it. That
14 day I went home, wrote the check back to Mr.
15 Flagle and I took it to his office in Wanamaker
16 that day. The check was written December 20,
17 2017. I was made aware of it on January 18,
18 2018, and I returned a check in \$5,000 to Indy
19 Cylinder Head that day.

20 IEC MEMBER KLUTZ: That's helpful. So
21 that all occurred before we notified you in
22 June?

23 MR. FREEMAN: Correct.

24 IEC MEMBER KLUTZ: So that had all been
25 rectified and then you get our letter?

1 MR. FREEMAN: Michelle is great to work
2 with, by the way. As somebody who hasn't gone
3 through this and doesn't know the process, she
4 was very helpful in understanding what was going
5 on.

6 IEC MEMBER KLUTZ: I guess I'll ask the
7 representative of the corporation. Mr.
8 Chairman, if I may. Have you taken any steps --
9 if your entity continues or has a plan to
10 continue to support candidates financially, have
11 you taken any steps to make sure you're
12 compliant with how you make such contributions?

13 MR. FLAGLE: Well, my personal secretary
14 was notified of what we did. She knew about the
15 whole thing. We traded checks right away when
16 all this happened. I feel confident that
17 between her and myself it'll never happen again.

18 CHAIRMAN BENNETT: Any further questions?
19 Does anyone have a motion?

20 IEC MEMBER CLAYTOR: Mr. Chairman, just a
21 question since I'm an occasional substitute.
22 Have we typically made the 25 percent type
23 reduction, have we typically made that available
24 for corporate issues as well as to candidates
25 and others who have filed?

1 CHAIRMAN BENNETT: My thought is it's
2 available to anyone. I don't know that we've
3 ever had a case where a corporation has taken a
4 deal in my memory, but I think it's available
5 for anyone. I know what the maximum fines are,
6 but was there any fine that was actually sent?

7 MS. THOMPSON: Settlement agreement was
8 sent to them for \$9,000 for the maximum.

9 IEC MEMBER KLUTZ: Mr. Chairman, I'll
10 make a motion. When situations like this have
11 arisen before, we have asked for mitigating
12 factors such as a corporation taking steps to
13 ensure future compliance as well as looking at
14 when the timing of the correction occurred,
15 whether it happened before or after we notified
16 them. It appears that there were corrections
17 taken prior to our letter in June and testimony
18 that they are taking steps to comply with the
19 contribution limitations on corporations.

20 So I would make a motion -- I see those
21 as mitigating factors, and I would make a motion
22 a fine of \$500.

23 CHAIRMAN BENNETT: I'll second the motion
24 for purposes of discussion. Is there any
25 discussion?

1 IEC MEMBER CLAYTOR: Mr. Chairman, I've
2 been thinking about this myself and certainly
3 think a reduction -- the corporate penalties are
4 pretty salty, and something based on the excess
5 contribution and a percentage of that would
6 probably be more than \$500. I don't know if we
7 had -- the excess in this case was \$3,000. If
8 we did -- it wouldn't be too far off. It would
9 be more than \$500 but then \$1,000, something in
10 that neighborhood, to do 25 percent of the
11 excess contribution. I don't know if Mr. Klutz
12 would be willing to consider using the 25
13 percent but basing it on the excess contribution
14 amount.

15 IEC MEMBER KLUTZ: Sure. I want to see a
16 resolution. I don't want a deadlock here. I
17 would revise my motion that the fine be \$750.

18 CHAIRMAN BENNETT: I'll second that
19 motion. Is there any further discussion?

20 All in favor of the pending motion say
21 aye.

22 All opposed say nay.

23 The ayes have it. Motion carries. \$750
24 fine.

25 MR. FREEMAN: Sorry to make your time.

1 MS. TAYLOR: Bottom of page 42. Deanna
2 McMillan, Director of PAC 2016, Cause No.
3 2018-6830-87. It's her second time before the
4 Commission and this report has not been filed.

5 CHAIRMAN BENNETT: State your name,
6 please.

7 MS. MCMILLAN: Dr. Deanna McMillan.

8 CHAIRMAN BENNETT: Do you have a
9 response?

10 MS. MCMILLAN: Yes. I've never been
11 before the Commission before. However, I did
12 pay a penalty of \$50 in regards to this
13 committee. I am an educator at a state
14 institution and I ran for office. I did raise
15 money and spend money in 2016. I was the
16 candidate. I had a treasurer. I live in West
17 Lafayette. I work in Kokomo. My treasurer
18 lives in Indianapolis. She filed on my behalf.
19 It wasn't available to fax. The machine was
20 broken. She filed on my behalf our annual
21 report in 2016. She was in the building.
22 However, she was one minute late and it was
23 stamped at 12:01. So that was the reason for
24 the penalty that I paid. This Cause No. 2018-
25 6830-87 is for failure to do an annual report in

1 2017. I wasn't aware, she wasn't aware that we
2 had to file in 2017. When I spoke to Michelle a
3 few days ago or a week or so ago, she explained
4 to me that there was a box that was supposed to
5 be checked off in 2016, and because that box was
6 not checked off, our committee was not closed
7 and that's why I had to file. The account has
8 no money in it. It was closed. It is my
9 responsibility as the candidate to know and I
10 didn't know that that box needed to be checked
11 off.

12 So I respectfully request that the \$1,000
13 be reduced to \$100. Lesson learned to check
14 over documentation myself. I know I'm
15 responsible for knowing what my treasurer files.
16 She was not aware, and she could not appear
17 today.

18 CHAIRMAN BENNETT: Questions from the
19 Commissioners? I've got a question. The same
20 thing happened in 2016, right? You didn't file
21 an annual report then?

22 MS. MCMILLAN: I did file in 2016, but it
23 was one minute late. She was in the building,
24 but there was a line and it was stamped one
25 minute late. I paid a \$50 penalty. So that was

1 my first.

2 CHAIRMAN BENNETT: Was that the same
3 treasurer?

4 MS. MCMILLAN: Yes.

5 CHAIRMAN BENNETT: She missed it
6 completely in 2017?

7 MS. MCMILLAN: There was no requirement
8 for 2017 if the box had been checked off and the
9 committee had been closed. I was supposed to
10 file 2017 if we knew the committee was open, and
11 I thought it was closed.

12 IEC MEMBER OVERHOLT: May I ask a
13 question? Did you have any balance in your
14 account?

15 MS. MCMILLAN: No.

16 IEC MEMBER OVERHOLT: So it was a zero
17 balance?

18 MS. MCMILLAN: Zero. It was zero
19 balance, and had she checked off the box that
20 she filed in 2016, I wouldn't be here.

21 IEC MEMBER OVERHOLT: I take it from what
22 you were saying were you intending to close the
23 committee in 2016?

24 MS. MCMILLAN: Yes, this is my first time
25 running and this was her first time being

1 treasurer.

2 CHAIRMAN BENNETT: Why has not the
3 committee not been closed yet?

4 MS. MCMILLAN: Because I didn't know that
5 the committee was supposed to be closed until I
6 got this. I can close it now. I didn't know it
7 was still open. I'm asking that the penalty be
8 reduced to \$100 acknowledging my ignorance.

9 CHAIRMAN BENNETT: I'm going to close the
10 testimony hearing portion and ask if there's any
11 motion.

12 IEC MEMBER CLAYTOR: Mr. Chairman, I make
13 a motion that we continue this until the next
14 meeting to allow her to file a 2017 annual
15 report showing the committee is closed and then
16 it would come to this Commission after it's been
17 closed.

18 CHAIRMAN BENNETT: Is there a second for
19 that motion?

20 IEC MEMBER KLUTZ: Second.

21 CHAIRMAN BENNETT: Motion seconded. Is
22 there any discussion?

23 Hearing none, all in favor say aye.

24 All opposed say no.

25 Motion carries. The hearing is

1 continued.

2 MS. MCMILLAN: Thank you.

3 MS. THOMPSON: Mr. Chairman, this is on
4 page 41. Democratic Women of Hamilton County,
5 Cause No. 2018-6792-84. Has never been before
6 the Commission before. Has a civil penalty of
7 \$100.47. This committee is closed.

8 CHAIRMAN BENNETT: State your name,
9 please.

10 MS. FOSTER: My name is Anna Foster. I'm
11 here to read a statement on behalf of Brittany
12 Solis who is not available to be here at this
13 meeting today.

14 Dear Commissioners, in the fall of 2017
15 the Democratic Women of Hamilton County decided
16 to terminate their committee and agreed to
17 contribute their remaining balance of \$698.32 to
18 the Indiana Federation of Democratic Women PAC.
19 Around the same time the treasurer of the
20 Democratic Women of Hamilton County, Sonya
21 Wendel, became gravely ill and went into hospice
22 care. A few days before the 2017 annual reports
23 were due to the Indiana Election Division I
24 noticed that the Hamilton County organization
25 had not yet filed their report. I reached out

1 to Sonya and spoke with her daughter, as Sonya
2 was unable to speak on the phone due to her
3 condition. Her daughter said that Sonya, the
4 treasurer, completed the committee's annual
5 report in November after contributing the
6 remaining balance to the state-wide organization
7 and mailed it to the Election Division.

8 The Indiana Election Division never
9 received the mailing. Due to the treasurer's
10 illness, I helped to create the termination
11 report and filed it with the Election Division
12 as soon as I had all the requisition information
13 for the filing. Unfortunately, it was two days
14 late. Sonya Wendel passed away a short time
15 later.

16 Given the very unfortunate circumstance
17 regarding the treasurer's illness, the
18 Democratic Women of Hamilton County are asking
19 that the Commission forgive the fine on this
20 report. The committee has filed a termination
21 report accepted by the Indiana Election Division
22 and had an ending balance of \$100.

23 Respectfully, Brittany Solis, Treasurer of
24 the Indiana Federation of Democratic Women.

25 CHAIRMAN BENNETT: So there is a balance

1 of \$100 left in the account?

2 MS. FOSTER: They filed a termination
3 report. It is closed. When they filed that,
4 there was zero balance.

5 CHAIRMAN BENNETT: Any questions?

6 IEC MEMBER CLAYTOR: Mr. Chairman, in
7 light of the circumstances, I move we waive this
8 penalty.

9 CHAIRMAN BENNETT: Is there a second?

10 IEC MEMBER OVERHOLT: Second.

11 CHAIRMAN BENNETT: Any discussion? What
12 circumstances do you see that would support a
13 waiver?

14 IEC MEMBER CLAYTOR: Just in light of the
15 fact that the entity is closed, does not have a
16 balance and the unfortunate circumstances in
17 trying to get their 2017 annual report together.
18 More a hardship argument.

19 CHAIRMAN BENNETT: I'm just wondering if
20 we're creating a precedent here where any
21 campaign that is closed, is that grounds alone
22 to waive the fee?

23 IEC MEMBER CLAYTOR: I don't think in any
24 circumstance -- certainly there are a lot of
25 circumstances where our rules are somewhat tight

1 and sometimes people stumble over those and have
2 an inability to make those right. I just felt
3 this was a hardship case that may warrant that.

4 IEC MEMBER OVERHOLT: I would add to that
5 the circumstances of the treasurer, who it
6 appears had been making timely reports, entering
7 hospice shortly before this deadline. The
8 impression is that people scrambled and actually
9 tried to get something filed. This isn't the
10 normal story we hear about why people miss a
11 deadline, but it seems that the person who had
12 been making the reports and was normally capable
13 of doing so and had the knowledge was in hospice
14 and unable to do so and then appears to have
15 passed away about the same time.

16 CHAIRMAN BENNETT: We'll call the
17 question. All in favor of the pending motion
18 say aye.

19 All opposed say nay.

20 Motion carries. The fine is waived.

21 MS. FOSTER: Thank you. Would you like
22 me to submit this for the record?

23 CHAIRMAN BENNETT: Yes, please.
24
25

1 MS. THOMPSON: Edwards for State
2 Representative Committee, 2018-7153-15. He's
3 never been before the Commission before and has
4 -- I'm sorry. We'll do the first one first.
5 Has never been before the Commission before.
6 Has a civil penalty of \$550.50. That's the
7 first one. The first one is on page 1 and the
8 second one is on page 74. Do you want to do
9 these one at a time?

10 CHAIRMAN BENNETT: Let me find this one
11 on page 74. Can the staff explain the
12 difference between these two?

13 MS. THOMPSON: The first one was for his
14 Statement of Organization being late, and then
15 the second one was because his pre-primary
16 report was late.

17 CHAIRMAN BENNETT: Let's discuss the
18 first one, the Statement of Organization.

19 MR. EDWARDS: First of all, my name is
20 Sylvester Edwards. I also go by Coach. That's
21 what I filed under, Sylvester Coach Edwards.

22 CHAIRMAN BENNETT: What can you tell us
23 about this status of organization report?

24 MR. EDWARDS: First of all, I applied on
25 the deadline, about 15 minutes before the

1 deadline was going to cut off. What's happening
2 in our area in Terre Haute, we have only had 13
3 percent of the voters come out to vote, and part
4 of my job in the community was to get out the
5 vote. I'm also a part of an executive board of
6 the League of Women Voters there in Terre Haute.
7 They also had aligned with the Greater Terre
8 Haute NAACP branch. I'm the branch president.

9 At the time that I filed I had to go ahead
10 and resign for my position. Well, I didn't know
11 that all this stuff -- this is the first time
12 ever running for office. What I was doing is
13 trying to do a civic engagement, get the people
14 in the community involved in voting. At the
15 time of the last election in 2016 only 16
16 percent of the voters actually came out. I
17 think I had something to do with getting the
18 voters out there. There was 38 percent this
19 time of the people came out. So, yes, I missed
20 the deadline. I am ignorant to the fact of what
21 was going on in the community. I had piles and
22 piles of paper that was on my couch. When all
23 the PACs and everybody's contacting you trying
24 to get you to do this, that and the other. I
25 did not create a bank account as far as

1 financial committee. I was my own committee.
2 No one helped me out as far as running for
3 office.

4 So what happened is there was a lot of
5 interest. There was television and also the
6 written media, and that spurred more people into
7 coming out to vote.

8 I know that I made mistakes that I didn't
9 file when I was supposed to and I did not have a
10 financial report. All the paper was stacked up
11 on my couch, as I was saying. And that was the
12 reason that I was late in doing this, that and
13 the other.

14 CHAIRMAN BENNETT: Did you talk with the
15 Indiana Election Division staff to try to get
16 help and figure out what the deadlines were?

17 MR. EDWARDS: Once I got the paperwork, I
18 did make a few phone calls to find out what's
19 going on, but to your question, during that
20 period of time, no. I only contacted people
21 when I got the notice.

22 IEC MEMBER OVERHOLT: Did you raise any
23 money?

24 MR. EDWARDS: No, ma'am.

25 IEC MEMBER KLUTZ: Is the committee still

1 open?

2 MR. EDWARDS: I do not know about the
3 committee being open. Like I said, I was the
4 committee. Kind of strange. All these
5 different non-profit organizations that I'm on
6 their boards and things, not one person
7 volunteered to help me. Like I said, I was
8 trying to get people to come out to vote. I
9 know Indiana last year -- the last time I think
10 2016 we were 50th in the nation getting out the
11 vote as far as voters. Like I said, part of our
12 creed as far as NAACP and also League of Women
13 Voters is get people out. That's why I was
14 running.

15 CHAIRMAN BENNETT: What can you tell us
16 about the other violation, the pre-primary
17 report?

18 MR. EDWARDS: I neglected to see those in
19 the pile of papers too. I went back through the
20 papers and I saw it, and as soon as I did see it
21 -- I didn't see it until my notice came, and
22 that's when I called to the Commission.

23 CHAIRMAN BENNETT: Why didn't you take
24 the deal at the front end of this proceeding?

25 MR. EDWARDS: Because I wanted to explain

1 myself.

2 CHAIRMAN BENNETT: Any other questions
3 from the Commissioners?

4 IEC MEMBER CLAYTOR: Just a quick
5 statement. Your committee is still open. Even
6 though you do not have any money, if you don't
7 file the next report, you will have another
8 penalty.

9 MR. EDWARDS: How do I go about closing
10 the committee?

11 IEC MEMBER CLAYTOR: You need to file a
12 statement. The young ladies there will help you
13 out.

14 MR. EDWARDS: Okay, thanks.

15 CHAIRMAN BENNETT: Is there a motion with
16 respect to the two pending issues?

17 IEC MEMBER CLAYTOR: Mr. Chairman, I
18 sympathize, but the gentleman did not accept our
19 offer to begin with, and this is a matter of
20 just neglecting to file the paperwork. I would
21 make a motion that we assess a 50 percent
22 penalty on both causes.

23 MR. EDWARDS: Sir, 50 percent. There's a
24 lot of people getting 25 percent. I'm throwing
25 myself at the mercy of the Commission. I do not