

Indiana Election Commission

Minutes

July 21, 2015

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

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

Staff Attending: J. Bradley King, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); Ryan E. Mann, Acting Co-Director of the Election Division; Matthew Kochevar, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Abbey Taylor, Campaign Finance staff; Michelle Thompson, Campaign Finance staff.

Others Attending: Mr. Chris Alexander; Dr. Jay Bagga, VSTOP; Mr. Brad Baughn; Mr. Matthew Bell; Mr. Paul Clark; Mr. Kevin Comerford; Mr. Jeff Cooke; Mr. Kelly Fogelsong; Mr. Ralph Foley; The Honorable Bill Friend, Indiana State Representative; Ms. Claudia Fuentes; Mr. Parvin Gillim; The Honorable Ronald Grooms, Indiana State Senator; Mr. Joe Hauptmann; Mr. Greg Holden; Ms. Debra S. Jenkins; Mr. Kyle Kazmierczak; Mr. Steve Keltner; The Honorable Dennis Kruse, Indiana State Senator; Dr. Joseph Losco, VSTOP; Mr. Bill McDonald; Ms. Anna Melcher; Mr. Stephen Melcher; Ms. Leslie Murphy; Ms. Om Narla; Mr. Kristopher Owens; Mr. Greg Parsley; The Honorable Gregory W. Porter, Indiana State Representative; Ms. Martha Rardin; Ms. Sarah Riordan; Dr. Raymond Scheele; Mr. Michael Scott; Ms. Glenna Shelby; Mr. Karl Tatgenhorst; Mr. Andrew Thomas; Ms. Patricia Walton; Ms. Tanisha Willoughby; Ms. Ashira Young; Mr. Richard Young.

1. Call to Order

The Chair called the July 21, 2015 meeting of the Commission to order at 1:00 p.m. EDT in Conference Room A, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana.

The Chair proceeded to conduct the business set forth in Transcript of Proceedings prepared by Jenny L. Reeve, CSR-RPR, of Connor Reporting, which is incorporated by reference in these minutes, and approves the correction of the following scrivener’s errors in that document. *[Copies of all documents incorporated by reference are available for public inspection and copying at the Election Division Office.]*

Page 5, line 17, replace “on” with “or”.

Page 12, line 25, replace “committee” with “commission”.

Page 92, line 6, replace “Kurt” with “Kirk”.

Page 143, line 8, replace “A.B.” with “Abbey”.

Page 154, line 25, replace “Tomkins” with “Thompson”.

Page 187, line 22, replace “314” with “3-14”.

Page 188, line 4, replace “Barry” with “Berry”.

Page 188, line 7, replace “Barry” with “Berry”.

Page 201, line 17, replace “draw” with “call”.

Page 205, line 17, replace “3-11-7.55” with “3-11-7.5-5”.

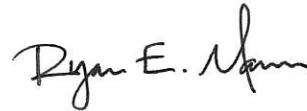
2. Adjournment

The Commission meeting adjourned at 5:27 p.m.

Respectfully submitted,



J. Bradley King
Co-Director



Ryan E. Mann
Acting Co-Director

APPROVED:

Bryce H. Bennett, Jr.
Chairman

COPY

In the Matter Of:

Indiana Election Commission Public Session Agenda

TRANSCRIPT OF PROCEEDINGS

July 21, 2015



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1 INDIANA ELECTION COMMISSION
2 PUBLIC SESSION AGENDA

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7 Conducted on: July 21, 2015

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11 Location: Indiana Government Center South
12 402 West Washington Street
13 Conference Center
14 Conference Room A
15 Indianapolis, Indiana 46204

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21 A STENOGRAPHIC RECORD BY:

22 Jenny L. Reeve, CSR-RPR
23 Notary Public
24 Stenographic Reporter

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A P P E A R A N C E S

INDIANA ELECTION COMMISSION:

- Mr. Bryce Bennett - Chairman
- Mr. Michael Claytor - Vice Chairman Pro Tem
- Ms. Suzannah Overholt - Commission Member
- Mr. Zachary Klutz - Commission Member

INDIANA ELECTION DIVISION STAFF:

- Mr. Bradley King - Co-Director
- Mr. Ryan Mann - Co-Director
- Mr. Dale Simmons - Co-Legal Counsel
- Mr. Matthew Kochevar - Co-Legal Counsel
- Ms. Michelle Thompson - Campaign Finance
- Ms. Abbey Taylor - Campaign Finance

1 CHAIRMAN BENNETT: Good afternoon,
2 everyone. My clock says we're after 1:00, so we
3 want to get started here. It's about 1:05. We
4 have a commissioner on the way.

5 But we can cover a few preliminaries before
6 that, like calling the meeting to order and
7 introducing the following members of the
8 Commission who are present.

9 I'm Bryce Bennett, Chairman. We have
10 Michael Claytor who's a proxy for Vice Chairman
11 Anthony Long. We have Member Suzannah Wilson
12 Overholt, who just joined us, and we have Member
13 Zachary Klutz at the end of the table on the
14 right.

15 The Indiana Election Division staff
16 consists of the Co-director Brad King, who is
17 here, and the Acting Co-director, Ryan Mann.

18 The Co-general Counsels are Matthew
19 Kochevar and Dale Simmons.

20 The Court Reporter today is Jenny Reeve.
21 And before we begin, I want to remind everyone
22 on behalf of the court reporter to identify
23 yourself before you begin speaking. Spell your
24 name when you are identifying yourself, and
25 speak clearly. Do not speak at the same time as

1 others so the court reporter can take down all
2 of the testimony in this proceeding, in this
3 meeting.

4 We need documentation of compliance with
5 the Open Door Laws, and I request that the
6 Co-directors confirm that the Commission meeting
7 has been properly noticed as required under the
8 Open Door Law.

9 MR. KING: Mr. Chairman, Members of the
10 Commission, this meeting was properly noticed in
11 accordance with the requirements of the Open
12 Door Law.

13 CHAIRMAN BENNETT: Thank you. At this
14 point we'll look for approval of the April 24,
15 2015 commission minutes. And I would ask for a
16 presentation of those by Mr. King and Mr. Mann.

17 MR. KING: Mr. Chairman, Members of the
18 Commission, the April 24, 2015 minutes were
19 previously circulated to the members. Then
20 Co-director Trent Deckard and myself signed them
21 and recommended them for your approval.

22 CHAIRMAN BENNETT: Is there a motion to
23 approve the April 24 minutes as presented?

24 COMMISSION MEMBER KLUTZ: So move.

25 CHAIRMAN BENNETT: We have a motion. Is

1 there a second?

2 VICE CHRMN PRO TEM CLAYTOR: Second.

3 CHAIRMAN BENNETT: We have a motion and a
4 second. Is there any discussion?

5 (No response.)

6 CHAIRMAN BENNETT: Hearing none, all in
7 favor say aye.

8 THE COMMISSION: Aye.

9 CHAIRMAN BENNETT: Opposed say nay.

10 (No response. Motion carried.)

11 CHAIRMAN BENNETT: The ayes have it, and
12 the motion is approved. The minutes have been
13 signed as approved.

14 At this time we will proceed with
15 ratification of campaign finance settlement
16 agreements. And I would ask for a presentation
17 by Ms. Taylor on Ms. Thompson.

18 MS. THOMPSON: Mr. Chairman, Members of the
19 Commission, under your Settlement Agreement tab
20 is a list of committees that have agreed to pay
21 the settlement agreement and waive the hearing.

22 CHAIRMAN BENNETT: Is there a motion to
23 ratify the campaign finance settlement
24 agreements as presented?

25 COMMISSION MEMBER KLUTZ: So move.

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

3 COMMISSION MEMBER OVERHOLT: Second.

4 CHAIRMAN BENNETT: We have a motion and a
5 second. Is there any discussion?

6 (No response.)

7 CHAIRMAN BENNETT: Hearing none, all in
8 favor say aye.

9 THE COMMISSION: Aye.

10 CHAIRMAN BENNETT: All opposed say nay.

11 (No response. Motion carried.)

12 CHAIRMAN BENNETT: The ayes have it, and
13 the motion to ratify the agreements is adopted.

14 I understand that there are referrals of
15 committees to the attorney general for
16 collection of fines, and that the campaign
17 finance staff can provide information regarding
18 those referrals.

19 At this point, I call on Abbey and Michelle
20 to present that.

21 MS. THOMPSON: Mr. Chairman and Members of
22 the Commission, under your Attorney General tab
23 there, these are just a list of committees that
24 haven't paid their fines, and we are turning
25 them over to the attorney general for

1 collection.

2 CHAIRMAN BENNETT: Very well. I note that
3 no further commission action is necessary, and
4 these referrals will be made to the attorney
5 general. Thank you.

6 At this point, we will administer the oaths
7 to individuals testifying before the Commission
8 today. And I would ask Mr. Simmons to do that.

9 Everyone present who plans to testify
10 regarding any matter coming before the
11 Commission today, including campaign finance or
12 voting system matters, please stand for the
13 administration of the oath by Mr. Simmons.

14 MR. SIMMONS: Please stand and raise your
15 right hand. Say "I do" after the administration
16 of the oath.

17 (At this time, the oath is administered.)

18 MR. SIMMONS: Thank you.

19 CHAIRMAN BENNETT: We have an opportunity
20 to offer today for committees with
21 representatives who are present and would like
22 to accept a reduced penalty without waiting for
23 a hearing.

24 Now, before proceeding with these actions,
25 we're offering this opportunity to present a

1 final opportunity to pay a reduced civil penalty
2 by waiving the right to present evidence and
3 arguments to the Commission.

4 Any committee is welcome to present
5 evidence and arguments for the proposed penalty
6 to be waived. But this is an opportunity for
7 those who want to waive the presentation and
8 accept a reduced penalty without making any
9 arguments or presentation.

10 The arrangements are as follows: If this
11 is a committee's first violation, the
12 arrangement is for the committee to agree to
13 pay 25 percent of the proposed fine, plus
14 mailing costs.

15 If this is the committee's second
16 violation, the arrangement is for the committee
17 to agree to pay 50 percent of the proposed fine,
18 plus mailing costs.

19 If this is the committee's third violation,
20 the committee would agree to pay 75 percent of
21 the proposed violation, plus mailing costs.

22 Is there a motion from the Commission to
23 approve this arrangement?

24 COMMISSION MEMBER KLUTZ: So move.

25 CHAIRMAN BENNETT: We have a motion. Is

1 there a second?

2 VICE CHRMN PRO TEM CLAYTOR: Second.

3 CHAIRMAN BENNETT: We have a motion and a
4 second. Is there any discussion?

5 (No response.)

6 CHAIRMAN BENNETT: Hearing none, all in
7 favor say aye.

8 THE COMMISSION: Aye.

9 CHAIRMAN BENNETT: All opposed say nay.

10 (No response. Motion carried.)

11 CHAIRMAN BENNETT: Okay. Are there any
12 committees who want to accept this arrangement?

13 Very well. Come forward and state your
14 name, the committee's name, the cause number,
15 which you will find in your hearing notes.

16 MR. SCOTT: My name is Michael Scott. I am
17 The Committee to Elect Michael S. Scott,
18 Cause No. 2015-6357-97.

19 CHAIRMAN BENNETT: And are you willing to
20 accept the applicable penalty without further
21 discussion?

22 MR. SCOTT: Yes.

23 CHAIRMAN BENNETT: Is this the first?

24 MR. SCOTT: 2012 was the first, so this
25 would be the second.

1 CHAIRMAN BENNETT: Campaign Finance, will
2 you confirm that?

3 MS. THOMPSON: Yes. This Committee to
4 Elect Michael Scott, Cause No. 2015-6357-97.
5 And he has a proposed civil penalty of
6 \$1,000.49.

7 MS. TAYLOR: And is his second violation.

8 CHAIRMAN BENNETT: And it's the second
9 violation. You would pay 50 percent of that
10 amount, plus mailing costs. Is that agreed?

11 MR. SCOTT: Yes.

12 COMMISSION MEMBER OVERHOLT: Where is that
13 in our binder, what page?

14 MS. THOMPSON: Oh, I'm sorry. Page 77.

15 COMMISSION MEMBER OVERHOLT: Thank you.

16 CHAIRMAN BENNETT: Very well. We have an
17 agreement. You're free to go. Thank you.

18 MR. SCOTT: Thank you.

19 CHAIRMAN BENNETT: Is there anyone else who
20 wishes to accept the agreement, the proposed
21 agreement?

22 MR. McDONALD: Bill McDonald, for Bill
23 McDonald for Senate Campaign.

24 CHAIRMAN BENNETT: Would you spell your
25 name, please.

1 MR. McDONALD: M-C-D-O-N-A-L-D.

2 Administrative Cause No. 2014-6596-119.

3 CHAIRMAN BENNETT: Give us just a minute to
4 find that. Maybe the campaign finance staff
5 will tell us where to locate it.

6 MS. TAYLOR: It's on page 87. No, that's
7 the wrong one. Sorry.

8 (Pause.)

9 MS. THOMPSON: I can't find it.

10 CHAIRMAN BENNETT: Is this it on page 75 at
11 the top?

12 Would you mind saying the cause number
13 again so we can make sure we have the right one?

14 MS. THOMPSON: Yeah, that's it.

15 MR. McDONALD: 2014-6596-119.

16 CHAIRMAN BENNETT: Which violation is this
17 for you?

18 MR. McDONALD: First one.

19 CHAIRMAN BENNETT: First one?

20 MS. THOMPSON: Yes.

21 CHAIRMAN BENNETT: All right. And to
22 confirm, are you willing to accept the penalty
23 proposed, 25 percent plus mailing costs.

24 MR. McDONALD: Yes.

25 CHAIRMAN BENNETT: Very well. You're free

1 to go. Thank you.

2 MR. McDONALD: Thank you.

3 CHAIRMAN BENNETT: Anyone else?

4 MS. WILLOUGHBY: Yes. Tanisha Willoughby.

5 T-A-N-I-S-H-A, W-I-L-L-O-U-G-H-B-Y.

6 CHAIRMAN BENNETT: And could you tell us
7 your cause number?

8 MS. WILLOUGHBY: It is 2015-6528-155.

9 CHAIRMAN BENNETT: And the committee name?

10 MS. WILLOUGHBY: Concerned Creditors Bar of
11 Indiana.

12 MS. TAYLOR: It's on page 104. And this is
13 their second violation.

14 CHAIRMAN BENNETT: Are you willing to
15 accept the penalty for the second violation.

16 MS. WILLOUGHBY: Yes.

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

19 MS. WILLOUGHBY: Thank you.

20 MS. RARDIN: Martha Rardin, R-A-R-D-I-N.
21 It's Case No. 2015-6404-153. Indiana Dietetic
22 Association Political Action Committee.

23 MS. THOMPSON: Page 103.

24 CHAIRMAN BENNETT: This is your second time
25 before the committee?

1 MS. RARDIN: Correct.

2 CHAIRMAN BENNETT: Are you willing to
3 accept the agreement as proposed?

4 MS. RARDIN: Yes.

5 CHAIRMAN BENNETT: Very well. Thank you.
6 You're free to go.

7 MS. RARDIN: Thank you.

8 CHAIRMAN BENNETT: Next?

9 MR. BELL: How are you, sir?

10 CHAIRMAN BENNETT: Good afternoon.

11 MR. BELL: Matthew Bell. Big Red Political
12 Action Committee, Cause No. 2015-6535-156.

13 CHAIRMAN BENNETT: Okay. This is your
14 first time before the Commission.

15 MR. BELL: Correct, sir.

16 CHAIRMAN BENNETT: And you're willing to
17 accept the penalty?

18 MR. BELL: Correct.

19 CHAIRMAN BENNETT: Very well. You're free
20 to go. Thank you.

21 MR. BELL: Thank you.

22 CHAIRMAN BENNETT: Anybody else? Anyone
23 else willing to accept the penalty?

24 (No response.)

25 CHAIRMAN BENNETT: Very well. Then we will

1 move on. The remaining committees will be
2 called to present evidence in these matters.

3 Before doing so, I want to note that in the
4 past, the Commission has followed certain
5 procedures for conducting campaign finance
6 hearings, and I move that the Commission use the
7 following procedures today:

8 (A) When each campaign finance matter is
9 called, the hearing will begin with recognizing
10 campaign finance staff to provide information
11 about the documents in this matter provided to
12 the Commission members, including letters from
13 the committees and the notice given to the
14 campaign committee.

15 (B) Unless there is an objection, the
16 documents provided to the Commission by the
17 election division will be entered into the
18 record of this meeting.

19 (C) After campaign finance staff completes
20 presentation, a representative of the committee
21 will be recognized first and may present their
22 case for no more than five minutes. Commission
23 members may ask questions during a presentation,
24 but the time spent answering these questions
25 will not be counted against a presenter's time.

1 The election division may signal the chair when
2 a presenter's time is up.

3 (E) If a presenter offers additional
4 documents or other physical evidence not
5 previously received by the Commission, then the
6 original must be provided to the election
7 division, Dale Simmons, to preserve for the
8 record.

9 If the Commission finds that a committee
10 has violated the campaign finance statute, state
11 law requires a unanimous vote of all four
12 commissioners to waive or reduce the amount of
13 the penalty set by state law.

14 If the Commission makes a decision at this
15 meeting to either fine the committee or dismiss
16 the case against the committee, then the
17 election division will prepare a final order for
18 the Commission to approve at a later meeting.

19 If a committee is fined today, the
20 committee will receive a notice from the
21 election division to pay the fine after the
22 commission adopts the final order. So it may be
23 sometime after today before a committee will be
24 required to pay the fine.

25 The Commission generally begins at the

1 front of the room and asks those persons present
2 to come forward to have their matter heard.

3 It is very helpful if you can speak up and
4 say the cause number on your hearing material so
5 that the Commission and staff can quickly look
6 it up on our spreadsheet. Remember to identify
7 yourself when you start speaking.

8 Is there a second to this motion?

9 COMMISSION MEMBER KLUTZ: Second.

10 CHAIRMAN BENNETT: We have a motion and a
11 second.

12 Are there any questions or objections from
13 the Commission members or any of the committees
14 to these procedures?

15 (No response.)

16 CHAIRMAN BENNETT: Seeing and hearing none,
17 all in favor say aye.

18 THE COMMISSION: Aye.

19 CHAIRMAN BENNETT: All opposed, say nay.

20 (No response.)

21 CHAIRMAN BENNETT: The ayes have it, and
22 the motion and procedures are approved.

23 The Commission will proceed to open its
24 hearings on campaign finance enforcement
25 actions.

1 For the hearings for those present, we'll
2 start with Senator Kruse.

3 SENATOR KRUSE: I don't have my action
4 number here, but Senator Dennis Kruse, Citizens
5 for Kruse.

6 CHAIRMAN BENNETT: When the matter is
7 found, I would ask the campaign finance staff to
8 identify the page on the spreadsheet and provide
9 information about the documents and notice given
10 in this cause.

11 MS. THOMPSON: Mr. Chairman, it's on
12 page 78.

13 MS. TAYLOR: And 86.

14 CHAIRMAN BENNETT: Thank you. Please
15 present.

16 MS. THOMPSON: This is for a large
17 supplemental report. It's Committee to Re-elect
18 Richard D. Young, Jr.

19 Oh, sorry. Still supplemental report.
20 Citizens for Kruse, Cause Nos. 2015-3366-99 and
21 2015-3366-115.

22 CHAIRMAN BENNETT: Do you have any
23 documents to present to the Commission?

24 MS. THOMPSON: These were for large
25 supplemental reports that were filed. One was

1 not filed.

2 MS. TAYLOR: And the other was filed
3 March 17 of 2015.

4 CHAIRMAN BENNETT: And what is the proposed
5 fine?

6 MS. THOMPSON: Cause No. 2015-3366-99 is
7 for \$1,000.49. And 2015-3366-115 is also
8 \$1,000.49.

9 CHAIRMAN BENNETT: Senator, would you like
10 to make a presentation?

11 SENATOR KRUSE: Yes. I've been running for
12 office here for 25 years, and have filed all my
13 things on time.

14 And I was under the impression that when
15 you were unopposed for campaign in elections,
16 you didn't have to do these supplemental large
17 contribution forms. So I'm at fault in not
18 knowing the law, but I did not intentionally not
19 file this on purpose.

20 So at a later time, I discovered that we
21 are supposed to file these, even if we are
22 unopposed. And so I failed to do that.

23 I would ask the Commission if they would be
24 willing to waive a fine. And I had no
25 misintent, and I want to be accurate and on

1 time. I failed to do that properly, so I would
2 just ask for consideration to waive the fines.

3 CHAIRMAN BENNETT: Are you asking that for
4 both cause numbers?

5 SENATOR KRUSE: Yes.

6 COMMISSION MEMBER KLUTZ: The staff said
7 that one was filed late and one was not filed
8 late. Are they both --

9 MS. THOMPSON: I misspoke. They were both
10 filed March 17, 2015.

11 COMMISSION MEMBER KLUTZ: Oh, okay.

12 CHAIRMAN BENNETT: Any further questions or
13 discussion from the Commission?

14 VICE CHRMN PRO TEM CLAYTOR: Were these
15 filed as a correction, or were these filed as a
16 result of the Commission notifying the ...

17 MS. TAYLOR: I suspect they were filed as a
18 result of receiving a settlement agreement.

19 We noticed late CFA-11s when we were
20 manually data-entering the annual campaign
21 finance reports, and then sent out settlement
22 agreements. I'm guessing they were filed after
23 they received notice that it was not filed.

24 CHAIRMAN BENNETT: Does that meet with your
25 memory, Senator?

1 SENATOR KRUSE: I actually don't remember
2 exactly. But I do know that when I found out, I
3 did file this in March. So as soon as I did
4 discover it, I did file it right away.

5 CHAIRMAN BENNETT: Is there a motion to
6 reduce the proposed penalty?

7 COMMISSION MEMBER KLUTZ: Mr. Chairman,
8 it's my recollection that while some candidates
9 may not have elected to enter the settlement
10 agreement, we typically recognize the similar or
11 same settlement parameters with respect to
12 leniency or waiving of fines. But I'm not sure
13 if we actually ever waived fines unless certain
14 circumstances exist.

15 I guess I don't necessarily see that here.
16 But I would make a motion that we apply the
17 settlement standards with respect to each
18 violation similar to a -- I don't think he's had
19 any prior violations, so this would be a
20 25 percent.

21 I would make a motion that he be fined
22 25 percent for the violation.

23 CHAIRMAN BENNETT: Is there a second?

24 VICE CHRMN PRO TEM CLAYTOR: Can I ask a
25 question of the person making the motion?

1 CHAIRMAN BENNETT: We need a second for
2 purposes of discussion, and then you can ask the
3 question.

4 I'll second the motion for purposes of
5 discussion.

6 You can ask your question.

7 VICE CHRMN PRO TEM CLAYTOR: Since there
8 are two violations here, even though they both
9 happen to be the first violation, once the first
10 violation has happened, then the second would be
11 a second violation. So that doesn't quite
12 comport with the parameters that we used on the
13 voluntary ...

14 COMMISSION MEMBER KLUTZ: I think there's
15 two violations within one filing period. It's
16 not like some who have been here on multiple
17 occasions, or twice, and said, "Oh, now I
18 understand I have to do this." I don't view it
19 as two -- it's two violations within one filing
20 period, but I don't view this as a second time
21 here, which would trigger a 50 percent.

22 CHAIRMAN BENNETT: Let me ask this
23 question, Senator. Did the second violation
24 occur after you were aware of the first?

25 SENATOR KRUSE: No. These were October --

1 the original checks were October 15 and
2 October 21. So they were six days apart.

3 And I became aware of this in March and
4 filed the report in March, then, late.

5 CHAIRMAN BENNETT: Does that help with your
6 concerns?

7 VICE CHRMN PRO TEM CLAYTOR: I think it
8 helps; the issue being that a filing period for
9 a 10-K supplemental is seven days. So I don't
10 see this as the same filing period. But since
11 it happened within six days, I'm a little more
12 comfortable with that being called a seven-day
13 filing period.

14 CHAIRMAN BENNETT: Can I ask the staff
15 about that time period? Is it a seven-day or
16 two days or ...

17 MS. TAYLOR: This was in the 48-hour
18 reporting period in the 25 days before the
19 general election.

20 CHAIRMAN BENNETT: Does that help?

21 VICE CHRMN PRO TEM CLAYTOR: This wasn't
22 the 10-K?

23 MS. TAYLOR: Right. That's only statewide
24 candidates. State candidates have the 48 hours
25 in October.

1 VICE CHRMN PRO TEM CLAYTOR: Okay. So this
2 is the thousand dollar, 48-hour ...

3 MS. TAYLOR: Yes.

4 CHAIRMAN BENNETT: Any further questions or
5 discussion?

6 (No response.)

7 CHAIRMAN BENNETT: Hearing none, all in
8 favor of the motion made by Commissioner Klutz
9 say aye?

10 THE COMMISSION: Aye.

11 CHAIRMAN BENNETT: All opposed say nay.

12 COMMISSION MEMBER OVERHOLT: Nay.

13 CHAIRMAN BENNETT: That motion failed
14 because it was not unanimous. Are there any
15 other motions?

16 COMMISSION MEMBER OVERHOLT: Well, I would
17 think that in the two -- there are actually two
18 different reporting periods here because there's
19 two different dates of the contributions. So I
20 would move to apply the 25 percent rule to the
21 first, and the 50 percent rule to the second.

22 So the first cause, the 2015-3224-98, would
23 be the 25 percent, pay 25 percent of the
24 proposed penalty.

25 And then for 2015-336-611 -- sorry. That's

1 the wrong one.

2 So 2015-336-99, apply the 25 percent.

3 CHAIRMAN BENNETT: Is there a second to
4 that motion?

5 VICE CHRMN PRO TEM CLAYTOR: Second.

6 CHAIRMAN BENNETT: We have a motion and a
7 second for discussion purposes. Any discussion?

8 (No response.)

9 CHAIRMAN BENNETT: All in favor of the
10 second motion say aye.

11 COMMISSION MEMBER OVERHOLT: Aye.

12 VICE CHRMN PRO TEM CLAYTOR: Aye.

13 CHAIRMAN BENNETT: All opposed, same.

14 COMMISSION MEMBER KLUTZ: Aye.

15 CHAIRMAN BENNETT: Aye.

16 Motion fails. Any further motions?

17 (No response.)

18 CHAIRMAN BENNETT: Hearing none, it appears
19 that the Commission has not passed any motions,
20 so we'll move on to the next case.

21 SENATOR KRUSE: What do I do now?

22 CHAIRMAN BENNETT: Counsel, what is the
23 procedure at this point?

24 MR. SIMMONS: Well, it certainly takes four
25 members of the Commission to reduce a fine. It

1 still takes three members, an affirmative vote
2 of three members of the Commission to take any
3 official action.

4 So basically, the status of the case is the
5 Commission has taken no official action either
6 way on your case.

7 SENATOR KRUSE: What do I do next? What
8 happens?

9 MR. SIMMONS: Well, we have another case to
10 call, so I think you're done today.

11 SENATOR KRUSE: Thank you.

12 CHAIRMAN BENNETT: You're free to go.

13 SENATOR KRUSE: Thank you.

14 CHAIRMAN BENNETT: We'll work our way
15 across that row. The next gentleman?

16 MR. KELTNER: Steve Keltner, K-E-L-T-N-E-R.
17 Cause No. is 2014-5459-36.

18 MS. TAYLOR: It's on page 20. This is
19 Cause No. 2014-5459-36. It was a late 2013
20 annual report, and it was filed September 26,
21 2014. And this is at least the fifth time
22 before the Commission.

23 CHAIRMAN BENNETT: Anything else from the
24 Division?

25 (No response.)

1 CHAIRMAN BENNETT: You may present your
2 case.

3 MR. KELTNER: Thank you. I was actually
4 with you last on September 3 of last year, where
5 I had found out that my treasurer was no longer
6 filing reports, and I had missed deadlines.

7 And at that time we had agreed upon
8 getting -- I had three years of previous filings
9 to bring up to speed, and I had been asked by
10 one of the committee members to also update my
11 CFA-1 as well. And we went ahead and got all of
12 that done by September 26.

13 Michelle was very helpful in making sure I
14 was filling these out correctly, and got me -- I
15 think -- I had to get ahold of my treasurer, my
16 past treasurer, and get all the banking and
17 everything back in order, and we filed that
18 relatively quickly.

19 At that time the charge from the committee
20 was, we had said three things we'd like to do as
21 soon as possible: Bring up to date the CFA-1,
22 file all past CFA-4s, and then work to close the
23 committee.

24 And at that time you were very gracious to
25 offer me the opportunity to get the committee

1 closed, and then you said we'd meet at the next
2 meeting and discuss fines.

3 I may be behind the 8-Ball, but I did not
4 realize until you mentioned it today that you
5 had a meeting in April, because I was not
6 invited to that one to discuss with you.

7 What I have done is bring everything up to
8 speed that I could. But what I found out was,
9 as we established at the last meeting of this
10 Commission, that the money that was
11 outstanding -- or in my account still, could be
12 used to pay the fines.

13 In order to close my committee, I have
14 to -- we can donate the money, and then I can
15 show a zero balance. I can close the committee,
16 which is my sole intent, and I gave that
17 directive at the last meeting. I just want to
18 close the committee. Then I could ...

19 But the problem was, an act of kindness --
20 not knowing how much the fine would be was the
21 stumbling block, because if I gave all the money
22 away, then, when I came back, it would be upon
23 my family to pay for it. And my wife and I were
24 kind of in agreement that a penalty that could
25 be up to a thousand dollars could be kind of

1 hard to take, especially when the money's
2 already in the account that could be used to pay
3 for that.

4 So I no means was not -- I tried to do
5 everything I could, short of gambling my own
6 family's money to pay the fine.

7 All that's left from all of this -- and I
8 don't know if -- because I wasn't at the last
9 meeting and I didn't know about it. I don't
10 know if that meant that you guys have already
11 ruled on this and were turning it over to the
12 attorney general's office. I don't know.

13 But this is -- I have waited every day
14 since September of last year for the letter.
15 And I did get the one for today, but I didn't
16 get one for the last meeting.

17 But I was coming, hoping today to ask you
18 to extend your kindness just a few more weeks so
19 that I could go ahead and whatever fine would be
20 determined today, I could -- once I get that
21 letter, I could get a check for that amount of
22 money. All the rest of the money, which is
23 still \$1,656, whatever is not used by fines, may
24 be turned -- 100 percent, whatever's left, is
25 going to go to Gleaners Food Bank.

1 And so I'm not -- I just -- I guess I came
2 today -- maybe I'm asking the wrong thing,
3 because I don't know if I'm on the same page.

4 As far as this, those September 26 filings,
5 we filed everything the same day. Michelle was
6 able to come -- she sat down with me, and we
7 filed everything and got it all up to speed that
8 day, so that's why it was late. But it was up
9 to speed.

10 And then when it came to the following one
11 that we -- we filed the 2014 ones before the
12 deadline in January. So that one was up to
13 date. I've been up to date with everything, but
14 it was just a matter of -- from the last one
15 that we're trying to solve that problem.

16 And I knew I couldn't just call and ask,
17 "What would that fine be?" I knew that I had to
18 come back. And I was under the impression that
19 today was the first meeting that you've had.

20 So that's why I'm here today, to ask if we
21 could come up with a fee schedule for that so I
22 could pay it, and then pay the two checks, close
23 my committee, and then you never have to look at
24 me again.

25 CHAIRMAN BENNETT: Well, just so you know,

1 we didn't have campaign finance on the agenda
2 for the previous meeting, so --

3 MR. KELTNER: Okay, okay.

4 CHAIRMAN BENNETT: And so you need us to
5 assess a fine so you can close --

6 MR. KELTNER: Yes, sir. I just need your
7 help. I desperately wish to do that.

8 CHAIRMAN BENNETT: Is there a motion?

9 COMMISSION MEMBER KLUTZ: I have a question
10 for the staff. So in the 2014 meeting, we
11 addressed reports from 2013 back, but we
12 couldn't take action because he hadn't done
13 certain things, and --

14 MS. THOMPSON: Right.

15 COMMISSION MEMBER KLUTZ: -- came in and he
16 did all of those --

17 MS. THOMPSON: Right.

18 COMMISSION MEMBER KLUTZ: And those were
19 all addressed in the 2014 -- September 3, 2014
20 reporting violations from 2008, '09, '11, '12,
21 and '13?

22 MS. THOMPSON: No. It was just this one,
23 wasn't it?

24 COMMISSION MEMBER KLUTZ: No, our last
25 meeting, 2014.

1 MS. TAYLOR: I think it was just the cause
2 from --

3 COMMISSION MEMBER KLUTZ: Oh, just this
4 cause?

5 MS. TAYLOR: Yes.

6 COMMISSION MEMBER KLUTZ: I make a motion
7 that we fine the committee \$1,000.49.

8 CHAIRMAN BENNETT: Is there a second?

9 VICE CHRMN PRO TEM CLAYTOR: Second.

10 CHAIRMAN BENNETT: We have a motion and
11 second. Any further discussion?

12 (No response.)

13 CHAIRMAN BENNETT: All in favor say aye.

14 THE COMMISSION: Aye.

15 CHAIRMAN BENNETT: All opposed say nay.

16 (No response. Motion carried.)

17 CHAIRMAN BENNETT: Motion carries. The
18 fine is \$1,000.49. You may go forward and close
19 the account.

20 MR. KELTNER: And I'll receive a letter
21 from you that I can just remit back with the
22 payment?

23 MS. THOMPSON: Yes.

24 CHAIRMAN BENNETT: That's correct.

25 MR. KELTNER: And I just -- to close the

1 account, I'll get a cashier's check, or
2 something along those lines. Those are only
3 good for about 60 days. Will this -- I know
4 before then?

5 MS. THOMPSON: You'll get an order from us
6 when the Commission signs them.

7 MR. KELTNER: Okay. And it should be less
8 than 60 days?

9 MS. THOMPSON: Well, wait until you get the
10 order.

11 MR. KELTNER: Okay, okay, and then we can
12 close the account. Thank you very much.

13 CHAIRMAN BENNETT: Thank you. The next,
14 sir?

15 MR. ALEXANDER: Hi. My name is Chris
16 Alexander. I'm with the Portage Firefighters
17 Local 3151 Political Action Committee. I have a
18 file number.

19 MS. THOMPSON: 5543?

20 MR. ALEXANDER: Yes. I received a
21 delinquent notice.

22 MS. TAYLOR: It's on page 63.
23 Cause No. 2015-5543-75, Portage Firefighters
24 Local 3151 Political Action Committee, their
25 2014 pre-elect before it was filed October 31.

1 And this is their fifth violation, with a
2 proposed civil penalty of \$750.49.

3 CHAIRMAN BENNETT: Sir, do you wish to
4 respond?

5 MR. ALEXANDER: Yes. I recently took this
6 over on January of 2014, so I did not know of
7 any prior violations.

8 I have a fax sheet sent October 15 with a
9 resulting okay stating that my fax was sent and
10 everything was fine.

11 I received this letter on I believe the
12 20th or 23rd of October, which I was away for a
13 family issue. So I -- as soon as I received --
14 or came home and got my mail, I re-sent faxes
15 with the reports.

16 But I do have the initial fax report from
17 October 10 stating everything was fine when I
18 sent it.

19 COMMISSION MEMBER KLUTZ: What was the due
20 date of the report?

21 CHAIRMAN BENNETT: Is that in the campaign
22 finance staff's material?

23 Could I see what you have?

24 MR. ALEXANDER: Absolutely. That's the
25 initial one, and the following pages are the

1 ones I sent (indicating).

2 MS. THOMPSON: The report was due
3 October 17.

4 MS. TAYLOR: We only have one we received
5 on October 31.

6 CHAIRMAN BENNETT: I'll return your
7 documents to you.

8 MR. ALEXANDER: Thank you. I've also sent
9 my -- all my other documents through the same
10 fax machine, so the fax machine does work.

11 And I have -- ever since this incident
12 happened, anytime I send a fax down state,
13 30 minutes later I actually call the committee
14 and confirm that it has arrived. So that
15 mistake will never happen again.

16 COMMISSION MEMBER OVERHOLT: I take it we
17 usually accept faxes for filing?

18 MS. TAYLOR: Yes.

19 CHAIRMAN BENNETT: Is there a motion from
20 the Commission to reduce the proposed penalty or
21 dismiss the action?

22 VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,
23 he appears to have a receipt that shows he made
24 some fax to the IEC fax number on October 10.
25 There's no way to prove what it was since we

1 don't have receipt of it, but he faxed something
2 on that date. And I would move that we waive
3 the penalty in this matter.

4 CHAIRMAN BENNETT: Is there a second?

5 COMMISSION MEMBER KLUTZ: Second.

6 CHAIRMAN BENNETT: We have motion with a
7 second. Any further discussion?

8 (No response.)

9 CHAIRMAN BENNETT: All in favor of the
10 motion say aye.

11 THE COMMISSION: Aye.

12 CHAIRMAN BENNETT: All opposed say nay.

13 (No response. Motion carried.)

14 CHAIRMAN BENNETT: Motion carries. The
15 fine's waived.

16 MR. ALEXANDER: Thank you. Do I make
17 copies of that, or is that yours to keep?

18 MR. SIMMONS: It was handed to me. I
19 assumed it would be evidence.

20 COMMISSION MEMBER KLUTZ: We're going to
21 keep those for the record. Then can we get
22 copies back to him?

23 MS. THOMPSON: I can send you copies.

24 MR. ALEXANDER: Thank you so much. Thank
25 you very much.

1 CHAIRMAN BENNETT: Thank you. Next?

2 MR. THOMAS: Mr. Chairman and members of
3 the Commission, Administrative Cause No.
4 2015-4802-8, Committee to Elect Andrew Thomas.

5 MS. THOMPSON: Page 30. This is Committee
6 to Elect Andrew Thomas, Cause No. 2015-4802-8.
7 Has a proposed civil penalty of \$1,000.49. Has
8 been before the Commission before, and he has
9 recently closed this committee.

10 MR. THOMAS: Mr. -- I'm sorry.

11 CHAIRMAN BENNETT: Go ahead and proceed.

12 MR. THOMAS: Mr. Chairman, members of the
13 Commission, there are -- I'm asking you to
14 dismiss this case here today and to waive the
15 fines because there are unusual circumstances
16 which should be considered.

17 In 2006 -- my health has been an issue. In
18 2006, I had two stents put in my heart; in 2008,
19 three stents put in my heart; in 2010, two more
20 stents. And then two years ago, two and a half
21 years ago, I had six bypasses on my heart.

22 I've been in the hospital three times. And
23 I'm hesitant to say this on a public record, but
24 this is what I'm asking for, for the unusual
25 circumstances.

1 Since January 1 of this year, I've been in
2 the hospital three times for extended periods of
3 time, and I was getting mail in three different
4 places.

5 And when I received the notice from the
6 Commission, I immediately filed it. I'm not
7 sure what date that was. But I filed it --

8 The total amount of money in my fund -- I
9 should have closed it long before -- is \$42.19.
10 And that's been exactly that for over 10 years.
11 And there's been no money coming in, no money
12 coming out. And so I haven't had an opponent.
13 It hasn't affected an opponent. There's been no
14 activity.

15 So that's my presentation. I'm asking just
16 to dismiss the cause. And I've just -- I've
17 terminated the -- my committee, and so there
18 won't be an issue anymore, and I apologize.

19 CHAIRMAN BENNETT: What would you do with
20 the \$42.19?

21 MR. THOMAS: Whatever you advise.

22 CHAIRMAN BENNETT: Any questions from the
23 Commission? Anyone have a motion to make?

24 COMMISSION MEMBER KLUTZ: How many times
25 has this committee been before the Commission?

1 MS. THOMPSON: He's been before twice, and
2 he has one settlement agreement.

3 MR. THOMAS: I think those were quite a
4 while ago, maybe 10-plus years ago.

5 VICE CHRMN PRO TEM CLAYTOR: Mr. Chairman,
6 I'd like to make a motion that we reduce the
7 fine to \$42, and whatever the heck the cents
8 were.

9 MR. THOMAS: Nineteen cents.

10 VICE CHRMN PRO TEM CLAYTOR: \$42.19.

11 CHAIRMAN BENNETT: Is there a second?

12 COMMISSION MEMBER KLUTZ: Second.

13 CHAIRMAN BENNETT: We have a motion and a
14 second. Any further discussion?

15 (No response.)

16 CHAIRMAN BENNETT: Hearing none, all in
17 favor say aye.

18 THE COMMISSION: Aye.

19 CHAIRMAN BENNETT: All opposed say nay.

20 (No response. Motion carried.)

21 CHAIRMAN BENNETT: Motion carried. Fine
22 reduced. Thank you.

23 MR. THOMAS: Thank you.

24 CHAIRMAN BENNETT: Next?

25 MR. GROOMS: Good afternoon. My name is

1 Ronald Grooms, Candidate Grooms for State Senate
2 Committee.

3 Administrative Cause No. 2015-5892-104.

4 Grooms, G-R-O-O-M-S. First name Ronald.

5 MS. THOMPSON: That's on page 81.

6 This is Grooms for State Senate. And
7 there's a few causes. Cause No. 2015-5892-104,
8 105, 106, 107, 108, 109, 110. And these are for
9 large supplemental reports.

10 CHAIRMAN BENNETT: These are all for
11 different reports, different dates?

12 MS. THOMPSON: All different dates for a
13 large supplemental, the ones that are due within
14 48 hours.

15 CHAIRMAN BENNETT: Anything else from the
16 Division?

17 MS. THOMPSON: No.

18 CHAIRMAN BENNETT: Mr. Grooms, any
19 presentation from you?

20 MR. GROOMS: Thank you. October 16 and
21 October 20 seem to be the dates that ...

22 MS. THOMPSON: October 20 is when it was
23 due, yes.

24 MR. GROOMS: It was due on October 20?

25 MS. THOMPSON: Yeah.

1 MR. GROOMS: In these type of campaign
2 activities -- October 16 was on a Thursday. I
3 picked up some checks from the senate majority
4 caucus when I was up here that day. That was
5 the 16th.

6 They were put on a deposit slip that had
7 been started on October 16, which is actually
8 not deposited until Monday, the 20th.

9 My treasurer and person who filed the
10 report cautioned me that that report should have
11 been filed within 48 hours of the day on
12 Thursday when I received those checks.

13 They were deposited Monday, and I informed
14 her at that time that that's when I made the
15 actual deposit. And I have the deposit slips to
16 show that the date's on the 16th.

17 So I guess the question is, should I be
18 assessed a penalty, technically, probably 48
19 hours from the 16th to when I actually picked
20 those checks up to the time they got to the
21 bank? The treasurer assumed that the actual
22 receipt was the day I told her they were
23 deposited, which was the 20th, which would have
24 made the report due on the -- actually, the
25 16th. If I picked them up on the 16th, which I

1 did, I would have had to file that report by
2 Saturday. Is that correct?

3 MS. THOMPSON: Right.

4 MR. GROOMS: But it wasn't filed until
5 Monday.

6 MS. TAYLOR: Monday, which is the 20th.

7 MR. GROOMS: Wasn't filed until Monday.

8 MS. TAYLOR: Yeah.

9 MR. GROOMS: And I think the email was sent
10 in, or a fax was sent in on Monday, according to
11 my treasurer.

12 MS. THOMPSON: We'll pull your file to see.

13 MR. GROOMS: And the accounts -- all the
14 administrative codes refer to the six -- I
15 believe there were six checks. Is that the
16 reason there are six?

17 MS. THOMPSON: Right. There's seven.

18 MR. GROOMS: There were six checks that
19 were picked up on Thursday, but actually weren't
20 deposited on Thursday, which should have been
21 reported, I guess, Saturday. But they weren't
22 deposited until Monday. Is that correct? I'm
23 trying to ...

24 MS. THOMPSON: Right.

25 MR. GROOMS: I don't have that. She has

1 them on the 16th, which was the date on the
2 deposit slip. But the deposit wasn't made until
3 Monday, which she assumed that since that's what
4 I had been doing, I notified her when the
5 deposit was made as the day that I thought was
6 the receipt date. But it's -- and it's the
7 actual day I guess I got them in my hands.

8 CHAIRMAN BENNETT: Anything else,
9 Mr. Grooms?

10 MR. GROOMS: No. There's absolutely no
11 intent to mislead or misinform or deny
12 information. It's not -- not on our part.

13 I got caught on the weekend. And probably
14 if that had been on Monday or Tuesday, it would
15 have probably not become an issue.

16 But because -- if you get involved in
17 campaigns, and you're campaigning 24/7,
18 sometimes the weekends fly by and you don't even
19 know when Monday gets here or when Thursday was.

20 CHAIRMAN BENNETT: I will ask counsel to
21 clarify the law on this in terms of the timing.

22 MR. SIMMONS: Well, we certainly go based
23 on the report. But there's a definition of when
24 a contribution is received and accepted by a
25 committee. And, you know, that's the date you

1 really should report from.

2 So if you received on one date and
3 deposited on another date, it would actually be
4 when you deposited, when you should report when
5 it was received.

6 And if you want to check this in your code
7 books, this is the definition of acceptance in
8 3-9-1-25(b). It says, "A contribution is
9 considered received and accepted when the
10 committee has physical possession and manifests
11 an intent to keep the contribution by depositing
12 the contribution."

13 So there's two steps to that acceptance.

14 CHAIRMAN BENNETT: And that is what your
15 treasurer told you, that you should have
16 deposited the day they were received? Did I
17 hear your testimony correctly?

18 MR. GROOMS: I just assumed that when I got
19 back from Indianapolis on the 16th, on Thursday,
20 they were added to a deposit slip that had been
21 started on the 16th. And that was the day I
22 actually took possession, was that afternoon.
23 But the deposit was not actually made until the
24 20th.

25 COMMISSION MEMBER KLUTZ: Mr. Chairman --

1 MR. GROOMS: And then the -- but the
2 report -- I mean the report is correct. It says
3 that they were received on the 16th, which is
4 technically, I guess, the day I took possession
5 of them.

6 They were not deposited until Monday, which
7 is when I told my treasurer, "This is when I put
8 these in the bank," which is what we had been
9 doing with most transactions, was the date they
10 were deposited, not the date on the deposit
11 slip.

12 CHAIRMAN BENNETT: Mr. Klutz, did you have
13 a motion?

14 COMMISSION MEMBER KLUTZ: Mr. Chairman, it
15 appears that the manifestation of intent to keep
16 the checks and the contributions was made when
17 they were deposited on the 20th. They may have
18 put the 16th or 17th on the report, which then
19 triggered a notice that there was a violation,
20 but it doesn't appear that that's what actually
21 occurred. It appears that it was filed on the
22 22nd, and filed within the timeline.

23 So I would make a motion that no fine be
24 assessed.

25 CHAIRMAN BENNETT: Is there a second?

1 I will second the motion.

2 Any discussion?

3 VICE CHRMN PRO TEM CLAYTOR: I just have a
4 question for either counsel, I guess, that the
5 statute that you referenced indicates
6 acceptance, receipt and acceptance in a manner.

7 But acceptance is not defined in the
8 Indiana Code. And that seems to indicate a
9 manner of acceptance, not the only manner of
10 acceptance.

11 MR. SIMMONS: We've always interpreted it
12 that way because there's another reporting
13 section, 3-9-5-14, that indicates you have an
14 opportunity -- if you receive a check and you
15 don't deposit it, you can return the check to
16 the giver and not have to report it.

17 So there, together with this section, we've
18 kind of interpreted that as meaning that you
19 receive it when you actually have taken
20 possession and deposited, because you don't have
21 to report it if you receive a check and you
22 return it to the giver.

23 VICE CHRMN PRO TEM CLAYTOR: No, I
24 understand that. I understand your
25 interpretation. I understand that's in the

1 publications. I don't think it's an exclusive
2 definition of acceptance the way it's written in
3 the Code.

4 So the other question that I have is that
5 in this instance, a single CFA-11 was required
6 to be filed because all checks were either
7 received, accepted, deposited, or whatever the
8 heck they were, on the same day. And does that
9 actually generate nine violations?

10 MR. SIMMONS: Well, the way I would
11 interpret that would be that you have 48 hours
12 from when you deposit to file your report. Your
13 report may contain one. It may contain multiple
14 contributions received, large contributions
15 received on the same day.

16 It would make sense, if you received and
17 deposited a bunch of large contributions on the
18 same day, to put them all on the same CFA-11.
19 And they often do that.

20 CHAIRMAN BENNETT: Mr. Kochevar, do you
21 have any input on these issues?

22 MR. KOCHEVAR: No. I actually concur with
23 everything that Mr. Simmons has said.

24 The only other thing I will note is the
25 Commission's powers that are listed in 3-6-4.2,

1 if I'm getting the correct citing of the Indiana
2 Code, your powers of interpretation, along with
3 the other responsibilities that have been given
4 to you by the state legislature.

5 So the decision is ultimately yours to
6 determine if a violation has occurred and make
7 the necessary findings and assess the necessary
8 penalties.

9 CHAIRMAN BENNETT: Okay. Thank you. So we
10 have a motion and a second, a motion to dismiss
11 and a second. Any further discussion?

12 (No response.)

13 CHAIRMAN BENNETT: All in favor of the
14 motion say aye.

15 THE COMMISSION: Aye.

16 CHAIRMAN BENNETT: All opposed say nay.

17 (No response. Motion carried.)

18 CHAIRMAN BENNETT: Motion carries. Case
19 dismissed. You're free to go.

20 MR. GROOMS: Thank you very much.

21 CHAIRMAN BENNETT: Next?

22 SENATOR YOUNG: Richard Young. Let's see.
23 My case is 99-3224. And it's the Committee to
24 Re-elect Richard Young State Senator.

25 CHAIRMAN BENNETT: Thank you, Senator.

1 Give us a minute to find that.

2 MS. THOMPSON: Page 84. Just one?

3 MS. TAYLOR: There were actually three.

4 MS. ASHIRA YOUNG: There were three.

5 My name is Ashira Young, A-S-H-I-R-A.

6 MS. THOMPSON: The first one is on page 78.

7 And this is Committee to Re-elect Richard D.

8 Young State Senator. This, again, is for a

9 supplemental report. Cause No. 2015-3224-98,
10 103 on page 80, and page 84, 112.

11 CHAIRMAN BENNETT: Any other presentation
12 by the Election Division?

13 MS. THOMPSON: No. Again, these were
14 supplemental reports that were due in the
15 48-hour period.

16 CHAIRMAN BENNETT: Senator Young?

17 SENATOR YOUNG: Yes. Mr. Chairman, members
18 of the committee, this is my eighth election
19 that I've participated in, the first time I've
20 had any cause to appear before you. So I've
21 always tried to be very diligent in my paperwork
22 in keeping campaign finance laws.

23 I believe that I did in this case as well.
24 That's why I ask for a dismissal. At least I
25 think I did as much as I could.

1 During the election, it was a very busy
2 election. And there were a number of
3 supplementals filed. This came to the Election
4 Commission's attention, my understanding, from
5 my annual report, when they looked through it
6 and found that they couldn't find a
7 corresponding supplemental for three particular
8 checks.

9 Now, all of the others -- all of the
10 supplementals I faxed in. And although I didn't
11 think to keep a receipt of the fax, they --
12 apparently, all other ones went through fine.
13 For some reason, this one didn't.

14 So when I was notified of these three, we
15 pulled our files. And it turns out they're all
16 on the same report.

17 I've got a report of what I faxed in,
18 although I have no receipt to prove that. I
19 didn't think about that.

20 CHAIRMAN BENNETT: So this is the report,
21 and it's your testimony that this was faxed to
22 the Election Division.

23 SENATOR YOUNG: Yes, yes, it was, as all of
24 the rest of them were.

25 And all the other ones were received. I

1 just assumed that this one was as well.

2 So on my annual reports, other reports, I
3 always bring them over and get them stamped.
4 But I didn't really have any way of doing that,
5 so ...

6 CHAIRMAN BENNETT: Is it not your practice
7 to keep receipts from faxes?

8 SENATOR YOUNG: No.

9 MS. ASHIRA YOUNG: No.

10 SENATOR YOUNG: Never thought about that.

11 This was an unusual election. It was a
12 very busy election. In fact, I think more money
13 was spent in this election than all my elections
14 over 8 years.

15 MS. ASHIRA YOUNG: And campaigns.

16 SENATOR YOUNG: And campaigns. So we were
17 doing a lot of supplementals.

18 And they all appeared to get through, and I
19 assume that that one did.

20 And clearly there was no intention to
21 confuse anyone, because it was on my annual
22 report, is where it came to your attention.

23 CHAIRMAN BENNETT: Do we as the Election
24 Division have any explanation for why --

25 MS. THOMPSON: We don't have that.