

1 have the money. I work part-time and I'm
2 retired.

3 IEC MEMBER KLUTZ: Mr. Chairman, if I
4 may, it seems to me the difference here, though,
5 is the reason for not complying isn't a hardship
6 or any other explanation other than they were
7 sitting in a stack of papers and no one was
8 helping you. That again is the exact purpose of
9 the settlement offer that's offered at the
10 beginning of these hearings.

11 CHAIRMAN BENNETT: I'm going to move to
12 second the pending motion. Is there any further
13 discussion? The hearing is closed for
14 testimony.

15 IEC MEMBER OVERHOLT: Sorry. Apologize.

16 CHAIRMAN BENNETT: Unless you had a
17 question.

18 IEC MEMBER OVERHOLT: It's not a question
19 for Mr. Edwards. I'm wondering how this differs
20 from the prior matter where -- this is in the
21 Deanna McMillan, page 42, where we asked her --
22 we continued it and asked her to close her
23 committee and return and we would address it
24 then. I'm not quite sure what the distinction
25 would be between these two cases.

1 IEC MEMBER CLAYTOR: That's a good point
2 because he --

3 IEC MEMBER OVERHOLT: Tried to be
4 consistent.

5 IEC MEMBER CLAYTOR: Right. That's a
6 very point. To have him close it and come back.

7 IEC MEMBER OVERHOLT: And she had a prior
8 penalty. These are two kind of contemporaneous
9 issues. She actually had a prior.

10 IEC MEMBER CLAYTOR: And was an unclosed
11 committee.

12 CHAIRMAN BENNETT: Did she have any
13 hardship?

14 IEC MEMBER OVERHOLT: She talked about
15 not checking the box on the form.

16 MR. CLAYTOR: Her treasurer did not know
17 and she did not know. It is a very, very
18 similar situation. Mr. Chairman, I'm willing to
19 withdraw my motion.

20 CHAIRMAN BENNETT: Procedurally for
21 withdrawal of a motion? Are you asking to
22 withdraw your motion?

23 IEC MEMBER CLAYTOR: I am asking to
24 withdraw my motion.

25 CHAIRMAN BENNETT: Motion is withdrawn.

1 Is there another motion?

2 IEC MEMBER CLAYTOR: Mr. Chairman, being
3 consistent with the prior matter, I would move
4 that we direct Mr. Edwards to get his account
5 closed and continue this matter to the next
6 finance meeting of the Commission and deal with
7 it then.

8 CHAIRMAN BENNETT: Is there a second to
9 that motion?

10 IEC MEMBER OVERHOLT: Second.

11 CHAIRMAN BENNETT: Any discussion?

12 Hearing none, all in favor say aye.

13 All opposed say nay.

14 Motion carries. This matter is continued
15 pending the next meeting.

16 MR. EDWARDS: Do I get the papers now or
17 will they be sending them to me to close my
18 account?

19 MS. TAYLOR: I'll mail it to you.

20 MR. EDWARDS: Thank you.

21 MS. THOMPSON: Mr. Chairman, this is on
22 page 35. Committee to Elect Ryan David State
23 Representative District 32, Cause No.
24 2018-6698-71. Has never been before the
25 Commission before. Has a civil penalty of

1 \$800.47.

2 CHAIRMAN BENNETT: State your name for
3 the record, please, and then tell us about your
4 case.

5 MR. DAVIS: So my name is Ryan Davis. I
6 was a first-time candidate in 2016 running for
7 state representative in District 32. I got all
8 my paperwork filed like I was supposed to, had
9 my reports filed on time. I had a gentleman
10 that was helping me with doing all that filing
11 because I was not very inept to file online. It
12 was a very confusing process. That gentleman
13 had told me that he had worked for numerous
14 campaigns from state to federal, had filed a lot
15 of different campaign reports for various
16 candidates, and that he had an MBA degree and
17 all of this. Well, come to find out, he worked
18 for several candidates, and my last annual
19 report for 2017 did not get filed, and he was
20 doing all the filing for me and some other
21 people, and I was under the impression it had
22 been filed and it had been disbanded, and when I
23 got the notice in the mail, it was after
24 everything was already done I realized it hadn't
25 been closed out. So I got the account closed.

1 In the meantime, I found out the gentleman
2 that was assisting me with that has two pending
3 felony cases in Indiana and Ohio for fraud out
4 of Delaware County and Montgomery County where
5 he stole, I think it was, like \$17,000 from a
6 candidate. Luckily for me, I never gave him
7 access to the bank account, but he was doing the
8 filing for me. Like I said, as soon as I found
9 out that this hadn't been taken care of, I
10 immediately got in there got it disbanded, and
11 I'm just asking for a waiver of this penalty in
12 light of the circumstances.

13 MS. THOMPSON: Mr. Chairman, we didn't
14 note here, but this committee is closed.

15 MR. DAVIS: And I do have copies of his
16 pending felony charges as well for Indiana and
17 Ohio.

18 CHAIRMAN BENNETT: Any questions or do we
19 have a motion? Can we have your papers?

20 IEC MEMBER KLUTZ: Mr. Chairman, if I
21 could ask a question. Did you raise money
22 during the campaign?

23 MR. DAVIS: I only accepted two checks,
24 and I believe they were both under a hundred
25 dollars. In total there was, I think, less than

1 seven hundred, and most of that was from
2 personal funds.

3 CHAIRMAN BENNETT: Any questions or
4 motion?

5 IEC MEMBER CLAYTOR: Why didn't you take
6 the 25 percent?

7 MR. DAVIS: Again, I had put my trust in
8 somebody to take care of this for me that was
9 knowledgeable in the matter, and normally you
10 can count on people to do something like that.
11 If that's what you're consulting with somebody
12 to do and then they don't do it and they kind of
13 bale out on you. That's kind of what happened.
14 In the middle of the night he was gone and all
15 of these candidates and non-profit organizations
16 were left. Like I said, I was very fortunate
17 because I didn't lose any money from it, but I
18 obviously have the penalty facing me for not
19 having the paperwork filed. I've learned to
20 make sure that I need to watch paperwork closer
21 in the future.

22 CHAIRMAN BENNETT: How much time elapsed
23 during the time that person left and you
24 discovered that the paperwork had not been
25 timely filed?

1 MR. DAVIS: I think I ended up filing --
2 I filed on February 1st.

3 MS. THOMPSON: Filed February 1st and the
4 due date was January 17th.

5 MR. DAVIS: About two weeks. I had
6 thought when that last report was supposed to be
7 filed -- so that would have been December. I
8 thought it had already been filed and disbanded,
9 and when I got the notice from the state that it
10 hadn't been disbanded, I had a penalty and
11 everything. Then I took care of getting it
12 closed out.

13 CHAIRMAN BENNETT: So you didn't check to
14 see whether it had been filed and disbanded
15 until you heard from the state?

16 MR. DAVIS: Right, because he had told me
17 that he had done that so I assumed it was. I
18 know it's going to be a lot of he said/he said.
19 I put my trust and faith in him that he had done
20 what he said because consistently every other
21 report had been filed and filed on time.

22 IEC MEMBER KLUTZ: Did you pay him as a
23 consultant?

24 MR. DAVIS: No.

25 CHAIRMAN BENNETT: Do we have a motion?

1 I'll move to waive the fine because the
2 committee's closed and there's no money in it
3 and there was apparently some almost criminal
4 activity involved in the people that were
5 working on it.

6 IEC MEMBER KLUTZ: Second.

7 CHAIRMAN BENNETT: Discussion?

8 IEC MEMBER CLAYTOR: I think you're
9 becoming a softie, Mr. Chairman. You might have
10 to join our party.

11 I keep coming back to I want to encourage
12 people to take the settlement agreements when
13 they can. In this kind of assistance I
14 understand your reasoning.

15 CHAIRMAN BENNETT: I could withdraw my
16 motion.

17 IEC MEMBER CLAYTOR: No, I'm happy. I
18 didn't mean to insult you.

19 CHAIRMAN BENNETT: All in favor say aye.
20 All opposed say nay.

21 Motion carried.

22 MR. DAVIS: Thank you. I appreciate your
23 time.

24

25

1 MS. TAYLOR: The first one is on page 18.
2 Ethnic Republican Council, Cause No. 2018-
3 5546-41. This is for the 2017 annual report and
4 it has not been filed. Do you want to do them
5 both?

6 CHAIRMAN BENNETT: What were the page
7 numbers again?

8 MS. TAYLOR: The first one is on page 18
9 and the second one is on page 66. The cause
10 number for that is 2017-5546-134. This is the
11 2018 pre-primary report and it has not been
12 filed. They've been before the board 13 other
13 times. This is the second time you've been
14 here, the treasurer before you.

15 CHAIRMAN BENNETT: Would you state your
16 name, please.

17 MR. NEAL: Elijah Neal, Jr.

18 CHAIRMAN BENNETT: What would you like us
19 to know about this situation?

20 MR. NEAL: It wasn't until I walked in
21 today I didn't know we still existed. For the
22 pre-primary report that was due this year, I
23 wouldn't have filed it because I thought we were
24 closed. For the 2017 I guess that would be the
25 annual for '16.

1 MS. TAYLOR: You filed the annual for
2 '16. That was the last one you filed.

3 MR. NEAL: The annual '17, that takes
4 care of the year for '16, right?

5 MS. TAYLOR: You took care of '16.

6 MR. NEAL: Then I guess it would be the
7 same explanation. After the election in '16 it
8 was my understanding we no longer existed. I
9 guess I wouldn't have filed it because I thought
10 we didn't exist, and I didn't know if there was
11 paperwork that needed to be filed to close out
12 the PAC or not. I was just the treasurer. I
13 was doing reports one or two three times a year.
14 Had no idea we still existed until I walked into
15 the room. Anything after the election of '16
16 that wasn't filed I wouldn't have filed because
17 I thought we didn't exist.

18 CHAIRMAN BENNETT: Doesn't the treasurer
19 have a duty to know whether the organization
20 exists or not?

21 MR. NEAL: That's what I'm saying. We
22 had decided to disband. Now, if it was my
23 responsibility to file a paper or something,
24 I'll take responsibility for that, but to say
25 that we're closed. I'll take responsibility for

1 that, but as far as I understood, I thought we
2 were closed. That's why I did not file a
3 report.

4 IEC MEMBER OVERHOLT: Is there any money
5 in the account?

6 MR. NEAL: There should be nothing now.
7 If I give you a report now, it would be all
8 zeros on it. I can give you a report with all
9 zeros on it if that's a necessity, but as far as
10 I'm concerned, we've been closed since the end
11 of '16. I guess there's a technicality. We
12 have to do a closing that I wasn't aware of.

13 CHAIRMAN BENNETT: It matters what the
14 reality is.

15 MR. NEAL: Right, that's what I'm saying,
16 that's exactly what I'm saying.

17 IEC MEMBER OVERHOLT: We're looking at
18 the 2016 annual report that does show a
19 \$1,700.34 balance at the end of 2016. My
20 understanding is -- so the account couldn't have
21 been closed with that because there's a balance.

22 IEC MEMBER KLUTZ: So your report for '17
23 couldn't all be zeros. It would have to show
24 how that seventeen hundred went out.

25 MR. NEAL: Like I said, I only found out

1 about this meeting because the notice didn't
2 come to my house. I was told, hey, I'm going to
3 be out of town. Could you show up today? If
4 anything, could I ask for a continuance to
5 figure out what's going on? I really thought
6 we didn't exist anymore. That's just being
7 honest.

8 IEC MEMBER OVERHOLT: My suggestion is
9 going to be get the reports filed, get the
10 committee closed and then we can continue it.

11 CHAIRMAN BENNETT: I'll move for a
12 continuance.

13 IEC MEMBER KLUTZ: Second.

14 CHAIRMAN BENNETT: Motion and second.
15 All in favor say aye.

16 All opposed say nay.

17 The ayes have it. This hearing is
18 continued.

19 MR. NEAL: May I ask you one question?

20 MS. TAYLOR: See us on Monday.

21 CHAIRMAN BENNETT: We want you to be
22 fully prepared next time.

23 MR. NEAL: Thank you. I appreciate it.

24

25

1 MS. THOMPSON: This is on page 54. This
2 is Trent McCain Exploratory Committee, Cause No.
3 2018-6983-109. He's never been before the
4 Commission before. He has a proposed civil
5 penalty of \$1,000.47 and the committee is
6 closed.

7 MR. McCAIN: Good afternoon,
8 Commissioners. Again, my name is Trent McCain.
9 I was considering seeking office in June of 2017
10 for the 2018 election. I thought about it long
11 and hard and decided that I could not be away
12 from my three small children that much. So I
13 decided to not explore candidacy see anymore. I
14 opened up an account in June of 2017 with \$20.
15 I never raised any money or took any
16 contributions from anyone. The account went
17 negative in September 2017 with an ongoing
18 payment to Google for my e-mail. In October of
19 2017 it was charged off. I did not file the
20 2017 annual report on time, and as a lawyer, I
21 should know better. I apologize to the
22 Commission for doing that. On May 1, 2018, I
23 filed my final disband CFA-4 and I also
24 reimbursed Centier Bank for \$10.51 charge-off.
25 So I'm asking the Commission to kindly

1 and respectfully waive the \$1,000 penalty.

2 CHAIRMAN BENNETT: Any questions?

3 Motion?

4 IEC MEMBER KLUTZ: Mr. Chairman, my
5 recollection is in situations where there is no
6 money raised, the committee has been closed, and
7 here we have an additional fact, I think, that
8 the individual didn't even run for office. You
9 never declared as a candidate; is that correct?

10 MR. McCAIN: No, sir, I did not.

11 IEC MEMBER KLUTZ: Under those
12 circumstances we've dismissed or reduced the
13 charge to zero. I would make that motion.

14 CHAIRMAN BENNETT: Is there a second?

15 IEC MEMBER CLAYTOR: Second.

16 CHAIRMAN BENNETT: Any discussion? All
17 in favor say aye.

18 All opposed say nay.

19 The ayes have it. The motion carries.

20 We waived the penalty.

21 MR. McCAIN: Thank you very much.

22 MS. THOMPSON: Mr. Chairman, this is on
23 the bottom of page 73. Committee to Elect Ragen
24 Hatcher, Cause No. 2018-7150-150. Has never
25 been before the Commission before. Has a

1 proposed civil penalty of \$650.50.

2 CHAIRMAN BENNETT: Would you state your
3 name, please?

4 MS. HATCHER: Ragen Hatcher.

5 CHAIRMAN BENNETT: You may proceed.

6 MS. HATCHER: Thank you. In May of this
7 year I ran for State Representative District 3
8 in Gary. Was successful. However, during the
9 April requirement to submit my report -- let me
10 back up a little bit. Since 2007 I've been
11 involved in Gary politics. I was on the city
12 council from '07 to '11 and I got back on in
13 2015 after running for mayor unsuccessfully in
14 2011. However, during all those periods I had
15 an open campaign organization where I would file
16 my reports in Lake County at the election board
17 there. So this instance when I ran for state
18 representative -- and I'm the second lawyer who
19 has come up here without reading the fine print.
20 I filed my campaign report again in Lake County.
21 I got a call a couple weeks later saying, hey,
22 we don't have your campaign report, and so I
23 submitted my stamped campaign report that was
24 stamped before the deadline, however, in Lake
25 County. So I did submit that later.

1 I'm just asking the Commission for a waiver of
2 the fine. It was filed technically on time.
3 Just in the wrong location.

4 CHAIRMAN BENNETT: Why didn't you take
5 the 25 percent deal?

6 MS. HATCHER: Because I felt that because
7 of the circumstances, especially since it was
8 filed timely -- and I'm not shifting blame here,
9 but I did specifically ask the clerk at the Lake
10 County election board office if this was the
11 appropriate place to file, and she said yes. So
12 that's how it got stamped. That's how it got
13 sent down the line. So I didn't really have any
14 idea until I got a call from someone here in
15 Indy saying, hey, Ragen, where is your report?
16 I wanted to make a donation to your campaign.
17 Actually it was Cherrish Pryor who was a state
18 representative here from Indy. I wanted to make
19 a donation to your campaign, but I don't see
20 your report on file. That was kind of my first
21 notification. So after that I took what I had,
22 file-stamped and filed it here in Indianapolis.
23 So that was long before I -- and I don't know
24 exactly what that date was, but it was long
25 before I received a notification from the office

1 here.

2 CHAIRMAN BENNETT: Any other questions?

3 IEC MEMBER OVERHOLT: I might. We're
4 looking the statute.

5 IEC MEMBER KLUTZ: Did you have
6 Republican primary opposition?

7 MS. HATCHER: Yes, it was a pretty heated
8 election in Gary. I'm glad it's over. I'm
9 happy to not have to run.

10 IEC MEMBER OVERHOLT: We thought there
11 was something that actually specifically stated
12 that the document made it very clear that they
13 had to be filed with the Election Division and
14 could not be filed with a county office, but
15 that's not actually what either of these
16 statutes say. They aren't that clear. We're
17 looking at 3-9-5-3.

18 CHAIRMAN BENNETT: You agree with --

19 MR. SIMMONS: 3-9-5-3 is the applicable
20 statute, right. It requires filing with the
21 Election Division.

22 IEC MEMBER OVERHOLT: It does say they
23 shall file with the Election Division.

24 CHAIRMAN BENNETT: I'm going to move that
25 the fine be reduced but not waived. This is a

1 successful candidate who is a lawyer,
2 experienced in political matters. You did what
3 you were used to by filing in the county, but
4 when you're running in a state-wide race you
5 need to know what the rules are.

6 MS. HATCHER: And if I could just say one
7 other thing. I did not consider it a state-wide
8 race because I was only running in my district.
9 Even though I was aware that running for a seat
10 like governor or treasurer or something like
11 that will require filing in Indy, I assumed --
12 and, of course, it was my fault for assuming
13 that because it was a district race still in
14 Lake County I would still file at Lake County.

15 CHAIRMAN BENNETT: I would move for 50
16 percent reduction of the fine.

17 MS. HATCHER: Can I just respectfully
18 request a reduction to 25 percent only because
19 since it was not a Republican/Democrat November
20 race, the money raised was not sufficient and at
21 this point I do not even have \$650 in my
22 account.

23 CHAIRMAN BENNETT: Is there a second for
24 my motion?

25 IEC MEMBER KLUTZ: I'll second.

1 CHAIRMAN BENNETT: Motion and second.

2 Any discussion?

3 All in favor say aye.

4 All opposed say nay.

5 The ayes have it. Most carries. 50
6 percent reduction.

7 MS. HATCHER: Thank you.

8 MS. THOMPSON: Page 56. Action West
9 Lafayette, Cause No. 2018-7016-113. This is the
10 first time before the Commission and proposed
11 civil penalty of \$1,000.47.

12 MR. HICKMAN: My name is Louis Hickman.
13 I'm the treasurer of Action West Lafayette.
14 We're a local committee just seeking to
15 influence local elections. While I've learned
16 since receiving notice of this proposed penalty
17 and through the first two hearings today that,
18 of course, I was ambitious in forming the PAC
19 because I formed the PAC prior to ever receiving
20 contributions in excess of \$100, meaning we were
21 not defined as a PAC according to Indiana law.
22 I should not have ever filed to create the PAC,
23 but then I found it awkward to request donations
24 to a PAC that did not yet exist. So found it
25 prudent to create the PAC.

1 Then because I'm not a lawyer to
2 interpret financial law of the State of Indiana,
3 I relied on the campaign finance manual that the
4 State of Indiana produces. I was originally
5 using the 2016 one because we filed to create
6 the PAC last fall. According to my reading of
7 the finance manual, which I have read now these
8 passages dozens of times following the proposed
9 penalty, which I'm happy to read to the
10 Commission here. I should not have, according
11 to these rules, should not filed an annual
12 report, even though my understanding now is that
13 any existing political action committee should
14 file an annual report regardless of financial or
15 political activity.

16 So on page 32 of the Campaign Finance
17 Manual under subheading CFA-4, Report of
18 Receipts and Expenditures of a Political
19 Committee. It states, "Generally speaking, a
20 political action committee treasurer must file
21 three receipts and expenditures reports
22 (pre-primary, pre-election and annual) for every
23 calendar year in which the political action
24 committee makes a contribution or expenditure to
25 influence an Indiana election."

1 We made no contributions or expenditures
2 to influence an Indiana election so I originally
3 did not think that we needed to file any annual
4 report. Then it goes on to note "If a political
5 action committee hasn't received or made
6 contributions or expenditures before a primary,
7 general or municipal election, the political
8 action committee must file a report stating that
9 none have been made," which does not refer in
10 this note to the annual report. So that's why I
11 didn't file an annual report. By the time I
12 found out that we needed to file, the proposed
13 penalty was \$1,000 and I filed as soon as I
14 found out.

15 IEC MEMBER OVERHOLT: Ask a question, Mr.
16 Chairman.

17 CHAIRMAN BENNETT: Yes.

18 IEC MEMBER OVERHOLT: So I take it from
19 your testimony your PAC wasn't supporting any
20 state candidates?

21 MR. HICKMAN: No, we had just formed and
22 were just creating a plan, just a few people
23 working together.

24 IEC MEMBER OVERHOLT: So am I correct in
25 thinking if they weren't supporting any state

1 candidates that they didn't have to file?

2 MR. KOICHEVAR: Political action
3 committees that propose to influence a state-
4 wide or state legislative race or a state-wide
5 public question have to file with the Indiana
6 Election Division. All other political action
7 committees would have to file with the relevant
8 county election board for the election that will
9 appear on their ballot. But I would reiterate
10 again, as in other cases that we've taken up,
11 that once a person or an entity does file the
12 CFA-2 to create the committee with the Election
13 Division, they're obligated under the Campaign
14 Finance Act to make the required reports under
15 law.

16 IEC MEMBER OVERHOLT: Thank you.

17 MR. HICKMAN: My understanding now is
18 that that's how the law reads so what I don't
19 understand is why the Campaign Finance Manual
20 muddies this issue. I would be happy to help
21 with remedying this to make it clear. Basically
22 you should always file the reports as long as a
23 committee is not disbanded. It does not make
24 sense to me to say "general speaking, when it
25 has made contributions and expenditures it must"

1 regardless of whether it has made contributions
2 or expenditures.

3 CHAIRMAN BENNETT: So why didn't you take
4 the 25 percent?

5 MR. HICKMAN: I'm requesting the waiver
6 or the dismissal because my reading of the
7 Campaign Finance Manual is that either we should
8 not have filed or that we should have not been
9 assessed the penalty, but it seems the Campaign
10 Finance Manual either is unclear and
11 misrepresents what actual law is or that it's
12 following law and the law doesn't require us to.
13 So that's why I assumed that by looking at this
14 Campaign Finance Manual that it would be clear,
15 but it's not clear what the manual says.

16 CHAIRMAN BENNETT: Do you have any
17 opinions on that, Mr. Simmons, about the
18 Campaign Finance Manual versus Indiana law?

19 MR. SIMMONS: No, Indiana law is clear.
20 It's been recited by Mr. Kochevar.

21 CHAIRMAN BENNETT: Questions.

22 MR. KLUTZ: What has your fundraising
23 activity for this PAC been like?

24 MR. HICKMAN: Prior to the annual report
25 we had not received any money above \$100. We're

1 still under \$100. So even though we had planned
2 to then influence elections or issues, we should
3 never have organized the committee because we
4 hadn't even received \$100 yet. Now I think
5 we're around \$700 in funds.

6 IEC MEMBER CLAYTOR: But you had received
7 contributions?

8 MR. HICKMAN: I do have three copies of
9 this. It states "Every calendar year in which
10 the political action committee makes a
11 contribution or expenditure." So it does not
12 say anything about receiving contributions.
13 Since the contribution was less than \$100, we
14 never should have organized in the first place
15 and we would have saved all of our time,
16 including the Commission's.

17 IEC MEMBER CLAYTOR: Do you intend to
18 remain as an open state PAC?

19 MR. HICKMAN: Yes. Do you have advice
20 for making a --

21 IEC MEMBER CLAYTOR: I really don't.

22 CHAIRMAN BENNETT: Motions?

23 IEC MEMBER OVERHOLT: So this is an
24 ongoing PAC? You aren't --

25 MR. HICKMAN: Right, the annual report

1 was apparently the first that we were required
2 to file by law. We were unaware because we were
3 following the wording in the --

4 IEC MEMBER MS. OVERHOLT: Right, I get
5 all that, but my point is you're not planning to
6 close the PAC?

7 MR. HICKMAN: Right, but I would
8 appreciate the Commission's pity, as they've
9 shown on so many people here today, because we
10 are not by any means a large PAC.

11 CHAIRMAN BENNETT: I think the law is
12 clear on this. These are sophisticated matters
13 when you get involved with PACs and election
14 laws. You seem to be an intelligent, educated
15 person. It's hard for me to say that the law is
16 not clear on this. It seems to be the kind of
17 case where for a first mistake that a 25 percent
18 deal would be appropriate. Given the sincerity
19 of your presentation, I'm prepared to move to
20 allow you to have the 25 percent deal, even
21 though you didn't take it. That would be my
22 motion.

23 IEC MEMBER CLAYTOR: I'll second.

24 CHAIRMAN BENNETT: Have a motion and a
25 second. Any discussion?

1 All in favor say aye.

2 All opposed say nay.

3 The ayes have it. Fine reduced to 25
4 percent.

5 MR. HICKMAN: Thank you all for your
6 time. Appreciate it.

7 MS. THOMPSON: Mr. Chairman, this is your
8 little yellow tab. This is Patoka Lake Marina
9 and Lodging. This is Cause No. 2018-171,
10 contributed to Aaron Houchens in the amount of
11 \$2,500. This corporation has never been before
12 the Commission. Friends of Aaron Houchens
13 refunded \$500 to Patoka Lake Marina. The amount
14 of proposed civil penalty is three times the
15 excess.

16 MR. BARTELS: My name is Steve Bartels.
17 I'm the secretary/treasurer of the corporation.
18 Kind of stated in there what happened.
19 Basically we were asked to contribute. We got
20 involved in the political arena. Was not really
21 aware. The campaign actually recognized after
22 the deposit that there was a mistake. They
23 reimbursed \$500, told us what the issue is.
24 Kind of thought that was it until we were
25 notified that by Election Board we had these

1 issues. So right after that, even with my new
2 position in legislation, so now all my companies
3 actually have line items. We track that and so
4 there will be no overages. I ask that we be
5 treated the same as the other corporation, 25
6 percent of the overage, which is reasonable.

7 CHAIRMAN BENNETT: Any questions? Any
8 motions?

9 IEC MEMBER CLAYTOR: If I can do math,
10 that would be \$125, assuming the C.P.A.
11 certificate was good for something when I got
12 it. So Mr. Chairman, I would move that we fine
13 the corporation \$125.

14 CHAIRMAN BENNETT: Is that excess?

15 IEC MEMBER CLAYTOR: It is.

16 CHAIRMAN BENNETT: Is there a second?

17 IEC MEMBER KLUTZ: Second.

18 CHAIRMAN BENNETT: Motion and second.

19 Any discussion? All in favor --

20 IEC MEMBER KLUTZ: Just for discussion
21 and for the record, I think the evidence here is
22 that the check, the excess was returned within a
23 week and their statements they now have specific
24 accounting safeguards in place that this won't
25 happen again.

1 IEC MEMBER CLAYTOR: That's a good point,
2 excellent point.

3 CHAIRMAN BENNETT: All in favor of the
4 motion for a reduction to \$125 say aye.

5 All opposed say nay.

6 The ayes have it. Motion carried. Fine
7 reduced 25 percent.

8 MR. BARTELS: Thank you.

9 MS. THOMPSON: Mr. Chairman, the first
10 one -- he's got three. This is the supplemental
11 report. This is page 80. There's one and two,
12 and on the bottom of 81 is the third one. Do
13 you want to do them separately or do you want me
14 to read them all?

15 CHAIRMAN BENNETT: Page 80?

16 MS. THOMPSON: One, two and the bottom of
17 81 is the third one.

18 CHAIRMAN BENNETT: So can you explain the
19 difference between these three?

20 MS. THOMPSON: They were three separate
21 contributions during a large contribution period
22 that were filed late.

23 CHAIRMAN BENNETT: You may proceed.

24 MS. THOMPSON: This is Cause No.
25 2018-7050-161. Has never been before the

1 Commission before. Has a civil penalty of
2 \$250.50. The second one is Cause No. 2018-7050-
3 162. It has a proposed civil penalty of
4 \$100.50. The third one is Cause No. 2018-7050-
5 164. Has a civil penalty of \$100.50. Those are
6 the three.

7 CHAIRMAN BENNETT: Thank you. You may
8 proceed.

9 MR. CREWS: My name is Jim Crews. I'm
10 the treasurer of the Friends of Chuck Goodrich
11 campaign and the person that filed the reports.
12 We hired a firm called Political Bank to do some
13 campaign management for us. That termination
14 with them happened in March, but they had on
15 their website an availability to make
16 contributions through credit card. We received
17 some of those. Then on the 23rd of April we
18 became aware of three additional contributions.
19 We filed a CF-11 form identifying those, but I
20 think this was an accounting error in that we
21 identified the date on those contributions as
22 the date that the credit card was processed as
23 opposed to the date that the money came into our
24 account. So effectively the supplemental report
25 was filed on 4/24. The CF-11 was filed on 4/24,

1 but on CF- 11 we had dated it back to April 18th
2 and 20th, and so it appears like they were late,
3 but I think this is more of an accounting error
4 in the way we filed the CF-11 as opposed to the
5 fact we were delinquent on getting the
6 supplemental report in. Both were filed on the
7 same day. The actual charge that we got is
8 basically saying one of them came in on a --
9 because it was filed on the 18th and we got the
10 report in on the 24th. There's like a five-day
11 fine. The other one was, I believe, a two-day
12 fine or one-day fine.

13 So I would like to say that this is more
14 of an accounting error in how we identify date
15 of those moneys coming available to us as
16 opposed to the fact that we didn't file the
17 supplemental reports and the CF-11 on a timely
18 basis. What I'm asking for is to have the
19 causes waived.

20 CHAIRMAN BENNETT: Let me ask the staff
21 about this accounting error issue. What is your
22 position on that?

23 MS. THOMPSON: They actually filed the
24 CFA-11 and we just went by what they had on
25 their dates, when the reports were due and when

1 they actually filed them. I go by what they
2 reported.

3 IEC MEMBER CLAYTOR: Mr. Chairman. Have
4 the attorneys correct me if I'm wrong. I
5 believe that the IEC has always interpreted
6 received as being deposited, which I
7 vociferously disagree with, but that is the
8 interpretation of the Election Commission, and I
9 know in most situations the merchant account
10 payment usually comes two to three days after
11 the card is actually swiped or the button is
12 pushed. So I've had this issue myself in
13 campaign finance issues.

14 I believe under the interpretation of the
15 Election Commission that you should report it as
16 received when it's been deposited, that that
17 would trigger the CFA-11. I was going to say,
18 therefore, they may have reported the date
19 swiped on the CFA-11, and that was not
20 necessarily the date deposited in the account.
21 I believe that's what you're arguing?

22 MR. CREWS: Correct.

23 IEC MEMBER CLAYTOR: Assuming again if
24 Dale and Matthew and I think Bradley and Angie
25 would bare out what I'm saying, that has been

1 the normal interpretation of the IEC and it's a
2 matter that they should not have used those
3 dates on their CFA-11.

4 IEC MEMBER OVERHOLT: Do you have
5 documents showing the swipe date versus the --

6 MR. CREWS: I don't have documents on the
7 swipe date. I've just got documents on when
8 money came into our account.

9 IEC MEMBER OVERHOLT: That's the more
10 important one.

11 CHAIRMAN BENNETT: Mr. Simmons, can you
12 cite any statute?

13 MR. SIMMONS: Mr. Chairman, Members of
14 the Commission, in 3-9-2-5 Subsection B the code
15 does address when a contribution is considered
16 to be received and accepted. It includes both
17 physical possession and manifesting intent to
18 keep the contribution by depositing the
19 contribution in the account. That's part of the
20 election code.

21 CHAIRMAN BENNETT: Any further questions
22 on this?

23 IEC MEMBER OVERHOLT: I'd like to see the
24 information about the deposit dates if he's got
25 it.

1 MR. CREWS: What I have here is the date
2 of 4/20 but we recorded it as 4/18, and we have
3 another deposit on 4/25 and we reported it 4/20.
4 That's on the CFA-11. The 18th should have been
5 reported on the 20th and the 20th should have
6 been reported on the 25th.

7 IEC MEMBER OVERHOLT: Then what about the
8 one on the 23rd?

9 MR. CREWS: There was actually two. This
10 one here is for \$1,000. The other one is \$500.
11 Those were both deposited on the same day and
12 those were both recorded on 4/20, but they were
13 deposited on 4/25. So the total of \$1,000 and
14 \$500 made the \$1,500 deposit that we received on
15 the 25th. The 20th and the 18th is the \$2,500.

16 IEC MEMBER OVERHOLT: I'm sorry. You
17 need to pass those --

18 CHAIRMAN BENNETT: Leave that with Mr.
19 Simmons.

20 MR. CREWS: Would you like me to explain
21 the --

22 MR. SIMMONS: No, I just need it for the
23 record.

24 CHAIRMAN BENNETT: Is there any motion?

25 IEC MEMBER KLUTZ: I'll make a motion to

1 dismiss all three causes of action. It seems
2 it's an error in reporting and not a violation
3 of the law.

4 IEC MEMBER CLAYTOR: I'll second.

5 CHAIRMAN BENNETT: All in favor say aye.
6 All opposed say nay.

7 The ayes have it. All three causes are
8 dismissed.

9 MR. CREWS: Thank you very much.

10 MR. KLUTZ: Mr. Chairman, I guess we
11 would recommend that you file an amendment to
12 your reports so that you correct the --

13 MR. CREWS: I'll check to find out how to
14 do that. I attempted to do that online, but I
15 couldn't figure out how --

16 MS. TAYLOR: It just makes a bigger mess.

17 MR. CREWS: That's what I found when I
18 tried to do it. So I couldn't fix it.

19 CHAIRMAN BENNETT: Who is next? Anybody
20 else?

21 MS. TAYLOR: We have a couple of
22 clean-up.

23 CHAIRMAN BENNETT: At this time I would
24 ask that the campaign finance staff identify any
25 matters for which a motion for continuance was

1 received for today's meeting.

2 MS. TAYLOR: We have several requests for
3 continuance. I'm just going to read off the
4 cause numbers.

5 Cause Nos. 2018-7158-18, 2018-6860-94, those are
6 both for the Committee to Elect Rosa Maria
7 Rodriguez.

8 Cause No. 2018-7185-20, that's for Joslin for
9 Indiana.

10 Cause No. 2015-6645-91, Wabash Democratic PAC.

11 Cause No. 2017-6938-86, Hoosiers for Justice
12 Political Action Committee.

13 Cause No. 2016-6873-166, Wabash County Democrat.

14 Cause No. 2018-6511-58 and Cause No. 2018-6511-
15 155, Tatgenhorst for Lieutenant Governor.

16 Cause No. 2018-6612-62, Fuller for State
17 Representative Committee.

18 Cause No. 2018-6744-76, Elect Tammy Davis.

19 Cause No. 2018-6832-88, Friends to Elect Randy
20 Howard.

21 Cause No. 2018-6836-90, Committee to Elect
22 Linkmeyer.

23 Cause No. 2018-686-97, Partners for Restoring
24 the American Dream.

25 Cause No. 2018-1376-121, Klinker for State

1 Representative Committee.
2 Cause No. 2018-7117-148 and 2018-7117-159,
3 Committee to Elect Mark Kurowski.
4 Cause No. 2018-7160-168 and 2018-7160-169,
5 Aguilera for Indiana.

6 Those are all causes that have asked for
7 a continuance today.

8 CHAIRMAN BENNETT: Is there a motion to
9 grant these requests for continuance?

10 IEC MEMBER KLUTZ: So moved.

11 CHAIRMAN BENNETT: Is there a second?

12 IEC MEMBER CLAYTOR: Mr. Chairman, I
13 believe I need recuse myself on one of those
14 matters. So if someone else would like to
15 second that, it would make me much happier.

16 IEC MEMBER OVERHOLT: I'll second.

17 CHAIRMAN BENNETT: Do you want to say for
18 the record which one?

19 IEC MEMBER CLAYTOR: It would be Cause
20 No. 2018-7185-20.

21 CHAIRMAN BENNETT: All in favor of the
22 motion to grant the motions for continuance,
23 excluding the one that Mr. Claytor is recusing
24 himself from, say aye.

25 All opposed say nay.