

1 I'm asking for you not to give me a penalty  
2 and you're saying you already gave me a penalty.

3 MEMBER WILSON OVERHOLT: He was notified of  
4 the penalty.

5 MS. CELESTINO-HORSEMAN: No, he said he's  
6 been --

7 DAN CRUZ: My letter doesn't say that. It  
8 says show up.

9 MEMBER KLUTZ: Do we have --

10 COURT REPORTER: I'm sorry, could you speak  
11 up?

12 MEMBER KLUTZ: Do we have record that a  
13 settlement agreement was sent?

14 MS. TAYLOR: I would have a copy upstairs  
15 of the settlement agreement.

16 MEMBER KLUTZ: But based on the process and  
17 procedure of these facts, he would have fallen  
18 under the category of receiving --

19 MS. TAYLOR: -- of receiving it, yes.

20 MEMBER KLUTZ: -- under the normal  
21 circumstances?

22 DAN CRUZ: Well, I'll take the 25 percent.  
23 I mean, I'm not -- I just -- this is the only  
24 paperwork that I have that I saw. Because I  
25 came today to just --

Transcript of Hearing  
August 18, 2017

101

101

1 CHAIRMAN BENNETT: What I'm struggling with  
2 is whether you deserve to take the 25 percent  
3 because you didn't take it when --

4 DAN CRUZ: I sure would have.

5 CHAIRMAN BENNETT: You would have if what?

6 DAN CRUZ: If I wasn't reading off of this  
7 paper. This is the only one that I received.  
8 And so I thought that I was asking for no  
9 penalty. I didn't know that I had a \$1,000.00  
10 penalty.

11 CHAIRMAN BENNETT: What did you think the  
12 offer of 25 percent was for? 25 percent of  
13 what? If you knew that the penalty was going to  
14 be -- the offer was for 25 percent of whatever  
15 penalty that was proposed.

16 DAN CRUZ: Okay. So I didn't know that I  
17 had a penalty yet. I thought that you guys were  
18 going to tell me whether or not you were going  
19 to give me a penalty.

20 CHAIRMAN BENNETT: So you didn't think that  
21 you were eligible to take the 25 percent?

22 DAN CRUZ: Correct.

23 CHAIRMAN BENNETT: Okay.

24 DAN CRUZ: That is correct.

25 CHAIRMAN BENNETT: All right. Well, for

1 that confusion I will take responsibility. And  
2 I would offer -- I would move that we offer the  
3 25 -- I think that we resolve to accept the  
4 25 percent of the fine.

5 MEMBER KLUTZ: I'll second.

6 DAN CRUZ: I'll take it.

7 CHAIRMAN BENNETT: Not until we have  
8 discussion.

9 DAN CRUZ: I understand.

10 MS. CELESTINO-HORSEMAN: So what about the  
11 unfiled report?

12 MEMBER WILSON OVERHOLT: We -- you got a  
13 motion and a second?

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

16 MEMBER WILSON OVERHOLT: We have both?

17 So what about making the -- I would -- I  
18 think that perhaps what would make sense is  
19 could we make sure the report is filed -- gets  
20 filed within X amount of time, and if that  
21 happens, then we would agree to reduce the  
22 penalty to 25 percent. If the report is not  
23 filed by the date that we determine, then all  
24 bets are off.

25 CHAIRMAN BENNETT: Okay. So is there a

1 second to that amendment?

2 MS. CELESTINO-HORSEMAN: I second.

3 CHAIRMAN BENNETT: We have a motion and  
4 a --

5 MEMBER WILSON OVERHOLT: We need to set a  
6 date.

7 MS. CELESTINO-HORSEMAN: Do you understand  
8 what we're saying?

9 DAN CRUZ: Yeah, totally.

10 CHAIRMAN BENNETT: Okay. So I believe we  
11 have a motion on the floor to accept 25 percent  
12 of the total fine if, within 30 days, the report  
13 that is due is filed, and that you would come  
14 back for our next hearing so we can see if that  
15 report has been filed, at that point in time if  
16 it has, then the fine will be 25 percent. And  
17 if it's not been filed, the fine will revert  
18 back to statutory fining.

19 Okay. All in favor say aye.

20 MEMBER KLUTZ: Aye.

21 MEMBER WILSON OVERHOLT: Aye.

22 MS. CELESTINO-HORSEMAN: Aye.

23 CHAIRMAN BENNETT: All opposed say nay.

24 DAN CRUZ: Is there any way to wrap that up  
25 without having to come back to the hearing? Do

1 I need to be here to --

2 CHAIRMAN BENNETT: I don't think so because  
3 we have to see that the report has been filed  
4 before we can decide what the ultimate fine is  
5 going to be.

6 DAN CRUZ: All right. Thank you.

7 GREG TAYLOR: My name is Greg Taylor,  
8 G-R-E-G, T-A-Y-L-O-R.

9 DANIELLE TAYLOR: And I'm Danielle Taylor,  
10 D-A-N-I-E-L-L-E, T-A-Y-L-O-R. I did not come up  
11 the first time, but I did put my hand up in the  
12 audience just --

13 CHAIRMAN BENNETT: Thank you. State your  
14 cause number.

15 GREG TAYLOR: Oh, yes, cause number  
16 2017-5688-142, and 2017-5688-143.

17 MS. THOMPSON: Mr. Chairman on page 82,  
18 cause number 2017-56880142, and 143, both have a  
19 civil penalty \$1,000.47. He's been before the  
20 board three other times on both of them.

21 MS. CELESTINO-HORSEMAN: On both of these  
22 particular --

23 MS. THOMPSON: No, for different matters  
24 before the commission.

25 CHAIRMAN BENNETT: Once before and earlier

1 today?

2 GREG TAYLOR: Well, yes.

3 MS. CELESTINO-HORSEMAN: So these are  
4 violations four and five?

5 MS. THOMPSON: Yes.

6 MS. TAYLOR: Yes.

7 MEMBER WILSON OVERHOLT: But the reports  
8 were all -- but it's for two --

9 MS. TAYLOR: Separate --

10 MEMBER WILSON OVERHOLT: -- large  
11 contributions that were both due to be reported  
12 on the same day.

13 MS. TAYLOR: Correct.

14 MEMBER WILSON OVERHOLT: So it's a  
15 single -- two contributions on a single report  
16 that was late, right? Or was it actually -- has  
17 it been filed or --

18 MS. THOMPSON: No.

19 MEMBER WILSON OVERHOLT: It hasn't been  
20 filed at all?

21 CHAIRMAN BENNETT: Mr. Taylor, the floor is  
22 yours.

23 GREG TAYLOR: Thank you, Commissioner.  
24 This is actually my second time in front of this  
25 committee, the first two times -- when you say

1 you come in front of a committee, it means you  
2 appear, I would imagine. I don't remember the  
3 first two. But my wife was here before for  
4 filing a report -- filing an actual report late.  
5 She is my treasurer.

6 Obviously, this was during the session --  
7 when we were in session, no excuse, a large  
8 contribution should have been filed. I didn't  
9 file it. I'm not going to throw my wife under  
10 the bus. But I didn't even know.

11 DANIELLE TAYLOR: I didn't tell him. It  
12 was my fault.

13 GREG TAYLOR: Yeah, I didn't even know.  
14 All I'm asking is that the commission consider  
15 that this was just one filing, and we've got two  
16 actual checks that were over \$1,000.00, and I  
17 think I should be assessed a penalty, but to be  
18 assessed a penalty twice, in my opinion, for the  
19 same action because the report would have been  
20 necessary for both checks on the same report.  
21 So -- and I do understand that this is my --  
22 what I consider my third and fourth, because  
23 these are two. And I understand the  
24 commission's consideration that it's my fourth  
25 and fifth. But that's my situation, and I'm

1 willing to pay a penalty, but I just think that  
2 from a practical standpoint to pay a penalty on  
3 the same report for the same thing, and it's  
4 two -- I know it's two different checks, so  
5 that's why there's two -- I guess, that's why  
6 there's two different cause numbers.

7 But just seems to me to be redundant. It  
8 just -- so I'm willing to pay -- in other words,  
9 I'm asking for -- I'm willing to pay a penalty  
10 that whatever the penalty is that the commission  
11 has assessed to me and we will have a report  
12 filed within the next 30 days.

13 MS. CELESTINO-HORSEMAN: I have a question.

14 Were these contributions reflected on the  
15 year end report?

16 MS. THOMPSON: Correct.

17 MS. TAYLOR: Correct.

18 MS. CELESTINO-HORSEMAN: Okay. So they  
19 just were reported. They just weren't reported  
20 on the one that -- the contributions for the  
21 election.

22 MS. THOMPSON: Right.

23 MS. CELESTINO-HORSEMAN: Okay.

24 MEMBER KLUTZ: And they still haven't been  
25 filed, correct?



1 GREG TAYLOR: I have to be honest, I didn't  
2 know. That's no excuse, I agree with the  
3 commissioner with all that. That's no excuse.  
4 But got like 25 different rules when it comes to  
5 these large contributions. I actually thought  
6 it was over \$1,000.00, that's the word that I  
7 get on the street. So that's why -- I thought  
8 that's why people wrote checks for \$1,000.00  
9 because if it was over \$1,000.00 you would need  
10 to report it, but now I know better.

11 CHAIRMAN BENNETT: Well --

12 DANEILLE: I --

13 CHAIRMAN BENNETT: No, go ahead.

14 DANIELLE TAYLOR: And I understand as well.  
15 I guess, the last time we came it was also my  
16 fault. But there's a short span of time that  
17 you have to file those and only during that  
18 time. As a matter of fact we were -- we had to  
19 get out of the rules again because he just  
20 recently received a donation that we have not  
21 deposited yet because I went to get a file and  
22 file it. We're going to deposit it and file it.

23 GREG TAYLOR: But you don't have to file a  
24 report right now.

25 MS. TAYLOR: You don't have to file a

1 report, correct.

2 GREG TAYLOR: For a large contribution  
3 right now. But you got to --

4 DANIELLE TAYLOR: So I --

5 COURT REPORTER: One at a time.

6 GREG TAYLOR: So I have to file a report  
7 pre-primary, now I understand it. It was during  
8 the election year I need to file -- file a large  
9 contribution report during that period of time,  
10 now I don't.

11 CHAIRMAN BENNETT: Well, this is a  
12 situation where the committee is open and  
13 ongoing and has a report due to be filed. So I  
14 think we ought to maybe move this along 30 days  
15 and see what happens at the next meeting before  
16 we make any decisions. So I would make that  
17 motion. Is there a second?

18 MEMBER KLUTZ: Second.

19 CHAIRMAN BENNETT: Motion and second.

20 Any discussion?

21 Hearing none, all it favor say aye.

22 MS. CELESTINO-HORSEMAN: Aye.

23 MEMBER WILSON OVERHOLT: Aye.

24 MEMBER KLUTZ: Aye.

25 CHAIRMAN BENNETT: All opposed say nay. We

1 encourage you to get that report filed.

2 GREG TAYLOR: I encourage me, too. Thank  
3 you.

4 CHAIRMAN BENNETT: Can anybody tell me  
5 where we are? We're right here. You're the  
6 closest to the table. Come on up.

7 DAN BALL: I think it will be quick. Dan  
8 Ball, B as in boy, A-L-L. Number 99-6852. It  
9 says file number. I guess I'll just start with  
10 why I came in.

11 CHAIRMAN BENNETT: Do you got a cause  
12 number?

13 DAN BALL: That was the number I had, was  
14 the 99-6852.

15 MS. THOMPSON: Page 43.

16 CHAIRMAN BENNETT: Tell us what you can  
17 about this situation.

18 MS. THOMPSON: This is cause number  
19 2017-6852-70, has never been before the  
20 commission before and has a civil penalty of  
21 \$1,000.47, and the report is not filed.

22 CHAIRMAN BENNETT: Okay. Mr. Ball.

23 DAN BALL: Yeah. So, I guess, my purpose  
24 for coming in was to request a waive on the fee  
25 as well. I wasn't here early enough to hear

1 that round of -- that you just discussed earlier  
2 about 25 percent -- automatic reduction to  
3 25 percent. So I wasn't here for that part,  
4 apparently there's a big event in town and I had  
5 a really hard time finding parking. I missed  
6 that initial part of it. And I wasn't even  
7 clear, also, that I had a fine because it says  
8 may be assessed. But essentially, what I'm  
9 looking for -- or what I wanted to explain, was  
10 I didn't think that I had to file because I was  
11 a candidate who -- I filed fairly late in the  
12 process to get on the ballot, it was protested  
13 and I got a call within -- I think 24, 36 hours  
14 that it was being protested by the county  
15 chairman. So because of that, and from looking  
16 at the laws around that, I pretty much knew I  
17 was going to get kicked off the ballot. So I  
18 didn't take any money in, I didn't spend any  
19 money, I came up for the hearing, I was kicked  
20 off the ballot or removed from the ballot, and  
21 then -- so going back and reading through the  
22 material that I got that -- the manual that came  
23 with it, it said that anyone who was on the  
24 ballot for that November election had to file an  
25 end of year report. Since I wasn't on the

1 ballot, I didn't think that I had to file  
2 something for it.

3 From what I heard today, that seems  
4 definitely not to be the case that whether  
5 you're on the ballot or not you still need to  
6 file a report that says, "I took in this much,"  
7 or "spent this much." So the C forms I didn't  
8 send in because, like I said, I was removed from  
9 the ballot. So I wasn't even on the primary  
10 ballot and didn't think that I had to fill out  
11 the forms once I was removed from the ballot.

12 CHAIRMAN BENNETT: Okay. Any questions?

13 MEMBER KLUTZ: Just for clarification, so  
14 you weren't on the ballot, there was a protest  
15 by the chair. Did you raise any money?

16 DAN BALL: No, no, because I was alerted to  
17 the protest from the chair within, like, 36  
18 hours of filing, so I was advised that pretty  
19 much I had no chance of being on the ballot. If  
20 your county chair is protesting then you will be  
21 kicked off. So because of that, I didn't take  
22 any money in so that it would just be a  
23 cleaner -- once I get -- anticipated being  
24 removed from the ballot and it would be very  
25 clean and I'd just be done. And so that's what

1 we did. We didn't take any money in or having  
2 any expenditures other than traveling up here  
3 for that.

4 MS. CELESTINO-HORSEMAN: You filed a  
5 declaration candidacy, though, right?

6 DAN BALL: Yes.

7 MEMBER WILSON OVERHOLT: Is your committee  
8 still open?

9 DAN BALL: Yes, it would be because I am  
10 the committee. I am the -- I opened it. I'm  
11 the committee. I'm the candidate. I'm the  
12 treasurer. I was everything on it. And the  
13 idea was to go out -- and again, it was late in  
14 the process because the candidate who was  
15 supposed to run at the last minute, backed out.  
16 So I was to go out and get an actual treasurer  
17 and those people were going to step in and take  
18 over. But when I found out that my -- being on  
19 the ballot was protested, we just kind of  
20 stopped everything, knowing that it wasn't going  
21 to go any further.

22 MS. CELESTINO-HORSEMAN: Is it your  
23 intention to close the committee?

24 DAN BALL: Yes, yes. So given that, I  
25 guess, I didn't realize it was even still open

1 at this point. But there's a bank account was  
2 never open because we found out about the  
3 protest, so there's not even a bank account  
4 opened for the committee.

5 CHAIRMAN BENNETT: I move that we move this  
6 out 30 days, give you a chance to close the  
7 committee, come back and take it up at that  
8 point.

9 DAN BALL: Yep.

10 MS. CELESTINO-HORSEMAN: And you file the  
11 report the same time you close.

12 CHAIRMAN BENNETT: Motion, let's vote on  
13 it. All in favor say aye.

14 MS. CELESTINO-HORSEMAN: Aye.

15 MEMBER KLUTZ: Aye.

16 MEMBER WILSON OVERHOLT: Aye.

17 CHAIRMAN BENNETT: All opposed say nay.  
18 Motion carries.

19 DAN BALL: Thank you.

20 CHAIRMAN BENNETT: See you next time.

21 FARLEY SMITH: Hi, my name is Farley Smith,  
22 F-A-R-L-E-Y. And I'm with the Vanderburgh  
23 County Republican Party Committee.

24 CHAIRMAN BENNETT: Do you have a cause  
25 number?

1 FARLEY SMITH: 2017-5592-102.

2 MS. TAYLOR: On page 60. It's Vanderburgh  
3 County Republican Party, cause number  
4 2017-5592-102, this is the committee's, at  
5 least, fifth time before the commission, and a  
6 proposed civil of \$50.47.

7 FARLEY SMITH: How long ago was the --

8 MS. TAYLOR: 2007, '10, '13 and '14.

9 FARLEY SMITH: I've been with the committee  
10 since 2011. I'm not aware of any '13 and '14,  
11 did you say?

12 MS. TAYLOR: 2013 annual, and the 2014  
13 pre-elect report.

14 FARLEY SMITH: Were they late?

15 MS. TAYLOR: Yes.

16 FARLEY SMITH: Huh. I remember one we sent  
17 late, one we were faxing and couldn't get it  
18 through the fax line, couldn't get it through  
19 and I think you guys got it -- finally got it  
20 done like 12:02, or something like that. And we  
21 got penalized on that, which I didn't think was  
22 fair then. Because we was trying to get it up  
23 there and we couldn't get it through. And I was  
24 working with Michelle on that and it just kept  
25 going down and down, so --



1 But this one here, this particular one, is  
2 a -- I overnighted it the night before, and it  
3 was received up here according to Fed-Ex at 9:30  
4 in the morning. And then it says it wasn't  
5 submitted until 1:30. I don't know how -- I  
6 don't have any control of -- to get it from  
7 whoever signed for it to get it to them. It's  
8 out of my control then. I feel like I did  
9 everything I needed to do to get it here on  
10 time.

11 MEMBER KLUTZ: You didn't take --

12 CHAIRMAN BENNETT: You overnighted it the  
13 day before it was due and we received it --

14 FARLEY SMITH: 9:37.

15 MS. TAYLOR: We have it stamped in our  
16 office at 1:33 p.m.

17 CHAIRMAN BENNETT: It was on time?

18 MS. TAYLOR: The deadline is noon.

19 CHAIRMAN BENNETT: Oh, noon.

20 MEMBER KLUTZ: What do you have from FedEx?

21 FARLEY SMITH: And I've told your office  
22 that I had this, but it didn't seem to matter.  
23 Sent it, and there's with FedEx --

24 MEMBER KLUTZ: Delivered at 9:37.

25 MS. CELESTINO-HORSEMAN: You came all the

1 way for \$50.47?

2 FARLEY SMITH: Yeah, because I thought it  
3 was wrong. There's right and there's wrong, and  
4 that's wrong.

5 MS. CELESTINO-HORSEMAN: Yes, yes.

6 MEMBER KLUTZ: At first I was wondering why  
7 you waited the whole time for \$50.00 but now I  
8 see why you would have.

9 CHAIRMAN BENNETT: I move that we waive the  
10 fee.

11 MEMBER KLUTZ: Second.

12 CHAIRMAN BENNETT: All in favor say aye.

13 MS. CELESTINO-HORSEMAN: Aye.

14 MEMBER KLUTZ: Aye.

15 MEMBER WILSON OVERHOLT: Aye.

16 CHAIRMAN BENNETT: All opposed say nay.

17 Motion carries. The fee is waived.

18 MEMBER KLUTZ: Can we have this?

19 FARLEY SMITH: Yes. I don't need it now.

20 DALE NOWLIN: Dale Nowlin, D-A-L-E,  
21 N-O-W-L-I-N, and case name 2017-6795-131.

22 MS. TAYLOR: It's at the bottom of page 75.  
23 This is the Committee to Elect Dale Nowlin,  
24 cause number 2017-6795-131. This is for a large  
25 contribution, the committee paid one previous

1 settlement agreement and the proposed civil  
2 penalty is \$1,000.00.

3 MEMBER KLUTZ: Page number, please?

4 MS. TAYLOR: 75 and 76. The committee is  
5 also closed.

6 CHAIRMAN BENNETT: Yes, sir.

7 DALE NOWLIN: So, I wish mine was as easy  
8 as the last one. But basically this is the  
9 first time any of us involved in this had done  
10 this. We -- the large contribution was a local  
11 insurance company that did printing for us right  
12 before the primary, I ran the primary and lost.  
13 And we put it on our final report. We didn't  
14 know it also had to go on the large contribution  
15 report. When we got notice that the -- that we  
16 hadn't filed something, I called and found out  
17 what was missing and within two days we filed  
18 the large contribution report.

19 So I understand the penalty, but that -- by  
20 the time we found out it was missing, the  
21 penalty was already \$1,000.00. I would have  
22 taken the 25 percent, but -- the first one, and  
23 this is -- okay, you've heard a lot of sad  
24 stories, this is not a sad story. But it was --  
25 the day it was due, I'm a high school department

1 chair, three of my teachers were finalists in  
2 the presidential award, I was going to drop it  
3 off on the way to their luncheon, I got caught  
4 in construction on 65. So I dropped it off  
5 after their luncheon. So it was two hours and  
6 47 minutes late, it was \$50.00, I thought,  
7 "Well, that -- I deserve that because it's  
8 late." But that will now cost me \$250.00, the  
9 difference between the 25 percent and the  
10 50 percent. I didn't know I appeared before  
11 this commission before because I just paid the  
12 \$50.00. So that's my plea.

13 MS. CELESTINO-HORSEMAN: You say your  
14 committee is closed?

15 DALE NOWLIN: Yeah.

16 MS. CELESTINO-HORSEMAN: I move that fine  
17 be reduced to 25 percent.

18 MEMBER KLUTZ: I'll second.

19 CHAIRMAN BENNETT: Motion and a second.

20 Any discussion?

21 All in favor say aye.

22 MS. CELESTINO-HORSEMAN: Aye.

23 MEMBER KLUTZ: Aye.

24 MEMBER WILSON OVERHOLT: Aye.

25 CHAIRMAN BENNETT: All opposed say nay.

1 Motion carries.

2 DALE NOWLIN: Thank you very much.

3 JEFF MURRAY: My name is Jeff Murray, my  
4 cause number -- one second, 2007-6878-78.

5 MEMBER WILSON OVERHOLT: For 2007 or 2017?

6 JEFF MURRAY: 2017, yes, sorry.

7 MEMBER WILSON OVERHOLT: Just to clarify.

8 MS. THOMPSON: Chairman, it's on page 47,  
9 cause number 2017-6878-78, has never been before  
10 the commission before, has a proposed civil  
11 penalty of \$1,000.47, and the committee is now  
12 closed.

13 CHAIRMAN BENNETT: All right. Floor is  
14 yours.

15 JEFF MURRAY: All right. Basically, this  
16 is my first time ever running, did not end up  
17 raising any campaign funds nor did I spend any  
18 campaign funds. I had a few issues towards the  
19 end of the year and basically dropped out of the  
20 race. I don't believe I was actually ever on  
21 the ballot. I basically -- I just didn't file  
22 my year end report. I just didn't realize that  
23 I was supposed to file that report. I thought I  
24 had filed everything up until then, correctly.  
25 I just didn't realize about that year end

1 report. That is my fault. I take  
2 responsibility for that. I just ask for  
3 leniency this being my first time.

4 CHAIRMAN BENNETT: And the report still has  
5 not been filed?

6 JEFF MURRAY: No, it has been filed.

7 MEMBER KLUTZ: The committee is closed?

8 JEFF MURRAY: Yes, sir.

9 CHAIRMAN BENNETT: Questions?  
10 Is there any particular reason for not  
11 taking the settlement?

12 JEFF MURRAY: Well, honestly I just -- I  
13 didn't think that -- no, I probably should have.  
14 I just -- I didn't think that I actually owed --  
15 or that, you know, that I would owe anything.  
16 Like I said, it was my first time running. You  
17 know, towards the end of the year, I'm not going  
18 to give you, like, all the sob stories that  
19 you've heard tonight. But I've definitely had  
20 my fair share at the end the year last year.

21 So filing this report was not at the top of  
22 my list of priorities. It probably --  
23 obviously, should have been. But my family at  
24 that time was a little bit more of a priority to  
25 me than this report.

1 MS. CELESTINO-HORSEMAN: I move the fine be  
2 reduced to 25 percent.

3 MEMBER KLUTZ: I will second that.

4 CHAIRMAN BENNETT: Any discussion.

5 Let me just say this. When we are issuing  
6 these fines, we're not constrained to 25, 50,  
7 and 75, we can do 35, 40.

8 We have a motion on the floor, and a  
9 second. All in favor say aye.

10 MS. CELESTINO-HORSEMAN: Aye.

11 MEMBER KLUTZ: Aye.

12 MEMBER WILSON OVERHOLT: Aye.

13 CHAIRMAN BENNETT: All opposed say nay.  
14 Motion carries.

15 JEFF MURRAY: Thank you. Sorry for wasting  
16 your time, I should have come up earlier.

17 ANDY PICKELL: Cause is 2017-6721-112.

18 COURT REPORTER: Could you identify  
19 yourself, please?

20 ANDY PICKELL: Sorry. Andy Pickell,  
21 A-N-D-Y, P-I-C-K-E-L-L.

22 MS. THOMPSON: Bottom of page 65, top of  
23 page 66, this is Zionsville Chamber of Commerce  
24 PAC, cause 2017-6721-112, has two settlement  
25 agreements, has a proposed civil penalty of

1 \$1,000.47.

2 CHAIRMAN BENNETT: The floor is yours, sir.

3 ANDY PICKELL: Well, we are here to say  
4 we're sorry, number one. We set up the PAC  
5 originally, I think it was a couple of years  
6 ago. The interim last year, we had a executive  
7 director change. It was announced, I think, in  
8 May or so. And then went to January to our new  
9 executive director, Tracy Phillips. And kind of  
10 a drop the ball issue on the -- on the PAC and  
11 filing the paperwork.

12 Currently have \$110.00 in the PAC. We  
13 never raised money for the PAC. I realize that  
14 doesn't really matter. But the committee has  
15 decided that we would like to shut the PAC down,  
16 that's our next step after finishing out our  
17 penalty here that we have in front of us. So  
18 basically, we're at your discretion on how you'd  
19 like to deal with it.

20 CHAIRMAN BENNETT: Any questions?

21 MEMBER WILSON OVERHOLT: Sorry, the reports  
22 that are due, have they been filed?

23 ANDY PICKELL: Yes.

24 TRACY PHILLIPS: If I may, when I came on  
25 in January 3rd, I realized the paperwork had



1 happened, I filed them on the 17th and  
2 hand-delivered them to Ms. Taylor because I  
3 realized what had happened and we wanted to go  
4 forward showing good faith. So I brought this  
5 and hand-delivered it to her and had a  
6 conversation about this very hearing.

7 MEMBER KLUTZ: Can you identify yourself?

8 TRACY PHILLIPS: My apologies. Tracy,  
9 T-R-A-C-Y, Phillips, P-H-I-L-L-I-P-S.

10 CHAIRMAN BENNETT: Sounds like we have a  
11 situation where we should move it down and 30  
12 days to see if the PAC has dissolved.

13 MEMBER KLUTZ: Sure.

14 CHAIRMAN BENNETT: Come back and address us  
15 at that time.

16 TRACY PHILLIPS: We would be happy to.

17 CHAIRMAN BENNETT: We have a motion.

18 MEMBER KLUTZ: Second.

19 CHAIRMAN BENNETT: All in favor say aye.

20 MS. CELESTINO-HORSEMAN: Aye.

21 MEMBER KLUTZ: Aye.

22 MEMBER WILSON OVERHOLT: Aye.

23 CHAIRMAN BENNETT: All opposed say nay.

24 Motion carried.

25 ANDY PICKELL: Thank you very much.

1 BRADFORD MOULTON: It's hard to say good  
2 evening, but I'll say good afternoon still.

3 My name is Bradford Moulton,  
4 B-R-A-D-F-O-R-D, last name Moulton,  
5 M-O-U-L-T-O-N. Case numbers are 2017-6557-45,  
6 and 2017-25 -- or, sorry, 6557-135.

7 MS. THOMPSON: What was the second one you  
8 read?

9 BRADFORD MOULTON: 135.

10 MS. THOMPSON: No, the other one, sorry.

11 BRADFORD MOULTON: 45.

12 MS. THOMPSON: 45.

13 MS. TAYLOR: These are on pages 31 and 78.  
14 The first is cause number 2017-6557-45, and has  
15 a proposed civil penalty of \$150.47. This is  
16 the committee's second time before the  
17 commission. They paid us one settlement  
18 agreement, so this is the first time before you,  
19 but their second delinquency. And the other one  
20 is on page 78, cause number 2017-6557-135, has a  
21 proposed civil penalty of \$1,000.47.

22 MEMBER WILSON OVERHOLT: I'm sorry. What  
23 was the first page?

24 MS. TAYLOR: 31.

25 MEMBER WILSON OVERHOLT: Thank you.

1 CHAIRMAN BENNETT: Mr. Moulton, the floor  
2 is yours.

3 BRADFORD MOULTON: I'll start off and be  
4 real quick with the first one. As far as case  
5 number -45, \$150.00, I'll pay that in full, we  
6 filed late.

7 As far as the second one, which is the  
8 6557-135, I was not aware of this until July of  
9 this year. When I received this, in all  
10 fairness, I too never received a settlement  
11 hearing until I called, I didn't know what the  
12 penalties were for. And I didn't even know what  
13 this case was about. Doing research, I found  
14 that I loaned my campaign \$1,000.00 during the  
15 mandatory reporting period between the  
16 pre-election filing and the actual election.  
17 And that was so I could get all the bills paid  
18 that needed to be paid for all the debts that  
19 were coming in.

20 My campaign this year was pretty much  
21 self-funded was approximately \$5,000.00 worth of  
22 money that came in, most of that was mine. I  
23 had about \$1,000.00 in contributions from other  
24 places.

25 However, after losing the first election by

1 just a few hundred votes, was asked to run  
2 again, and then continued to self-fund my  
3 account -- or self-fund my campaign.

4 I was not aware that I needed to file a  
5 CFA4 -- or CFA schedule 1- or, 11 -- sorry,  
6 CFA11, large contribution report on a loan that  
7 I was giving to myself. I specifically asked  
8 the party, do I need to do -- you know, is there  
9 anything I need to do so I can get these debts  
10 paid off, and they were like no. So I'm not  
11 saying I got bad advice from a party, but I was  
12 not aware of it. When I looked up in the  
13 rulebook on page 29 -- under candidate  
14 contributions, it says that "If the candidate  
15 gives the campaign money it must be treated as a  
16 contribution or a loan, and designated on the  
17 CFA-4 schedule 1A," which I did.

18 And then it says, in addition, loans is  
19 debts owed, got to file CFA-4 schedule D, which  
20 is what I also did. What I didn't find until I  
21 was given this, and talked to the Election  
22 Commission was they said, "Yeah, if you go to 25  
23 it says the contribution is anything including a  
24 loan."

25 So I would say that in the future if you

1 ever revise that, that probably should be clear  
2 that if a candidate loans their campaign money  
3 during that window, that it should be made more  
4 clear. I looked, I even asked, was told no, and  
5 until the election -- I got this letter, I  
6 didn't even know that that needed to be filed  
7 and they told me that, "Yeah, you should have  
8 known that."

9 So I would ask that in the first case the  
10 \$150.47, I'm more than willing to pay in full,  
11 my treasurer paid late, that's on me. I'll  
12 accept that 100 percent.

13 As far as for this one for the \$1,000.00  
14 for loaning myself \$1,000.00 that I probably  
15 will never get repaid, I would ask that you  
16 would waive that in full, and should I ever run  
17 for office again I will be more than crystal  
18 clear and work with my treasurer to know that if  
19 we ever have to loan money to the campaign that  
20 we file the appropriate reports.

21 MS. CELESTINO-HORSEMAN: Did -- you said  
22 your committee is closed?

23 BRADFORD MOULTON: My committee is not  
24 closed. My committee currently has \$4.72 and  
25 \$9,000.00 in debts owed, approximately. And

1 those are all personal loans to the campaign.

2 MS. CELESTINO-HORSEMAN: So are you  
3 preparing to close your committee?

4 BRADFORD MOULTON: I was advised not to  
5 until it was a 0.00 balance. So I file -- I  
6 continue to my annual report since then and all  
7 due reports.

8 MS. CELESTINO-HORSEMAN: A 0.00 balance in  
9 terms of paying you off or 0.00 balance in terms  
10 of your --

11 BRADFORD MOULTON: No, no, they said until  
12 all the debts were paid or until you -- if you  
13 were going to run for office again, which I  
14 don't believe I'm going to run for this, it's  
15 not my intention to. They said not to close it  
16 out until you are certain whether you are going  
17 to run for a different position because that way  
18 you would close that one out and then open a new  
19 one, is what I was told by the party.

20 MEMBER WILSON OVERHOLT: Have you looked  
21 into whether there's a way to forgive the debts?

22 BRADFORD MOULTON: If I forgive the debt, I  
23 mean, I'd be forgiving my own debts. I mean,  
24 it's personal loans to me, which I don't have a  
25 problem with. I mean, obviously I would have

1 preferred to raise more money, but I've spent,  
2 you know, several thousand dollars on  
3 self-funding campaigns and haven't had any luck  
4 in that district. So --

5 MS. CELESTINO-HORSEMAN: So you're not  
6 keeping it open for purposes of paying yourself  
7 back?

8 BRADFORD MOULTON: No, no.

9 MS. CELESTINO-HORSEMAN: Okay. So there's  
10 a way that you can close the committee with  
11 outstanding debt; is there not?

12 MS. THOMPSON: We can forgive the committee  
13 the debt and close it, yes.

14 MS. CELESTINO-HORSEMAN: Right.

15 BRADFORD MOULTON: Okay.

16 MS. CELESTINO-HORSEMAN: So if you can do  
17 that, would you be interested in closing that  
18 committee then?

19 BRADFORD MOULTON: Yeah, I wouldn't have a  
20 problem with that.

21 (Inaudible discussion.)

22 CHAIRMAN BENNETT: So we have a motion to  
23 move this down the road 30 days while you close  
24 your committee and come back once the committee  
25 is closed.

1 BRADFORD MOULTON: Okay.

2 MEMBER KLUTZ: Second.

3 CHAIRMAN BENNETT: We have a second. All  
4 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.

10 MS. CELESTINO-HORSEMAN: You will need to  
11 be -- 0.00, so you can take and donate 4.16 --  
12 talk with them.

13 MEMBER WILSON OVERHOLT: Yeah, we aren't  
14 here to give advice.

15 CHAIRMAN BENNETT: So, motion carried.

16 Who is next?

17 DON SHULER: My name is Don Shuler,  
18 S-H-U-L-E-R. Here on behalf of the Elkhart  
19 County Democratic Central Committee, cause  
20 number 2016-6617-116.

21 MS. TAYLOR: It's on page 10. Elkhart  
22 County Democratic Central Committee, cause  
23 number 2016-6617-116. It's the committee's  
24 first time before the commission, with a  
25 proposed civil penalty of \$300.49.



1 CHAIRMAN BENNETT: Sir, the floor is yours.

2 DON SHULER: Thank you. As the staff said,  
3 this is our first time before the commission.  
4 This stems from the pre-election filing report  
5 that was due October 16, 2015.

6 Just a little bit of background, prior  
7 that, we registered with the state in October of  
8 2000 -- or 2013 because we knew that we would be  
9 supporting a candidate for state office in 2014  
10 for the first time. Which led to -- so we filed  
11 our annual 2014 report in February of 2015. At  
12 that time, I had mailed it in. It was my first  
13 time as treasurer, there was some issues with  
14 finding that report that I provided to the staff  
15 at that time the receipt from the post office.  
16 And then I also sent in an electronic copy of  
17 that as a PDF. And I was informed that for the  
18 future it would be easiest if I just email in my  
19 report.

20 So additional background, just to support  
21 some of the documentation I have that's relevant  
22 is because that was the first time that we did  
23 that and then in 2015 it was just a municipal  
24 election year and we were only filing -- we  
25 still file with the state.

1           Our local county election board still  
2 wanted us to file a report with them. And I  
3 prefer to keep everybody happy, so I had no  
4 problem doing -- filing in both places.

5           So in October of 2015, I filed our  
6 pre-election report, which is on Thursday,  
7 October 15th. And I followed the same process,  
8 each time I do it I create a PDF of the assigned  
9 report and I email it to Abby Taylor at the  
10 Indiana Election Division. I have a copy of an  
11 email dated Thursday, October 15 at 3:12 p.m.  
12 from me to Ms. Taylor showing the attachment of  
13 the pre-election CFA-4 report. It does show  
14 that the file is almost 19 megabits, which is, I  
15 believe, what created the issue.

16           After I filed that, I walked across the  
17 street to the county courthouse because I work  
18 downtown Goshen, Indiana, and I filed the CFA-4  
19 with our county clerk. And I have a file  
20 stamped copy of that from October 15, 2015 that  
21 I could provide for the commission.

22           So I sent that Thursday 3:12 p.m, on  
23 Thursday, October 15. I thought the matter was  
24 concluded. I did not hear anything until our  
25 county chair called me on Wednesday,

1 October 21st advising that she had received from  
2 the Election Division that they did not have our  
3 report. I immediately called Ms. Taylor, she  
4 said that she could not find it. I then went  
5 and checked my email. I never got any email  
6 back saying that it was not sent from my email  
7 server, use double checked -- I use gmail, I  
8 double checked gmail's megabytes limits for  
9 attachments, it advised me that it was 25  
10 megabits, which is why I never got notice back.  
11 My assumption is that some email servers were --  
12 don't take anything above 10 megabytes. I went  
13 to an online site to figure out a way to attach  
14 the file down below 10 megabytes, and then  
15 resent it Wednesday, October 21st, with the  
16 attachment along with the proper email showing  
17 the submission on October 15th.

18 So I -- on one level, I looked at the  
19 statute, I see that it talks about filing that  
20 is -- it's kind of an interesting thing, where I  
21 file it, but it relies on the date that the  
22 computer in the Election Division's office  
23 shows. Which I think is interesting that it  
24 relies a third party for, I guess, full  
25 compliance. But from my perspective, again, it

1 was filed on Thursday, October 15th, and I have  
2 an email that shows that I sent it on that date.  
3 I have a file stamped copy with the county clerk  
4 showing that I filed with the local election  
5 board on October 15th.

6 So I guess I'm first asking a finding that  
7 there is no violation because the report was  
8 filed for all intents and purposes, as I was  
9 aware of, and if not, underneath the Indiana  
10 Code that allows a waiver of it for unjust  
11 circumstances, that it would be found to be  
12 waived due to the fact that it didn't -- we  
13 thought it was filed, had no indication that it  
14 was not, and as soon as we heard that it was not  
15 filed, we got it figured out and got it filed to  
16 the Election Division within a couple of hours.

17 CHAIRMAN BENNETT: Thank you. Do you have  
18 exhibits that you want to make a part of the  
19 record?

20 DON SHULER: Yes.

21 CHAIRMAN BENNETT: Does the staff have any  
22 response or --

23 MS. TAYLOR: No, I think that's what  
24 happened.

25 DON SHULER: This is the October 15th

1 email, showing filing of the report. And this  
2 is a -- actual report that was filed with the  
3 county clerk and file stamped on October 15, the  
4 actual submission of the report October 21st.

5 MEMBER KLUTZ: To me this is -- I guess, to  
6 me this is similar to the FedEx. Clearly, steps  
7 were taken to comply with the law. He didn't  
8 receive notice, and it didn't go through. This  
9 is much different than just missing a deadline.  
10 I think that we waive the fines.

11 CHAIRMAN BENNETT: I second.  
12 We have a motion and a second.

13 Any discussion?  
14 All in favor say aye?

15 MS. CELESTINO-HORSEMAN: Aye.

16 MEMBER KLUTZ: Aye.

17 MEMBER WILSON OVERHOLT: Aye.

18 CHAIRMAN BENNETT: All opposed say nay.  
19 Motion carries. Fine is waived. Thank  
20 you.

21 DON SHULER: Thank you.

22 MEMBER WILSON OVERHOLT: Those are  
23 originals, do you want the originals back or is  
24 it --

25 DON SHULER: The emails are original. It's

1 an original -- but I have a scanned copy of the  
2 file stamped version, so --

3 MEMBER WILSON OVERHOLT: Well, you know  
4 where the find it if you need it.

5 DON SHULER: Thank you.

6 ROBERT DEPPERT: Hello, Robert Deppert,  
7 R-O-B-E-R-T, D-E-P-P-E-R-T. We're here for  
8 Democracy for Monroe County. The case would be  
9 2017-5865-103 and 104.

10 MEMBER WILSON OVERHOLT: We're waiting for  
11 the experts.

12 MS. THOMPSON: One is on page 60, I'm  
13 looking for the other one.

14 ROBERT DEPPERT: I had two different sheets  
15 and I brought one and left one in the car.  
16 Maybe it is just one. We -- you're missing a  
17 filing from us in October and January.

18 MS. THOMPSON: So you would have two.

19 ROBERT DEPPERT: I figured the other one  
20 was one number.

21 MS. THOMPSON: Page 21. This is cause  
22 number 2017-5865-28, has a proposed civil  
23 penalty of \$1,000.47, has been before the  
24 commission one, two, two other times because  
25 he's here twice. The other one is 2017-6865-103

1 has a proposed civil penalty of \$1,000.47 as  
2 well.

3 CHAIRMAN BENNETT: Okay.

4 ROBERT DEPPERT: Okay. We actually did --  
5 we had a new treasurer, like you've heard from  
6 many people before, our treasurer had moved away  
7 in April of that year. And our new treasurer  
8 did file the paperwork, he was actually a  
9 candidate, he filed it with the county election  
10 board as opposed to the State. And we have  
11 since filed and made sure they had copies with  
12 the stamp that we believed they were filed on  
13 time. We believed that they were filed  
14 correctly. We just -- we, as an organization,  
15 since then have set down a process to where when  
16 we bring in a new treasurer, that treasurer is  
17 going to understand the process of filing these  
18 forms and they're also going to understand that  
19 they need to be filed with the State as opposed  
20 to the county.

21 When I went and got copies from the county  
22 from a statement that we have from that  
23 treasurer, that treasurer told us that the  
24 County Election Board told him it was fine for  
25 him to file it there. So he was understanding

1 that it had been filed correctly. We did have a  
2 new clerk at the Circuit Court at the time  
3 because Bloomington lost theirs -- Monroe County  
4 lost theirs to a health issue, so we did have  
5 that.

6 So basically, what we're asking for --  
7 we -- we know they were both \$1,000.00 and there  
8 was a prior offense, we don't know what year  
9 that was specifically, it's not within the --

10 MS. TAYLOR: 2010 pre-primary was filed  
11 late, and 2012 pre-election report was filed  
12 late.

13 ROBERT DEPPERT: Okay. Okay. So there's  
14 that, but we thought we had done our due  
15 diligence and got these filed. We just filed  
16 them in the wrong office.

17 As an organization, we're going to make  
18 sure it does not happen again, and it's filed in  
19 the correct office. We would ask that,  
20 hopefully, you dismiss the -- dismiss it as a  
21 plunder. We did -- we had thought that we had  
22 done it correctly.

23 CHAIRMAN BENNETT: Thank you. Any  
24 questions?

25 MEMBER WILSON OVERHOLT: Yeah. Do you have



1 copies of what you supposedly filed with the  
2 county clerk?

3 ROBERT DEPPERT: Yeah, they've been refiled  
4 filed with the -- these folks.

5 MEMBER WILSON OVERHOLT: They have date  
6 stamped, time stamped?

7 ROBERT DEPPERT: Yes, ma'am.

8 CHAIRMAN BENNETT: Time you filed?

9 ROBERT DEPPERT: Yes. I had thought that  
10 our treasurer -- he was a certified accountant,  
11 he had run for office before and audited federal  
12 and state contracts, so I thought he was  
13 probably the most qualified person we'd ever had  
14 in the position to know how to do that. And,  
15 you know, turns out people make mistakes and  
16 even when I went and got copies from them, they  
17 said the same thing to me at the County  
18 Courthouse, "Oh, yes, these can be filed here."  
19 They're -- not the county courthouse, but the  
20 Circuit Monroe -- Circuit Court Clerk.

21 CHAIRMAN BENNETT: I guess, first of all,  
22 it seems to me that you people ought to know  
23 better. But second, it looks like you got it  
24 half right. So I'm thinking about 50 percent  
25 reduction.

1 ROBERT DEPERT: That's still a lot of  
2 money.

3 CHAIRMAN BENNETT: Is there any other  
4 thoughts before anyone makes a motion?

5 MEMBER KLUTZ: It was -- we have two  
6 different -- this happened twice pre-election --

7 ROBERT DEPERT: It was for both the  
8 October and the January. The pre-election and  
9 post-election.

10 MEMBER KLUTZ: So you filed in local  
11 election for -- in October then again in  
12 January. You didn't find out about the October  
13 one being --

14 ROBERT DEPERT: No, we did not. I think  
15 we had the wrong P.O. box filed with the -- we  
16 had a P.O. box and got a new one. But it wasn't  
17 in the P.O. box, either, so I don't know. We  
18 have everything up to date on the --  
19 information-wise on contacting us, and basically  
20 they are -- you know, we're going to make sure  
21 it does not happen again and it's filed  
22 correctly and pass a motion among the  
23 organization to make sure that we have a spelled  
24 out procedure and it has to be approved by the  
25 board before it's filed before the filing date

1 and for your --

2 CHAIRMAN BENNETT: Why didn't you take the  
3 25 percent deal? Well, you couldn't of. Sorry.

4 ROBERT DEPPERT: But we'd be willing to  
5 take the 25 percent.

6 CHAIRMAN BENNETT: Any other questions?  
7 Any motions? I was talking out loud -- thinking  
8 out allowed. But I'll make a motion for the  
9 purpose of discussion and nothing else of  
10 50 percent reduced penalty because they got is  
11 half right.

12 MS. CELESTINO-HORSEMAN: For purposes of  
13 discussion, I'll second --

14 CHAIRMAN BENNETT: I need a second.

15 MS. CELESTINO-HORSEMAN: I'll second for --  
16 so my only -- I think the distinction to be made  
17 with this one is that because they did get it  
18 half right. It wasn't that they -- and I can  
19 see where a county clerk could say "No, this  
20 covers it," because the county clerk was  
21 changing at the same time as all this was  
22 happening. So, you know, for an organization,  
23 50 percent seems kind of steep now. I'm not  
24 sitting on this. But, I mean, it's \$2,000, and  
25 if we took it down to 25 percent, they'd still

1 have to pay \$500.00.

2 ROBERT DEPERT: Maybe we got it half right  
3 and the clerk got is 25 percent wrong. They  
4 even when I got copies of it, "Oh, yeah, those  
5 can be filed here." And I said, "No, the State  
6 is telling us this has to be -- we're a State  
7 PAC, this has to be filed with the State." So  
8 they put it in their records and then made note  
9 --

10 MEMBER KLUTZ: You know, I -- I have  
11 trouble when people give bad advice from  
12 agencies, and so I just -- I do think 50 percent  
13 is steep, at the same time, we don't want you  
14 coming back here, we want you to understand  
15 there's a penalty involved. I'm unwilling to  
16 waive it, but I would be willing to amend it  
17 to -- by a 25 percent waiver proposed.

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

20 MS. CELESTINO-HORSEMAN: Second.

21 CHAIRMAN BENNETT: All right. Let's accept  
22 that to make a motion for a 25 percent of the  
23 fine, 75 percent reduction.

24 Any further discussion?

25 All in favor say aye.

Transcript of Hearing  
August 18, 2017

144

144

1 MS. CELESTINO-HORSEMAN: Aye.

2 MEMBER KLUTZ: Aye.

3 MEMBER WILSON OVERHOLT: Aye.

4 CHAIRMAN BENNETT: All opposed say nay.

5 Motion carries. 25 percent.

6 ROBERT DEPPERT: Thank you very much.

7 Are you the last one? We're going to take  
8 a quick stop here. Five minutes?

9 (A short recess was taken off the record.)

10 CHAIRMAN BENNETT: Okay. Let's proceed.

11 Back on the record.

12 EVAN DEMAREE: My name is Evan J. Demaree,

13 E-V-A-N, J. D-E-M-A-R-E-E.

14 I'm here about the administrative cause  
15 number 2017-6918-146 and also 2017-6918-84.

16 MS. THOMPSON: Mr. Chairman, this is on  
17 page 50 and page 84.

18 CHAIRMAN BENNETT: Thank you.

19 MS. THOMPSON: It's cause 2017-6918-84, has  
20 a civil of \$50.47, has not been before our  
21 commission before. And on page 84,  
22 2017-6918-146, has a civil penalty of 100.47,  
23 this committee is closed.

24 CHAIRMAN BENNETT: Very well, Mr. Demaree.

25 The floor is yours.

1           EVAN DEMAREE: Okay. In regards to the  
2 July 26, 2016, it's the first time I ever ran  
3 for anything, and it was a very new experience  
4 and I believed that I was going to do everything  
5 electronic and I never received any type of  
6 paper or anything with any information on how to  
7 log into the account on the campaign website.  
8 So -- and I was also under the impression, it  
9 was about a month later, but I said, you know,  
10 "I'm going to make sure I do this right." So I  
11 called the Election Division and I do not recall  
12 the name of the lady I spoke to, but she said,  
13 "Well, you didn't get that yet?" And I'm like,  
14 "No, it's not on my email. I didn't get it in  
15 the mail. No type of information at all  
16 whatsoever came from the Election Commission."  
17 So as soon as I found out I'm running a \$0.00  
18 campaign anyway, I just went in and filed my  
19 report. So I'm asking hopefully that that could  
20 be waived because I had no access to even get  
21 into the system to file my report and I wasn't  
22 given any sort of paper or anything in the mail  
23 to file the report, either.

24           MS. CELESTINO-HORSEMAN: I was going to  
25 ask, what does this comment mean by 11:14 p.m.

1 closed?

2 MS. TAYLOR: The report was filed 11:14  
3 p.m.

4 EVAN DEMAREE: Well, I'm talking in regards  
5 to the other --

6 MS. TAYLOR: Correct.

7 EVAN DEMAREE: -- July 26 --

8 MS. CELESTINO-HORSEMAN: That's the vacancy  
9 report?

10 EVAN DEMAREE: 6918 --

11 MS. TAYLOR: Yes.

12 MS. CELESTINO-HORSEMAN: That he's talking  
13 about?

14 MS. TAYLOR: Yes.

15 MS. CELESTINO-HORSEMAN: So he would have  
16 filed that post-primary? Required to file it  
17 post-primary.

18 MS. THOMPSON: Post-primary, right.

19 EVAN DEMAREE: Yeah, I'm just asking that  
20 hopefully -- I can ask that -- not having to pay  
21 that much money.

22 CHAIRMAN BENNETT: This is your first time  
23 before the commission, is there a reason why you  
24 didn't go for the 25 percent?

25 EVAN DEMAREE: I really just -- I'm not a

Transcript of Hearing  
August 18, 2017

147

147

1 person that has a lot of money. And, you know,  
2 live paycheck to paycheck, kind of thing. It's  
3 kind of a big deal, even, kind of, \$25.00.

4 CHAIRMAN BENNETT: Is your campaign closed,  
5 did you say?

6 EVAN DEMAREE: Yes, sir.

7 MEMBER KLUTZ: Did you make any money?

8 EVAN DEMAREE: No.

9 MEMBER KLUTZ: Did you spend any money?

10 EVAN DEMAREE: No.

11 MEMBER KLUTZ: It was completely \$0.00?

12 EVAN DEMAREE: I didn't want any trouble.

13 CHAIRMAN BENNETT: Any questions?

14 MS. CELESTINO-HORSEMAN: No, I make a  
15 motion. I move that we waive this.

16 MEMBER KLUTZ: I'll second that.

17 CHAIRMAN BENNETT: Motion and second. Any  
18 discussion? Hearing none, all in favor say aye.

19 MS. CELESTINO-HORSEMAN: Aye.

20 MEMBER KLUTZ: Aye.

21 MEMBER WILSON OVERHOLT: Aye.

22 CHAIRMAN BENNETT: All opposed say nay.

23 Motion carried, your fines are waived.

24 EVAN DEMAREE: Thank you, sir.

25 MS. TAYLOR: Page 53, I'm kind of jumping



1 ahead.

2 FRANKLYN VOORHIES: Franklyn Voorhies  
3 F-R-A-N-K-L-Y-N, V-O-O-R-H-I-E-S. Here for the  
4 in Libertarian Party of Carroll County, cause  
5 number 2017-6882-90.

6 MS. TAYLOR: This is the Libertarian Party  
7 of Carroll County, cause number 2017-6882-90,  
8 it's the first time before the board, and a  
9 proposed civil of \$350.47.

10 CHAIRMAN BENNETT: Mr. Voorhies, the floor  
11 is yours.

12 FRANKLYN VOORHIES: What happened here was  
13 a simple transposing of numbers. I posted on my  
14 personal calender 3/10, 3/10 as opposed to 3/1.  
15 When I received email and a phonecall from the  
16 Election Division, and I immediately got online  
17 and made contact and turned in -- turned in my  
18 report. I'm requesting that you waive the  
19 penalty. It's a brand new party. It's the  
20 first time the committee is up, you know, we  
21 have a \$110.00, so it's not -- it's not a lot of  
22 money, and it's brand new. So I was hoping that  
23 could be waived on the first time offense.

24 CHAIRMAN BENNETT: Any questions commission  
25 members?

1 MEMBER WILSON OVERHOLT: I don't want to  
2 say the Libertarian Party gets to get away with  
3 not paying the fines -- sorry, I don't mean to  
4 laugh, I know it's serious. I didn't --

5 FRANKLYN VOORHIES: As I watched several  
6 other Libertarians come up here and it's, like,  
7 "Yeah, we need more consolidation in our party."  
8 We have a lot of people who are very  
9 enthusiastic. And I work full-time, I work 10,  
10 12 hours a day. So it's easy for some stuff to  
11 get away from me. Like I said, it was on my  
12 calender. It's a priority, but sometimes things  
13 just get -- get the wrong way.

14 MEMBER KLUTZ: What's the total fine?

15 MS. TAYLOR: \$350.47.

16 CHAIRMAN BENNETT: Why didn't you take the  
17 25 percent?

18 FRANKLYN VOORHIES: It's -- I only have  
19 \$110.00.

20 MEMBER WILSON OVERHOLT: \$110.00 would  
21 cover the 25 percent.

22 FRANKLYN VOORHIES: I think it would.

23 MEMBER WILSON OVERHOLT: Because it's less  
24 than \$400.00 of a fine.

25 CHAIRMAN BENNETT: It would be \$85.00 or

1 something.

2 Did you close the --

3 FRANKLYN VOORHIES: No, it's -- I just  
4 started it and --

5 MEMBER KLUTZ: And you've raised money,  
6 obviously, of \$110.00?

7 FRANKLYN VOORHIES: Yes, you know, very  
8 little.

9 MEMBER KLUTZ: Right. But you plan to keep  
10 it open?

11 FRANKLYN VOORHIES: Yeah, I plan to keep it  
12 open.

13 MEMBER KLUTZ: Somewhat different in  
14 similar circumstances where we have waived the  
15 fee.

16 MEMBER WILSON OVERHOLT: I move that we  
17 reduce the penalty, the fine to 25 percent plus  
18 mail.

19 MEMBER KLUTZ: Second.

20 CHAIRMAN BENNETT: Yeah, I mean, that's a  
21 good as deal we offer. I wish you would have  
22 taken it before you sat here all day. I mean, I  
23 would -- can I interject with a question?

24 Go ahead.

25 FRANKLYN VOORHIES: Like, in the interest

1 of civil involvement, I mean, it's a new thing  
2 that I'm doing, and a lot of people are very  
3 fearful of, you know, starting -- doing the  
4 paperwork, getting fines and penalties. I  
5 understand the need to have rigid -- a rigid  
6 schedule for people to file promptly and  
7 accurately. Like I say, it's tough when it's a  
8 simple a clerical error and you get whacked, I  
9 mean --

10 MEMBER KLUTZ: Well, the rigidness is we  
11 fine you the full amount.

12 FRANKLYN VOORHIES: Yes.

13 MEMBER KLUTZ: And your desire to be active  
14 has obligations.

15 FRANKLYN VOORHIES: I understand.

16 MEMBER KLUTZ: It's not to be active in a  
17 free-for-all --

18 FRANKLYN VOORHIES: Right.

19 MEMBER KLUTZ: And if we want to be rigid,  
20 we would say, "Whatever was proposed, that's  
21 what we're assessing." We're willing to reduce  
22 it by 75 percent.

23 FRANKLYN VOORHIES: Right, I'm not  
24 saying -- I'm not saying --

25 MEMBER KLUTZ: And you're asking for 100

1 percent --

2 FRANKLYN VOORHIES: Yeah, I'm asking for  
3 100 percent, I'm not saying that you're being  
4 too rigid, that's not what I'm saying. But I am  
5 saying that I understand that there's a deadline  
6 and these are rigid deadlines. I'm not saying  
7 the committee here is being unreasonable or too  
8 rigid. I'm just asking that --

9 MS. CELESTINO-HORSEMAN: I think the thing  
10 is, I think that what you're saying is that  
11 mistakes will be made, I think what we're saying  
12 is that when you are in a political  
13 organization, I mean, the last young man who  
14 didn't have a lot of resources, when you are a  
15 political organization, you have to enter this  
16 with a certain amount of responsibility and  
17 knowledge. So you have to bring yourself up --  
18 so one of the ways that we make sure people do  
19 that is through the deadlines, and rules and all  
20 of that.

21 FRANKLYN VOORHIES: Right.

22 MEMBER WILSON OVERHOLT: Total fines.

23 MS. CELESTINO-HORSEMAN: Yea, so you're  
24 getting a good rate with the 25 percent. So I  
25 would take it and run.

1 FRANKLYN VOORHIES: Okay.

2 CHAIRMAN BENNETT: If we pass the motion.

3 All in favor say aye?

4 MS. CELESTINO-HORSEMAN: Aye.

5 MEMBER KLUTZ: Aye.

6 MEMBER WILSON OVERHOLT: Aye.

7 CHAIRMAN BENNETT: All opposed nay.

8 Motion carries, 25 percent.

9 FRANKLYN VOORHIES: Okay.

10 CHAIRMAN BENNETT: They'll send it to you.

11 Okay. Everyone done?

12 Is there anyone left in the room for

13 campaign finance matters?

14 Seeing and hearing none, I would ask the  
15 campaign finance staff to identify any matters  
16 for which a motion continuations was received  
17 for today's meeting.

18 MS. TAYLOR: Okay. We have several  
19 requests for continuance. Do you want cause  
20 numbers? Is that what I'm reading?

21 Washington for State Senate, cause number  
22 2014-6270-66. Cause number 2015-6645-91. Cause  
23 number 2016-5496-103. Cause number  
24 2017-5475-24. Cause number 2017-6172-35. Cause  
25 number 2017-6653-53. 2017-6724-57.

1 2017-6938-86. 2017-6938-119. 2016-6873-166,  
2 and 2017-6709-133, 136, and 2017-6709-141.

3 All of those causes have asked for a  
4 continuance.

5 CHAIRMAN BENNETT: And do they, generally,  
6 provide some kind of cause in those --

7 MEMBER WILSON OVERHOLT: If you look at the  
8 yellow tab those have written requests --

9 MS. THOMPSON: Yeah, the continued --

10 CHAIRMAN BENNETT: All right. There is a  
11 motion -- is there a motion to grant the  
12 requests for continuance on these matters?

13 MS. CELESTINO-HORSEMAN: Staff, is there a  
14 continuance that you think we need to take  
15 special attention to?

16 MS. THOMPSON: No.

17 MEMBER WILSON OVERHOLT: I noticed one that  
18 was 11:28 this morning --

19 CHAIRMAN BENNETT: Do we have a motion? We  
20 need a motion and a second.

21 MEMBER KLUTZ: I second.

22 CHAIRMAN BENNETT: We have a motion and a  
23 second. So now we're in the discussion phase.  
24 Go ahead.

25 MEMBER WILSON OVERHOLT: So is the motion

1 saying we approve all of them?

2 CHAIRMAN BENNETT: Yes.

3 MEMBER WILSON OVERHOLT: Okay. Because --  
4 I -- I whipped through what we have in writing,  
5 and one stands out is just the one that  
6 requested at 11:28 this morning. Saying that --  
7 what's the basis there -- that he's not going  
8 to -- he won't be able to make the meeting in  
9 enough time, which seems -- there's some that  
10 seems to have come in at least, you know,  
11 yesterday.

12 CHAIRMAN BENNETT: Maybe we should keep an  
13 eye open for that one next time if he tries to  
14 pull the the same thing.

15 MEMBER WILSON OVERHOLT: Okay.

16 MS. CELESTINO-HORSEMAN: Yeah, if something  
17 happened with --

18 CHAIRMAN BENNETT: So any further  
19 discussion from -- that's a good point.

20 MS. CELESTINO-HORSEMAN: It is a good  
21 point.

22 CHAIRMAN BENNETT: All in favor say aye.

23 MS. CELESTINO-HORSEMAN: Aye.

24 MEMBER KLUTZ: Aye.

25 MEMBER WILSON OVERHOLT: Aye.



1 CHAIRMAN BENNETT: All opposed say nay.

2 Motion carried, continuance is granted.

3 At this time I would like to recognize Abby  
4 and Michelle if there's any information  
5 regarding the administrative dissolution for  
6 certain finance committees?

7 MS. THOMPSON: Mr. Chairman, your little  
8 orange tab.

9 These three committees have a --  
10 administratively dissolved, they have not filed  
11 the report in three years and they have a  
12 balance of less than \$1,000.00. Both chairman  
13 and treasurer have been notified of this  
14 hearing.

15 CHAIRMAN BENNETT: Okay. The campaign  
16 finance staff confirmed the penalties these  
17 committees have not filed reports expenditures  
18 from the previous calendar years and last  
19 reported cash on hand in the amount not  
20 exceeding \$1,000.00.

21 MS. THOMPSON: That's correct.

22 CHAIRMAN BENNETT: I move that the  
23 commission do the following.

24 1. Make a finding there is no evidence  
25 that any of these committees continues to

1 receive contributions, make expenditures, or  
2 otherwise function as a committee.

3 2. Final -- according to the best evidence  
4 available to the commission, the dissolution of  
5 these committees will allow -- with any contract  
6 or impede collections of any debt or judgment by  
7 a person.

8 3. In finding abuse of public resources,  
9 makes further efforts to collect any outstanding  
10 civil penalties imposed against these committees  
11 wasteful or unjust, and therefore, that any such  
12 penalties may be waived -- or any such penalties  
13 be waived.

14 4. Administratively dissolving each of  
15 these committees.

16 Is there a second?

17 MEMBER KLUTZ: So moved.

18 CHAIRMAN BENNETT: I have a motion, you're  
19 second --

20 MEMBER KLUTZ: I'm sorry. Second.

21 CHAIRMAN BENNETT: All in favor of the  
22 motion say aye.

23 MS. CELESTINO-HORSEMAN: Aye.

24 MEMBER KLUTZ: Aye.

25 MEMBER WILSON OVERHOLT: Aye.

1 CHAIRMAN BENNETT: All opposed nay.

2 Ayes have it. Motion approved.

3 Turn to anyone present to testify on any of  
4 the remaining campaign finance hearing scheduled  
5 for today?

6 Seeing and hearing none, I declare the  
7 hearing on all remaining campaign finance  
8 matters scheduled for today are closed.

9 Is there a motion to impose the entire  
10 amount of the proposed penalty plus mailing  
11 fines in all remaining campaign finance  
12 enforcement actions?

13 MEMBER KLUTZ: So moved.

14 CHAIRMAN BENNETT: Is this a second?

15 MS. CELESTINO-HORSEMAN: Second.

16 CHAIRMAN BENNETT: Any discussion? We have  
17 a motion and a second.

18 All favor say aye?

19 MS. CELESTINO-HORSEMAN: Aye.

20 MEMBER KLUTZ: Aye.

21 MEMBER WILSON OVERHOLT: Aye.

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

24 The ayes have it, and the motion to impose  
25 penalty -- impose the penalty is adopted.

1           We now recognize the commission for new  
2 business.

3           MEMBER KLUTZ: Mr. Chairman, I am concerned  
4 that the -- this commission is not going to meet  
5 or satisfy its -- what I believe to be statutory  
6 obligations with the Lake County precinct  
7 consolidation. I have a disagreement with  
8 Commissioner Long's interpretation of the  
9 deadline of September 1, 2017, doesn't apply to  
10 us. I believe we have an obligation to move  
11 that plan. The statute provides that we can  
12 present a plan, the commissioners can present a  
13 plan that realizes savings for the county and  
14 also does not impose unreasonable obstacles for  
15 voters of the county to vote.

16           I believe that plan number one, that was  
17 presented at our last meeting, satisfies both of  
18 those statutory factors. I don't believe any  
19 evidence was submitted contrary to that.

20 Those -- plan number 1, was made available to  
21 the public prior to our meeting last time, the  
22 commission did not receive any comments at the  
23 hearing or receive any written comments prior to  
24 the hearing and so, therefore, I, as an  
25 individual commissioner, would like to present

1 plan number one for the commissions'  
2 consideration and vote. I would then move for  
3 its adoption.

4 CHAIRMAN BENNETT: Is there a second?

5 I'll second the motion.

6 Is there any discussion?

7 Hearing no further discussion, all in favor  
8 of the motion say aye.

9 MEMBER KLUTZ: Aye.

10 CHAIRMAN BENNETT: Aye.

11 All opposed say nay.

12 MS. CELESTINO-HORSEMAN: Nay.

13 MEMBER WILSON OVERHOLT: Nay.

14 CHAIRMAN BENNETT: We have a two/two  
15 deadlock, and motion does not carry.

16 Indiana Election Commission has finished  
17 its business for today. Is there a motion for  
18 the Indiana Election Commission to adjourn?

19 MEMBER KLUTZ: So moved.

20 CHAIRMAN BENNETT: I'll second. All in  
21 favor say aye.

22 MS. CELESTINO-HORSEMAN: Aye.

23 MEMBER KLUTZ: Aye.

24 MEMBER WILSON OVERHOLT: Aye.

25 CHAIRMAN BENNETT: All opposed nay.

Transcript of Hearing  
August 18, 2017

161

161

1           Ayes have it. Indiana Election Committee  
2   has adjourned. Thank you.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF INDIANA )  
2 COUNTY OF MARION ) SS:  
3 )

4 I, Elizabeth Summers Long, a Notary  
5 Public in and for the County of Marion, State of  
6 Indiana at large, do hereby certify that on the  
7 18th day of August, 2017, I took down in  
8 stenograph notes the foregoing proceedings, and  
9 that the foregoing transcript is a full, true  
10 and correct transcript made from my stenographic  
11 notes.

12 IN WITNESS WHEREOF, I have hereunto  
13 set my hand and affixed my notarial seal this  
14 \_\_\_\_\_ day of \_\_\_\_\_, 2017.

15

16

*Elizabeth Summers Long*

17

NOTARY PUBLIC

18

19 My Commission Expires:

20 April 2, 2022

21

22 County of Residence:

23 Marion

24

25