

1 occurrences was when I called regarding this
2 instance. So I -- I can't speak to those
3 offenses. I don't actually know anything about
4 them. This occurrence was actually, near as I
5 can tell, this was the most recent report that I
6 filed for the PAC. All of my previous ones had
7 been filed on time. This one I actually mailed
8 further in advance than the previous one I
9 mailed in on the 13th of -- let's see, I have
10 it. I mailed it on the 13th due the 18th and
11 apparently it arrived on the 20th, I'm not sure
12 why. I deposited it at the post office and I
13 was coming to see if it was possible to have the
14 fee waived. I sent it in good faith and have
15 not been late on any of them previously. And
16 found out when I called the office that
17 apparently the previous treasurer had not been
18 as prompt.

19 CHAIRMAN BENNETT: Do we have any records
20 about receipts?

21 MS. THOMPSON: She's looking to see.

22 BRENNA MCDONALD: When I called the office,
23 she -- Abigail spoke with me on the phone and
24 told me that she had the envelopes.

25 MS. TAYLOR: We have the envelope. It's

1 post marked January 13th.

2 CHAIRMAN BENNETT: It was due when?

3 BRENNNA MCDONALD: January 18th. And I had
4 previously sent all the reports, you know, two
5 or three days in advance, so I thought this was
6 plenty of time.

7 MEMBER KLUTZ: Where did you mail it from?

8 BRENNNA MCDONALD: Broad Ripple Post Office.
9 Yeah, they had all gotten there two or three
10 days before. So I thought I was good.

11 CHAIRMAN BENNETT: Anything else you want
12 to add?

13 BRENNNA MCDONALD: No, I'm honestly just
14 asking -- it's a small PAC, that's why I'm
15 trying be responsible with our resources.

16 CHAIRMAN BENNETT: I understand. I will
17 move that under the circumstances one would
18 reasonably expect that the mail would arrive
19 within five days. So maybe we could waive
20 this -- waive the penalty this time.

21 BRENNNA MCDONALD: I would greatly
22 appreciate that.

23 CHAIRMAN BENNETT: But based on your
24 history of -- oops history of violations, we'll
25 have to look at things in the future very

1 carefully.

2 BRENNA MCDONALD: I will as well.

3 CHAIRMAN BENNETT: That's my motion.

4 MEMBER WILSON OVERHOLT: I will second
5 that.

6 MS. CELESTINO-HORSEMAN: And I would add
7 that I never trust the mail. If I had something
8 that had to be somewhere at a certain time, I
9 make sure it gets there. So the staff said you
10 can fax it, you can file it online.

11 BRENNA MCDONALD: Really?

12 MS. CELESTINO-HORSEMAN: You don't have to
13 rely on mail.

14 BRENNA MCDONALD: So who should I call to
15 find out more about that?

16 MEMBER NUSSMEYER: Michelle or Abby Taylor.

17 BRENNA MCDONALD: So I'll just call the
18 office?

19 MS. TAYLOR: Yeah.

20 BRENNA MCDONALD: Great, that would be
21 wonderful.

22 CHAIRMAN BENNETT: We have a motion and a
23 second. All in favor of the motion to waive the
24 fine say aye.

25 MEMBER KLUTZ: Aye.

1 MEMBER WILSON OVERHOLT: Aye.

2 MS. CELESTINO-HORSEMAN: Aye.

3 CHAIRMAN BENNETT: All opposed say nay.

4 Motion carried. You're free to go.

5 BRENNA MCDONALD: Thank you very much.

6 CHAIRMAN BENNETT: Okay. Lady in the white
7 sweater in the front row.

8 WITNESS: I'm just here to support friends.

9 CHAIRMAN BENNETT: Oh, very good. Okay.
10 Moving across the room here. Ma'am, do you wish

11 --

12 WITNESS: I'm just a Republican.

13 CHAIRMAN BENNETT: Okay. Who --

14 RICK GILL: Rick Gill, R-I-C-K, G-I-L-L,
15 cause number is 2016-6546-75.

16 MS. THOMPSON: Here it is. Mr. Chairman
17 and members of the commission, page 8. Rick
18 Gill for State Representative, cause number
19 2016-6546-75, has never been before the
20 commission before, has a civil penalty of
21 1,000.47 cents.

22 MEMBER KLUTZ: What does the --

23 MS. THOMPSON: 2015 annual, he had -- at
24 the last meeting asked for a motion to -- a
25 motion to reconsider. So this was being brought

1 back before the commission.

2 CHAIRMAN BENNETT: So we already listened
3 to this once?

4 MS. THOMPSON: He was already proposed the
5 full fine. Apparently, he wasn't at the last
6 meeting and we're bringing it back and he's
7 asked for a motion to reconsider this fine for
8 the 2015 annual report.

9 CHAIRMAN BENNETT: The commission has
10 already decided to impose 100 percent of the
11 fine?

12 MS. THOMPSON: Correct.

13 CHAIRMAN BENNETT: This is today's motion?
14 To reconsider?

15 MS. THOMPSON: Yes.

16 CHAIRMAN BENNETT: All right. What's the
17 basis for your motion to reconsider?

18 RICK GILL: Yeah, the last time I was not
19 able to get here, my daughter had a stroke and
20 was in the hospital. And so I wasn't able to
21 get here then. So I had to re -- down for
22 today. And I would just ask to have the fine
23 reconsidered. I did -- it was late. It was my
24 fault. It was not -- my daughter has since had
25 blood clots in her lungs two weeks ago. She's

1 living with us, and a \$1,000.00 fine would put
2 us in hardship.

3 MEMBER KLUTZ: What type of notice did the
4 provide the commission?

5 RICK GILL: I called.

6 MEMBER KLUTZ: Before the hearing?

7 RICK GILL: The day of the hearing. There
8 was a lot going on and it just --

9 MS. CELESTINO-HORSEMAN: I have a question.
10 If he had shown up here for the hearing, since
11 he had no prior would he have qualified for the
12 25 percent?

13 CHAIRMAN BENNETT: Yes, if it was the first
14 offense.

15 MS. CELESTINO-HORSEMAN: And you say you
16 were unable to be here because your daughter --
17 she had a stroke that day?

18 RICK GILL: She was in the hospital, and we
19 were dealing with her. She had it two days
20 before.

21 MS. CELESTINO-HORSEMAN: Okay. I will move
22 his fine be reduced to 25 percent. Would that
23 be --

24 RICK GILL: That would still put us -- it's
25 her and she has two daughters that we're taking

1 care of.

2 MS. CELESTINO-HORSEMAN: So you're saying
3 that you have no money personally to pay for
4 this if you do get a fine?

5 RICK GILL: I could come up with it, yes.

6 MEMBER KLUTZ: There's a motion on the
7 table, I'll second that motion.

8 CHAIRMAN BENNETT: We have a motion and a
9 second. What would -- any further discussion?

10 All in favor of the motion say aye.

11 MEMBER KLUTZ: Aye.

12 MEMBER WILSON OVERHOLT: Aye.

13 MS. CELESTINO-HORSEMAN: Aye.

14 CHAIRMAN BENNETT: All opposed say nay?

15 Motion carries. 25 percent.

16 RICK GILL: What would that be? \$250.00?

17 MS. CELESTINO-HORSEMAN: Yes.

18 RICK GILL: Thank you.

19 CHAIRMAN BENNETT: Thank you.

20 LESLIE BARNS: Thank you, Mr. Chairman and
21 members of the commission. My name is Leslie
22 Barns --

23 MS. CELESTINO-HORSEMAN: Oh, one moment.
24 Before we begin, by way of disclosure, Ms. Barns
25 and I are co-counsel currently on an employment

1 case, and we've been co-counsel before on a
2 couple of other cases, none of which have been
3 involved in election. And I wanted to disclose
4 that.

5 CHAIRMAN BENNETT: I appreciate the
6 disclosure.

7 You may proceed.

8 LESLIE BARNS: Thank you. I'm here
9 representing --

10 CHAIRMAN BENNETT: Do you have a cause
11 number?

12 LESLIE BARNS: I do not believe -- is there
13 a cause number?

14 MS. THOMPSON: Yep.

15 LESLIE BARNS: Oh, thank you. Can you --

16 MS. THOMPSON: Mr. Chairman, this is your
17 blue tab again. It's with the Indiana
18 Association of Nurse and Anesthetics PAC, Inc.,
19 cause number 2017-150, contributing to Indiana
20 house and Indiana state candidates in the amount
21 of \$2,550.00 in the year 2015.

22 This commission -- corporation has never
23 been before the commission before, and also this
24 corporation self-reported the excess
25 corporations to us -- excuse me, contributions

1 to us.

2 CHAIRMAN BENNETT: What was the amount been
3 re-paid?

4 MS. THOMPSON: Has the amount been repaid?

5 LESLIE BARNS: Mr. Chairman, the --

6 CHAIRMAN BENNETT: Okay. We'll hear from
7 the witness.

8 LESLIE BARNS: Thank you. You all should
9 have a letter of my appearance representing the
10 corporation. They were in 2014, formed under
11 Indiana Law 23-1-729, which applies to
12 corporations. Short of PAC being in their name,
13 the IANA PAC, Inc., they've acted as a entirely
14 as a corporation for their entire existence,
15 they filed business entity reports with the
16 Secretary of State. They've held board
17 meetings, they appointed officers, they've
18 raised funds, they've attended national and
19 state conferences, they've engaged in issue
20 advocacy, they've made contributions to
21 candidates, and then they've also monitored
22 legislation and policies. In mid-2016, middle
23 of last year, my client and then their sister
24 organization the IANA, the Indiana Association
25 of Nurse Anesthetists, which is a professional

1 association, those two groups, they hired the
2 courting group as a professional manager, and it
3 was at that time in the middle of 2016 that they
4 discovered they had engaged in excessive
5 corporate contributions. So in the middle of
6 2016, the one contribution in 2016, which put
7 them over the limit, they did refund. And so if
8 you look beyond the letter that we sent
9 self-reporting, you'll see a list of the
10 corporate contributions that they made in 2015
11 and 2016 that exceeded the corporate -- you'll
12 see all the contributions they made as well as
13 on the right-hand column, the amount that's over
14 the corporate contribution limits for state
15 senate and state representatives. So when they
16 caught this in mid-2016, they had just given a
17 donation to representative, Dave Prazel, and
18 they did ask to receive that back.

19 So in 2016 they did not have any excessive
20 corporate contributions, so the only excessive
21 contributions they had were in the two-year
22 period was 2015. We did self-report to the
23 Indiana Election Commission. We -- they have
24 taken steps to engage both legal counsel and
25 professional management counsels. They would

1 like to dissolve this corporation, but not
2 before resolving this issue. And they have
3 opened a new PAC -- well, they have opened a PAC
4 under a new name and they did that in March. I
5 don't know if -- so their hope is to get this
6 resolved, dissolve -- you know, pay the fine,
7 dissolve the corporation and then begin
8 operating as a Political Action Committee, and
9 so I have exhibits for the commission members.
10 They have opened a PAC called Indiana CRME Dream
11 PAC, these anesthetists. And -- let's see, so
12 so we are -- let's see, I believe -- do you have
13 in your pack the certificate of incorporation,
14 and a copy of the business entity reports, if
15 you need those.

16 MS. THOMPSON: Mr. Chairman, the paperclip
17 with all the paperwork behind it.

18 LESLIE BARNES: And then one item that you
19 may not have is a document from the Secretary of
20 State's website, if I may approach, showing that
21 they have been filing our business entity
22 reports. They did not file one last year.
23 They're hoping to resolve this, and then
24 dissolve the corporation.

25 So if you look at the definition -- so the

1 issue before you is, are they a PAC or are they
2 a corporation. We contend they're a
3 corporation. They've acted like a corporation.
4 They've been organized as a corporation. And so
5 short of their name being IANA PAC, Inc.,
6 they've acted in all regards under the Indiana
7 state and federal laws as a corporation.
8 They've paid federal and state income taxes.
9 They file their tax returns.

10 And so if you look at the definition of a
11 PAC under 352-37, there is a subsection B, which
12 says, "A corporation or labor organization that
13 makes a contribution in accordance with Indiana
14 Law, or makes an expenditure is not considered a
15 PAC."

16 So we're asking you to treat the entity as
17 a corporation and to waive or reduce the
18 penalty. This is their first time before you.
19 They did not return the excess -- or ask for the
20 return of excessive contribution in 2015 due to
21 the delay in time, these candidates have spent
22 that money. But as soon as they realized it,
23 they asked for, sought and received a return of
24 contribution from Representative Razel.

25 MEMBER KLUTZ: What is this corporation's

1 business enterprise? What do they do?

2 LESLIE BARNS: Certainly. So they raise
3 funds, they engage issue advocacy, they lobby,
4 they attend conferences, member -- member
5 education, community education, issue advocacy.
6 They are not -- they do not produce or
7 manufacture goods. It is a service
8 organization.

9 CHAIRMAN BENNETT: Where do the revenues
10 come from?

11 LESLIE BARNS: They raise funds. They
12 solicit donations. They do not come from dues,
13 they come from outside.

14 MEMBER WILSON OVERHOLT: So what code are
15 they categorized under?

16 LESLIE BARNS: That, I do not know.

17 MEMBER WILSON OVERHOLT: Because that would
18 kind of a -- I mean, you said they file tax
19 returns. So they have to declare some sort of
20 purpose status on that, so I'm just curious from
21 what you've said. If they're -- I mean, are
22 they 501(c)(4)? Are they --

23 LESLIE BARNS: No, no, they're not --
24 they're not non-profit. They're a support
25 profit corporation organized under --

1 MEMBER KLUTZ: How does the -- I'm sorry.

2 MEMBER WILSON OVERHOLT: No, go ahead.

3 MEMBER KLUTZ: What is the significance for
4 purposes of this fine as to whether it's a
5 corporation or a PAC?

6 LESLIE BARNS: If they were treated as a
7 PAC, then they've never opened and filed their
8 statement of organization. They've never filed
9 the 2015 and 2016 annual reports.

10 MEMBER KLUTZ: But the fine derives from
11 the excess contribution, correct?

12 LESLIE BARNS: If they're a corporation,
13 which we --

14 MS. CELESTINO-HORSEMAN: So then does that
15 mean that --

16 LESLIE BARNS: They owe a fine either way.

17 MS. CELESTINO-HORSEMAN: So is that like on
18 the last time, the last one we just had? The
19 prior -- and you've -- and you waive it?

20 MEMBER KLUTZ: Not only that, but I don't
21 think there's any allegation being waived -- or
22 alleged that you haven't properly filed
23 documents for purposes of a PAC.

24 LESLIE BARNS: No, no, there isn't.

25 MEMBER KLUTZ: So I --

1 MS. CELESTINO-HORSEMAN: I agree. I move
2 we waive the fee.

3 MEMBER KLUTZ: I'll second it.

4 CHAIRMAN BENNETT: All right. We have a
5 motion and a second. Any further discussion?

6 MEMBER KLUTZ: I second it because
7 you've -- this entity, whether it's a
8 corporation, you say it's a corporation, I
9 disagree based on how it operates. But it's
10 never been before the corporation, it
11 self-reported. It sounds like it's taken steps
12 to avoid this situation as soon as this is
13 resolved they're going to dissolve the
14 corporation. So that's why I support the
15 motion.

16 CHAIRMAN BENNETT: The only difference is
17 they haven't returned the funds.

18 MEMBER KLUTZ: I thought the excess
19 contribution have been returned?

20 LESLIE BARNS: They --

21 CHAIRMAN BENNETT: Well --

22 LESLIE BARNS: -- returned the funds in
23 2016, that put them over the limit. They have
24 not attempted to seek the return of
25 contributions that they made in 2015.

1 MEMBER KLUTZ: And how much was that?

2 LESLIE BARNS: That is the --

3 MEMBER WILSON OVERHOLT: \$2,500.00?

4 LESLIE BARNS: \$2,550.00.

5 MS. CELESTINO-HORSEMAN: (Inaudible.)

6 COURT REPORTER: I'm sorry, ma'am. Could
7 you say that again?

8 CHAIRMAN BENNETT: She said they didn't get
9 it back because the candidates had already spent
10 it.

11 MEMBER KLUTZ: You just -- you're here
12 because of a self-reporting, though?

13 LESLIE BARNS: Yes. Hoping to resolve
14 this.

15 CHAIRMAN BENNETT: Does anybody want to
16 amend the motion or should we continue?

17 Okay. So all in favor say aye.

18 MEMBER KLUTZ: Aye.

19 MEMBER WILSON OVERHOLT: Aye.

20 CHAIRMAN BENNETT: Aye.

21 MS. CELESTINO-HORSEMAN: Aye.

22 CHAIRMAN BENNETT: All opposed say nay.
23 Motion carried.

24 LESLIE BARNS: Thank you very much.

25 CHAIRMAN BENNETT: Okay. Next.

1 CORRINE YOUNGS: Good afternoon. My name
2 is Corrine Youngs, that's C-O-R-R-I-N-E,
3 Y-O-U-N-G-S. I filed an appearance on behalf of
4 my client, the Ninth District Republican
5 committee, cause number 2017-3434-88.

6 MS. THOMPSON: There's also another one.
7 Do you know the other cause number?

8 CORRINE YOUNGS: Oh, okay. 3434-96.

9 MS. THOMPSON: 96? Okay.

10 CORRINE YOUNGS: Yes.

11 MS. THOMPSON: So the first one is cause
12 number 2017-3434-88, and 2017-3434-96. Both of
13 these have a proposed civil penalty of \$1,000.00
14 and this one has been before the board several
15 times as well. One, two, three, four -- at
16 least four times.

17 CHAIRMAN BENNETT: For both?

18 MS. THOMPSON: Yeah.

19 CHAIRMAN BENNETT: There's two of them.

20 MEMBER KLUTZ: For clarification we're on
21 page 52 of --

22 MS. TAYLOR: 57.

23 MS. THOMPSON: 57.

24 CHAIRMAN BENNETT: And what is this fine
25 being assessed for? What was the allegation?

1 MS. THOMPSON: The first one was for an
2 annual report of 2016 annual, and the second one
3 was for the --

4 MS. TAYLOR: 2016 pre-elect.

5 MEMBER KLUTZ: Because they were late?

6 MEMBER WILSON OVERHOLT: One wasn't even
7 filed.

8 MS. THOMPSON: One says not filed, but
9 since we've ran this, they have filed those
10 reports.

11 MS. TAYLOR: Wednesday.

12 MEMBER WILSON OVERHOLT: Wednesday of this
13 week?

14 MS. THOMPSON: Yes.

15 CORRINE YOUNGS: Once we learned of the
16 violation we filed the report. In good faith,
17 we didn't know that it wasn't filed. So --

18 CHAIRMAN BENNETT: Go ahead and tell us
19 what you --

20 CORRINE YOUNGS: Okay. So today I
21 represent Matt Owen, and that's M-A-T-T,
22 O-W-E-N. And he was the interim treasurer of
23 this committee. In 2015 their elected treasurer
24 unexpectedly passed away. And Matt was
25 appointed. And he is no longer the treasurer at

1 this time, since they've elected a new
2 treasurer. At the beginning of his appointment
3 as interim treasurer someone else filed the
4 report, he did not file it. And also, this week
5 we filed the the pre-election report, discovered
6 that Matt did not know that he could file
7 online, informed him to file it via email, and
8 so it has been filed.

9 These failures to file reports are
10 completely an oversight, and so we're doing our
11 best to remedy the situations moving forward.
12 If you'll see that both of those reports that
13 were filed, there's no activity reports. There
14 were no expenditures or contributions made last
15 year, and so -- so the committee is not trying
16 to hide anything whatsoever, these are just
17 mistakes as that committee was transitioning
18 members.

19 So we respectfully request that you waive
20 the penalty.

21 CHAIRMAN BENNETT: Were you associated with
22 this organization for the four other violations?

23 CORRINE YOUNGS: No. I was -- I have just
24 been retained for this -- for these incidents.
25 I don't regularly --

1 CHAIRMAN BENNETT: And Matt was not with
2 the organization?

3 MATT OWEN: No, sir. I was appointed as
4 the interim between the time of Mr. Flitz's
5 passing, and then the elections for officers
6 this past spring. I didn't serve the district
7 in any capacity prior to that. I was just a
8 matter of convenience. I think my being the
9 interim. In my oversight on the pre-election
10 report, and the annual report was filed prior to
11 your notice, however, it was late again, because
12 I didn't realize we could file those online.
13 That was filed in March -- or the same month
14 that it was due, just got it up here late.

15 CORRINE YOUNGS: This committee is from
16 Jeffersonville, Indiana, which is way down
17 south. So if you -- so filing online is more
18 convenient than driving all the way to
19 Indianapolis.

20 MS. CELESTINO-HORSEMAN: Yes. I have a
21 question for the staff. On the other times that
22 they've appeared in front of the board it says
23 there's no settlement agreement, does that mean
24 that it's been waived all other times as well?

25 MS. TAYLOR: The settlement agreement is

1 when the committee agrees to pay the proposed
2 civil penalty in full and waive the hearing. So
3 that's only -- that doesn't -- isn't the same as
4 the time before the board. They're not the
5 same. Come before the board, you're asking for
6 a waiver or a reduction or the full fine. The
7 settlement agreement is you just accept it and
8 pay it.

9 MS. CELESTINO-HORSEMAN: Oh, okay. So that
10 means that they came before the board the other
11 times?

12 MS. TAYLOR: Yes.

13 MEMBER KLUTZ: Do we know historically
14 what -- whether there has been prior reductions?

15 MS. TAYLOR: I have no idea.

16 CORRINE YOUNGS: Can we ask what those
17 prior instances were? I think this was prior to
18 this.

19 MATT OWEN: Or the date of the incidents.

20 CORRINE YOUNGS: I don't think that current
21 members of this committee are aware of those
22 violations.

23 MEMBER KLUTZ: It appears to be, perhaps
24 2003, 2015 and three in 2016.

25 CORRINE YOUNGS: Okay.

1 MS. TAYLOR: That's as far back as we can
2 go.

3 CHAIRMAN BENNETT: Anything else that you
4 would like to present?

5 CORRINE YOUNGS: No.

6 CHAIRMAN BENNETT: Any motion?

7 MEMBER KLUTZ: I'll just say that, you
8 know, you accepted true appointments when you
9 walk into an organization that has problems, you
10 inherit those problems. And we show compassion
11 when it's the first or second time, but this
12 is -- these are multiple times. I do recognize
13 the difficulty of interim positions and catching
14 yourself up to speed and kind of trying to hold
15 the office for an amount of time. But I'm
16 certainly not supportive of waiving all these
17 fines. And I'm not supportive of waiving or
18 providing much of a reduction so that your
19 organization will understand that there are laws
20 on when to file, and how to file, and where to
21 file. Again, I do understand the difficulty of
22 interim. I do understand that it sounds like
23 with respect to one of them you did file before
24 you were noticed, but at the same time this
25 organization has a history of problems. So I

1 guess my motion, I'd be happy to hear
2 discussion, is that the fines be reduced only by
3 25 percent in respect to both fines.

4 CHAIRMAN BENNETT: So your motion would be
5 75 and 75 percent of the fines?

6 MEMBER KLUTZ: Correct.

7 CHAIRMAN BENNETT: Is there a second?

8 MS. CELESTINO-HORSEMAN: I have a question.
9 May I ask a question?

10 CHAIRMAN BENNETT: We have a motion, we
11 need a second before we have discussion.

12 MS. CELESTINO-HORSEMAN: Okay. I'll second
13 it.

14 CHAIRMAN BENNETT: We have a motion and a
15 second.

16 Any discussion?

17 MS. CELESTINO-HORSEMAN: So your -- I mean,
18 your organization, does it -- I'm just curious,
19 does it have money? You said you didn't spend
20 anything.

21 MATT OWEN: No, ma'am. If you see our
22 report, we have approximately \$3,500.00,
23 \$3,541.20.

24 CORRINE YOUNGS: \$3,541.27.

25 MATT OWEN: That has been constant since

1 beginning interim treasurer. We typically don't
2 raise and spend money. We perform mostly as a
3 organizational entity for the structure of a
4 party.

5 CHAIRMAN BENNETT: Any further discussion?

6 We have a motion and a second, all in favor
7 of the motion, say aye.

8 MEMBER KLUTZ: Aye.

9 MS. CELESTINO-HORSEMAN: Aye.

10 MEMBER WILSON OVERHOLT: Aye.

11 CHAIRMAN BENNETT: All opposed say nay.

12 Motion carries. The fine is reduced by
13 25 percent.

14 MATT OWEN: Thank you very much.

15 VICKY SORENSEN: Vicky, V-I-C-K-Y,
16 Sorensen, S-O-R-E-N-S-E-N. And the cause number
17 is 2017-6060-105.

18 MS. TAYLOR: It's on page 62. It's
19 Democratic Womens Politcal Action Committee,
20 cause number 2017-6060-105, this is the
21 committee's fourth time before the commission,
22 with a proposed civil penalty of \$1,000.47.

23 CHAIRMAN BENNETT: Yes, ma'am. Your
24 presentation.

25 VICKY SORENSEN: Okay. I became the new

1 treasurer in 2016. And the former treasurer had
2 left town, and when she returned, she sat down
3 with me, I think it was in -- the 1st of April.
4 We did a filing of the report that was due, and
5 I take responsibility, I didn't ask anymore
6 questions. I put everything aside. I didn't
7 know I was supposed to file another one in
8 October. I didn't have a key to the P.O. box
9 for the political action committee. Some -- I
10 don't live in Bloomington, and so one of the
11 members said that she would check the mailbox,
12 so I was trusting that she was checking the
13 mailbox. And then toward the end of the year
14 she said, "Oh, I'll just give you the key back."
15 So I went to the mailbox and I saw all this
16 documents in there, realizing mail had been sent
17 since March, and I immediately called up here.
18 And I left a message on 12/27, 12/28, 12/29, 1/3
19 and then I spoke to Michelle on 1/4 on what had
20 happened. I said, "I'm not for sure what I'm
21 supposed to do." I felt like it was my
22 responsibility, not the Democratic Womens
23 Political Action Committee, and so I'm taking
24 full responsibility for filing the report late.
25 I immediately filed the report with -- along

1 with the one that was due at the end of the
2 year. I've also gone now to the election
3 division in Monroe County to confirm when I'm
4 supposed to file the next report. I go every
5 week into Bloomington to check the mailbox, so I
6 don't ever miss anything again. So I just come
7 to you with the honest truth of I just didn't
8 know I was supposed to be filing that report.

9 CHAIRMAN BENNETT: Any questions?

10 MS. CELESTINO-HORSEMAN: So how -- so which
11 reports, exactly, did file late or --

12 MS. TAYLOR: This is the 2016 pre-elect
13 report.

14 MS. CELESTINO-HORSEMAN: So that would have
15 been due in --

16 MS. TAYLOR: It was due October --

17 VICKY SORENSEN: 21st.

18 MS. TAYLOR: 21st.

19 VICKY SORENSEN: And I didn't file it until
20 January because I didn't get information --

21 MS. CELESTINO-HORSEMAN: And then year end
22 was due when?

23 MS. TAYLOR: January 18th.

24 VICKY SORENSEN: And that was filed --

25 MS. CELESTINO-HORSEMAN: That was filed on

1 time, right?

2 VICKY SORENSEN: That was filed on time.

3 MS. CELESTINO-HORSEMAN: Okay. And so the
4 only other problems were back in 2012?

5 MS. TAYLOR: Yes.

6 MS. CELESTINO-HORSEMAN: And things went
7 fine '13, '14, '15, and then we had the change.

8 MEMBER WILSON OVERHOLT: What -- do you
9 have -- is there money, actually, in the
10 account?

11 VICKY SORENSEN: Yes. And I have
12 everything up to date. I provide a financial
13 statement to the committee each month. We --
14 we've take in fund raisers on dues on
15 sportsmanships. I have a list of expenditures.
16 So I keep everything up to date to the penny.

17 MEMBER WILSON OVERHOLT: What's the
18 approximate balance in the --

19 VICKY SORENSEN: I believe about
20 \$10,000.00.

21 CHAIRMAN BENNETT: I think a lot of the
22 same principles apply to this case as the last
23 one we just heard --

24 MEMBER WILSON OVERHOLT: Right.

25 CHAIRMAN BENNETT: -- in terms of new

1 people coming in the organization with a history
2 problems. These laws -- or rules are put in
3 place for a reason and we have to enforce them.

4 VICKY SORENSEN: Sure.

5 CHAIRMAN BENNETT: Recognizing some
6 leniency, I suppose, for your situation. I
7 would propose the 75 percent penalty knocking
8 off 25 percent. Is there another motion?

9 MEMBER KLUTZ: Second.

10 CHAIRMAN BENNETT: There has been a motion
11 and second.

12 Any further discussion?

13 All in favor say aye.

14 MEMBER KLUTZ: Aye.

15 MS. CELESTINO-HORSEMAN: Aye.

16 MEMBER WILSON OVERHOLT: Aye.

17 CHAIRMAN BENNETT: All opposed say nay.

18 VICKY SORENSEN: Thank you.

19 CHAIRMAN BENNETT: 75 percent of the fine.
20 Thank you.

21 MICHAEL SCOTT: My name is Michael Scott,
22 S-C-O-T-T. Number 2017-6357-40. And there's
23 also another one that I believe that --

24 MS. THOMPSON: Mr. Chairman, one of them is
25 on page 28. We're checking on the other one.

1 And one on page 6 -- 7.

2 MEMBER WILSON OVERHOLT: Did you say 67?

3 MS. THOMPSON: Page 7.

4 We've got Committee to Elect Michael S.
5 Scott, 2016-6357-67 and cause number
6 2017-6357-40. There's a proposed settlement
7 penalty, this first one is for the 2015 annual,
8 has been before the commission two other times,
9 has a civil penalty of \$1,000.49 on the first
10 one. And the second one has been before the
11 board two other times, and has a civil penalty
12 of \$300.47.

13 CHAIRMAN BENNETT: Yes, sir. What can you
14 tell us about this?

15 MICHAEL SCOTT: My treasurer got into some
16 health issues with her mother and wasn't able to
17 take care of -- and my wife and daughter was
18 trying to help me out. But I'm just asking for
19 mercy. Help me out any way you can. I
20 understand I'm responsible for it. I understand
21 the laws and reasons, and I accept the
22 responsibility. I'm just asking for any help I
23 can get.

24 CHAIRMAN BENNETT: You said your wife and
25 daughter are treasurer; is that right?

1 MICHAEL SCOTT: The treasurer was a friend
2 of the family, and she lived in North
3 California. Her mother lives here, she was from
4 here and a close friend of the family. She was
5 helping me out and her mother became ill,
6 which -- hospice care, so she was not able to
7 help us out. And what had happened was, I think
8 it was in '14, we had to amend the -- do an
9 amendment which she did, and when she did that
10 amendment she actually put the wrong numbers in.
11 In other words, she took, I think it was
12 \$2,500.00 out. But what she entered in the
13 right place, she entered \$5,000.00. So that
14 messed our numbers up, and my wife and daughter
15 at the time was not able to find that. And it
16 was not until I was able to set down with them
17 and figured out the mistake, and then it was
18 either my wife or daughter called and asked how
19 we correct that.

20 We got it corrected and filed and then --
21 right now the account is at 0.00. I was under
22 the understanding that you couldn't close an
23 account out as long as this was pending, but
24 that previous case, he did close it out and it
25 was pending, so I'm not for sure if I'll

1 continue or not. But I just need to get this
2 taken care of and asking for whatever help I
3 can.

4 CHAIRMAN BENNETT: So I'm trying to
5 understand the settlement agreement. I don't
6 see any previous settlement, and it says here
7 previous times before the board, but I see a
8 list of four different delinquent reports.

9 MS. TAYLOR: We have to just chalk this up
10 to computer bugs that we didn't notice. The
11 blank spaces under "time before the board," the
12 list is at the bottom beneath that box of the
13 proposed fine, there's a list of --

14 CHAIRMAN BENNETT: I see that.

15 MS. TAYLOR: -- prior delinquencies.

16 CHAIRMAN BENNETT: So that's what we should
17 rely on then?

18 MS. TAYLOR: Yes.

19 CHAIRMAN BENNETT: There has been a fifth,
20 this would be the fifth?

21 MS. TAYLOR: This is the third and fourth.

22 MICHAEL SCOTT: And I did pay the
23 25 percent, and then I paid the 50 percent. So
24 I knew this --

25 CHAIRMAN BENNETT: I move we bump it up to

1 50 -- 75 percent.

2 MEMBER KLUTZ: Second. We have a motion
3 and a second.

4 Any discussion?

5 MEMBER WILSON OVERHOLT: I guess -- I guess
6 I'll second for the purposes of discussion --

7 CHAIRMAN BENNETT: I moved, and he
8 seconded.

9 MEMBER WILSON OVERHOLT: Okay. I guess
10 just for discussion purposes I'm going to -- I
11 think as someone who has run for office a few
12 times, and I think it is important that everyone
13 who is -- I think we've, you know, talked to
14 political action committees who aren't actually
15 running for office, and obviously there are
16 rules they need to follow. And I just have to
17 say I'm a little more sympathetic to the folks
18 like that. Once you're running for office, once
19 you're an elected official, you really need to
20 be. Because part of running for office is
21 you're agreeing that you're going to be
22 responsible for upholding these laws and
23 actually offering laws, and so I do -- I always
24 find it quite troubling when candidates and
25 their committees come in and start talking

1 about, "Well, my treasurer had an issue," or,
2 "My family members had an issue." Because you
3 are the person running for office, and you're
4 responsible for making sure everyone working on
5 your committee understands the rules and is
6 playing by the rules and if they aren't, you
7 need to follow-up and make sure everything gets
8 done.

9 That is just my comment on this. And so
10 I -- I don't actually view this as being on par
11 with the others that we've been looking at
12 today. But I know there's a motion out there.
13 I think this is one where I would -- these types
14 of situations, I would be inclined, especially
15 because he's already paid the penalties and the
16 fines, and that hasn't changed behavior. I'm
17 inclined to impose the full amount.

18 MICHAEL SCOTT: Could I ask that the 2016
19 one, had I had the numbers correct, I would have
20 paid the 75 percent on that one, and paid the
21 100 percent on the 2017. So really --

22 MEMBER KLUTZ: We have a motion pending.
23 And you got to see where the road is going.

24 MICHAEL SCOTT: Sure, I --

25 MEMBER KLUTZ: First one is 25 percent, and

1 you would have got 50 percent -- proposing 75, I
2 don't know if it's going to pass --

3 MICHAEL SCOTT: Sure.

4 MEMBER KLUTZ: If it does pass, you need to
5 see what your next time around here is going to
6 look like.

7 MICHAEL SCOTT: Sure.

8 MEMBER KLUTZ: Okay.

9 CHAIRMAN BENNETT: Any further discussion?
10 All in favor of the motion say aye.

11 MEMBER KLUTZ: Aye.

12 MEMBER WILSON OVERHOLT: Aye.

13 MS. CELESTINO-HORSEMAN: Aye.

14 CHAIRMAN BENNETT: All opposed say nay.

15 Motion carried at 75 percent.

16 And if you run for office, keep this --
17 please take the comments here today to heart.

18 MICHAEL SCOTT: I will. Thank you.

19 ROY SAENZ: Roy Saenz, S-A-E-N-Z, cause
20 number 2017-6630-51.

21 MS. THOMPSON: Mr. Chairman, it's on page
22 34. Committee to Elect Roy Saenz, cause number
23 2017-6620-51, has never been before the
24 commission before, has a civil penalty of
25 1,000.47 and he did get the report filed

1 yesterday.

2 CHAIRMAN BENNETT: Okay. Would you like to
3 present any evidence or testimony?

4 ROY SAENZ: Yes, Mr. Chairman. On my
5 pre-primary, I also indicated that I had a
6 change of treasurer because of a work conflict.
7 So my treasurer then in January moved, I assumed
8 that she had been taking care of all of the
9 paperwork, when I went over that and walked her
10 through that back in April. Then during that
11 moving process, it's apparent she did not file.
12 Then she was sent the notice of this hearing on
13 July 13, and it finally reached her because of
14 the change of address, August 4th. I was out of
15 town and did not get notice until August 9th. I
16 immediately started contacting her and following
17 up with her to confirm the accuracy of the
18 information in the account.

19 So the account currently has a balance of
20 \$14.15 in it. The intent is to dissolve this
21 committee as soon as possible upon conclusion
22 and remedy of the results of this hearing.

23 So I would ask that the committee either
24 waive the fine or assess a fine no more than
25 \$14.15 to allow for a 0.00 balance of the

1 account so we can dissolve this committee within
2 the next 30 days.

3 CHAIRMAN BENNETT: My thought is this may
4 be a situation where we put this on the next
5 agenda and see if the committee is dissolved.

6 MEMBER KLUTZ: I think that's what we've
7 done in the past.

8 MS. CELESTINO-HORSEMAN: Do you understand
9 what he's saying?

10 ROY SAENZ: This is my first time here. So
11 I'm trying to take it all in.

12 CHAIRMAN BENNETT: What has been said, and
13 the key here is to see that that committee is
14 dissolved.

15 ROY SAENZ: Okay.

16 CHAIRMAN BENNETT: And before we reach a
17 verdict on this issue, we'd like to see the
18 committee dissolved. So my motion is to give
19 you 30 days to dissolve the committee and we'll
20 take this up at our next meeting, if the
21 committee is dissolved then the case will be
22 closed.

23 MEMBER WILSON OVERHOLT: And you can talk
24 to staff if you have questions about how to do
25 that.

1 CHAIRMAN BENNETT: We have a motion. Is
2 there a second?

3 MS. CELESTINO-HORSEMAN: Second.

4 CHAIRMAN BENNETT: All in favor say aye.

5 MS. CELESTINO-HORSEMAN: Aye.

6 MEMBER KLUTZ: Aye.

7 MEMBER WILSON OVERHOLT: Aye.

8 CHAIRMAN BENNETT: All opposed say nay.

9 Motion carries. We would ask that you get
10 your committee dissolved in 30 days and we'll
11 look at this at our next meeting when we address
12 the issues then.

13 ROY SAENZ: Excellent. Thank you.

14 MS. CELESTINO-HORSEMAN: Do you need to
15 return that?

16 ROY SAENZ: Yes, ma'am.

17 AUREA TORRES: Good afternoon. Again, my
18 A-U-R-E-A, T-O-R-R-E-S. Do you need my cause
19 numbers again?

20 COURT REPORTER: Yes.

21 AUREA TORRES: Cause numbers are
22 2017-6923-4, 2017-6923-148 and 2017-6923-117.

23 MS. THOMPSON: Mr. Chairman, that's on page
24 -- bottom of page 3, page 68, and 85. Cause
25 number 2017-6923-4, 2017-6923-117,

1 2017-6923-148.

2 CHAIRMAN BENNETT: Page 3, 68 and what was
3 the last one?

4 MS. THOMPSON: 85.

5 First one has a civil penalty of \$1,000.47.
6 This committee has not been before the
7 commission. All three of these are new on this
8 spreadsheet. And the committee is closed. The
9 second one is a \$200.47 proposed fine. And the
10 last one is \$200.47.

11 CHAIRMAN BENNETT: Okay. What evidence and
12 testimony would you like to present?

13 AUREA TORRES: Good afternoon. Thank you
14 for your time. I apologize for coming before
15 you too early, I didn't know what was going on.
16 But I decided to run for state office to put my
17 name on the ballot to give voters a choice
18 besides Democrat and Republican. It was my
19 first time and I didn't have a whole lot of
20 guidance. I did get the campaign manual, which
21 is, you know, easy reading, if you guys have
22 ever looked at that, I'm sure you have.

23 I, basically, am just here to say I thought
24 that I had filed this paperwork. I think these
25 fees are late fines, or maybe I missed the one

1 that is \$1,000.00, I'm not quite sure which, you
2 know, I think the \$200.00 were the late ones and
3 then maybe I never filed the one that's
4 \$1,000.00, or I don't know why they're different
5 amounts.

6 But basically I thought I was following the
7 calendar that I got that had, like, you know,
8 the dates on it. I think the State gave it to
9 me, or somebody that worked for the State gave
10 it to me. So I thought I was, you know, all on
11 the up and up and then I think I knew that I did
12 get one of my CFA forms in late. I think that
13 might be cause number 148. But other than that,
14 I wasn't expecting so many fines.

15 My entire campaign I think I raised under
16 \$500.00, which is more than I actually wanted to
17 raise. I wasn't really seeking donations or
18 taking donations. I just wanted an option for
19 liberty on the ballot. And so I'm here to plead
20 my case. Please reduce these as much as you see
21 fit.

22 CHAIRMAN BENNETT: Okay. Any discussions?
23 Motions?

24 MS. CELESTINO-HORSEMAN: So you just
25 decided to run and didn't go look at anything to

1 see what was required or what you had to --

2 AUREA TORRES: Oh, no, that's not true.

3 No, I did look at things that were required. I
4 did -- I don't want to say I read the manual
5 thoroughly, I was more focusing on the calender
6 I received that had dates and which paperwork to
7 file. Our former party chair of our county had
8 moved to Florida, and he was kind of our guiding
9 light, if you will, that would have probably
10 helped me make sure that my paperwork was -- you
11 know, he probably would have been like, "Hey,
12 did you file this one," you know, and I probably
13 would have caught them sooner, so that's --

14 MEMBER WILSON OVERHOLT: From what I've
15 seen here, am I clear that you were filing to
16 fill a vacancy? So were you --

17 AUREA TORRES: That's what --

18 MEMBER WILSON OVERHOLT: -- so -- after the
19 primary -- is what --

20 AUREA TORRES: I'm not sure what that was.
21 Like that's what I'm saying, I don't fully
22 understand --

23 MEMBER WILSON OVERHOLT: I'm asking about
24 the process. Were you -- when you filed as a
25 candidate, were you filing filling a vacancy

1 after -- did you file after the primary
2 post-primary?

3 AUREA TORRES: Well, as a Libertarian
4 candidate we don't participate in running --

5 MEMBER WILSON OVERHOLT: Right.

6 AUREA TORRES: So I'm a little unclear
7 on --

8 MS. CELESTINO-HORSEMAN: So --

9 AUREA TORRES: I'm the abnormal case, I
10 guess.

11 MS. CELESTINO-HORSEMAN: So do you
12 understand that if you run for office and you
13 have to get this and you have to have --

14 AUREA TORRES: I do.

15 MS. CELESTINO-HORSEMAN: -- and you --

16 AUREA TORRES: I do understand. And I
17 understand -- yes, ma'am, and I understand the
18 importance of the process because you do want to
19 keep track of who's giving money to who. I get
20 that we need this process.

21 I just didn't feel like -- I don't feel
22 like the -- you know, the people that are doing
23 it for the first time don't always know what
24 they don't know. So yes, you should read the
25 manual thoroughly, two, three times if you need

1 to. But I'm a single mom. I work a full-time
2 job. Like I said, this was more about pushing
3 the Liberty agenda versus the left, right, back
4 and forth system government that we have today.

5 CHAIRMAN BENNETT: I'm a little concerned
6 as you sit here today before this commission
7 that you're still not sure what you didn't do
8 correctly.

9 AUREA TORRES: Well, I know I didn't file
10 paperwork. I know I didn't file the CFA one
11 candidate statement of organization report
12 before July 12th. I know I did file that one,
13 because I remember the CFA one, I think it was
14 late. But that \$1,000.00, I think she said.
15 I'm not sure where the penalties are listed.
16 But I know I did file my CFA -- I filed all my
17 CFA forms. I filed the -- you know, the paper
18 to close the committee.

19 What I don't understand is the one that you
20 brought up, which was the pre-elect report. Oh,
21 no, the vacancy. I think that's the one. And I
22 think that's the one with the -- that's the only
23 one that I'm unclear of. Because I don't know
24 what vacancy there is if you're --

25 CHAIRMAN BENNETT: Have you talked to the

1 staff about it?

2 AUREA TORRES: I have talked to -- no,
3 because I just got this letter not too long ago
4 and I was going to see if I could get somebody
5 to come and represent me, but then when I
6 realized how much the fines were going to be, I
7 just better show up and answer for myself.

8 CHAIRMAN BENNETT: Okay. Any motion or any
9 discussions or motions?

10 MS. CELESTINO-HORSEMAN: Um --

11 AUREA TORRES: And I doubt that I will be
12 running for state office.

13 MEMBER WILSON OVERHOLT: My thought is she
14 closed -- you say the committee is closed?

15 AUREA TORRES: It is, yes.

16 MEMBER WILSON OVERHOLT: So she's already
17 closed the committee. And, I mean, I guess my
18 thought would be to, then, waive it based on the
19 fact that it's been closed.

20 MS. CELESTINO-HORSEMAN: And I'll second
21 that.

22 CHAIRMAN BENNETT: Any further discussion?
23 So the point being that if you close your
24 committee, you shouldn't have to pay anything?

25 MEMBER WILSON OVERHOLT: Well, I think

1 based on the situation -- I mean, I know there's
2 reports here. But it's all for one election.
3 So she had one candidacy, she tried it, she
4 didn't meet the filing deadlines, so it's
5 closed. So I think --

6 CHAIRMAN BENNETT: It's kind of like
7 Mulligan?

8 MS. CELESTINO-HORSEMAN: Yeah.

9 MEMBER WILSON OVERHOLT: I just kind of
10 view it as being similar to the last one where
11 we said that if you close your committee and
12 come back, we'll talk to you then. She's
13 already closed the committee.

14 MEMBER KLUTZ: She also -- this is not one
15 of the major two parties, the first time
16 running, it's not a major party, and you don't
17 have the support of a major party.

18 MEMBER WILSON OVERHOLT: Yeah.

19 MEMBER KLUTZ: Those are factors.

20 MEMBER WILSON OVERHOLT: Yeah, and I'm not
21 sure the calendar -- it's been a little while
22 since I looked at the calendar, but I think when
23 you're filing as not one of the major parties
24 when you come in post-primary, it's -- there are
25 different deadlines that apply --

1 AUREA TORRES: Yes.

2 MEMBER WILSON OVERHOLT: -- that are not
3 necessarily set up as clearly on that calender.
4 Assuming you're part of one of the major two
5 parties and you're going to do a regular cycle
6 of the reporting.

7 CHAIRMAN BENNETT: All right. Well, we
8 have a motion and a second.

9 All in favor say aye.

10 MEMBER KLUTZ: Aye.

11 MS. CELESTINO-HORSEMAN: Aye.

12 MEMBER WILSON OVERHOLT: Aye.

13 CHAIRMAN BENNETT: All opposed say nay.

14 Ayes have it. Motion carried.

15 AUREA TORRES: Thank you very much. And if
16 I may, I just spoke with Carl directly on my way
17 here. He wanted to be here, I know that his --
18 he didn't give me a letter or anything to speak
19 for him, but he asked me to tell you that he
20 does plan on coming to your next meeting to
21 answer for his violations, if he has any.

22 CHAIRMAN BENNETT: Okay. Thank you.

23 DAN CRUZ: Quite a day. Dan Cruz, D-A-N,
24 C-R-U-Z, cause number 2017-6779-60.

25 MS. THOMPSON: Mr. Chairman, it's at the

1 bottom of page 38. This is cause number
2 2017-6779-60. Has not been before the
3 commission before, has a civil penalty of
4 \$1,000.47.

5 CHAIRMAN BENNETT: Yes, sir. What would
6 you like to present?

7 DAN CRUZ: Okay. So currently I have a
8 civil penalty for this? I really didn't know
9 that. I just --

10 CHAIRMAN BENNETT: The fine has been
11 imposed.

12 MS. THOMPSON: Proposed.

13 CHAIRMAN BENNETT: Proposed.

14 DAN CRUZ: Okay. Well then, what -- so it
15 takes a lot to put this out here like this. But
16 mostly this is the deal, my daughter suffered a
17 traumatic brain injury 9 months ago -- 10 months
18 ago, it was a mess back then. My wife was
19 abusing prescription pills, which I didn't even
20 know she was using, that was a mess back then,
21 still is a little bit. Getting better, along
22 multiple other issues that she's dealing with
23 that she brings to the table which has caused me
24 to not even really deal with this and get this
25 filed, okay? So currently, this isn't filed

1 yet. So I believe this needs to be filed and
2 then we'll have another penalty for filing late?

3 MS. THOMPSON: This is your penalty for
4 filing late.

5 DAN CRUZ: Okay.

6 MS. CELESTINO-HORSEMAN: I have a question
7 for the staff. So if we give him a penalty
8 today, does he still have to come back and file
9 the report? Or, I mean --

10 MS. THOMPSON: I mean, none of this was --

11 MEMBER KLUTZ: He'll have to file.

12 MS. CELESTINO-HORSEMAN: He'll have to
13 file? Is he subject, then, to a second penalty
14 if he doesn't file?

15 DAN CRUZ: Okay.

16 MS. CELESTINO-HORSEMAN: So we penalize him
17 today and he never ever files the report there's
18 nothing we can do?

19 MEMBER KLUTZ: Isn't it the maximum fine
20 we're allowed to, and then we would turn it over
21 to attorney general for closure --

22 MS. THOMPSON: Correct.

23 MEMBER KLUTZ: -- or collection.

24 MS. THOMPSON: Correct.

25 MS. CELESTINO-HORSEMAN: So now, did he

1 have the opportunity to do the 25 percent?

2 MEMBER KLUTZ: Yeah, he was here.

3 MS. CELESTINO-HORSEMAN: He was here?

4 CHAIRMAN BENNETT: Yes.

5 MS. CELESTINO-HORSEMAN: Today? Okay. And
6 you didn't come forward to take a reduced
7 penalty?

8 DAN CRUZ: Well, my understanding reading
9 this is that we were going discuss whether or
10 not I was going to be assigned a penalty. So it
11 says that, "The hearing attorney is to determine
12 if you should be assessed a civil penalty."

13 MS. CELESTINO-HORSEMAN: Were you here at
14 the beginning on the meeting?

15 DAN CRUZ: Yes, I was.

16 MS. CELESTINO-HORSEMAN: Okay. So at the
17 beginning of the meeting, people could --

18 DAN CRUZ: Oh, I know.

19 MS. CELESTINO-HORSEMAN: Come forward and
20 take the 25 percent.

21 DAN CRUZ: Right, but --

22 MS. CELESTINO-HORSEMAN: So what you're
23 asking for is that the fine be waived?

24 DAN CRUZ: Well, ultimately that would be
25 the best thing for me. But at this -- based

1 on -- the reason that I came today was to ask
2 for no penalty to be imposed. I had just now
3 found out that a penalty had been imposed or
4 else I may have come up --

5 MS. THOMPSON: Proposed.

6 DAN CRUZ: Proposed, yeah.

7 Okay. So based on my scenario, I would
8 like for the fine to be waived -- it would be
9 very helpful to me, and I have a lot on my
10 plate. And it takes a lot to even tell you
11 that. But if the best I can get is 25 percent
12 of \$1,000.00 than that would be fine. So --

13 CHAIRMAN BENNETT: Well, I think what the
14 commissioner was trying to say is that we
15 encouraged people to come up and take the
16 25 percent --

17 DAN CRUZ: I understand that.

18 CHAIRMAN BENNETT: -- deal so we can move
19 this along faster for everybody else --

20 DAN CRUZ: Yeah, and I didn't know --

21 CHAIRMAN BENNETT: -- so it doesn't seem
22 fair to have someone reject that offer, come
23 back and expect better than the 25 percent or to
24 ask for the 25 percent.

25 DAN CRUZ: Well, I didn't know that the

1 25 -- I didn't know there was a \$1,000.00
2 penalty. It says, "The hearing is called to
3 determine if you should be assessed a civil
4 penalty."

5 MS. CELESTINO-HORSEMAN: Does it give you
6 an amount in there?

7 DAN CRUZ: No. So I did not know that I
8 had been assessed a civil penalty. So I'm
9 asking for no penalty to be assessed.

10 MEMBER WILSON OVERHOLT: Did you receive --
11 you should have received a settlement agreement.

12 DAN CRUZ: I haven't received anything
13 other than this that I'm aware of. And so today
14 I'm asking for no penalty to be assessed.

15 CHAIRMAN BENNETT: Well --

16 DAN CRUZ: However, I will take the
17 25 percent, because that's not a bad offer. So
18 I'm not here to argue whatsoever.

19 CHAIRMAN BENNETT: So you didn't understand
20 that you could have taken the 25 percent deal if
21 --

22 DAN CRUZ: I understand that completely.

23 CHAIRMAN BENNETT: Now?

24 DAN CRUZ: No, I did then. But I didn't
25 know that there was a penalty yet.