

Indiana Election Commission

Minutes

September 3, 2014

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

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

Staff Attending: Trent Deckard, Co-Director, Indiana Election Division of the Office of the Indiana Secretary of State (Election Division); J. Bradley King, Co-Director of the Election Division; Leslie Barnes, Co-General Counsel of the Election Division; Dale Simmons, Co-General Counsel of the Election Division; Jenny L. Reeve, CSR-RPR, Notary Public, Stenographic Reporter, Connor Reporting.

Others Attending: Mr. David Allmon; Ms. Zanzer Anderson; Mr. Bradley Arey; Mr. Chris Becker; Mr. Jim Byers; Mr. Reid Dallas; Mr. Chris Douglas; Ms. Jodi Golden; Ms. Andrea Green; Mr. David Hadley; Ms. Patricia Halling; Mr. Jewell Harris; Ms. Laura Hodges; Mr. Brent Ingram; Mr. Tom John; Mr. Steve Keltner; Dr. Joseph Losco; Mr. Lwin Ko Latt; Mr. Paul Mannweiler; Mr. Mark Meadows; Mr. Michael D. Merrell; Mr. Zach Mulholland; Mr. Myat Thu; Mr. Michael Neal; Mr. Brandon Perry; Mr. Dan Rieke; Mr. Peter Rimsans; Mr. Nick Sabato; Dr. Raymond Scheele; Mr. Joseph Shank; Mr. David Tharp; Mr. Bradley Tracy; Mr. Darren Vogt; Ms. Erica Walsh; Mr. H.L. Whitis; Mr. John Willey.

1. Call to Order

The Chair called the September 3, 2014 meeting of the Commission to order at 1:00 p.m. EDT in Conference Rooms 4-5, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana.

The Chair recognized the Co-Directors of the Election Division, who noted that proper notice of the meeting had been given, as required by state law. A copy of the meeting notice and agenda are incorporated by reference in these minutes. *[Copies of all documents incorporated by reference are available for public inspection and copying at the Election Division Office.]*

2. Transaction of Business

The Commission transacted the business set forth in the Transcript of Proceedings prepared by Ms. Jenny L. Reeve of Connor Reporting. A copy of this document is incorporated by reference in these minutes.

The following corrections of scrivener’s errors in this document are approved:

Page 7, line 7, replace “MR. KING” with “COMMISSION MEMBER KLUTZ”.

Page 37, line 1, replace "UNIDENTIFIED SPEAKER" with "MR. TRACY".

Page 38, line 3, replace "UNIDENTIFIED SPEAKER" with "MR. TRACY".

Page 119, delete line 17.

Page 119, between lines 18 and 19, insert the following:

"VICE CHAIRMAN PRO TEMPORE DICKEY: No".

Page 140, line 12, replace "Title III" with "Title 3".

Page 140, line 16, replace "Title III" with "Title 3".

Page 141, line 1, replace "364.2" with "3-6-4.2".

Page 141, line 22, replace "Title III" with "Title 3".

Page 142, line 7, replace "364.2" with "3-6-4.2".

Page 142, line 18, replace "Title III" with "Title 3".

Page 143, line 23, replace "Title III" with "Title 3".

Page 145, line 3, replace "Title III" with "Title 3".

3. Adjournment

The Commission meeting was then adjourned at 4:48 p.m.

Respectfully submitted,



Trent Deckard
Co-Director



J. Bradley King
Co-Director

APPROVED:



Bryce H. Bennett, Jr., Chairman

In the Matter Of:

INDIANA ELECTION COMMISSION HEARING

HEARING PROCEEDINGS

September 03, 2014



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INDIANA ELECTION COMMISSION
PUBLIC SESSION AGENDA

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Conducted on: September 3, 2014

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Location: Indiana Government Center South
402 West Washington Street
Conference Center, Rooms 4 and 5
Indianapolis, Indiana 46204

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A STENOGRAPHIC RECORD BY:

19

Jenny L. Reeve, CSR-RPR
Notary Public
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. Adam Dickey, Vice Chairman Pro Tempore
- Ms. Suzannah Overholt - Commission Member
- Mr. Zachary Klutz - Commission Member

INDIANA ELECTION DIVISION STAFF:

- Mr. Bradley King - Co-Director
- Mr. Trent Deckard - Co-Director
- Mr. Dale Simmons - Co-Legal Counsel
- Ms. Leslie Barnes - Co-Legal Counsel
- Ms. Michelle Thompson - Campaign Finance
- Ms. Abbey Taylor - Campaign Finance

1 CHAIRMAN BENNETT: This public session of the
2 Indiana Election Commission is now open. I'd like
3 to call the meeting to order and determine a quorum.

4 The following members of the Commission are
5 present today. Chairman, myself, Bryce Bennett;
6 Adam Dickey, proxy for Vice President Anthony Long;
7 Member Suzannah Wilson Overholt, and Member
8 Zachary Klutz.

9 The Indiana Election Division Staff consists of
10 our co-directors, Trent Deckard and Brad King, and
11 co-general counsels, Leslie Barnes and Dale Simmons.

12 Our court reporter today is Jenny Reeve from
13 Connor & Associates.

14 Before we begin today's meeting, I want to
15 remind everyone on behalf of the court reporter to
16 identify yourself when you begin to speak, spell
17 your name clearly when you identify yourself, speak
18 clearly, and do not speak at the same time as
19 others.

20 The documentation of compliance with the Open
21 Door Law is appropriate at this point.

22 Mr. Deckard and Mr. King?

23 MR. KING: Mr. Chairman, Members of the
24 Commission, this meeting of the Indiana Election
25 Commission was properly noticed in compliance with

1 the Open Door Law.

2 CHAIRMAN BENNETT: At this time we would ask
3 for a ratification of Campaign Finance Settlement
4 Agreements as presented by Ms. Taylor and
5 Ms. Thompson.

6 MS. THOMPSON: Mr. Chairman, this is the list
7 of committees that have agreed to pay the settlement
8 agreement and waive the hearing.

9 CHAIRMAN BENNETT: And these are located in our
10 binders?

11 MS. THOMPSON: Yes.

12 CHAIRMAN BENNETT: Okay. Is there a motion to
13 ratify the Campaign Settlement Agreements as
14 presented?

15 COMMISSION MEMBER KLUTZ: So move.

16 CHAIRMAN BENNETT: We have a motion. Is there
17 a second?

18 COMMISSION MEMBER OVERHOLT: Second.

19 CHAIRMAN BENNETT: We have a motion and a
20 second. Is there any discussion?

21 (No response.)

22 CHAIRMAN BENNETT: Hearing none, all in favor
23 say aye.

24 THE COMMISSION: Aye.

25 CHAIRMAN BENNETT: All opposed, the same sign.

1 (No response. Motion carried.)

2 CHAIRMAN BENNETT: Motion carried. Thank you.

3 The next item of business is campaign finance
4 referrals to the attorney general for collection.

5 I understand there are referrals of committees to
6 the Indiana attorney general for collection of
7 fines, and that the Campaign Finance Staff can
8 provide information regarding those referrals.

9 I would ask for a presentation from the staff
10 on this issue.

11 MS. THOMPSON: Mr. Chairman, this is a list of
12 the committees that we are planning to turn over to
13 the AG's office for collection at this time.

14 CHAIRMAN BENNETT: It's my understanding that
15 no further commission action is necessary, and these
16 referrals will be made. Thank you.

17 At this point we would like to administer the
18 oath to individuals testifying before the
19 Commission. Everyone present who plans to testify
20 today regarding any matter coming before the
21 Commission today, including campaign finance or
22 voting system matters, please stand for the
23 administration of the oath.

24 I will recognize Dale Simmons to administer the
25 oath.

1 MR. SIMMONS: Raise your right hand, and say,
2 "I do," after the administration of the oath.

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

4 MR. SIMMONS: Thank you.

5 CHAIRMAN BENNETT: Thank you. Before
6 proceeding with enforcement actions, we want to give
7 any committee present a final opportunity to pay a
8 reduced civil penalty by waiving the right to
9 present evidence and arguments to the Commission.

10 Any committee is welcome to present evidence
11 and arguments for the proposed penalty to be waived,
12 but this is an opportunity for those who want to
13 waive that presentation and accept a reduced penalty
14 without making any arguments for presentation. And
15 you will be free to leave after you do so.

16 The arrangements are the following: If this is
17 the committee's first violation, the arrangement is
18 for the committee to agree to pay 25 percent of the
19 proposed fine, plus mailing costs.

20 If this is the committee's second violation,
21 the arrangement is for the committee to agree to
22 pay 50 percent of the proposed fine, plus mailing
23 costs.

24 If this is the committee's third violation, the
25 committee would agree to pay 75 percent of the

1 proposed violation, plus mailing costs.

2 Is there a motion from the Commission to
3 approve this arrangement?

4 VICE CHAIRMAN PRO TEMPORE DICKY: So moved.

5 CHAIRMAN BENNETT: We have a motion. Is there
6 a second?

7 MR. KING: Second.

8 CHAIRMAN BENNETT: The motion is seconded. Is
9 there any discussion?

10 (No response.)

11 CHAIRMAN BENNETT: There being no further
12 discussion, all in favor say aye.

13 THE COMMISSION: Aye.

14 CHAIRMAN BENNETT: All opposed, same sign.

15 (No response. Motion carried.)

16 CHAIRMAN BENNETT: Motion carried. The
17 procedure's adopted.

18 Are there any committees here today who would
19 like to accept this arrangement? If so, come
20 forward. Let's start with the closest ones to the
21 front who are willing to accept this arrangement.

22 Yes, come have a seat at the table there.

23 We'll start at the front and work our way back.

24 When you get comfortable, state your name, the
25 committee's name, and the cause number. Indicate

1 that you are willing to accept the applicable
2 penalty without further discussion.

3 MR. MANNWEILER: My name is Paul Mannweiler,
4 M-A-N-N-W-E-I-L-E-R, with Bose McKinney & Evans. I
5 represent FCCI Services, Inc. And I don't know if I
6 have the cause number.

7 MS. THOMPSON: I've got it for you.

8 Mr. Chairman, that would be on your blue tab.

9 CHAIRMAN BENNETT: Very well.

10 MR. MANNWEILER: To the best of my knowledge,
11 this is a first offense. We self-discovered it and
12 corrected it, and then heard from the Commission
13 about the violation.

14 CHAIRMAN BENNETT: And you do accept the
15 25 percent penalty, plus mailing costs?

16 MR. MANNWEILER: Yes.

17 CHAIRMAN BENNETT: Very well. That is
18 approved, and you're free to go.

19 MR. MANNWEILER: Thank you.

20 CHAIRMAN BENNETT: Thank you.

21 MR. MANNWEILER: And I will get a tab from the
22 Commission?

23 COMMISSION MEMBER OVERHOLT: Excuse me. I have
24 a question.

25 So in terms of the parameters you laid out for

1 these settlements, this is an excess corporation
2 issue, as opposed to --

3 MS. BARNES: And not a delinquent.

4 COMMISSION MEMBER OVERHOLT: Yeah. It's not a
5 delinquent?

6 CHAIRMAN BENNETT: Are you proposing a
7 different arrangement?

8 COMMISSION MEMBER OVERHOLT: Well, I guess I'm
9 just wondering. I don't think that the procedures
10 you mentioned earlier necessarily applied to these
11 with the motion that was made previously.

12 CHAIRMAN BENNETT: Do you have a motion to
13 make?

14 COMMISSION MEMBER OVERHOLT: I think we just
15 need to clarify. I mean I guess we could just make
16 a new motion and amend the previous motion,
17 whatever, but to clarify that we are willing to have
18 the same parameters apply.

19 CHAIRMAN BENNETT: Is that a motion to that
20 effect?

21 COMMISSION MEMBER OVERHOLT: Sure. Yes, that
22 is a motion to that effect.

23 CHAIRMAN BENNETT: So we have a motion for the
24 parameters that we have laid out here for accepting
25 the penalty to apply to excess corporations. Is

1 there a second?

2 COMMISSION MEMBER KLUTZ: I'll second that.

3 CHAIRMAN BENNETT: The motion is seconded.

4 COMMISSION MEMBER OVERHOLT: And before the
5 vote, I guess I would ask staff, are there other
6 categories in here? So that we don't keep having to
7 make motions and clarify what we're doing. Should
8 that, then, cover all of the categories before us?

9 MS. BARNES: Mr. Chairman, and Commissioner
10 Overholt, I'm not certain if it will cover all the
11 situations before the Commission. I think
12 Ms. Thompson and Ms. Taylor might be able to tell
13 us.

14 There are a variety of penalties other than
15 delinquent and excessive corporate contributions.
16 I don't know if we have those before us.

17 I mean Title 3-9 has a variety of penalties.

18 MS. THOMPSON: No, not today. Just delinquent
19 and the excess corporations.

20 COMMISSION MEMBER OVERHOLT: Okay, all right.

21 MS. BARNES: Thanks.

22 CHAIRMAN BENNETT: Any further discussion?

23 (No response.)

24 CHAIRMAN BENNETT: Hearing none, we have a
25 motion and a second. All in favor say aye.

1 THE COMMISSION: Aye.

2 CHAIRMAN BENNETT: All opposed, same sign.

3 (No response. Motion carried.)

4 CHAIRMAN BENNETT: Motion carried. Settlement
5 approved.

6 Now you're free to go.

7 MR. MANNWEILER: Very good. Thank you.

8 COMMISSION MEMBER OVERHOLT: Sorry about that.

9 *****

10 CHAIRMAN BENNETT: Next committee willing to
11 accept this arrangement?

12 MR. AREY: Yes, sir. I'm Bradley Arey,
13 A-R-E-Y. I'm representing the Muncie Police
14 Officers Political Action Committee. The cause
15 number is 2014-3924-26.

16 MS. THOMPSON: That's page 38.

17 CHAIRMAN BENNETT: And which offense is this
18 for that committee? Do you know?

19 MR. AREY: The last I can find any violation
20 was back in 2006. Same violation.

21 CHAIRMAN BENNETT: Can the Campaign Finance
22 Staff confirm which number?

23 MS. TAYLOR: This is their second violation.

24 CHAIRMAN BENNETT: Second violation. And
25 you're willing to accept the 50 percent proposal,

1 plus costs?

2 MR. AREY: Yes. We are prepared to pay it
3 today also.

4 CHAIRMAN BENNETT: You will receive an order
5 from the Commission to pay very soon.

6 MR. AREY: Okay.

7 CHAIRMAN BENNETT: But not today.

8 Okay. No further action by the Commission is
9 necessary. The agreement to accept the 50 percent
10 penalty is accepted, and you're free to go.

11 MR. AREY: Thank you.

12 CHAIRMAN BENNETT: Thank you.

13 *****

14 CHAIRMAN BENNETT: Have a seat, and please
15 state your name.

16 MS. HODGES: Thank you. Laura Hodges. It's
17 L-A-U-R-A, H-O-D-G-E-S. I represent the Indiana
18 Federation of Republican Women. The cause number
19 is 2014-321-86.

20 CHAIRMAN BENNETT: Which would be located at
21 what page of our book?

22 MS. THOMPSON: Page 71.

23 CHAIRMAN BENNETT: Okay. Thank you. You've
24 been before the board one time before; is that
25 correct?

1 MS. HODGES: I understood this was our first
2 time. I'm not right about that?

3 MS. THOMPSON: No. You've been before the
4 board back in 2003.

5 MS. HODGES: Okay. So second?

6 CHAIRMAN BENNETT: So according to the Campaign
7 Finance Staff reports, this would be the second
8 violation; is that correct?

9 MS. THOMPSON: Yes.

10 CHAIRMAN BENNETT: Second violation. And are
11 you prepared to pay the 50 percent proposed fine,
12 plus mailing costs?

13 MS. HODGES: Yes.

14 CHAIRMAN BENNETT: Then the agreement is
15 accepted, and you're free to go.

16 MS. HODGES: Thank you.

17 *****

18 MR. DOUGLAS: I'm Chris Douglas, Citizens for
19 Chris Douglas. The cause number is 2014-5864-43.

20 CHAIRMAN BENNETT: We just need to catch up
21 with the page number here.

22 MS. THOMPSON: It's on page 48.

23 CHAIRMAN BENNETT: Do you know what number
24 violation this is?

25 MR. DOUGLAS: This is the second.

1 CHAIRMAN BENNETT: Is that consistent with the
2 Campaign Finance Staff reports?

3 MS. THOMPSON: Yes.

4 CHAIRMAN BENNETT: Second offense. Are you
5 prepared to pay the 50 percent fine, plus mailing
6 costs?

7 MR. DOUGLAS: Yes.

8 CHAIRMAN BENNETT: Very well. The agreement is
9 accepted, and you're free to go.

10 MR. DOUGLAS: Thank you.

11 *****

12 MR. RIEKE: My name is Dan Rieke, D-A-N,
13 R-I-E-K-E. I'm here on behalf of Hoosiers for
14 Limited Government, Cause No. 2014-6501-78.

15 MS. TAYLOR: Page 66.

16 CHAIRMAN BENNETT: What number violation was
17 this?

18 MS. TAYLOR: This is their first.

19 CHAIRMAN BENNETT: First violation. Are you
20 prepared to accept the agreement to pay 25 percent
21 of the fine, plus the proposed mailing costs?

22 MR. RIEKE: I am.

23 CHAIRMAN BENNETT: Very well. The agreement is
24 accepted, and you're free to go.

25 *****

1 CHAIRMAN BENNETT: Next?

2 MR. MULHOLLAND: Thank you. I'm Zach
3 Mulholland. I'm here for Hoosiers for Zach
4 Mulholland, Cause No. 2013-6303-7.

5 Oh, I'm sorry. First is Z-A-C-H, and last name
6 is M-U-L-H-O-L-L-A-N-D.

7 MS. TAYLOR: That's on page 23, and this is his
8 first violation.

9 CHAIRMAN BENNETT: Are you prepared to pay the
10 25 percent fine, plus mailing costs?

11 MR. MULHOLLAND: Yes.

12 CHAIRMAN BENNETT: All right. Then you're free
13 to go.

14 *****

15 CHAIRMAN BENNETT: Do we have any more on the
16 east side of the room?

17 State your name, please.

18 MS. WALSH: Erica Walsh, E-R-I-C-A, W-A-L-S-H.
19 I'm representing the College Democrats of Indiana,
20 Cause No. 2014-6193-113.

21 CHAIRMAN BENNETT: What violation number is
22 this?

23 MS. THOMPSON: Page 83.

24 MS. TAYLOR: And it's their first violation.

25 CHAIRMAN BENNETT: Are you prepared to pay the

1 25 percent fine, plus the mailing costs?

2 MS. WALSH: Yes.

3 CHAIRMAN BENNETT: Very well. You're free to
4 go. Thank you.

5 *****

6 CHAIRMAN BENNETT: Anyone else on the east
7 side?

8 MR. WHITIS: Good afternoon. My name is H.L.
9 Whitis, W-H-I-T-I-S. This is Administrative Cause
10 No. 2014-6509-85. The name of my committee was Tad
11 Whitis for State Senate, which I hope to disband as
12 soon as I get all this stuff resolved, and forget
13 this stuff.

14 This was an oversight on my part. You may not
15 be asking for an explanation. It was a loan I made
16 a couple days before.

17 CHAIRMAN BENNETT: Are you here to accept --

18 MR. WHITIS: I'm not here to contest it. I'm
19 here to accept whatever is in your discretion and
20 get this resolved. I'd like to pay today.

21 MS. THOMPSON: Page 70.

22 MS. TAYLOR: And it's their first violation.

23 CHAIRMAN BENNETT: You understand this is your
24 opportunity to accept the 25 --

25 MR. WHITIS: I will accept.

1 CHAIRMAN BENNETT: -- percent fine, plus
2 mailing costs, and then you don't have to present
3 your case?

4 MR. WHITIS: Yes.

5 CHAIRMAN BENNETT: And you're willing to do
6 that? You don't want to present your case? You're
7 not hear to argue or contest, right?

8 MR. WHITIS: I'm not here to contest it.

9 CHAIRMAN BENNETT: Okay. And you're willing to
10 pay the 25 percent fine, plus the mailing costs?

11 MR. WHITIS: Yes.

12 CHAIRMAN BENNETT: Okay, very well. The
13 agreement is accepted, and you're free to go.

14 MR. WHITIS: I'd like to pay today, if I could,
15 but I'm not sure of the process.

16 MS. THOMPSON: They'll send it to you.

17 MR. WHITIS: Oh, okay. Thank you.

18 CHAIRMAN BENNETT: Well, the process is that it
19 will be sent to you in the mail.

20 MR. WHITIS: Okay.

21 CHAIRMAN BENNETT: What page number was that?

22 MS. TAYLOR: 70.

23 *****

24 CHAIRMAN BENNETT: Is there anyone else here
25 who is willing to accept the agreement on the east

1 side of the room?

2 Yes, come forward.

3 MR. NEAL: My name is Michael Neal, N-E-A-L, on
4 behalf of the Crossroads Political Action Committee,
5 2014-6151-112.

6 I believe I'm -- I'm not sure -- as the --
7 under my chairmanship, this is the first violation.
8 I don't know if there have been any previously
9 before that.

10 CHAIRMAN BENNETT: We'll check our records.

11 MR. NEAL: Thank you.

12 MS. TAYLOR: It's on page 83, and this is their
13 third violation.

14 CHAIRMAN BENNETT: This is the third violation.
15 Are you prepared to accept the 75 percent fine, plus
16 the mailing costs?

17 MR. NEAL: Yes, Mr. Chairman.

18 CHAIRMAN BENNETT: Okay, very well. You're
19 free to go.

20 MR. NEAL: Thank you, sir.

21 *****

22 CHAIRMAN BENNETT: Anyone else on the east side
23 of the room?

24 Seeing none, we will move to the west side.
25 Anybody in the first row? Second row? Third row?

1 Anyone on the west side of the room want to accept
2 the deal and leave?

3 Seeing none, if you want to present evidence to
4 the Commission or ask for a waiver of a proposed
5 penalty, you will have that opportunity now that the
6 other committees have been heard.

7 With regard to the remaining committees, you'll
8 be called to present evidence in these matters.

9 But before doing so, I want to note that in the
10 past, the Commission has followed certain procedures
11 for conducting campaign finance hearings. And I
12 move that the Commission use the following
13 procedures today:

14 (A) When each campaign finance matter is
15 called, the hearing will begin with recognizing
16 Campaign Finance Staff to provide information about
17 the documents in this matter provided to the
18 Commission members, including letters from
19 committees and the notice given to the campaign
20 committee.

21 (B) Unless there is objection, the documents
22 provided to the Commission by the Election Division
23 will be entered into the record of this meeting.

24 (C) After Campaign Finance Staff completes
25 presentation, a representative of the committee will

1 be recognized first and may present their case for
2 no more than five minutes.

3 (D) Commission members may ask questions
4 during a presentation, but the time spent answering
5 these questions will not be counted against the
6 presenter's time. The Election Division may signal
7 the chair when a presenter's time is up. If the
8 presenter offers additional documents or other
9 physical evidence not previously received by the
10 Commission, then the original must be provided to
11 the Election Division to preserve for the record.

12 (E) If the Commission finds that a committee
13 has violated the campaign finance statutes, state
14 law requires a unanimous vote of all four
15 commissioners to waive or reduce the amount of the
16 penalty set by law.

17 (F) If the Commission makes a decision at this
18 meeting to either fine a committee or dismiss the
19 case against the committee, then the Election
20 Division will prepare a final order for the
21 Commission to approve at a later meeting.

22 (G) If a committee is fined today, the
23 committee will receive a notice from the Election
24 Division to pay their fine after the Commission
25 adopts the final order. So it may be sometime after

1 today before a committee will be required to pay the
2 fine.

3 (H) The Commission generally begins at the
4 front of the room and asks those persons present to
5 come forward to have their matter heard. It's very
6 helpful if you can speak up and say the cause number
7 on your hearing material so that the Commission and
8 staff can quickly look it up on the spreadsheet.

9 Remember to identify yourself when you start
10 speaking.

11 Is there a second to this motion?

12 VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

13 CHAIRMAN BENNETT: We have a motion and a
14 second. Any discussion on the procedures?

15 (No response.)

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

18 THE COMMISSION: Aye.

19 CHAIRMAN BENNETT: All opposed, same sign.

20 (No response. Motion carried.)

21 CHAIRMAN BENNETT: Motion carried, and we have
22 our procedures established.

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

25 *****

1 CHAIRMAN BENNETT: Is there anyone in the front
2 row here for that purpose? Let's start, I suppose,
3 on the center aisle, going west.

4 MR. BYERS: Yes. My name is a Jim Byers,
5 B-Y-E-R-S. And I'm representing Harbaugh for
6 District 52. The administrative cause number is
7 2014-6280-67.

8 MS. TAYLOR: It's on page 61.

9 CHAIRMAN BENNETT: All right. You may proceed
10 with your presentation.

11 MR. BYERS: Yes. Basically, I'm asking for a
12 waiver of the penalty. I missed the final report,
13 which is my fault. I missed it by nine days. And
14 this is the first time that I've been in the
15 process.

16 So again, I'm just hoping that they will waive
17 the penalty.

18 CHAIRMAN BENNETT: I would ask the staff for
19 their position and introduction of the evidence into
20 the record.

21 MS. THOMPSON: Yes, Mr. Chairman. This is
22 Harbaugh For District 52, Cause No. 2014-6280-67.
23 This committee's never been before the Commission
24 before. Has a proposed civil penalty of \$500.49,
25 and the committee is closed at this time.

1 CHAIRMAN BENNETT: Thank you. Any further
2 response after hearing that?

3 MR. BYERS: No, just other than I messed up
4 and didn't get the final report in on time. And it
5 was totally my fault.

6 CHAIRMAN BENNETT: Is there a motion by the
7 Commission?

8 COMMISSION MEMBER OVERHOLT: I'd move to waive
9 the penalty and costs in light of the fact that the
10 committee is closed and the report was filed. It
11 was just filed late.

12 COMMISSION MEMBER KLUTZ: I would second that
13 motion.

14 CHAIRMAN BENNETT: We have a motion and a
15 second. Any discussion from the Commission?

16 (No response.)

17 CHAIRMAN BENNETT: No discussion. All in favor
18 say aye.

19 THE COMMISSION: Aye.

20 CHAIRMAN BENNETT: All opposed, same sign.

21 (No response. Motion carried.)

22 CHAIRMAN BENNETT: The motion is carried, and
23 the penalty is waived. You're free to go.

24 MR. BYERS: Thank you very much.

25 *****

1 MR. HADLEY: David Hadley, chairman of the
2 Montgomery County Democratic Central Committee. And
3 the administrative cause number is 2014-5519-102,
4 and I seek waiver of the penalty.

5 CHAIRMAN BENNETT: If you would, spell your
6 name, please.

7 MR. HADLEY: David, D-A-V-I-D, Hadley,
8 H-A-D-L-E-Y.

9 CHAIRMAN BENNETT: We need to hear from the
10 staff.

11 MS. THOMPSON: It's page 78.

12 CHAIRMAN BENNETT: Page 78?

13 MS. THOMPSON: Yes.

14 CHAIRMAN BENNETT: All right. The staff will
15 proceed first, then.

16 MS. THOMPSON: This is the Montgomery County
17 Democratic Central Committee. The cause number is
18 2014-5519-102.

19 This committee has not been before the
20 Commission before, and has a proposed civil penalty
21 of \$200.49.

22 MR. HADLEY: I do have a written submission
23 that I have four copies of.

24 CHAIRMAN BENNETT: Well, I've only got three
25 copies here.

1 MR. HADLEY: Well, I gave one to the staff.

2 CHAIRMAN BENNETT: All right. You may present.

3 MR. HADLEY: As chairman of the Montgomery
4 County Democratic Central Committee, I did submit
5 the required CFA4 form at 8:30 a.m. on April 21,
6 2014, the date on which the form was due.

7 I submitted it to Jennifer Bentley, the
8 Montgomery County Clerk and chairwoman of the County
9 Election Board. I have a time-stamped copy of the
10 form submitted to Ms. Bentley.

11 In submitting it to the election board, I
12 believed that we were complying with the
13 requirements outlined in the 2014 Indiana Campaign
14 Finance Manual published by the Election Commission.

15 And I quote the relevant passage on page 50,
16 which reads, in part, that, "This report must be
17 filed with the Election Commission or appropriate
18 County Election Board by noon seven days before,"
19 yada, yada, yada. And that's what I did. I
20 interpreted that to mean it could be filed either
21 with the Election Division or the County Election
22 Board.

23 We were in the middle of selecting the new
24 treasurer, which we accomplished the day the report
25 was due. And I was prepared to -- on the 21st of

1 April, to take the form in person to the -- to bring
2 it to the Election Commission.

3 But I believe that the Campaign Finance Manual
4 gave us the opportunity to file it at the
5 election -- County Election Board.

6 Indeed, when I went to the County Election
7 Board on -- or to the county clerk on -- at 8:30 in
8 the morning on the 21st, I said, "Here's the deal.
9 It says that I can file it with the Election Board
10 and county or the State Election Commission. Am I
11 correct?"

12 And she said, "Yes. You can file it with us,"
13 the Republicans did.

14 So anyway, I thought I was complying with the
15 campaign finance requirements.

16 I was completely prepared at 8:30 on that
17 Monday morning to drive to Indianapolis to file the
18 report in person. But receiving some validation of
19 my interpretation from the county clerk, I thought,
20 "Okay, I'm done here." And I thought I had
21 complied.

22 As soon as we found out that the Election
23 Commission didn't believe, or had a different
24 interpretation, I submitted it electronically as
25 soon as I could, stopping the clock.

1 So thought I'd complied. Didn't. It won't
2 happen again. But we would like it to be waived.

3 CHAIRMAN BENNETT: Any response by the
4 Commission or Campaign Finance Staff.

5 MS. THOMPSON: Pardon me.

6 MS. TAYLOR: She wants to check.

7 MR. HADLEY: My recollection -- while she's
8 looking for that, my recollection is that I found
9 out about our delinquency by a second party. And I
10 then called the Election Division and was told,
11 indeed, I had to file. And as soon as I got that
12 word, I did email the documents.

13 VICE CHAIRMAN PRO TEMPORE DICKEY: Mr. Chairman,
14 I would move to go ahead and waive the fine in light
15 of the fact that they did attempt to file. This is
16 the first violation.

17 Clearly they understand that they have to file
18 up here too. So I would make a motion to waive the
19 penalty.

20 CHAIRMAN BENNETT: And I would add for the
21 record that we do have documentation indicating it
22 was timely filed.

23 So we have a motion. Is there a second?

24 COMMISSION MEMBER OVERHOLT: Second.

25 CHAIRMAN BENNETT: Motion and second. All in

1 favor say aye.

2 THE COMMISSION: Aye.

3 CHAIRMAN BENNETT: All opposed, same sign.

4 (No response. Motion carried.)

5 CHAIRMAN BENNETT: Motion carried. Fine
6 waived.

7 MR. HADLEY: Thank you. Appreciate it.

8 *****

9 MR. JOHN: Tom John, Ice Miller, appearing on
10 behalf of WellPoint, Inc., along with the senior
11 director of public affairs, John Willey.

12 MR. WILLEY: W-I-L-L-E-Y.

13 MS. THOMPSON: It's at your blue tab.

14 CHAIRMAN BENNETT: I think we know how to spell
15 your name.

16 MS. THOMPSON: This is WellPoint, Incorporated,
17 Cause No. 14-126. Contributed to the Senate
18 Majority Campaign Committee in the amount of \$4,000.

19 This committee has never been before the
20 Commission. And also, the Senate Majority Campaign
21 Committee refunded \$2,000 back to WellPoint.

22 And this proposed civil penalty is three times
23 the excess amount.

24 CHAIRMAN BENNETT: Anything else?

25 MS. THOMPSON: That's it.

1 CHAIRMAN BENNETT: Mr. John?

2 MR. JOHN: So we are here seeking a dismissal
3 of this action. In fact, what we have here is a
4 company that is very careful to follow the campaign
5 finance laws. In fact, as we go through the facts
6 of this, you'll find that this is exactly how the
7 system is supposed to operate.

8 We have a self-reporting system in our campaign
9 finance laws where you have the ability to go back
10 and to actually change your reports to ensure that
11 the top goal of all the campaign finance reporting
12 is, in fact, transparency to the voters and
13 transparency to the public, not just to ensure
14 whether people check the box, so to speak, or not.

15 In this case we have a client that -- what
16 happened is, in January of 2013, there was a
17 2,000-dollar check that was cut. Specifically, that
18 was on the 4th of January, 2013. That was cut to
19 the senate committee.

20 It was entered into a database that WellPoint
21 has that tracks all of their corporate
22 contributions. It was inadvertently omitted from a
23 database that was used to track the aggregate
24 corporate limits to make sure that we were in
25 compliance with that.

1 Then in August, another 2,000-dollar check was
2 cut. That was August 12, 2013. It was once again
3 entered in the first system. The second system did
4 not pick it up because there had been the oversight
5 of it not being put into the second system to track
6 the aggregate limits.

7 The mistake was identified through a regular
8 company audit by WellPoint to go through its system
9 to ensure that they're actually complying with the
10 finance laws.

11 The refund was requested from the Senate
12 Majority Committee. That \$2,000 was refunded to
13 the -- from the Senate Majority Committee to
14 WellPoint on November 7 of 2013.

15 So we've had a system where, with no
16 intervention from the Commission or from the
17 Division, we've got a corporate citizen who's gone
18 through, policed itself. Yes, it had one fault
19 that -- you know, somebody made a mistake. That
20 happens. But it was caught due to the redundancies
21 in the process.

22 Then, since that time, you have a system that
23 already had multiple layers of review that has
24 various reviews from director, senior director,
25 senior VP, of where money is going, and when it's

1 going.

2 But since that time, they've newly added, in
3 order to avoid a future problem like this, Democracy
4 Data & Communications is a vendor which is a
5 political compliance vendor. So they will actually
6 be furthermore a live system that will check and
7 hopefully ensure that this never happens again.

8 So in this case we're dealing with, based on
9 past practices, my understanding of the Commission,
10 where you have self-identification, you refund the
11 money, you have remedial measures, it's the ideal
12 situation for a dismissal.

13 We could answer any questions you have.

14 CHAIRMAN BENNETT: Any questions?

15 (No response.)

16 CHAIRMAN BENNETT: Hearing none, is there a
17 motion from the Commission?

18 COMMISSION MEMBER KLUTZ: Mr. Chairman, the
19 mitigating factors appear to be, according to the
20 testimony, that there was a self-reporting internal
21 audit, return of the contribution, and no prior
22 actions by this -- by our commission against this
23 committee. I would move that the fine be dismissed.

24 CHAIRMAN BENNETT: Is there a second?

25 I'll second the motion. Discussion?

1 (No response.)

2 CHAIRMAN BENNETT: Hearing none, all in favor
3 say aye.

4 THE COMMISSION: Aye.

5 CHAIRMAN BENNETT: All opposed, same sign.

6 (No response. Motion carried.)

7 CHAIRMAN BENNETT: Motion carried.

8 MR. JOHN: Thank you.

9 *****

10 MS. GOLDEN: Hi. My name is Jodi Golden,
11 J-O-D-I, G-O-L-D-E-N. And I apologize. I'm
12 representing the Richard Mourdock for State
13 Treasurer Committee, but I was not given a cause
14 number.

15 MS. THOMPSON: Okay. We'll get that.

16 MS. GOLDEN: So I apologize. I don't have
17 that.

18 MS. THOMPSON: We'll give it to you.

19 MS. TAYLOR: This is on page 87.

20 CHAIRMAN BENNETT: Thank you. The staff may
21 provide their report.

22 MS. THOMPSON: This is Richard Mourdock for
23 State Treasurer. It's Cause No. 2014-4677-121.

24 This committee has never been before the
25 Commission before. Has a proposed civil penalty of

1 \$900.49.

2 MS. GOLDEN: Thank you for letting us be here
3 today.

4 As I said, my name is Jodi. We're asking to
5 waive the penalties, if at all possible.

6 We've never been here before. I know that as
7 soon as the committee staff was made aware of the
8 oversight, we filed a report as soon as we could.

9 Part of the oversight was a misunderstanding
10 with the Campaign Finance Manual. The language in
11 it on page 8 with the chart does state that,
12 "Statewide candidates on the 2014 election ballot."
13 Richard Mourdock is legally ineligible to appear on
14 the ballot, so we assumed that we did not have to
15 file a quarterly report since we are not technically
16 on the ballot. So that was our oversight.

17 Our total liabilities actually exceed what we
18 have in the account. And there was little activity
19 in the account, so there was not a lot of public --
20 as far as not disclosing the activity.

21 And finally, obviously, the treasurer is no
22 longer in office, so we plan to disband the
23 committee as soon as possible.

24 So we'd appreciate your consideration.

25 CHAIRMAN BENNETT: Would you spell your last

1 name, Jodi?

2 MS. GOLDEN: Yes. G-O-L-D-E-N.

3 CHAIRMAN BENNETT: Any response from the staff?

4 MS. THOMPSON: No.

5 CHAIRMAN BENNETT: Any questions from the
6 commissioners?

7 COMMISSION MEMBER OVERHOLT: I'd just like some
8 clarification.

9 So when you say he is legally ineligible to be
10 on the ballot ...

11 MS. GOLDEN: He's term-limited for state
12 treasurer, so he's not able to appear on the ballot
13 as state treasurer. So that's why we assumed, since
14 he's not on the ballot, we didn't have to file the
15 report.

16 COMMISSION MEMBER OVERHOLT: But there's still
17 a committee that's --

18 MS. GOLDEN: Yes. And we did file as soon as,
19 like I said, we were made aware of the oversight.

20 COMMISSION MEMBER OVERHOLT: I just have a
21 question for the staff. How late was the report?
22 It was filed on May 2, I guess?

23 MS. TAYLOR: April 15.

24 COMMISSION MEMBER OVERHOLT: April 15.

25 MS. GOLDEN: And part of that is, the mail goes

1 to a P.O. Box which is down in Evansville where the
2 treasurer lives. So by the time staff got it, there
3 was a delay. And so we apologize for that delay.

4 CHAIRMAN BENNETT: Any other questions?

5 (No response.)

6 CHAIRMAN BENNETT: Is there a motion?

7 I had a question about the filing requirements
8 in this situation that perhaps counsel could help
9 with. Is it necessary to provide it if the
10 candidate is not eligible for the election?

11 MR. SIMMONS: Mr. Chairman, Members of the
12 Commission, what the requirement is key to in this
13 case, 3-9-5-6, is whether or not the office is up on
14 the ballot, not whether the candidate himself or
15 herself is on the ballot. It has to do with whether
16 that office is on the ballot.

17 So there may be folks with statewide committees
18 open where they're not on the ballot, but the office
19 is up, that still have to comply with that filing
20 requirement, that quarterly filing requirement.

21 CHAIRMAN BENNETT: Thank you. Leslie, do you
22 concur with that assessment?

23 MS. BARNES: Can I have about another 30
24 seconds, Mr. Chairman?

25 CHAIRMAN BENNETT: Absolutely.

1 MS. BARNES: Thank you.

2 CHAIRMAN BENNETT: And maybe I'll ask a
3 question in the meantime.

4 You did testify that it is the committee's
5 intention to disband?

6 MS. GOLDEN: Yes.

7 MS. BARNES: When would that occur?

8 MS. GOLDEN: Well, we plan sometime this year.
9 Now, with the actions that appeared last week, I
10 believe we'll be disbanding as soon as possible,
11 since he's no longer treasurer.

12 And we have the language, I guess, from page 8,
13 is what we were looking at. It says, "Statewide
14 candidates on the 2014 election ballot." So that's
15 where we were coming from that we weren't an actual
16 candidate.

17 MS. BARNES: Mr. Chairman, thank you for giving
18 me a moment here.

19 I would concur with Mr. Simmons that 3956,
20 Subsection (e), would apply to an office and not the
21 candidate.

22 CHAIRMAN BENNETT: Thank you.

23 MS. BARNES: Sure.

24 CHAIRMAN BENNETT: Is there a motion?

25 COMMISSION MEMBER KLUTZ: Mr. Chairman, I'd

1 like to make a motion that we continue this until
2 the next meeting to confirm that the committee has
3 been closed.

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

6 VICE CHAIRMAN PRO TEMPORE DICKEY: I will
7 second that motion.

8 CHAIRMAN BENNETT: We have a motion and a
9 second. Any further discussion?

10 (No response.)

11 CHAIRMAN BENNETT: All in favor say aye.

12 THE COMMISSION: Aye.

13 CHAIRMAN BENNETT: All opposed, same sign.

14 (No response. Motion carried.)

15 CHAIRMAN BENNETT: Motion carried.

16 We're going to continue this hearing to give
17 the committee an opportunity to close.

18 MS. GOLDEN: Okay. Thank you very much.

19 CHAIRMAN BENNETT: You'll receive notice of the
20 next hearing.

21 *****

22 CHAIRMAN BENNETT: Next one closest to the
23 front of the room.

24 UNIDENTIFIED SPEAKER: I think I'm the closest
25 one.

1 CHAIRMAN BENNETT: Are you new to this group
2 over here?

3 UNIDENTIFIED SPEAKER: I have a lot, so maybe I
4 should wait. I'll wait.

5 *****

6 MS. HALLING: I'm Patricia Halling,
7 P-A-T-R-I-C-I-A, H-A-L-L-I-N-G. The number is
8 2014-6541-80.

9 MS. ANDERSON: I'm Zanzer Anderson. That's
10 Zanzer, Z-A-N-Z-E-R, and Anderson, A-N-D-E-R-S-O-N.

11 CHAIRMAN BENNETT: Has staff found this cause
12 number?

13 MS. TAYLOR: It's on page 67.

14 CHAIRMAN BENNETT: Thank you. We'll hear from
15 the staff first.

16 MS. THOMPSON: This is Jodi for Indiana, Cause
17 No. 2014-6541-80. This committee has never been
18 before the Commission. The proposed civil penalty
19 is \$50.49, and they actually filed at 5:24 p.m.

20 CHAIRMAN BENNETT: Okay. Let's hear from the
21 campaign.

22 MS. HALLING: We were electronically filing our
23 report. Zanzer is our treasurer. She filed it at
24 approximately 11:30 that morning. I had made the
25 report over the weekend.

1 I use a Mac computer. When it was received by
2 the Election Commission, they sent back the
3 notification saying that they could not open that.
4 And as you can see, that's the response there. It's
5 on the lower left-hand corner. That time is
6 11:41 that that response was sent to us.

7 I was at work that day and unavailable, so I
8 could not get back on my computer and change that to
9 a different saved system. And when I got that
10 information, then saved it in a different form,
11 re-sent that in so that it could be opened.

12 So I'd like to have that dismissed as we did
13 file it on time. It just could not be opened
14 because of the difference in the saving systems.

15 CHAIRMAN BENNETT: Thank you. Does the
16 Campaign Finance Staff have any additional
17 information, comments?

18 (No response.)

19 CHAIRMAN BENNETT: Any questions from the
20 commissioners?

21 (No response.)

22 CHAIRMAN BENNETT: Is there a motion?

23 COMMISSION MEMBER OVERHOLT: I'd move that we
24 waive the penalty and the costs, the filing costs.

25 CHAIRMAN BENNETT: Is there a second?

1 VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

2 CHAIRMAN BENNETT: I have a motion and a
3 second. Any discussion?

4 MS. HALLING: Can I say just one more thing?
5 I'm sorry. This is just a suggestion. It's not a
6 defense.

7 It's just, in the regulations, if it can't be
8 opened in a certain file, to have that in the
9 information so that we know when you send it in,
10 whether or not your computer system can be opened.
11 And if it can only be opened in a PDF, please say
12 that, or if it needs to be in Word, have that in
13 there so we have that information.

14 CHAIRMAN BENNETT: Any further response from
15 staff or questions from the Commission based on that
16 additional testimony?

17 (No response.)

18 CHAIRMAN BENNETT: We have a motion pending
19 with a second. No further discussion.

20 All in favor say aye.

21 THE COMMISSION: Aye.

22 CHAIRMAN BENNETT: All opposed, same sign.

23 (No response. Motion carried.)

24 CHAIRMAN BENNETT: Motion carried.

25 MS. HALLING: Thank you.

1 MS. ANDERSON: Thank you.

2 *****

3 MR. KELTNER: Good afternoon.

4 CHAIRMAN BENNETT: Good afternoon.

5 MR. KELTNER: My name is Steve Keltner,
6 K-E-L-T-N-E-R. And I am here on behalf of the
7 matter of Committee to Elect Steven Keltner.
8 Administrative Cause No. 2014-5459-36.

9 MS. THOMPSON: Page 44.

10 CHAIRMAN BENNETT: Recognize the staff for the
11 presentation.

12 MS. THOMPSON: The Committee to Elect Steven
13 Keltner, Cause No. 2014-5459-36.

14 This committee has been before the board at
15 least five times. He's got a civil penalty of
16 \$1,000.49, and the report is not filed at this time.

17 CHAIRMAN BENNETT: Very well. Mr. Keltner?

18 MR. KELTNER: Thank you, Mr. Chairman. I was
19 first notified that there was a concern with my
20 committee on January 14, which was a Tuesday, of
21 this year. I was told by an acquaintance, Dan
22 Drexler, to get ahold of either Abbey Taylor or
23 Michelle Thompson, who I believe you folks might be.
24 And I believe I spoke with Michelle.

25 At that time I was informed that this had

1 actually occurred three times in the past. And
2 Mr. Drexler asked me if I was aware that I still had
3 a committee open. I said, no, I was not aware of
4 that, because initially I was told it would probably
5 be administratively resolved, and there was no more
6 action.

7 However, they also informed me at that time
8 that there was money in the account, and because of
9 that it could not be administratively resolved.

10 I have not been trying to be recalcitrant. I
11 mean not to cause you any extra work. The fact is
12 that when I talked to I believe Michelle, I was
13 informed that the committee -- the -- the
14 appropriate information of these problems was being
15 sent to the committee at 4940 Haynes Avenue, which,
16 on the CFA1 form, that was 2006 August, that was the
17 correct committee address.

18 However, on August 2000 -- I'm sorry -- April
19 of 2008, the committee changed their address to my
20 personal home address of 7527 Cape Cod Lane. That
21 information, then, would have been sent to the wrong
22 address per the CFA1 form, which is why I did not
23 receive that information.

24 I would -- I do not relish being in
25 noncompliance with any law. I hold one speeding

1 ticket in my entire life. And frankly, it's very
2 unnerving to me that this happened. And I'm here to
3 make sure that I have a clear expectation of what
4 needs to be done.

5 I would have disbanded this years ago had I
6 thought this was still going on. And it is my fault
7 that it still is, obviously, and I take full
8 responsibility for it.

9 But I'm hoping that you might -- and I have
10 these for you to look at just to prove what I'm --
11 my point. I'm sorry I didn't realize there would be
12 so many of you here or I would have made an
13 appropriate number of copies.

14 At the time when I called -- and I did receive
15 the proposal of settlement. And at that time I had
16 called back and said do I just file my CF -- the
17 appropriate file -- the appropriate paperwork that
18 was missing at that time, because I had to prove
19 that the money was taken out of the account and that
20 it has a zero balance.

21 At that time it was recommended, since it had
22 already been turned over to the secretary of state,
23 that I just come to this meeting and discuss with
24 you the appropriate way to close this account, file
25 the final paperwork, and make sure that the account

1 was closed and that the committee was closed.

2 And I had talked to my treasurer. In the
3 settlement it had, under -- line number three said
4 that the treasurer of the committee was notified by
5 the division. And she happens to be my accountant.
6 And I spoke with her, and she said she had not
7 received anything either.

8 So I believe that the problem was it just got
9 sent to the original CFA1 form that I was -- as
10 discussed on the phone originally, not to the -- the
11 refile a year and a half later.

12 And therefore, I believe I'm asking for a
13 waiver of the damages.

14 I would have pounced on this with alacrity at
15 an earlier date had I known that this was still
16 going on. But it is my oversight, and I do realize
17 that there were costs associated with that for the
18 committee in mailings and things.

19 So I realize that some settlement -- a complete
20 zero balance may not be reasonable, but some reduced
21 balance.

22 My goal -- as I understand, I can zero the
23 balance out and donate that money to a charity, and
24 then just show that it was zeroed by stapling the
25 account number and that printout to the CFA form to

1 prove that it's been balance -- zeroed out.

2 And I did check, if it matters. As of this
3 morning there's \$1,656.96 in that account that I
4 will -- my plan is to donate that to charity, and
5 then close this account at your pleasure, however
6 time frame you see fit, to make sure that this is
7 dealt with appropriately.

8 CHAIRMAN BENNETT: Anything further from the
9 Campaign Finance Staff?

10 MS. THOMPSON: No.

11 CHAIRMAN BENNETT: Any questions from the
12 commissioners?

13 COMMISSION MEMBER OVERHOLT: Yes, I have a
14 couple of questions.

15 So I guess this is for staff. These prior
16 delinquencies, these prior years, have there been
17 hearings for these?

18 MS. THOMPSON: Yes.

19 COMMISSION MEMBER OVERHOLT: And has
20 Mr. Keltner or someone from his committee appeared
21 before?

22 MS. THOMPSON: No.

23 COMMISSION MEMBER OVERHOLT: Okay. Have any of
24 these reports actually been filed?

25 MS. THOMPSON: I don't think so.

1 COMMISSION MEMBER OVERHOLT: And while you're
2 looking for the file, I guess my other question
3 would be do we know -- or what -- to which address
4 have notices of these hearings been sent?

5 MS. THOMPSON: The last report was filed
6 January 19 of 2011, and that --

7 MS. TAYLOR: That was the 2010 annual report.

8 MS. THOMPSON: Yeah. And that was sent to the
9 Haynes Avenue. That has the 4940 Haynes Avenue
10 address on here.

11 COMMISSION MEMBER OVERHOLT: And then the --

12 MS. THOMPSON: But nothing since that report.

13 COMMISSION MEMBER OVERHOLT: Okay. I'm sorry.
14 So the 2010 report that was filed in 2011 had the
15 Haynes Avenue address? Is that what you just said?
16 I'm sorry.

17 MS. THOMPSON: Yeah.

18 CHAIRMAN BENNETT: What address was the 2012
19 and 2013 sent to? Is it the same address?

20 MS. THOMPSON: I have the same address on
21 everything, the Haynes address. All the delinquency
22 notices and everything have that Haynes address.

23 COMMISSION MEMBER KLUTZ: What's the effect of
24 this? I mean what -- is this the proper notice of
25 address change?

1 MS. THOMPSON: Yeah. And he can do it on --
2 report on the 4 and the 1. Let me see if he did it
3 on that one.

4 COMMISSION MEMBER KLUTZ: Does this filing
5 constitute a change of address to Cape Cod Lane
6 effective -- the filing date is April 2008?

7 MS. THOMPSON: Well, he changed it to the
8 Haynes address -- let's see. In 2008 I still have
9 the Haynes address.

10 COMMISSION MEMBER OVERHOLT: I guess the CFA1,
11 section B, asks for -- line 14 asks for the mailing
12 address of the committee, and line 22 asks for the
13 mailing address of the chair.

14 And I guess my question would be which address
15 does the Election Division consider the official
16 address? Because these are two different addresses.

17 MS. TAYLOR: The committee address would be the
18 one that our online system generates labels to for
19 anything.

20 COMMISSION MEMBER KLUTZ: Appears the box is
21 checked that this is a new address.

22 MS. THOMPSON: In 2008 he has the Cape Cod, but
23 all the rest of the reports following that have the
24 Haynes address.

25 CHAIRMAN BENNETT: Is there a motion? Any

1 other questions?

2 COMMISSION MEMBER OVERHOLT: Well, so he's
3 filed reports other than the -- the annual reports
4 are the ones that have been delinquent, but he's
5 filed the other reports, then?

6 MS. THOMPSON: Right. The annual reports of
7 every year, because he wasn't on the ballot,
8 obviously. He just has an annual report due.

9 COMMISSION MEMBER OVERHOLT: I thought you said
10 that the last report that was filed was the 2010
11 annual report that would have been filed in 2011.

12 MS. TAYLOR: That's correct. He has not filed
13 the 2011, '12, or '13 annual reports.

14 COMMISSION MEMBER OVERHOLT: And the 2010
15 report that he filed had the Haynes Avenue address?

16 MS. THOMPSON: Yes.

17 COMMISSION MEMBER OVERHOLT: Okay.

18 MS. THOMPSON: Do you want to see it?

19 COMMISSION MEMBER OVERHOLT: Yes, please. I'm
20 sorry. I'm not trying to be ...

21 MS. THOMPSON: That's okay.

22 COMMISSION MEMBER OVERHOLT: I guess I have
23 another question. So can the money in the account
24 be used to pay fines? I should know the answer to
25 that.

1 MS. BARNES: Yes.

2 MR. DECKARD: Yes.

3 COMMISSION MEMBER OVERHOLT: It's unusual
4 that we have a candidate, someone with sufficient
5 money in their account to cover the fine. That
6 usually doesn't happen.

7 MR. KELTNER: It was actually odd to me. I
8 didn't realize there was money in the account,
9 but -- which, as I said, wasn't -- would have --
10 kinda was the problem, that there was money in the
11 account.

12 CHAIRMAN BENNETT: Any motions?

13 I guess I would move that we continue this
14 hearing, with the instructions that all past due
15 reports be filed. And if that is accomplished and
16 the campaign is closed, we can evaluate the
17 situation at the next hearing that we have, take the
18 matter up at that time.

19 COMMISSION MEMBER KLUTZ: I would second that.

20 CHAIRMAN BENNETT: Any discussion?

21 (No response.)

22 CHAIRMAN BENNETT: All in favor say aye.

23 THE COMMISSION: Aye.

24 CHAIRMAN BENNETT: All opposed, same sign.

25 (No response. Motion carried.)

1 CHAIRMAN BENNETT: The ayes have it.

2 So you understand we're giving you the
3 opportunity to submit all the past due reports and
4 close out the campaign by the next hearing?

5 MR. KELTNER: Yes.

6 CHAIRMAN BENNETT: And we'll address the matter
7 at that time.

8 MR. KELTNER: Thank you. For clarification,
9 just so I'm clear, is that next meeting, I mean is
10 that next week, or what's the time frame on that?

11 CHAIRMAN BENNETT: No date has been set.

12 COMMISSION MEMBER KLUTZ: Just for our
13 clarification, what address do you want the notice
14 of the meeting sent?

15 MR. KELTNER: The one you sent the last one.

16 MS. THOMPSON: Cape Cod?

17 MR. KELTNER: Yeah, the Cape Cod. And will you
18 be -- can I get from your office, just for my --

19 MS. THOMPSON: You can get with us --

20 MR. KELTNER: -- with my treasurer to figure
21 out why that didn't happen.

22 MS. THOMPSON: Okay.

23 MR. KELTNER: Is it just the annual reports
24 since --

25 MS. TAYLOR: It will be 2011, '12, and '13.

1 There are three of them.

2 MR. KELTNER: 2011, '12, and 2013, annual.

3 MS. TAYLOR: Right.

4 MR. KELTNER: And as far as dating those?

5 MS. TAYLOR: They're all January 1 through
6 December 31 of the previous year, or of that year,
7 and January --

8 MR. KELTNER: Thank you.

9 CHAIRMAN BENNETT: Mr. Keltner, we would ask
10 that you file an amended CFA1 to show your Cape Cod
11 mailing address.

12 MR. KELTNER: Oh, that's the original, okay.
13 And that's for the -- at 22, line 22, you want that
14 to be on there?

15 CHAIRMAN BENNETT: Yes, the --

16 COMMISSION MEMBER KLUTZ: -- committee
17 information.

18 MR. KELTNER: And then go ahead and do the --
19 you know, have everything ready so that when I come
20 in, I can show that we have zero balance and all
21 that for you at that time, or would there be --

22 MS. TAYLOR: Do it before then. File it when
23 you get it figured out.

24 MR. KELTNER: Yeah, yeah.

25 MS. TAYLOR: And then we'll bring everything to

1 the meeting so you won't need --

2 MR. KELTNER: Okay.

3 CHAIRMAN BENNETT: Yeah. Then --

4 MR. KELTNER: Okay.

5 CHAIRMAN BENNETT: -- asked if that had all
6 been submitted so you'll --

7 MR. KELTNER: Okay.

8 CHAIRMAN BENNETT: -- have it before the
9 meeting.

10 MR. KELTNER: I guess, for practicality
11 purposes, I'm just trying to make sure that if there
12 are fines outstanding, might still have some money
13 to use for that. But I'd rather try and use the
14 money, like I say, for charity purposes, or some
15 other thing. So that was the reason I was having a
16 hard time figuring out how to close it out first or
17 second.

18 MS. THOMPSON: The previous fines that have
19 already come before the Commission have already been
20 turned over to the attorney general.

21 MR. KELTNER: Okay.

22 MS. THOMPSON: So it's out of my hands there.
23 I don't know.

24 MR. KELTNER: All right. Can I just contact
25 them to find out on that, or ...

1 MS. THOMPSON: I don't know. Why don't you
2 check with us. Give us a call tomorrow.

3 MR. KELTNER: Okay, that's fine. Thank you.
4 I don't mean to take more time. Thank you very
5 much. I appreciate the opportunity to rectify the
6 situation.

7 CHAIRMAN BENNETT: Thank you.

8 *****

9 MR. HARRIS: Good evening. My name is Jewell,
10 J-E-W-E-L-L, last name Harris. And I'm the chairman
11 of the JGH Political Action Committee. The
12 administrative cause number is 2011-4941-36.

13 MS. THOMPSON: Page 7. This is JGH Political
14 Action Committee; is that correct?

15 MR. HARRIS: Yes.

16 MS. THOMPSON: This one has motions to
17 reconsider, several. If you'll see, it's also on
18 page 8 and page 13, page 15, page 16, 17.

19 MS. TAYLOR: 18, 20, 21, 25, 26, and 27.

20 MR. DECKARD: Is it also the green tab?

21 MS. THOMPSON: I don't think so. If you go to
22 the green tab, second page there, it's from -- and
23 then it's all the previous reports that she filed
24 online.

25 CHAIRMAN BENNETT: From the Campaign Finance

1 Staff, any further presentation?

2 MS. THOMPSON: Do you want me to read each one
3 of these causes individually?

4 CHAIRMAN BENNETT: I think we need the numbers
5 in the record.

6 MS. THOMPSON: This is JGH Political Action
7 Committee. This is Cause No. 2006-4941-94; Cause
8 No. 2009-4941-189; Cause No. 2009-4941-234; Cause
9 No. 2010-4941-21; Cause No. 2011-4941-86; Cause
10 No. 2011-4941-36; Cause No. 2010-4941-42; Cause
11 No. 2012-4941-32; Cause No. 2012-4941-114; Cause
12 No. 2011-4941-348; Cause No. 2013-4941-36; Cause
13 No. 2013-4941-99; Cause No. 2012-4941-200. And
14 that's it.

15 CHAIRMAN BENNETT: Any further recitation with
16 regard to his situation, his case?

17 MS. THOMPSON: All these reports at this time
18 have been filed.

19 MS. TAYLOR: And 2014 pre-primary report was
20 filed on time.

21 COMMISSION MEMBER KLUTZ: When were all these
22 prior reports filed?

23 MS. THOMPSON: December 30 of '13, and
24 January 7 of 2014.

25 CHAIRMAN BENNETT: Presentation by the

1 campaign?

2 MR. HARRIS: I take full responsibility that
3 the committee did not file when we should have. The
4 treasurer moved, and -- to Michigan, but she was
5 also under the impression that since there was no
6 activity going on, that for some reason, she felt
7 she did not need to file and did not inform me that
8 she was not filing.

9 And so she's no longer -- she moved to
10 Michigan. She's no longer there, and I'm trying to
11 get it all straightened out the way it is supposed
12 to be done.

13 I think we've talked back and forth to your
14 staff to let you know that yes, we want this cleared
15 up and done correctly.

16 CHAIRMAN BENNETT: Is the committee still
17 active?

18 MR. HARRIS: The committee still intends to be
19 active, yes. We have no funds in the account.
20 We're not distributing any money.

21 CHAIRMAN BENNETT: Any questions by the
22 Commission?

23 VICE CHAIRMAN PRO TEMPORE DICKEY: Notices were
24 sent prior, correct?

25 MS. THOMPSON: Yes.

1 VICE CHAIRMAN PRO TEMPORE DICKEY: Did you
2 receive those prior notices?

3 MR. HARRIS: No. I didn't find out about it
4 until I started inquiring about it.

5 VICE CHAIRMAN PRO TEMPORE DICKEY: Do we know
6 where the notices were sent to?

7 MS. TAYLOR: They have since updated the
8 address. They were going to Lincoln Way in Valpo,
9 I believe. It is now going to 706 Roosevelt Street
10 in Gary.

11 MR. HARRIS: May I ask a question? What's
12 Lincoln Way in Valpo?

13 MS. TAYLOR: I could be wrong about that. I
14 could have it confused with another committee in my
15 head.

16 CHAIRMAN BENNETT: Let's double-check.

17 COMMISSION MEMBER OVERHOLT: While she's
18 looking, do you have a treasurer going forward, a
19 different treasurer going forward?

20 MR. HARRIS: Yes. Lynda Arce, L-Y-N-D-A, last
21 name Arce, A-R-C-E.

22 CHAIRMAN BENNETT: Anyone have a motion?

23 MS. THOMPSON: The previous address was 13 West
24 Sixth Street in Gary?

25 MR. HARRIS: Uh-huh.

1 MS. THOMPSON: That's where they were being
2 sent to.

3 MR. HARRIS: I don't know.

4 MS. THOMPSON: Since then they've been updated.

5 MR. HARRIS: Yes, yes.

6 VICE CHAIRMAN PRO TEMPORE DICKEY: Is that an
7 address that was linked to your organization, or is
8 that --

9 MR. HARRIS: Yes, yes. We're no longer there.
10 But it was a correct address at the time.

11 CHAIRMAN BENNETT: Is there a motion?

12 COMMISSION MEMBER KLUTZ: I'll make a motion.
13 I do appreciate the fact that the reports are up to
14 date and filed, but it does appear to be a repeated
15 failure to comply for multiple years, and intent to
16 keep the committee active and open.

17 So I would propose that -- and I'm making this
18 proposal and this motion based upon all of the
19 matters pending -- that a fine be levied of
20 10 percent of the collective fine amount, which I
21 believe to be around \$11,000, or whatever all the
22 cause numbers add up to -- but a fine of 10 percent
23 of all pending funds.

24 CHAIRMAN BENNETT: Is there a second?

25 I'll second the motion.

1 Any discussion? We have a motion and second.

2 COMMISSION MEMBER OVERHOLT: Well, for
3 clarification, I mean flipping through all of this,
4 the total fines in here, the total proposed fines
5 looks to me like it would be in excess of over
6 \$11,000 probably?

7 MS. THOMPSON: Yeah.

8 COMMISSION MEMBER OVERHOLT: Okay. So the
9 10 percent is about \$1,100.

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

12 THE COMMISSION: Aye.

13 CHAIRMAN BENNETT: All opposed, same sign.

14 (No response. Motion carried.)

15 CHAIRMAN BENNETT: Motion carried. The fine is
16 10 percent of the collected fines, plus costs.

17 Thank you.

18 MR. HARRIS: Do I have to wait to get
19 notification from the state?

20 CHAIRMAN BENNETT: Yes, you will get
21 notification from them.

22 MR. HARRIS: Thank you very much.

23 CHAIRMAN BENNETT: Thank you.

24 *****

25 CHAIRMAN BENNETT: Would you state your name,

1 please, for the record.

2 MR. TRACY: My name is Bradley Tracy.
3 B-R-A-D-L-E-Y, T-R-A-C-Y, representing Citizens for
4 Robert D. Green.

5 CHAIRMAN BENNETT: Do you know the cause
6 number?

7 MS. THOMPSON: I have it for you. This is
8 Citizens for Robert D. Green. It starts on page 2,
9 Mr. Chairman. This is, again, another one of the
10 motions to reconsider. So I'll just read you the
11 cause numbers, if that's okay.

12 CHAIRMAN BENNETT: Okay.

13 MS. THOMPSON: Citizens for Robert Green.
14 Cause No. 2004-3689-8; Cause No. 2005-3689-30;
15 2005-3689-91; 2005-3689-14; 2006-3689-2;
16 2007-3689-150; 2009-3689-71; 2008-3689-268;
17 2009-3689-269; 2009-3689-270; 2008-3689-278;
18 2009-3689-35; 2010-3689-13; 2010-3689-47;
19 2010-3689-82; 2012-3689-19; 2011-3689-376;
20 2013-3689-28; 2012-3689-225; 2013-3689-120;
21 2012-3689-123; 2012-3689-127. That's it.

22 CHAIRMAN BENNETT: What is the total amount of
23 the fines?

24 MS. TAYLOR: They're each a thousand dollars.

25 MS. BARNES: Twenty-two. I counted 22.

1 CHAIRMAN BENNETT: So \$22,000?

2 MS. TAYLOR: That sounds about right.

3 CHAIRMAN BENNETT: Anything else from the
4 Campaign Finance Staff regarding these violations?

5 MS. THOMPSON: No. They've all been filed at
6 this time.

7 CHAIRMAN BENNETT: And the campaign has filed a
8 motion to reconsider?

9 MR. TRACY: Yes, sir. Robert couldn't be here.
10 He lives in Florida now. And he contacted me on
11 August 15 of 2013, shortly after Mr. King had
12 contacted him via the local county commissioner or
13 chairman or county council or something finding his
14 address, and notifying Robert that his committee had
15 been delinquent for 10 years. And then so Robert
16 really started making a few phone calls, and called
17 me and asked me if I would clean it up.

18 To the point that he was so unaware of this,
19 we had to spend the first three months going through
20 unclaimed property at the attorney general's office
21 to reclaim the funds that were even in the account,
22 because it was Robert's understanding that in 2003,
23 that the committee was going to be resolved --
24 dissolved, and all of the funds were going to be
25 sent to the state party. Since he was a Republican,

1 they were going to send it to the state Republican
2 party, since he was leaving the country.

3 So he was somewhat surprised and called me. So
4 we had to go through the process of reclaiming the
5 funds. We had to go through the process of
6 reinstating an EIN number in order for us to be able
7 to open a checking account to accept the funds to
8 disburse the funds to close the account out.

9 In the meantime, on the 3rd of October, I made
10 the suggestion that I become his treasurer to make
11 it simple since I could take care of all of this for
12 him. We did that on October 4.

13 I was granted access to the online Campaign
14 Finance System. And by August 8, I had all the
15 campaign reports updated.

16 But I will clarify. The funds were not
17 available at that time. But since we knew he had
18 spent no money, because he didn't even know what
19 bank it was in, I had to go through the process of
20 finding out what bank it was in to even come up with
21 this.

22 So the bottom line is, we're up to date. There
23 have been some fees involved just for the fact that
24 there was time on my part and some other people's
25 doing some travel in order to find this.

1 And it's his intention immediately upon the
2 decision of the Commission to close this account out
3 immediately and turn over any leftover funds to the
4 -- his original intent, which was to the party.

5 VICE CHAIRMAN PRO TEMPORE DICKEY: Was he his
6 own treasurer?

7 MR. TRACY: No. He had a volunteer treasurer.
8 And he was living in Florida at the time. And when
9 he moved to the Arab states to teach the class, he
10 thought it was being closed out, and the treasurer
11 just kind of just -- so there was just this lack of
12 communication.

13 And like I said, the funds had been sitting in
14 the AG's unclaimed property for like eight years.

15 So I would just ask mercy on the Court, I
16 guess, you know, and let's resolve this. I'm
17 prepared -- I can close this committee out within
18 24 hours, as soon as -- I didn't want to close it
19 out because I wanted to make sure I filed the proper
20 paperwork showing the zero balance, et cetera. So
21 that's all it's waiting for.

22 And there was no political activity, obviously,
23 during that entire time from the last filing.

24 COMMISSION MEMBER KLUTZ: Mr. Chairman, it
25 seems it would have been fairly easy for Mr. Green

1 to sit in Florida and just ignore this and not take
2 the actions that he did. But he did take what
3 appears to be significant actions to remedy this
4 issue. He took action to clean it up.

5 We have representation that the committee will
6 be closed as soon as the matter is finalized.

7 I would make a motion that we waive the
8 collective fines now pending.

9 CHAIRMAN BENNETT: Okay. Is there a second?

10 I'll second the motion for purposes of
11 discussion.

12 VICE CHAIRMAN PRO TEMPORE DICKEY: For
13 consistency's sake, should we not continue this
14 just to make sure that the committee is closed out,
15 consistent with what we've done previously in other
16 cases today? I completely agree with you. I just
17 want to be consistent with our decisions.

18 COMMISSION MEMBER KLUTZ: I understand that.
19 I will withdraw the motion and make a motion that
20 we continue this until confirmation that the
21 committee has been closed.

22 CHAIRMAN BENNETT: We have an amended motion.
23 Is there a second to that amended motion?

24 VICE CHAIRMAN PRO TEMPORE DICKEY: I'll second
25 that.

1 CHAIRMAN BENNETT: We have an amended motion
2 with a second. Any further discussion?

3 COMMISSION MEMBER OVERHOLT: I just want to
4 make sure we all understand. In my mind, the
5 distinction between this and the hearing we just had
6 is that in this one, we've got the statement that
7 the committee is going to be closed, and in the last
8 one there was the statement that the committee was
9 going to remain open.

10 So I think, in my mind, it makes a difference
11 that the committee is supposedly going to close.

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

14 THE COMMISSION: Aye.

15 CHAIRMAN BENNETT: All opposed, same sign.

16 (No response. Motion carried.)

17 CHAIRMAN BENNETT: Motion carried. This matter
18 will be continued.

19 MR. TRACY: So I can close the report out?

20 CHAIRMAN BENNETT: Yes.

21 MR. TRACY: All right. Thank you very much.

22 *****

23 CHAIRMAN BENNETT: State your name, please.

24 MR. MERRELL: Michael D. Merrell,

25 M-E-R-R-E-L-L. And I'm here on behalf of the

1 Mid-America Political Action Committee. We received
2 notice of an untimely filing.

3 CHAIRMAN BENNETT: Do you have a cause number?

4 MR. MERRELL: I don't have a cause number. I
5 apologize. I have a file number, if that helps.
6 It's 3982.

7 MS. TAYLOR: It's on page 72.

8 CHAIRMAN BENNETT: Is there a presentation on
9 the part of the Campaign Staff?

10 MS. THOMPSON: Yes. This is Mid-America
11 Political Action Committee, Cause No. 2014-3982-91.
12 This committee has been before the board twice, and
13 it also -- there have been two settlement
14 agreements. And the proposed civil penalty is
15 \$1,000.49.

16 CHAIRMAN BENNETT: All right. I will turn the
17 floor over to the committee.

18 MR. MERRELL: Okay. Thank you. And with
19 myself today is Andrea Green, who did submit a
20 letter to the committee. You may have that in the
21 file. There's some copies to further explain what
22 happened here.

23 MS. THOMPSON: Mr. Chairman and Members, behind
24 the green tab are letters.

25 CHAIRMAN BENNETT: Does the committee have

1 anything to add to the documents which it has
2 submitted?

3 MR. MERRELL: Yes. It's a new responsibility
4 of myself and Andrea. In the past we had an office
5 manager who was responsible for the filings.

6 Being that we are very cognizant and aware that
7 we've been late in the past, we were trying to
8 ensure that this was not going to happen at this
9 time.

10 I made copies for you. I have this programmed
11 in my calendar on my phone. I had it on my Google
12 desktop. So we're very aware of the filing
13 deadline, and did, in fact, fill out the reports on
14 April 10 so that we would be well ahead of the
15 deadline. And we have a P.O. Box that I don't check
16 but every month or so. And when I went over, I
17 discovered this was in the P.O. Box.

18 And I thought, "Why are we mailing something
19 from ourselves to ourselves?" And inside I
20 discovered that was the report that was supposed to
21 go to you all.

22 So when I received the letter stating that this
23 had happened, then I did call the office and asked
24 what can we do. And so we faxed it in that day.
25 But it was all done on the 10th. It was just mailed

1 to the wrong address.

2 CHAIRMAN BENNETT: Okay. Any response by the
3 Campaign Finance Staff?

4 MS. TAYLOR: No.

5 CHAIRMAN BENNETT: Any questions from the
6 commissioners?

7 This committee is still open; is that correct?

8 MR. MERRELL: Yes.

9 CHAIRMAN BENNETT: Is there a motion?

10 COMMISSION MEMBER OVERHOLT: I have a question.
11 For the prior -- with the prior settlement
12 agreements or delinquent reports, has this issue
13 arisen before with them having mailed it to
14 themselves?

15 MS. THOMPSON: No.

16 VICE CHAIRMAN PRO TEMPORE DICKEY: That was
17 under clearly different leadership.

18 MS. GREEN: I take full responsibility for
19 that. My name is Andrea Green, A-N-D-R-E-A,
20 G-R-E-E-N.

21 I totally feel ridiculous because he had it, he
22 told me it was coming, he laid it on my desk. I was
23 really busy. I didn't even see an address. I just
24 saw a P.O. Box. I didn't even know our company had
25 P.O. Box.

1 And I do apologize. And I respectfully request
2 that you do waive those fees. And this will not
3 happen again.

4 CHAIRMAN BENNETT: Is there a motion?

5 VICE CHAIRMAN PRO TEMPORE DICKEY: I'll make a
6 motion to do a reduction to 10 percent of the -- in
7 recognition of the error.

8 CHAIRMAN BENNETT: Is there a second?

9 COMMISSION MEMBER OVERHOLT: Second.

10 CHAIRMAN BENNETT: I guess, do you think
11 10 percent is appropriate with the previous two
12 violations?

13 COMMISSION MEMBER OVERHOLT: Well, we've had
14 other people with, what, 16 violations, and we gave
15 them 10 percent, so ...

16 VICE CHAIRMAN PRO TEMPORE DICKEY: I think
17 there's also a recognition here that this does
18 appear to be clearly a clerical error.

19 I would also argue that this is new leadership.
20 And even though there have been two other violations
21 that occurred under the old leadership, I'm willing
22 to give them a chance to make sure that they get
23 this right.

24 CHAIRMAN BENNETT: Any further discussion?

25 (No response.)

1 CHAIRMAN BENNETT: All in favor say.

2 THE COMMISSION: Aye.

3 CHAIRMAN BENNETT: All opposed, same sign.

4 (No response. Motion carried.)

5 CHAIRMAN BENNETT: Motion carried.

6 MR. MERRELL: Thank you.

7 MS. GREEN: Thank you so much.

8 CHAIRMAN BENNETT: That will be reduced to
9 10 percent.

10 MS. GREEN: Thank you.

11 MR. MERRELL: Thank you.

12 *****

13 MR. DALLAS: Good afternoon.

14 CHAIRMAN BENNETT: Good afternoon.

15 MR. DALLAS: My name's Reid Dallas. I want to
16 thank everyone for your time and consideration.

17 I'm Reid Dallas, spelled R-E-I-D, D-A-L-L-A-S.

18 And this is in regards to Cause No. 2014-6186-60.

19 CHAIRMAN BENNETT: Do you have the page number?

20 MS. THOMPSON: Page 57.

21 UNIDENTIFIED SPEAKER: Excuse me. Weren't we
22 going in order from front to back? This guy just
23 came walking up from the back.

24 MR. DALLAS: I apologize. I thought we were
25 alternating.

1 UNIDENTIFIED SPEAKER: Pardon me?

2 MR. DALLAS: I thought we were alternating
3 sides, but --

4 CHAIRMAN BENNETT: I'll take care of this.
5 We're going to hear this hearing, and we'll take
6 care of going from front to back after this.

7 UNIDENTIFIED SPEAKER: Okay.

8 CHAIRMAN BENNETT: Okay. We're ready to hear
9 from the staff.

10 MS. THOMPSON: This is Reid Dallas for Senate,
11 Cause No. 2014-6186-60. Has never been before the
12 Commission before. Has a proposed civil penalty of
13 \$1,000.49, and at this time the committee is closed.

14 CHAIRMAN BENNETT: Any presentation you'd like
15 to make?

16 MR. DALLAS: Only that, I mean this was clearly
17 an oversight. Of course I'm here to take full
18 responsibility. I would just ask for leniency
19 and/or a waiver from the Commission.

20 CHAIRMAN BENNETT: And the committee is closed;
21 is that correct?

22 MR. DALLAS: The committee is closed, yes, as
23 of -- I filed the report.

24 CHAIRMAN BENNETT: Any questions from the
25 commissioners?

1 (No response.)

2 CHAIRMAN BENNETT: Any motion?

3 COMMISSION MEMBER OVERHOLT: I'd move that we
4 waive.

5 CHAIRMAN BENNETT: Motion to waive. Is there a
6 second?

7 VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

8 CHAIRMAN BENNETT: Motion and second. Any
9 discussion?

10 (No response.)

11 CHAIRMAN BENNETT: Hearing none, all in favor
12 say aye.

13 THE COMMISSION: Aye.

14 CHAIRMAN BENNETT: All opposed, same sign.

15 (No response. Motion carried.)

16 CHAIRMAN BENNETT: Motion carried. Fine
17 waived.

18 MR. DALLAS: Thank you very much. Appreciate
19 it. Appreciate your time.

20 CHAIRMAN BENNETT: All right.

21 *****

22 MR. MEADOWS: Good evening. My name's Mark
23 Meadows, M-E-A-D-O-W-S. I represent the Elect Mark
24 Meadows Campaign. This stems from -- excuse me. I
25 don't have a cause number. I apologize.

1 MS. THOMPSON: Page 61.

2 CHAIRMAN BENNETT: Page 61. We'll hear from
3 the staff first.

4 MS. THOMPSON: This is Elect Mark Meadows,
5 Cause No. 2014-6282-68. He has had a settlement
6 agreement with us once before. He has a proposed
7 civil penalty of \$1,000.49, and the committee is now
8 closed.

9 CHAIRMAN BENNETT: You may make your
10 presentation.

11 MR. MEADOWS: Thanks for hearing this today.
12 This stems from a 2012 committee that was started.
13 I filed a -- I'm also the treasurer of the account.
14 I filed a 2012 annual report in January of 2013.
15 Thought I had actually ended the account, and had
16 not.

17 A year later, since I wasn't on the ballot, I
18 got another letter saying, "You need to file for
19 2013," which I believe I contacted Ms. Thompson here
20 at that point. I went online. This is the first
21 time I've ever done it online before. I've always
22 done it the old paper route.

23 So anyhow, I filled out 2013. And I thought,
24 "Why isn't this closing out? I keep closing this
25 thing out."

1 A couple months later I got another letter from
2 you guys about it. And I thought -- I got online
3 again and looked at it. And what it was, the
4 expenditures from 2012 had not hit because I filed
5 in 2013.

6 So today I'm talking to Michelle about it and
7 saying, "What do I need to do? How do I need to do
8 this? I need to amend it." And showed me how to do
9 it so I could close out the account.

10 We're closed out now. It was an oversight
11 because I don't know how to work the computer well
12 enough. And I'm asking for a waiver.

13 CHAIRMAN BENNETT: Any response from the
14 Commission or the staff?

15 (No response.)

16 CHAIRMAN BENNETT: Questions?

17 (No response.)

18 CHAIRMAN BENNETT: Is there a motion?

19 VICE CHAIRMAN PRO TEMPORE DICKEY: I'd make a
20 motion to waive.

21 CHAIRMAN BENNETT: Motion to waive. Second?

22 COMMISSION MEMBER KLUTZ: I'll second.

23 CHAIRMAN BENNETT: Motion and second. Any
24 discussion?

25 (No response.)

1 CHAIRMAN BENNETT: All in favor say aye.

2 THE COMMISSION: Aye.

3 CHAIRMAN BENNETT: All opposed, same sign.

4 (No response. Motion carried.)

5 CHAIRMAN BENNETT: Motion carried. Fine

6 waived. You're free to go.

7 MR. MEADOWS: Thank you very much.

8 *****

9 CHAIRMAN BENNETT: Let's see. Who's left? Can
10 we have a show of hands? We'll take the closest one
11 to us first.

12 State and spell your name, please, for the
13 record.

14 MR. PERRY: Brandon Perry, B-R-A-N-D-O-N, P-,
15 as in Peter, E-R-R-Y.

16 CHAIRMAN BENNETT: Okay. And you're here on
17 behalf of?

18 MR. PERRY: I'm here on behalf of Perry for
19 Indiana House Committee, Cause No. 2014-6451-76.

20 MS. TAYLOR: It's on page 65.

21 CHAIRMAN BENNETT: We'll hear from the Campaign
22 Finance Staff.

23 MS. THOMPSON: Okay. This is Perry for Indiana
24 House, Cause No. 2014-6451-76. This committee has
25 never been before the Commission before and has a

1 proposed civil penalty of \$1,000.49.

2 CHAIRMAN BENNETT: Okay. Mr. Perry, the floor
3 is yours.

4 MR. PERRY: Okay. Well, thanks for taking the
5 time to hear my case today. And we are fortunate to
6 live in a state where officials take campaign laws
7 seriously. I've been involved with campaigns for
8 several years with candidates of both parties,
9 Republicans in Marion County, now Democrats in
10 Hancock County, and have always taken campaign laws
11 seriously. And that is why, up until this point,
12 there has been no problems with the process.

13 Today I wanted to not dispute what has
14 happened, but to appeal for a waiver for several
15 different reasons. And I would like to summarize
16 those reasons as succinctly as possible.

17 The first is that this is a first-time offense.
18 It's an unfortunate mistake and oversight on behalf
19 of the committee. Throughout 2012, all forms were
20 filed properly and on time. There was just a little
21 misunderstanding as to, you know, a report being
22 filed for 2013, given that it's not an election
23 year, really not any political activity.

24 But as soon as the mistake was detected, it was
25 corrected. And furthermore, I'm not a candidate for

1 state office this year, nor do I plan to be a
2 candidate for state office in the near future.

3 The committee does plan to disband soon. This
4 is an election year, and there are probably
5 candidates and committees who would love to have a
6 drop in the bucket. And so this committee will be
7 disbanded. I'm a candidate for township trustee in
8 Hancock County.

9 And the second reason -- that leads me to the
10 second reason -- is that with this campaign that's
11 currently being waged now on a local level,
12 nonpartisan observers have indicated that it could
13 be a tossup. And my opponent would love nothing
14 more than to -- since this is public information --
15 to use this as a muscling tactic.

16 And the voters of McCordsville deserve much
17 more than that. They deserve a campaign about the
18 issues, about consolidation of prior services, about
19 listening to the township board, about improving
20 services without raising taxes, about moving this
21 township forward as one of the fastest growing
22 townships in Indiana. Those are the issues that the
23 voters deserve to have a discussion about.

24 So I would like to humbly and respectfully
25 impress upon the committee that whatever decision is

1 made today is not only going to impact this
2 committee, but possibly the quality of campaign that
3 the voters of Vernon Township will have in the fall.

4 The second [sic] reason why I'm requesting a
5 waiver is because, as I mentioned, the committee
6 will be closed.

7 The fourth [sic] reason, and at risk of placing
8 my own personal dignity on the line, I am -- I have
9 recently been laid off from my position with a media
10 firm. It's been a tough time, as many of us know,
11 for the print media industry. And given that I'm
12 not a candidate for office, and given that those
13 involved with the committee are no longer working
14 with the committee in a practical sense, probably
15 not too many people who will donate to a campaign
16 just to -- or a committee -- to pay a levy issued by
17 the state. So that will come -- that levy will
18 probably come out of pocket. And at this time, that
19 would not be a possibility in an immediate sense.

20 But I do have documentation with the state of
21 Indiana, Indiana Department of Workforce
22 Development, if it pleases the Commission to review
23 that, indicating my status, employment status.

24 And those are the reasons why I would like to
25 request a waiver at this time.

1 CHAIRMAN BENNETT: Do you have any documents to
2 admit into the record?

3 MR. PERRY: I have this document indicating my
4 unemployment status. I have documents that's got
5 some of my chicken scratch on here. I apologize. I
6 have documentation indicating the dates as to which
7 each report has been filed to show that they have
8 been filed.

9 COMMISSION MEMBER KLUTZ: I just want to
10 confirm that you're using a different campaign
11 committee for your trustee campaign?

12 MR. PERRY: Yes, yes.

13 CHAIRMAN BENNETT: Anything further from the
14 Campaign Finance Staff?

15 MS. THOMPSON: No.

16 CHAIRMAN BENNETT: Questions from the
17 commissioners?

18 COMMISSION MEMBER OVERHOLT: Is there a balance
19 in this account?

20 MR. PERRY: Yes.

21 COMMISSION MEMBER OVERHOLT: What's the
22 balance?

23 MR. PERRY: It is \$102.

24 CHAIRMAN BENNETT: And it is the intent to
25 close out that account, close out the campaign?

1 MR. PERRY: Yes, Mr. Chairman.

2 CHAIRMAN BENNETT: Is there a motion?

3 COMMISSION MEMBER KLUTZ: I'd make a motion
4 that we continue this until the next meeting to
5 confirm the committee has been disbanded.

6 CHAIRMAN BENNETT: Is there a second?

7 VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

8 CHAIRMAN BENNETT: Motion and second. Any
9 discussion?

10 COMMISSION MEMBER OVERHOLT: Well, I guess I'd
11 just like to say that to continue that -- if we vote
12 to continue it to the next hearing to see if it's
13 been disbanded doesn't indicate what action will be
14 taken with respect to the fine.

15 CHAIRMAN BENNETT: That's right.

16 COMMISSION MEMBER OVERHOLT: I just wanted to
17 clarify that so he's aware of that.

18 CHAIRMAN BENNETT: Any further discussion? We
19 have a motion and a second. All in favor say aye.

20 THE COMMISSION: Aye.

21 CHAIRMAN BENNETT: All opposed, same sign.

22 (No response. Motion carried.)

23 CHAIRMAN BENNETT: Motion carried. We will
24 continue this matter until our next meeting, which
25 is yet to be set. And in the meantime, you should

1 take whatever action you deem appropriate with
2 regard to closing out the campaign.

3 MR. PERRY: Thank you.

4 *****

5 CHAIRMAN BENNETT: Next?

6 MR. VOGT: Good afternoon. My name is Darren
7 Vogt, D-A-R-R-E-N, V-O-G-T. I'm here on behalf of
8 Darren Vogt for Senate, Cause No. 2014-6531-124.

9 CHAIRMAN BENNETT: Thank you.

10 MS. TAYLOR: Page 88.

11 CHAIRMAN BENNETT: Do we have a presentation
12 from the Campaign Finance Staff?

13 MS. THOMPSON: Yes. This is Friends of Darren
14 Vogt for Senate, Cause No. 2014-6531-124. This is
15 for a supplemental report. He's never been before
16 the Commission before, and he has a proposed civil
17 penalty of \$350.49.

18 CHAIRMAN BENNETT: Okay. Mr. Vogt, the floor's
19 yours.

20 MR. VOGT: Thank you. When I received the
21 notice, I immediately called Michelle in the office
22 and tried to figure out what the issue was because I
23 assumed that everything was filed appropriately.

24 After discussion with her, what we realized was
25 that the 2,000-dollar campaign contribution from the

1 Insurance Political Action Committee was filed with
2 the date received of 4/29.

3 That is actually the date on the check that I
4 received. I have a copy of that check as well as a
5 copy of the amended report. That check was received
6 on May 5 at about 8:30 in the evening, after walking
7 the neighborhoods from representatives that were
8 helping with the campaign on the -- that evening at
9 a pizza place, after dinner. And then we recorded
10 it, actually, on May 7. May 6 was the election,
11 recorded it on May 7, and deposited it on May 7 as
12 well.

13 So it was really more of an error on the actual
14 report. We reported it. It should have -- I don't
15 know if it did, but I don't recall that it was
16 red-flagged, saying it should have been reported,
17 but it didn't.

18 We filed the report. I have the amended report
19 signed by myself and my treasurer saying the report
20 was when the campaign was -- received the cash,
21 which was on May 5.

22 CHAIRMAN BENNETT: Is it your intent to keep
23 the campaign open?

24 MR. VOGT: There are funds in there. It will
25 stay open, yes.

1 COMMISSION MEMBER KLUTZ: What we have here is
2 a situation where you reported the money as received
3 4/29, the date of the check. But really, you didn't
4 receive it until May 5?

5 MR. VOGT: That's correct, yeah, the evening,
6 about 8:30, 9:00.

7 COMMISSION MEMBER KLUTZ: So when you received
8 it, that triggered some type of supplemental filing.
9 So then you didn't file until May 7?

10 MR. VOGT: I would have filed it May 6, but
11 that was election day, so I was actually campaigning
12 all day that day.

13 COMMISSION MEMBER OVERHOLT: What's the time
14 period -- if it were received on the 5th, what's the
15 requirement for when it has to be reported? Is it
16 within 48 hours?

17 MR. VOGT: 48 hours.

18 CHAIRMAN BENNETT: The chair recognizes
19 Mr. Simmons.

20 MR. SIMMONS: Mr. Chairman, Members of the
21 Commission, we have a reporting period, and this is
22 large contribution reporting.

23 MS. TAYLOR: Yes.

24 MR. SIMMONS: Which is -- let's see --
25 3-9-5-20.1. Actually, the reporting period

1 begins -- for the large contribution begins after
2 the regular reporting period ends, which is 25 days
3 before the election.

4 But that reporting period also, for those large
5 contributions, ends that Sunday. I'm looking at my
6 calendar. That Sunday would have been Sunday,
7 May 4, at 6:00 a.m. That's the kind of date we put
8 in our calendar.

9 So if a contribution is actually received on
10 the 5th -- and I'm not saying it was; I mean that's
11 some of the testimony, at least -- then that would
12 actually be something -- it would be included on the
13 next campaign finance report since it's within 48
14 hours of the election.

15 CHAIRMAN BENNETT: Under the statute, when is a
16 contribution considered to be received?

17 MR. SIMMONS: A contribution is considered
18 received under a statute 3-9-1-25, and I think, in
19 this case, subsection (b), is when it's received and
20 deposited. So it takes both the receipt and deposit
21 into the account.

22 Up to that time, of course, the recipient has
23 the opportunity to return the contribution and not
24 have to report it. But if it's received, and once
25 it's deposited, that's when it's considered received

1 by the committee.

2 CHAIRMAN BENNETT: Received, and money's in the
3 bank.

4 MR. SIMMONS: Money's in the bank.

5 MR. VOGT: I do have a copy of that receipt.
6 It shows May 7 was the date it was deposited in the
7 account.

8 CHAIRMAN BENNETT: Ms. Barnes, do you concur
9 with Mr. Simmons?

10 MS. BARNES: I do. Thank you.

11 CHAIRMAN BENNETT: Do you have documentation of
12 the date of deposit?

13 MR. VOGT: Yes, I do.

14 CHAIRMAN BENNETT: Can you show that to us?

15 COMMISSION MEMBER KLUTZ: Based upon the
16 testimony and explanation from Mr. Simmons, I move
17 that we waive the proposed fine.

18 VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

19 CHAIRMAN BENNETT: We have a motion and a
20 second. I guess the only other option would be to
21 dismiss it because it does appear that there was
22 actually no violation. It was simply an error on
23 the campaign report. We have --

24 COMMISSION MEMBER KLUTZ: -- how it was filled
25 out, perhaps. I don't know.

1 CHAIRMAN BENNETT: Well, we have a motion and a
2 second to waive the fine, and we can certainly do
3 that. Is there any further discussion?

4 COMMISSION MEMBER OVERHOLT: Well, yes, that's
5 a good point. I was going to ask, for purposes of
6 the record before the Commission. So if it's
7 waived, does it show -- if there's something that
8 happens in the future, does it show -- would it
9 reflect that there's a past violation if we waive
10 the fine? And if we dismissed it, would that mean
11 that there wasn't? That should be noted in the
12 record.

13 CHAIRMAN BENNETT: I would ask for legal
14 counsel -- or maybe that's a practical matter.

15 COMMISSION MEMBER OVERHOLT: I just wanted to
16 make sure.

17 CHAIRMAN BENNETT: Does the Campaign Staff have
18 anything they --

19 MS. THOMPSON: I can't say --

20 COMMISSION MEMBER KLUTZ: Well, let me do this.
21 I would tend to agree with that.

22 So this will now be the second motion I've
23 withdrawn. I'm messing up the whole process.

24 COMMISSION MEMBER OVERHOLT: Well, before you
25 withdraw it, let me ask another question.

1 I may have misunderstood. I thought you said
2 that there was an amended report that has been
3 filed?

4 MR. VOGT: No. When I talked to Michelle, she
5 said to bring an amended form. So I did, and I have
6 it. It hasn't been filed. She told me just to
7 bring it with me.

8 So I did not file it yet because she told me to
9 bring it here.

10 COMMISSION MEMBER OVERHOLT: Okay.

11 COMMISSION MEMBER KLUTZ: He has indicated that
12 he's going to keep it open, so I don't want
13 another -- I don't want this to appear --

14 COMMISSION MEMBER OVERHOLT: Right.

15 COMMISSION MEMBER KLUTZ: So I will withdraw,
16 for a second time, my pending motion, but leave it
17 to someone else to make the next --

18 CHAIRMAN BENNETT: I guess I would make a
19 motion that we dismiss the cause, because it does
20 not appear that there was a violation.

21 VICE CHAIRMAN PRO TEMPORE DICKEY: I'll second
22 that. Just make sure you file that before you leave
23 today.

24 CHAIRMAN BENNETT: We have a motion to dismiss,
25 and a second. All in favor say aye.

1 THE COMMISSION: Aye.

2 CHAIRMAN BENNETT: All opposed, same sign.

3 (No response. Motion carried.)

4 CHAIRMAN BENNETT: The cause is dismissed.

5 Thank you.

6 MR. VOGT: Thank you.

7 *****

8 CHAIRMAN BENNETT: Whoever is the closest one
9 to us, come forward.

10 MR. CLARK: Good afternoon.

11 CHAIRMAN BENNETT: Good afternoon.

12 MR. THARP: David Tharp, Howard County
13 Democratic Party. Cause No. 2014-6554-6. It's
14 actually dash-6 through dash-12.

15 I apologize. D-A-V-I-D, T-H-A-R-P.

16 MS. TAYLOR: It starts on page 2.

17 CHAIRMAN BENNETT: Campaign Finance Staff has
18 the floor for presentation.

19 MS. THOMPSON: This is the Howard County
20 Democratic Party, Cause No. 2014-6554-6. And he's
21 got several as well.

22 Cause No. 2014-6554-7; Cause No. 2014-6554-8;
23 Cause No. 2014-6554-9; Cause No. 2014-6554-10; Cause
24 No. 2014-6554-11; Cause No. 2014-6554-12.

25 CHAIRMAN BENNETT: Is that it?

1 MS. THOMPSON: Yes. These are all 1,000-dollar
2 proposed civil penalties. This committee has never
3 been before the Commission before.

4 And all the reports are filed?

5 MS. TAYLOR: Yes.

6 MS. THOMPSON: And all the reports are filed.

7 CHAIRMAN BENNETT: So the fine would be \$6,000,
8 plus costs?

9 MS. TAYLOR: \$7,000.

10 CHAIRMAN BENNETT: \$7,000. You may proceed.

11 MR. THARP: Thanks for giving me the
12 opportunity.

13 What this stems from, these are two -- the
14 Howard County Democratic party's 2011 and 2012
15 finance forms, as well as the file CFA3. All of
16 those reports were actually filed with the Howard
17 County Clerk's Office.

18 I was elected chairman last year. And as we
19 were preparing our '13 year report late last fall,
20 we noticed that we were actually filing with the
21 clerk's office, even though since we make very
22 modest contributions to local state rep campaigns,
23 we should have been filing with the Election
24 Division. So these reports were just actually filed
25 with the wrong agency.

1 As soon as we discovered that error late last
2 fall, I called Trent and Abbey at the Election
3 Division and said, you know, that my predecessor had
4 been filing these to the wrong agency, and what do
5 we do?

6 And the advice was, "Go back and resubmit
7 '11 and '12 and a statement of organization," which
8 we did.

9 And then, once we got the letter about the
10 fines that were being imposed, we called again.
11 They said there would be a hearing, and to wait for
12 the hearing.

13 And of course, as soon as we got the hearing
14 notice, we called and made sure what the process
15 was.

16 We did self-report this error. We did actually
17 fulfill public transparency because these were
18 available to members of the public and to the media
19 and to the Howard County Clerk's Office. All of
20 these except for the 2012 year-end were actually
21 submitted on time.

22 The -- you know, we had tried to stay up with
23 the process in going forward, being in constant
24 contact with folks in the Election Division. These
25 were all committed under previous leadership, a

1 different chairman, a different treasurer, and, I
2 think perhaps more importantly, a completely
3 different process for handling campaign finance
4 reports. So we changed both leadership and our
5 SOPs.

6 And then also, we are a volunteer organization.
7 And this fine is a very large fine and would cripple
8 our ability to fulfill our mission.

9 So based on all those facts, I would humbly
10 request that you waive the fines.

11 CHAIRMAN BENNETT: Anything else from the
12 staff?

13 (No response.)

14 CHAIRMAN BENNETT: Questions from the
15 Commission?

16 COMMISSION MEMBER OVERHOLT: So is it accurate
17 that there was one report that was late, the 2012
18 one?

19 MS. TAYLOR: I believe that was late with the
20 county? Filed late with the county?

21 MR. THARP: That's correct, yes. They're all
22 late to the Election Division, but --

23 COMMISSION MEMBER OVERHOLT: Right, exactly.
24 So that one was filed late to the county?

25 MR. THARP: Correct, yes. And that was

1 actually due right before our party's
2 reorganization. So again, we have a different
3 treasurer. And as we were going through that
4 process, it was not filed.

5 So once we came to understand those facts late
6 last fall, we immediately started to compile those
7 reports and submit them to the right agency.

8 COMMISSION MEMBER OVERHOLT: Okay. And I think
9 this question is for staff, counsel, whoever.

10 So let's assume for purposes of argument that
11 all of these were filed with the Election Division,
12 and that they were all timely filed, with the
13 exception of the 2012 report. What would the
14 proposed fine be for the delinquent 2012 report?
15 Is that a thousand dollar fine?

16 MS. TAYLOR: I'm not sure how late it was filed
17 with the county.

18 COMMISSION MEMBER OVERHOLT: Well, okay.
19 That's right, because it's a per-day.

20 MS. TAYLOR: \$50 a day.

21 COMMISSION MEMBER OVERHOLT: Do you know how
22 late it was filed with the county?

23 MR. THARP: It actually -- we discovered that
24 it hadn't been filed. So that was the only one that
25 was never filed with the county clerk's office.

1 So when we submitted that one to the Election
2 Division, that was the initial filing.

3 MS. TAYLOR: So that was \$1,000.

4 COMMISSION MEMBER OVERHOLT: So that's a
5 thousand dollars?

6 MS. TAYLOR: Yes.

7 COMMISSION MEMBER OVERHOLT: Okay.

8 CHAIRMAN BENNETT: Is there a motion?

9 VICE CHAIRMAN PRO TEMPORE DICKEY: Mr. Chairman,
10 I would propose that we make a motion, and I'm going
11 to try and break this down into two pots.

12 The first pot would be for those that were
13 filed locally, but not filed in Indianapolis with
14 the Election Division, that we propose to waive
15 those fines.

16 And then the remaining one that was not filed
17 at all, I would propose a 10 percent fine on the
18 penalty of a thousand dollars, plus the costs,
19 taking into account similar conditions that we've
20 heard in other cases today, that we have new
21 leadership in the committee, and that it's their
22 first time, and essentially they caught the error
23 themselves.

24 CHAIRMAN BENNETT: Is there a second to that
25 motion?

1 COMMISSION MEMBER OVERHOLT: Second.

2 CHAIRMAN BENNETT: Motion and second. Any
3 further discussion?

4 (No response.)

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

7 THE COMMISSION: Aye.

8 CHAIRMAN BENNETT: All opposed, same sign.
9 (No response. Motion carried.)

10 CHAIRMAN BENNETT: Motion carried. The fine
11 will be 10 percent of the one late filing, and
12 waived for the locally filed reports.

13 MR. THARP: Thank you very much.

14 CHAIRMAN BENNETT: Thank you.

15 *****

16 MR. RIMSANS: My name is Pete Rimsans. The
17 last name is spelled R-I-M-, as in Michael, S-A-N-S.
18 I'm here today representing Citizens for Better
19 Schools, and it is Cause No. 2014-5832-41.

20 This is sort of a simple matter.

21 CHAIRMAN BENNETT: Can you wait until -- first
22 we need the staff to give us a page number in our
23 books, and then they'll make the presentation to us,
24 and then you'll be following that.

25 MR. RIMSANS: Okay.

1 MS. TAYLOR: It's on page 46.

2 MS. THOMPSON: Mr. Chairman, this is Citizens
3 for Better Schools, Cause No. 2014-5832-41. This
4 committee has done a settlement agreement with us
5 in the past, and has a proposed civil penalty of
6 \$700.49.

7 COMMISSION MEMBER OVERHOLT: What's the page
8 number?

9 MS. THOMPSON: I'm sorry. It's 47.

10 CHAIRMAN BENNETT: It starts on 46 and goes on
11 to 47.

12 VICE CHAIRMAN PRO TEMPORE DICKEY: Love the
13 page breaks.

14 CHAIRMAN BENNETT: Anything further from the
15 staff?

16 MS. THOMPSON: Pardon me?

17 CHAIRMAN BENNETT: Anything further?

18 MS. THOMPSON: No.

19 VICE CHAIRMAN PRO TEMPORE DICKEY: Just for
20 point of clarification, were you sworn in earlier,
21 or did you arrive late?

22 MR. RIMSANS: I arrived late.

23 VICE CHAIRMAN PRO TEMPORE DICKEY: We should
24 swear him in, I think.

25 CHAIRMAN BENNETT: Yes, you're absolutely

1 right.

2 Dale, would you do that, please?

3 MR. SIMMONS: Please stand and raise your right
4 hand.

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

6 MR. SIMMONS: Thank you.

7 CHAIRMAN BENNETT: You may proceed.

8 MR. RIMSANS: Essentially, Citizens for Better
9 Schools is a political action committee established
10 in 2008. It was primarily used in the 2008
11 elections.

12 There were a couple of transactions I think
13 that were conducted in 2009. But otherwise, this
14 PAC has been dormant. It has a zero balance in the
15 account. We've really honestly been debating about
16 whether or not we should close it out in its
17 entirety.

18 But with regard to our 2013 filing, which was
19 due on January 13, we -- several days after that, on
20 the 20th, we received a letter informing us of our
21 error.

22 We attempted to, then, on the 21st, file the
23 electronic reports, and we were locked out of the
24 system. And we were unable to -- we were able to --
25 we made repeated phone calls on the 21st, 22nd,

1 24th, and 27th.

2 And finally, on the 28th, we were able to
3 establish contact with the Elections Division, and
4 at that time we were able to file a report.

5 So from the period of the 21st through the
6 28th, we were unable to file the report. And we
7 would ask that those fines be waived.

8 With regard to the time period of January 15th
9 through the 20th, we would just ask for leniency
10 since the PAC has no funds in it, and it hasn't for
11 some time.

12 CHAIRMAN BENNETT: And why has it not been
13 closed?

14 MR. RIMSANS: I think people just wanted to
15 keep it around in case we wanted to use it for
16 something in the past. And quite honestly, we're --
17 we're agreeable to closing it.

18 CHAIRMAN BENNETT: Any further -- any questions
19 by the commissioners?

20 (No response.)

21 CHAIRMAN BENNETT: Hearing none, any motions?

22 COMMISSION MEMBER OVERHOLT: I would move to
23 continue until closing.

24 CHAIRMAN BENNETT: Is there a second?

25 COMMISSION MEMBER KLUTZ: Second.

1 CHAIRMAN BENNETT: Motion and a second. Any
2 further discussion?

3 (No response.)

4 CHAIRMAN BENNETT: Hearing none, all in favor
5 say aye.

6 THE COMMISSION: Aye.

7 CHAIRMAN BENNETT: All opposed, same sign.

8 (No response. Motion carried.)

9 CHAIRMAN BENNETT: Motion carried. We will
10 continue this hearing until our next meeting, and
11 your committee should make a decision on closing
12 before that time.

13 MR. RIMSANS: All right. So I'm taking it,
14 without you saying that, that it would probably be
15 in the best interest to close it before the next
16 meeting, or I'll assume that's the case.

17 CHAIRMAN BENNETT: Very well.

18 MR. RIMSANS: Thank you.

19 CHAIRMAN BENNETT: Thank you.

20 *****

21 MR. BECKER: Good afternoon. My name is Chris
22 Becker, C-H-R-I-S, B-E-C-K-E-R, Beth White for
23 Indiana. The administrative cause number is
24 2014-6526-13 through 16.

25 MS. THOMPSON: That's on page 31 and 32.

1 CHAIRMAN BENNETT: Okay. We would ask for a
2 presentation from the staff.

3 MS. THOMPSON: This is for a large supplemental
4 report. This is Beth White for Indiana, Cause No.
5 2014-6526-13; 2014-6526-14; 2014-6526-15; and
6 2014-6526-16.

7 CHAIRMAN BENNETT: And what are the total
8 fines?

9 MS. TAYLOR: The total is \$3,850, and the
10 mailing costs are \$52.

11 CHAIRMAN BENNETT: Okay. The floor is yours.
12 You may proceed.

13 MR. BECKER: Thank you. These, I guess, four
14 constitute the first violations for the committee.
15 The staff and treasurer of -- these all stem from
16 2013 to 2014. The 10,000-dollar supplemental
17 contributions were filed with the annual report and
18 not with the supplemental reports that were due.

19 The staff and treasurer from 2013 are no longer
20 involved with the committee. The current staff and
21 treasurer have made sure the reports were filed.
22 The supplemental reports were filed, and additional
23 contributions that have come in have been -- have
24 been filed on time.

25 We've also worked with the staff, the Election

1 Division, to make sure we were -- we have a full
2 understanding of the campaign finance compliance
3 laws, to make sure that we're compliant in the
4 future.

5 So we're just asking for leniency from the
6 Commission.

7 CHAIRMAN BENNETT: Anything further from the
8 staff?

9 MS. THOMPSON: No.

10 CHAIRMAN BENNETT: Questions from the
11 Commission?

12 I'm assuming that the campaign intends to
13 remain open?

14 MR. BECKER: Yes.

15 VICE CHAIRMAN PRO TEMPORE DICKEY: I want to
16 make sure I'm reading this correctly. I'm assuming
17 you changed your -- or you took care of the filings
18 or changed your staff in January?

19 MR. BECKER: Correct.

20 VICE CHAIRMAN PRO TEMPORE DICKEY: So in
21 essence, you self-reported by catching this, or did
22 you get a notice?

23 MR. BECKER: I believe we were notified by
24 staff from the Election Division. It was sort of
25 the -- at the same time that we -- you know, the new

1 treasurer and staff became -- realized that these
2 can't -- that these reports weren't filed, and then
3 received official notice from the Election Division,
4 and then made the filings.

5 CHAIRMAN BENNETT: What was the reason for the
6 change in staff and the treasurer?

7 MR. BECKER: To be honest with you, I'm not
8 sure. I started with the campaign in February,
9 so ...

10 CHAIRMAN BENNETT: Do you know if it had
11 anything to do with these violations?

12 MR. BECKER: It's possible, but I don't know,
13 other than the committee decided to make a change
14 with the treasurer and with the staff.

15 I guess the only thing I would add is that
16 we've also changed how our -- our internal
17 protocols, and how we're handling campaign finance
18 stuff to make sure that we're compliant in the
19 future, and that the other contributions are -- make
20 sure that we follow the protocols that ...

21 CHAIRMAN BENNETT: Make sure what?

22 MR. BECKER: So we've also -- you know, we have
23 built-in protocols in the campaign to make sure that
24 we've -- that the treasurer is aware of the funds
25 that are coming in as they come in. And we have a

1 redundancy to make sure that any receipts that come
2 in are duly reported, as they're supposed to be.

3 CHAIRMAN BENNETT: Any other questions from the
4 Commission?

5 (No response.)

6 CHAIRMAN BENNETT: Any motions to be made by
7 the Commission? Hearing no motions --

8 COMMISSION MEMBER OVERHOLT: Well, I guess what
9 I'm trying to recall is what -- I thought we had a
10 -- I'm trying to be consistent. I think we've had
11 some earlier cases today that were similar, but I
12 can't remember what action we took in terms of that.

13 VICE CHAIRMAN PRO TEMPORE DICKEY: With regards
14 to the excesses, it looks like this may be
15 different, maybe. But we waived WellPoint, and we
16 settled the other.

17 COMMISSION MEMBER OVERHOLT: And I'm wondering
18 about candidate committees that were -- may have
19 been -- that had delinquent filings, for starters.

20 CHAIRMAN BENNETT: That had what? I didn't
21 hear what you said.

22 COMMISSION MEMBER OVERHOLT: Delinquent
23 filings.

24 CHAIRMAN BENNETT: WellPoint was
25 self-reporting.

1 COMMISSION MEMBER OVERHOLT: Right. So
2 candidate committees that ...

3 What did we do with Mr. Green?

4 MS. BARNES: Mr. Chairman and Commissioner
5 Overholt, on page 70 of your binder, there was a
6 similar one, if you want to consider it, Candidate
7 Tad Whitis for State Senate who had a large
8 contribution report that was filed late.

9 Do you want to know what the Commission did?

10 COMMISSION MEMBER OVERHOLT: Oh, I found it in
11 my notes. Am I right that we did 25 percent, plus
12 costs?

13 MS. BARNES: Plus mailing costs. And it was
14 his first time. I don't know if that's similar.

15 MS. TAYLOR: He accepted the deal at the
16 beginning.

17 VICE CHAIRMAN PRO TEMPORE DICKEY: Yeah. He
18 accepted the deal. Let's be clear about that.

19 MS. BARNES: Okay. I think that's the only
20 other large ...

21 MR. DECKARD: That's the only one similar that
22 I'm seeing.

23 MS. BARNES: We had other reports that are
24 late.

25 CHAIRMAN BENNETT: Is there a motion?

1 COMMISSION MEMBER KLUTZ: We have an ongoing
2 committee, ongoing campaign. We have repeated
3 failures to comply with the statute. I see a
4 difference between WellPoint in that there was no
5 self-reporting.

6 I'll make a motion that the fines be 10 percent
7 of the total \$3,850, plus costs.

8 CHAIRMAN BENNETT: Is there a second?

9 VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

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

12 (No response.)

13 CHAIRMAN BENNETT: All in favor say aye.

14 THE COMMISSION: Aye.

15 CHAIRMAN BENNETT: All opposed, same sign.

16 (No response. Motion carried.)

17 CHAIRMAN BENNETT: Motion carried. The fine
18 will be 10 percent of the \$3,850, plus costs.

19 MR. BECKER: Thank you very much.

20 *****

21 MR. INGRAM: I'm Brent Ingram with the
22 Republican Central Committee for Miami County. I'm
23 here about the late filing for reporting period of
24 1/1/2013 through 12/31/2013.

25 CHAIRMAN BENNETT: Can you spell your name,

1 please?

2 MR. INGRAM: Brent, B-R-E-N-T; Ingram,
3 I-N-G-R-A-M.

4 CHAIRMAN BENNETT: Do you have a cause number?

5 MR. INGRAM: I failed to bring that with me.

6 CHAIRMAN BENNETT: Okay. Give us a minute and
7 we'll look it up.

8 MS. THOMPSON: It's on page 70. This is the
9 Miami County Republican Central Committee,
10 Cause No. 2014-6494-84. This committee has never
11 been before our commission before and has a penalty
12 of \$250.49.

13 CHAIRMAN BENNETT: Okay. Proceed.

14 MR. INGRAM: I took over as treasurer in 2013,
15 and this was my first filing. I talked with the
16 outgoing treasurer, and he told me to file this at
17 the courthouse. I talked to voter registration, and
18 they told me to file it at the courthouse. I talked
19 to our new president, or new chairman. Told me to
20 file it at the courthouse.

21 This is a case that was my mistake. It was a
22 case where I was following the sheep instead of
23 asking the shepherd where I should go.

24 This was filed January 14, 2014 at the
25 courthouse. So we were several months ahead of it.

1 Our intent was to be on time, and we were ahead of
2 the ballgame. We just didn't get it sent everywhere
3 we needed to send it.

4 And as far as our attempt to be transparent, we
5 were. We tried to keep everything aboveboard. And
6 I'd just ask to waive the fine on this.

7 And I have documentation here from the
8 courthouse when we filed this.

9 CHAIRMAN BENNETT: Okay. Would you bring that
10 up for the record? This was timely filed at the
11 courthouse?

12 MR. INGRAM: Yes.

13 VICE CHAIRMAN PRO TEMPORE DICKEY: This is the
14 first incident, correct?

15 MR. INGRAM: Yes.

16 CHAIRMAN BENNETT: Are there any questions from
17 the commissioners?

18 (No response.)

19 CHAIRMAN BENNETT: Any motions?

20 VICE CHAIRMAN PRO TEMPORE DICKEY: I'll make a
21 motion to waive.

22 CHAIRMAN BENNETT: We have a motion to waive.
23 Is there a second?

24 COMMISSION MEMBER KLUTZ: Second.

25 CHAIRMAN BENNETT: Motion and second. Any

1 further discussion?

2 (No response.)

3 CHAIRMAN BENNETT: All in favor say aye.

4 THE COMMISSION: Aye.

5 CHAIRMAN BENNETT: Opposed, same sign.

6 (No response. Motion carried.)

7 CHAIRMAN BENNETT: Motion carried.

8 MR. INGRAM: Thank you very much.

9 CHAIRMAN BENNETT: Thank you.

10 *****

11 CHAIRMAN BENNETT: Good afternoon.

12 MR. ALLMON: Good afternoon. I'm David Allmon,

13 D-A-V-I-D, A-L-L-M-O-N. I'm here representing the
14 Columbus Professional Firefighters Political Action
15 Committee, Cause No. 2014-3449-23.

16 MS. TAYLOR: It's on page 36.

17 CHAIRMAN BENNETT: Staff, please proceed.

18 MS. THOMPSON: This is the Columbus
19 Firefighters Political Action Committee,
20 Cause No. 2014-3449-23. This committee has been
21 before the board three other times, and has a
22 proposed civil penalty of \$450.49.

23 CHAIRMAN BENNETT: The floor is yours, sir.

24 MR. ALLMON: Really don't have an excuse. I
25 got appointed the chief down in Columbus.

1 Unfortunately, I still had -- was the treasurer --
2 secretary/treasurer of the Columbus PAC, and I just
3 missed the timing of it, to get the reporting on
4 time. It was filed, I believe, a week late,
5 something along those lines. I've got the notice.

6 We are in the process of shutting it down,
7 shutting down the committee, but we have not done
8 that yet because we wanted to find out what the fine
9 was going to be so that we had the money to pay the
10 fine, if we had a fine to pay.

11 So as soon as we can get done with this, we're
12 going to shut down the committee.

13 CHAIRMAN BENNETT: Any questions from the
14 commissioners?

15 (No response.)

16 CHAIRMAN BENNETT: Is there a motion?

17 COMMISSION MEMBER OVERHOLT: I'd move to
18 continue pending closure of the committee.

19 CHAIRMAN BENNETT: Second?

20 COMMISSION MEMBER KLUTZ: Second that.

21 CHAIRMAN BENNETT: Motion and second. Any
22 discussion?

23 (No response.)

24 CHAIRMAN BENNETT: All in favor say aye.

25 THE COMMISSION: Aye.

1 CHAIRMAN BENNETT: All opposed, same sign.

2 (No response. Motion carried.)

3 CHAIRMAN BENNETT: Motion carried. This action
4 will be continued pending our next meeting.

5 MR. ALLMON: Okay. I guarantee it will be
6 closed. Thank you. Have a good day.

7 CHAIRMAN BENNETT: You too.

8 *****

9 CHAIRMAN BENNETT: Is this the final one?

10 MR. SHANK: I hope so. I'm Joseph Shank. I'm
11 here for Shank for State Representative, Cause No.
12 2014-6539-79.

13 CHAIRMAN BENNETT: Could you spell your last
14 name, please?

15 MR. SHANK: Shank, S-H-A-N-K.

16 MS. TAYLOR: It's on page 67.

17 MS. THOMPSON: This is Shank for State
18 Representative, Cause No. 2014-6539-79. Never been
19 before the Commission before. Has a proposed civil
20 penalty of and \$450.49, and the committee is closed.

21 CHAIRMAN BENNETT: Mr. Shank?

22 MR. SHANK: I made a mistake. I forgot about
23 it.

24 CHAIRMAN BENNETT: And the committee is closed?

25 MR. SHANK: Yes. It was closed as soon as I

1 filed it. I called the office and made sure what I
2 had to do and closed it.

3 CHAIRMAN BENNETT: Okay. Any questions from
4 any commissioners?

5 VICE CHAIRMAN PRO TEMPORE DICKEY: Motion to
6 waive.

7 CHAIRMAN BENNETT: Motion to waive. Second?

8 COMMISSION MEMBER KLUTZ: Second.

9 CHAIRMAN BENNETT: We have a second. Any
10 discussion?

11 (No response.)

12 CHAIRMAN BENNETT: Hearing none, all in favor
13 say aye.

14 THE COMMISSION: Aye.

15 CHAIRMAN BENNETT: All opposed, same sign.

16 (No response. Motion carried.)

17 CHAIRMAN BENNETT: The fine is waived. You're
18 free to go.

19 MR. SHANK: Thank you. Have a good day.

20 *****

21 CHAIRMAN BENNETT: At this time, I would ask
22 the Campaign Finance Staff to identify any matters
23 for which a motion for continuance was received for
24 today's meeting.

25 MS. TAYLOR: We received three motions to

1 continue. The first was for CHA Consulting PAC,
2 Cause No. 2014-6475-118. It's on page 86.

3 The second was Bill McDonald for State Senate,
4 Cause No. 2014-6596-119.

5 And the third is Jeffersonville Political
6 Action Committee, Cause No. 2014-6618-120.

7 VICE CHAIRMAN PRO TEMPORE DICKEY: What were
8 the page numbers?

9 MS. TAYLOR: 86 and 87.

10 VICE CHAIRMAN PRO TEMPORE DICKEY: Oh, they're
11 all together. Sorry. I should have read further.

12 CHAIRMAN BENNETT: Is there a motion to grant
13 the requests for continuance for these three cause
14 numbers?

15 COMMISSION MEMBER KLUTZ: So move.

16 CHAIRMAN BENNETT: We have a motion. Is there
17 a second?

18 COMMISSION MEMBER OVERHOLT: Second.

19 CHAIRMAN BENNETT: Any discussion?

20 (No response.)

21 CHAIRMAN BENNETT: All in favor say aye.

22 THE COMMISSION: Aye.

23 CHAIRMAN BENNETT: All opposed, same sign.

24 (No response. Motion carried.)

25 CHAIRMAN BENNETT: Motion granted. The

1 continuances for the three are granted.

2 MS. TAYLOR: I found another one. Sorry.
3 Washington for State Senate on page 60 and 61.
4 Cause No. 2014-6270-66.

5 CHAIRMAN BENNETT: Was this motion timely
6 filed?

7 MS. TAYLOR: Yes.

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

10 COMMISSION MEMBER OVERHOLT: So move.

11 CHAIRMAN BENNETT: Motion. Is there a second?

12 COMMISSION MEMBER KLUTZ: Second.

13 CHAIRMAN BENNETT: Any discussion?

14 (No response.)

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

17 THE COMMISSION: Aye.

18 CHAIRMAN BENNETT: All opposed, same sign.

19 (No response. Motion carried.)

20 CHAIRMAN BENNETT: Motion for continuance is
21 granted.

22 Now, we wanted to review correspondence
23 received from the committees. I understand that the
24 Campaign Finance Staff received correspondence from
25 some committees which have not appeared at today's

1 meeting. I'd like to give the members an
2 opportunity to review that correspondence which is
3 included in their binders to identify any matters
4 which may require Commission consideration other
5 than having a default entered against the committee
6 for failing to appear.

7 MR. KING: Mr. Chairman, Members of the
8 Commission, Ms. Thompson has received communication
9 from Candidate Thomas B. Knollman and his wife who
10 were unable to be physically present today, but
11 submitted a letter that is included in your binders.
12 It's 2014-5269-32.

13 MS. THOMPSON: It's on page 42.

14 MR. DECKARD: Mr. Chairman, we also have, in
15 addition to many other correspondence here, a letter
16 from candidate Steve Spinks, who could not be in
17 attendance as well because of some work obligations.

18 CHAIRMAN BENNETT: I'm sorry. Because of what?

19 MR. DECKARD: Some work obligations and travel.

20 MS. TAYLOR: That's on page 89. Elect Steve
21 Spinks State representative, District 75 Cause
22 No. 2014-6639-125.

23 MR. KING: Mr. Chairman, Members of the
24 Commission, I would yield to Campaign Finance Staff
25 to discuss further. I just have a copy of the

1 letter from former State Representative Knollman
2 indicating he is suffering from a serious illness
3 and is unable to physically be present or complete
4 the reports required.

5 VICE CHAIRMAN PRO TEMPORE DICKEY: Mr. Chairman,
6 it appears that some of these may be worth
7 discussing for a second.

8 With regards to the case involving former State
9 Representative Knollman, I believe the committee has
10 now been closed?

11 MS. THOMPSON: Yes.

12 VICE CHAIRMAN PRO TEMPORE DICKEY: I think it
13 would be consistent with other actions taken today
14 to simply waive the penalties and costs and to
15 dispense with that matter.

16 CHAIRMAN BENNETT: Is that a motion?

17 VICE CHAIRMAN PRO TEMPORE DICKEY: That is a
18 motion.

19 CHAIRMAN BENNETT: Is there a second?

20 COMMISSION MEMBER KLUTZ: Second.

21 CHAIRMAN BENNETT: Motion and second. Any
22 discussion?

23 (No response.)

24 CHAIRMAN BENNETT: Hearing none, all in favor
25 say aye.

1 THE COMMISSION: Aye.

2 CHAIRMAN BENNETT: All opposed, same sign.

3 (No response. Motion carried.)

4 CHAIRMAN BENNETT: With regard to Mr. Knollman,
5 the fines are waived.

6 Do you have another one to discuss?

7 VICE CHAIRMAN PRO TEMPORE DICKEY: Maybe. One
8 second.

9 COMMISSION MEMBER OVERHOLT: Are any of these
10 other letters from -- well, letters for the ones
11 that we haven't addressed because they appeared --
12 like with -- well, are any of these other letters
13 involved in closed committees?

14 I'm sorry, I'm sorry. There's also more ...

15 MS. TAYLOR: Kristopher Owens, his committee is
16 closed. He has a handful, so give me a second to
17 find them. He starts on page 15 and 16.

18 The first one is Kristopher Owens for Indiana
19 House, Cause No. 2011-6010-215. The second one is
20 on page 19, Cause No. 2012-6010-79. The next one
21 is on page 25, Cause No. 2013-6010-68. And the last
22 one is on page 52, Cause No. 2014-6010-51.

23 He has closed his committee. I don't remember
24 which report was filed, but he closed his committee,
25 but the other reports were not filed.

1 COMMISSION MEMBER OVERHOLT: So with respect
2 to Mr. Owens' violations, I would move that we
3 waive. Because this committee is closed, I would
4 move that we waive the fines and costs.

5 CHAIRMAN BENNETT: Is there a second to that
6 motion, or any discussion?

7 VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

8 CHAIRMAN BENNETT: We have a second for
9 purposes of discussion.

10 I'm wondering whether we should continue it in
11 order to find out if he does file the reports.
12 Closes the committee, but still owes the reports.

13 VICE CHAIRMAN PRO TEMPORE DICKEY: The reports
14 that are in question are for what years again?

15 MS. TAYLOR: 2010, '11, '12, and '13.

16 COMMISSION MEMBER KLUTZ: I guess I
17 question one's ability to be able to close a
18 committee if they have outstanding reports due.

19 VICE CHAIRMAN PRO TEMPORE DICKEY: I mean what
20 he states in the letter is that he closed his
21 committee's bank account, and canceled the P.O. Box
22 immediately after his primary defeat in 2010. So
23 presumably the first few weeks in May.

24 COMMISSION MEMBER OVERHOLT: My motion was
25 based on the understanding that he had closed his

1 account -- closed his committee. If he hasn't done
2 that, then I'll withdraw the motion.

3 CHAIRMAN BENNETT: Okay.

4 VICE CHAIRMAN PRO TEMPORE DICKEY: I'm
5 wondering if the issue is simply that we've got some
6 reports that more than likely are not going to yield
7 much information. I'm wondering if we could
8 essentially do a motion to waive the penalty,
9 subject to the closing of the account -- or the
10 campaign, which has happened, and the filing of the
11 remaining reports, which should not be too difficult
12 to accomplish.

13 MS. TAYLOR: Mr. Owens has not filed for
14 several years. He was on our list to be
15 administratively disbanded. He came into the office
16 for -- I don't remember which reason. Had to file
17 something. Closed his committee. We will never
18 hear from him again.

19 So he's not going to file reports. We lucked
20 out that he walked into the office, closed his
21 committee, and we got rid of him.

22 CHAIRMAN BENNETT: Was he notified of this
23 meeting?

24 MS. THOMPSON: Yes.

25 CHAIRMAN BENNETT: Do we know why he did not

1 attend?

2 MS. THOMPSON: No.

3 MS. TAYLOR: No.

4 CHAIRMAN BENNETT: I don't know why we wouldn't
5 impose a fine and try to collect it.

6 MS. TAYLOR: We have. These are all motions to
7 reconsider. I believe that those have likely even
8 already been sent to the attorney general's office
9 for collection. He was asking us to reconsider,
10 and then gave us another address, and then another
11 bad address, and ...

12 CHAIRMAN BENNETT: But didn't show up for the
13 hearing?

14 MS. TAYLOR: Right.

15 COMMISSION MEMBER KLUTZ: I'll move to deny the
16 motion to reconsider.

17 CHAIRMAN BENNETT: I'll second that motion.

18 Any discussion?

19 (No response.)

20 CHAIRMAN BENNETT: Hearing none --

21 VICE CHAIRMAN PRO TEMPORE DICKEY: Well, I mean
22 let me get to the staff here for a second.

23 You guys instructed him to -- when he was in
24 the office to do what exactly?

25 MS. TAYLOR: Close the committee.

1 VICE CHAIRMAN PRO TEMPORE DICKEY: And he did
2 that?

3 MS. TAYLOR: Yeah.

4 VICE CHAIRMAN PRO TEMPORE DICKEY: Although the
5 issue notwithstanding of the previous fines, he's
6 thinking he's done with this and complied with what
7 you've asked?

8 MS. THOMPSON: Right. His previous fines have
9 already been turned over to the attorney general.

10 CHAIRMAN BENNETT: Was he aware that his motion
11 to reconsider would be heard at this hearing?

12 MS. TAYLOR: We sent notice to the last address
13 he provided.

14 MS. THOMPSON: We sent notice.

15 VICE CHAIRMAN PRO TEMPORE DICKEY: Are we
16 sure -- did the notice come back?

17 MS. TAYLOR: I have no idea.

18 CHAIRMAN BENNETT: Did he file his motion
19 before or after he was told to close his committee?

20 MS. TAYLOR: All on the same day.

21 COMMISSION MEMBER OVERHOLT: Yeah, because if
22 it's this letter, February 21, that's when he wrote
23 to disband the committee, and then requested the
24 motion to reconsider the fines, according to this
25 letter.

1 CHAIRMAN BENNETT: Is there any other motion?
2 I guess --
3 COMMISSION MEMBER OVERHOLT: Well, I --
4 CHAIRMAN BENNETT: -- on the table was
5 withdrawn, so --
6 COMMISSION MEMBER OVERHOLT: -- withdrew mine,
7 the motion to reconsider the --
8 CHAIRMAN BENNETT: Oh, to deny --
9 COMMISSION MEMBER OVERHOLT: -- to deny --
10 CHAIRMAN BENNETT: I'm sorry. We have a motion
11 to deny. Any further discussion?
12 (No response.)
13 CHAIRMAN BENNETT: We have a motion and a
14 second. All in favor say aye.
15 COMMISSION MEMBER KLUTZ: Aye.
16 CHAIRMAN BENNETT: Aye.
17 VICE CHAIRMAN PRO TEMPORE DICKEY: Aye.
18 CHAIRMAN BENNETT: All opposed, same sign.
19 COMMISSION MEMBER OVERHOLT: No.
20 CHAIRMAN BENNETT: No?
21 COMMISSION MEMBER OVERHOLT: I would move that
22 we give him -- send him notice of our next hearing
23 and give him one last opportunity to appear since
24 he has closed the committee, because I guess it's
25 unclear whether he understands there might have been

1 an issue about the outstanding reports, or just
2 thought he was doing what he needed to do.

3 CHAIRMAN BENNETT: So we have a motion to
4 continue, then. Is there a second for that?

5 VICE CHAIRMAN PRO TEMPORE DICKEY: I'll second
6 that.

7 CHAIRMAN BENNETT: A motion and a second. Any
8 discussion? All in favor say aye.

9 THE COMMISSION: Aye.

10 CHAIRMAN BENNETT: All opposed, same sign.

11 (No response. Motion carried.)

12 CHAIRMAN BENNETT: Motion carried. We will
13 continue the matter and notify Mr. Owens, and then
14 take appropriate action at our next meeting.

15 VICE CHAIRMAN PRO TEMPORE DICKEY: Mr. Chairman,
16 with regards to the -- have we -- we have not
17 addressed this letter from Mr. Fuller, correct?

18 CHAIRMAN BENNETT: Not yet.

19 VICE CHAIRMAN PRO TEMPORE DICKEY: Could the
20 staff provide a little bit more background here?
21 And I understand you have -- it's --

22 MS. THOMPSON: Pardon me?

23 VICE CHAIRMAN PRO TEMPORE DICKEY: Fuller for
24 State Representative, could you provide a little
25 background?

1 I've seen -- there's a proposed 400-dollar
2 fine, plus costs. It appears he filed late.

3 MS. TAYLOR: This is on page 1, Fuller for
4 State Representative Committee. The cause number is
5 2014-6612-4.

6 It's a late statement of organization.

7 VICE CHAIRMAN PRO TEMPORE DICKEY: Is the
8 committee still open, I presume?

9 MS. THOMPSON: Yes.

10 MS. TAYLOR: Mr. Fuller is a candidate on the
11 ballot in the fall.

12 MR. DECKARD: Mr. Chairman, if I may add, based
13 on correspondence that I've seen here and other past
14 communications with Mr. Fuller, I think each time
15 the finance staff are sending hearing notices,
16 you're typically getting a response similar to this
17 where he's maybe not aware of what the finance
18 notice is telling him to do.

19 You may be seeing a little bit of that here.
20 But he is a candidate on the ballot.

21 CHAIRMAN BENNETT: I guess I would think and
22 hope that a candidate on the ballot would respect
23 the legal procedures of the Indiana Election
24 Commission, and if they don't understand them, get
25 appropriate help.

1 Is there a motion on this?

2 COMMISSION MEMBER KLUTZ: I'll make a motion to
3 deny the motion to reconsider.

4 CHAIRMAN BENNETT: Is there a second for that?

5 I will second the motion.

6 Any discussion?

7 (No response.)

8 CHAIRMAN BENNETT: Hearing none, all in favor
9 of the motion say aye.

10 THE COMMISSION: Aye.

11 CHAIRMAN BENNETT: All opposed, same sign.

12 (No response. Motion carried.)

13 CHAIRMAN BENNETT: Motion carries.

14 Mr. Fuller's motion to reconsider is denied.

15 Any other matters we need to consider?

16 MS. THOMPSON: Mr. Chairman, I think the only
17 other one is on page 89.

18 It's the last three pages of the green tab, the
19 paper-clipped stuff.

20 MS. TAYLOR: Elect Steve Spinks State
21 Representative District 75, Cause No. 2014-6639-125.

22 VICE CHAIRMAN PRO TEMPORE DICKEY: He's
23 alleging that the paper copy arrived. Do we know
24 the postmark?

25 MS. TAYLOR: Yeah. It's in the -- it's on the

1 third page, postmarked July 19. We didn't receive
2 it until July 25.

3 MS. BARNES: Although expected delivery is
4 noted on the 21st by the U.S. Postal Service.

5 COMMISSION MEMBER OVERHOLT: I'm sorry. What
6 was the date?

7 MS. TAYLOR: 24th.

8 VICE CHAIRMAN PRO TEMPORE DICKEY: So the
9 U.S. Postal Service failed Mr. Spinks?

10 MS. TAYLOR: Yes.

11 COMMISSION MEMBER OVERHOLT: So the postmark
12 doesn't control? It's the --

13 MS. TAYLOR: Correct.

14 MS. BARNES: Not according to state law, not
15 for campaign finance reports.

16 VICE CHAIRMAN PRO TEMPORE DICKEY: It's
17 actually when it's received in the office.

18 MS. BARNES: And when we affix a file-stamp.
19 So if it's received by us on a Friday night and we
20 don't get to it until Monday or Tuesday, it's not
21 filed until we affix a file-stamp.

22 COMMISSION MEMBER OVERHOLT: Well, wait. This
23 isn't -- the problem is that this isn't really a
24 postmark. Well, it's a --

25 VICE CHAIRMAN PRO TEMPORE DICKEY: You might be

1 right there. It's a --

2 COMMISSION MEMBER OVERHOLT: It's one of those

3 -- it's --

4 CHAIRMAN BENNETT: Mr. Simmons, do you agree
5 with Ms. Barnes?

6 MR. SIMMONS: Yes, Mr. Chair, Members of the
7 Commission. That's our definition of filing in the
8 code with respect to campaign finance documents.

9 VICE CHAIRMAN PRO TEMPORE DICKEY: Have we seen
10 the original?

11 MS. THOMPSON: Yes.

12 VICE CHAIRMAN PRO TEMPORE DICKEY: Did we
13 receive the original?

14 MS. THOMPSON: Yes (indicating).

15 VICE CHAIRMAN PRO TEMPORE DICKEY: What's the
16 proposed fine on this?

17 MS. TAYLOR: \$100.49.

18 COMMISSION MEMBER OVERHOLT: For purposes of
19 the discussion, one of the issues I have is that I
20 -- I mean I understand that if, under state law,
21 it's when it's received and file-marked in the
22 office.

23 I do think, though, in every other area of the
24 law, generally, you can reasonably assume that we
25 operate under the assumption that once you put

1 something in the mail, it's going to have three days
2 for delivery. Unless you're in Lake County, and
3 then it can be two weeks. Sorry. That's based on
4 personal experience.

5 So I don't know. I'd be tempted either to --
6 I'm just throwing this out because I guess I don't
7 really know what to do.

8 I mean either it would be to continue to give
9 him another opportunity to appear so we can kind of
10 ask when he put it in the mail -- but I guess we
11 have that.

12 Or we can just waive the fine, because it seems
13 to me he was -- go ahead.

14 COMMISSION MEMBER KLUTZ: Can I just make a
15 general comment? I don't know what the past
16 practice has been. I kind of have a problem with
17 making decisions on these letters that people just
18 submit in lieu of showing up.

19 I say that because this is -- I mean we would
20 probably have granted that, even saying this,
21 because of the circumstances.

22 But, you know, guessing what these letters say,
23 what they mean, they could have shown up like
24 everybody else did.

25 So I really don't enjoy reading these letters

1 and trying to make decisions. My preference would
2 have been to deny most if not all of them.

3 But that's just commentary about what I'm
4 thinking when reading these letters and trying to
5 figure out the intent of the writer.

6 CHAIRMAN BENNETT: It seems to me the most you
7 could possibly get out of the letter would be a
8 continuance. I would not want to start granting
9 waivers on the basis of letters.

10 And the Commission has to have some teeth, has
11 to have some respect. And if people aren't willing
12 to show up and talk to us about it, they shouldn't
13 expect -- I mean ...

14 COMMISSION MEMBER KLUTZ: There's some
15 candidates that would have much rather submitted a
16 letter today --

17 CHAIRMAN BENNETT: Several.

18 COMMISSION MEMBER KLUTZ: -- and had us just
19 decide on the letter than having to sit right
20 there and let us decide what to do.

21 So that's why I give these letters little
22 weight.

23 VICE CHAIRMAN PRO TEMPORE DICKEY: Well, then,
24 since it sounds like they're something senseless,
25 let's make a motion to continue.

1 And if the staff will contact Mr. Spinks and
2 ask him to attend the next meeting?

3 MS. THOMPSON: Okay.

4 VICE CHAIRMAN PRO TEMPORE DICKEY: Or suffer
5 the consequences.

6 CHAIRMAN BENNETT: There's a motion. Is there
7 a second?

8 COMMISSION MEMBER KLUTZ: Second.

9 CHAIRMAN BENNETT: Motion and second. Any
10 further discussion?

11 (No response.)

12 CHAIRMAN BENNETT: All in favor say aye.

13 THE COMMISSION: Aye.

14 CHAIRMAN BENNETT: All opposed, same sign.

15 (No response. Motion carried.)

16 CHAIRMAN BENNETT: Motion carried. I hate to
17 ask, but are there any other letters?

18 If not, let's talk about the -- is there --
19 there's no one in this room present to testify on
20 any remaining campaign finance -- yeah.

21 I would ask if there's anyone else in the room
22 here today at this point in time to talk about
23 campaign finance violations.

24 (No response.)

25 CHAIRMAN BENNETT: Seeing none, hearing none,

1 I would note that no one is present to testify on
2 any remaining campaign finance violations, and on
3 the hearings scheduled for today -- I'll declare the
4 hearings on all the remaining campaign finance
5 matters scheduled for today closed.

6 Is there a motion to impose the entire amount
7 of the proposed penalty, plus mailing costs, in all
8 remaining campaign finance enforcement actions?

9 COMMISSION MEMBER KLUTZ: So move.

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

12 COMMISSION MEMBER OVERHOLT: Second.

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

15 (No response.)

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

18 THE COMMISSION: Aye.

19 CHAIRMAN BENNETT: All opposed, same sign.

20 (No response. Motion carried.)

21 CHAIRMAN BENNETT: Motion carried, and the
22 penalties will be adopted.

23 We can now talk about administrative
24 dissolutions. And I'll recognize the staff for
25 their recommendations regarding administrative

1 solutions on the committees.

2 MS. THOMPSON: That's the purple tab.

3 Mr. Chairman, Members of the Commission, these are
4 committees that can be administratively dissolved.
5 They have not filed a report in three years and have
6 a balance of less than a thousand dollars. Both
7 chairman and treasurer of all these committees have
8 been notified.

9 CHAIRMAN BENNETT: Is anyone present here to
10 testify regarding these proposed administrative
11 dissolutions?

12 (No response.)

13 CHAIRMAN BENNETT: Seeing or hearing no one --
14 that no one is present to testify in these matters,
15 I declare that the hearings on these administrative
16 dissolutions are closed.

17 Is there a motion to administratively dissolve
18 these committees in accordance with the information
19 presented by the Campaign Finance Staff?

20 COMMISSION MEMBER KLUTZ: So moved.

21 CHAIRMAN BENNETT: Is there a second?

22 VICE CHAIRMAN PRO TEMPORE DICKEY: Second.

23 CHAIRMAN BENNETT: Motion and a second. All in
24 favor of the motion say aye.

25 THE COMMISSION: Aye.

1 CHAIRMAN BENNETT: All opposed, same sign.

2 (No response. Motion carried.)

3 CHAIRMAN BENNETT: Motion carried. And the
4 motion to close the committees is granted. They're
5 administratively dissolved.

6 We will now talk about the campaign finance
7 complaints.

8 COMMISSION MEMBER OVERHOLT: Mr. Chairman,
9 we're hearing from our counsel on this end that
10 there are certain findings of fact we need to make
11 before we can administratively dissolve the
12 committees.

13 MS. BARNES: The Campaign Staff pointed out
14 several findings of fact, Mr. Chairman.

15 But the state statute 3-9-1-12, subsection
16 (e)(4), clause 4, says, "The Commission may issue an
17 order to administratively dissolve the committees if
18 they make the following finding: That there is no
19 evidence that the committees continue to receive
20 contributions, that the committee's no longer making
21 expenditures or otherwise functioning, and according
22 to the best evidence available, the dissolution will
23 not impair any contract or impede the collection of
24 a debt."

25 CHAIRMAN BENNETT: Mr. Simmons, do you concur

1 with that?

2 MR. SIMMONS: Yes, I do, Mr. Chairman.

3 I would add that that would involve the
4 dissolution. The Commission could go on and waive
5 any outstanding fines.

6 And the next subparagraph here finds that the,
7 "Use of public resources makes further efforts to
8 collect any outstanding civil penalty imposed
9 against the committee wasteful or unjust." That's
10 just an option. That doesn't -- it's not required
11 to dissolve the committee. It's just an option to
12 dissolve.

13 And if you want to go the extra finding, you
14 can go ahead and waive the penalty.

15 COMMISSION MEMBER KLUTZ: Are there existing
16 penalties pending?

17 MS. THOMPSON: Uh-huh.

18 COMMISSION MEMBER KLUTZ: And collection
19 efforts have been --

20 MS. THOMPSON: They've been turned over to the
21 attorney general for collection.

22 COMMISSION MEMBER KLUTZ: How long ago?

23 MS. TAYLOR: Last fall, maybe?

24 MS. THOMPSON: Yeah, probably. Probably last
25 fall is the last candidate one we did.

1 Most of the ones I'm turning over today, after
2 today, Hoosier Heartland is on the list because
3 they're a political action committee.

4 COMMISSION MEMBER KLUTZ: Do you believe the
5 efforts of collection is --

6 MS. THOMPSON: For -- for us? No. We've been
7 doing it for three years, and they haven't filed a
8 report. We've been fining the fines and sending the
9 notices, and we get nothing in return.

10 COMMISSION MEMBER KLUTZ: In your work to do
11 these dissolutions or administrative dissolutions,
12 is there any evidence that any of the committees
13 listed on this sheet continue to receive
14 contributions, make expenditures, or otherwise
15 function as a committee?

16 MS. TAYLOR: No. I mean they all have a
17 balance of less than a thousand dollars, so they
18 weren't big campaigns to begin with.

19 COMMISSION MEMBER KLUTZ: And the best evidence
20 we have available to the Commission and the staff,
21 the dissolution of the committee will not impair any
22 contract or impede the collection of a debt or
23 judgment of any person?

24 MS. TAYLOR: Huh-uh.

25 COMMISSION MEMBER KLUTZ: Based on just the

1 evidence we have?

2 MS. TAYLOR: Correct.

3 COMMISSION MEMBER KLUTZ: I make a motion that
4 we administratively dissolve the committees listed
5 on the sheet you've provided.

6 And also, based upon what you've told us, the
7 prudent use of the public resources makes further
8 efforts of collecting outstanding penalties of the
9 committees wasteful and unjust.

10 So I'd move that we waive any outstanding civil
11 penalties previously imposed by the Commission
12 against these committees.

13 CHAIRMAN BENNETT: Is there a second to the
14 motion?

15 VICE CHAIRMAN PRO TEMPORE DICKEY: I'll second
16 for purposes of discussion.

17 I'm curious, if they've been turned over to the
18 attorney general, why we would bother. They
19 obviously -- the committees failed -- you know, we
20 previously are making judgment calls not to have
21 leniency on other bodies because they haven't
22 appeared. They haven't given us the respect of the
23 way of law, and whatnot. Why would we choose to be
24 lenient on these and waive those fines? I wanted to
25 hear your logic.

1 COMMISSION MEMBER KLUTZ: My logic was that
2 somebody at the attorney general's office is going
3 to have to spend their time and resources chasing
4 these down. And it appears those efforts will
5 produce no results in terms of a payment of the
6 penalties. It's been maybe three years now?

7 MS. THOMPSON: Yes.

8 COMMISSION MEMBER KLUTZ: And I just feel like
9 we can lighten the load and not spin wheels and
10 spend resources that do not produce any results.

11 COMMISSION MEMBER OVERHOLT: Well, something
12 for clarification. Did you say that all of the
13 penalties have been turned over to the attorney
14 general's office for these, or are there some fines
15 that haven't been turned over yet for these
16 entities?

17 MS. THOMPSON: The ones you imposed today have
18 not been turned over to the attorney general.

19 COMMISSION MEMBER OVERHOLT: Right. Because
20 maybe, as a -- because I don't -- I don't know if I
21 want to tread on whatever might already be going on
22 in the attorney general's office.

23 But I would say -- I guess my suggestion might
24 be to say that the fines that haven't yet been
25 turned over to the attorney general's office don't

1 get turned over perhaps? Because who knows what
2 they've got going on over there. For all we know,
3 they could be on the cusp of entering a settlement
4 agreement.

5 COMMISSION MEMBER KLUTZ: With some of these on
6 the sheet?

7 COMMISSION MEMBER OVERHOLT: Yeah, yeah.

8 VICE CHAIRMAN PRO TEMPORE DICKEY: Is that an
9 acceptable compromise?

10 COMMISSION MEMBER KLUTZ: Yeah. I mean my
11 understanding was that these were old and cold, and
12 nothing's been --

13 MS. TAYLOR: Right.

14 COMMISSION MEMBER KLUTZ: But maybe I was
15 mistaken in that assumption.

16 COMMISSION MEMBER OVERHOLT: I think we just
17 added to their bill today, right? Is that what we
18 did? I mean we've added to the total fines pending
19 against these folks today, right?

20 MS. TAYLOR: Right.

21 COMMISSION MEMBER OVERHOLT: So I'm thinking
22 let's cut it off so they don't incur any more. We
23 close on them, and they don't incur any more in
24 front of us. But then it doesn't necessarily --
25 because the attorney general's office can decide how

1 to resolve that. I mean that's beyond our purview
2 at this point.

3 COMMISSION MEMBER KLUTZ: Well, I can --

4 CHAIRMAN BENNETT: Do you want to amend --

5 COMMISSION MEMBER KLUTZ: -- motion to just
6 provide for administrative dissolution, and withdraw
7 the portion of the motion to waive the existing
8 fines and penalties.

9 CHAIRMAN BENNETT: So I just want to
10 understand. The motion would be to administratively
11 dissolve these committees that are listed in our
12 booklet, but not waive any of the fines?

13 COMMISSION MEMBER KLUTZ: Correct.

14 CHAIRMAN BENNETT: Is there a second?

15 COMMISSION MEMBER OVERHOLT: Sure, I'll second
16 that.

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

19 (No response.)

20 CHAIRMAN BENNETT: All in favor say aye.

21 THE COMMISSION: Aye.

22 CHAIRMAN BENNETT: All opposed, same sign.

23 (No response. Motion carried.)

24 CHAIRMAN BENNETT: Motion carried.

25 It is my understanding that the Commission has

1 received several complaints which may allege
2 violations of certain campaign finance requirements.
3 I would ask Mr. Deckard and Mr. King to inform us
4 about the status of these complaints, beginning with
5 the first set of documents in our binders.

6 MR. KING: Mr. Chairman, Members of the
7 Commission, behind the tab labeled Carmichael is a
8 complaint filed on August 4 by Indiana Beverage
9 Alliance concerning Monarch Beverage Company, Inc.
10 and Vision Concepts, LLC.

11 The co-directors gave notice to those entities,
12 furnished a copy of the complaint, and on August 15,
13 received a response from Mr. Brian J. Paul of Ice
14 Miller regarding Monarch Beverage, who indicated
15 that Monarch would be responding in due course.
16 Nothing further to report on that.

17 CHAIRMAN BENNETT: Thank you. Mr. Deckard, is
18 there anything further to report on?

19 MR. DECKARD: No, Mr. Chairman, just that we
20 are waiting to hear the response back from -- after
21 now having received the appearance.

22 CHAIRMAN BENNETT: Thank you. Which one is
23 next?

24 MR. KING: Mr. Chairman, Members of the
25 Commissions, the second complaint is behind the tab

1 designated Kolbe, K-O-L-B-E.

2 The Election Division received a complaint on
3 August 18 from Mr. Kolbe concerning Curt Nisly,
4 N-I-S-L-Y, Candidate for Indiana State
5 Representative District 22, and Ms. Wendy Hudson,
6 the Elkhart County Clerk.

7 At this point I have asked my counsel to review
8 the complaint, and that -- as the email indicates
9 that I included with the filing, Mr. Deckard has
10 indicated that his counsel may be reviewing this as
11 well.

12 MR. DECKARD: That's right.

13 CHAIRMAN BENNETT: Mr. Deckard, do you concur
14 with that report?

15 MR. DECKARD: I do, Mr. Chairman. And I would
16 yield to my counsel, but she had to step out for a
17 moment to use some facilities that we have here.

18 But yes, I know she's done analysis of this
19 report per my direction.

20 VICE CHAIRMAN PRO TEMPORE DICKEY: Do we want
21 to wait and move on to the next one, and come back
22 to that when she's back in the room?

23 MR. DECKARD: If that's the will of the
24 Commission, certainly.

25 CHAIRMAN BENNETT: Well, while Ms. Barnes is

1 out, let's move to the next one.

2 MR. KING: Mr. Chairman, Members of the
3 Commission, the tab designated Heitzman,
4 H-E-I-T-Z-M-A-N, is a referral from the Hamilton
5 County Election Board regarding a matter that was
6 presented to that body and dismissed.

7 There is a lengthy series of emails that focus
8 around the Royal Tiger Political Action Committee.
9 There is, in addition to several emails from
10 Mr. Maurice Heitzman, a response to Mr. Deckard and
11 myself. And we forwarded Royal Tiger PAC a copy of
12 this complaint. It's the last item behind this tab
13 from Mr. Andrew Greider. And it sets forth the
14 responses made on behalf of Royal Tiger PAC at this
15 time.

16 CHAIRMAN BENNETT: Mr. Deckard, is there
17 anything you'd like to add further?

18 MR. DECKARD: No, Mr. Chairman, only to say
19 that we have now received, obviously, as Mr. King
20 was saying, a response back. The information is
21 there for the Commission to review.

22 And if you have any further instruction upon
23 division staff with more information related to the
24 Heitzman complaint, we would certainly follow the
25 direction of the Commission.

1 CHAIRMAN BENNETT: Okay. Ms. Barnes, while you
2 were out of the room, we discussed the Kolbe matter.
3 Do you have anything to add to our discussion on
4 that?

5 MS. BARNES: Thank you, Mr. Chairman. I'm
6 sorry I had to step out.

7 We oftentimes receive letters, or we encourage
8 individuals to submit a complaint in writing. And
9 oftentimes it will be a compilation of facts in
10 which we have to decipher are there any -- you know,
11 taking those facts at their face value, are there
12 any allegations of a Title III violation.

13 From the letter from Mr. Kolbe, I tried to
14 break it down into maybe eight different
15 allegations. And two of them perhaps touch on
16 Title III.

17 If the Commission would want to consider, the
18 General Assembly in 2013 adopted a statute, a new
19 criminal statute 3-14-1-17, which prohibits
20 government property from being used to distribute
21 campaign material. And that would -- and I'm not
22 making a judgment on whether or not the facts
23 alleged are true or whether that statute has been
24 violated. But that statute is there for you to
25 consider.

1 Under 364.2, the Commission can refer this
2 matter to an investigation and a full fact-finding
3 hearing.

4 The other issue that seemed to touch on
5 Title III was a campaign finance issue, whether or
6 not an entry in Mr. Nisly's campaign finance report
7 was accurate. Mr. Nisly's campaign finance report
8 reports an expenditure to one entity who designed
9 his website.

10 And Mr. Kolbe makes an allegation and seems to
11 submit documents for your review that maybe somebody
12 else designed the website. And so a question. Is
13 the campaign finance report accurate?

14 All of the other types of factual allegations
15 seem to involve ethical complaints which should be
16 handled by the local level. And upon the
17 Commission's direction, we could refer Mr. Kolbe --
18 you know, maybe that's where he should take those
19 matters.

20 There were some allegations about a candidate's
21 wife serving on the County Election Board, but
22 there's no prohibition in Title III of a spouse
23 serving on a candidate's -- a candidate's spouse
24 serving on the election board.

25 There was an allegation with no semblance of

1 any proof, so I hesitate to even mention that. This
2 was a difficult one to discern. But there do seem
3 to be perhaps those two issues, if you wanted to
4 look further into them.

5 At this point the Commission has the ability
6 to -- I'm not sure if you discussed it. The
7 Commission has the ability to vote under 364.2
8 whether to refer this to an investigation and a
9 fact-finding hearing where all the parties would be
10 given notice and due process. Everyone would have
11 an ability to come and testify and put on evidence.

12 So today is -- you know, no factual judgments
13 are being made at this point. But I'm happy to
14 answer any questions, if you have them.

15 CHAIRMAN BENNETT: Mr. Simmons, do you have any
16 thoughts about this?

17 MR. SIMMONS: Well, I just -- I identified the
18 two issues that come within Title III, of course.
19 One of the things I try to boil it down to is --
20 when I look at something, is what, well, would the
21 Commission have jurisdiction over? And it would be
22 something in Title III, as Leslie mentioned.

23 Certainly the 3-14-1-17, which is a new
24 statute, did come to mind.

25 However, looking at what's presented, what I

1 see on the government's website is a C-Tech link.
2 Now, there's some allegation, yes. But if you go
3 from C-Tech and you hit that and you go to a
4 company, and then you can go to some campaign stuff,
5 and I'll tell you what. You can go from the
6 Election Division's website to -- directly to the
7 Democratic Party with electioneering stuff on it, or
8 the Republican party.

9 So I -- I -- that would apply to an employee
10 too. I don't know if that clarification was made by
11 an employee. I looked at who would be the employee
12 in that particular case. I suppose Wendy Hudson
13 might be an employee, but I'm not sure because she's
14 an office holder. I'm not sure if office holders
15 are considered employees under that statute.

16 So, you know, trying to look at those
17 critically, I just came up with those issues.

18 Now, I also did, as Leslie mentioned, see a --
19 at least a question posed as to whether the
20 committee accurately reported an expenditure with
21 respect to design of its website. So there is that
22 allegation in there. So those two things certainly
23 would be under Title III.

24 What I don't see -- and I don't -- I'm not sure
25 I was privy to all communications here. What I

1 don't see is whether this was forwarded to either
2 Ms. Hudson or Mr. Nisly to at least initially get
3 their side of what those complaints might be. I
4 think that practice was followed, I think, in the
5 Carmichael, and complaints that we have the benefit
6 of a response. And that -- I think, as we've
7 already discussed, we had the response from the
8 complaint by Mr. Heitzman. So I don't see that.

9 But as Leslie mentioned, too, and I certainly
10 agree, that the Commission has, I think, a number of
11 things it can do, beginning with investigation or
12 looking into things or asking the division to look
13 further into things, up to and including holding
14 hearings under several sections.

15 The one Leslie mentioned, I think, was
16 3-6-4.1-21, which kind of envisions a two-step phase
17 where you find a substantial reason to believe
18 election law violation has occurred. You can make
19 an investigation. And then, after that, you can
20 have a hearing and determine whether you think a
21 violation has occurred, and then take whatever
22 appropriate action after that.

23 There's a hearing section in campaign finance
24 laws as well. So I think you have flexibility to do
25 sort of anything from formal -- to formal

1 investigation, including the power to subpoena, up
2 to and including a whole hearing on anything that's
3 led to Title III.

4 CHAIRMAN BENNETT: Thank you. It sounds to me
5 like there's some factual development left to
6 perform, and then perhaps refine the legal analysis
7 to determine what, if anything, the Commission has
8 jurisdiction to hear.

9 Have the co-directors, as of today, notified
10 Mr. Nisly or Clerk Hudson regarding the filing of
11 complaints? Invited any responses?

12 MR. KING: No, Mr. Chairman, I have not.

13 MR. DECKARD: I would echo no, Mr. Chairman, I
14 have not. We've not notified either.

15 Based on the analysis that Ms. Barnes did on
16 the allegation of the Kolbe complaint, and based on
17 that she brought up the potential for a campaign
18 finance complaint, our thought was, given the --
19 what we've done in the other two cases with allowing
20 the finance -- the person who received the complaint
21 on the finance violation to respond, similar to
22 these other two that we're looking at today.

23 So that would logically be the next step for
24 the finance portion of that complaint.

25 CHAIRMAN BENNETT: Okay. Any thoughts by the

1 other commissioners? It seems to me that that would
2 be an appropriate step, get that information, invite
3 responses from each after they receive complaints,
4 and perhaps the co-directors could provide us a
5 report at the next meeting.

6 MR. KING: Sure.

7 CHAIRMAN BENNETT: Any other comments by the
8 Commission members about these matters?

9 MR. KING: Mr. Chairman, Members of the
10 Commission, the final tab before coming to Voting
11 Systems is titled Sheckels, S-H-E-C-K-E-L-S.

12 This is an email sent to Mr. Deckard and myself
13 which raises, primarily, the issue of the current
14 statute regarding what you might call impersonation
15 of an incumbent. The particular question is when
16 the Election Division receives, frequently, what I
17 might call magic words such as F-O-R, for, or elect,
18 that must be included on the campaign material to
19 avoid a candidate's impersonation of an incumbent.

20 The email also raises a question about a lack
21 of a magnetic car sign.

22 It does not, from my reading, actually allege a
23 violation. It's more in the nature, as I told
24 Mr. Deckard, of a request for an advisory opinion,
25 certainly with regard to impersonation of the

1 incumbent.

2 Our staff would be willing to work with his
3 staff to develop an advisory opinion on the
4 essential elements of impersonating an incumbent so
5 that we can provide advice to candidates and parties
6 when we receive this question.

7 CHAIRMAN BENNETT: Is that a fair summary from
8 your standpoint, Mr. Deckard?

9 MR. INGRAM: Yes, Mr. Chairman. I would add to
10 it that while the correspondence from the Sheckels,
11 Ms. Sheckels, does not come in the form directly of
12 a complaint, I think it does signal, as Mr. King was
13 saying, a larger cry for help that we are getting
14 around the state with various things such as yard
15 signs and correspondence, where clearly some free
16 speech issues -- and we can have greater analysis on
17 that -- free speech issues are getting into -- in
18 conflict with what maybe the code says about
19 implication of holding office.

20 Certainly candidates for office, as the
21 Commission knows well, will say a lot of different
22 things to get elected, not the least of which is the
23 title.

24 So I would be happy to join Mr. King and, of
25 course, our counsels, in submitting advisories that

1 the Commission would find agreeable and could
2 certainly move forward with.

3 CHAIRMAN BENNETT: And would that advisory
4 opinion include a recommendation whether this is,
5 indeed, a complaint that needs to be treated as
6 such?

7 MR. KING: Mr. Chairman, Members of the
8 Commission, typically, an advisory opinion is meant
9 to address matters beyond the particular case at
10 hand. It's meant to be ongoing guidance. We print
11 advisory opinions in the back of our campaign
12 finance manual regardless of the specific case that
13 brought the issue.

14 CHAIRMAN BENNETT: So the advisory opinion,
15 then, would not answer the question as to whether
16 this is or is not truly a complaint?

17 MR. KING: Mr. Chairman, what I would view the
18 advisory opinion as doing would be giving the
19 Commission the opportunity to give guidance to
20 inquirers about whether the absence of words like
21 "elect" or "for" on their face constitutes a
22 potential violation of 3-9-3-5. That's the question
23 that we've received.

24 CHAIRMAN BENNETT: Okay, very well. Anything
25 further from the commission members, legal counsel?

1 (No response.)

2 CHAIRMAN BENNETT: All right. Let's move on
3 to VSTOP. At the Commission's August 15 meeting,
4 we received preliminary information from VSTOP
5 regarding new legislation requiring the Commission
6 to adopt procedures for the post election auditing
7 and the counties using direct record electronic
8 voting systems or touch screen systems.

9 MR. SCHEELE: Mr. Chairman, Commissioners, I'm
10 Ray Scheele, S-C-H-E-E-L-E, with the VSTOP program.

11 We have some guests here today that I'd just
12 like to quickly introduce. Mr. Nick Sabato is our
13 associate director of international development at
14 Ball State University, and we would like him to
15 introduce our guests and tell you a little bit about
16 what they've witnessed -- or why they were here
17 today to witness your commission. Nick?

18 MR. SABATO: Thank you, Ray.

19 And I would like to thank the Commission, and
20 also welcome my two guests here today. These two
21 individuals are -- traveled all the way from Burma
22 to be with us for a three-week period of time. This
23 is Myat Thu and Lwin Ko Latt, and they are both
24 directors and faculty members at the Yangon School
25 of Political Science, in Yangon, Myanmar.

1 These individuals came to Washington, D.C. a
2 couple of weeks ago, where they took part in the
3 American Political Science Association Conference.
4 They're at Ball State for two weeks learning about
5 political science, as well as higher education
6 administration. And then they'll be returning to
7 Washington, D.C. prior to going home for a seminar
8 with the U.S. Institute of Peace.

9 So these two individuals are really making
10 remarkable strides in their home country as Burma
11 begins to open up in terms of democratic
12 transitions. They've been through trials and
13 tribulations literally in their home country, and
14 are here to see the democratic process at work.

15 CHAIRMAN BENNETT: Welcome. We're glad to have
16 you here today. Thank you for being here.

17 MR. SCHEELE: Thank you, Nick.

18 MR. SABATO: Thank you.

19 MR. LOSCO: My name is Joe Losco, L-O-S-C-O.
20 And at the last meeting, Mr. Chairman, as you
21 mentioned, we were asked to come up with audit
22 procedures for direct record electronic voting
23 systems for audits.

24 I have plenty of copies, if you don't have
25 them. But I assume you do have copies of the draft

1 report we have.

2 This was put together with -- in consultation
3 with individuals from the U.S. Election Assistance
4 Commission. We also consulted clerks -- several
5 clerks in Indiana regarding their approach.

6 We've tried to put together best practices here
7 in these audit procedures, and we're here to answer
8 any questions you have.

9 MR. KING: Mr. Chairman, Members of the
10 Commission, Mr. Deckard and myself have extensively
11 reviewed the two-page proposed audit procedures that
12 you find in your binder, and would recommend them to
13 you for adoption. The law requiring these
14 procedures will be applicable to the November 2014
15 election, so there is some time importance in having
16 them finalized.

17 We have questions regarding the worksheets, as
18 we'll call them, that follow the two pages, and
19 would recommend that the Commission defer action on
20 those worksheets to allow further review by us and
21 further input from counties.

22 I think Commissioner Klutz had specific
23 recommendations to refer to on that.

24 COMMISSION MEMBER KLUTZ: It was just the forms
25 you're referring to. So I talked with Beth Dlug.

1 MR. LOSCO: Yes.

2 COMMISSION MEMBER KLUTZ: So have you talked to
3 her about her comments?

4 MR. LOSCO: Yes.

5 COMMISSION MEMBER KLUTZ: Okay. So I don't
6 want to extend this any longer if you --

7 MR. LOSCO: Absolutely.

8 COMMISSION MEMBER KLUTZ: -- if you've
9 discussed with her --

10 MR. SCHEELE: We listened to Beth.

11 COMMISSION MEMBER KLUTZ: So did I, so ...

12 MR. LOSCO: As a matter of fact,
13 Mr. Commissioner, we asked Beth for some of the
14 forms she has. And some of the forms you have are
15 examples that are used in various counties right
16 now, including Beth's county, Allen County, and
17 Tippecanoe.

18 MR. SCHEELE: If I could just expand on that
19 for a moment, the forms are really just samples.
20 They aren't to be, in our estimation, dictated to
21 counties as the ones you have to use, because all
22 counties have different -- their own, I should say,
23 forms that they are very used to, that they are
24 comfortable with, to reconcile the votes on election
25 night.

1 But these, we thought, were some of the best
2 practices, and that's why we wanted to include
3 those.

4 CHAIRMAN BENNETT: I guess my question is, will
5 deferral of action with regard to the forms create
6 any issues with regard to the fall election?

7 MR. KING: Mr. Chairman, Members of the
8 Commission, no, I don't believe so. Mr. Deckard
9 and I are scheduled to speak at the Northern and
10 Southern District meetings of the Clerks Association
11 next week. And I had anticipated that we would talk
12 about the procedures and make examples of forms
13 available.

14 So I think the clerks will be adequately
15 prepared for the November 2014 elections upon the
16 adoption of procedures, even though forms may
17 continue to be polished.

18 CHAIRMAN BENNETT: Do you agree with that,
19 Mr. Deckard?

20 MR. DECKARD: Mr. Chairman, yes. What I would
21 add here is that we worked extensively with VSTOP
22 and staff, particularly around the first two pages,
23 and had a great deal of comfort there with the forms
24 or worksheets that follow that.

25 As I think VSTOP is saying, their counties have

1 come up with worksheets and practices and things to
2 respond to the needs that they have. We want to
3 make sure, from division side, that the terminology
4 we use and reference that is made on there reflects
5 words and code, and words that would legally
6 otherwise be binding.

7 So we're very comfortable with the first two,
8 and the first two pages are reflective of what we
9 can report now.

10 CHAIRMAN BENNETT: Very good, thank you.
11 Anything further from VSTOP?

12 MR. LOSCO: No, Mr. Chairman.

13 CHAIRMAN BENNETT: With that, is there any
14 motion to approve the VSTOP audit procedures, or is
15 there any further discussion on that issue?

16 If there's no further discussion, is there a
17 motion --

18 COMMISSION MEMBER OVERHOLT: I'm sorry. I'd
19 just like to ask, so when you're -- so when you go
20 to the clerks' meetings, you'll be going over these
21 proposed forms for input.

22 But in terms of the procedure itself, I mean
23 has their input already been solicited in terms of
24 audit procedures?

25 MR. DECKARD: I think VSTOP has indicated

1 they've got some county input. I don't know if
2 they'd want to ...

3 MR. LOSCO: Yes, we have. We have at least
4 three counties, Allen, Tippecanoe, and Elkhart --

5 MR. SCHEELE: Elkhart.

6 MR. LOSCO: -- were all --

7 MR. SCHEELE: In detail, they went through
8 this.

9 Others we talked to verbally about the way in
10 which they conducted their current audits, and
11 whether or not they would subscribe to a procedure,
12 and they said that they would welcome it, almost to
13 a person.

14 There were -- which is back to the point about
15 the forms. They all have their own forms or their
16 own procedures on election night, and those forms
17 should be very helpful to them. But again, I don't
18 know whether or not they would welcome right away a
19 receipt mandating the forms to be used because,
20 indeed, we have different voting machines, and this
21 pertains only to DREs. So that's the counties that
22 we focused on.

23 COMMISSION MEMBER KLUTZ: These procedures,
24 though, that we're -- we're acting as to approve
25 these procedures today. And these procedures are

1 the ones that you have drafted in consultation with
2 various --

3 MR. LOSCO: Yes.

4 COMMISSION MEMBER KLUTZ: -- correct? Okay.

5 MR. SCHEELE: Correct.

6 CHAIRMAN BENNETT: And these will be effective
7 immediately?

8 MR. LOSCO: Presumably.

9 MR. SCHEELE: Presumably, if that's whatever
10 you decide.

11 COMMISSION MEMBER OVERHOLT: Well, so of the
12 92 counties, how many counties would this apply to
13 in terms of their systems?

14 MR. LOSCO: There are roughly 50 percent of the
15 counties that use a DRE from one particular vendor,
16 so at least that.

17 MR. SCHEELE: 46 out of the 92, I think.

18 COMMISSION MEMBER OVERHOLT: And you've talked
19 to three of the 46. And you said you talked
20 directly in detail to three. And how many others
21 have you -- of the other 43 counties, how many of
22 the others have you heard from or had communication
23 with?

24 MR. LOSCO: There are -- those are the ones
25 that we relied on. Those are the ones who came

1 forward with procedures that they suggested that
2 would be useful.

3 MR. SCHEELE: Some counties -- for example,
4 here in Marion County, they do not use DREs. So
5 some of the larger counties we know also have very
6 fine procedures in place, do not use DRE. So we
7 were focused on those.

8 COMMISSION MEMBER KLUTZ: And the reason we're
9 doing this is because of the new statute --

10 MR. SCHEELE: Correct.

11 COMMISSION MEMBER KLUTZ: -- saying that you
12 must have a process or procedure in place?

13 MR. SCHEELE: That's what the statute calls
14 for.

15 COMMISSION MEMBER KLUTZ: So that's why we're
16 taking this action, kind of formalizing this.

17 MR. SCHEELE: Right.

18 MR. LOSCO: That's right.

19 CHAIRMAN BENNETT: Is there a motion to approve
20 the VSTOP audit procedures?

21 COMMISSION MEMBER KLUTZ: So move.

22 CHAIRMAN BENNETT: We have a motion. Is there
23 a second?

24 COMMISSION MEMBER OVERHOLT: Second.

25 CHAIRMAN BENNETT: We have a motion and a

1 second. Is there any further discussion from the
2 commissioners?

3 (No response.)

4 CHAIRMAN BENNETT: Hearing none, all in favor
5 say aye.

6 THE COMMISSION: Aye.

7 CHAIRMAN BENNETT: All opposed, same sign.

8 (No response. Motion carried.)

9 CHAIRMAN BENNETT: Motion carried. Procedures
10 approved. Thank you.

11 MR. SCHEELE: Thank you.

12 MR. LOSCO: Thank you.

13 CHAIRMAN BENNETT: If we could talk for just a
14 moment about our next meeting date, and the ethics
15 CLE is coming up. The co-directors have scheduled
16 the annual Election Administrators Conference
17 December 16 and 17, at the JW Marriott in
18 Indianapolis.

19 If the Commission members would like to serve
20 as presenters in the panel on elections and ethics
21 which will be offered to the conference attendees
22 for CLE credit, the Election Division can submit the
23 application for CLE credit for approval.

24 So we did this last -- we did this last year,
25 and I think it was pretty well received. It's a

1 nice thing for people attending to pick up some
2 credit, and it gives us some credit as
3 commissioners.

4 So I guess the question is whether we want to
5 participate in that. So that would be either one
6 of those dates, or do we know which date that would
7 be?

8 MR. KING: Mr. Chairman, Members of the
9 Commission, we have previously scheduled the CLE for
10 immediately before the conference comes to order.
11 So it's 8:00 a.m. to 9:00 a.m. on December 16, which
12 is a Tuesday.

13 I will say we did have -- even at that early
14 hour, we did have about 15 to 20 attorneys who
15 attended the conference who were very glad to --

16 COMMISSION MEMBER OVERHOLT: I was happy --

17 MR. KING: -- in mid-December.

18 COMMISSION MEMBER OVERHOLT: -- because that
19 was the end of my three-year cycle.

20 CHAIRMAN BENNETT: So that's a good thing. I
21 personally have a trial scheduled that day, but we
22 all know how that goes.

23 COMMISSION MEMBER OVERHOLT: I'm good for the
24 16th. I can help people be --

25 CHAIRMAN BENNETT: -- consensus.

1 MR. KING: Mr. Deckard and I will proceed to
2 submit the application, if that's ...

3 CHAIRMAN BENNETT: All right. That's it. I
4 would entertain -- and we would also have a -- hold
5 a meeting then?

6 MR. KING: Typically what we would do is, we
7 will bring campaign finance orders from today's
8 meetings, for example, but not anything that would
9 take more than a routine short action by the
10 Commission.

11 CHAIRMAN BENNETT: Okay. So the Indiana
12 Election Commission is finished with business for
13 today.

14 Is there a motion to adjourn?

15 COMMISSION MEMBER OVERHOLT: Wait. I'm sorry.
16 We didn't have a motion to affix the signatures.

17 MR. KING: We don't have any.

18 MS. BARNES: That was my suggestion.

19 COMMISSION MEMBER OVERHOLT: Sorry. I was
20 responding to whispers. I withdraw that comment.

21 CHAIRMAN BENNETT: So with that business taken
22 care of, is there a motion to adjourn?

23 COMMISSION MEMBER OVERHOLT: So moved.

24 CHAIRMAN BENNETT: Second?

25 COMMISSION MEMBER KLUTZ: Second.

1 CHAIRMAN BENNETT: Motion and a second. All in
2 favor say aye.

3 THE COMMISSION: Aye.

4 CHAIRMAN BENNETT: Motion approved. We are
5 adjourned.

6

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8 (WHEREUPON, the meeting of the Indiana
9 Election Commission is adjourned on the 3rd day of
10 September, 2014, at 4:48 p.m.)

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

4 I, Jenny L. Reeve, RPR, CSR No. 00-R-3006, a
5 Notary Public and Stenographic Reporter within and
6 for the County of Hamilton, State of Indiana at
7 large, do hereby certify that on the 3rd day of
8 September, 2014, I took down in stenograph notes
9 the foregoing hearing;

10 That the transcript is a full, true and
11 correct transcript, to the best of my ability, made
12 from my stenograph notes.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand and affixed my notarial seal this _____
15 day of September, 2014.

16
17 
18
19 NOTARY PUBLIC

20 My Commission Expires:
21 June 16, 2016

22 County of Residence:
23 Hamilton County

24
25

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