

1 STATE OF INDIANA
2 INDIANA ELECTION DIVISION
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6 INDIANA ELECTION COMMISSION
7 PUBLIC SESSION
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14 Friday

15 July 26, 2019

16 Conference Center Room A
17 402 West Washington Street
18 Indianapolis, Indiana 46204

19 Commencing at 1:00 p.m.
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1 MR. OKESON: In commission. Determine
2 we have a quorum. All are present. The
3 following members of the commission are
4 present. I'm Paul Okeson, chair of the
5 commission. I'm joined by Ms. Karen
6 Celestino-Horseman, who is a proxy for
7 Chairman -- Vice Chairman Anthony Long, as
8 well as members Suzannah Wilson Overholt and
9 Ms. Stephanie Beckley, who is a proxy for
10 Zachary Klutz, who is not here today.

11 Also joined by the Indiana election
12 division staff co-director Brad King and
13 co-director Angie Nussmeyer. Along with
14 co-general counsels Matthew Kochevar and Dale
15 Simmons.

16 I'd also like to recognize over here
17 to my right, in the purple shirt, our court
18 reporter [sic] Jonathan Hoyt, from Connor
19 Reporting.

20 This is my first meeting as chair.
21 And so as a point of personal privilege, I'll
22 just ask that you afford me a little bit of
23 latitude and maybe a couple mulligans along
24 the way, if necessary.

25 Before we continue the meeting, I just

1 want to remind everyone on behalf of our
2 court reporter that when you step up if
3 you're going to address the commission, that
4 you identify yourself when beginning to
5 speak. I don't -- will we be using a
6 microphone for folks?

7 There will be a microphone so speak
8 clearly into that, pronounce your name, spell
9 it for us. When identifying yourself, please
10 speak into the microphone and speak clearly.
11 And do not speak at the same time as others
12 are talking up here on the commission table.

13 With that, we'll move on. On the
14 agenda is the documentation of compliance
15 with the Open Door Law.

16 Mr. King?

17 MR. KING: Mr. Chairman, on behalf of
18 Ms. Nussmeyer and myself, we can confirm that
19 proper notice was given of this meeting under
20 the open door law.

21 MR. OKESON: Okay. Approval of the
22 June 21st, 2019 commission minutes.

23 MR. KING: Mr. Chairman, members of
24 the commission, Ms. Nussmeyer and myself have
25 reviewed the minutes for the June 21st, 2019

1 meeting and have provided them and recommend
2 them for your approval.

3 MR. OKESON: Is there a motion to
4 approve the minutes that's presented?

5 SPEAKER 1: I will approve.

6 MR. OKESON: Second?

7 Speaker 2: Second.

8 MR. OKESON: Any discussion? Hearing
9 none. All those in favor say "aye."

10 ALL TOGETHER: Aye.

11 MR. OKESON: Those opposed say "nay."
12 The ayes have it. Motion to approve the
13 minutes is adopted.

14 Let me fix my signature as such.
15 Thank you, Brad.

16 Next on the agenda is a ratification
17 of campaign finance settlement agreement
18 presentation by Ms. Taylor and Ms. Thompson.
19 Present the information concerning the
20 campaign finance settlement agreements
21 entered into on behalf of the commission.

22 Please go ahead.

23 MS. TAYLOR: Mr. Chairman, members of
24 the commission, underneath the campaign
25 finance tab, there's a list of the committees

1 to ratify that have agreed to pay the
2 settlement agreement and waive a hearing.

3 MR. OKESON: Is there a motion to
4 ratify the campaign finance settlement
5 agreements as presented?

6 SPEAKER 1: So moved.

7 MR. OKESON: Is there a second?

8 SPEAKER 2: Second.

9 MR. OKESON: Any discussion? Hearing
10 none. All those in favor say "aye."

11 ALL TOGETHER: Aye.

12 MR. OKESON: Opposed, "nay."

13 Ayes have it. And the motion to
14 ratify the agreements has been adopted.
15 Moving along.

16 Admission -- excuse me --
17 administration of oath to individuals
18 testifying before the commission.

19 Mr. Dale Simmons?

20 MR. SIMMONS: All of those who have
21 testified at today's meeting please stand,
22 raise your right hand, say "I do" after the
23 administration of the oath.

24 Do you solemnly swear or affirm under
25 the penalties and perjury that the testimony

1 you're about to give the Indiana election
2 commission at today's meeting is the truth,
3 the whole truth, and nothing but the truth?
4 Say, "I do."

5 ALL TOGETHER: I do.

6 MR. SIMMONS: Thank you.

7 MR. OKESON: Thank you, Mr. Simmons.

8 Moving past facility technical
9 difficulties here. Opportunity for
10 committees with representatives present today
11 to accept reduced penalty.

12 Before proceeding with campaign
13 finance enforcement actions, we want to give
14 any committee present a final opportunity to
15 pay a reduced civil penalty by waiving the
16 right to present evidence and arguments to
17 the commission.

18 Any committee is welcome to present
19 evidence and arguments for those -- for the
20 proposed penalty to be waived. This is an
21 opportunity for those who want to give --
22 want to waive that presentation, rather, and
23 accept the reduced penalty without making any
24 argument or presentation.

25 I move the adoption of the following

1 arrangements. If this is the committee's
2 first violation, the arrangement is for the
3 committee to agree to pay 25 percent of the
4 proposed fine, plus mailing costs.

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

9 If this is the committee's third
10 violation, the committee would agree to pay
11 75 percent of the proposed violation, plus
12 mailing costs.

13 Is there a second to this motion?

14 SPEAKER 1: Second.

15 MR. OKESON: Any discussion? No
16 discussion. All those in favor say "aye."

17 ALL TOGETHER: Aye.

18 MR. OKESON: Any opposed say, "nay."
19 The ayes have it. And the motion is adopted.
20 Are there any committees who want to accept
21 this arrangement as I've outlined it?

22 If some, come forward. And we'll
23 start first with the front here and just kind
24 of come in order.

25 So come forward. Please take a seat.

1 Speak into the microphone, state -- so please
2 state your name and spell it for us.

3 MS. HICKS: Jan Hicks. J-a-n,
4 H-i-c-k-s.

5 MR. OKESON: And the committee's
6 name?

7 MS. HICKS: Daviess County Central
8 Committee.

9 MR. OKESON: And do we have a cause
10 number?

11 SPEAKER 2: Page 56. This is Davies
12 County Republican Committee?

13 MS. HICKS: Yes.

14 SPEAKER 2: Mr. Chairman, this is
15 cause number 2019-6139-82, has a proposed
16 civil penalty of \$1,000.50. And this
17 committee has never been before the
18 commission.

19 MR. OKESON: Okay. So, Ms. Hicks,
20 simply indicate that you are willing to
21 accept the applicable penalty without further
22 discussion.

23 MS. HICKS: I am willing to accept the
24 penalty without further discussion.

25 MR. OKESON: Thank you. We're good.

1 MS. HICKS: Okay. Thanks.

2 MR. OKESON: Who is next in line?

3 Okay, thank you.

4 MR. SKINNER: My name is Roger
5 Skinner, S-k-i-n-n-e-r, representing the
6 Indiana State Association of Health
7 Underwriters Political Action Committee.

8 MR. OKESON: Okay.

9 MR. SKINNER: And I've got the cause
10 number here. 2019-5130-148.

11 SPEAKER 2: 148?

12 MR. SKINNER: Yes.

13 SPEAKER 2: That's on page 92. This
14 is the Indiana State Association of Health
15 Underwriters PAC. Cause number
16 2019-5130-148, has a proposed civil penalty
17 of \$950.55. And this committee has never
18 been before the commission.

19 MR. OKESON: Simply indicate that you
20 are willing to accept the applicable penalty
21 without further discussion.

22 MR. SKINNER: I will accept the
23 penalty without further discussion.

24 MR. OKESON: Thank you.

25 MR. SKINNER: Thank you. What happens

1 next? How do we pay?

2 SPEAKER 2: We'll send you an order
3 when it's signed.

4 MR. SKINNER: Okay. Thank you.

5 MR. OKESON: We'll get you squared
6 away.

7 Next. State your name.

8 MR. BONIFIELD: Yeah, Mr. Chairman,
9 members of the commission, Jacob Bonifield of
10 Barnes and Thornburg. B-o-n-i-f-i-e-l-d.
11 Appearing on behalf of the Association
12 General Contractor of Indiana PAC. Cause
13 number 2019-317-133.

14 SPEAKER 2: It's on page 86.

15 MR. OKESON: I'm sorry. 86?

16 SPEAKER 2: Eighty-six.

17 Mr. Chairman, members of the
18 commission, this is cause number
19 2019-317-133. They have a proposed civil
20 penalty of \$950.55, and they've paid two
21 settlement agreements and not appeared before
22 the commission.

23 MR. OKESON: Simply indicate that
24 you're willing to accept the applicable
25 penalty without further discussion.

1 MR. SIMMONS: Mr. Chairman, would you
2 like me to --

3 MR. OKESON: Yes, Dale?

4 MR. SIMMONS: Well, I can tell you
5 what I recall for past precedent.

6 MR. OKESON: Sure.

7 MR. BONIFIELD: And if anybody has
8 different recollection, but I don't think
9 we've been counting those, have we? Campaign
10 finance staff and --

11 SPEAKER 1: They have, and they have
12 not.

13 MR. BONIFIELD: Okay.

14 SPEAKER 2: So -- I wish I could give
15 a better answer. Come on, guys.

16 MR. BONIFIELD: If it helps the
17 commission, I will say this was totally an
18 (inaudible) error owing to a staff change.
19 And there was no activity in the interim
20 period. And this is a pact with a balance of
21 only a little over \$4,000. This would amount
22 to something better than 25 percent of the --

23 SPEAKER 3: Can I ask here what's your
24 understanding of the practices?

25 MR. KOICHEVAR: Mr. Chairman, members

1 MR. BONIFIELD: Just to clarify,
2 Mr. Chairman, that applicable penalty would
3 be what percentage for us?

4 MR. OKESON: You said it was their
5 second?

6 MR. BONIFIELD: We've settled, but
7 no --

8 SPEAKER 2: They've paid settlement
9 agreements before on two delinquencies. And
10 this is the first time they've come before
11 the commission and not just paid the
12 settlement agreement. This is their third
13 delinquency.

14 SPEAKER 3: So if they're delinquent
15 before, then that's the thing that triggers
16 the step up.

17 SPEAKER 4: So this is the third?

18 SPEAKER 2: Right. Yes.

19 SPEAKER 3: So that would be under
20 rule 75 percent? What was the language of
21 the procedures that we adopted again?

22 MR. OKESON: This is based on the
23 committee's violations. And I think the
24 point being made is their past scenarios were
25 settlements and not therefore a violation.

1 of the commission, I have known in past
2 practice, at least in our past meetings, that
3 during regular parts of this hearing, where a
4 committee comes forward of which they bring
5 testimony that due to some reason they were
6 not able to file on time, and the commission
7 has taken steps to reduce that fine.

8 I do know in the past that you have
9 taken into consideration settlement
10 agreements from those committees in the past.
11 Given that there is not any consistent
12 precedence being used, I would just say that
13 the motion did say violation of a settlement
14 agreement of which I think in part the
15 committee when they accept these settlement
16 agreement says, "Yes. We did violate the
17 campaign finance law."

18 And so it would be at least my
19 recommendation that you file the motion as
20 it's plainly understood. Violation is a
21 violation. So in this case, I think it would
22 be the third violation for this committee for
23 which 75 percent of the total of the penalty
24 here in the hearing folder would be assessed.

25 That is just my thinking on that.

1 MR. OKESON: Thank you.

2 MR. SIMMONS: Mr. Chairman, my staff
3 concurs with Mr. Kochevar's analysis.

4 MR. OKESON: Okay. To clarify to your
5 question, this is would be a third violation
6 in which you would agree to pay 75 percent of
7 the proposed violation law.

8 MR. BONIFIELD: Sure. We appreciate
9 it, Mr. Chairman, I'm sorry to elongate the
10 process. We certainly accept that fully and
11 fairly.

12 MR. OKESON: So you are indicating
13 that you're willing to accept the applicable
14 penalty without further discussion.

15 MR. BONIFIELD: I am.

16 MR. OKESON: Thank you.

17 MR. BONIFIELD: Thank you.

18 Speaker 3: Thank you for helping us
19 clarify that.

20 MR. STEWART: Douglas Stewart,
21 D-o-u-g-l-a-s, S-t-e-w-a-r-t, Genesis Stewart
22 for State Representative. I'm sorry. I
23 don't have the cause number.

24 SPEAKER 1: It's okay. It's on page
25 49. Mr. Chairman, Genesis for State

1 without further discussion.

2 MR. CALDERON: I am willing to accept
3 the penalty without further discussion.

4 MR. OKESON: Thank you. Your next
5 cause number.

6 MR. CALDERON: 2019-7061 --

7 MR. OKESON: And would you please
8 state the committee.

9 MR. CALDERON: Oh, I'm sorry. Elect
10 Tonya Path. 2019-7061-126.

11 SPEAKER 1: This one's on page --
12 bottom of 82, top of 83. Cause number
13 2019-7061-126. A proposed civil penalty of
14 \$1,000.49. And they've paid one previous
15 settlement agreement.

16 MR. OKESON: Do you accept the
17 proposed civil penalty without further
18 discussion?

19 MR. CALDERON: I accept the proposed
20 penalty without further discussion.

21 MR. OKESON: Thank you.

22 MR. CALDERON: Thank you.

23 MR. FEUSTON: Do you want the
24 committee first?

25 MR. OKESON: Your name, please.

1 Representative. Cause number is
2 2019-7049-65, has a proposed civil penalty of
3 \$1,000.50. And has not been before this
4 commission before.

5 MR. OKESON: Simply indicate that you
6 are willing to accept the applicable penalty
7 without any further discussion.

8 MR. STEWART: I am willing to accept
9 the penalty without further discussion.

10 MR. OKESON: Thank you.

11 MR. STEWART: Thank you.

12 MR. OKESON: Next.

13 MR. CALDERON: Good afternoon. My name
14 is Matt Calderon, C-a-l-d-e-r-o-n. I am here
15 representing two committees. Fleming for
16 District 71. Cause number 2019-7089-131.

17 MR. OKESON: Let's take that one
18 first. And then we'll get to the second one.

19 SPEAKER 1: It's page 85. This is
20 Fleming for District 71. Cause number
21 2019-7089-131. The proposed civil penalty of
22 \$1,000.50. And they have paid one previous
23 settlement agreement.

24 MR. OKESON: Indicate that you are
25 willing to accept the applicable penalty

1 pre-election?

2 MR. UPPOLE: Preprimary.

3 SPEAKER 1: Page 89. This is the
4 Indiana Electrical Political Action
5 Committee. Cause number 2019-3990-140, has a
6 proposed civil penalty of \$750.55. And this
7 committee has been before the commission two
8 other times.

9 MR. OKESON: Are you willing to accept
10 the applicable penalty without further
11 discussion?

12 MR. AGUILERA: Yep.

13 MR. OKESON: Thank you.

14 MR. AGUILERA: Do you all have the
15 correct address now?

16 SPEAKER 1: You can check with him.

17 MS. BROWN: Evelyn Brown, for State
18 Representative District 42. E-v-e-l-y-n,
19 B-r-o-w-n. My number is 2019-7098-129.

20 MS. TAYLOR: It's on page 84. Cause
21 number 2019-7098-129, has a proposed civil
22 penalty of \$1,000.50. And this is the first
23 time before the commission.

24 MR. OKESON: Indicate that you accept
25 the penalty without further discussion.

1 MS. THOMPSON: Mr. Chairman, this is
2 on page 79. Aguilera for Indiana. Cause
3 number 2018-7160-168 and 2018-7160-169. The
4 first one has a proposed civil penalty of a
5 \$1,000.50, has never been before the
6 commission. And the second one has a
7 proposed civil penalty of \$250.50. And,
8 again, has not been before the commission.

9 MR. OKESON: Please indicate that you
10 are willing to accept the penalty without
11 further discussion.

12 MR. AGUILERA: I am.

13 MR. OKESON: Thank you.

14 MR. UPPOLE: Edward Uppole, with the
15 Indiana Electrical Pact.

16 MR. OKESON: Can you spell your name,
17 please.

18 MR. UPPOLE: U-p-p-o-l-e.

19 MR. OKESON: Thank you.

20 SPEAKER 1: Do you have a cause
21 number?

22 MR. UPPOLE: 99390. 99390.

23 SPEAKER 1: The last three?

24 MR. UPPOLE: 3990.

25 SPEAKER 1: Was it a preprimary or

1 MR. ZAY: Yes. I accept the penalty
2 without further discussion.

3 MR. OKESON: Next.

4 MR. YOUNG: Good afternoon.

5 MR. OKESON: Afternoon.

6 MR. YOUNG: John T. Young.

7 Representing the committee Dual Elect John T.
8 Young.

9 MS. TAYLOR: It's on page 78. Cause
10 number 2019-6822-118. Proposed civil penalty
11 of \$1,000.49. And they've paid one other
12 settlement agreement.

13 MR. OKESON: Do you accept the
14 applicable penalty without any further
15 discussion?

16 MR. YOUNG: I do.

17 MR. OKESON: Thank you.

18 MR. YOUNG: Thank you.

19 MR. AGUILERA: Good afternoon.

20 Mr. Chairman, John Aguilera for Indiana.

21 Cause number 2018-7160-168 and -169.

22 MR. OKESON: Would you kindly spell
23 your last name, please.

24 MR. AGUILERA: A-g-u-i-l-e-r-a.

25 MR. OKESON: Thank you.

1 MR. FEUSTON: Cornell Feuston.
2 F-e-u-s-t-o-n. The committee is Feuston for
3 Representative. Case number is
4 2019-7181-123.

5 SPEAKER 1: It's on page 81. Cause
6 number 2019-7181-123. A proposed civil
7 penalty of \$300.49. And this is their first
8 time before the commission.

9 MR. OKESON: Do you accept the
10 applicable penalty without further
11 discussion?

12 MR. FEUSTON: I do.

13 MR. OKESON: Thank you. Next.

14 MR. ZAY: Andy Zay, Z-a-y,
15 representing the Friends of Andy Zay, my
16 applicable committee. Cause number is
17 2019-6683-117.

18 MS. THOMPSON: He's on page 77.
19 Friends of Andy Zay. Cause number
20 2019-6683-117, has a proposed civil penalty
21 of a \$1,000.50. And has had one settlement
22 agreement.

23 MR. OKESON: Do you accept the
24 applicable penalty without further
25 discussion?

1 relayed on?

2 MR. COSGROVE: CFA-4.

3 SPEAKER 1: It was the annual?

4 MR. COSGROVE: Mm-hmm.

5 SPEAKER 1: Page 47. Cause number
6 2019-6999-63. A proposed civil penalty of
7 \$1,000.50. And this is their second time
8 before the commission.

9 MR. OKESON: Please indicate you are
10 willing to accept the penalty without further
11 discussion.

12 MR. COSGROVE: I do.

13 MR. OKESON: Thank you.

14 MR. COSGROVE: Thank you.

15 MR. PERKINS: My name is John Perkins,
16 P-e-r-k-i-n-s. The cause number is
17 2019-7157-122.

18 MR. OKESON: Can you state the
19 committee name, please?

20 MR. PERKINS: John for Indiana 45.

21 MR. OKESON: Thank you.

22 MR. PERKINS: Thank you. By the way,
23 you're doing a good job for your first time.

24 MS. THOMPSON: I'm sorry. This is on
25 page 80 and 81. There's three of them, so

1 MS. BROWN: I do.

2 MR. OKESON: Thank you.

3 MS. BROWN: Thank you.

4 MR. SCHLATTER: Jason Schlatter.

5 Hoosiers for Schlatter. Cause number

6 2019-7118-74.

7 MR. OKESON: Would you please spell
8 your last name?

9 MR. SCHLATTER: S-c-h-l-a-t-t-e-r.

10 MR. OKESON: Thank you.

11 MS. TAYLOR: The last two were 7-4?

12 MR. SCHLATTER: 7-4. Yes, ma'am.

13 SPEAKER 1: Okay. Page 52. Hoosiers
14 for Schlatter, 2019-7118-74, has a proposed
15 civil penalty of \$350.50. And has not been
16 before the commission.

17 MR. OKESON: Please indicate that you
18 are willing to accept the applicable penalty
19 without further discussion.

20 MR. SCHLATTER: Yes, sir, I do.

21 MR. OKESON: Thank you.

22 MR. COSGROVE: John Paul Cosgrove,
23 C-o-s-g-r-o-v-e, for Citizens to Elect John
24 Paul Cosgrove.

25 SPEAKER 1: Do you know what you

1 Hearing none. All those in favor signify by
2 saying, "Aye."

3 ALL TOGETHER: Aye.

4 MR. OKESON: Opposed? Matters are
5 dismissed. Thank you.

6 MR. STITES: Thank you.

7 MR. GIBSON: Thank you, Mr. Chairman
8 and members of the commission. My name is
9 Ron Gibson, last name G-i-b-s-o-n, for the
10 Committee to Elect Ron Gibson. That number
11 is 2019-7192-81.

12 MS. TAYLOR: It's on page 55. Cause
13 number 2019-7192-81. A proposed civil
14 penalty of \$350.50. This is the first time
15 before the commission.

16 MR. OKESON: Do you have any
17 information to offer?

18 MR. GIBSON: Yes. Well, first of all
19 I'm not a candidate for state or federal
20 office. PNC bank electronically filed this
21 form with the state commission. We were not
22 aware that they had filed with the state
23 commission until we got a letter from the
24 commission indicating that we had a penalty
25 dated January 16th. Postmarked January the

1 the other hand, I didn't know if this were
2 somehow waived. I basically don't want any
3 kind of judicial record black mark for the
4 PAC in public record.

5 MR. OKESON: And you did take an oath?

6 MR. STITES: Yes. I was here early.

7 MR. OKESON: Yeah. So, I mean, he's
8 presented compelling evidence on the record.
9 His sworn testimony says that, I mean --

10 MS. CELESTINO HORSEMAN: But that's
11 what I wanted to find out, is what he was
12 asking for.

13 MR. OKESON: No. I agree with you.

14 MS. CELESTINO HORSEMAN: So you want
15 this to be dismissed? Is what you're seeking
16 a dismissal?

17 MR. STITES: I would sincerely
18 appreciate that given the severe issues that
19 we had. No one literally had physical access
20 to the records.

21 MS. CELESTINO HORSEMAN: I would move
22 to dismiss this action.

23 MR. STITES: Thank you, ma'am.

24 SPEAKER: I would second that.

25 MR. OKESON: Any further discussion?

1 for Mr. Stites?

2 MR. STITES: I mean, I could
3 provide -- I suppose I could get medical
4 documentation from them. Either -- I don't
5 have any access to it currently. But, I
6 mean, there's all kinds of reports,
7 obviously, from Methodist Hospital and, you
8 know, all the hospitals and months that -- he
9 was airlifted, so I'm sure we could provide
10 records of his surgeries and whatnot.

11 MS. CELESTINO-HORSEMAN: So what are
12 you, then, specifically asking for? Because
13 under the settlement agreement, you would've
14 had to pay about \$25.

15 MR. STITES: I have no idea. I did
16 not physically receive that. Apparently,
17 this was going to her office and just with --
18 they have another --

19 MS. CELESTINO HORSEMAN: The settlement
20 agreements from when we were here at the
21 beginning of this meeting, when people were
22 stepping forward. So I'm asking you --

23 MR. STITES: Well, I guess on one
24 hand, this is our first interaction of any
25 sort, you know, with this commission. So on

1 had her sign those. And I faxed them in for
2 her.

3 I believe she sent a letter. I don't
4 know if you have those on file. I just now
5 got a copy of that from her this week,
6 basically just pleading her case that --

7 MR. OKESON: We have received that?

8 MS. TAYLOR: It's not in the packet.

9 MR. OKESON: You said it's not in the
10 packet?

11 SPEAKER 3: When was this report due?

12 MR. STITES: I think the 22nd.

13 MS. THOMPSON: The 22nd, I think it
14 was.

15 MR. STITES: Matter of fact, I found
16 it like the next morning and faxed it in
17 later that day when I got her signature on
18 it.

19 SPEAKER 2: Yes. The 22nd.

20 MR. STITES: I'm also in the process
21 of trying to find a volunteer to remove
22 her -- or, you know, remove her duties as the
23 treasurer. There's just no way she can
24 continue to help us with that.

25 MR. OKESON: Are there any questions

1 MR. STITES: Sure. So as you can see
2 from the records there, Ruth Ann Stites is
3 our treasurer. I'm the custodian of record.
4 She is my mother. We started this PAC last
5 fall. Essentially, you know, volunteer
6 basis. There's only two of us, really, that
7 run this.

8 On April 13th her husband, my father,
9 was in a near fatal car accident up in Parker
10 City where they live. Was medevaced down to
11 Methodist. And he was there for 33 days and
12 still is in a nursing home today as a result
13 of that.

14 During that process, we essentially
15 lived at the hospital that entire week.
16 There was no one else other than Ruth Ann who
17 even had the access to the documents, nor
18 were we even unfortunately considering, you
19 know, that this due date was approaching.

20 He had about five surgeries about
21 every other day for eight days. And on the
22 23rd, that morning I went up to their office
23 to get other records for their business and
24 that's when I saw her stack of documents to
25 report. So I brought that down to her and

1 this hearing?

2 MS. CELESTINO-HORSEMAN: -- and
3 postpone this hearing until a later date, if
4 necessary, pending the outcome of whatever
5 documentation's provided.

6 MS. HATCHER: Abbey gave me her
7 number. I think we'll be talking for sure.

8 MR. OKESON: Do we have a second?

9 SPEAKER: Second.

10 MR. OKESON: All those in favor say
11 "aye."

12 ALL TOGETHER: Aye

13 MR. OKESON: Opposed? The motion's
14 adopted. Let's go to the next one.

15 MS. HATCHER: Thank you.

16 MR. STITES: Good afternoon. Rockford
17 Stites, S-t-i-t-e-s, representing Fortville's
18 Future. 2019-7208-174.

19 MS. THOMPSON: Mr. Chairman, that's
20 page 104. Fortville's Future. Cause number
21 2019-7280-174, has a proposed civil penalty
22 of \$100.55. And they've not been before our
23 commission before.

24 MR. OKESON: Would you like to present
25 any information?

1 report. And then if it's resolved then --

2 MS. BECKLEY: To be clear, the
3 (inaudible) is the date that she deposited
4 the check in the bank?

5 MS. CELESTINO-HORSEMAN: Yes.

6 MR. OKESON: Does that successfully
7 constitute a motion?

8 SPEAKER: And I would also suggest
9 that you come -- because if it was after the
10 election -- because there's a difference
11 in the paperwork you have to file. So I
12 would contact back to the election division
13 here and ask them, once you determine the
14 date, what it is you should do.

15 MS. HATCHER: That's what I think -- I
16 think it's going to be after.

17 MS. CELESTINO-HORSEMAN: So my motion
18 would be that -- to clarify because I said
19 that you, Representative Hatcher, should
20 contact the State to determine what
21 documentation would be sufficient to
22 demonstrate when you had received the
23 contribution to trigger the filing deadlines
24 --

25 MR. OKESON: And therefore postpone

1 day I received it in my hand. Not the day it
2 was written because there was a lag time.

3 However, I had a bad habit of getting
4 maybe three or four checks before I would go
5 to the bank. So even though I reported it as
6 a supplemental on whatever date I reported
7 it, it could -- and I don't know what the
8 date is -- but it's not going to be the same
9 day that I did the supplemental report. It's
10 probably going to be well after that.

11 So I don't know if I'm still outside
12 of boundaries. I mean, I intended to keep it
13 the day I received it. However, it might not
14 have been deposited in my account.

15 MR. OKESON: I think there's enough
16 confusion here. We're inclined to maybe
17 continue this matter and allow the candidate
18 to file the necessary amendment and come back
19 with other evidence at a future-dated
20 meeting.

21 MS. CELESTINO-HORSEMAN: Yes,
22 Mr. Chairman. I was thinking of moving
23 that -- yes, that we allow Representative
24 Hatcher to work with the finance staff to
25 clarify the documentation regarding this

1 to statute, it's the day you receive and
2 manifest intent to keep the contribution.
3 Which we have always viewed as (inaudible).

4 MS. HATCHER: Oh, I see. So --

5 MS. NUSSMEYER: So the deposit date
6 would determine whether or not the CFA-11 was
7 even warranted. We're also at the end of
8 that reporting period. The last day for
9 large contribution was November 4th because
10 the election was on November 6th.

11 MS. WILSON OVERHOLT: I just wanted to
12 clarify something from what you just said.
13 I'm sorry. So when you filed (inaudible) the
14 date that you show as received in the
15 report -- I'm sorry -- is that the date that
16 you have it in your hands? Or the date --

17 MS. HATCHER: That's going to be the
18 date that the check was issued. That
19 would've been the date on the check.

20 MS. WILSON-OVERHOLT: I just wanted to
21 clarify that that's what you said the first
22 time. And when you just said it again, you
23 said when you received it.

24 MS. HATCHER: Well, the day I filed
25 the supplemental report would have been the

1 as to when the check was deposited in the
2 bank. Was it deposit it after the election?

3 MS. HATCHER: Oh, I'm sure it was.

4 MS. NUSSMEYER: The reason why I
5 mentioned that is if the check were received
6 and deposited -- you know, you manifested the
7 intent to keep the check, but not later than
8 48 hours before the day of the election,
9 there would still have needed to be a CFA-11
10 at large contribution report filed with the
11 commission. So amending that CFA-11 date may
12 or may not have an impact on the deadline
13 date, if you will.

14 MR. SIMMONS: Well, it would depend.
15 If it was filed before it was actually due,
16 then I would think amending and correcting
17 the date it was received would be fine.
18 Because it would be on file, but yeah. If it
19 was after --

20 MS. HATCHER: Okay. So are we talking
21 the date that I got it? Or the date that I
22 deposited it? Because those may be spaced
23 out. And I reported based on the date I
24 received it in my hand.

25 MS. NUSSMEYER: So, again, according

1 As for the current hearing right now, if the
2 committee has a bank statement or (inaudible)
3 a bank statement for the committee from that
4 particular date just showing when that check
5 was in fact deposited, I think that could be
6 evidence for this commission. Which would
7 then allow them to, if you wish, dismiss this
8 particular hearing and allow the committee to
9 amend everything to show accuracy. And we
10 can all move on to other matters.

11 MS. CELESTINO-HORSEMAN: Could it be
12 structured so that instead we say she be
13 allowed to file an amended report within
14 seven business days, five business days? And
15 once filed, the case would be dismissed. And
16 if not filed, then it stays on the docket to
17 be heard.

18 MR. OKESON: So I'm thinking I'd like
19 to propose a motion that we would dismiss
20 this case today pending a successful filing
21 in a receipt of a supplemental -- amended
22 campaign finance report.

23 MS. NUSSMEYER: Mr. Chairman, if I
24 may, what I was mentioning to my
25 commissioners is that I guess it would depend

1 return it before you deposit it. And it's
2 not received at that point.

3 But once you receive it and deposit
4 it, it is received. I'm sure we go on the
5 date they report. That's why we're here
6 today. If a committee has found they've made
7 a mistake on how they reported it, they can
8 amend that large contribution report to
9 reflect it was received according to the
10 statute within that 48 hours.

11 MR. OKESON: Mr. Kochevar, do you have
12 anything additional you'd like to add to
13 Dale's comments? Or weigh in from your
14 own --

15 MR. KOCHEVAR: So I do concur with
16 Mr. Simmons on his rating of definition of
17 received and accepted. That is what I
18 usually give committees when they call the
19 office and speak to me about the dates that
20 were put on their report.

21 In this particular matter, I would
22 agree that if the check was deposited at a
23 later date, or a date that is different than
24 what is on that supplemental report, then
25 that supplemental report should be amended.

1 But prior to that, I don't have,
2 like -- there's no statement or anything from
3 the person that gave it to me.

4 However, I was aware of the
5 requirement. And I felt like I satisfied it.

6 MR. SIMMONS: Can we see the report,
7 though?

8 MS. HATCHER: And just as you all are
9 reviewing that, just as a question for the
10 commission. I'm sure this isn't the first
11 time this has happened. And I'm wondering
12 normally do people -- I've just always used
13 the date on the actual check as the date.
14 But I guess some kind of direction to move
15 forward from here would be helpful.

16 MR. OKESON: Mr. Simmons, could you
17 recite the statute. Or tell us what the
18 definition according to law is on receiving.

19 MR. SIMMONS: The definition for
20 received in this context is in 3-9-1-25,
21 Subsection B. And it defines it as when the
22 committee has physical possession of the
23 contribution and manifests intent to keep the
24 contribution by depositing the contribution
25 subject to another section. Which you can

1 MS. HATCHER: So even with that
2 definition -- when I received -- I might not
3 have deposited it until after I sent the
4 supplemental report, actually. But I used
5 the date that -- the day I received it was
6 the time that I sent the supplemental report
7 in.

8 So even though the check had been
9 issued, I think even a month before I
10 actually got it in my hand in Gary because of
11 course I wasn't in Indianapolis. I was in
12 Gary. But by the time I received it in Gary,
13 there was a significant lag time. Which once
14 I looked at it -- because initially I didn't
15 even know I was being fined by the
16 commission. But once I looked at it, it did
17 make sense to me that there was such a
18 significant time between the two dates.

19 MS. CELSETION-HORSEMAN: Do you have
20 documentation of any kind that supports what
21 you're saying?

22 MS. HATCHER: No. The person who
23 delivered it to me happened to be in Gary at
24 the time and put it in my mailbox and just
25 sent me a message saying, "Hey. It's there."

1 I did send in a supplemental report by fax.
2 However, when I sent it in -- when I received
3 the check, the check had been issued
4 previously and brought to me from
5 Indianapolis by another person.

6 So when I received it in hand was when
7 I actually sent the supplemental report.

8 However, the date on the check is the
9 date that I reported in the report. So there
10 was a lag time between the check being issued
11 and me receiving the check.

12 However, once I received the check, I
13 sent in the supplemental report by fax to the
14 election board. So the discrepancy is in the
15 date and the date that I received it.

16 MS. CELESTINO-HORSEMAN: Okay. This
17 raises an issue that I have to deal with on
18 something else. And I think it raises a
19 little bit of a problem in our code in that
20 we don't really define what receive is.

21 MR. OKESON: We do.

22 MS. CELESTION-HORSEMAN: We do? It's
23 when you receive it. Or can it be when you
24 deposit it?

25 MR. SIMMONS: When you deposit it.

1 ALL TOGETHER: Aye.

2 MR. OKESON: Those opposed say, "Nay."
3 Motion carries. We'll move on.

4 Campaign finance enforcement actions.
5 The commission will proceed to open its
6 hearings on campaign finance enforcement
7 action members. The binders include a
8 campaign finance spreadsheet prepared by
9 Abbey and Michelle.

10 Who's first? We'll start over here.

11 MS. HATCHER: Good morning -- or
12 afternoon. Ragen Hatcher. Administrative
13 number 2019-7150-132. Ragen is R-a-g-e-n.
14 I'm here for a notice of a supplemental
15 report for a donation of \$1,000 or more.

16 MR. OKESON: Hold on just a moment,
17 please.

18 MS. HATCHER: Oh, I'm sorry.

19 MS. TAYLOR: This is on page 86.
20 Committee to Elect Ragen Hatcher. Cause
21 number 2019-7150-132. A proposed civil
22 penalty of \$450.49. And this is her second
23 time before the commission.

24 MS. HATCHER: So this is for a
25 supplemental report for donation over \$1,000.

1 If a committee is fined today, the
2 committee will receive a notice from the
3 election division to pay the fine after the
4 commission adopts the final order. So it may
5 be some time after today before a committee
6 will be required to pay that fine.

7 The commission general begins at the
8 front of the room and asks those persons
9 present to come forward to have their matter
10 heard. It's very helpful if you can speak up
11 and say the cause number on your hearing
12 material, so that the commission and staff
13 may quickly look it up on our spreadsheet.

14 Remember to identify yourself when you
15 start speaking, by name. And please spell
16 your name for the court reporter.

17 Is there a second to this motion?

18 ALL TOGETHER: Second.

19 MR. OKESON: Are there questions or
20 objections from commission members, or any
21 commission members as I've outlined these
22 procedures? Good?

23 If there's no discussion, we'll
24 proceed. Vote on the motion. All those in
25 favor signify by saying "aye."

1 committee will be recognized first and may
2 present their case for no more than five
3 minutes. I intend to be a stickler for that.

4 Commission members may ask questions
5 during the presentation, but the time spent
6 answering these questions will not be counted
7 against the presenter's time. The election
8 division may signal the chair when a
9 presenter's time is up.

10 If the presenter offers additional
11 documents or other physical evidence not
12 previously received by the commission, then
13 the original must be provided to the election
14 division counsel to preserve the record,
15 Mr. Dale Simmons to my far right here.

16 If the commission finds that a
17 committee has violated the campaign finance
18 statute, state law requires a unison vote of
19 all four commissioners to waive or reduce the
20 amount of penalty set by state law.

21 If the commission makes a decision at
22 this meeting to either fine or dismiss the
23 case against the committee, then the election
24 division will prepare a final order for the
25 commission to approve at a later meeting.

1 Okay. So we're moving on to item 7 in
2 the agenda.

3 So now we're going to go to the
4 adoption campaign finance hearing procedures.

5 The remaining committees will be
6 called to permit the presentation of evidence
7 in these matters. Before doing so, I want to
8 note that in the past, the commission has
9 followed certain procedures for conducting
10 campaign finance hearings.

11 And I move the commission use the
12 following procedures today: When each
13 campaign finance matter is called, hearing
14 will begin with recognizing campaign finance
15 staff providing information about the
16 documents in this matter provided to the
17 commission numbers, including letters from
18 committees and the notice given to the
19 campaign committee.

20 Unless there is objection, the
21 documents provided to the commission by the
22 election division will be entered into the
23 record of this meeting.

24 After campaign finance staff completes
25 presentation, a representative of the

1 SPEAKER 4: Second.

2 MR. OKESON: Any discussion? Hearing
3 none. All in favor say "aye."

4 ALL TOGETHER: Aye.

5 MR. OKESON: Any opposed, "nay?." The
6 ayes have it. Thank you.

7 SPEAKER 5: Thank you.

8 MR. TEDROW: My name is Dennis Tedrow,
9 T-e-d-r-o-w. I'm representing Dennis Tedrow
10 for Local Indiana. Case number is
11 2019-7144-77.

12 MS. THOMPSON: This is on page 54.
13 Dennis Tedrow for Local Indiana. Cause
14 2019-7144-77, has a proposed civil penalty of
15 a \$1,000.50. And has not been before the
16 commission.

17 MR. OKESON: Please indicate you're
18 willing to accept that penalty without
19 further discussion.

20 MR. TEDROW: I do.

21 MR. OKESON: Thank you. Is there
22 anybody that's come in late that is unaware
23 of, kind of, where we are in the proceedings?
24 No? Going once. Going twice. No more
25 settlements.

1 Fickle, F-i-c-k-l-e. I'm with Citizens for
2 (inaudible) Rhodes. We have been before the
3 commission before. It's 2019-4284--

4 MS. TAYLOR: We got you.

5 MS. FICKLE: Okay. We have -- I don't
6 believe that we would qualify for any
7 discounts. So is it okay to just say, "Okay,
8 I accept the penalty?"

9 MR. OKESON: So I understand you're
10 just willing to accept the penalty without
11 any further presentation or discussion?

12 SPEAKER 3: What's the penalty?

13 MS. THOMPSON: \$650.49.

14 MR. OKESON: Do we need to have a
15 motion? What was the committee name again?

16 MS. TAYLOR: All right. It's on page
17 67. Cause number 2019-4284. A proposed
18 civil penalty of \$650.49. And they paid
19 three civil agreements and been late four
20 other times.

21 MR. OKESON: So do I have a motion to
22 accept -- to impose, sorry -- full penalty
23 plus mailing costs?

24 SPEAKER 3: So moved.

25 MR. OKESON: Second?

1 MR. OKESON: State your name. Spell
2 it into the microphone for us. And tell us
3 the committee.

4 MR. SCHOCH: My name is Ben Schoch,
5 S-c-h-o-c-h. I am for Ben Schoch for Indiana
6 House Representatives District 85. And do
7 you need my number?

8 MR. OKESON: If you have it.

9 MR. SCHOCH: Yeah. 2018-7002-112.

10 SPEAKER 1: It's on page 12. Ben
11 Schoch for Indiana House of Representatives
12 District 85. Cause number 2018-7002-112. A
13 proposed civil penalty of \$1,000.49. And he
14 has not been before the commission.

15 MR. OKESON: Please indicate you're
16 willing to accept that applicable penalty
17 without further discussion.

18 MR. SCHOCH: I do.

19 MR. OKESON: Thank you.

20 Anyone else?

21 SPEAKER 4: I have a question.

22 MR. OKESON: I'm sorry. If you'd like
23 to address the commission --

24 MS. FICKLE: We have been before the
25 commission before -- I'm sorry -- I'm Pam

1 MR. OKESON: Thank you.

2 MR. PAYNE: Thank you.

3 MR. OKESON: Anyone else?

4 And I have been told that there was a
5 car accident on I-69. So there may be some
6 people hung up, correct?

7 SPEAKER: That's what we understand.

8 MR. OKESON: So, Dale, would you
9 please?

10 MR. SIMMONS: Yeah. So anybody who
11 has not previously been sworn in, please
12 stand, raise your right hand, and say "I do"
13 after the administration of the oath.

14 Do you solemnly swear or affirm under
15 the penalties and perjury that the testimony
16 you're about to give the Indiana Election
17 Commission at today's meeting is the truth,
18 the whole truth, and nothing but the truth?
19 Say, "I do."

20 ALL TOGETHER: I do.

21 MR. SIMMONS: Thank you.

22 MR. OKESON: Again, we're here
23 (inaudible) opposed agreements and
24 settlements. Do you understand?

25 SPEAKER 5: Yes.

1 anybody who wants to go forward. I sat
2 through this last year I think it was. Tony
3 always managed to know when to leave, didn't
4 he? So if you are -- and I'll give you a
5 hint. If you think that you -- unless you
6 have a really, really good excuse, or you
7 have -- I mean some outstanding reason, if
8 you think before -- you come here and you
9 say, you know, my cat ate the papers, or
10 whatever. It's not going to cut it.

11 This is the best deal if you come
12 forward. You now face potentially having the
13 entire fine levied against you. So I just
14 want to remind you of that.

15 MR. OKESON: Well said there.

16 MR. PAYNE: Zachary Payne. P-a-y-n-e.
17 Friends of Zach Payne. It's 2019-7031-175.

18 MS. TAYLOR: It's on page 48. Cause
19 number 2019-7031-175. A proposed civil
20 penalty of \$1,000.50. And this is his first
21 time before the commission.

22 MR. OKESON: Please indicate that you
23 will accept the applicable penalty without
24 further discussion.

25 MR. PAYNE: I will.

1 MR. OKESON: Thank you.

2 MS. OVERTON: Is that it? Am I done?

3 MR. OKESON: That's it. You're done.
4 Any others? Anyone else?

5 MR. MULLENIX: My name is Alexander
6 Mullenix. I'm here representing Tippecanoe
7 County Young Democrats as the treasurer.
8 Cause number 2019-7013-101.

9 MR. OKESON: Can you please spell your
10 last name.

11 MR. MULLENIX: M-u-l-l-e-n-i-x.

12 MS. THOMPSON: Mr. Chairman, this is
13 on page 66. Tippecanoe County Young
14 Democrats. Cause 2019-7013-101, has a
15 proposed civil penalty of \$100.49. And they
16 have not been before the commission before.

17 MR. OKESON: Please indicate that you
18 accept the applicable penalty without further
19 discussion.

20 MR. MULLINEX: Yes.

21 MR. OKESON: Thank you. Next.

22 Anyone else? So for those remaining,
23 if you'd like to present -- I'm sorry. Go
24 ahead.

25 SPEAKER 3: I would just like to add,

1 MS. MURRAY: I do, thank you.

2 MR. OKESON: Thank you.

3 MS. MURRAY: And so you all will be
4 sending a bill for these exact amounts?

5 SPEAKER 1: Yes. We'll send an order.

6 MS. MURRAY: Perfect. Thank you so
7 much.

8 MS. OVERTON: Anita Overton.

9 A-n-i-t-a, O-v-e-r-t-o-n. Progressive
10 Democrats for Hendricks County. Cause number
11 2019-6969-170.

12 MS. TAYLOR: It's on page 102.
13 Progressive Democrats of Hendricks County.
14 It's the first one at the top. There's no
15 text above it. Cause number 2019-6969-170.
16 A proposed civil penalty of \$200.55. And
17 this is their first time before the
18 commission.

19 MR. OKESON: Please indicate you're
20 willing to accept the penalty without further
21 discussion.

22 MS. OVERTON: Yes. I have a question.
23 Is it at the 25 percent?

24 SPEAKER 1: Yes.

25 MS. OVERTON. Yes.

1 SPEAKER 1: The second one is on page
2 82. Cause number 2019-6984-125, has a
3 proposed civil penalty for \$250.49. First
4 time before the commission.

5 MR. OKESON: Do you accept the penalty
6 without further discussion?

7 MS. MURRAY: Yes.

8 SPEAKER 1: Next. Page 83. Cause
9 number 2019-6984-127, proposed civil \$450.49.

10 MR. OKESON: Do you accept that
11 penalty without further discussion?

12 MS. MURRAY: I sure do.

13 MR. OKESON: Thank you.

14 SPEAKER 1: Next. Page 84. Cause
15 number 2019-6984-128. Proposed civil penalty
16 of \$150.49.

17 MR. OKESON: Do you accept that
18 penalty without further discussion?

19 MS. MURRAY: Yes.

20 SPEAKER 1: And the last one on page
21 85. Cause number 2019-6984-130. The
22 proposed civil penalty of \$100.49. First
23 time before the commission.

24 MR. OKESON: Do you accept the penalty
25 without further discussion?

1 MS. MURRAY: But I do just want to
2 clarify -- because I have five. My name is
3 Anna Murray. And my campaign is Anna for
4 Indiana.

5 MR. OKESON: Can you spell your last
6 name?

7 MS. MURRAY: M-u-r-r-a-y.

8 MR. OKESON: You said you had a
9 question?

10 MS. MURRAY: Well, our -- so if I have
11 multiples, but this is my first time being
12 here, are they all going to be under the 25
13 percent or?

14 MS. TAYLOR: Yes.

15 MS. MURRAY: Okay. Great. Then, yes.
16 I definitely want to accept it.

17 MR. OKESON: Perfect.

18 MS. TAYLOR: Let's do them one at a
19 time first. The first one's on page 76.
20 Cause number 2019-6984-115. A proposed civil
21 penalty of \$1,000.49. And this is her first
22 time before the commission.

23 MR. OKESON: Do you accept the penalty
24 without further discussion?

25 MS. MURRAY: Yes.

1 MR. OKESON: They were all firsts,
2 right?

3 MR. PERKINS: Yeah. They were all
4 first times.

5 SPEAKER 1: They all have one
6 settlement agreement. So this is his second.

7 MR. OKESON: So one will be at 50
8 percent.

9 SPEAKER 1: No all three.

10 MR. OKESON: Oh, all three of these
11 are under second?

12 MS. THOMPSON: Yes. So it'd be three.

13 MR. OKESON: Sorry. So do you
14 understand this would be at 50 percent of the
15 proposed?

16 MR. PERKINS: What was the other
17 settlement agreement? I don't remember that.

18 MR. OKESON: I'm sorry?

19 SPEAKER 1: You had a late statement
20 of organization.

21 MR. PERKINS: All right. So that's
22 three times 500, is what I'm hearing? Okay.
23 Thank you.

24 MR. OKESON: Thank you. Next. Anyone
25 else?

1 I'm going to do them one at a time for you.

2 MR. OKESON: Oh, okay.

3 MS. THOMPSON: This is John for
4 Indiana 45. Cause number 2019-7157-121, has
5 a proposed civil penalty of \$1,000.49. And
6 does have one settlement agreement.

7 MR. OKESON: Please indicate you're
8 willing to accept that penalty without
9 further discussion.

10 MR. PERKINS: Yes.

11 MR. OKESON: Thank you. Next one.

12 MS. THOMPSON: The second one is
13 2019-7157-122, has another proposed civil
14 penalty of \$1,000.49. And has one settlement
15 agreement.

16 MR. OKESON: Indicate you're willing
17 to accept that penalty without further
18 discussion.

19 MR. PERKINS: Yes.

20 MS. THOMPSON: And the third one is
21 2019-7157-124, has a proposed civil penalty
22 of a \$1,000.49. And has one settlement
23 agreement.

24 MR. PERKINS: Yes, I agree. Is
25 that -- are those per the 25 percent?

1 it to the State.

2 MS. BECKLEY: Did he give any
3 admission of fault or?

4 MS. TAYLOR: The gentleman from the
5 bank?

6 MS. BECKLEY: Yeah, the gentleman from
7 the bank.

8 MS. TAYLOR: Yeah. He said that he
9 thought he did what he thought he was
10 supposed to do. He didn't have any local
11 candidates. He only had state candidates.
12 So his only frame of reference was to file it
13 with the State.

14 MS. BECKLEY: Is this your signature
15 at the bottom of this form, Mr. Gibson?

16 MR. GIBSON: If it is, it's implying
17 that I thought it was filing with the Marion
18 County Clerk. I'm not filing for anything
19 with the State. Never has been my intent.
20 Never would be my intent. I clearly
21 understand the lecture rules at the local
22 level. I've been a politician locally for
23 many years. So I would not have filed with
24 the state commission.

25 SPEAKER: I'd like to recognize Brad

1 18th.

2 We called the commission on January
3 22nd. And I guess they took a telephonic
4 report of a zero dollar in regards to the
5 account. We also have followed up with PNC
6 bank, and apparently they tried to make
7 contact with the commission to indicate that
8 the (inaudible) filing.

9 We've been in good standing with
10 Marion County Election Commission since 2009
11 on this particular committee. So we were
12 just a little taken back in regards to PNC
13 bank electronically filing with the
14 commission versus taking our current filing
15 action with the Marion County Commission.

16 MR. OKESON: Is there anything on file
17 to that effect?

18 MS. TAYLOR: I don't know that there's
19 anything written in the file. I know we
20 received a faxed statement of organization on
21 July 19th of 2018. I have talked to the
22 manager at the PNC Glendale branch, I
23 believe. And he said that he faxed it
24 because that was what he was accustomed to
25 doing per his candidate committee, was faxing

1 King for a statement.

2 MR. KING: Thank you. Mr. Chairman
3 and members of the commission, we were just
4 examining the file which the commission
5 members may want to review as well. This was
6 an exploratory committee, so there's no
7 office stated to indicate whether it would be
8 required to be filed at either Marion County
9 or with the Indiana Election Division.

10 As so that does raise a question as to
11 whether this committee was properly opened
12 with the election division in the first
13 place. And I'll defer to Mr. Kochevar if he
14 has anything further to add as legal counsel
15 on this.

16 MR. KOCHEVAR: Well, as Mr. King
17 indicated, if it's an exploratory committee
18 and there's no office listed on there, then
19 it is without further indication on what
20 office this particular committee is looking
21 at. It's nearly impossible to determine
22 where it's supposed to be filed.

23 I think that, at least from my
24 perspective, is that if it is filed with the
25 election commission -- or the election

1 division -- excuse me -- we can only reach
2 the conclusion that the candidate identified
3 in this CFA-1 is either looking at running
4 for state legislative office or statewide
5 office. The only two candidate committees
6 that the commission and election division has
7 jurisdiction over.

8 MR. BECKLEY: So the way I understand
9 it is that the same form whether you had sent
10 it in to Marion County or you would send it
11 in to the election division. What office
12 were you running for? Or were you exploring
13 --

14 MR. GIBSON: In 2009, it was candidate
15 for mayor.

16 MS. CELESTINO-HORSEMAN: So was
17 this -- Counselor Gibson, was this form sent
18 to the Marion -- did you send this to the
19 Marion County --

20 MR. GIBSON: Yes. I have a copy of it.
21 We filed it on January the 24th, 2019. And
22 again, we've been doing this on a consistent
23 basis since 2009.

24 MR. OKESON: Mr. Gibson, could you
25 present that to Mr. Simmons, please.

1 MR. OKESON: Any further discussion?

2 MS. CELESTINO-HORSEMAN: Well, could
3 we perhaps -- to clarify this, do we need to
4 dismiss it subject to the -- this erroneously
5 filed complaint -- not complaint -- committee
6 being closed?

7 MS. WILSON OVERHOLT: Can that be an
8 administrative thing where we instruct the
9 election division to take care of that?

10 MR. OKESON: Mr. King?

11 MR. KING: Mr. Chairman, yes. We
12 would have campaign finance staff that would
13 worked with the candidate and close the
14 committee. And if for some reason that
15 action was not taken, the commission could
16 bring the matter back for reconsideration.

17 MS. BECKLEY: So the motion is to
18 dismiss the charges upon stipulation that you
19 work with the staff to close the committee
20 within 30 days.

21 MR. OKESON: Does that work?

22 MR. CELESTINO-HORSEMAN: Yes.

23 MS. WILSON OVERHOLT: And I don't mean
24 to (inaudible) point, but I'm kind of
25 uncomfortable with it because he never opened

1 MR. GIBSON: Yes.

2 MS. CELESTINO-HORSEMAN: And to
3 clarify, if he were indeed just a candidate
4 for a local office, there wouldn't be any
5 requirements to file.

6 MR. OKESON: I'm inclined to accept
7 the motion to dismiss on the grounds that
8 this was an erroneous filing with the Indiana
9 Election Commission.

10 Mr. Kochevar?

11 MR. KOCHEVAR: My question is has
12 that committee been closed?

13 MR. GIBSON: I didn't want any
14 discrepancies. I didn't want it to happen
15 again. I mean, how do we close it?

16 MS. TAYLOR: You'll have to file it
17 online.

18 MR. OKESON: So I'm going to go ahead
19 and offer a motion that we dismiss this
20 action as an erroneous filing.

21 MR. GIBSON: Thank you, Mr. Chairman.
22 I appreciate that.

23 MR. OKESON: Hold on. It's just a
24 motion.

25 SPEAKER: I'll second the motion.

1 the committee. It wasn't him that sent it to
2 the State. It was the PNC. So my
3 inclination is to say that this body says
4 that the committee is closed and instructs
5 the division to correct the paperwork
6 accordingly or to say it's closed or say it's
7 never filed. Whatever kind of magic language
8 you guys use.

9 MS. CELESTINO-HORSEMAN: But I think
10 the thing is that it was filed, whether
11 erroneous or not, it was filed. And it's got
12 his name on it. So to have a clean --

13 SPEAKER: I mean, that means anybody
14 could come file it. Because basically what
15 we're saying is anybody who files anything
16 now gets to open it whether you intended it
17 or not.

18 MR. OKESON: Chair recognizes Dale
19 Simmons, co-counsel.

20 MR. SIMMONS: I'm assuming -- and I
21 don't know if the question has been directly
22 asked by the witness that the committee, not
23 either the treasurer or the candidate,
24 requested anyone to file this document with
25 the election division to open up the

1 committee.

2 If that -- you know, sort of like if
3 somebody finds a statement (inaudible)
4 randomly on a desk and takes it and then
5 faxes it off to us without the knowledge of
6 the candidate or anybody on the committee, I
7 think the commission would have the authority
8 to say this is not a filing by that
9 committee. And it shouldn't have been an
10 opened committee. I don't know if it's
11 dissolved. It was never (inaudible) from the
12 beginning.

13 MR. OKESON: No intention to open the
14 committee. Co-counselor, do you have
15 anything?

16 MR. KOICHEVAR: Yes. I would concur
17 with Mr. Simmons. Also, I would yield over
18 to Co-Director Nussmeyer. You just let me
19 know that we have that precedence in the past
20 where we have had -- where someone had made
21 an erroneous filing. And the commission has
22 taken similar action to essentially -- to
23 administratively close it. So as much as I
24 concur with Mr. Simmons on this, I concur.

25 MS. CELESTINO-HORSEMAN: Okay. So can

1 I modify the motion then?

2 MR. OKESON: Please do before we get
3 in a violent agreement.

4 MS. CELESTINO-HORSEMAN: I modify the
5 motion that we -- I move that we move to
6 administratively -- that this body
7 administratively closes that committee.

8 MR. OKESON: And dismiss any --

9 MS. CELESTINO-HORSEMAN: And dismiss
10 any --

11 MR. OKESON: Dismiss the cause.
12 Second?

13 MS. CELESTINO-HORSEMAN: Yes. Dismiss
14 the cause.

15 MR. OKESON: Second?

16 SPEAKER: I'll second.

17 MR. OKESON: All those in favor
18 signify by saying, "aye."

19 ALL TOGETHER: Aye"

20 MR. OKESON: Any opposed, "Nay." The
21 ayes have it.

22 MR. GIBSON: Thank you, Chairman and
23 members of the commission. Good seeing you.

24 MR. OKESON: Before you present
25 anything, will you please -- it's my first

1 day so I have to keep things procedurally
2 tight. State your name, please. Spell it
3 for us into the microphone.

4 MR. MILLER: My name is Kyle Miller.
5 I'm here with Friends of Kyle Miller. It's
6 K-y-l-e, M-i-l-l-e-r.

7 MS. TAYLOR: It's on page 67. Friends
8 of Kyle Miller. Cause number 2019-730-103.
9 Upper post civil penalty of \$350.49. And
10 this is his first time before the commission.

11 MR. OKESON: Do you want to present
12 anything? What have you handed to
13 Mr. Simmons?

14 MR. MILLER: These are emails. Emails
15 between myself and some members of the House
16 Democratic Caucus, between myself and Abbey
17 Taylor.

18 MR. OKESON: Yeah. So why don't you
19 present some information orally here and kind
20 of tell me where you're headed.

21 MR. MILLER: Absolutely. So let me
22 take you through a very brief timeline here
23 of how things transpired. On October 18th, I
24 received an email, which you should have,
25 from Matt Calderon, then finance director