

Indiana Election Commission

Minutes

August 18, 2017

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

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

Staff Attending: J. Bradley King, Co-Director of the Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Angela M. Nussmeyer, Co-Director of the Election Division; Matthew R. Kochevar, Co-General Counsel of the Election Division; Abbey Taylor, Campaign Finance Division staff; Michelle Thompson, Campaign Finance Division staff.

Others Attending: Dr. Jay Bagga and Dr. Bryan Byers, Voting System Technical Oversight Program (VSTOP); Mr. Dan Ball; Ms. Leslie Barnes; Mr. Philip Bennett; Mr. Dan Cruz; Mr. Evan Demaree; Mr. Robert Deppert; Mr. Daniel Douglass; Mr. William M. Ehret; Mr. Jeff Embry; Mr. Graham Fishell; Mr. Rick Gill; The Hon. Randy Head, Indiana State Senator; Ms. Lacy Hollings; Ms. Brenna McDonald; Mr. Bradford Moulton; Mr. Jeff Murray; Mr. Dale Nowlin; Mr. Matt Owen; Ms. Rebecca Phipps; Ms. Tracy Phillips; Mr. Andy Pickell; Mr. Ian Piper; Mr. Kevin Rogers; The Hon. John Ruckelshaus, Indiana State Representative; Mr. Roy Saenz; Mr. Michael Scott; Mr. James Shelton; Mr. Lawrence Shouse; Mr. Don Shuler; Mr. Farley Smith; Ms. Vicky Sorensen; Mr. Matthew Swentkofske; Ms. Danielle Taylor; The Hon. Greg Taylor, Indiana State Senator; Mr. Andy Talarzyk; Ms. Aurea Torres; Mr. Franklyn Voorhies; Mr. Scott Willis; Ms. Corinne Youngs; Mr. Shane Zoellner.

1. Call to Order:

The Chair called the August 18, 2017 meeting of the Commission to order at 1:33 p.m. EDT in the Indiana Government Center South Conference Center, Room B, 402 West Washington Street, Indianapolis, Indiana.

2. Transaction of Commission Business:

The Commission proceeded to transact the business set forth in the Transcript of Proceedings for this meeting prepared by Elizabeth Summers Long of Connor Reporting.

The Commission corrected the following scrivener’s errors in this document:

Page 1, delete lines 9 through 9, and insert “2017, in the Indiana Government Center South Conference Center, Room B, 402 West Washington Street, Indianapolis, Indiana.

Page 6, line 11, replace “IEC11” with “IEC-11”.

Page 6, line 15, replace “SE861” with “SEA 61”.

Page 6, line 21, replace “IC11” with “IEC-11”.

Page 10, line 21, replace “refusal” with “recusal”.

Page 10, line 23, replace “refusal” with “recusal”.

Page 31, line 17, replace “NUSSMEYER” with “OVERHOLT”.

Page 39, line 5, replace “date” with “pay”.

Page 52, line 16, replace “MEMBER” with “CO-DIRECTOR”.

Page 52, line 16, replace “Abby” with “Abbey”.

Page 56, line 22, replace ‘Barns’ with “Barnes”.

Page 56, line 24, replace ‘Barns’ with “Barnes”.

Page 57, line 9, replace ‘BARNS’ with “BARNES”.

Page 57, line 12, replace ‘BARNS’ with “BARNES”.

Page 57, line 15, replace ‘BARNS’ with “BARNES”.

Page 58, line 5, replace ‘BARNS’ with “BARNES”.

Page 58, line 8, replace ‘BARNS’ with “BARNES”.

Page 58, line 11, replace ‘23-1-729’ with “23-1-7-29”.

Page 59, line 17, replace ‘Prazel’ with “Frizzell”.

Page 60, line 18, replace ‘BARNS’ with “BARNES”.

Page 61, line 11, replace ‘352-37’ with “3-5-2-37”.

Page 61, line 24, replace ‘Razel’ with “Frizzell”.

Page 62, line 2, replace ‘BARNS’ with “BARNES”.

Page 62, line 11, replace ‘BARNS’ with “BARNES”.

Page 62, line 16, replace ‘BARNS’ with “BARNES”.

Page 62, line 23, replace ‘BARNS’ with ‘BARNES’.

Page 63, line 6, replace ‘BARNS’ with ‘BARNES’.

Page 63, line 12, replace ‘BARNS’ with ‘BARNES’.

Page 63, line 16, replace ‘BARNS’ with ‘BARNES’.

Page 63, line 24, replace ‘BARNS’ with ‘BARNES’.

Page 64, line 20, replace ‘BARNS’ with ‘BARNES’.

Page 64, line 22, replace ‘BARNS’ with ‘BARNES’.

Page 65, line 2, replace ‘BARNS’ with ‘BARNES’.

Page 65, line 4, replace ‘BARNS’ with ‘BARNES’.

Page 65, line 13, replace ‘BARNS’ with ‘BARNES’.

Page 65, line 24, replace ‘BARNS’ with ‘BARNES’.

Page 73, line 19, replace ‘Politcal’ with ‘Political’.

Page 76, line 15, replace ‘sportmanships’ with ‘sponsorships’.

Page 97, line 11, delete ‘attorney’.

Page 112, line 7, replace ‘the C’ with ‘these’.

Page 113, line 5, after ‘declaration’ insert ‘of’.

Page 127, line 6, replace ‘CFA11’ with ‘CFA-11’.

Page 130, line 12, replace ‘We’ with ‘He’.

Page 133, line 9, replace ‘Abby’ with ‘Abbey’.

Page 139, line 21, replace ‘plunder’ with ‘blunder’.

Page 153, line 16, replace ‘continuations’ with ‘for continuance’.

Page 156, line 3, replace ‘Abby’ with ‘Abbey’.

Page 157, line 5, replace ‘allow’ with ‘not interfere’.

Page 29, line 12, replace “IECA” with “IEC-8”.

Page 29, line 13, replace “pay role” with “payroll”.

Page 32, line 16, replace “instability” with “accessibility”.

Page 35, line 21, replace “DERNULC” with “GABRIONE”.

Page 38, line 17, replace “one” with “off”.

Page 40, line 14, replace “2016” with “2017”.

Page 41, line 9, after “Republican” insert “members of the”.

Page 45, line 7, replace “336511210” with “IC 3-6-5.2-10”.

Page 46, line 7, replace “3-11-1.54” with “3-11-1.5-4”.

Page 48, line 1, replace “legislation” with “commission”.

Page 51, line 8, replace “February” with “January”.

Page 56, line 3, replace “CO-COUNSEL KOICHEVAR” with “CO-DIRECTOR KING”.

This document is incorporated by reference into these minutes. The Commission adjourned this meeting at 3:15 p.m.

Respectfully submitted,



J. Bradley King
Co-Director



Angela M. Nussmeyer
Co-Director

APPROVED:



Bryce H. Bennett, Jr.
Chairman

COPY

In the Matter Of:

INDIANA ELECTION COMMISSION HEARING

TRANSCRIPT OF HEARING

August 18, 2017



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Transcript of Hearing
August 18, 2017

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BEFORE THE INDIANA ELECTION COMMISSION

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TRANSCRIPT OF HEARING

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Hearing held on the 18th day of August,
2017, in the offices of Indiana State House, 200
West Washington Street, Room 431, Indianapolis,
Indiana.

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A STENOGRAPHIC RECORD

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By: Elizabeth Summers Long
Notary Public
Stenographic Reporter

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Bryce H. Bennett, Jr. - Chairman
- Karen Celestino-Horseman - Proxy Vice-Chairman
- Suzannah Wilson Overholt - Member
- Zachary E. Klutz - Member

INDIANA ELECTION DIVISION STAFF:

- Bradley King - Co-Director
- Angela M. Nussmeyer - Co-Director
- Matthew R. Kochevar - Co-Legal Counsel

ALSO PRESENT:

- Stephanie Beckley - Proxy Chairwoman

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(Time Noted: 1:33 p.m.)

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CHAIRMAN BENNETT: This meeting of the
Indiana Election Commission is called to order.

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The following members of the commission are present; myself, Chairman Bryce Bennett, our vice-chairman Anthony Long is represented today by proxy, Karen Horseman, and member, Suzannah Wilson Overholt is with us today. Member Zachary Klutz, and Stephanie Beckley is proxy for me on certain campaign finance matters that the commission will consider. Indiana Election Division staff, co-director Brad King is not yet with us, but will be soon, and co-director Angie Nussmeyer. The co-general counsel are Matthew Kochevar who is here, and Dale Simmons, who is absent, taking a well-deserved vacation.

Our court reporter today is Elizabeth Long.

She has asked me to remind everyone that there are no microphones here in this room. And therefore we ask that you speak loudly and clearly so the the court reporter can hear you and take down your testimony.

And if my voice starts to fail, those who can't hear me wave or raise your hand and I'll

1 see if I got anything left in the tank.

2 Before we begin I want to remind everyone
3 on behalf of the court reporter to identify
4 yourself when you're beginning to speak, spell
5 your name when identifying yourself, speak
6 clearly, and do not speak at the same time as
7 others.

8 And at this time I would request that the
9 co-directors confirm that the commission meeting
10 has been properly noticed as required by the
11 open door laws.

12 CO-DIRECTOR KING: Mr. Chairman and members
13 of the commission, this meeting has been
14 properly noticed by being posted under the open
15 door law. And I'll add that the members of the
16 Ball State Voting System Technical Oversight
17 Program are now present.

18 CHAIRMAN BENNETT: Very good. The gang is
19 all here. Thank you. Very good.

20 I now ask that everyone present who plans
21 to testify regarding any matter coming before
22 the commission today, if you would please stand
23 for the administration of the oath. I recognize
24 Mr. Kochevar to administer the oath.

25 MR. KOCHEVAR: Please raise your right hand

1 and say I do after recitation of the oath.

2 Do you solemnly swear or affirm under the
3 penalties of perjury that the testimony you are
4 about to give to the Indiana Election Commission
5 is the truth, the whole truth and nothing but
6 the truth, say I do.

7 THE WITNESSES: I do.

8 CHAIRMAN BENNETT: Our first order of
9 business is the presentation by VSTOP concerning
10 Dominion Voting System's application for
11 recertification of current voting system. I now
12 recognize Dr. Jay Bagga and Dr. Brian Byers, of
13 Ball State University, which administers the
14 Voting System Technical Oversight Program, for a
15 presentation concerning those -- that voting
16 system. At the August 8th meeting, the
17 commission approved the Dominion Voting System
18 report from Pro V&V laboratories, and Dominion
19 Voting System's implementation plan to permit
20 recertification of its current system by the
21 commission.

22 The binders for today's meeting include a
23 report from VSTOP and information regarding
24 Dominion's compliance with the implementation
25 plan and VSTOP's recommendations regarding the

1 recertification of the Dominion Voting GEMS
2 1.18.24D1 system.

3 I would now ask for the VSTOP presentation.

4 DR. BAGGA: Thank you. Mr. Chairman and
5 members of the commission. My name is Jay
6 Bagga, J-A-Y, B-A-G-G-A. I'm a co-director of
7 VSTOP, and with me is Dr. Bryan Byers,
8 B-R-Y-A-N, B-Y-E-R-S, co-director of VSTOP.

9 We wish to present our report on Dominion
10 Voting System. Dominion Voting System submitted
11 the IEC11 application, which is in Appendix E of
12 your report, along with all of the supporting
13 documentation for previously approved system
14 GEMS 1.8.2014. This system was modified to
15 accommodate SE861 changes. The IEC approved
16 this modification and this modification was
17 implemented in 18 Dominion counties between
18 August 9th and August 17th. Please see Appendix
19 C for the implementation report of Dominion's
20 implementation in the 18 counties.

21 VSTOP has reviewed the IC11 application.
22 Also the supporting documentation and
23 attestation from Dominion, which is included in
24 your Appendix D, that the system is identical to
25 the systems certified except for the SEA61

1 modification, which has been approved by the
2 commission.

3 We also have evidence that Dominion has
4 escrowed the software to the third party,
5 escrowed, approved by the State of Indiana.

6 VSTOP finds that this system meets all the
7 requirements of the Indiana Code for the use in
8 the State of Indiana, and as stated in the
9 attached attestation, is identical to what the
10 election approved earlier by the Indiana
11 Election Commission except for the modification.
12 And VSTOP recommends the renewal of the
13 application for GEMS 1.18.24D1.0.

14 CHAIRMAN BENNETT: Thank you. Is there a
15 representative of Dominion or other persons
16 present who wishes to testify regarding this
17 matter?

18 MR. PIPER: Ian Piper, I-A-N, P-I-P-E-R,
19 with Dominion Voting. I have nothing further to
20 say at this time.

21 CHAIRMAN BENNETT: Thank you. Are there
22 any questions or discussion from commission
23 members?

24 Is there a motion to adopt findings that
25 the Dominion Voting System GEMS 1.18.24D1.0

1 voting system complies with the standards
2 prescribed for voting systems under the Indiana
3 law, has worked effectively where the system has
4 been used, and has been adequately supported by
5 the vendor, and therefore, to recertify this
6 voting system for marketing, sale, lease,
7 installation, and implementation in Indiana for
8 a the four-year term beginning October 1, 2017.

9 MEMBER KLUTZ: So moved.

10 CHAIRMAN BENNETT: We have a motion. Is
11 there a second?

12 MS. CELESTINO-HORSEMAN: Second.

13 CHAIRMAN BENNETT: Motion and a second.

14 Any discussion? All in favor say aye?

15 MEMBER WILSON OVERHOLT: Aye.

16 MEMBER KLUTZ: Aye.

17 MS. CELESTINO-HORSEMAN: Aye.

18 CHAIRMAN BENNETT: All opposed say nay.

19 The ayes have it. The motion it adopted. Thank
20 you very much.

21 DR. BAGGA: Thank you, Mr. Chair.

22 DR. BYERS: Thank you, Mr. Chair.

23 CHAIRMAN BENNETT: Thank you for all your
24 attention to this issue.

25 We now turn to ratification of any finance

1 settlement agreements and I ask for a
2 presentation by Ms. Taylor and Ms. Thompson in
3 front of the commission.

4 MS. THOMPSON: We're ready to take this
5 forward.

6 CHAIRMAN BENNETT: Okay. Very well. After
7 that -- I have designated Stephanie Beckley to
8 act as my proxy for consideration in voting on
9 one of these agreements. Before she takes the
10 gavel, is there a motion to ratify the campaign
11 finance settlement agreements as presented with
12 the exception of the Steve Carter committee
13 matter.

14 MEMBER KLUTZ: So moved.

15 CHAIRMAN BENNETT: Is there a second?
16 Any discussion?

17 MEMBER WILSON OVERHOLT: Did you have a
18 second?

19 CHAIRMAN BENNETT: We have a motion and a
20 second -- did we have a second?

21 MEMBER WILSON OVERHOLT: I don't think we
22 did. I'll second.

23 CHAIRMAN BENNETT: Okay. A motion and a
24 second.

25 Any discussion?

1 Hearing none, all in favor say aye.

2 MEMBER WILSON OVERHOLT: Aye.

3 MEMBER KLUTZ: Aye.

4 MS. CELESTINO-HORSEMAN: Aye.

5 CHAIRMAN BENNETT: Ayes have it.

6 We have -- the motion to ratify the
7 agreements is adopted.

8 At this time I will ask Stephanie to assume
9 the chair.

10 MS. BECKLEY: Is there a motion to ratify
11 the campaign finance settlement concerning
12 the --

13 MEMBER KLUTZ: Can we clarify what's on
14 your settlement list?

15 MS. THOMPSON: Yes, Mr. Chairman and
16 members, it's on the green tab.

17 COURT REPORTER: Ma'am, I'm sorry. What's
18 your name?

19 MS. THOMPSON: Michelle Thompson.

20 MEMBER KLUTZ: This is the settlement
21 agreement based upon the refusal or --

22 MS. THOMPSON: I don't understand --

23 MS. TAYLOR: We don't know what the refusal
24 was for.

25 MEMBER WILSON OVERHOLT: What we just

1 approved were the ones -- the settlement
2 agreements on the green tab as well.

3 MS. THOMPSON: Right.

4 MEMBER KLUTZ: Modify the next --

5 MS. CELESTINO-HORSEMAN: Steve Carter would
6 have been -- what happened to Steve Carter? Is
7 there an enforcement action for Steve Carter?

8 MS. THOMPSON: I don't know. I don't know.

9 MS. BECKLEY: All right. So I want to note
10 that no further commission action is necessary
11 at this time, and I will yield the chair back to
12 Chairman Bennett.

13 CHAIRMAN BENNETT: We will now turn our
14 attention to campaign finance referrals to the
15 attorney general for collection. I understand
16 there are referrals of the committee's to the
17 attorney general for collection of the
18 following, and that campaign finances staff can
19 provide information regarding those referrals.
20 And ask that --

21 MS. THOMPSON: Yes, Mr. Chairman, under
22 your red tab are two separate lists of
23 committees that have not paid the fines, and our
24 recommendation is to turn them over to the
25 attorney general.

1 CHAIRMAN BENNETT: I note that -- is there
2 anything further in your presentation?

3 MS. THOMPSON: No.

4 CHAIRMAN BENNETT: I note that no further
5 commission action is necessary for those
6 referrals to be made.

7 So we will turn our attention to the
8 opportunity for committees, or committees with
9 representatives, present today to accept a
10 reduced penalty. Before proceeding with the
11 campaign finance enforcement actions, we want to
12 give any committee present here today a final
13 opportunity to pay a reduced civil penalty by
14 waiving the right to present evidence and
15 arguments to the commission.

16 Any committee is welcome to present
17 evidence and arguments for the proposed penalty
18 to be waived.

19 This is an opportunity for those who want
20 to waive that presentation and accept a reduced
21 penalty without making any arguments or
22 presentations.

23 I move for the following arrangements to be
24 adopted. If this is the committee's first
25 violation, the arrangement is for the committee

1 to agree to pay 25 percent of the proposed fine
2 plus mailing costs.

3 If this the committee's second violation,
4 the arrangement is for the committee to agree to
5 pay 50 percent of the proposed fine plus mailing
6 costs.

7 If this the committee's third violation,
8 the committee would agree to pay 75 percent of
9 the proposed violation plus mailing cost.

10 Is there a second to this motion?

11 MEMBER KLUTZ: Second.

12 CHAIRMAN BENNETT: Any discussion?

13 There is no discussion.

14 All in favor say aye.

15 MEMBER KLUTZ: Aye.

16 MS. CELESTINO-HORSEMAN: Aye.

17 MEMBER WILSON OVERHOLT: Aye.

18 CHAIRMAN BENNETT: All opposed say nay.

19 The ayes have it, and the motion is
20 adopted.

21 Are there any committees who want to accept
22 this arrangement?

23 Yes, sir, in the front row.

24 LAWRENCE SHOUSE: Lawrence Shouse with the
25 Hunter District. L-A-W-R-E-N-C-E, S-H-O-U-S-E.

Transcript of Hearing
August 18, 2017

14

14

1 CHAIRMAN BENNETT: And cause number? Do
2 you have your cause number?

3 LAWRENCE SHOUSE: No, I didn't bring it.

4 CHAIRMAN BENNETT: Give us a minute, sir,
5 so we can get the cause number.

6 MS. THOMPSON: Chairman, that's on page 38
7 of the spreadsheet. It's Lawrence B. Shouse for
8 State Representative 100, Cause Number
9 2017-6773-59. Has never been before the
10 commission before, and has a civil penalty of
11 \$150.47.

12 LAWRENCE SHOUSE: I was three days off the
13 mark.

14 CHAIRMAN BENNETT: Are you willing to
15 accept the 25 percent penalty?

16 LAWRENCE SHOUSE: Absolutely.

17 CHAIRMAN BENNETT: If you can hang on one
18 moment -- the arrangement is accepted. You're
19 free to go. Thank you very much.

20 LAWRENCE SHOUSE: Who do I mail the --

21 CHAIRMAN BENNETT: You will be receiving an
22 invoice in the mail for the 25 percent. It may
23 take a little bit of time to get through the
24 system, but you'll get that.

25 AUREA TORRES: Good afternoon, sorry, this

1 is my first time. I'm here to answer for these
2 -- to this hearing for these cause numbers. I
3 have them, if you want me to read them if that's
4 easier for you --

5 CHAIRMAN BENNETT: Yes.

6 AUREA TORRES: -- or I could just give you
7 the --

8 CHAIRMAN BENNETT: Are there several cause
9 numbers?

10 AUREA TORRES: There's three, I believe.

11 CHAIRMAN BENNETT: Go ahead and read them
12 into the record.

13 AUREA TORRES: Okay. Administrative cause
14 number 2017-6923-4. Administrative cause
15 2017-6923-148. And Administrative cause number
16 2017-6923-117.

17 CHAIRMAN BENNETT: And your name?

18 AUREA TORRES: My name is Aurea Torres. My
19 committee was Torres for State Representative
20 Committee. I ran for a state office, much to my
21 regret at this point. I came from La Porte,
22 Indiana, to answer for this. I know that you
23 motioned that we pay 25 percent, I believe the
24 fine for these is \$250.00 or \$200.00. I'm not
25 even sure.

1 CHAIRMAN BENNETT: What is the fine on
2 these?

3 MS. TAYLOR: We --

4 CHAIRMAN BENNETT: We're talking about the
5 first cause number?

6 AUREA TORRES: Any of them. Because --
7 basically, I'm a single mom. I ran for office.
8 My campaign only --

9 CHAIRMAN BENNETT: You don't have to make
10 any argument.

11 AUREA TORRES: Oh, okay.

12 CHAIRMAN BENNETT: We're just trying to
13 find the right --

14 AUREA TORRES: The percentages, yeah. I
15 think I collected \$450.00 total. So I think --

16 MS. THOMPSON: \$1,400.00.

17 CHAIRMAN BENNETT: For all three?

18 MS. THOMPSON: Yes.

19 MS. TAYLOR: Yes.

20 CHAIRMAN BENNETT: That's the 25 percent?

21 MS. THOMPSON: That's her total fine. It
22 would be 25 percent --

23 CHAIRMAN BENNETT: 25 percent of that?

24 MS. THOMPSON: Yes.

25 AUREA TORRES: Which would be -- sorry, I'm

1 not good of math.

2 CHAIRMAN BENNETT: Are you willing to
3 accept the 25 percent?

4 AUREA TORRES: I would ask that it would be
5 reduced further.

6 CHAIRMAN BENNETT: You will have to wait in
7 line because this is the chance to come
8 forward --

9 AUREA TORRES: To accept the --

10 CHAIRMAN BENNETT: -- to accept the
11 25 percent.

12 AUREA TORRES: Okay. What is --

13 MEMBER WILSON OVERHOLT: \$350.00.

14 AUREA TORRES: Okay. No, I will wait.
15 I'll come back again.

16 CHAIRMAN BENNETT: Anybody in line who is
17 not here to accept the arrangements that we have
18 proposed needs to get out of line and sit back
19 down.

20 AUREA TORRES: And come back.

21 KEVIN ROGERS: I don't know how much owe.
22 I just got a letter.

23 CHAIRMAN BENNETT: Well, are you willing to
24 accept the fine?

25 KEVIN ROGERS: Yes, yes.

Transcript of Hearing
August 18, 2017

18

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1 CHAIRMAN BENNETT: Come forward and state
2 your name and the cause number.

3 KEVIN ROGERS: Kevin Rogers, K-E-V-I-N,
4 R-O-G-E-R-S. Cause number 2017-6879-79.

5 CHAIRMAN BENNETT: Just a minute --

6 KEVIN ROGERS: My campaign was Kevin Rogers
7 for State Senate.

8 MS. THOMPSON: Page 48. This is Kevin
9 Rogers for State Senate, cause number
10 2017-6879-79, has never been before the
11 commission before and has a civil penalty of
12 \$350.47.

13 CHAIRMAN BENNETT: Are you willing to
14 accept the 25 percent of that?

15 KEVIN ROGERS: Yes.

16 CHAIRMAN BENNETT: Very well. You're free
17 to go. We'll send you an invoice for
18 25 percent.

19 KEVIN ROGERS: Thank you.

20 CHAIRMAN BENNETT: Thank you.

21 RANDY HEAD: Hello, my name is Randy Head,
22 R-A-N-D-Y, H-E-A-D. Cause number 2017-6874-128.

23 MS. TAYLOR: It's on page 74. Mr. Chairman
24 and members of the commission, this is committee
25 to elect Randy Head attorney general. This is

1 his third time before the commission, and a
2 proposed civil penalty of \$50.47.

3 CHAIRMAN BENNETT: Are you willing to
4 accept 75 percent of that amount --

5 RANDY HEAD: Yes.

6 CHAIRMAN BENNETT: -- to resolve this
7 matter?

8 Very well. You're free to go.

9 RANDY HEAD: Thank you.

10 JOHN RUCKELSHAUS: Good afternoon. John
11 Ruckelshaus, R-U-C-K-E-L-S-H-A-U-S, cause number
12 2017-6828-132.

13 MS. THOMPSON: Mr. Chairman, that's on page
14 76. Hoosiers for Ruckelshaus, cause number
15 2017-6828-132, has never been before the
16 commission before, has a civil penalty of
17 \$1,000.47.

18 CHAIRMAN BENNETT: Are you willing to
19 accept the arrangement to pay 25 percent of that
20 amount?

21 JOHN RUCKELSHAUS: Yes.

22 CHAIRMAN BENNETT: Very well. You're free
23 to go.

24 JOHN RUCKELSHAUS: Thank you.

25 GREG TAYLOR: Greg Taylor, T-A-Y-L-O-R,

1 last name. Cause number 2017-5688-142. And for
2 summary cause 2017-5688-143. Two separate ones.

3 CHAIRMAN BENNETT: Okay.

4 MS. THOMPSON: Page 82 and page 83. This
5 is Greg Taylor from State Senate Committee,
6 cause number 2017-8688-142, and 143. He has
7 one, two, three -- this is his fourth before the
8 commission.

9 GREG TAYLOR: Is it?

10 MS. THOMPSON: Yeah, you had a couple back
11 in 2008 and 2012.

12 He has a civil penalty on one of \$1,000.47
13 and on the other one is \$1,000.47.

14 CHAIRMAN BENNETT: Based on our
15 arrangements, there is no opportunity for a
16 reduction. Are you willing to accept the full
17 amount of the fine?

18 GREG TAYLOR: Before I answer that, can I
19 ask one question?

20 CHAIRMAN BENNETT: Okay.

21 GREG TAYLOR: It was the same report, but I
22 got two different -- it was because it was two
23 different donations is that why it's two
24 different cause numbers? It's on the same
25 report.

1 CHAIRMAN BENNETT: Ask the staff to explain
2 that to us.

3 MS. THOMPSON: Mr. Chairman, this was a
4 large contribution. He had two separate large
5 contributions. One was due on 11/7/2016 and --
6 they were both due on 11/7/2016 from two
7 different contributions.

8 GREG TAYLOR: But it's on the same filing
9 for the same period of time. I've never --

10 MS. TAYLOR: Each large contribution
11 requires a separate CFA11 large contribution
12 report.

13 CHAIRMAN BENNETT: Okay. We're in the mode
14 now of accepting deals and I don't see the
15 eligibility. So, I guess, you could come back
16 and talk about it when it's your turn or accept
17 your full amount of that.

18 MS. CELESTINO-HORSEMAN: He --

19 COURT REPORTER: I'm sorry, what?

20 MS. CELESTINO-HORSEMAN: My question was,
21 eligibility was contingent upon what?

22 CHAIRMAN BENNETT: The procedures allow for
23 a reduction of the fine without a hearing if
24 there is first, second, or third offenses. We
25 don't have any eligibility for waiving the

1 hearing for a fourth offense.

2 MEMBER WILSON OVERHOLT: Right. Just so
3 you understand. You can come back -- this is
4 for people who are automatically, kind of,
5 basically entering a settlement agreement with
6 the counties. But people who don't want to do
7 that, at the end of these, there's a hearing
8 opportunity.

9 GREG TAYLOR: Okay. So this would count as
10 two separate violations?

11 MEMBER WILSON OVERHOLT: Yes.

12 GREG TAYLOR: So this would be three and
13 four; am I right?

14 MS. THOMPSON: Four and five.

15 GREG TAYLOR: Four and five?

16 MS. THOMPSON: Correct.

17 CHAIRMAN BENNETT: So are you accepting the
18 fine?

19 GREG TAYLOR: I mean, yeah. I guess, I --

20 MS. CELESTINO-HORSEMAN: Well, you can --

21 CHAIRMAN BENNETT: You could wait and come
22 back --

23 GREG TAYLOR: All right. I'll wait and
24 come back.

25 CHAIRMAN BENNETT: Is there anyone else who

1 has more than three violations to address? If
2 not, next please.

3 SCOTT WILLIS: Scott Willis, cause number
4 2017-6755-58.

5 MS. TAYLOR: On page 38. This is Friends
6 for Scott Willis. Cause number 2017-6755-58.
7 It's the first violation and a proposed civil
8 penalty of \$1,000.47.

9 CHAIRMAN BENNETT: Are you accepting the
10 25 percent?

11 SCOTT WILLIS: Yes, sir.

12 CHAIRMAN BENNETT: Very well. Thank you.
13 You're free to go.

14 ANDY TALARZYK: Hi, Andy Talarzyk, number
15 2017-6592-48.

16 COURT REPORTER: Can you spell your name?

17 ANDY TALARZYK: T-A-L-A-R-Z-Y-K.

18 MS. THOMPSON: Mr. Chairman, it's on page
19 32. This is Committee to Elect Andy Talarzyk,
20 cause number 2017-6592-48, has never been before
21 the commission before, has a civil penalty of
22 \$1,000.47.

23 CHAIRMAN BENNETT: And are you willing to
24 accept the 25 percent fine?

25 ANDY TALARZYK: Sure.

1 CHAIRMAN BENNETT: Very well. Thank you
2 very much.

3 ANDY TALARZYK: Thank you.

4 DANIEL DOUGLASS: My name is Daniel
5 Douglass, D-A-N-I-E-L, D-O-U-G-L-A-S-S. I'm
6 here on behalf of the Committee to Elect Rose
7 Ryan. I have --

8 CHAIRMAN BENNETT: Do you have a cause
9 number?

10 DANIEL DOUGLASS: My cause numbers are
11 2017-6819-140. The other one is 2017-6819-66.

12 CHAIRMAN BENNETT: Give us a minute to look
13 that up.

14 DANIEL DOUGLASS: I also have the paper
15 here allowing me to speak on behalf of the
16 Committee to Elect Rose Ryan.

17 CHAIRMAN BENNETT: Okay. Very good. Why
18 don't you hand that paper to me for the record?
19 This is a letter to whom it may concern,
20 authorizing Daniel Douglass to appear on behalf
21 of Rose Ryan, dated August 18, 2017; is that --

22 DANIEL DOUGLASS: Yes.

23 MS. THOMPSON: What's the other cause
24 number? I have 140.

25 DANIEL DOUGLASS: 66.

1 MS. THOMPSON: Thank you.

2 Mr. Chairman, one is on page -- at the
3 bottom of page 80. And the other one is on page
4 66. It's Committee to Elect Rose Ryan -- excuse
5 me, 41. Cause number 2017-6819-66, and
6 2017-6819-140. This committee has never been
7 before the commission before, has a civil
8 penalty of \$300.47 cents and \$1,000.47.

9 CHAIRMAN BENNETT: Are you willing to
10 accept the 25 percent penalty?

11 DANIEL DOUGLASS: Yes.

12 CHAIRMAN BENNETT: Very well. You're free
13 to go.

14 DANIEL DOUGLASS: Thank you.

15 Also, I would like to check to make sure we
16 have the proper address. On the paper it has
17 the 224 East Canal Street. Our address has
18 changed. Is that something I need to do at a
19 later time?

20 CHAIRMAN BENNETT: You need to file an
21 amended statement of organization with the
22 Michelle.

23 DANIEL DOUGLASS: Can I do that today?

24 MS. THOMPSON: We have the Canal Street
25 address.

1 CHAIRMAN BENNETT: Yes.

2 MS. THOMPSON: So yes, you will need to
3 change that.

4 CHAIRMAN BENNETT: Next.

5 REBECCA PHIPPS: Hello. I'm Rebecca
6 Phipps, R-E-B-E-C-C-A, P-H-I-P-P-S. I'm here
7 about cause number 2017-6868-76.

8 MS. THOMPSON: Mr. Chairman, that's on page
9 46.

10 REBECCA PHIPPS: And I have a letter
11 authorizing me to speak on behalf of the Oshman
12 Campaign.

13 COURT REPORTER: Speak for the what?

14 REBECCA PHIPPS: Oshman, O-S-H-M-A-N
15 Campaign.

16 MS. THOMPSON: This is cause number
17 2017-6868-76, has a civil penalty of \$350.47
18 cents.

19 CHAIRMAN BENNETT: I have a letter from
20 Stephen Oshman, Campaign Chair, July 19, 2017,
21 authorizing Rebecca --

22 REBECCA PHIPPS: Phipps.

23 CHAIRMAN BENNETT: -- Phipps to represent
24 the campaign today.

25 Hand that exhibit over to Mr. King.

1 Are you willing to accept the 25 percent
2 fine?

3 REBECCA PHIPPS: Yes, sir.

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

6 REBECCA PHIPPS: Thank you.

7 PHILIP BENNETT: Hi. I'm Philip Bennett,
8 that's P-H-I-L-I-P, B-E-N-N-E-T-T. And my cause
9 number is 2017-6857-71.

10 MS. THOMPSON: Mr. Chairman, that's on page
11 43, cause number 2017-6857-71, has been
12 before -- has been before the commission one
13 other time -- nope. Okay, has been before the
14 commission one other time, has a civil penalty
15 of \$1,000.47.

16 CHAIRMAN BENNETT: Is that accurate?

17 PHILIP BENNETT: I've never been here
18 before.

19 MS. THOMPSON: In 2016 pre-primary was --
20 on the past --

21 PHILIP BENNETT: Okay.

22 MS. THOMPSON: Was late.

23 PHILIP BENNETT: Got it. So there's two --

24 MS. THOMPSON: So you've been here one
25 other time. Yeah, so this is your second.

1 PHILIP BENNETT: Okay.

2 CHAIRMAN BENNETT: So this is the second?

3 MS. THOMPSON: Right.

4 CHAIRMAN BENNETT: Okay. So are you
5 willing to accept the 50 percent --

6 PHILIP BENNETT: 50 percent, yeah.

7 CHAIRMAN BENNETT: Very well.

8 PHILIP BENNETT: Thank you.

9 CHAIRMAN BENNETT: You're free to go.

10 DALE NOWLIN: Dale Nowlin, D-A-L-E,
11 N-O-W-L-I-N. And it's case number
12 2017-6795-131.

13 MS. THOMPSON: Mr. Chairman, that's on the
14 top of page 76, cause number 2017-6795-131, has
15 been before the commission. This is the second
16 offense and has a total civil penalty of
17 \$1,000.00.

18 CHAIRMAN BENNETT: Are you willing to
19 accept --

20 DALE NOWLIN: So no, I didn't know this was
21 my second offense.

22 MS. THOMPSON: So in 2016 --

23 DALE NOWLIN: I realize how you recorded
24 that now. But, I mean, it was late by three
25 hours so the penalty -- but 50 percent I can't

1 afford.

2 CHAIRMAN BENNETT: Okay. Next.

3 DALE NOWLIN: Sorry.

4 LACY HOLLINGS: Lacy Hollings, L-A-C-Y,
5 H-O-L-L-I-N-G-S. And I'm here on cause number
6 2017-6780-144.

7 MS. THOMPSON: That's on page 83. It's
8 cause number 2017-6780-144. Has not been before
9 the commission before, has a civil penalty of
10 \$1,000.47.

11 CHAIRMAN BENNETT: Are you willing to
12 accept the 25 percent?

13 LACY HOLLINGS: Yes.

14 CHAIRMAN BENNETT: Very well, you're free
15 to go.

16 LACY HOLLINGS: Thank you.

17 GRAHAM FISHELL: Graham Fishell,
18 G-R-A-H-A-M, last name Fishell, F-I-S-H-E-L-L.
19 Here on behalf of Committee to Elect Joe
20 Taylor III, cause number 2017-6794-137.

21 MS. THOMPSON: It's on page 79. Cause
22 number 2017-6794-137, and 138. Has a civil
23 penalty of \$1,000.47 on both, and this is his
24 first time before the commission.

25 CHAIRMAN BENNETT: Are you willing to

1 accept the 25 percent penalty for both?

2 GRAHAM FISHELL: Yes.

3 CHAIRMAN BENNETT: Very well. Thank you.

4 GRAHAM FISHELL: I'm here for two other
5 people, do you want me to go to the back of the
6 line or --

7 CHAIRMAN BENNETT: Go ahead.

8 GRAHAM FISHELL: Okay. I got a Citizens
9 for Mara Candelaria Reardon, 2017-5378-100.

10 MS. THOMPSON: Mr. Chairman, that is on
11 page 59, cause number 2017-5378-100, has been
12 before the commission one other time, has a
13 civil penalty of \$50.47. This is the second.

14 CHAIRMAN BENNETT: Are you willing to
15 accept the 50 percent?

16 GRAHAM FISHELL: Yes.

17 CHAIRMAN BENNETT: Very good.

18 GRAHAM FISHELL: And the last one is
19 Citizens for Chuck Committee 2017-5575-134.

20 MS. THOMPSON: Page 77. Cause number
21 2017-5575-134. Has never been before the
22 commission before and has a civil penalty of
23 \$200.47.

24 CHAIRMAN BENNETT: There's a settlement
25 agreement on there?

1 MS. THOMPSON: We don't have it on the
2 spreadsheet. So -- Mr. Chairman, there has not
3 been a settlement agreement on this one. We
4 just checked.

5 CHAIRMAN BENNETT: Okay. Very well.
6 Are you willing to accept the 25 percent
7 penalty?

8 GRAHAM FISHELL: Yes.

9 CHAIRMAN BENNETT: Thank you.

10 GRAHAM FISHELL: Thank you.

11 WILLIAM EHRET: Hello, William M. Ehret,
12 E-H-R-E-T. And I do not have the cause number.

13 MS. THOMPSON: Last name was Ehret?

14 WILLIAM EHRET: Ehret, E-H-R-E-T. It was a
15 State Senate campaign and I don't know the
16 amount.

17 MEMBER NUSSMEYER: Do you recall the year
18 or which report?

19 WILLIAM EHRET: Yes, this past year. So it
20 would have been January.

21 MS. THOMPSON: The annual report?

22 WILLIAM EHRET: Yes.

23 MS. THOMPSON: Mr. Chairman, that's on page
24 39. Cause number 2017-6788-61, has never been
25 before the commission before, and has a civil

1 penalty of \$450.47.

2 CHAIRMAN BENNETT: Are you willing to
3 accept the 25 percent?

4 WILLIAM EHRET: Yes.

5 CHAIRMAN BENNETT: Thank you very much.

6 WILLIAM EHRET: Uh-huh, thank you.

7 JEFF EMBRY: Jeff Embry, E-M-B-R-Y, cause
8 number 2017-6837-91.

9 MS. TAYLOR: It's on page 54. This is Jeff
10 Embry for State Representative of District 54.
11 Cause number 2017-6837-91. This is the first
12 time before the commission a proposed civil
13 penalty of \$700.47.

14 CHAIRMAN BENNETT: Are you willing to
15 accept the 25 percent penalty?

16 JEFF EMBRY: I have a question. I received
17 a letter from a Secretary of State Office the
18 1st of August 2016 that I have not filed the end
19 reports financial statements. I said, "Well, I
20 never did receive a financial manual." And on
21 August 17th I finally received the manual
22 August 17, 2016.

23 CHAIRMAN BENNETT: This is your opportunity
24 to accept the 25 percent discount -- or the
25 75 percent discount for a first time offense.

1 If you want to try the case and talk about it
2 some more, you'll have to go back and sit down
3 and come back up.

4 JEFF EMBRY: I'll take it.

5 CHAIRMAN BENNETT: Okay. Thank you.

6 SHANE ZOELLNER: My name is Shane Zoellner,
7 S-H-A-N-E, Z-O-E-L-L-N-E-R. And my cause number
8 is 2017-6880-80.

9 MS. TAYLOR: On page 48, Mr. Chairman and
10 members of the commission, this is Friends of
11 Shane Zoellner, cause number 2017-6880-80. It's
12 the first time before the commission a proposed
13 civil penalty of \$50.47.

14 CHAIRMAN BENNETT: Are you willing to
15 accept the 25 percent penalty?

16 SHANE ZOELLNER: I am, yes.

17 CHAIRMAN BENNETT: Thank you. You're free
18 to go.

19 SHANE ZOELLNER: I also am here with -- on
20 behalf of John Pickerill. I have a form here
21 that --

22 CHAIRMAN BENNETT: Okay. A letter dated
23 August 18th, 2017, from John Pickerill,
24 authorizing Shane Zoellner to act as the
25 representative; is that correct?

1 SHANE ZOELLNER: Yes.

2 CHAIRMAN BENNETT: The cause number is on
3 here.

4 SHANE ZOELLNER: It's John Pickerill, so
5 J-O-H-N P-I-C-K-E-R-I-L-L.

6 MS. TAYLOR: On page 83 and top of 84,
7 Committee for Pickerill, cause number
8 2017-6827-145. It's first time before the
9 commission, a proposed civil penalty of \$200.45.

10 CHAIRMAN BENNETT: On behalf of Mr.
11 Pickerill are you accepting the 25 percent
12 penalty?

13 SHANE ZOELLNER: I am, yes.

14 CHAIRMAN BENNETT: Very well.

15 SHANE ZOELLNER: That's all.

16 CHAIRMAN BENNETT: Thank you.

17 SHANE ZOELLNER: Thank you very much.

18 CHAIRMAN BENNETT: Yes, sir.

19 JAMES SHELTON: My name is James Shelton,
20 J-A-M-E-S, S-H-E-L-T-O-N, and cause number is
21 2017-6602-49.

22 MS. THOMPSON: Mr. Chairman, it's on page
23 33. Cause number 2017-6602-49. This is his
24 second time before the commission, has a civil
25 penalty of \$300.47.

1 CHAIRMAN BENNETT: Are you willing --

2 JAMES SHELTON: Who was financially liable
3 for this? Is it me or is it the committee?

4 CHAIRMAN BENNETT: Are you representing the
5 committee? Do you have a representation --

6 JAMES SHELTON: Yes. Well, I'm the
7 chairman -- or the only person involved.
8 Because I've disbanded the committee is why I'm
9 asking.

10 CHAIRMAN BENNETT: I think that would be a
11 legal conclusion that you would have to resolve
12 yourself.

13 JAMES SHELTON: Well, everything has been
14 addressed to this committee of, it's not to me
15 personally.

16 CHAIRMAN BENNETT: Mr. King, can you
17 respond that question?

18 CO-DIRECTOR KING: Yeah. Mr. Chairman and
19 members of the commission, I'll -- and when I
20 finish up I'll ask Mr. Kochevar to add anything
21 to my analysis.

22 The Indiana Court of Appeals has ruled that
23 when a committee is unable to pay any debt, that
24 the members of the committee, which include
25 chairman or treasurer are personally liable for

1 the committee's debt.

2 JAMES SHELTON: Okay.

3 CHAIRMAN BENNETT: Mr. Kochevar, anything
4 to add?

5 MR. KOCHEVAR: I have nothing further to
6 add, Mr. Chairman.

7 CHAIRMAN BENNETT: Thank you, Mr. King and
8 Mr. Kochevar.

9 Does that answer your question?

10 JAMES SHELTON: Yep.

11 CHAIRMAN BENNETT: Are you willing to
12 accept the --

13 MS. TAYLOR: This is his second.

14 CHAIRMAN BENNETT: 50 percent -- 50 percent
15 --

16 JAMES SHELTON: When did I have a first?

17 MS. THOMPSON: In the 2016 pre-primary.

18 MS. TAYLOR: You paid a settlement
19 agreement.

20 JAMES SHELTON: How much was that?

21 MS. TAYLOR: \$50.00.

22 JAMES SHELTON: Oh, okay. I think I know
23 what you're talking about.

24 Okay, yes, I'll take it.

25 MS. TAYLOR: And I will add that your

1 committee is still open.

2 JAMES SHELTON: It is?

3 MS. TAYLOR: Oh, nope, we missed the box.
4 It's closed. It's closed.

5 CHAIRMAN BENNETT: Okay. 50 percent,
6 right?

7 JAMES SHELTON: Yep.

8 CHAIRMAN BENNETT: Very good.

9 Anyone else that would like to accept the
10 arrangement?

11 Very well. The remaining committees will
12 be called to present evidence in these matters.
13 Before doing so, I want to note that in the past
14 the commission has followed certain procedures
15 for conducting campaign finance hearings, and I
16 move that the commission use the following
17 procedures today.

18 A. When each campaign finance matter is
19 called, the hearing will begin with recognizing
20 the campaign finance staff to provide
21 information about the documents in this matter
22 provided to commission members, including
23 letters from committees, and the notices given
24 to the campaign committee.

25 B. Unless there is an objection, the

1 documents provided to the commission by the
2 Election Division will be entered into the
3 record at this meeting.

4 C. After campaign finance staff completes
5 presentation, a representative of the committee
6 will be recognized first and may present their
7 case for no more than five minutes.

8 D. Commission members may ask questions
9 during the presentation, but the time spent
10 answering these questions will not be counted
11 against the presenter's time. The Election
12 Division may signal the Chair when the
13 presenter's time is up. If the presenter offers
14 additional documents, or other physical evidence
15 not previously received by the commission, then
16 the original must be provided to the Election
17 Division to preserve for the record.

18 If the commission finds that a committee
19 has violated the campaign finance statutes,
20 state law requires a unanimous vote of all four
21 commissioners to waive or reduce the amount of
22 the penalty by state law.

23 If the commission makes a decision at this
24 meeting to either fine a committee, or dismiss
25 the case against the committee, then the

1 Election Division will prepare a final order for
2 the commission to approve at a later meeting.

3 If a committee is fined today, the
4 committee will receive a notice from the
5 Election Division to date the fine after the
6 commission adopts the final order.

7 So it may be some time after today before a
8 committee will be required to pay the fine.

9 The commission generally begins at the
10 front of a room and asks those persons present
11 to come forward to have their matter heard. It
12 is very helpful if you can speak up and say the
13 cause on your hearing material so the commission
14 and staff can quickly look it up on the
15 spreadsheet.

16 Remember to identify yourself when you
17 start speaking.

18 Is there a second to this motion?

19 MEMBER KLUTZ: Second.

20 CHAIRMAN BENNETT: Motion and a second.

21 Any discussion?

22 Hearing none, all in favor say aye.

23 CHAIRMAN BENNETT: Aye.

24 MS. CELESTINO-HORSEMAN: Aye.

25 MEMBER WILSON OVERHOLT: Aye.

1 MEMBER KLUTZ: Aye.

2 CHAIRMAN BENNETT: All opposed say nay.

3 Ayes have it, motion carries.

4 The commission will now proceed to open its
5 hearings on campaign finance enforcement action.

6 I have designated Stephanie Beckley to act
7 as my proxy for presiding over the hearing and
8 voting on these matters Associated General
9 Contractors of Indiana PAC, Pence Must Go
10 Political Action, PLS Corporation, Excess
11 Corporate Contribution.

12 At this time, I would ask that Stephanie
13 assume the chair.

14 MS. BECKLEY: The first cause to be
15 considered concerns the Associated General
16 Contractors of Indiana PAC. Is there a
17 presenter to speak on behalf of this committee?

18 Anyone? In that case, I declare the
19 hearing on this matter closed.

20 I ask commission members if there are any
21 further discussions or motions in this matter?

22 MS. CELESTINO-HORSEMAN: I have a question.
23 So if they haven't shown, does that mean that
24 they waived their hearing and the penalty just
25 gets imposed?

1 MEMBER KLUTZ: Yes, it's --

2 CO-DIRECTOR KING: Madame Chair, yeah, if I
3 could respond, and again, I'll yield to
4 Mr. Kochevar to add any additional information.

5 Yes, the failure of a committee to appear
6 has been treated by the commission as default.
7 But it takes an affirmative vote from the
8 commission to impose the penalty. As a result
9 of that --

10 MS. CELESTINO-HORSEMAN: Do we have the
11 papers for this one in here?

12 MS. THOMPSON: We're looking for it.

13 MS. TAYLOR: They paid settlement
14 agreement, they're not on the agenda.

15 MS. BECKLEY: Okay. In that case --

16 MS. THOMPSON: I think that was a past
17 settlement agreement that we --

18 MS. BECKLEY: So I will consider that
19 matter closed. Hearing no objections.

20 MS. CELESTINO-HORSEMAN: So was it a past
21 settlement agreement or a --

22 MS. TAYLOR: Past settlement agreement that
23 has already been approved by the commission.

24 MS. CELESTINO-HORSEMAN: Okay. So we don't
25 have to worry about it.

1 MS. BECKLEY: No problem. All right. Then
2 we will go to the Pence must Go PAC. Is there a
3 presenter to speak on behalf of this committee?

4 MS. CELESTINO-HORSEMAN: Let me -- on the
5 other one, if we want to talk about our case --

6 MEMBER KLUTZ: Sir, will you please
7 identify yourself for the record?

8 RICK GILL: Yep, Rick Gill, R-I-C-K,
9 G-I-L-L. On the first one, is that the one we
10 get up and present our case?

11 MS. BECKLEY: Yes -- are you here for the
12 Associated General Contractors --

13 RICK GILL: No.

14 MS. BECKLEY: Then we are going onto the
15 Pence Must Go PAC.

16 RICK GILL: Okay.

17 MS. BECKLEY: Is there a presenter to speak
18 on behalf of Pence Must Go to the committee?

19 MS. CELESTINO-HORSEMAN: Do we have the
20 materials --

21 MS. THOMPSON: This one is on the
22 spreadsheet. It's on page 65, the top of 65.

23 MEMBER KLUTZ: I have a question for the
24 staff. Do we have confirmation that they were
25 properly served for this hearing?

1 MS. THOMPSON: Yes.

2 MEMBER KLUTZ: Can you describe for the
3 commission the proposed penalty?

4 MS. THOMPSON: This is cause number
5 2017-6696-110. It has a -- has never been
6 before the commission before, and has a civil
7 penalty of \$200.47.

8 MEMBER KLUTZ: Okay, I --

9 MS. BECKLEY: And I'd like to make one
10 final call, is there anyone here who would like
11 to present on behalf of the Pence Must Go plea?
12 All right.

13 MEMBER KLUTZ: Madam Chairman, based upon
14 confirmation that notice was given for this
15 hearing and no one is attending, I make a motion
16 that we assess the full proposed penalty of
17 \$200.47.

18 MEMBER WILSON OVERHOLT: Second.

19 MS. BECKLEY: All right. All in favor say
20 aye.

21 MEMBER KLUTZ: Aye.

22 MEMBER WILSON OVERHOLT: Aye.

23 MS. CELESTINO-HORSEMAN: Aye.

24 MS. BECKLEY: All opposed say nay.

25 The ayes have it, and the motion to

1 ratify -- is adopted.

2 I'm sorry. To impose the penalty is
3 adopted.

4 I believe that's all. I'll yield the chair
5 -- okay. And then -- okay, is there a presenter
6 to speak on behalf of PLS Corporation?

7 MATTHEW SWENTKOFKSKE: Yes.

8 MS. BECKLEY: All right. Please come
9 before the committee.

10 MATTHEW SWENTKOFKSKE: Hi, Matthew
11 Swentkofske, S-W-E-N-T-K-O-F-S-K-E. Thank you
12 very much for your time, commissioners --

13 MEMBER KLUTZ: Sir, we're going to ask the
14 staff to --

15 MATTHEW SWENTKOFKSKE: Sure.

16 MS. THOMPSON: Mr. Chairman and members of
17 the commission, it's here on blue tab. Blue tab
18 in the back. It's the top PLS Financial
19 Services, cause number 2017-149 contributed to
20 the Mike Pence for Indiana in the amount of
21 \$5,906.50, never been before the commission
22 before, and the Mike Pence for Indiana Committee
23 has refunded PSL the \$906.50. The proposed
24 civil penalty is three times the excess amount.

25 MEMBER KLUTZ: Three times -- would the --

1 MS. THOMPSON: That would be the 2,000 --

2 MEMBER KLUTZ: That's the --

3 MS. THOMPSON: Yeah, that's the -- three
4 times.

5 MATTHEW SWENTKOFKSKE: Commissioners, thanks
6 for allowing me to speak. I'll just give you a
7 quick background on this. Obviously, we -- the
8 committee, PLS, presented the committee a check
9 for \$5,000.00, what happened was we then had an
10 contribution that put us over the limit. I
11 believe within a week to ten days, we rectified
12 it with the campaign, they paid us back as was
13 noted. And so we caught it very quickly before
14 the reporting period was over. And the overage
15 was repaid to PLS. We have addressed that, and
16 put -- in place to not have that happen again.
17 And I just want to re-emphasize it is our first
18 offense, and that we obviously will accept
19 whatever the commissioners recommend.

20 MEMBER KLUTZ: If I could ask a question.

21 MATTHEW SWENTKOFKSKE: Sure.

22 MEMBER KLUTZ: The return contribution, was
23 that made prior to the notice by our --

24 MATTHEW SWENTKOFKSKE: Yes, yes --

25 MEMBER KLUTZ: -- staff --

1 MATTHEW SWENTKOFKSKE: -- I believe the
2 event happened around November of 2015, I
3 believe, and the check was caught within about
4 three weeks. So it was before any notice from
5 the division.

6 MEMBER KLUTZ: And PLS Financial has taken
7 steps to monitor and track this --

8 MATTHEW SWENTKOFKSKE: Yes.

9 MEMBER KLUTZ: Commission members, my
10 recollection in past events similar to this,
11 that in the event that this is a first time over
12 contribution and where the contribution is
13 returned prior to notice from our office and
14 there's evidence that steps have been taken to
15 ensure this doesn't happen, this board in the
16 past has waived penalties. And I would make a
17 motion that we would do so.

18 MS. BECKLEY: Do we have a second motion?

19 I'll make a second motion. All in favor
20 say aye --

21 MEMBER WILSON OVERHOLT: Wait, wait --

22 MS. BECKLEY: I'm sorry.

23 MEMBER WILSON OVERHOLT: -- we have
24 discussions.

25 MS. BECKLEY: I'm sorry, discussions. My

1 apologies.

2 MEMBER WILSON OVERHOLT: Can staff confirm
3 that that actually has been what we've done in
4 the past?

5 MS. THOMPSON: I believe -- well, I believe
6 that's what we've done in the past.

7 MS. TAYLOR: It's either been a waiver or a
8 10 -- reduced to 10 percent.

9 MEMBER WILSON OVERHOLT: I was going to
10 say, I don't think we necessarily waive it.

11 MS. TAYLOR: Depends on the day.

12 MEMBER WILSON OVERHOLT: Yeah.

13 MEMBER KLUTZ: I think this is a situation
14 that the gap in time is fairly narrow when the
15 contribution was returned. That's the factor I
16 was taking into consideration.

17 MS. BECKLEY: Is there any further
18 discussion on the motion?

19 In that case we will vote on the motion to
20 remove all penalty. All in favor say aye?

21 MEMBER KLUTZ: Aye.

22 MEMBER WILSON OVERHOLT: Aye.

23 MS. CELESTINO-HORSEMAN: Aye.

24 MS. BECKLEY: All opposed say nay.

25 Motion carried.

1 MATTHEW SWENTKOFKSKE: Thank you very much.

2 MS. BECKLEY: I believe that is all I'm
3 called upon. So I will now yield the chair back
4 to Chairman Bennett.

5 CHAIRMAN BENNETT: Okay. We're going to
6 start in the front row and work our way to the
7 back. The next person in the front row on the
8 left side, come forward.

9 BRENNNA MCDONALD: Hi. I'm Brenna McDonald,
10 B-R-E-N-N-A, M-C-D-O-N-A-L-D. I am here on
11 behalf of the Indiana Psychologist PAC. I'm a
12 licensed clinical psychologist in Indiana and
13 also the treasurer of the PAC.

14 MS. THOMPSON: Could you speak up a little
15 bit?

16 BRENNNA MCDONALD: Sure, sorry.

17 CHAIRMAN BENNETT: Let us make sure we get
18 to the right --

19 MS. THOMPSON: Cause number?

20 BRENNNA MCDONALD: Yeah, it's 2017-1543-9.

21 MS. THOMPSON: Mr. Chairman, on page 11.
22 Indiana Psychology Political Action Committee,
23 cause number 2017-1543-9. Has been before the
24 commission four -- at least four times before,
25 has a civil penalty of \$150.47.

1 MEMBER KLUTZ: Let me ask a question. Four
2 times before, and then does that include this
3 settlement agreement as well? Or is this
4 settlement agreement in addition to that?

5 MS. TAYLOR: Settlement agreements are
6 included. It's been more than four times. We
7 don't have an exact number.

8 MS. CELESTINO-HORSEMAN: Okay. So if it
9 says three times on the spreadsheet; is that
10 incorrect? Or is --

11 CHAIRMAN BENNETT: Today would be the
12 fourth; is that correct?

13 MS. TAYLOR: Three times before the board
14 and three settlement agreements. So this is at
15 least a seventh time before the commission.

16 MS. CELESTINO-HORSEMAN: Okay.

17 MS. THOMPSON: Our spreadsheet, we just
18 take it by four.

19 CHAIRMAN BENNETT: Well, what do you have
20 to say?

21 BRENNA MCDONALD: I -- thank you for your
22 time. So the first I learned of about it, I
23 took over as treasurer of the PAC in 2015. All
24 of those occurrences were before then.
25 Actually, the first I learned of those